

House File 63 - Introduced

HOUSE FILE 63
BY WILLS

A BILL FOR

- 1 An Act establishing the criminal offense of human smuggling, and
- 2 providing penalties.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

unofficial

1 Section 1. NEW SECTION. **710.12 Human smuggling —**
2 **aggravated human smuggling.**

3 1. a. A person commits the offense of human smuggling when
4 the person knowingly transports another person into the state, or
5 harbors or conceals another person within the state, and all of
6 the following apply:

7 (1) The person knows or should have known that the other
8 person is entering into or remaining in the United States without
9 proper documentation.

10 (2) The person benefits financially, or receives anything of
11 value.

12 (3) The person knows or should have known that the person
13 being smuggled is likely to be exploited for the financial gain
14 of another.

15 b. A person who commits the offense of human smuggling
16 commits a class "D" felony.

17 2. a. Aggravated human smuggling is human smuggling for
18 which any of the following apply:

19 (1) The offense is committed using a dangerous weapon.

20 (2) The offense causes bodily harm, serious bodily harm, or
21 disfigurement to the person being smuggled.

22 (3) The offense causes the person being smuggled to become
23 a victim of sexual assault or sexual abuse, or involved in
24 commercial sexual activity as defined in section 710A.1.

25 b. A person who commits the offense of aggravated human
26 smuggling commits a class "B" felony.

27 **EXPLANATION**

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

30 This bill establishes the criminal offense of human smuggling.

31 The bill provides that a person commits the offense of human
32 smuggling when the person knowingly transports another person
33 into the state, or harbors or conceals another person within
34 the state and: the person knows or should have known that the
35 other person is entering into or remaining in the United States

1 without proper documentation; the person benefits financially, or
2 receives anything of value; and the person knows or should have
3 known that the person being smuggled is likely to be exploited
4 for the financial gain of another. Human smuggling is a class
5 "D" felony. A class "D" felony is punishable by confinement for
6 no more than five years and a fine of at least \$1,025 but not
7 more than \$10,245.

8 A person commits aggravated human smuggling when the offense
9 of human smuggling is committed using a dangerous weapon as
10 defined in Code section 702.7; causes bodily harm, serious bodily
11 harm, or disfigurement to the person being smuggled; or causes
12 the person being smuggled to become a victim of sexual assault
13 or sexual abuse, or involved in commercial sexual activity as
14 defined in Code section 710A.1. Aggravated human smuggling
15 is a class "B" felony. A class "B" felony is punishable by
16 confinement for no more than 25 years.

unofficial