

House Study Bill 74

SENATE/HOUSE FILE _____
BY (PROPOSED ATTORNEY
GENERAL BILL)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the crime of human trafficking.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
3 TLSB 1355DP 83
4 rh/rj/14

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1 1 Section 1. Section 710A.1, subsection 1, Code 2009, is
1 2 amended to read as follows:
1 3 1. "Commercial sexual activity" means any ~~sex act on~~
1 4 ~~behalf activity of a sexual nature for the performance of~~
1 5 which anything of value is given, promised to, or received by
1 6 any person and ~~includes,~~ includes but is not limited to, to a
1 7 ~~sex act,~~ prostitution, participation in the production of
1 8 pornography, and performance in strip clubs.
1 9 Sec. 2. Section 915.35, subsection 1, Code 2009, is
1 10 amended to read as follows:
1 11 1. As used in this section, "victim" means a child under
1 12 the age of eighteen who has been sexually abused or subjected
1 13 to any other unlawful sexual conduct under chapter 709, 710A,
1 14 or 726 or who has been the subject of a forcible felony.
1 15 Sec. 3. Section 915.36, subsection 1, Code 2009, is
1 16 amended to read as follows:
1 17 1. Prior to an arrest or the filing of an information or
1 18 indictment, whichever occurs first, against a person charged
1 19 with a violation of chapter 709 or 710A, section 726.2, or
1 20 section 728.12, committed with or on a child, ~~as defined in~~
1 21 ~~section 702.5 under the age of eighteen,~~ the identity of the
1 22 child or any information reasonably likely to disclose the
1 23 identity of the child shall not be released to the public by
1 24 any public employee except as authorized by the court of
1 25 jurisdiction.
1 26 Sec. 4. Section 915.37, Code 2009, is amended to read as
1 27 follows:
1 28 915.37 GUARDIAN AD LITEM FOR PROSECUTING CHILD WITNESSES.
1 29 1. A prosecuting witness who is a child, as defined in
1 30 section 702.5, in a case involving a violation of chapter 709
1 31 or 710A, or section 726.2, 726.3, 726.6, or 728.12, is
1 32 entitled to have the witness's interests represented by a
1 33 guardian ad litem at all stages of the proceedings arising
1 34 from such violation. The guardian ad litem shall be a
1 35 practicing attorney and shall be designated by the court after
2 1 due consideration is given to the desires and needs of the
2 2 child and the compatibility of the child and the child's
2 3 interests with the prospective guardian ad litem. If a
2 4 guardian ad litem has previously been appointed for the child
2 5 in a proceeding under chapter 232 or a proceeding in which the
2 6 juvenile court has waived jurisdiction under section 232.45,
2 7 the court shall appoint the same guardian ad litem under this
2 8 section. The guardian ad litem shall receive notice of and
2 9 may attend all depositions, hearings, and trial proceedings to
2 10 support the child and advocate for the protection of the child
2 11 but shall not be allowed to separately introduce evidence or
2 12 to directly examine or cross-examine witnesses. However, the
2 13 guardian ad litem shall file reports to the court as required
2 14 by the court. If a prosecuting witness is fourteen, fifteen,
2 15 sixteen, or seventeen years of age, and would be entitled to
2 16 the appointment of a guardian ad litem if the prosecuting
2 17 witness were a child, the court may appoint a guardian ad
2 18 litem if the requirements for guardians ad litem in this
2 19 section are met, and the guardian ad litem agrees to
2 20 participate without compensation.

2 21 2. References in this section to a guardian ad litem shall
2 22 be interpreted to include references to a court appointed
2 23 special advocate as defined in section 232.2, subsection 9.

2 24 EXPLANATION

2 25 This bill relates to human trafficking.

2 26 The bill amends the definition of "commercial sexual
2 27 activity" as an element of the crime of human trafficking to
2 28 include any sexual activity of a sexual nature for the
2 29 performance of which anything of value is given, promised to,
2 30 or received by any person including but not limited to a sex
2 31 act as defined in Code section 702.17, prostitution,
2 32 participation in the production of pornography, and
2 33 performance in strip clubs.

2 34 Current law provides that a person who knowingly engages in
2 35 human trafficking by soliciting services or benefiting from
3 1 the services of a victim is guilty of a class "D" felony,
3 2 except that if the victim is under the age of 18, the person
3 3 is guilty of a class "C" felony. "Services" means an ongoing
3 4 relationship between a person and the actor in which the
3 5 person performs activities under the supervision of or for the
3 6 benefit of the actor, including commercial sexual activity and
3 7 sexually explicit performances. A class "C" felony is
3 8 punishable by confinement for no more than 10 years and a fine
3 9 of at least \$1,000 but not more than \$10,000 and a class "D"
3 10 felony is punishable by confinement for no more than five
3 11 years and a fine of at least \$750 but not more than \$7,500.

3 12 The bill amends provisions in victims rights laws to extend
3 13 protections to child victims of human trafficking relating to
3 14 child victim services, protection of a child victim's privacy,
3 15 and the appointment of a guardian ad litem for a prosecuting
3 16 witness who is a child.

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