

House Amendment 8294

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1 1 Amend House File 2671 as follows:
1 2 #1. Page 1, by inserting before line 1 the
1 3 following:
1 4 <Section 1. NEW SECTION. 13.6A SPECIAL ASSISTANT
1 5 == HUMAN TRAFFICKING AND RELATED OFFENSES ==
1 6 EMPLOYMENT OF UNAUTHORIZED ALIENS.
1 7 The attorney general shall appoint a special
1 8 assistant attorney general for claims who shall, under
1 9 the direction of the attorney general, investigate and
1 10 prosecute all claims relating to the crime of human
1 11 trafficking and related offenses pursuant to sections
1 12 710A.2, 710A.3, and 710A.4 and the employment of
1 13 unauthorized aliens pursuant to section 91F.2. The
1 14 special assistant attorney general appointed pursuant
1 15 to this section shall work with the director of
1 16 revenue and the commissioner of insurance in
1 17 investigating the employment of unauthorized aliens,
1 18 including the examination of certain tax and insurance
1 19 documents.>
1 20 #2. Page 2, line 35, by inserting after the figure
1 21 <91F.2> the following: <, 710A.2, 710A.3, or 710A.4>.
1 22 #3. Page 3, by inserting after line 31 the
1 23 following:
1 24 <Sec. _____. NEW SECTION. 710A.1 DEFINITIONS.
1 25 As used in this chapter:
1 26 1. "Commercial sexual activity" means any sex act
1 27 on behalf of which anything of value is given,
1 28 promised to, or received by any person and includes,
1 29 but is not limited to, prostitution, participation in
1 30 the production of pornography, and performance in
1 31 strip clubs.
1 32 2. "Forced labor or services" means labor or
1 33 services that are performed or provided by another
1 34 person and that are obtained or maintained through any
1 35 of the following:
1 36 a. Causing or threatening to cause serious
1 37 physical injury to any person.
1 38 b. Physically restraining or threatening to
1 39 physically restrain another person.
1 40 c. Abusing or threatening to abuse the law or
1 41 legal process.
1 42 d. Knowingly destroying, concealing, removing,
1 43 confiscating, or possessing any actual or purported
1 44 passport or other immigration document, or any other
1 45 actual or purported government identification
1 46 document, of another person.
1 47 3. "Labor" means work of economic or financial
1 48 value.
1 49 4. "Maintain" means, in relation to labor and
1 50 services, to secure continued performance thereof,
2 1 regardless of any initial agreement on the part of the
2 2 victim to perform such type of services.
2 3 5. "Minor" means a person under the age of
2 4 eighteen years.
2 5 6. "Obtain" means, in relation to labor or
2 6 services, to secure performance thereof.
2 7 7. "Services" means an ongoing relationship
2 8 between a person and the actor in which the person
2 9 performs activities under the supervision of or for
2 10 the benefit of the actor, including commercial sexual
2 11 activity and sexually explicit performances.
2 12 8. "Sexually explicit performance" means a live or
2 13 public act or show intended to arouse or satisfy the
2 14 sexual desires or appeal to the prurient interest of
2 15 patrons.
2 16 9. "Venture" means any group of two or more
2 17 persons associated in fact, whether or not a legal
2 18 entity.
2 19 10. "Victim" means a person subjected to the
2 20 practices set forth in section 710A.2, 710A.3, or
2 21 710A.4.
2 22 Sec. _____. NEW SECTION. 710A.2 FORCED LABOR AND
2 23 SERVICES.
2 24 1. A person who knowingly subjects, attempts to

2 25 subject, or engages in a conspiracy to subject another
2 26 person to forced labor or services by causing or
2 27 threatening to cause serious physical injury to that
2 28 other person is guilty of a class "B" felony, except
2 29 that if that other person is a minor, a person who
2 30 violates this subsection is guilty of a class "A"
2 31 felony.

2 32 2. A person who knowingly subjects, attempts to
2 33 subject, or engages in a conspiracy to subject another
2 34 person to forced labor or services by physically
2 35 restraining or threatening to physically restrain that
2 36 other person is guilty of a class "C" felony, except
2 37 that if that other person is a minor, a person who
2 38 violates this subsection is guilty of a class "B"
2 39 felony.

2 40 3. A person who knowingly subjects, attempts to
2 41 subject, or engages in a conspiracy to subject another
2 42 person to forced labor or services by abusing or
2 43 threatening to abuse the law or legal process is
2 44 guilty of a class "D" felony, except that if that
2 45 other person is a minor, a person who violates this
2 46 subsection is guilty of a class "C" felony.

2 47 4. A person who knowingly subjects, attempts to
2 48 subject, or engages in a conspiracy to subject another
2 49 person to forced labor or services by knowingly
2 50 destroying, concealing, removing, confiscating, or
3 1 possessing any actual or purported passport or other
3 2 immigration document, or any other actual or purported
3 3 government identification document, of that other
3 4 person is guilty of a class "D" felony, except that if
3 5 that other person is a minor, a person who violates
3 6 this subsection is guilty of a class "C" felony.

