

Senate File 388

S-3125

1 Amend Senate File 388 as follows:

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

4 <Section 1. NEW SECTION. 152C.5B License and
5 government-issued identification — peace officer request.

6 1. For purposes of this section, unless the context
7 otherwise requires:

8 a. "Government-issued identification" means any of the
9 following:

10 (1) An unexpired driver's license issued by any state,
11 territory, or district of the United States.

12 (2) An unexpired identification card issued by any state,
13 territory, or district of the United States.

14 (3) An unexpired United States passport.

15 (4) A naturalization certificate issued by the United
16 States citizenship and immigration services.

17 (5) An unexpired permanent resident card, also known as
18 a green card, issued by the United States citizenship and
19 immigration services.

20 (6) An unexpired employment authorization document issued
21 by the United States citizenship and immigration services.

22 b. "Peace officer" means any of the following:

23 (1) Sheriffs and their regular deputies who are subject to
24 mandated law enforcement training.

25 (2) Marshals and police officers of cities.

26 (3) Peace officer members of the department of public safety
27 as defined in chapter 80.

28 (4) Special security officers employed by board of regents
29 institutions as set forth in section 262.13.

30 (5) Such employees of the department of transportation as
31 are designated "peace officers" by resolution of the department
32 under section 321.477.

33 (6) Employees of an aviation authority designated as "peace
34 officers" by the authority under section 330A.8, subsection 16.

35 2. A person licensed or who purports to be licensed under

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(amending this SF 388 to CONFORM to HF 452)

1 this chapter shall, upon the request of any peace officer
2 investigating a complaint of illegal services, present a
3 copy of the person's valid Iowa massage therapist license
4 and a government-issued identification to the peace officer.
5 A person who violates this subsection commits a serious
6 misdemeanor.

7 Sec. 2. NEW SECTION. 152C.5C **Announcements to the public.**

8 1. For purposes of this section, "*announcement to the*
9 *public*" means the use of any print media, broadcast media,
10 subscription internet site, internet site available to the
11 public, or any other means to do any of the following:

- 12 a. Advertise or market massage therapy services.
- 13 b. Provide a site for clients to post reviews.
- 14 c. Offer a virtual marketplace at which goods or services
15 may be offered or clients may be solicited.

16 2. A person shall not do any of the following in an
17 announcement to the public:

- 18 a. Represent that another person is licensed under this
19 chapter when the person knows, or has reason to know, that the
20 other person is not licensed.
- 21 b. Falsely represent the person's self as licensed under
22 this chapter.
- 23 c. Offer the services of massage therapy if paragraph "a" or
24 "b" of this subsection applies.
- 25 d. Offer, or imply the offer of, services that violate state
26 law.

27 3. A person who violates subsection 2 commits a serious
28 misdemeanor.

29 Sec. 3. NEW SECTION. 157.4A **License and government-issued**
30 **identification — peace officer request.**

31 1. For purposes of this section, unless the context
32 otherwise requires:

33 a. "*Government-issued identification*" means any of the
34 following:

35 (1) An unexpired driver's license issued by any state,

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1 territory, or district of the United States.

2 (2) An unexpired identification card issued by any state,
3 territory, or district of the United States.

4 (3) An unexpired United States passport.

5 (4) A naturalization certificate issued by the United
6 States citizenship and immigration services.

7 (5) An unexpired permanent resident card, also known as
8 a green card, issued by the United States citizenship and
9 immigration services.

10 (6) An unexpired employment authorization document issued
11 by the United States citizenship and immigration services.

12 *b. "Peace officer" means any of the following:*

13 (1) Sheriffs and their regular deputies who are subject to
14 mandated law enforcement training.

15 (2) Marshals and police officers of cities.

16 (3) Peace officer members of the department of public safety
17 as defined in chapter 80.

18 (4) Special security officers employed by board of regents
19 institutions as set forth in section 262.13.

20 (5) Such employees of the department of transportation as
21 are designated "*peace officers*" by resolution of the department
22 under section 321.477.

23 (6) Employees of an aviation authority designated as "*peace*
24 *officers*" by the authority under section 330A.8, subsection 16.

