

HSB 692

Successor JUDICIARY

SF 102420

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
JUDICIARY BILL BY
CHAIRPERSON LARSON)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the statute of limitations for filing a sexual
2 abuse or sexual exploitation criminal indictment or
3 information.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 802.2, Code 1999, is amended to read as
2 follows:

3 802.2 SEXUAL ABUSE OF PERSON UNDER THE AGE OF EIGHTEEN.

4 1. An information or indictment for sexual abuse in the
5 first, second, or third degree committed on or with a person
6 who is under the age of eighteen years shall be found within
7 five ten years after the person upon whom the offense is
8 committed attains eighteen years of age.

9 2. An information or indictment for any other sexual abuse
10 in the first, second, or third degree shall be found within
11 ten years after its commission.

12 Sec. 2. Section 802.3, subsection 2, Code 1999, is amended
13 to read as follows:

14 2. An indictment or information for sexual exploitation by
15 a counselor or therapist under section 709.15 shall be found
16 within five ten years of the date the victim was last treated
17 by the counselor or therapist.

18 EXPLANATION

19 This bill amends Code section 802.2 relating to the statute
20 of limitations period for filing a sexual abuse criminal
21 charge.

22 The bill extends the statute of limitations period for
23 filing a criminal charge for sexual abuse in the first,
24 second, or third degree committed on or with a minor under 18,
25 to 10 years after the minor reaches the age of 18. The bill
26 also extends the statute of limitations period for filing a
27 criminal charge for all other sexual abuse cases in the first,
28 second, or third degree, to 10 years after the commission of
29 the act.

30 Under current law the statute of limitations period for
31 filing criminal charges against a person for committing sexual
32 abuse on or with a minor is five years after the minor reaches
33 18 years of age. The statute of limitations period for filing
34 charges on all other sexual abuse offenses is three years.

35 The bill extends the statute of limitations period for

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1 filing a criminal charge for sexual exploitation by a
2 counselor or therapist, to 10 years.

3 Under current law the statute of limitations period for
4 filing a criminal charge for sexual abuse by a counselor or
5 therapists is five years.

6 Sexual abuse in the first degree is a class "A" felony,
7 which is punishable by confinement for life without
8 possibility of parole. Sexual abuse in the second degree is a
9 class "B" felony, which is punishable by confinement for no
10 more than 25 years. Sexual abuse in the third degree is a
11 class "C" felony, which is punishable by confinement for no
12 more than 10 years and a fine of at least \$1,000 but not more
13 than \$10,000. Sexual exploitation is punishable as an
14 aggravated misdemeanor or a class "D" felony depending on the
15 nature of the offense.

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FEB 24 2000

S-3/9/00 Judiciary
S-3/16/00 Do Pass

Place On Calendar

HOUSE FILE **2420**
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 692)

Passed House, (p.766) Date 3-21-00 Passed Senate, (p.766) Date 3/21/00
Vote: Ayes 49 Nays 0 Vote: Ayes 49 Nays 0
Approved 3/30/00

A BILL FOR

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2 abuse or sexual exploitation criminal indictment or
3 information.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 2420

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2 follows:

3 802.2 SEXUAL ABUSE ~~OF PERSON UNDER THE AGE OF EIGHTEEN.~~

4 1. An information or indictment for sexual abuse in the
5 first, second, or third degree committed on or with a person
6 who is under the age of eighteen years shall be found within
7 five ten years after the person upon whom the offense is
8 committed attains eighteen years of age.

9 2. An information or indictment for any other sexual abuse
10 in the first, second, or third degree shall be found within
11 ten years after its commission.

12 Sec. 2. Section 802.3, subsection 2, Code 1999, is amended
13 to read as follows:

14 2. An indictment or information for sexual exploitation by
15 a counselor or therapist under section 709.15 shall be found
16 within five ten years of the date the victim was last treated
17 by the counselor or therapist.

18 EXPLANATION

19 This bill amends Code section 802.2 relating to the statute
20 of limitations period for filing a sexual abuse criminal
21 charge.

22 The bill extends the statute of limitations period for
23 filing a criminal charge for sexual abuse in the first,
24 second, or third degree committed on or with a minor under 18,
25 to 10 years after the minor reaches the age of 18. The bill
26 also extends the statute of limitations period for filing a
27 criminal charge for all other sexual abuse cases in the first,
28 second, or third degree, to 10 years after the commission of
29 the act.

30 Under current law the statute of limitations period for
31 filing criminal charges against a person for committing sexual
32 abuse on or with a minor is five years after the minor reaches
33 18 years of age. The statute of limitations period for filing
34 charges on all other sexual abuse offenses is three years.

35 The bill extends the statute of limitations period for

1 filing a criminal charge for sexual exploitation by a
2 counselor or therapist, to 10 years.

3 Under current law the statute of limitations period for
4 filing a criminal charge for sexual abuse by a counselor or
5 therapists is five years.

6 Sexual abuse in the first degree is a class "A" felony,
7 which is punishable by confinement for life without
8 possibility of parole. Sexual abuse in the second degree is a
9 class "B" felony, which is punishable by confinement for no
10 more than 25 years. Sexual abuse in the third degree is a
11 class "C" felony, which is punishable by confinement for no
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within five ten years of the date the victim was last treated by the counselor or therapist.

HOUSE FILE 2420

AN ACT

RELATING TO THE STATUTE OF LIMITATIONS FOR FILING A SEXUAL ABUSE OR SEXUAL EXPLOITATION CRIMINAL INDICTMENT OR INFORMATION.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 802.2, Code 1999, is amended to read as follows:

802.2 SEXUAL ABUSE ~~OF PERSON UNDER THE AGE OF EIGHTEEN.~~

1. An information or indictment for sexual abuse in the first, second, or third degree committed on or with a person who is under the age of eighteen years shall be found within five ten years after the person upon whom the offense is committed attains eighteen years of age.

2. An information or indictment for any other sexual abuse in the first, second, or third degree shall be found within ten years after its commission.

Sec. 2. Section 802.3, subsection 2, Code 1999, is amended to read as follows:

2. An indictment or information for sexual exploitation by a counselor or therapist under section 709.15 shall be found

BRENT SIEGRIST
Speaker of the House

MARY E. KRAMER
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2420, Seventy-eighth General Assembly.

ELIZABETH ISAACSON
Chief Clerk of the House

Approved 3/30, 2000

THOMAS J. VILSACK
Governor