

Senate File 2375 - Reprinted

SENATE FILE 2375
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SF 2199)

(As Amended and Passed by the Senate February 27, 2018)

A BILL FOR

1 An Act modifying the periods of time to bring criminal actions
2 for sexual offenses against a minor, providing penalties,
3 and including effective date provisions.

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

1 Section 1. Section 802.2, subsection 1, Code 2018, is
2 amended to read as follows:

3 1. An information or indictment for sexual abuse in the
4 first, second, or third degree committed on or with a person
5 who is under the age of eighteen years ~~shall be found within~~
6 ~~ten years after the person upon whom the offense is committed~~
7 ~~attains eighteen years of age, or if the person against whom~~
8 ~~the information or indictment is sought is identified through~~
9 ~~the use of a DNA profile, an information or indictment shall~~
10 ~~be found within three years from the date the person is~~
11 ~~identified by the person's DNA profile, whichever is later~~ may
12 be commenced at any time after the commission of the offense.

13 Sec. 2. Section 802.2A, Code 2018, is amended to read as
14 follows:

15 **802.2A Incest — sexual exploitation by a counselor,**
16 **therapist, or school employee.**

17 1. An information or indictment for incest under section
18 726.2 committed on or with a person who is under the age of
19 eighteen shall be found ~~within ten years after the person upon~~
20 ~~whom the offense is committed attains eighteen years of age~~ at
21 any time after its commission. An information or indictment
22 for any other incest shall be found within ten years after its
23 commission.

24 2. An indictment or information for sexual exploitation
25 by a counselor, therapist, or school employee under section
26 709.15 committed on or with a person who is under the age of
27 eighteen shall be found ~~within ten years after the person upon~~
28 ~~whom the offense is committed attains eighteen years of age~~ at
29 any time after its commission. An information or indictment
30 for any other sexual exploitation shall be found within ten
31 years of the date the victim was last treated by the counselor
32 or therapist, or within ten years of the date the victim was
33 enrolled in or attended the school.

34 Sec. 3. Section 802.2B, unnumbered paragraph 1, Code 2018,
35 is amended to read as follows:

1 An information or indictment for the following offenses
2 committed on or with a person who is under the age of eighteen
3 years shall be found ~~within ten years after the person upon~~
4 ~~whom the offense is committed attains eighteen years of age,~~
5 ~~or if the person against whom the information or indictment~~
6 ~~is sought is identified through the use of a DNA profile, an~~
7 ~~information or indictment shall be found within three years~~
8 ~~from the date the person is identified by the person's DNA~~
9 ~~profile, whichever is later at any time after its commission:~~

10 Sec. 4. Section 802.10, subsection 3, Code 2018, is amended
11 to read as follows:

12 3. However, notwithstanding [subsection 2](#), an indictment or
13 information shall be found against a person within three years
14 from the date the person is identified by the person's DNA
15 profile. If the action involves sexual abuse, ~~another sexual~~
16 ~~offense~~ of a person eighteen years of age or older, kidnapping,
17 or human trafficking, the indictment or information shall be
18 found as provided in section 802.2, ~~802.2B~~, subsection 2,
19 802.2C, or 802.2D, if the person is identified by the person's
20 DNA profile.

21 Sec. 5. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
22 immediate importance, takes effect upon enactment.