

**House File 406 - Introduced**

HOUSE FILE 406

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**A BILL FOR**

1 An Act relating to human trafficking and providing penalties.  
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 710A.2, Code 2023, is amended to read as  
2 follows:

3 **710A.2 Human trafficking.**

4 1. A person who knowingly engages in human trafficking is  
5 guilty of a class "~~D~~" "B" felony, except that if the victim is  
6 under the age of eighteen, the person is guilty of a class "~~C~~"  
7 "A" felony.

8 2. A person who knowingly engages in human trafficking by  
9 causing or threatening to cause serious physical injury to  
10 another person is guilty of a class "~~C~~" "A" felony, ~~except~~  
11 ~~that if the victim is under the age of eighteen, the person is~~  
12 ~~guilty of a class "B" felony.~~

13 3. A person who knowingly engages in human trafficking by  
14 physically restraining or threatening to physically restrain  
15 another person is guilty of a class "~~D~~" "B" felony, except  
16 that if the victim is under the age of eighteen, the person is  
17 guilty of a class "~~C~~" "A" felony.

18 4. A person who knowingly engages in human trafficking by  
19 soliciting services or benefiting from the services of a victim  
20 is guilty of a class "~~D~~" "B" felony, except that if the victim  
21 is under the age of eighteen, the person is guilty of a class  
22 "~~C~~" "A" felony.

23 5. A person who knowingly engages in human trafficking by  
24 abusing or threatening to abuse the law or legal process is  
25 guilty of a class "~~D~~" "B" felony, except that if the victim is  
26 under the age of eighteen, the person is guilty of a class "~~C~~"  
27 "A" felony.

28 6. A person who knowingly engages in human trafficking by  
29 knowingly destroying, concealing, removing, confiscating, or  
30 possessing any actual or purported government identification of  
31 another person is guilty of a class "~~D~~" "B" felony, except if  
32 that other person is under the age of eighteen, the person is  
33 guilty of a class "~~C~~" "A" felony.

34 7. A person who benefits financially or by receiving  
35 anything of value from knowing participation in human

1 trafficking is guilty of a class ~~"D"~~ "B" felony, except that if  
2 the victim is under the age of eighteen, the person is guilty  
3 of a class ~~"C"~~ "A" felony.

4 8. A person who knowingly engages in human trafficking  
5 by knowingly providing or facilitating the provision of a  
6 forged, altered, or fraudulent license purportedly issued  
7 pursuant to [chapter 152C](#) or [157](#), or a forged, altered, or  
8 fraudulent government identification to another person, to  
9 force, coerce, entice, assist, facilitate, or permit the other  
10 person to perform labor or services is guilty of an ~~aggravated~~  
11 ~~misdemeanor~~ a class "D" felony, except if that other person is  
12 under the age of eighteen, the person is guilty of a class ~~"D"~~  
13 "B" felony.

14 9. A person who knowingly engages in human trafficking  
15 by knowingly forcing, coercing, enticing, assisting,  
16 facilitating, or permitting another person in possession of  
17 a forged, altered, or fraudulent license purportedly issued  
18 pursuant to [chapter 152C](#) or [157](#), or a forged, altered, or  
19 fraudulent government identification, to produce such license  
20 or government identification upon request of a peace officer  
21 pursuant to [section 152C.5B](#) or [157.4A](#), is guilty of an  
22 ~~aggravated misdemeanor~~ a class "D" felony, except if that other  
23 person is under the age of eighteen, the person is guilty of a  
24 class ~~"D"~~ "B" felony.

25 10. A person's ignorance of the age of the victim or  
26 a belief that the victim was older is not a defense to a  
27 violation of [this section](#).

28 11. A person who is found guilty, or who enters a plea of  
29 guilty, ~~receives a deferred judgment, or receives a deferred or~~  
30 ~~suspended sentence for~~ to a violation of [this chapter](#) shall be  
31 ineligible for a license pursuant to [chapter 152C](#) or [157](#) for a  
32 period of not less than five years from the date of conviction,  
33 plea, judgment, or sentence.

