

Senate Study Bill 1017 - 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, kidnapping, and
3 human trafficking.
4 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 614.8A, Code 2021, is amended to read as
15 follows:

16 **614.8A Damages for child sexual abuse — time limitation.**

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

27 2. An action for damages for injury suffered as a result of
28 sexual abuse in the first degree as defined in section 709.2,
29 sexual abuse in the second degree as defined in section 709.3,
30 or sexual abuse in the third degree as defined in section
31 709.4 may be commenced at any time after the commission of the
32 offense.

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

35 **802.2 Sexual abuse — first, second, or third degree.**

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

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

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

22 Sec. 4. Section 802.2C, Code 2021, is amended to read as
23 follows:

24 **802.2C Kidnapping.**

25 ~~An information or indictment for kidnapping in the first,~~
26 ~~second, or third degree committed on or with a person who is~~
27 ~~under the age of eighteen years shall be found within ten~~
28 ~~years after the person upon whom the offense is committed~~
29 ~~attains eighteen years of age, or if the person against whom~~
30 ~~the information or indictment is sought is identified through~~
31 ~~the use of a DNA profile, an information or indictment shall~~
32 ~~be found within three years from the date the person is~~
33 ~~identified by the person's DNA profile, whichever is later may~~
34 ~~be commenced at any time after the commission of the offense.~~

35 Sec. 5. Section 802.2D, Code 2021, is amended to read as

1 follows:

2 **802.2D Human trafficking.**

3 An information or indictment for human trafficking in
4 violation of [section 710A.2](#), ~~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. 6. Section 802.10, subsection 1, paragraph b, Code
14 2021, is amended to read as follows:

15 *b.* ~~"Identified" means the same as defined in [section 802.2](#) a~~
16 person's legal name is known and the person has been determined
17 to be the source of the DNA.

18 EXPLANATION

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

21 This bill relates to the statute of limitations period for
22 criminal and civil actions for sexual abuse in the first,
23 second, or third degree; kidnapping; and human trafficking.

24 Under current law, in sexual abuse, kidnapping, and human
25 trafficking cases, an injured person must bring a civil action
26 for injuries suffered or an indictment or information must be
27 filed within certain statutory time periods dependent upon
28 certain circumstances including a victim's age and whether an
29 offender was identified through the use of a DNA profile.

30 The bill allows an information or indictment in a criminal
31 case, or a civil action for damages, for sexual abuse in
32 the first, second, or third degree; kidnapping; or human
33 trafficking, to commence at any time after the commission of
34 the offense. The bill provides that a civil action for sexual
35 abuse offenses, other than sexual abuse in the first, second,

1 or third degree, which occurred when the injured person was a
2 child, but not discovered until after the injured person is
3 the age of majority, shall be brought within four years from
4 the time of discovery by the injured party of both the injury
5 and the causal relationship between the injury and the sexual
6 abuse.

7 The bill makes a conforming Code change to Code section
8 802.10 (DNA profile of accused).