

**Senate File 32 - Introduced**

SENATE FILE 32

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, entitling certain cases to a  
4 preference in trial order, and including effective date  
5 provisions.

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

1 Section 1. Section 602.1205, Code 2021, is amended by adding  
2 the following new subsection:

3 NEW SUBSECTION. 3. *a.* The district court shall try civil  
4 cases in the order in which cases are initiated by the filing  
5 of a petition, provided that the following cases shall be  
6 entitled to a preference:

7 (1) Actions that have been revived pursuant to section  
8 614.1, subsection 12, paragraph "b", or section 614.8A,  
9 subsection 2.

10 (2) An action in which the interests of justice, as  
11 determined by the supreme court, will be served by early trial.

12 *b.* The court shall adopt rules to implement this subsection.

13 *c.* Unless the court otherwise orders, notice of a motion  
14 for preference shall be served with the petition by the party  
15 serving the petition, or ten days after such service by any  
16 other party.

17 Sec. 2. Section 614.1, subsection 12, Code 2021, is amended  
18 to read as follows:

19 12. *Sexual abuse or sexual exploitation by a counselor,*  
20 *therapist, or school employee.*

21 *a.* (1) An If the victim was eighteen years of age or older,  
22 an action for damages for injury suffered as a result of sexual  
23 abuse, as defined in section 709.1, by a counselor, therapist,  
24 or school employee, as defined in section 709.15, or as a  
25 result of sexual exploitation by a counselor, therapist, or  
26 school employee shall be brought within five years of the date  
27 the victim was last treated by the counselor or therapist, or  
28 within five years of the date the victim was last enrolled in  
29 or attended the school.

30 (2) If the victim was a minor, an action for damages for  
31 injury suffered as a result of sexual abuse, as defined in  
32 section 709.1, by a counselor, therapist, or school employee,  
33 as defined in section 709.15, or as a result of sexual  
34 exploitation by a counselor, therapist, or school employee may  
35 be brought at any time.

1 b. (1) Notwithstanding paragraph "a", subparagraph (2),  
2 every claim or cause of action brought against any party  
3 alleging intentional or negligent acts or omissions by a person  
4 for physical, psychological, or other injury or condition  
5 suffered as a result of conduct which would constitute sexual  
6 abuse as defined in section 709.1, by a counselor, therapist,  
7 or school employee as defined in section 709.15, or as a  
8 result of sexual exploitation by a counselor, therapist, or  
9 school, which is barred as of the effective date of this Act  
10 because the applicable period of limitation has expired or  
11 the plaintiff previously failed to file a petition, is hereby  
12 revived, and action thereon may be commenced not later than  
13 three years after the effective date of this Act.

14 (2) Dismissal of a previous action, ordered before the  
15 effective date of this Act, on grounds that such previous  
16 action was time-barred, or of failure of a party to file a  
17 petition, shall not be grounds for dismissal of a revival  
18 action pursuant to this paragraph.

19 Sec. 3. Section 614.8, Code 2021, is amended to read as  
20 follows:

21 **614.8 Minors and persons with mental illness.**

22 1. The Except as provided in section 614.1, subsection  
23 12, or section 614.8A, the times limited for actions in this  
24 chapter, or for complaints or claims in chapter 216, 669, or  
25 670, except those brought for penalties and forfeitures, are  
26 extended in favor of persons with mental illness, so that they  
27 shall have one year from and after the termination of the  
28 disability within which to file a complaint pursuant to chapter  
29 216, to make a claim pursuant to chapter 669 or 670, or to  
30 otherwise commence an action.

31 2. Except as provided in section 614.1, subsection 9 or  
32 12, or section 614.8A, the times limited for actions in this  
33 chapter, or for complaints or claims in chapter 216, 669, or  
34 670, except those brought for penalties and forfeitures, are  
35 extended in favor of minors, so that they shall have one year

1 from and after attainment of majority within which to file a  
2 complaint pursuant to [chapter 216](#), to make a claim pursuant to  
3 chapter 669, or to otherwise commence an action.

