

Senate File 2311

S-5121

1 Amend the House amendment, S-5086, to Senate File
2 2311, as passed by the Senate, as follows:

3 1. By striking page 1, line 5, through page 3, line
4 6, and inserting:

5 <Section 1. Section 80B.10, Code 2014, is amended
6 to read as follows:

7 **80B.10 Annual report.**

8 The council shall make an annual report to the
9 governor, the attorney general, and the commissioner
10 of public safety which shall include pertinent data
11 regarding the standards established and the degree of
12 participation of agencies in the training program. The
13 report required by this section shall specifically
14 include data regarding academy resources devoted to
15 training relating to human trafficking.

16 Sec. 2. Section 602.8102, subsection 135A, Code
17 2014, is amended to read as follows:

18 135A. Assess the surcharges provided by sections
19 911.1, 911.2, 911.2A, 911.3, and 911.4.

20 Sec. 3. Section 602.8108, subsection 2, Code 2014,
21 is amended to read as follows:

22 2. Except as otherwise provided, the clerk of the
23 district court shall report and submit to the state
24 court administrator, not later than the fifteenth
25 day of each month, the fines and fees received during
26 the preceding calendar month. Except as provided in
27 subsections 3, 4, 5, 5A, 7, 8, 9, and 10, the state
28 court administrator shall deposit the amounts received
29 with the treasurer of state for deposit in the general
30 fund of the state. The state court administrator shall
31 report to the legislative services agency within thirty
32 days of the beginning of each fiscal quarter the amount
33 received during the previous quarter in the account
34 established under this section.

35 Sec. 4. Section 602.8108, Code 2014, is amended by
36 adding the following new subsection:

37 NEW SUBSECTION. 5A. The clerk of the district
38 court shall remit all moneys collected from the
39 assessment of the human trafficking victim surcharge
40 provided in section 911.2A to the state court
41 administrator no later than the fifteenth day of each
42 month for deposit in the human trafficking victim fund
43 created in section 915.95.

44 Sec. 5. Section 710.10, Code 2014, is amended by
45 adding the following new subsection:

46 NEW SUBSECTION. 7. For purposes of this section,
47 methods of enticement include but are not limited
48 to personal contact and communication by any means
49 including through the mail, telephone, internet, or
50 any social media, and include text messages, instant

1 messages, and electronic mail.

2 Sec. 6. Section 725.1, Code 2014, is amended to
3 read as follows:

4 **725.1 Prostitution.**

5 1. a. Except as provided in paragraph "b",
6 a person who sells or offers for sale the person's
7 services as a partner in a sex act commits an
8 aggravated misdemeanor. ~~or~~

9 b. If the person who sells or offers for sale the
10 person's services as a partner in a sex act is under
11 the age of eighteen. The county attorney may elect, in
12 lieu of filing a petition alleging that the person has
13 committed a delinquent act, to refer that person to the
14 department of human services for the possible filing
15 of a petition alleging that the person is a child in
16 need of assistance.

17 c. If the person who sells or offers for sale the
18 person's services as a partner in a sex act is under
19 the age of eighteen, upon the expiration of two years
20 following the person's conviction for a violation
21 of paragraph "a" or of a similar local ordinance,
22 the person may petition the court to expunge the
23 conviction, and if the person has had no other criminal
24 convictions, other than local traffic violations or
25 simple misdemeanor violations of chapter 321 during the
26 two-year period, the conviction shall be expunged as
27 a matter of law. The court shall enter an order that
28 the record of the conviction be expunged by the clerk
29 of the district court. Notwithstanding section 692.2,
30 after receipt of notice from the clerk of the district
31 court that a record of conviction has been expunged for
32 a violation of paragraph "a", the record of conviction
33 shall be removed from the criminal history data files
34 maintained by the department of public safety.

35 2. a. Except as provided in paragraph "b", a
36 person who purchases or offers to purchase such another
37 person's services, as a partner in a sex act commits
38 an aggravated misdemeanor.

39 b. A person who purchases or offers to purchase
40 services as a partner in a sex act from a person who is
41 under the age of eighteen commits a class "D" felony.

42 Sec. 7. Section 725.2, Code 2014, is amended to
43 read as follows:

44 **725.2 Pimping.**

45 1. A person who solicits a patron for a prostitute,
46 or who knowingly takes or shares in the earnings of
47 a prostitute, or who knowingly furnishes a room or
48 other place to be used for the purpose of prostitution,
49 whether for compensation or not, commits a class "D"
50 felony.

1 2. A person who solicits a patron for a prostitute
2 who is under the age of eighteen, or who knowingly
3 takes or shares in the earnings of a prostitute who is
4 under the age of eighteen, or who knowingly furnishes
5 a room or other place to be used for the purposes of
6 prostitution of a prostitute who is under the age of
7 eighteen, whether for compensation or not, commits a
8 class "C" felony.

