

House Amendment 8361

PAG LIN

1 1 Amend Senate File 2219, as passed by the Senate, as
1 2 follows:
1 3 #1. Page 1, by inserting after line 28 the
1 4 following:
1 5 <3. "Human trafficking" means participating in a
1 6 venture to recruit, harbor, transport, supply
1 7 provisions, or obtain a person for any of the
1 8 following purposes:
1 9 a. Forced labor or service that results in
1 10 involuntary servitude, peonage, debt bondage, or
1 11 slavery.
1 12 b. Commercial sexual activity through the use of
1 13 force, fraud, or coercion, except that if the
1 14 trafficked person is under the age of eighteen, the
1 15 commercial sexual activity need not involve force,
1 16 fraud, or coercion.>
1 17 #2. Page 1, line 29, by striking the figure <3.>
1 18 and inserting the following: <4.>
1 19 #3. Page 1, line 30, by striking the figure <4.>
1 20 and inserting the following: <5.>
1 21 #4. Page 1, by striking line 34.
1 22 #5. Page 2, by striking lines 12 and 13 and
1 23 inserting the following:
1 24 <10. "Victim" means a person subjected to human
1 25 trafficking>.
1 26 #6. By striking page 2, line 14, through page 4,
1 27 line 17, and inserting the following:
1 28 <Sec. _____. NEW SECTION. 710A.2 HUMAN
1 29 TRAFFICKING.
1 30 1. A person who knowingly engages in human
1 31 trafficking is guilty of a class "D" felony, except
1 32 that if the victim is under the age of eighteen, the
1 33 person is guilty of a class "C" felony.
1 34 2. A person who knowingly engages in human
1 35 trafficking by causing or threatening to cause serious
1 36 physical injury to another person is guilty of a class
1 37 "C" felony, except that if the victim is under the age
1 38 of eighteen, the person is guilty of a class "B"
1 39 felony.
1 40 3. A person who knowingly engages in human
1 41 trafficking by physically restraining or threatening
1 42 to physically restrain another person is guilty of a
1 43 class "D" felony, except that if the victim is under
1 44 the age of eighteen, the person is guilty of a class
1 45 "C" felony.
1 46 4. A person who knowingly engages in human
1 47 trafficking by soliciting services or benefiting from
1 48 the services of a victim is guilty of a class "D"
1 49 felony, except that if the victim is under the age of
1 50 eighteen, the person is guilty of a class "C" felony.
2 1 5. A person who knowingly engages in human
2 2 trafficking by abusing or threatening to abuse the law
2 3 or legal process is guilty of a class "D" felony,
2 4 except that if the victim is under the age of
2 5 eighteen, the person is guilty of a class "C" felony.
2 6 6. A person who knowingly engages in human
2 7 trafficking by knowingly destroying, concealing,
2 8 removing, confiscating, or possessing any actual or
2 9 purported passport or other immigration document, or
2 10 any other actual or purported government
2 11 identification document of a victim is guilty of a
2 12 class "D" felony, except that if that other person is
2 13 under the age of eighteen, the person is guilty of a
2 14 class "C" felony.
2 15 7. A person who benefits financially or by
2 16 receiving anything of value from knowing participation
2 17 in human trafficking is guilty of a class "D" felony,
2 18 except that if the victim is under the age of
2 19 eighteen, the person is guilty of a class "C" felony.
2 20 Sec. _____. NEW SECTION. 710A.3 SENTENCING
2 21 CONSIDERATIONS.
2 22 In sentencing a person for a violation of section
2 23 710A.2, the court shall consider whether the victim
2 24 was maintained or held for a period greater than one

2 25 hundred eighty days or if the offense involved more
2 26 than ten victims.>
2 27 #7. Page 4, line 18, by striking the figure
2 28 <710A.6> and inserting the following: <710A.4>.
2 29 #8. Page 4, line 19, by inserting after the word
2 30 <defense> the following: <, in addition to any other
2 31 affirmative defenses for which the victim might be
2 32 eligible,>.
2 33 #9. Page 4, line 22, by striking the figures and
2 34 word <710A.3, or 710A.4,>.
2 35 #10. By striking page 4, line 26, through page 5,
2 36 line 28, and inserting the following:
2 37 <Sec. _____. NEW SECTION. 710A.5 RESTITUTION.
2 38 The gross income of the defendant or the value of
2 39 labor or services performed by the victim to the
2 40 defendant shall be considered when determining the
2 41 amount of restitution.>
2 42 #11. Page 5, line 29, by striking the figure
2 43 <710A.11> and inserting the following: <710A.6>.
2 44 #12. Page 5, line 31, by striking the word and
2 45 figure <or 710A.3>.
2 46 #13. Page 6, line 4, by striking the word and
2 47 figure <or 710A.3>.
2 48 #14. Page 6, line 10, by striking the figures and
2 49 word <, 710A.3, or 710A.4>.
2 50 #15. Page 6, by striking lines 15 through 32 and
3 1 inserting the following:
3 2 <In addition to other victims' rights provided in
3 3 this chapter, including the right to receive victim
3 4 compensation pursuant to section 915.84, victims of
3 5 human trafficking shall have the same rights as
3 6 refugees, regardless of their immigration status.>
3 7 #16. Page 7, line 11, by striking the figures and
3 8 word <710A.2, 710A.3, or 710A.4> and inserting the
3 9 following: <710A.2>.
3 10 #17. Page 7, by inserting after line 16 the
3 11 following:
3 12 <Sec. _____. HUMAN TRAFFICKING STUDY. The
3 13 legislative council is requested to authorize a study
3 14 for the 2006 legislative interim on human trafficking.
3 15 The study recommendations and findings shall include
3 16 but are not limited to identifying the needs of human
3 17 trafficking victims and law enforcement and any other
3 18 agencies that serve victims of human trafficking. The
3 19 study report, including findings and recommendations,
3 20 shall be submitted to the general assembly for
3 21 consideration during the 2007 legislative session.
3 22 The study shall be conducted by a study committee
3 23 consisting of up to nine members of the general
3 24 assembly. A chairperson or co-chairpersons shall be
3 25 designated by the legislative council.>
3 26 #18. Title page, by striking line 3 and inserting
3 27 the following: <assistance programs, providing
3 28 penalties, and providing for a study.>
3 29 #19. By renumbering as necessary.
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3 31
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3 33 COMMITTEE ON JUDICIARY
3 34 PAULSEN of Linn, Chairperson
3 35 SF 2219.1
3 36 rh/es/25