

Senate Study Bill 3027 - Introduced

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

A BILL FOR

1 An Act relating to human trafficking including parole and
2 work release and victim counselors, and guardian ad
3 litem appointments for prosecuting witnesses with mental
4 disabilities.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 901.11, Code 2024, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 7. At the time of sentencing, the court
4 shall determine when a person convicted of human trafficking as
5 described in section 902.12, subsection 7, shall first become
6 eligible for parole or work release within the parameters
7 specified in section 902.12, subsection 7, based upon all
8 pertinent information including the person's criminal record, a
9 validated risk assessment, and the negative impact the offense
10 has had on the victim or other persons.

11 Sec. 2. Section 902.12, Code 2024, is amended by adding the
12 following new subsection:

13 NEW SUBSECTION. 7. A person serving a sentence for a
14 conviction of human trafficking punishable as a class "B"
15 felony in violation of section 710A.2, subsection 1, 3, 4, 5,
16 6, 7, 8, or 9, shall be denied parole or work release until
17 the person has served between one-half and seven-tenths of
18 the maximum term of the person's sentence as determined under
19 section 901.11, subsection 7.

20 Sec. 3. Section 915.20A, subsection 1, paragraphs c and d,
21 Code 2024, are amended to read as follows:

22 *c.* "Victim" means a person who consults a victim counselor
23 for the purpose of securing advice, counseling, or assistance
24 concerning a mental, physical, or emotional condition caused by
25 a violent crime committed against the person. "Victim" includes
26 a person subjected to human trafficking.

27 *d.* "Victim counselor" means a person who is engaged in a
28 crime victim center, is certified as a counselor by the crime
29 victim center, and is under the control of a direct services
30 supervisor of a crime victim center, whose primary purpose
31 is the rendering of advice, counseling, and assistance to
32 the victims of crime. To qualify as a "victim counselor"
33 under [this section](#), the person must also have completed at
34 least twenty hours of training provided by the center in which
35 the person is engaged, by the Iowa organization of victim

1 assistance, by the Iowa coalition against sexual assault, or
2 by the Iowa coalition against domestic violence, which shall
3 include but not be limited to, the dynamics of victimization,
4 substantive laws relating to violent crime, human trafficking,
5 sexual assault, and domestic violence, crisis intervention
6 techniques, communication skills, working with diverse
7 populations, an overview of the state criminal justice system,
8 information regarding pertinent hospital procedures, and
9 information regarding state and community resources for victims
10 of crime.

11 Sec. 4. Section 915.37, subsection 1, Code 2024, is amended
12 to read as follows:

13 1. a. A prosecuting witness who is a child or who has a
14 mental disability in a case involving a violation of chapter
15 709 or 710A, or section 726.2, 726.3, 726.6, or 728.12, is
16 entitled to have the witness's interests represented by a
17 guardian ad litem at all stages of the proceedings arising
18 from such violation. The guardian ad litem shall be a
19 practicing attorney and shall be designated by the court after
20 due consideration is given to the desires and needs of the
21 child prosecuting witness and the compatibility of the child
22 prosecuting witness and the child's prosecuting witness's
23 interests with the prospective guardian ad litem. If a
24 guardian ad litem is currently appointed, or has previously
25 been appointed, for the child prosecuting witness in a
26 proceeding under section 598.12, a proceeding under chapter
27 232, or a proceeding in which the juvenile court has waived
28 jurisdiction under section 232.45, or any other proceeding
29 substantially related to a matter arising under this section,
30 the court shall appoint the same guardian ad litem under
31 this section. When a guardian ad litem is appointed for a
32 prosecuting witness with a mental disability, the court shall
33 give appointment priority to an attorney who has background
34 and training specific to persons with mental disabilities.
35 The guardian ad litem shall receive notice of and may attend

1 all depositions, hearings, and trial proceedings to support
2 the ~~child~~ prosecuting witness and advocate for the protection
3 of the ~~child~~ prosecuting witness but shall not be allowed
4 to separately introduce evidence or to directly examine or
5 cross-examine witnesses. However, the guardian ad litem shall
6 file reports to the court as required by the court.

7 *b.* For purposes of **this subsection**, "child" means a person
8 under eighteen years of age.

9 *c.* For purposes of this subsection, "mental disability"
10 means one or more intellectual, developmental, or psychiatric
11 disabilities that result in significant impairment to a
12 person's ability to comprehend, communicate, or learn.

13 EXPLANATION

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

16 This bill relates to human trafficking including parole
17 and work release and victim counselors, and guardian ad
18 litem appointments for prosecuting witnesses with mental
19 disabilities.

20 The bill provides that at the time of sentencing, the court
21 shall determine when a person convicted of human trafficking as
22 described in Code section 902.12(7) shall first become eligible
23 for parole or work release.

24 The bill requires that a person serving a sentence for
25 a conviction of human trafficking as a class "B" felony in
26 violation of Code section 710A.2, subsection 1, 3, 4, 5, 6, 7,
27 8, or 9, be denied parole or work release until the person has
28 served between one-half and seven-tenths of the maximum term of
29 the person's sentence.

30 The bill amends the definition of "victim" to include a
31 person subjected to human trafficking, and the definition of
32 "victim counselor" to include training in the substantive laws
33 relating to human trafficking.

34 Current law entitles a prosecuting witness who is a child
35 in a case involving a violation of Code chapter 709 (sexual

1 abuse) or 710A (human trafficking), or Code section 726.2
2 (incest), 726.3 (neglect or abandonment of a dependent person),
3 726.6 (child endangerment), or 728.12 (sexual exploitation of
4 a minor), to have the witness's interests represented by a
5 guardian ad litem, who is a practicing attorney, at all stages
6 of the proceedings arising from such violation.

7 The bill expands the appointment of a guardian ad litem to
8 include a prosecuting witness who has a mental disability. The
9 bill defines "mental disability" as one or more intellectual,
10 developmental, or psychiatric disabilities that result in
11 significant impairment to a person's ability to comprehend,
12 communicate, or learn. When a guardian ad litem is appointed
13 for a prosecuting witness with a mental disability, the
14 court shall give appointment priority to an attorney who
15 has background and training specific to persons with mental
16 disabilities.