CHAPTER 33
NEGLIGENT HIRING OF PERSONS WITH PUBLIC OFFENSE CONVICTIONS —
LIMITATIONS ON LIABILITY
H.F. 650

AN ACT relating to the liability of private employers, general contractors, and premises
owners for negligently hiring employees, agents, or independent contractors convicted
of a public offense.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. NEW SECTION. 671A.1 Limitation on liability for negligently hiring an
employee, agent, or independent contractor convicted of a public offense.
1. A cause of action shall not be brought against a private employer, general contractor, or
premises owner for negligently hiring an employee, agent, or independent contractor, based
solely on evidence that the employee, agent, or independent contractor has been convicted
of a public offense as defined in section 701.2.
2. This chapter does not create a cause of action or expand an existing cause of action.
3. This chapter does not apply to employment of prisoners at prisons.

Sec. 2. NEW SECTION. 671A.2 Liability protection not applicable.
1. This chapter does not preclude a cause of action for negligent hiring based on evidence
that the employee, agent, or independent contractor has been convicted of a public offense
as defined in section 701.2, if all of the following criteria are met:
   a. The private employer, general contractor, or premises owner knew or should have
      known of the conviction.
   b. The employee, agent, or independent contractor was convicted of any of the following:
      (1) A public offense that was committed while performing duties substantially similar to
          those reasonably expected to be performed in the employment or under the relationship
          or contract, or under conditions substantially similar to those reasonably expected to
          be encountered in the employment or under the relationship or contract, taking into
          consideration all of the following factors:
              (a) The nature and seriousness of the public offense.
              (b) The extent and nature of the employee, agent, or independent contractor’s past
                  criminal activity.
              (c) The age of the employee, agent, or independent contractor when the public offense
                  was committed.
              (d) The amount of time that has elapsed since the employee, agent, or independent
                  contractor’s last criminal activity.
      (2) A sexually violent offense as defined in section 229A.2.
      (3) The offense of dependent adult abuse as provided for under section 235B.20.
      (4) The offense of murder in the first degree under section 707.2.
      (5) The offense of murder in the second degree under section 707.3.
      (6) The offense of assault as defined in section 708.1 that is a felony under section 708.2.
      (7) The offense of domestic abuse assault as defined in section 708.2A.
      (8) The offense of kidnapping in the first degree under section 710.2.
      (9) The offense of robbery in the first degree under section 711.2.
      (10) An offense committed on certain real property for which an enhanced penalty was
           received under section 124.401A or 124.401B.
      (11) A felony offense where the employee, agent, or independent contractor used or
           exhibited a dangerous weapon as defined in section 702.7 during the commission of or
           during immediate flight from the scene of the felony offense, or where the employee, agent,
           or independent contractor used or exhibited the dangerous weapon or was a party to the
           felony offense and knew that a dangerous weapon would be used or exhibited.
2. The protections provided to a private employer, general contractor, or premises owner
under this chapter do not apply in a suit concerning the misuse of funds or property of a
person other than the employer, general contractor, or premises owner, by an employee,
agent, or independent contractor if, on the date the employee, agent, or independent contractor was hired, the employee, agent, or independent contractor had been convicted of a public offense that included fraud or the misuse of funds or property as an element of the public offense, and it was foreseeable that the position for which the employee, agent, or independent contractor was hired would involve discharging a fiduciary responsibility in the management of funds or property.

Approved April 17, 2019