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FILED MAR 3 1999

SENATE FILE 284

BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO SF 109)

Passed Senate, ^(P.852) Date 3/30/99 Passed House, Date _____
 Vote: Ayes 50 Nays 0 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 was informed committed sexual abuse of
 4 a child.

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

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SENATE FILE 284

S-3065

1 Amend Senate File 284 as follows:
 2 1. Page 1, by striking lines 19 through 24 and
 3 inserting the following:
 4 "3. This section applies to an administrator over
 5 an adult who has duties involving access to a child
 6 when the child is alone."

By TOM FLYNN

S-3065 FILED MARCH 15, 1999

adapted
 3/30/99 (P.851)

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SF 284

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1 Section 1. NEW SECTION. 232.74A LIABILITY FOR DAMAGES.

2 1. For the purposes of this section, unless the context
3 otherwise requires:

4 a. "Administrator" means a person, official, agency, or
5 institution with supervisory or other administrative
6 responsibilities over an individual listed in subsection 3.

7 b. "Sexual abuse of a child" means abuse of a child which
8 would be defined as child abuse under section 232.68,
9 subsection 2, paragraph "c" or "e", except the abuse resulted
10 from the acts or omissions of a person other than a person
11 responsible for the care of a child.

12 2. If an administrator over an individual listed in
13 subsection 3, knew or was informed that the individual
14 committed sexual abuse of a child and then failed to take
15 appropriate action or took appropriate action but failed to
16 maintain adequate supervision of the individual, the
17 administrator shall be liable for any damages proximately
18 caused by the individual.

19 3. This section applies to an administrator over any of
20 the following individuals:

21 a. A member of the clergy with duties involving access to
22 a child when the child is alone.

23 b. An adult who is employed with duties involving access
24 to a child when the child is alone.

25 EXPLANATION

26 This bill provides for civil liability if an administrator
27 over a certain type of employee knew or was informed that the
28 individual committed sexual abuse of a child, as defined in
29 the bill, and failed to take appropriate action or took
30 appropriate action but failed to maintain adequate supervision
31 of the individual. New Code section 232.74A applies to a
32 person, official, agency, or institution with supervisory or
33 other administrative responsibilities over an individual who
34 is a member of the clergy or an adult with duties involving
35 access to a child when the child is alone. The sexual abuse

1 crimes addressed by the bill include sexual abuse under Code
2 chapter 709, incest, involvement in prostitution, and sexual
3 exploitation of a minor.

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18 caused by the individual.

19 3. This section applies to an administrator over an adult
20 who has duties involving access to a child when the child is
21 alone.

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