Senate Study Bill 3112 - Introduced

A BILL FOR

1 An Act modifying the periods of time to bring civil and
2   criminal actions relating to the sexual abuse of minors.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 614.8, subsection 2, Code 2014, is

2 amended to read as follows:

3 2. Except as provided in section 614.1, subsection 9, or

4 section 614.8A, the times limited for actions in this chapter,

5 or chapter 216, 669, or 670, except those brought for penalties

6 and forfeitures, are extended in favor of minors, so that they

7 shall have one year from and after attainment of majority

8 within which to file a complaint pursuant to chapter 216, to

9 make a claim pursuant to chapter 669, or to otherwise commence

10 an action.

11 Sec. 2. Section 614.8A, Code 2014, is amended to read as

12 follows:

13 **614.8A** ~~Damages~~ **Commencement of action** for **minor or child**

14 **sexual abuse —— time limitation.**

15 1. Notwithstanding section 614.8, subsection 2, and the

16 times limited for actions in this chapter, the time to file an

17 action relating to sexual abuse which occurred when the injured

18 person was a minor, is extended twenty-five years beyond the

19 minor's attainment of eighteen years of age.

20 2. ~~An~~ In addition to the extension of time provided in

21 subsection 1, an action for damages for injury suffered as

22 a result of sexual abuse which occurred when the injured

23 person was a child, but not discovered until after the injured

24 person is of the age of majority, shall be brought within ~~four~~

25 twenty-five years from the time of discovery by the injured

26 party of both the injury and the causal relationship between

27 the injury and the sexual abuse.

28 Sec. 3. Section 802.2, subsection 1, Code 2014, is amended

29 to read as follows:

30 1. An information or indictment for sexual abuse in the

31 first, second, or third degree committed on or with a person

32 who is under the age of eighteen years shall be found within

33 ~~ten~~ twenty-five years after the person upon whom the offense

34 is committed attains eighteen years of age, or if the person

35 against whom the information or indictment is sought is

1 identified through the use of a DNA profile, an information or
2 indictment shall be found within three years from the date the
3 person is identified by the person's DNA profile, whichever is
4 later.

5   EXPLANATION

8   This bill modifies the periods of time to bring civil and
9 criminal actions relating to the sexual abuse of minors.
10   Under the bill, the time for filing a civil action relating
11 to sexual abuse which occurred when the injured person was
12 a minor is extended from one year after the attainment of
13 majority to 25 years after the attainment of majority.
14   The bill also provides that a civil action for damages
15 relating to sexual abuse which occurred when the injured party
16 was a child under 14 years of age, shall be brought within
17 25 years from the time of the discovery of both the injury
18 and the causal relationship between the injury and the sexual
19 abuse. Current law specifies such an action shall be brought
20 within four years from the time of discovery of both the injury
21 and the causal relationship between the injury and the sexual
22 abuse.
23   The bill also specifies that a criminal information
24 or indictment for sexual abuse in the first, second, or
25 third degree committed on or with a person under the age of
26 18 shall be found within 25 years of the sexually abused
27 person attaining 18 years of age. Current law specifies the
28 indictment or information for such sexual abuse be found within
29 10 years of the sexually abused person attaining 18 years of
30 age.