

House Study Bill 746 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
APPROPRIATIONS BILL BY
CHAIRPERSON MOHR)

A BILL FOR

1 An Act relating to human trafficking, including civil statutes
2 of limitations, an annual stakeholder meeting and report,
3 depositions of victims, restitution, restorative facilities
4 and protective services, and investigation and prosecution,
5 and making appropriations.

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

1 Section 1. Section 80.45, subsection 3, Code 2024, is
2 amended by adding the following new paragraph:

3 NEW PARAGRAPH. *i.* Hold an annual meeting of stakeholders to
4 develop legislative proposals to combat human trafficking, and
5 submit a report, by December 15, 2024, and annually thereafter
6 for a period of five years ending with the submission of
7 the report in 2029, to the governor and general assembly.

8 Participants shall include the following:

9 (1) Two members of the senate, one of whom shall be
10 appointed by the majority leader of the senate, and one of whom
11 shall be appointed by the minority leader of the senate.

12 (2) Two members of the house of representatives, one
13 of whom shall be appointed by the speaker of the house of
14 representatives, and one of whom shall be appointed by the
15 minority leader of the house of representatives.

16 (3) A representative of the department of public safety.

17 (4) A representative of the office to combat human
18 trafficking.

19 (5) A representative of the attorney general's office.

20 (6) A representative of the department of health and human
21 services.

22 (7) A representative of juvenile court services.

23 (8) A chief of police or head law enforcement official of a
24 city in this state.

25 (9) A county sheriff.

26 (10) A county attorney who serves on a child protection
27 assistance team under section 915.35, subsection 4, paragraph
28 "a".

29 (11) A public defender or criminal law attorney with
30 experience working on human trafficking cases.

31 (12) A member of the public, or the person's legal
32 representative, who is a former human trafficking victim.

33 (13) A representative from the Iowa network against human
34 trafficking.

35 Sec. 2. Section 614.8, subsection 2, Code 2024, is amended

1 to read as follows:

2 2. Except as provided in section 614.1, subsection 9, or
3 section 614.8A, the times limited for actions in this chapter,
4 or chapter 216, 659A, 669, or 670, except those brought for
5 penalties and forfeitures, are extended in favor of minors,
6 so that they shall have one year from and after attainment of
7 majority within which to file a complaint pursuant to chapter
8 216, to make a claim pursuant to chapter 669, or to otherwise
9 commence an action.

10 Sec. 3. Section 614.8A, Code 2024, is amended to read as
11 follows:

12 **614.8A Damages Commencement of action for child or minor**
13 **sexual abuse or human trafficking — time limitation.**

14 1. Notwithstanding section 614.8, subsection 2, and the
15 times limited for actions in this chapter, the time to file
16 an action related to sexual abuse or human trafficking that
17 occurred when the injured person was a minor is extended to
18 five years beyond the minor's attainment of eighteen years of
19 age.

20 2. An In addition to the extension of the time provided in
21 subsection 1, an action for damages for injury suffered as a
22 result of sexual abuse ~~which~~ or human trafficking that occurred
23 when the injured person was a child, but not discovered until
24 after the injured person is of the age of majority, shall
25 be brought within ~~four~~ five years from the time of discovery
26 by the injured party of both the injury and the causal
27 relationship between the injury and the sexual abuse or human
28 trafficking.

29 Sec. 4. NEW SECTION. **710A.8 Deposition of a victim of human**
30 **trafficking.**

31 1. For the purposes of this section, "*video deposition*"
32 means the recording of video, with sound, of witness testimony
33 made under oath to be entered in the record in a judicial
34 proceeding.

35 2. In any criminal prosecution under this chapter, the

1 court, upon motion of the county attorney or attorney general,
2 for good cause shown and after notice to the defendant, may
3 order the taking of a video deposition of a victim of human
4 trafficking without regard to the age of the victim.

5 3. On any motion for a video deposition of the victim, the
6 court shall consider the nature of the offense, the nature of
7 testimony that may be expected, and the possible effect that
8 the testimony in person at trial may have on the victim.

9 4. During the recording of a video deposition authorized
10 pursuant to this section, the following persons may be in the
11 room with the victim:

12 a. The prosecuting attorney.

13 b. The attorney for the defendant.

14 c. A person whose presence, in the judgment of the court,
15 contributes to the well-being of the victim and who has dealt
16 with the victim in a therapeutic setting regarding the abuse,
17 excluding staff, employees, or subcontractors, or experts
18 employed or contracted by the prosecution.

19 d. Additional persons, other than the defendant, in the
20 discretion of the court.

21 5. Examination and cross-examination of the victim shall
22 proceed at the taking of the video deposition as though the
23 victim was testifying personally in the trial of the case.
24 The state shall provide the attorney for the defendant with
25 a copy of the video deposition at a suitable and reasonable
26 time prior to the trial of the case. The court, except upon
27 motion of the attorney for the defendant, and upon good cause
28 shown to disclose the video to certain specified individuals,
29 shall enter a protective order prohibiting the attorney for the
30 defendant from copying, reproducing, or distributing the video
31 deposition. Objections to the introduction into the record of
32 the deposition shall be heard by the judge in whose presence
33 the deposition was taken, and unless the court determines that
34 its introduction in lieu of the victim's actual appearance as
35 a witness at the trial will unfairly prejudice the defendant,

1 the video deposition shall be entered into the record by the
2 state in lieu of the direct testimony of the victim and shall
3 be viewed and heard at the trial of the case.

4 6. All costs associated with the recording of a deposition
5 ordered pursuant to this section shall be paid by the state.

