

Senate File 189 - Introduced

SENATE FILE 189

BY PETERSEN

A BILL FOR

1 An Act modifying the periods of time to bring certain civil
2 actions, including by victims of sexual abuse, minors, and
3 persons with mental illness, and including effective date
4 provisions.

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

1 Section 1. Section 614.1, subsection 12, Code 2019, is
2 amended to read as follows:

3 12. *Sexual abuse or sexual exploitation by a counselor,*
4 *therapist, or school employee.*

5 a. (1) An If the victim was eighteen years of age or older,
6 an action for damages for injury suffered as a result of sexual
7 abuse, as defined in section 709.1, by a counselor, therapist, or
8 or school employee, as defined in section 709.15, or as a
9 result of sexual exploitation by a counselor, therapist, or
10 school employee shall be brought within five years of the date
11 the victim was last treated by the counselor or therapist, or
12 within five years of the date the victim was last enrolled in
13 or attended the school.

14 (2) If the victim was a minor, an action for damages for
15 injury suffered as a result of sexual abuse, as defined in
16 section 709.1, by a counselor, therapist, or school employee,
17 as defined in section 709.15, or as a result of sexual
18 exploitation by a counselor, therapist, or school employee may
19 be brought at any time.

20 b. Notwithstanding paragraph "a", subparagraph (2), a claim
21 that arises prior to the effective date of this Act shall be
22 brought within five years of the effective date of this Act.

23 Sec. 2. Section 614.8, Code 2019, is amended to read as
24 follows:

25 **614.8 Minors and persons with mental illness.**

26 1. The Except as provided in section 614.1, subsection
27 12, or section 614.8A, the times limited for actions in this
28 chapter, or for complaints or claims in chapter 216, 669, or
29 670, except those brought for penalties and forfeitures, are
30 extended in favor of persons with mental illness, so that they
31 shall have one year from and after the termination of the
32 disability within which to file a complaint pursuant to chapter
33 216, to make a claim pursuant to chapter 669 or 670, or to
34 otherwise commence an action.

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

1 12, or section 614.8A, the times limited for actions in this
2 chapter, or for complaints or claims in chapter 216, 669, or
3 670, except those brought for penalties and forfeitures, are
4 extended in favor of minors, so that they shall have one year
5 from and after attainment of majority within which to file a
6 complaint pursuant to chapter 216, to make a claim pursuant to
7 chapter 669, or to otherwise commence an action.

8 Sec. 3. Section 614.8A, Code 2019, is amended to read as
9 follows:

10 **614.8A Damages Commencement of action for minor or child**
11 **sexual abuse and other sexual offenses — no time limitation.**

12 1. An action for damages for injury suffered as a result
13 of sexual abuse which occurred when the injured person was a
14 child, but not discovered until after the injured person is of
15 the age of majority, shall be brought within four years from
16 the time of discovery by the injured party of both the injury
17 and the causal relationship between the injury and the sexual
18 abuse. Notwithstanding the times limited for actions in this
19 chapter, an action relating to injuries suffered as a result of
20 sexual abuse as defined in section 802.2, and injuries suffered
21 as a result of other sexual offenses including lascivious acts
22 with a child in violation of section 709.8, assault with intent
23 to commit sexual abuse in violation of section 709.11, indecent
24 contact with a child in violation of section 709.12, lascivious
25 conduct with a minor in violation of section 709.14, sexual
26 misconduct with a juvenile in violation of section 709.16,
27 subsection 2, child endangerment in violation of section 726.6,
28 or sexual exploitation of a minor in violation of section
29 728.12, which occurred when the injured party was a minor may
30 be brought at any time.

31 2. Notwithstanding subsection 1, a claim that arises prior
32 to the effective date of this Act shall be brought within five
33 years of the effective date of this Act.

34 Sec. 4. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
35 immediate importance, takes effect upon enactment.

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EXPLANATION

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

This bill modifies the periods of time to bring civil actions relating to young persons and persons with mental illness.

Under current Code section 614.1(12), a civil action for damages for injury suffered as result of sexual abuse, as defined in Code section 709.1, or sexual exploitation, by a counselor, therapist, or school employee, each as defined in Code section 709.15, can only be brought within five years after the date that the victim was either last treated by the counselor or therapist or last enrolled in or attended the school. The bill amends the current law by making a distinction between victims that are minors at the time of abuse and victims that are 18 years of age or older at the time of abuse. The bill does not change the statute of limitations for victims that are 18 years of age or older at the time of abuse. For victims that are minors at the time of abuse, the bill provides that victims may bring an action at any time, but that a claim that arises prior to the effective date of the bill must be brought within five years of the effective date of the bill.

Under current Code section 614.8, the applicable limitations period in which to bring certain civil actions is extended for persons with mental illness and minors. Under current Code section 670.2, a municipality is subject to liability for the municipality's torts and those of the municipality's officers and employees, acting within the scope of such officers' and employees' employment or duties. Under current Code section 670.5, an action for damages for an injury against a municipality cannot be brought after two years of the alleged injury, except as provided in Code section 614.8.

The bill amends Code section 614.8 to specify that the extension of the limitations period for persons with mental illness and for minors applies to claims brought pursuant to

1 Code chapter 670, which chapter is already referenced at the
2 beginning of the sentences extending the limitations period.

3 The amendment to Code section 614.8A in the bill extends
4 the time for filing a civil action relating to sexual abuse
5 which occurred when the injured person was a minor from one
6 year after the attainment of majority or within four years
7 from the time of discovery of both the injury and the causal
8 relationship between the injury and the sexual abuse to any
9 time. The amendment also provides for the filing of civil
10 actions for injuries incurred from other sexual offenses. The
11 bill provides that a claim related to such offenses that arises
12 prior to the effective date of the bill shall be brought within
13 five years of the effective date of the bill.

14 The bill takes effect upon enactment.