HOUSE FILE 2460
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 530)

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

[= New Language by the House

* = Language Stricken by the House

A BILL FOR

An Act relating to human trafficking including parole and work release and victim counselors, and guardian ad litem appointments for prosecuting witnesses with mental disabilities.

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

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

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

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

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

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

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

d. "*Victim counselor*" means a person who is engaged in a crime victim center, is certified as a counselor by the crime victim center, and is under the control of a direct services supervisor of a crime victim center, whose primary purpose is the rendering of advice, counseling, and assistance to the victims of crime. To qualify as a "victim counselor" under this section, the person must also have completed at least twenty hours of training provided by the center in which the person is engaged, by the Iowa organization of victim

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

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

1. *a.* A prosecuting witness who is a child or who has a mental disability in a case involving a violation of chapter 709 or 710A, or section 726.2, 726.3, 726.6, or 728.12, is entitled to have the witness's interests represented by a guardian ad litem at all stages of the proceedings arising from such violation. The guardian ad litem shall be a practicing attorney and shall be designated by the court after due consideration is given to the desires and needs of the ~~child~~ prosecuting witness and the compatibility of the ~~child~~ prosecuting witness and the ~~child's~~ prosecuting witness's interests with the prospective guardian ad litem. If a guardian ad litem is currently appointed, or has previously been appointed, for the ~~child~~ prosecuting witness in a proceeding under section 598.12, a proceeding under chapter 232, ~~or~~ a proceeding in which the juvenile court has waived jurisdiction under section 232.45, or any other proceeding substantially related to a matter arising under this section, [the court shall ~~appoint~~ give appointment priority to the same guardian ad litem under] this section. When a guardian ad litem is appointed for a prosecuting witness with a mental disability, the court shall give appointment priority to an attorney who has background and training specific to persons with mental disabilities. The guardian ad litem shall receive

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

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

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