25 2. A person licensed or who purports to be licensed under
26 this chapter shall, upon the request of any peace officer
27 investigating a complaint of illegal services, present a copy
28 of the person's valid license issued pursuant to this chapter
29 and a government-issued identification to the peace officer.

30 **Sec. 4. NEW SECTION. 157.4B Announcements to the public.**

31 1. For purposes of this section, "*announcement to the*
32 *public*" means the use of any print media, broadcast media,
33 subscription internet site, internet site available to the
34 public, or any other means to do any of the following:

35 *a. Advertise or market cosmetology services.*

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(amending this SF 388 to CONFORM to HF 452)

1 *b.* Provide a site for clients to post reviews.

2 *c.* Offer a virtual marketplace at which goods or services
3 may be offered or clients may be solicited.

4 2. A person shall not do any of the following in an
5 announcement to the public:

6 *a.* Represent that another person is licensed under this
7 chapter when the person knows, or has reason to know, that the
8 other person is not licensed.

9 *b.* Falsely represent the person's self as licensed under
10 this chapter.

11 *c.* Offer, or imply the offer of, services that violate state
12 law.

13 3. A person who violates subsection 2 commits a serious
14 misdemeanor.

15 Sec. 5. Section 710A.1, subsection 3, Code 2021, is amended
16 to read as follows:

17 3. "*Forced labor or services*" means labor or services
18 that are performed or provided by another person and that are
19 obtained or maintained through any of the following:

20 *a.* Causing or threatening to cause serious physical injury
21 to any person.

22 *b.* Physically restraining or threatening to physically
23 restrain another person.

24 *c.* Abusing or threatening to abuse the law or legal process.

25 *d.* Knowingly destroying, concealing, removing,
26 confiscating, or possessing any actual or purported ~~passport or~~
27 ~~other immigration document, or any other actual or purported~~
28 government identification ~~document,~~ of another person.

29 *e.* Knowingly providing or facilitating the provision of
30 a forged, altered, or fraudulent license purportedly issued
31 pursuant to chapter 152C or 157, or a forged, altered, or
32 fraudulent government identification, to another person in
33 order to force, coerce, entice, assist, facilitate, or permit
34 the other person to perform labor or services.

35 *f.* Knowingly forcing, coercing, enticing, assisting,

1 facilitating, or permitting another person in possession of
2 a forged, altered, or fraudulent license purportedly issued
3 pursuant to chapter 152C or 157, or a forged, altered, or
4 fraudulent government identification, to produce such license
5 or government identification to a peace officer upon request of
6 the peace officer pursuant to section 152C.5B or 157.4A.

7 g. Knowingly forcing, coercing, intimidating, or compelling
8 another person to perform an act in violation of state or
9 federal law through the use of debt bondage or servitude or as
10 a condition of being allowed to remain in the United States.

11 Sec. 6. Section 710A.2, subsection 6, Code 2021, is amended
12 to read as follows:

13 6. A person who knowingly engages in human trafficking
14 by knowingly destroying, concealing, removing, confiscating,
15 or possessing any actual or purported ~~passport or other~~
16 ~~immigration document, or any other actual or purported~~
17 ~~government identification document of a victim~~ another person
18 is guilty of a class "D" felony, except ~~that~~ if that other
19 person is under the age of eighteen, the person is guilty of a
20 class "C" felony.

21 Sec. 7. Section 710A.2, Code 2021, is amended by adding the
22 following new subsections:

23 NEW SUBSECTION. 7A. A person who knowingly engages in
24 human trafficking by knowingly providing or facilitating
25 the provision of a forged, altered, or fraudulent license
26 purportedly issued pursuant to chapter 152C or 157, or a
27 forged, altered, or fraudulent government identification to
28 another person, to force, coerce, entice, assist, facilitate,
29 or permit the other person to perform labor or services is
30 guilty of an aggravated misdemeanor, except if that other
31 person is under the age of eighteen, the person is guilty of a
32 class "D" felony.