6 7. All recordings of video depositions ordered pursuant to
7 this section shall be subject to any protective order of the
8 court for the purpose of protecting the privacy of the victim
9 of the offense.

10 8. A video recording of a deposition shall be kept as other
11 evidence and shall be held until the defendant is acquitted or
12 is released from the custody of the department of corrections.
13 A defendant may pay to have the recording retained for an
14 additional period of time.

15 9. Only the court, the prosecuting attorney, and the
16 attorney for the defendant may question the victim. During the
17 testimony of the victim, the defendant shall be provided access
18 to view the testimony by closed circuit television or other
19 electronic method out of the presence of the victim and shall
20 be allowed to communicate with the defendant's attorney by any
21 appropriate method.

22 Sec. 5. Section 910.1, subsections 1 and 2, Code 2024, are
23 amended to read as follows:

24 1. *"Category "A" restitution"* means fines, penalties, the
25 payment of crime victim compensation program reimbursements,
26 and surcharges.

27 2. *"Category "B" restitution"* means the contribution of
28 funds to a local anticrime organization ~~which~~ that provided
29 assistance to law enforcement in an offender's case, ~~the~~
30 ~~payment of crime victim compensation program reimbursements,~~
31 payment of restitution to public agencies pursuant to
32 section 321J.2, subsection 13, paragraph "b", court costs,
33 court-appointed attorney fees ordered pursuant to section
34 815.9, including the expense of a public defender, and payment
35 to the medical assistance program pursuant to [chapter 249A](#) for

1 report, depositions of victims, restitution, restorative
2 facilities and protective services, and investigation and
3 prosecution.

4 The bill directs the office to combat human trafficking
5 within the department of public safety to hold an annual
6 meeting of stakeholders to develop legislative proposals to
7 combat human trafficking, and submit a report to the governor
8 and general assembly by December 15, 2024, and annually
9 thereafter for five years until the submission of the report in
10 2029. The bill specifies the participants in the meeting.

11 The bill increases the statute of limitations for commencing
12 an action for sexual abuse or human trafficking of a minor or
13 child to five years after the victim has attained 18 years of
14 age.

15 The bill provides that in any criminal prosecution under
16 Code chapter 710A (human trafficking), the court, upon motion
17 of the county attorney or attorney general, for good cause
18 shown and after notice to the defendant, may order the taking
19 of a video deposition of a victim of human trafficking without
20 regard to the age of the victim. The court shall consider the
21 nature of the offense, the nature of testimony that may be
22 expected, and the possible effect that the testimony in person
23 at trial may have on the victim.

24 The bill provides that during the recording of a video
25 deposition, the following persons may be in the room with
26 the victim: the prosecuting attorney; the attorney for the
27 defendant; a person whose presence, in the judgment of the
28 court, contributes to the well-being of the victim and who
29 has dealt with the victim in a therapeutic setting regarding
30 the abuse, excluding staff, employees, or subcontractors,
31 or experts employed or contracted by the prosecution; and
32 additional persons, other than the defendant, in the discretion
33 of the court.

34 The bill provides that examination and cross-examination of
35 the victim shall proceed at the taking of the video deposition

1 as though the victim was testifying personally in the trial
2 of the case. The state shall provide the attorney for the
3 defendant with a copy of the video deposition prior to the
4 trial of the case. Objections to the introduction into
5 the record of the deposition shall be heard by the judge in
6 whose presence the deposition was taken, and unless the court
7 determines that its introduction in lieu of the victim's actual
8 appearance as a witness at the trial will unfairly prejudice
9 the defendant, the video deposition shall be entered into the
10 record by the state in lieu of the direct testimony of the
11 victim and shall be viewed and heard at the trial of the case.
12 Only the court, the prosecuting attorney, and the attorney for
13 the defendant may question the victim. During the testimony
14 of the victim, the defendant shall be provided access by
15 closed circuit television or other electronic means to view
16 the testimony out of the presence of the victim and shall be
17 allowed to communicate with the defendant's attorney by any
18 appropriate method.

19 Current law provides that "category "A" restitution"
20 means fines, penalties, and surcharges, and "category "B"
21 restitution" means the contribution of funds to a local
22 anticrime organization which provided assistance to law
23 enforcement in an offender's case, the payment of crime
24 victim compensation program reimbursements, payment of
25 restitution to public agencies pursuant to Code section
26 321J.2(13)(b) (operating while under the influence), court
27 costs, court-appointed attorney fees, and payment to the
28 medical assistance program.

29 The bill provides that the payment of crime victim
30 compensation program reimbursements is category "A"
31 restitution.

32 The bill directs the department of health and human services
33 to develop a plan to increase the availability of restoration
34 facilities and protective services available to juvenile
35 victims of human trafficking, including juvenile victims who

1 are not, at the time of victimization, either a child in need
2 of assistance or otherwise involved in the juvenile court
3 system. The department shall consider developing a network
4 with other states to provide housing outside of the state for
5 victims at risk of returning to the person involved in the
6 victim's trafficking. A report detailing the plan shall be
7 presented to the governor and the general assembly by December
8 15, 2024.

9 The bill appropriates from the general fund of the state
10 to the office of the attorney general for the fiscal year
11 beginning July 1, 2024, and ending June 30, 2025, \$750,000 to
12 be used for the purpose of creating a joint unit involving the
13 attorney general's office, and the Iowa office to combat human
14 trafficking within the division of intelligence and fusion
15 center of the department of public safety, for the purpose of
16 investigating and prosecuting human trafficking cases.