

Senate File 572 - Introduced

SENATE FILE 572
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 1017)

A BILL FOR

1 An Act relating to the statute of limitations periods for
2 certain criminal and civil actions.

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

1 Section 1. Section 614.1, Code 2021, is amended by adding
2 the following new subsections:

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 NEW SUBSECTION. 12A. *Kidnapping and human trafficking.* An
10 action for damages for injury suffered as a result of
11 kidnapping as defined in section 710.1 or human trafficking as
12 defined in section 710A.2 may be commenced at any time after
13 the commission of the offense.

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

16 12. *Sexual abuse or sexual exploitation by a counselor,*
17 *therapist, or school employee.*

18 a. An action for damages for injury suffered as a result
19 of sexual abuse, as defined in [section 709.1](#), by a counselor,
20 therapist, or school employee, as defined in [section 709.15](#), or
21 as a result of sexual exploitation by a counselor, therapist,
22 or school employee ~~shall be brought within five years of the~~
23 ~~date the victim was last treated by the counselor or therapist,~~
24 ~~or within five years of the date the victim was last enrolled~~
25 ~~in or attended the school~~ may be commenced at any time after
26 the commission of the offense.

27 b. A claim or cause of action brought against any party
28 under paragraph "a" alleging intentional or negligent acts
29 or omissions by a person for physical, psychological, or any
30 other injury or condition suffered as a result of conduct
31 by a counselor, therapist, or school employee as defined in
32 section 709.15, if barred as of the effective date of this Act
33 because the applicable period of limitation has expired or
34 the plaintiff previously failed to file a petition, is hereby
35 revived, and action thereon may be commenced not later than

1 three years after the effective date of this Act.

2 c. Dismissal of a previous action, ordered before the
3 effective date of this Act, on grounds that such previous
4 action was time-barred or due to the failure of a party to file
5 a petition, shall not be grounds for dismissal of a revival
6 action pursuant to paragraph "b".

7 Sec. 3. Section 614.8A, Code 2021, is amended to read as
8 follows:

9 **614.8A Damages for child sexual abuse, incest, kidnapping,**
10 **and human trafficking — time limitation.**

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

18 1. Notwithstanding section 614.1, subsections 11A and
19 12A, every claim or cause of action brought against any
20 party alleging intentional or negligent acts or omissions
21 by a person for physical, psychological, any other injury
22 or condition suffered as a result of conduct which would
23 constitute a violation of any of the following, if barred as of
24 the effective date of this Act because the applicable period of
25 limitation has expired or the plaintiff previously failed to
26 file a petition, is hereby revived, and action thereon may be
27 commenced not later than three years after the effective date
28 of this Act:

29 a. Sexual abuse as defined in section 709.1.

30 b. Incest in violation of section 726.2.

31 c. Kidnapping as defined in section 710.1.

32 d. Human trafficking as defined in section 710A.2.

33 2. Dismissal of a previous action, ordered before the
34 effective date of this Act, on grounds that such previous
35 action was time-barred or due to the failure of a party to file

1 a petition, shall not be grounds for dismissal of a revival
2 action pursuant to this section.

3 Sec. 4. Section 802.2, Code 2021, is amended to read as
4 follows:

5 **802.2 Sexual abuse — first, second, or third degree.**

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

17 ~~2. An information or indictment for any other sexual abuse~~
18 ~~in the first, second, or third degree shall be found within ten~~
19 ~~years after its commission, or if the person against whom the~~
20 ~~information or indictment is sought is identified through the~~
21 ~~use of a DNA profile, an information or indictment shall be~~
22 ~~found within three years from the date the person is identified~~
23 ~~by the person's DNA profile, whichever is later.~~

24 ~~3. As used in [this section](#), "identified" means a person's~~
25 ~~legal name is known and the person has been determined to be~~
26 ~~the source of the DNA.~~

27 Sec. 5. Section 802.2A, Code 2021, is amended to read as
28 follows:

29 **802.2A Incest — sexual exploitation by a counselor,**
30 **therapist, or school employee.**

31 1. An information or indictment for incest under section
32 726.2 committed on or with a person who is under the age of
33 eighteen shall be found within fifteen years after the person
34 upon whom the offense is committed attains eighteen years of
35 age. An information or indictment for any other incest shall

1 ~~be found within ten years after its commission~~ may be commenced
2 at any time after the commission of the offense.