34 12. A person who is sentenced under the provisions of this  
35 section shall not be eligible for a deferred judgment or a

1 deferred or suspended sentence.

2 Sec. 2. Section 907.3, subsection 1, paragraph a, Code 2023,  
3 is amended by adding the following new subparagraph:

4 NEW SUBPARAGRAPH. (15) The offense is a violation of  
5 section 710A.2.

6 Sec. 3. Section 907.3, subsection 2, paragraph a, Code 2023,  
7 is amended by adding the following new subparagraph:

8 NEW SUBPARAGRAPH. (9) The offense is a violation of section  
9 710A.2.

10 Sec. 4. Section 907.3, subsection 3, Code 2023, is amended  
11 by adding the following new paragraph:

12 NEW PARAGRAPH. *h.* A sentence imposed pursuant to section  
13 710A.2.

14 EXPLANATION

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

17 This bill relates to human trafficking.

18 Current law provides for penalties for a human trafficking  
19 crime committed in violation of Code section 710A.2 ranging  
20 from an aggravated misdemeanor to a class "C" felony depending  
21 on the elements of the crime alleged and the age of the  
22 victim. Current law also allows for a deferred judgment or a  
23 deferred or suspended sentence for a person who commits a human  
24 trafficking crime.

25 The bill increases the penalties imposed for a human  
26 trafficking crime listed in Code section 710A.2. The penalties  
27 imposed range from a class "D" felony to a class "A" felony.  
28 The bill provides that a person who is sentenced for a human  
29 trafficking crime shall not be eligible for a deferred judgment  
30 or a deferred or suspended sentence.

31 The bill provides that a person who knowingly engages in  
32 human trafficking is guilty of a class "B" felony, except  
33 that if the victim is under the age of 18, the person is  
34 guilty of a class "A" felony. If the offense involves causing  
35 or threatening to cause serious physical injury to another

1 person, the person is guilty of a class "A" felony. A person  
2 who knowingly engages in human trafficking by physically  
3 restraining or threatening to physically restrain another  
4 person is guilty of a class "B" felony, except that if the  
5 victim is under the age of 18, the person is guilty of a class  
6 "A" felony.

7 The bill provides that a person who knowingly engages in  
8 human trafficking who solicits services or benefits from the  
9 services of a victim is guilty of a class "B" felony, except  
10 that if the victim is under the age of 18, the person is guilty  
11 of a class "A" felony. A person who knowingly engages in  
12 human trafficking who abuses or threatens to abuse the law or  
13 legal process is guilty of a class "B" felony, except that if  
14 the victim is under the age of 18, the person is guilty of a  
15 class "A" felony. A person who knowingly engages in human  
16 trafficking by knowingly destroying, concealing, removing,  
17 confiscating, or possessing any actual or purported government  
18 identification of another person is guilty of a class "B"  
19 felony, except that if the other person is under the age of  
20 18, the person is guilty of a class "A" felony. A person who  
21 benefits financially or by receiving anything of value from  
22 knowing participation in human trafficking is guilty of a class  
23 "B" felony, except that if the victim is under the age of 18,  
24 the person is guilty of a class "A" felony.

25 A person who knowingly engages in human trafficking by  
26 knowingly providing or facilitating the provision of a forged,  
27 altered, or fraudulent license, or a forged, altered, or  
28 fraudulent government identification to another person, to  
29 force, coerce, entice, assist, facilitate, or permit the other  
30 person to perform labor or services or to produce such license  
31 or government identification upon request of a peace officer is  
32 guilty of a class "D" felony, except that if the other person  
33 is under the age of 18, the person is guilty of a class "B"  
34 felony.

35 A class "A" felony is punishable by confinement for

1 life without possibility of parole. A class "B" felony is  
2 punishable by confinement for no more than 25 years. A class  
3 "C" felony is punishable by confinement for no more than 10  
4 years and a fine of at least \$1,370 but not more than \$13,660.  
5 A class "D" felony is punishable by confinement for no more  
6 than five years and a fine of at least \$1,025 but not more than  
7 \$10,245.

8 The bill makes conforming Code changes relating to deferred  
9 judgments, and deferred or suspended sentences.