

House Study Bill 26 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE
ON JUDICIARY BILL BY
CHAIRPERSON HOLT)

A BILL FOR

1 An Act modifying the periods of time to bring criminal actions
2 for sexual offenses against a minor, providing penalties,
3 and including effective date provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 802.2, subsection 1, Code 2019, is
2 amended to read as follows:

3 1. An information or indictment for sexual abuse in the
4 first, second, or third degree committed on or with a person
5 who is under the age of eighteen years ~~shall be found within~~
6 ~~ten years after the person upon whom the offense is committed~~
7 ~~attains eighteen years of age, or if the person against whom~~
8 ~~the information or indictment is sought is identified through~~
9 ~~the use of a DNA profile, an information or indictment shall~~
10 ~~be found within three years from the date the person is~~
11 ~~identified by the person's DNA profile, whichever is later~~ may
12 be commenced at any time after the commission of the offense.

13 Sec. 2. Section 802.2A, Code 2019, is amended to read as
14 follows:

15 **802.2A Incest — sexual exploitation by a counselor,**
16 **therapist, or school employee.**

17 1. An information or indictment for incest under section
18 726.2 committed on or with a person who is under the age of
19 eighteen shall be found ~~within ten years after the person upon~~
20 ~~whom the offense is committed attains eighteen years of age~~ at
21 any time after its commission. An information or indictment
22 for any other incest shall be found within ten years after its
23 commission.

24 2. An indictment or information for sexual exploitation
25 by a counselor, therapist, or school employee under section
26 709.15 committed on or with a person who is under the age of
27 eighteen shall be found ~~within ten years after the person upon~~
28 ~~whom the offense is committed attains eighteen years of age~~ at
29 any time after its commission. An information or indictment
30 for any other sexual exploitation shall be found within ten
31 years of the date the victim was last treated by the counselor
32 or therapist, or within ten years of the date the victim was
33 enrolled in or attended the school.

34 Sec. 3. Section 802.2B, unnumbered paragraph 1, Code 2019,
35 is amended to read as follows:

1 An information or indictment for the following offenses
2 committed on or with a person who is under the age of eighteen
3 years shall be found ~~within ten years after the person upon~~
4 ~~whom the offense is committed attains eighteen years of age,~~
5 ~~or if the person against whom the information or indictment~~
6 ~~is sought is identified through the use of a DNA profile, an~~
7 ~~information or indictment shall be found within three years~~
8 ~~from the date the person is identified by the person's DNA~~
9 ~~profile, whichever is later at any time after its commission:~~

10 Sec. 4. Section 802.10, subsection 3, Code 2019, is amended
11 to read as follows:

12 3. However, notwithstanding [subsection 2](#), an indictment or
13 information shall be found against a person within three years
14 from the date the person is identified by the person's DNA
15 profile. If the action involves sexual abuse, ~~another sexual~~
16 ~~offense of a person eighteen years of age or older,~~ kidnapping,
17 or human trafficking, the indictment or information shall be
18 found as provided in [section 802.2](#), ~~[802.2B](#)~~, [subsection 2](#),
19 [802.2C](#), or [802.2D](#), if the person is identified by the person's
20 DNA profile.

21 Sec. 5. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
22 immediate importance, takes effect upon enactment.

23 EXPLANATION

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

26 This bill modifies the periods of time to bring criminal
27 actions for sexual offenses against a minor.

28 The bill amends Code section 802.2 to provide that a criminal
29 information or indictment for sexual abuse in the first,
30 second, or third degree committed on or with a person under the
31 age of 18 may be commenced at any time after the commission
32 of the offense. Current law specifies the indictment or
33 information for such sexual abuse offenses be found within 10
34 years of the sexually abused person attaining 18 years of age
35 or within three years after being identified by DNA evidence,

1 whichever is later.

2 The bill amends Code section 802.2A(1) to provide that
3 an information or indictment for incest under Code section
4 726.2 committed on or with a person who is under the age of
5 18 shall be found at any time after its commission. Current
6 law specifies the indictment or information for such a sexual
7 offense be found within 10 years after the person upon whom the
8 offense is committed attains the age of 18.

9 The bill amends Code section 802.2A(2) to provide that
10 an indictment or information for sexual exploitation by a
11 counselor, therapist, or school employee under Code section
12 709.15 committed on or with a person who is under the age of
13 18 shall be found any time after its commission. Current law
14 specifies the indictment or information for such a sexual
15 offense be found within 10 years after the person upon whom the
16 offense is committed attains the age of 18.

17 The bill amends Code section 802.2B to provide that an
18 indictment or information for certain other sexual offenses
19 shall be found at any time after the commission of such other
20 sexual offenses, including the following: lascivious acts with
21 a child in violation of Code section 709.8; assault with intent
22 to commit sexual abuse in violation of Code section 709.11;
23 indecent contact with a child in violation of Code section
24 709.12; lascivious conduct with a minor in violation of Code
25 section 709.14; sexual misconduct with a juvenile in violation
26 of Code section 709.16(2); child endangerment in violation
27 of Code section 726.6(4, 5, or 6); and sexual exploitation
28 of a minor in violation of Code section 728.12. Current
29 law specifies the indictment or information for such sexual
30 offenses shall be found within 10 years after the person upon
31 whom the offense is committed attains the age of 18, or if the
32 person against whom the information or indictment is sought is
33 identified through the use of a DNA profile, an information or
34 indictment shall be found within three years from the date the
35 person is identified by the person's DNA profile, whichever is

1 later.

2 The bill amends Code section 802.10 to provide that an
3 indictment or information shall be found against a person
4 within three years from the date the person is identified by
5 the person's DNA profile. If the action involves sexual abuse
6 of a person 18 or older, kidnapping, or human trafficking,
7 the indictment or information shall be found if the person is
8 identified by the person's DNA profile.

9 The bill takes effect upon enactment.