33 NEW SUBSECTION. 7B. A person who knowingly engages in
34 human trafficking by knowingly forcing, coercing, enticing,
35 assisting, facilitating, or permitting another person in

1 possession of a forged, altered, or fraudulent license
2 purportedly issued pursuant to chapter 152C or 157, or a
3 forged, altered, or fraudulent government identification, to
4 produce such license or government identification upon request
5 of a peace officer pursuant to section 152C.5B or 157.4A, is
6 guilty of an aggravated misdemeanor, except if that other
7 person is under the age of eighteen, the person is guilty of a
8 class "D" felony.

9 NEW SUBSECTION. 9. A person who is found guilty, enters
10 a plea of guilty, receives a deferred judgment, or receives a
11 deferred or suspended sentence for a violation of this chapter
12 shall be ineligible for a license pursuant to chapter 152C or
13 157 for a period of not less than five years from the date of
14 conviction, plea, judgment, or sentence.

15 Sec. 8. NEW SECTION. 710A.2B Premises used for human
16 trafficking.

17 1. A person who owns, rents, leases, or uses any part of
18 a building, structure, boat, trailer, or other place offering
19 shelter or seclusion, and who knows, or has reason to know,
20 that the building, structure, boat, trailer, or other place
21 offering shelter or seclusion is being used for the purposes of
22 human trafficking, commits a class "D" felony.

23 2. It shall be an affirmative defense to a prosecution of a
24 person pursuant to subsection 1, if immediately upon acquiring
25 knowledge that the building, structure, boat, trailer, or other
26 place offering shelter or seclusion is used for the purposes of
27 human trafficking, the person notifies a law enforcement agency
28 with jurisdiction and fully cooperates with any subsequent
29 investigation.

30 3. a. If a law enforcement agency notifies a person who
31 owns, rents, leases, or uses any part of a building, structure,
32 boat, trailer, or other place offering shelter or seclusion
33 of an investigation pursuant to chapter 152C or 157 that may
34 involve the building, structure, boat, trailer, or other
35 place offering shelter or seclusion, the person shall have an

1 affirmative duty to fully cooperate with the investigation.

2 **b.** A person who fails to fully cooperate with an
3 investigation pursuant to paragraph "a" commits a serious
4 misdemeanor.

5 Sec. 9. Section 710A.3, Code 2021, is amended by striking
6 the section and inserting in lieu thereof the following:

7 **710A.3 Affirmative defense.**

8 It shall be an affirmative defense, in addition to any other
9 affirmative defenses for which a defendant may be eligible,
10 to a prosecution for a criminal violation of section 152C.5B,
11 152C.5C, 157.4A, 157.4B, 710A.2, 710A.2A, or 710A.2B, that the
12 violation directly resulted from the defendant's status as a
13 victim of any human trafficking crime under chapter 710A.

14 Sec. 10. Section 710A.4, Code 2021, is amended to read as
15 follows:

16 **710A.4 Restitution — restorative expenses.**

17 1. For purposes of this section, "restorative expenses"
18 means the projected costs of education, vocational training,
19 medical health, mental health, transportation, housing, child
20 care, or other projected costs that will aid in a victim's
21 recovery.

22 2. The gross income of the a defendant or the value of
23 labor or services performed by the a victim to of the defendant
24 shall be considered when determining the amount of restitution
25 pursuant to chapter 910. For purposes of this section,
26 restitution may include restorative expenses for a period not
27 to exceed three years as approved and ordered by the court.

28 3. A defendant's ability to pay shall not be a factor in the
29 court's decision to order restorative expenses.

30 4. A defendant's obligation to pay court-ordered
31 restorative expenses shall not be dischargeable in any
32 proceeding under the federal Bankruptcy Act of 1898, as
33 amended.

34 Sec. 11. NEW SECTION. **710A.7 Peace officer referral.**

35 If during the course of an investigation or prosecution

1 under this chapter a peace officer has reason to believe that
2 a person who purports to be licensed pursuant to chapter 152C
3 or 157 does not possess a valid license or is in violation of
4 any other state or federal laws, the peace officer may report
5 such noncompliance to the appropriate licensing board under the
6 professional licensure division within the department of public
7 health, and to the appropriate state or federal authorities.>

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