9 3. It shall be an affirmative defense to a
10 prosecution of a person under the age of twenty-one
11 for a violation of this section that the person was
12 allowed, permitted, or encouraged by an adult having
13 influence or control of the person to engage in acts
14 prohibited pursuant to section 725.1, subsection 1,
15 while the person was under the age of eighteen.

16 Sec. 8. NEW SECTION. 802.2B Other sexual offenses.

17 An information or indictment for the following
18 offenses committed on or with a person who is under the
19 age of eighteen years shall be found within ten years
20 after the person upon whom the offense is committed
21 attains eighteen years of age, or if the person
22 against whom the information or indictment is sought
23 is identified through the use of a DNA profile, an
24 information or indictment shall be found within three
25 years from the date the person is identified by the
26 person's DNA profile, whichever is later:

27 1. Lascivious acts with a child in violation of
28 section 709.8.

29 2. Assault with intent to commit sexual abuse in
30 violation of section 709.11.

31 3. Indecent contact with a child in violation of
32 section 709.12.

33 4. Lascivious conduct with a minor in violation of
34 section 709.14.

35 5. Sexual misconduct with a juvenile in violation
36 of section 709.16, subsection 2.

37 6. Sexual exploitation of a minor in violation of
38 section 728.12.

39 Sec. 9. Section 802.3, Code 2014, is amended to
40 read as follows:

41 **802.3 Felony — aggravated or serious misdemeanor.**

42 In all cases, except those enumerated in section
43 802.1, 802.2, 802.2A, 802.2B, or 802.10, an indictment
44 or information for a felony or aggravated or serious
45 misdemeanor shall be found within three years after its
46 commission.

47 Sec. 10. Section 802.10, subsection 3, Code 2014,
48 is amended to read as follows:

49 3. However, notwithstanding subsection 2, an
50 indictment or information shall be found against a

1 person within three years from the date the person is
2 identified by the person's DNA profile. If the action
3 involves sexual abuse, or another sexual offense the
4 indictment or information shall be found as provided in
5 section 802.2 or 802.2B, if the person is identified by
6 the person's DNA profile.

7 Sec. 11. Section 808B.3, Code 2014, is amended by
8 adding the following new subsection:

9 NEW SUBSECTION. 6. A felony offense involving
10 human trafficking in violation of chapter 710A.

11 Sec. 12. Section 902.9, subsection 2, Code 2014, is
12 amended to read as follows:

13 2. The surcharges required by sections 911.1,
14 911.2, 911.2A, and 911.3 shall be added to a fine
15 imposed on a class "C" or class "D" felon, as provided
16 by those sections, and are not a part of or subject to
17 the maximums set in this section.

18 Sec. 13. Section 903.1, subsection 4, Code 2014, is
19 amended to read as follows:

20 4. The surcharges required by sections 911.1,
21 911.2, 911.2A, 911.3, and 911.4 shall be added to a
22 fine imposed on a misdemeanor as provided in those
23 sections, and are not a part of or subject to the
24 maximums set in this section.

25 Sec. 14. NEW SECTION. **911.2A Human trafficking**
26 **victim surcharge.**

27 1. In addition to any other surcharge, the court
28 or clerk of the district court shall assess a human
29 trafficking victim surcharge of one thousand dollars
30 if an adjudication of guilt or a deferred judgment has
31 been entered for a criminal violation of section 725.1,
32 subsection 2, or section 710A.2, 725.2, or 725.3.

33 2. In the event of multiple offenses, the surcharge
34 shall be imposed for each applicable offense.

35 3. The surcharge shall be remitted by the clerk of
36 court as provided in section 602.8108, subsection 5A.

37 Sec. 15. NEW SECTION. **915.95 Human trafficking**
38 **victim fund.**

39 A fund is created as a separate fund in the state
40 treasury. Moneys deposited in the fund shall be
41 administered by the department and dedicated to and
42 used for awarding moneys to programs that provide
43 services and support to victims of human trafficking
44 under section 710A.2, including public outreach and
45 awareness programs and service provider training
46 programs. Notwithstanding section 8.33, any balance in
47 the fund on June 30 of any fiscal year shall not revert
48 to the general fund of the state.

49 Sec. 16. **EFFECTIVE DATE.** The section of this Act
50 enacting section 911.2A takes effect January 1, 2015.

1 Sec. 17. APPLICABILITY. The section of this Act
2 enacting section 911.2A applies to an adjudication of
3 guilt or a deferred judgment entered for a violation of
4 section 725.1, subsection 2, or section 710A.2, 725.2,
5 or 725.3 on or after January 1, 2015.
6 _____. Title page, by striking lines 1 through 4
7 and inserting <An Act relating to sexual and criminal
8 offenses involving minors and others, including
9 prostitution, pimping, and human trafficking, providing
10 for a fee, and including penalties and effective date
11 and applicability provisions.>>

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