

**Senate File 2233 - Introduced**

SENATE FILE 2233

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**A BILL FOR**

1 An Act modifying the periods of time to bring civil actions  
2 by victims of sexual abuse, human trafficking, or sexual  
3 exploitation.

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

1 Section 1. LEGISLATIVE FINDINGS.

2 1. The general assembly finds that current laws restricting  
3 the time period on bringing actions involving sexual abuse  
4 limit victims' justice.

5 2. The general assembly further finds that victims deserve  
6 the space and time to bring their cases when they are mentally  
7 and emotionally able.

8 3. The general assembly further finds that current laws are  
9 being used to reduce agreed on damages by organizations which  
10 admit abuse took place.

11 4. The general assembly further finds that Iowa will no  
12 longer aid in these organizations' attempts to silence victims,  
13 delay justice, or downplay damage.

14 5. The general assembly further finds that in the boy scouts  
15 of America bankruptcy case, the boy scouts of America admitted  
16 to negligence and agreed that more than sixty thousand victims  
17 deserved damage awards, and that current Iowa law reduces  
18 victims' settlements to thirty to forty percent of damages  
19 awarded to Iowa victims.

20 6. The general assembly further finds that abolition of  
21 current statute of limitation laws for child sex abuse and  
22 creation of a revival window would allow victims to qualify for  
23 one hundred percent of damages awarded.

24 7. The general assembly further finds that Iowa has one year  
25 from the effective date of the bankruptcy trust to pass this  
26 legislation, and that deadline is in April 2024.

27 8. The general assembly further finds that relief is  
28 urgently needed.

29 Sec. 2. Section 614.1, Code 2024, is amended by adding the  
30 following new subsection:

31 NEW SUBSECTION. 11A. *Sexual abuse, human trafficking, and*  
32 *sexual exploitation of a minor.* No time limitation shall apply  
33 to an action brought for damages for an injury suffered as  
34 a result of sexual abuse as defined in section 709.1, sexual  
35 abuse in the first degree in violation of section 709.2, sexual

1 abuse in the second degree in violation of section 709.3,  
2 sexual abuse in the third degree in violation of section 709.4,  
3 sexual exploitation by a counselor, therapist, school employee,  
4 or adult providing training or instruction in violation of  
5 section 709.15, human trafficking in violation of section  
6 710A.2, and sexual exploitation of a minor in violation of  
7 section 728.12. This subsection shall apply regardless of the  
8 theory of liability in the civil action, including against  
9 civil defendants who were not liable in the related criminal  
10 action, if any.

11 Sec. 3. Section 614.1, subsection 12, Code 2024, is amended  
12 to read as follows:

13 12. ~~Sexual abuse or sexual exploitation by a counselor,~~  
14 ~~therapist, school employee, or adult providing training or~~  
15 ~~instruction.~~ An action for damages for injury suffered as  
16 a result of ~~sexual abuse, as defined in [section 709.1](#), by a~~  
17 ~~counselor, therapist, school employee, or adult providing~~  
18 ~~training or instruction, as defined in [section 709.15](#), or as a~~  
19 ~~result of~~ sexual exploitation by a counselor, therapist, school  
20 employee, or adult providing training or instruction as defined  
21 in section 709.15, shall be brought within five years of the  
22 date the victim was last treated by the counselor or therapist,  
23 or within five years of the date the victim was last enrolled  
24 in or attended the school.

25 Sec. 4. Section 669.13, subsection 1, Code 2024, is amended  
26 to read as follows:

27 1. Except as provided in section 614.1, subsections 11A  
28 and 12, and section 614.8, a claim or suit otherwise permitted  
29 under [this chapter](#) shall be forever barred, unless within two  
30 years after the claim accrued, the claim is made in writing and  
31 filed with the director of the department of management under  
32 this chapter. The time to begin a suit under [this chapter](#)  
33 shall be extended for a period of six months from the date  
34 of mailing of notice to the claimant by the attorney general  
35 as to the final disposition of the claim or from the date of

1 withdrawal of the claim under [section 669.5](#), if the time to  
2 begin suit would otherwise expire before the end of the period.

3 Sec. 5. Section 670.5, unnumbered paragraph 1, Code 2024,  
4 is amended to read as follows:

5 Except as provided in section [614.1](#), subsections [11A](#)  
6 [and 12](#), and section [614.8](#), a person who claims damages from  
7 any municipality or any officer, employee or agent of a  
8 municipality for or on account of any wrongful death, loss, or  
9 injury within the scope of [section 670.2](#) or [section 670.8](#) or  
10 under common law shall commence an action therefor within two  
11 years after the alleged wrongful death, loss, or injury.

12 Sec. 6. REPEAL. Section 614.8A, Code 2024, is repealed.

13 Sec. 7. REVIVAL.

14 1. Every claim or cause of action brought against any party  
15 alleging intentional or negligent acts or omissions by a person  
16 for physical, psychological, or other injury or condition  
17 suffered as a result of conduct which would constitute sexual  
18 abuse as defined in section 709.1, which is barred as of the  
19 effective date of this Act because the applicable period of  
20 limitation has expired or the plaintiff previously failed to  
21 file a petition, is hereby revived.

22 2. Dismissal of such a previous action, ordered before the  
23 effective date of this Act, on grounds that the action was  
24 time-barred, or for failure of a party to file a petition,  
25 shall not be grounds for dismissal of a revival action pursuant  
26 to this section.

27 Sec. 8. EFFECTIVE DATE. This Act, being deemed of immediate  
28 importance, takes effect upon enactment.

29

#### EXPLANATION

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

32 This bill provides that there is no time limitation to bring  
33 civil actions relating to sexual abuse, human trafficking, or  
34 exploitation of a minor regardless of the theory of liability  
35 in the action.

1 The bill provides findings, including that current laws  
2 restricting the time period on bringing actions involving  
3 sexual abuse limit victims' justice and that victims deserve  
4 the space and time to bring their cases when they are mentally  
5 and emotionally able; that Iowa's laws are being used to reduce  
6 agreed on damages by organizations which admit abuse took  
7 place and that Iowa will no longer aid in these organizations'  
8 attempts to silence victims, delay justice, or downplay damage;  
9 that the boy scouts of America bankruptcy case is an example of  
10 how current laws are limiting victims' rights; that abolition  
11 of current statute of limitation laws for child sex abuse and  
12 creation of a revival window would allow victims to qualify  
13 for 100 percent of damages awarded; and that Iowa has one year  
14 from the effective date of the bankruptcy trust to pass this  
15 legislation, that deadline is in April 2024, and that relief  
16 is urgently needed.

17 Under current Code section 614.1(12), a civil action for  
18 damages for injury suffered as result of sexual abuse or sexual  
19 exploitation by a counselor, therapist, school employee, or  
20 adult providing training or instruction can only be brought  
21 within five years after the date that the victim was either  
22 last treated by the counselor or therapist or last enrolled in  
23 or attended the school. Current Code section 614.8A provides a  
24 four-year limitation for civil actions of sexual abuse against  
25 a child not discovered until after the injured person is of the  
26 age of majority. These provisions are stricken or repealed to  
27 the extent they are duplicative or inconsistent with the bill.  
28 If an action was previously dismissed before the effective date  
29 of the bill on the grounds that it was time-barred or because  
30 the party failed to file a petition, the bill provides the  
31 party the right to file a revival action.

32 The bill also provides that state tort claims and  
33 tort liability of governmental subdivisions statutes of  
34 limitations do not apply to sexual abuse, human trafficking, or  
35 exploitation of a minor actions.

1 The bill takes effect upon enactment.