

House File 431 - Introduced

HOUSE FILE 431

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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, and including effective date provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

unofficial

1 Section 1. Section 614.1, Code 2025, is amended by adding the
2 following new subsection:

3 NEW SUBSECTION. 11A. *Sexual abuse, human trafficking, and*
4 *sexual exploitation of a minor.* No time limitation shall apply
5 to an action brought for damages for an injury suffered as
6 a result of sexual abuse as defined in section 709.1, sexual
7 abuse in the first degree in violation of section 709.2, sexual
8 abuse in the second degree in violation of section 709.3, sexual
9 abuse in the third degree in violation of section 709.4, sexual
10 exploitation by a counselor, therapist, school employee, or adult
11 providing training or instruction in violation of section 709.15,
12 human trafficking in violation of section 710A.2, and sexual
13 exploitation of a minor in violation of section 728.12. This
14 subsection shall apply regardless of the theory of liability in
15 the civil action, including against civil defendants who were not
16 liable in the related criminal action, if any.

17 Sec. 2. Section 614.1, subsection 12, Code 2025, is amended
18 to read as follows:

19 ~~12. Sexual abuse or sexual exploitation by a counselor,~~
20 ~~therapist, school employee, or adult providing training or~~
21 ~~instruction. An action for damages for injury suffered as~~
22 ~~a result of sexual abuse, as defined in section 709.1, by~~
23 ~~a counselor, therapist, school employee, or adult providing~~
24 ~~training or instruction, as defined in section 709.15, or as a~~
25 ~~result of sexual exploitation by a counselor, therapist, school~~
26 ~~employee, or adult providing training or instruction as defined~~
27 in section 709.15, shall be brought within five years of the date
28 the victim was last treated by the counselor or therapist, or
29 within five years of the date the victim was last enrolled in or
30 attended the school.

31 Sec. 3. Section 669.13, subsection 1, Code 2025, is amended
32 to read as follows:

33 1. Except as provided in section 614.1, subsections 11A and
34 12, and section 614.8, a claim or suit otherwise permitted under
35 this chapter shall be forever barred, unless within two years

1 after the claim accrued, the claim is made in writing and filed
2 with the director of the department of management under this
3 chapter. The time to begin a suit under this chapter shall be
4 extended for a period of six months from the date of mailing
5 of notice to the claimant by the attorney general as to the
6 final disposition of the claim or from the date of withdrawal of
7 the claim under section 669.5, if the time to begin suit would
8 otherwise expire before the end of the period.

9 Sec. 4. Section 670.5, unnumbered paragraph 1, Code 2025, is
10 amended to read as follows:

11 Except as provided in section 614.1, subsections 11A and
12 12, and section 614.8, a person who claims damages from any
13 municipality or any officer, employee or agent of a municipality
14 for or on account of any wrongful death, loss, or injury within
15 the scope of section 670.2 or section 670.8 or under common law
16 shall commence an action therefor within two years after the
17 alleged wrongful death, loss, or injury.

18 Sec. 5. REPEAL. Section 614.8A, Code 2025, is repealed.

19 Sec. 6. REVIVAL.

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

28 2. Dismissal of such a previous action, ordered before the
29 effective date of this Act, on grounds that the action was
30 time-barred, or for failure of a party to file a petition, shall
31 not be grounds for dismissal of a revival action pursuant to this
32 section.

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

35 EXPLANATION

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

3 This bill provides that there is no time limitation to bring
4 civil actions relating to sexual abuse, human trafficking, or
5 exploitation of a minor regardless of the theory of liability in
6 the action.

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

22 The bill also provides that state tort claims and tort
23 liability of governmental subdivisions statutes of limitations do
24 not apply to sexual abuse, human trafficking, or exploitation of
25 a minor actions.

26 The bill takes effect upon enactment.