

Senate Study Bill 3169 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE
ON JUDICIARY BILL BY
CHAIRPERSON HOGG)

A BILL FOR

1 An Act relating to the criminal offenses of enticing a minor,
2 prostitution, sexual exploitation of a minor, and human
3 trafficking, and providing for a fee.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 602.8102, subsection 135A, Code 2014, is
2 amended to read as follows:

3 135A. Assess the surcharges provided by sections 911.1,
4 911.2, 911.2A, 911.3, and 911.4.

5 Sec. 2. Section 602.8108, subsection 2, Code 2014, is
6 amended to read as follows:

7 2. Except as otherwise provided, the clerk of the district
8 court shall report and submit to the state court administrator,
9 not later than the fifteenth day of each month, the fines and
10 fees received during the preceding calendar month. Except
11 as provided in subsections 3, 4, 5, 5A, 7, 8, 9, and 10, the
12 state court administrator shall deposit the amounts received
13 with the treasurer of state for deposit in the general fund of
14 the state. The state court administrator shall report to the
15 legislative services agency within thirty days of the beginning
16 of each fiscal quarter the amount received during the previous
17 quarter in the account established under this section.

18 Sec. 3. Section 602.8108, Code 2014, is amended by adding
19 the following new subsection:

20 NEW SUBSECTION. 5A. The clerk of the district court shall
21 remit all moneys collected from the assessment of the human
22 trafficking victim surcharge provided in section 911.2A to the
23 state court administrator no later than the fifteenth day of
24 each month for deposit in the human trafficking victim fund
25 created in section 915.95.

26 Sec. 4. Section 710.10, Code 2014, is amended by adding the
27 following new subsection:

28 NEW SUBSECTION. 7. For purposes of this section, methods
29 of enticement include but are not limited to personal contact
30 and communication by any means including through the mail,
31 telephone, internet, or any social media, and include text
32 messages, instant messages, and electronic mail.

33 Sec. 5. NEW SECTION. **710A.6 Past sexual behavior of victim.**

34 Evidence of a specific instance of a victim's past sexual
35 behavior, or reputation or opinion evidence of past sexual

1 behavior of a victim, is not admissible unless the evidence is
2 admitted in accordance with rule of evidence 5.412.

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

5 **725.1 Prostitution.**

6 1. A Except as provided in subsection 3, a person who sells
7 or offers for sale the person's services as a partner in a sex
8 act commits an aggravated misdemeanor. ~~or~~

9 2. A person who purchases or offers to purchase such
10 a person's services, as a partner in a sex act commits an
11 aggravated misdemeanor.

12 3. If the person who sells or offers for sale the person's
13 services as a partner in a sex act pursuant to subsection 1
14 is under the age of eighteen and reasonable grounds exist to
15 believe that the influence or control of an adult contributed
16 to the commission of the offense, the county attorney may
17 elect, in lieu of filing a petition alleging that the person
18 has committed a delinquent act, to refer the person to the
19 department of human services for the possible filing of
20 a petition alleging that the person is a child in need of
21 assistance.

22 Sec. 7. **NEW SECTION. 802.2B Sexual exploitation of a minor.**

23 An information or indictment for sexual exploitation of
24 a minor under section 728.12 committed on or with a person
25 who is under the age of eighteen years shall be found within
26 ten years after the person upon whom the offense is committed
27 attains eighteen years of age, or if the person against whom
28 the information or indictment is sought is identified through
29 the use of a DNA profile, an information or indictment shall be
30 found within three years from the date the person is identified
31 by the person's DNA profile, whichever is later.

32 Sec. 8. Section 802.3, Code 2014, is amended to read as
33 follows:

34 **802.3 Felony — aggravated or serious misdemeanor.**

35 In all cases, except those enumerated in section 802.1,

1 802.2, 802.2A, 802.2B, or 802.10, an indictment or information
2 for a felony or aggravated or serious misdemeanor shall be
3 found within three years after its commission.

4 Sec. 9. Section 902.9, subsection 2, Code 2014, is amended
5 to read as follows:

6 2. The surcharges required by sections 911.1, 911.2,
7 911.2A, and 911.3 shall be added to a fine imposed on a class
8 "C" or class "D" felon, as provided by those sections, and are
9 not a part of or subject to the maximums set in this section.

