

FILED FEB 8 1999

SENATE FILE

109

BY FLYNN

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

A BILL FOR

1 An Act providing for the liability of a person with supervisory
 2 or other administrative responsibilities over an individual
 3 who the person knew or suspected committed abuse of a child.
 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SF 109 HUMAN RESOURCES

1 Section 1. NEW SECTION. 232.74A LIABILITY FOR DAMAGES.
 2 If a person, official, agency, or institution with
 3 supervisory or other administrative responsibilities over an
 4 individual listed in subsection 1 or 2, knew or suspected that
 5 the individual committed child abuse or abuse of a child which
 6 would be defined as child abuse under section 232.68,
 7 subsection 2, paragraph "c" or "e", except the abuse resulted
 8 from the acts or omissions of a person other than a person
 9 responsible for the care of a child, the person, official,
 10 agency, or institution shall be liable for any damages
 11 proximately caused by the individual. This section applies to
 12 a person, official, agency, or institution with administrative
 13 responsibilities over either of the following individuals:
 14 1. A member of the clergy with duties involving access to
 15 a child when the child is alone.
 16 2. An adult who is employed with duties involving access
 17 to a child when the child is alone.

18 EXPLANATION

19 This bill provides for the civil liability of certain
 20 persons who know of or suspect child abuse or suspect a sexual
 21 crime against a child.

22 New Code section 232.74A applies to a person, official,
 23 agency, or institution with supervisory or other
 24 administrative responsibilities over an individual who is a
 25 member of the clergy or an adult with duties involving access
 26 to a child when the child is alone. The person with the
 27 administrative responsibilities over such an individual who
 28 commits child abuse or a sexual crime involving a child is
 29 liable for damages relating to the abuse or crime. The sexual
 30 crimes addressed by the bill's use of the defined term "child
 31 abuse" include sexual abuse under Code chapter 709, incest,
 32 involvement in prostitution, and sexual exploitation of a
 33 minor.

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