

House File 2460 - Reprinted

HOUSE FILE 2460
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 530)

(As Amended and Passed by the House March 6, 2024)

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~~ give appointment priority to the same
31 guardian ad litem under this section. When a guardian ad
32 litem is appointed for a prosecuting witness with a mental
33 disability, the court shall give appointment priority to an
34 attorney who has background and training specific to persons
35 with mental disabilities. The guardian ad litem shall receive

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

8 *b.* For purposes of **this subsection**, “*child*” means a person
9 under eighteen years of age.

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