

3/20/02 Rereferred To: Judiciary

FEB 21 2002

Place On Calendar

HOUSE FILE 2502
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HF 2398)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the statute of limitations in first and second
2 degree sexual abuse cases.

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

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HF 2502

1 Section 1. NEW SECTION. 802.1A SEXUAL ABUSE -- FIRST OR
2 SECOND DEGREE.

3 A prosecution for sexual abuse in the first or second
4 degree may be commenced at any time after the commission of
5 the offense.

6 Sec. 2. Section 802.2, Code 2001, is amended to read as
7 follows:

8 802.2 SEXUAL ABUSE -- ~~FIRST~~~~-SECOND~~~~-OR~~ THIRD DEGREE.

9 1. An information or indictment for sexual abuse in the
10 ~~first~~~~-second~~~~-or~~ third degree committed on or with a person
11 who is under the age of eighteen years shall be found within
12 ten years after the person upon whom the offense is committed
13 attains eighteen years of age.

14 2. An information or indictment for any other sexual abuse
15 in the ~~first~~~~-second~~~~-or~~ third degree shall be found within
16 ten years after its commission.

17 Sec. 3. Section 802.3, Code Supplement 2001, is amended to
18 read as follows:

19 802.3 FELONY -- AGGRAVATED OR SERIOUS MISDEMEANOR.

20 In all cases, except those enumerated in sections 802.1,
21 802.1A, 802.2, and 802.2A, an indictment or information for a
22 felony or aggravated or serious misdemeanor shall be found
23 within three years after its commission.

24 EXPLANATION

25 This bill relates to the statute of limitations for filing
26 criminal actions in first and second degree sexual abuse
27 cases.

28 The bill provides that a prosecution for sexual abuse in
29 the first or second degree may be commenced at any time after
30 the commission of the offense. Current law limits the filing
31 of an information or indictment in such cases to within 10
32 years after the person upon whom the offense is committed
33 turns 18, or for persons over 18, within 10 years of the
34 commission of the offense.

35

HOUSE FILE 2502

H-8241

1 Amend House File 2502 as follows:

2 1. By striking everything after the enacting
3 clause and inserting the following:

4 "Section 1. Section 802.2, Code 2001, is amended
5 by adding the following new subsection:

6 NEW SUBSECTION. 3. Notwithstanding subsections 1
7 and 2, if a victim of sexual abuse in the first,
8 second, or third degree, or a person authorized to act
9 on behalf of such a victim of sexual abuse, files a
10 written report with a prosecuting attorney or peace
11 officer concerning the sexual abuse within the
12 applicable period of limitation specified in
13 subsection 1 or 2, the period of limitation shall be
14 removed and a prosecution for the alleged offense may
15 be commenced at any time."

16 2. Title page, lines 1 and 2, by striking the
17 words "first and second degree".

By TREMMEL of Wapello

H-8241 FILED MARCH 11, 2002

Legislative Fiscal Bureau

Fiscal Note

HF 2502 - Statute of Limitations for Sexual Abuse (LSB 6260 HV)
Analyst: Jennifer Dean (Phone: (515) 281-7846) (jennifer.dean@legis.state.ia.us)
Fiscal Note Version - New

Description

House File 2502 modifies the statute of limitations in first and second degree sexual abuse cases.

Assumptions

1. The law will become effective July 1, 2002.
2. Current law limits the filing of an information or indictment in such cases to within 10 years after the person upon whom the offense is committed turns 18, or for persons over 18, within 10 years of the commission of the offense.
3. House File 2502 modifies that statute of limitation for first and second degree sexual abuse cases to have prosecution commence at any time after the commission of the offense.
4. The Judicial Branch would handle more cases; however, the number of additional cases that would result is unknown, but is not expected to be significant. The number of dismissals/acquittals for Sex Abuse – 1st and 2nd in FY 2001 were 202. The majority of the 202 cases were not due to statute of limitations.
5. The Judicial Branch cost for one case is approximately \$200 to \$600.

Correctional Impact

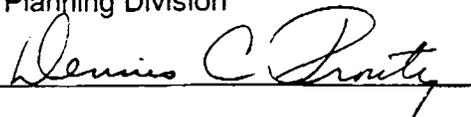
The correctional impact of HF 2502 cannot be determined due to insufficient information. The number of additional cases brought before the Court cannot be determined. The number of cases that are now being dismissed due to out-of-bound time issues cannot be determined.

Fiscal Impact

The fiscal impact for HF 2502 cannot be determined due to insufficient information. The cost associated with one case to be tried by the Judicial Branch would range from \$200 to \$600.

Sources

Department of Human Rights, Criminal and Juvenile Justice Planning Division
Judicial Branch



February 28, 2002

The fiscal note and correctional impact statement for this bill was prepared pursuant to Joint Rule 17 and pursuant to Section 2.56, Code of Iowa. Data used in developing this fiscal note and correctional impact statement are available from the Legislative Fiscal Bureau to members of the Legislature upon request.

Legislative Fiscal Bureau

Fiscal Note

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Department of Human Rights, Criminal and Juvenile Justice Planning Division
Judicial Branch

/s/ Dennis C Prouty

February 28, 2002

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Legislative Fiscal Bureau Fiscal Note

HF 2554 - Waste Tire Funding (LSB 6707 HV)

Analyst: Deb Kozel (Phone: (515) 281-6767) (deb.kozel@legis.state.ia.us)

Fiscal Note Version - New

Description

House File 2254 eliminates the repeal of Section 455D.11G, Code of Iowa, that encourages retail tire dealers to charge a disposal fee for waste tires. The Bill moves the registration of waste tire haulers from the Secretary of the State to the Department of Natural Resources. The Bill provides a percentage breakdown for the use of any funds that could be appropriated for the Waste Tire Program in the Department of Natural Resources.

Assumptions

1. The minimum amount to continue the Program is \$500,000.
2. For FY 2002, the Department of Natural Resources received \$500,000 from the Environment First Fund for the Waste Tire Abatement Program. Currently, there is 1.0 FTE position funded for this Program with Waste Tire Funds and 1.5 FTE positions funded with other funds. The Program is scheduled to end on June 30, 2002.

Fiscal Impact

The minimum cost to implement HF 2554 would be \$500,000 annually. The funding would be distributed as follows:

	<u>Dollars</u>	<u>Percent</u>
Estimated Appropriation for FY 2003	\$ 500,000	
Distribution of Funds		
Program Administration	160,000	32.0%
Public Education and Awareness	90,000	18.0
Market Development Initiatives	150,000	30.0
Waste Tire Stockpile Abatement	75,000	15.0
West Nile Study	25,000	5.0
Total Appropriation	<u>\$ 500,000</u>	<u>100.0%</u>

Source

Department of Natural Resources

/s/ Dennis C Prouty

February 28, 2002

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