

FEB 18 2002

JUDICIARY

HOUSE FILE 2398

BY TREMMEL, KREIMAN, and SHEY

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 in first and second
 2 degree sexual abuse cases.

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

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HF 2398

1 Section 1. NEW SECTION. 802.1A SEXUAL ABUSE -- FIRST OR
2 SECOND DEGREE.

3 A prosecution for sexual abuse in the first or second
4 degree may be commenced at any time after the commission of
5 the offense.

6 Sec. 2. Section 802.2, Code 2001, is amended to read as
7 follows:

8 802.2 SEXUAL ABUSE -- ~~FIRST~~~~-SECOND~~~~-OR~~ THIRD DEGREE.

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

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

17 Sec. 3. Section 802.3, Code Supplement 2001, is amended to
18 read as follows:

19 802.3 FELONY -- AGGRAVATED OR SERIOUS MISDEMEANOR.

20 In all cases, except those enumerated in sections 802.1,
21 802.1A, 802.2, and 802.2A, an indictment or information for a
22 felony or aggravated or serious misdemeanor shall be found
23 within three years after its commission.

24 EXPLANATION

25 This bill relates to the statute of limitations for filing
26 criminal actions in first and second degree sexual abuse
27 cases.

28 The bill provides that a prosecution for sexual abuse in
29 the first or second degree may be commenced at any time after
30 the commission of the offense. Current law limits the filing
31 of an information or indictment in such cases to within 10
32 years after the person upon whom the offense is committed
33 turns 18, or for persons over 18, within 10 years of the
34 commission of the offense.

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