

Senate File 364 - Introduced

SENATE FILE 364
BY SALMON and WESTRICH

A BILL FOR

1 An Act modifying the periods of time to bring certain civil
2 actions by victims of sexual abuse and other sexual offenses
3 that occurred when the victim was a minor, entitling certain
4 cases to a preference in trial order, and including effective
5 date provisions.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

unofficial

1 Section 1. Section 602.1205, Code 2025, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 3. a. The district court shall try civil
4 cases in the order in which cases are initiated by the filing of
5 a petition, provided that the following cases shall be entitled
6 to a preference:

7 (1) Actions that have been revived pursuant to section 614.1,
8 subsection 12, paragraph "b", or section 614.8A, subsection 2.

9 This subparagraph is repealed July 1, 2031.

10 (2) An action in which the interests of justice, as
11 determined by the supreme court, will be served by early trial.

12 b. The supreme court shall prescribe rules to implement this
13 subsection.

14 c. Unless the court otherwise orders, notice of a motion for
15 preference shall be served with the petition by the party serving
16 the petition, or ten days after such service by any other party.

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*

22 a. (1) If the victim was eighteen years of age or older,
23 an action for damages for injury suffered as a result of sexual
24 abuse, as defined in section 709.1, by a counselor, therapist,
25 school employee, or adult providing training or instruction, as
26 defined in section 709.15, or as a result of sexual exploitation
27 by a counselor, therapist, school employee, or adult providing
28 training or instruction shall be brought within five years of the
29 date the victim was last treated by the counselor or therapist,
30 or within five years of the date the victim was last enrolled in
31 or attended the school.

32 (2) If the victim was a minor, an action for damages for
33 injury suffered as a result of sexual abuse, as defined in
34 section 709.1, by a counselor, therapist, school employee, or
35 adult providing training or instruction, as defined in section

1 709.15, or as a result of sexual exploitation by a counselor,
2 therapist, school employee, or adult providing training or
3 instruction shall be brought within ten years of the date the
4 victim was last treated by the counselor or therapist, within ten
5 years of the date the victim was last enrolled in or attended
6 the school, or within ten years from the attainment of majority,
7 whichever is later.

8 b. (1) Notwithstanding paragraph "a", subparagraph (2),
9 every claim or cause of action brought against any party alleging
10 intentional or negligent acts or omissions by a person for
11 physical, psychological, or other injury or condition suffered
12 as a result of conduct which would constitute sexual abuse,
13 as defined in section 709.1, by a counselor, therapist, school
14 employee, or adult providing training or instruction, as defined
15 in section 709.15, or as a result of sexual exploitation by
16 a counselor, therapist, school employee, or adult providing
17 training or instruction, which is barred as of the effective
18 date of this Act because the applicable period of limitation has
19 expired or the plaintiff previously failed to file a petition,
20 is hereby revived, and action thereon may be commenced not later
21 than three years after the effective date of this Act.

22 (2) Dismissal of a previous action, ordered before the
23 effective date of this Act, on grounds that such previous action
24 was 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 paragraph.

27 (3) This paragraph is repealed July 1, 2031.

28 Sec. 3. Section 614.8, subsection 2, Code 2025, is amended to
29 read as follows:

30 2. Except as provided in section 614.1, subsection 9 or 12,
31 or section 614.8A, the times limited for actions in this chapter,
32 or chapter 216, 659A, 669, or 670, except those brought for
33 penalties and forfeitures, are extended in favor of minors, so
34 that they shall have one year from and after attainment of
35 majority within which to file a complaint pursuant to chapter

1 216, to make a claim pursuant to chapter 669, or to otherwise
2 commence an action.

