

Senate Study Bill 3032 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE
ON JUDICIARY BILL BY
CHAIRPERSON ZAUN)

A BILL FOR

1 An Act relating to the statute of limitations period for
2 criminal and civil actions for sexual abuse in the first,
3 second, or third degree.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 614.1, Code 2020, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 11A. *Sexual abuse.* An action for damages
4 for injury suffered as a result of sexual abuse in the first
5 degree as defined in section 709.2, sexual abuse in the second
6 degree as defined in section 709.3, or sexual abuse in the
7 third degree as defined in section 709.4 may be commenced at
8 any time after the commission of the offense.

9 Sec. 2. Section 614.8A, Code 2020, is amended to read as
10 follows:

11 **614.8A Damages for child sexual abuse — time limitation.**

12 1. An action for damages for injury suffered as a result of
13 sexual abuse, except for sexual abuse in the first degree as
14 defined in section 709.2, sexual abuse in the second degree as
15 defined in section 709.3, or sexual abuse in the third degree
16 as defined in section 709.4, which occurred when the injured
17 person was a child, but not discovered until after the injured
18 person is of the age of majority, shall be brought within four
19 years from the time of discovery by the injured party of both
20 the injury and the causal relationship between the injury and
21 the sexual abuse.

22 2. An action for damages for injury suffered as a result of
23 sexual abuse in the first degree as defined in section 709.2,
24 sexual abuse in the second degree as defined in section 709.3,
25 or sexual abuse in the third degree as defined in section
26 709.4 may be commenced at any time after the commission of the
27 offense.

28 Sec. 3. Section 802.2, Code 2020, is amended to read as
29 follows:

30 **802.2 Sexual abuse — first, second, or third degree.**

31 ~~1.~~ An information or indictment for sexual abuse in the
32 first, second, or third degree ~~committed on or with a person~~
33 ~~who is under the age of eighteen years shall be found within~~
34 ~~fifteen years after the person upon whom the offense is~~
35 ~~committed attains eighteen years of age, or if the person~~

1 ~~against whom the information or indictment is sought is~~
2 ~~identified through the use of a DNA profile, an information or~~
3 ~~indictment shall be found within three years from the date the~~
4 ~~person is identified by the person's DNA profile, whichever is~~
5 ~~later may be commenced at any time after the commission of the~~
6 ~~offense.~~

7 2. ~~An information or indictment for any other sexual abuse~~
8 ~~in the first, second, or third degree shall be found within ten~~
9 ~~years after its commission, or if the person against whom the~~
10 ~~information or indictment is sought is identified through the~~
11 ~~use of a DNA profile, an information or indictment shall be~~
12 ~~found within three years from the date the person is identified~~
13 ~~by the person's DNA profile, whichever is later.~~

14 3. ~~As used in this section, "identified" means a person's~~
15 ~~legal name is known and the person has been determined to be~~
16 ~~the source of the DNA.~~

17 Sec. 4. Section 802.10, subsection 1, paragraph b, Code
18 2020, is amended to read as follows:

19 b. ~~"Identified" means the same as defined in section 802.2 a~~
20 ~~person's legal name is known and the person has been determined~~
21 ~~to be the source of the DNA.~~

22 EXPLANATION

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

25 This bill relates to the statute of limitations period for
26 criminal and civil actions for sexual abuse in the first,
27 second, or third degree. Under current law, an injured person
28 may bring a civil action for damages for injury suffered as
29 a result of sexual abuse within two years and a civil action
30 for damages for injury suffered as a result of sexual abuse
31 which occurred when the injured person was a child, but not
32 discovered until after the injured person is of the age of
33 majority (18), shall be brought within four years from the
34 time of discovery by the injured party of both the injury and
35 the causal relationship between the injury and the sexual

1 abuse. An information or indictment for a sexual abuse offense
2 committed on or with a person who is under 18 years of age
3 shall be found within 15 years after the person upon whom
4 the offense is committed attains 18 years of age, or if the
5 person against whom the information or indictment is sought is
6 identified through the use of a DNA profile, an information or
7 indictment shall be found within three years from the date the
8 person is identified by the person's DNA profile, whichever is
9 later. For other sexual abuse offenses committed upon a person
10 18 years of age or older, the information or indictment shall
11 be found within 10 years after the commission of the offense,
12 or if the person against whom the information or indictment
13 is sought is identified through the use of a DNA profile, an
14 information or indictment shall be found within three years
15 from the date the person is identified by the person's DNA
16 profile, whichever is later.

17 The bill allows an information or indictment in a criminal
18 case, or a civil action for damages, for sexual abuse in the
19 first, second, or third degree, to commence at any time after
20 the commission of the offense. Civil actions for sexual abuse
21 offenses, other than sexual abuse in the first, second, or
22 third degree, which occurred when the injured person was a
23 child, but not discovered until after the injured person is
24 the age of majority, shall be brought within four years from
25 the time of discovery by the injured party of both the injury
26 and the causal relationship between the injury and the sexual
27 abuse.

28 The bill makes a conforming Code change to Code section
29 802.10 (DNA profile of accused).