3 7 Sec. ____ NEW SECTION. 710A.3 HUMAN TRAFFICKING
3 8 == FORCED LABOR AND SERVICES.

3 9 1. A person shall not knowingly recruit, entice,
3 10 harbor, transport, provide, or obtain by any means, or
3 11 attempt to recruit, entice, harbor, transport,
3 12 provide, or obtain by any means, another person, with
3 13 the intent that the other person be subjected to
3 14 forced labor or services.

3 15 2. A person shall not knowingly benefit,
3 16 financially or by receiving anything of value, from
3 17 participation in a venture that involves a violation
3 18 of this section.

3 19 3. A person who violates this section is guilty of
3 20 a class "B" felony, except that if the other person is
3 21 a minor, a person who violates this section is guilty
3 22 of a class "A" felony.

3 23 Sec. ____ NEW SECTION. 710A.4 HUMAN TRAFFICKING
3 24 == SEXUAL EXPLOITATION OF A MINOR.

3 25 1. A person shall not knowingly recruit, entice,
3 26 harbor, transport, provide, or obtain by any means, or
3 27 attempt to recruit, entice, harbor, transport,
3 28 provide, or obtain by any means, a minor, with the
3 29 intent that the minor be subjected to sexual
3 30 exploitation in violation of section 728.12.

3 31 2. A person shall not knowingly benefit,
3 32 financially or by receiving anything of value, from
3 33 participation in a venture that involves a violation
3 34 of section 728.12.

3 35 3. A person who violates this section is guilty of
3 36 a class "A" felony.

3 37 Sec. ____ NEW SECTION. 710A.5 SENTENCING
3 38 ENHANCEMENTS.

3 39 1. If a violation of section 710A.2 or 710A.3
3 40 results in the death of the person or if the person is
3 41 kidnapped in violation of section 710.2 or 710.3, the
3 42 defendant is guilty of a class "A" felony.

3 43 2. In sentencing a person for a violation of
3 44 section 710A.2, 710A.3, or 710A.4, the court shall
3 45 sentence the defendant to an additional term of
3 46 confinement of ten years in cases in which the victim
3 47 was maintained or held for a period greater than one
3 48 hundred eighty days or if the offense involved more
3 49 than ten victims.

3 50 Sec. ____ NEW SECTION. 710A.6 CORPORATE
4 1 LIABILITY.

4 2 If a corporation is convicted of an offense
4 3 pursuant to section 710A.2, 710A.3, or 710A.4, in
4 4 addition to any other penalties provided in this
4 5 chapter, the court shall, where appropriate, do any of

4 6 the following:
4 7 1. Order the corporation's dissolution or
4 8 reorganization.
4 9 2. Order the suspension or revocation of any
4 10 license, permit, or prior approval granted by a state
4 11 agency.
4 12 3. Order the surrender of the corporation's
4 13 organizational authority if organized under state law
4 14 or revocation of the corporation's authority to
4 15 conduct business in this state.
4 16 Sec. ____ NEW SECTION. 710A.7 RESTITUTION AND
4 17 ADDITIONAL FINE.
4 18 In addition to any fine or penalty imposed under
4 19 this chapter, the court shall order a defendant
4 20 convicted of a violation of this chapter to make
4 21 restitution for damages resulting directly from the
4 22 violation, to the victim, pursuant to chapter 910, and
4 23 shall include an additional fine of the greater of
4 24 either the gross income or value of the victim's labor
4 25 or services or the value of the victim's wages of not
4 26 less than the applicable federal minimum wage under
4 27 the federal Fair Labor Standards Act.
4 28 Sec. ____ NEW SECTION. 915.51 GENERAL RIGHTS OF
4 29 HUMAN TRAFFICKING VICTIMS.
4 30 1. In addition to other victim rights provided in
4 31 this chapter, including the right to receive victim
4 32 compensation pursuant to section 915.84 and the right
4 33 to exert victim counseling privileges pursuant to
4 34 section 915.20A, victims of a crime described in
4 35 section 710A.2, 710A.3, or 710A.4 shall have the
4 36 following rights without regard to their immigration
4 37 status:
4 38 a. The right to receive prompt medical care
4 39 including mental health care, food, shelter, and other
4 40 assistance, if necessary.
4 41 b. The right to have access to legal assistance
4 42 and translation services, if necessary.
4 43 c. The right to receive reasonable police
4 44 protection if a victim's safety is at risk or if there
4 45 is any danger of additional harm, including measures
4 46 to protect victims and their family members from
4 47 intimidation and threats of reprisals from traffickers
4 48 and their associates and ensuring that the names and
4 49 identifying information of victims and their family
4 50 members are not disclosed to the public.
5 1 2. The departments of human services, human
5 2 rights, health, public safety, justice, and other
5 3 public state agencies shall provide the requisite
5 4 services to assist in the administration of this
5 5 section.>
5 6 #4. Title page, line 4, by inserting after the
5 7 word <employment,> the following: <relating to human
5 8 trafficking,>.
5 9 #5. By renumbering as necessary.
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5 13 _____
5 13 WINCKLER of Scott
5 14 HF 2671.202 81
5 15 kk/sh/4280