

Senate File 107 - Introduced

SENATE FILE 107

BY PETERSEN

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 and including effective date and retroactive applicability
4 provisions.

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

1 Section 1. Section 614.8, subsection 2, Code 2015, 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 2015, 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 2015, 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 Sec. 4. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
6 immediate importance, takes effect upon enactment.

7 Sec. 5. RETROACTIVE APPLICABILITY. A civil action for
8 the alleged sexual abuse of a minor that would otherwise be
9 time-barred by any provision of law in effect prior to the
10 effective date of this Act may be commenced no later than three
11 years following the effective date of this Act. This section
12 does not apply to actions of vicarious liability or respondeat
13 superior, but does apply to other claims including negligence.
14 This section applies to actions pending or commenced on or
15 after the effective date of this Act.

16 EXPLANATION

17 The inclusion of this explanation does not constitute agreement with
18 the explanation's substance by the members of the general assembly.

19 This bill modifies the periods of time to bring civil and
20 criminal actions relating to the sexual abuse of minors.

21 Under the bill, the time for filing a civil action relating
22 to sexual abuse which occurred when the injured person was
23 a minor is extended from one year after the attainment of
24 majority to 25 years after the attainment of majority.

25 The bill also provides that a civil action for damages
26 relating to sexual abuse which occurred when the injured party
27 was a child under 14 years of age shall be brought within 25
28 years from the time of the discovery of both the injury and the
29 causal relationship between the injury and the sexual abuse.
30 Current law specifies such an action shall be brought within
31 four years from the time of discovery of both the injury and
32 the causal relationship between the injury and the sexual
33 abuse.

34 The bill also specifies that a criminal information
35 or indictment for sexual abuse in the first, second, or

1 third degree committed on or with a person under the age of
2 18 shall be found within 25 years of the sexually abused
3 person attaining 18 years of age. Current law specifies the
4 indictment or information for such sexual abuse be found within
5 10 years of the sexually abused person attaining 18 years of
6 age.

7 The bill specifies that a civil action for the alleged
8 sexual abuse of a minor that would otherwise be time-barred
9 under current law, may be commenced no later than three years
10 following the effective date of the bill. The bill specifies
11 that the provision allowing for retroactive applicability does
12 not apply to actions using the legal theories of vicarious
13 liability or respondeat superior (employer liability) but does
14 apply to other claims including negligence. The retroactive
15 applicability provision applies to actions pending or commenced
16 on or after the effective date of the bill.

17 The bill takes effect upon enactment.