

House Study Bill 730

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
HUMAN RESOURCES BILL BY
CHAIRPERSON SMITH)

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

A BILL FOR

1 An Act relating to limitations of action in civil cases for
2 sexual abuse or sexual exploitation by a counselor, therapist,
3 or school employee, prohibiting sexually suggestive behavior
4 directed at a child, and providing a penalty.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
6 TLSB 6484HC 82
7 jm/rj/5

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1 1 Section 1. Section 614.1, subsection 12, Code Supplement
1 2 2007, is amended to read as follows:
1 3 12. Sexual abuse or sexual exploitation by a counselor,
1 4 therapist, or school employee. An action for damages for
1 5 injury suffered as a result of sexual abuse, as defined in
1 6 section 709.1, by a counselor, therapist, or school employee,
1 7 as defined in section 709.15, or as a result of sexual
1 8 exploitation by a counselor, therapist, or school employee
1 9 shall be brought within five years of the date the victim was
1 10 last treated by the counselor or therapist, or within five
1 11 years of the date the victim was last enrolled in or attended
1 12 the school, or before the victim reaches thirty years of age,
1 13 whichever is later.
1 14 Sec. 2. NEW SECTION. 709.23 SEXUALLY SUGGESTIVE BEHAVIOR
1 15 DIRECTED AT A CHILD.
1 16 1. As used in this section, "sexually suggestive behavior"
1 17 means erotic behavior directed by a person at a child that
1 18 involves requesting sexual favors, simulating sexual body
1 19 movements, or discussing the commission of a sex act that is
1 20 unwanted and demeaning to the child, for the purpose of
1 21 arousing or satisfying the sexual desires of the person or the
1 22 child.
1 23 2. A person eighteen years of age or older shall not
1 24 direct sexually suggestive behavior at a child.
1 25 3. A person who violates this section commits an
1 26 aggravated misdemeanor.
1 27 EXPLANATION
1 28 This bill relates to limitations of actions in civil cases
1 29 for sexual abuse or sexual exploitation by a counselor,
1 30 therapist, or school employee, and prohibits sexually
1 31 suggestive behavior directed at a child.
1 32 The bill provides that an action for damages for injury
1 33 suffered from sexual abuse or sexual exploitation by a
1 34 counselor, therapist, or school employee, must be brought
1 35 within five years of the date the victim was last treated, or
2 1 within five years of the date the victim was last enrolled in
2 2 or attended the school, or before the victim reaches 30 years
2 3 of age, whichever is later.
2 4 The bill creates a criminal offense as Code section 709.23
2 5 that provides that a person 18 years of age or older shall not
2 6 direct erotic behavior at a child under the age of 14 that
2 7 involves requesting sexual favors, simulating sexual body
2 8 movements, or discussing the commission of a sex act that is
2 9 unwanted and demeaning to the child, for the purpose of
2 10 arousing or satisfying the sexual desires of the person or the
2 11 child.
2 12 A criminal offense created in Code chapter 709 is
2 13 considered a "sexually violent offense" for purposes of civil
2 14 commitment under Code chapter 229A. An offense in Code
2 15 chapter 709 may also be used as evidence in prosecutions for
2 16 similar offenses pursuant to Code section 701.11(3), and is

2 17 considered a "sexually predatory offense" for prosecutions
2 18 under Code chapter 901A. In addition, a victim under 18 years
2 19 of age of a criminal offense in Code chapter 709 is eligible
2 20 for victim services pursuant to Code sections 915.35 through
2 21 915.37, and may apply for compensation through the crime
2 22 victim compensation program without filing a police report
2 23 pursuant to Code section 915.84.
2 24 A person who violates new Code section 709.23 commits an
2 25 aggravated misdemeanor. An aggravated misdemeanor is
2 26 punishable by confinement for no more than two years and a
2 27 fine of at least \$625 but not more than \$6,250.
2 28 LSB 6484HC 82
2 29 jm/rj/5