

Senate File 2431 - Introduced

SENATE FILE 2431

BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO SSB 3197)

A BILL FOR

1 An Act relating to the periods of time to bring civil actions
2 for injuries that result from sex offenses against minors
3 for the purpose of filing claims against the bankruptcy
4 estate of a congressionally chartered organization, and
5 including effective date and retroactive applicability
6 provisions.

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

1 Section 1. CHILD SEXUAL ABUSE CIVIL ACTIONS AGAINST A
2 BANKRUPTCY ESTATE OF A CONGRESSIONALLY CHARTERED ORGANIZATION
3 — EXCEPTION TO TIME LIMITATION.

4 1. Notwithstanding section 614.8, subsection 2, and section
5 614.8A, if an individual entitled to commence any of the
6 actions enumerated in chapter 614 was a child at the time the
7 right accrued, an action for injury may be commenced by or on
8 behalf of the injured individual at any time, notwithstanding
9 any then applicable statute of limitation, if all of the
10 following are true:

- 11 a. The injury upon which the action is based arises from
12 a sex offense enumerated in section 692A.102, regardless of
13 whether a criminal complaint was filed or a criminal conviction
14 was obtained.
- 15 b. The action is barred due to the expiration of the statute
16 of limitations period described in section 614.8, subsection
17 2, and section 614.8A.
- 18 c. The action is for purposes of making a claim in a
19 bankruptcy proceeding that was initiated on February 18, 2020.
- 20 d. The claim is against the bankruptcy estate of a
21 congressionally chartered organization.

22 2. An action brought under subsection 1 may only be
23 commenced against an entity seeking bankruptcy protection as
24 provided in subsection 1 and not against any other person or
25 entity.

26 3. For purposes of this section, "child" means any person
27 under the age of eighteen years.

28 Sec. 2. FUTURE REPEAL. This Act is repealed December 31,
29 2026.

30 Sec. 3. EFFECTIVE DATE. This Act, being deemed of immediate
31 importance, takes effect upon enactment.

32 Sec. 4. RETROACTIVE APPLICABILITY. This Act applies
33 retroactively to injuries resulting from sex offenses that
34 occurred prior to the effective date of this Act, irrespective
35 of any statute of limitation in effect at the time the offense

1 occurred.

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EXPLANATION

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

5 This bill creates an exception to the statute of limitations
6 for civil actions for injuries resulting from sex offenses
7 against children, provided that the action is for purposes
8 of making a claim against the bankruptcy estate of a
9 congressionally chartered organization and the bankruptcy
10 proceedings were initiated on February 18, 2020. The bill
11 defines the term "child" to mean a person under the age of 18
12 years.

13 Under current law, a civil action based on an injury as a
14 result of sexual abuse which occurred when the injured person
15 was child, but not discovered until after the injured person is
16 of the age of majority, must be brought within four years from
17 the time of discovery by the injured party of both the injury
18 and the causal relationship between the injury and the sexual
19 abuse. Current law also provides that the time limitations
20 for civil actions limited by Code chapters 216 (the Iowa civil
21 rights Act of 1965), 256A (unauthorized disclosure of intimate
22 images), 614 (limitations of actions), 669 (state tort claims),
23 or 670 (tort liability of governmental subdivisions) are
24 extended in favor of minors by a year after the minor obtains
25 the age of majority to file a claim or commence an action.

26 The bill is effective upon enactment and applies
27 retroactively to injuries resulting from sex offenses that
28 occurred prior to the effective date of the bill. The bill is
29 repealed on December 31, 2026.