3 2. An indictment or information for sexual exploitation by
4 a counselor, therapist, or school employee under [section 709.15](#)
5 ~~committed on or with a person who is under the age of eighteen~~
6 ~~shall be found within fifteen years after the person upon whom~~
7 ~~the offense is committed attains eighteen years of age. An~~
8 ~~information or indictment for any other sexual exploitation~~
9 ~~shall be found within ten years of the date the victim was last~~
10 ~~treated by the counselor or therapist, or within ten years of~~
11 ~~the date the victim was enrolled in or attended the school~~ may
12 be commenced at any time after the commission of the offense.

13 Sec. 6. Section 802.2C, Code 2021, is amended to read as
14 follows:

15 **802.2C Kidnapping.**

16 An information or indictment for kidnapping in the first,
17 second, or third degree ~~committed on or with a person who is~~
18 ~~under the age of eighteen years shall be found within ten~~
19 ~~years after the person upon whom the offense is committed~~
20 ~~attains eighteen years of age, or if the person against whom~~
21 ~~the information or indictment is sought is identified through~~
22 ~~the use of a DNA profile, an information or indictment shall~~
23 ~~be found within three years from the date the person is~~
24 ~~identified by the person's DNA profile, whichever is later~~ may
25 be commenced at any time after the commission of the offense.

26 Sec. 7. Section 802.2D, Code 2021, is amended to read as
27 follows:

28 **802.2D Human trafficking.**

29 An information or indictment for human trafficking in
30 violation of [section 710A.2](#), ~~committed on or with a person~~
31 ~~who is under the age of eighteen years shall be found within~~
32 ~~ten years after the person upon whom the offense is committed~~
33 ~~attains eighteen years of age, or if the person against whom~~
34 ~~the information or indictment is sought is identified through~~
35 ~~the use of a DNA profile, an information or indictment shall~~

1 ~~be found within three years from the date the person is~~
2 ~~identified by the person's DNA profile, whichever is later~~ may
3 be commenced at any time after the commission of the offense.

4 Sec. 8. Section 802.10, subsection 1, paragraph b, Code
5 2021, is amended to read as follows:

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

9

EXPLANATION

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

12 This bill relates to the statute of limitations period for
13 certain criminal and civil actions.

14 Under current law, in sexual abuse, kidnapping, human
15 trafficking, and sexual abuse or sexual exploitation by a
16 counselor, therapist, or school employee cases, an injured
17 person must bring a civil action for injuries suffered or
18 an indictment or information must be filed within certain
19 statutory time periods dependent upon certain circumstances
20 including a victim's age and whether an offender was identified
21 through the use of a DNA profile.

22 The bill provides that an information or indictment in
23 a criminal case, or a civil action for damages, for sexual
24 abuse in the first, second, or third degree; kidnapping; human
25 trafficking; and sexual abuse or sexual exploitation by a
26 counselor, therapist, or school employee may be commenced at
27 any time after the commission of the offense.

28 The bill provides that notwithstanding Code section 614.1,
29 subsections 11A (an action for sexual abuse may be commenced
30 at any time after the commission of the offense) and 12A (an
31 action for kidnapping or human trafficking may be commenced at
32 any time after the commission of the offense) or subsection 12
33 (sexual abuse or sexual exploitation by a counselor, therapist,
34 or school employee), as amended in the bill, every claim or
35 cause of action brought against any party alleging intentional

1 or negligent acts or omissions by a person for physical,
2 psychological, any other injury or condition suffered as a
3 result of conduct which would constitute a violation of any of
4 the following, if barred as of the effective date of the bill
5 because the applicable period of limitation has expired or the
6 plaintiff previously failed to file a petition, is revived, and
7 an action may be commenced not later than three years after
8 the effective date of the bill: sexual abuse (Code section
9 709.1), incest (Code section 726.2), kidnapping (Code section
10 710.1), human trafficking (Code section 710A.2), and sexual
11 abuse or sexual exploitation by a counselor, therapist, or
12 school employee (Code section 709.15). Dismissal of a previous
13 action, ordered before the effective date of the bill, on
14 grounds that such previous action was time-barred or due to the
15 failure of a party to file a petition, shall not be grounds for
16 dismissal of a revival.

17 The bill makes a conforming Code change to Code section
18 802.10 (DNA profile of accused).