

JAN 3 0 2006
JUDICIARY

HOUSE FILE 2176
BY MASCHER, LENSING, and JACOBY

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 a child sexual
2 abuse case.

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

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HF 2176

1 Section 1. Section 614.8A, Code 2005, is amended to read
2 as follows:

3 614.8A DAMAGES FOR CHILD SEXUAL ABUSE -- TIME LIMITATION.

4 1. An action for recovery of damages for injury suffered
5 as a result of sexual abuse which occurred when the injured
6 person was a child, but not discovered until after the injured
7 person is of the age of majority, shall be brought within four
8 years from the time of discovery by the injured party of both
9 the injury and the causal relationship between the injury and
10 the sexual abuse.

11 2. Notwithstanding subsection 1 or any other provision of
12 law to the contrary, an action for recovery of damages
13 described in subsection 1 that would otherwise be barred as of
14 July 1, 2006, solely because the four-year statute of
15 limitations has expired, is revived, and in that case, an
16 action may be commenced at anytime from July 1, 2006, through
17 June 30, 2008. This subsection shall not be construed to
18 alter the applicable statute of limitations that is not time
19 barred as of July 1, 2006. This subsection is repealed
20 effective July 1, 2008.

21 EXPLANATION

22 This bill suspends the statute of limitations for a two-
23 year period of time commencing July 1, 2006, in child sexual
24 abuse cases to allow the injured party to file a civil lawsuit
25 for the recovery of damages for injuries suffered as a result
26 of the sexual abuse that would otherwise be barred as of July
27 1, 2006, solely because the applicable statute of limitations
28 has expired. Current law provides that an action for recovery
29 of damages for injury suffered as a result of child sexual
30 abuse, but not discovered until after the injured person is of
31 the age of majority, must be brought within four years from
32 the time of discovery by the injured party of both the injury
33 and the causal relationship between the injury and the sexual
34 abuse.

35 The bill's provision regarding suspension of the statute of

1 limitations is repealed effective July 1, 2008.

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