

MAR 15 1989

HOUSE FILE 628

Place On Calendar

BY COMMITTEE ON JUDICIARY AND  
LAW ENFORCEMENT

(SUCCESSOR TO HSB 130)

Passed House, Date 3-21-89 (p.885) Passed Senate, Date 4-17-89 (p.1357)  
 Vote: Ayes 86 Nays 11 Vote: Ayes 49 Nays 0  
 Approved 5-4-89 (p.2496)

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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HF 628

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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HOUSE FILE 628  
FISCAL NOTE

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A fiscal note for HOUSE FILE 628 is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note is available from the Legislative Fiscal Bureau to members of the Legislature upon request.

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House File 628 prohibits the sale or purchase of, or the attempt to sell or purchase, an individual. Violations are punishable as Class C felonies.

There will be a fiscal impact of House File 628. However, costs are expected to be nominal.

Sources: Department of Corrections  
Department of Public Safety

(LSB 1355hv, BAL)

FILED MARCH 31, 1989

BY DENNIS PROUTY, FISCAL DIRECTOR

LSB 1355HV 73

JSB 130

Judiciary & Law Enforcement

*now*

HOUSE FILE 628

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

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

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

Approved \_\_\_\_\_

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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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DONALD D. AVENSON  
Speaker of the House

\_\_\_\_\_  
JO ANN ZIMMERMAN  
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 628, Seventy-third General Assembly.

\_\_\_\_\_  
JOSEPH O'HERN  
Chief Clerk of the House

Approved May 4, 1989

\_\_\_\_\_  
TERRY E. BRANSTAD  
Governor

HF 628

HOUSE FILE 628

AN ACT  
RELATING TO THE PURCHASE OR SALE OF AN INDIVIDUAL AND  
PROVIDING A PENALTY.

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

Section 1. NEW SECTION. 710.11 PURCHASE OR SALE OF  
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