3 Sec. 4. Section 614.8A, Code 2025, is amended by striking the
4 section and inserting in lieu thereof the following:

5 **614.8A Commencement of action for minor or child sexual abuse**
6 **and other sexual offenses.**

7 1. Notwithstanding the times limited for actions in this
8 chapter, an action relating to injuries suffered as a result of
9 sexual abuse as defined in section 709.1, and injuries suffered
10 as a result of other sexual offenses including but not limited
11 to lascivious acts with a child in violation of section 709.8,
12 assault with intent to commit sexual abuse in violation of
13 section 709.11, indecent contact with a child in violation of
14 section 709.12, lascivious conduct with a minor in violation of
15 section 709.14, sexual misconduct with a juvenile in violation of
16 section 709.16, subsection 2, child endangerment in violation of
17 section 726.6, or sexual exploitation of a minor in violation of
18 section 728.12, which occurred when the injured party was a minor
19 shall be brought within ten years from the time of discovery by
20 the injured party of both the injury and the causal relationship
21 between the injury and the sexual abuse or other sexual offense,
22 or within ten years from the attainment of majority, whichever is
23 later.

24 2. a. Notwithstanding subsection 1, every claim or cause
25 of action brought against any party alleging intentional
26 or negligent acts or omissions by a person for physical,
27 psychological, or other injury or condition suffered as a result
28 of conduct described in subsection 1, which is barred as of
29 the effective date of this Act because the applicable period
30 of limitation has expired or the plaintiff previously failed to
31 file a petition, is hereby revived, and action thereon may be
32 commenced not later than three years after the effective date of
33 this Act.

34 b. Dismissal of a previous action, ordered before the
35 effective date of this Act, on grounds that such previous action

1 was time-barred, or of failure of a party to file a petition,
2 shall not be grounds for dismissal of a revival action pursuant
3 to this section.

4 c. This subsection is repealed July 1, 2031.

5 Sec. 5. EFFECTIVE DATE. This Act, being deemed of immediate
6 importance, takes effect upon enactment.

7 EXPLANATION

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

10 This bill modifies the periods of time to bring civil actions
11 relating to victims of sexual abuse and other sexual offenses
12 that occurred when the victim was a minor and entitles certain
13 cases to a preference in trial order.

14 Under current Code section 614.1(12), a civil action for
15 damages for injury suffered as result of sexual abuse or sexual
16 exploitation by a counselor, therapist, school employee, or adult
17 providing training or instruction can only be brought within five
18 years after the date that the victim was either last treated by
19 the counselor or therapist or last enrolled in or attended the
20 school. The bill amends this provision by making a distinction
21 between victims that are minors at the time of abuse and victims
22 that are 18 years of age or older at the time of abuse. The
23 bill does not change the statute of limitations for victims
24 that are 18 years of age or older at the time of abuse. For
25 victims who are minors at the time of abuse, the action shall
26 be brought by the injured party within 10 years from the time
27 of discovery of the injury or relationship between the injury
28 and the sexual abuse or exploitation or from the attainment of
29 majority, whichever is later.

30 Code section 614.8 provides that the time limit to bring
31 certain civil actions is extended by one year for minors. The
32 bill makes a conforming change to Code section 614.18 to account
33 for the longer extension of time for minors that the bill
34 provides.

35 Under Code section 614.8A, the bill extends the time for

1 filing a civil action relating to sexual abuse which occurred
2 when the injured person was a minor from within four years
3 from the time of discovery of both the injury and the causal
4 relationship between the injury and the sexual abuse to 10 years
5 or within 10 years from the attainment of majority, whichever is
6 later. The bill also provides for the filing of civil actions
7 for injuries incurred from other sexual offenses.

8 The bill provides that claims related to offenses under the
9 bill that arise prior to the effective date of the bill must
10 be brought not later than three years after the effective date
11 of the bill. If an action was previously dismissed before the
12 effective date of the bill on the grounds that it was time-barred
13 or because the party failed to file a petition, the party shall
14 have a right to file a revival action.

15 The bill provides that the district court shall try civil
16 cases in the order in which cases are initiated by the filing
17 of a petition, but entitles cases to preference if the cases
18 have been revived pursuant to Code section 614.1(12)(b) or Code
19 section 615.8A(2) or actions in which the interests of justice,
20 as determined by the supreme court, will be served by early
21 trial. If a party intends to invoke this preference, the
22 party must serve the notice of a motion for preference with the
23 petition. Such notice must be served 10 days after such service
24 by any other party.

25 The bill takes effect upon enactment.