

FILED MAR 10 1989

Withdrawn from  
Further consideration  
411-89 (p. 1358)

SENATE FILE 414  
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 97)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

A BILL FOR

1 An Act relating to the purchase or sale of an individual and  
2 providing a penalty.

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

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SF 414

1 Section 1. NEW SECTION. 710.11 PURCHASE OR SALE OF  
2 INDIVIDUAL.

3 A person commits a class "C" felony when the person  
4 purchases or sells or attempts to purchase or sell an  
5 individual to another person. This section does not apply to  
6 a surrogate mother arrangement. For purposes of this section,  
7 a "surrogate mother arrangement" means an arrangement whereby  
8 a female agrees to be artificially inseminated with the semen  
9 of a donor, to bear a child, and to relinquish all rights  
10 regarding that child to the donor or donor couple.

11 EXPLANATION

12 This bill prohibits the sale or purchase of or the attempt  
13 to sell or purchase an individual and establishes a class "C"  
14 felony as the penalty for such an act. The bill provides that  
15 the prohibition does not apply to a surrogate mother  
16 arrangement.

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VARN, CH.

SSB 97

DOYLE

JUDICIARY

GENTLEMAN

NOV

SENATE FILE

4/4

BY (PROPOSED DEPARTMENT OF HUMAN RIGHTS/CHILDREN, YOUTH AND FAMILIES DIVISION BILL)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_

Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Approved \_\_\_\_\_

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15 the prohibition does not apply to a surrogate mother  
16 arrangement.

17 BACKGROUND STATEMENT

18 SUBMITTED BY THE AGENCY

19 More than one sale of a child has actually been attempted  
20 in Iowa, and though it is unconstitutional to buy or sell  
21 children, the Iowa Code is absent of any criminal penalty  
22 against it. Attempts have been made to utilize existing  
23 adoption laws to prosecute such cases, but it has not been  
24 far-reaching enough. It is difficult to prosecute an act  
25 which is unconstitutional but not criminal. Refer to a 1987  
26 bill draft (HF 343) for language that has been previously  
27 proposed.

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