10 Sec. 10. Section 903.1, subsection 4, Code 2014, is amended
11 to read as follows:

12 4. The surcharges required by sections 911.1, 911.2,
13 911.2A, 911.3, and 911.4 shall be added to a fine imposed on a
14 misdemeanant as provided in those sections, and are not a part
15 of or subject to the maximums set in this section.

16 Sec. 11. NEW SECTION. **911.2A Human trafficking victim**
17 **surcharge.**

18 1. In addition to any other surcharge, the court or clerk
19 of the district court shall assess a human trafficking victim
20 surcharge of two hundred fifty dollars if an adjudication of
21 guilt or a deferred judgment has been entered for a criminal
22 violation of section 725.1, subsection 2, or section 710A.2,
23 725.2, or 725.3.

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

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

28 Sec. 12. NEW SECTION. **915.95 Human trafficking victim fund.**

29 A fund is created as a separate fund in the state treasury.
30 Moneys deposited in the fund shall be administered by the
31 department and dedicated to and used for awarding moneys to
32 programs that provide services and support to victims of human
33 trafficking under section 710A.2, including public outreach
34 and awareness programs and service provider training programs.
35 Notwithstanding section 8.33, any balance in the fund on June

1 30 of any fiscal year shall not revert to the general fund of
2 the state.

3 EXPLANATION

4 The inclusion of this explanation does not constitute agreement with
5 the explanation's substance by the members of the general assembly.

6 The bill relates to the criminal offenses of enticing a
7 minor, prostitution, sexual exploitation of a minor, and human
8 trafficking, and provides for a fee.

9 ENTICING A MINOR. The bill provides that for the criminal
10 offense of enticing a minor, methods of enticement include but
11 are not limited to personal contact and communication by any
12 means including through the mail, telephone, internet, or any
13 social media, and include text messages, instant messages, and
14 electronic mail.

15 HUMAN TRAFFICKING VICTIM — PAST SEXUAL BEHAVIOR. The
16 bill provides that evidence of a specific instance of a human
17 trafficking victim's past sexual behavior, or reputation or
18 opinion evidence of past sexual behavior of a human trafficking
19 victim, is not admissible unless the evidence is admitted in
20 accordance with rule of evidence 5.412 (Iowa's rape shield
21 evidence law).

22 PROSTITUTION — MINOR. The bill provides that if a person
23 who sells or offers for sale the person's services as a
24 partner in a sex act (prostitution) is under the age of 18
25 and reasonable grounds exist to believe that the influence
26 or control of an adult contributed to the commission of the
27 offense the county attorney may elect, in lieu of filing a
28 delinquency petition in juvenile court, to refer the person
29 to the department of human services for the possible filing
30 of a petition alleging that the person is a child in need of
31 assistance.

32 SEXUAL EXPLOITATION OF A MINOR — STATUTE OF LIMITATION. The
33 bill increases the statute of limitation period for the filing
34 of an information or indictment for the criminal offense of
35 sexual exploitation of a minor from three years to 10 years

1 after the person upon whom the offense is committed attains 18
2 years of age, or if the person against whom the information or
3 indictment is sought is identified through the use of a DNA
4 profile, an information or indictment shall be filed within
5 three years from the date the person is identified by the
6 person's DNA profile, whichever is later.

7 HUMAN TRAFFICKING SURCHARGE. The bill provides for the
8 assessment of a \$250 human trafficking victim surcharge if an
9 adjudication of guilt or a deferred judgment has been entered
10 for a criminal violation of Code sections 725.1, subsection
11 2 (prostitution by a purchaser of sexual services) or 710A.2
12 (human trafficking), 725.2 (pimping), and 725.3 (pandering).
13 The surcharge shall be deposited into the human trafficking
14 victim fund created in the bill.

15 HUMAN TRAFFICKING VICTIM FUND. The bill creates a human
16 trafficking victim fund to be administered by the department of
17 justice to be used for awarding moneys to programs that provide
18 services and support to human trafficking victims, including
19 public outreach and awareness programs and service provider
20 training programs. Notwithstanding Code section 8.33, any
21 balance in the fund on June 30 of any fiscal year shall not
22 revert to the general fund of the state.