4 Sec. 4. Section 614.8A, Code 2021, is amended to read as  
5 follows:

6 **614.8A Damages Commencement of action for minor or child**  
7 **sexual abuse and other sexual offenses — no time limitation.**

8 ~~An action for damages for injury suffered as a result of~~  
9 ~~sexual abuse which occurred when the injured person was a~~  
10 ~~child, but not discovered until after the injured person is of~~  
11 ~~the age of majority, shall be brought within four years from~~  
12 ~~the time of discovery by the injured party of both the injury~~  
13 ~~and the causal relationship between the injury and the sexual~~  
14 ~~abuse.~~

15 1. Notwithstanding the times limited for actions in this  
16 chapter, an action relating to injuries suffered as a result of  
17 sexual abuse as defined in section 802.2, and injuries suffered  
18 as a result of other sexual offenses including lascivious acts  
19 with a child in violation of section 709.8, assault with intent  
20 to commit sexual abuse in violation of section 709.11, indecent  
21 contact with a child in violation of section 709.12, lascivious  
22 conduct with a minor in violation of section 709.14, sexual  
23 misconduct with a juvenile in violation of section 709.16,  
24 subsection 2, child endangerment in violation of section 726.6,  
25 or sexual exploitation of a minor in violation of section  
26 728.12, which occurred when the injured party was a minor may  
27 be brought at any time.

28 2. a. Notwithstanding subsection 1, every claim or cause  
29 of action brought against any party alleging intentional  
30 or negligent acts or omissions by a person for physical,  
31 psychological, or other injury or condition suffered as a  
32 result of conduct which would constitute sexual abuse as  
33 defined in section 709.1, by a counselor, therapist, or school  
34 employee as defined in section 709.15, subsection 1, or as a  
35 result of sexual exploitation by a counselor, therapist, or

1 school, which is barred as of the effective date of this Act  
2 because the applicable period of limitation has expired or  
3 the plaintiff previously failed to file a petition, is hereby  
4 revived, and action thereon may be commenced not later than  
5 three years after the effective date of this Act.

6 b. Dismissal of a previous action, ordered before the  
7 effective date of this Act, on grounds that such previous  
8 action was time-barred, or of failure of a party to file a  
9 petition, shall not be grounds for dismissal of a revival  
10 action pursuant to this section.

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

13 EXPLANATION

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

16 This bill modifies the periods of time to bring civil actions  
17 relating to young persons and persons with mental illness and  
18 entitles certain cases to a preference in trial order.

19 Under current Code section 614.1(12), a civil action for  
20 damages for injury suffered as result of sexual abuse, as  
21 defined in Code section 709.1, or sexual exploitation, by a  
22 counselor, therapist, or school employee, each as defined in  
23 Code section 709.15, can only be brought within five years  
24 after the date that the victim was either last treated by  
25 the counselor or therapist or last enrolled in or attended  
26 the school. The bill amends the current law by making a  
27 distinction between victims that are minors at the time of  
28 abuse and victims that are 18 years of age or older at the time  
29 of abuse. The bill does not change the statute of limitations  
30 for victims that are 18 years of age or older at the time of  
31 abuse. For victims that are minors at the time of abuse, the  
32 bill provides that victims may bring an action at any time,  
33 but that a claim that arises prior to the effective date of  
34 the bill must be brought not later than three years after  
35 the effective date of the bill. If an action was previously

1 dismissed before the effective date of the bill on the grounds  
2 that it was time-barred or because the party failed to file  
3 a petition, the party shall have a right to file a revival  
4 action.

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

15 The bill amends Code section 614.8 to specify that the  
16 extension of the limitations period for persons with mental  
17 illness and for minors applies to claims brought pursuant to  
18 Code chapter 670, which chapter is already referenced at the  
19 beginning of the sentences extending the limitations period.

20 The amendment to Code section 614.8A in the bill extends  
21 the time for filing a civil action relating to sexual abuse  
22 which occurred when the injured person was a minor from one  
23 year after the attainment of majority or within four years  
24 from the time of discovery of both the injury and the causal  
25 relationship between the injury and the sexual abuse to any  
26 time. The amendment also provides for the filing of civil  
27 actions for injuries incurred from other sexual offenses. The  
28 bill provides that a claim related to such offenses that arises  
29 prior to the effective date of the bill must be brought not  
30 later than three years after the effective date of the bill.  
31 If an action was previously dismissed before the effective date  
32 of the bill on the grounds that it was time-barred or because  
33 the party failed to file a petition, the party shall have a  
34 right to file a revival action.

35 The bill provides that the district court shall try civil

1 cases in the order in which cases are initiated by the filing  
2 of a petition, but entitles cases to preference if the cases  
3 have been revived pursuant to Code section 614.1(12)(b) or Code  
4 section 615.8A(2) or actions in which the interests of justice,  
5 as determined by the supreme court, will be served by early  
6 trial. The bill provides that the court shall adopt rules to  
7 implement this provision of the bill. The bill provides that  
8 if a party intends to invoke this preference, the party must  
9 notice the motion for preference with the petition by the party  
10 serving the petition or 10 days after such service by any other  
11 party.

12 The bill takes effect upon enactment.