

**House File 650 - Reprinted**

HOUSE FILE 650  
BY COMMITTEE ON LABOR

(SUCCESSOR TO HF 471)

(As Amended and Passed by the House March 14, 2019)

**A BILL FOR**

1 An Act relating to the liability of private employers, general  
2 contractors, and premises owners for negligently hiring  
3 employees, agents, or independent contractors convicted of  
4 a public offense.

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

1 Section 1. NEW SECTION. 671A.1 Limitation on liability for  
2 negligently hiring an employee, agent, or independent contractor  
3 convicted of a public offense.

4 1. A cause of action shall not be brought against a private  
5 employer, general contractor, or premises owner for negligently  
6 hiring an employee, agent, or independent contractor, based  
7 solely on evidence that the employee, agent, or independent  
8 contractor has been convicted of a public offense as defined  
9 in section 701.2.

10 2. This chapter does not create a cause of action or expand  
11 an existing cause of action.

12 3. This chapter does not apply to employment of prisoners  
13 at prisons.

14 Sec. 2. NEW SECTION. 671A.2 Liability protection not  
15 applicable.

16 1. This chapter does not preclude a cause of action for  
17 negligent hiring based on evidence that the employee, agent, or  
18 independent contractor has been convicted of a public offense  
19 as defined in section 701.2, if all of the following criteria  
20 are met:

21 a. The private employer, general contractor, or premises  
22 owner knew or should have known of the conviction.

23 b. The employee, agent, or independent contractor was  
24 convicted of any of the following:

25 (1) A public offense that was committed while performing  
26 duties substantially similar to those reasonably expected to  
27 be performed in the employment or under the relationship or  
28 contract, or under conditions substantially similar to those  
29 reasonably expected to be encountered in the employment or  
30 under the relationship or contract, taking into consideration  
31 all of the following factors:

32 (a) The nature and seriousness of the public offense.

33 (b) The extent and nature of the employee, agent, or  
34 independent contractor's past criminal activity.

35 (c) The age of the employee, agent, or independent

1 contractor when the public offense was committed.

2 (d) The amount of time that has elapsed since the employee,  
3 agent, or independent contractor's last criminal activity.

4 (2) A sexually violent offense as defined in section 229A.2.

5 (3) The offense of dependent adult abuse as provided for  
6 under section 235B.20.

7 (4) The offense of murder in the first degree under section  
8 707.2.

9 (5) The offense of murder in the second degree under section  
10 707.3.

11 (6) The offense of assault as defined in section 708.1 that  
12 is a felony under section 708.2.

13 (7) The offense of domestic abuse assault as defined in  
14 section 708.2A.

15 (8) The offense of kidnapping in the first degree under  
16 section 710.2.

17 (9) The offense of robbery in the first degree under section  
18 711.2.

19 (10) An offense committed on certain real property for  
20 which an enhanced penalty was received under section 124.401A  
21 or 124.401B.

22 (11) A felony offense where the employee, agent, or  
23 independent contractor used or exhibited a dangerous weapon as  
24 defined in section 702.7 during the commission of or during  
25 immediate flight from the scene of the felony offense, or  
26 where the employee, agent, or independent contractor used or  
27 exhibited the dangerous weapon or was a party to the felony  
28 offense and knew that a dangerous weapon would be used or  
29 exhibited.

30 2. The protections provided to a private employer, general  
31 contractor, or premises owner under this chapter do not apply  
32 in a suit concerning the misuse of funds or property of a  
33 person other than the employer, general contractor, or premises  
34 owner, by an employee, agent, or independent contractor if, on  
35 the date the employee, agent, or independent contractor was

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1 hired, the employee, agent, or independent contractor had been  
2 convicted of a public offense that included fraud or the misuse  
3 of funds or property as an element of the public offense, and  
4 it was foreseeable that the position for which the employee,  
5 agent, or independent contractor was hired would involve  
6 discharging a fiduciary responsibility in the management of  
7 funds or property.