

Senate File 261 - Introduced

SENATE FILE 261

BY PETERSEN

A BILL FOR

1 An Act modifying the periods of time to bring civil actions by
2 victims of sexual abuse.

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

1 Section 1. Section 614.1, Code 2023, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 11A. *Sexual abuse.* No time limitation
4 shall apply to an action brought for damages for an injury
5 suffered as a result of sexual abuse as defined in section
6 709.1.

7 Sec. 2. Section 614.1, subsection 12, Code 2023, is amended
8 to read as follows:

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

21 Sec. 3. Section 669.13, subsection 1, Code 2023, is amended
22 to read as follows:

23 1. Except as provided in section 614.1, subsection 11A,
24 and section 614.8, a claim or suit otherwise permitted under
25 this chapter shall be forever barred, unless within two years
26 after the claim accrued, the claim is made in writing and filed
27 with the director of the department of management under this
28 chapter. The time to begin a suit under [this chapter](#) shall be
29 extended for a period of six months from the date of mailing of
30 notice to the claimant by the attorney general as to the final
31 disposition of the claim or from the date of withdrawal of the
32 claim under [section 669.5](#), if the time to begin suit would
33 otherwise expire before the end of the period.

34 Sec. 4. Section 670.5, unnumbered paragraph 1, Code 2023,
35 is amended to read as follows:

1 Except as provided in section 614.1, subsection 11A,
2 and section 614.8, a person who claims damages from any
3 municipality or any officer, employee or agent of a
4 municipality for or on account of any wrongful death, loss, or
5 injury within the scope of section 670.2 or section 670.8 or
6 under common law shall commence an action therefor within two
7 years after the alleged wrongful death, loss, or injury.

8 Sec. 5. REPEAL. Section 614.8A, Code 2023, is repealed.

9 Sec. 6. REVIVAL.

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

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

23 Sec. 7. EFFECTIVE DATE. This Act, being deemed of immediate
24 importance, takes effect upon enactment.

25 EXPLANATION

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

28 This bill provides that there is no time limitation to bring
29 civil actions relating to sexual abuse.

30 Under current Code section 614.1(12), a civil action for
31 damages for injury suffered as result of sexual abuse or sexual
32 exploitation by a counselor, therapist, school employee, or
33 adult providing training or instruction can only be brought
34 within five years after the date that the victim was either
35 last treated by the counselor or therapist or last enrolled in

1 or attended the school. Current Code section 614.8A provides a
2 four-year limitation for civil actions of sexual abuse against
3 a child not discovered until after the injured person is of the
4 age of majority. These provisions are stricken or repealed to
5 the extent they are duplicative or inconsistent with the bill.
6 If an action was previously dismissed before the effective date
7 of the bill on the grounds that it was time-barred or because
8 the party failed to file a petition, the bill provides the
9 party the right to file a revival action.

10 The bill also provides that state tort claims and tort
11 liability of governmental subdivisions statutes of limitations
12 do not apply to sexual abuse actions.

13 The bill takes effect upon enactment.