

CHAPTER 1097

SEX OFFENSES AND HUMAN TRAFFICKING

S.F. 2311

AN ACT relating to sexual and criminal offenses involving minors and others, including prostitution, pimping, and human trafficking, providing for a fee, and including penalties and effective date and applicability provisions.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 80B.10, Code 2014, is amended to read as follows:

80B.10 Annual report.

The council shall make an annual report to the governor, the attorney general, and the commissioner of public safety which shall include pertinent data regarding the standards established and the degree of participation of agencies in the training program. The report required by this section shall specifically include data regarding academy resources devoted to training relating to human trafficking.

Sec. 2. Section 602.8102, subsection 135A, Code 2014, is amended to read as follows:

135A. Assess the surcharges provided by sections 911.1, 911.2, 911.2A, 911.3, and 911.4.

Sec. 3. Section 602.8108, subsection 2, Code 2014, is amended to read as follows:

2. Except as otherwise provided, the clerk of the district court shall report and submit to the state court administrator, not later than the fifteenth day of each month, the fines and fees received during the preceding calendar month. Except as provided in subsections 3, 4, 5, 5A, 7, 8, 9, and 10, the state court administrator shall deposit the amounts received with the treasurer of state for deposit in the general fund of the state. The state court administrator shall report to the legislative services agency within thirty days of the beginning of each fiscal quarter the amount received during the previous quarter in the account established under this section.

Sec. 4. Section 602.8108, Code 2014, is amended by adding the following new subsection:

NEW SUBSECTION. 5A. The clerk of the district court shall remit all moneys collected from the assessment of the human trafficking victim surcharge provided in section 911.2A to the state court administrator no later than the fifteenth day of each month for deposit in the human trafficking victim fund created in section 915.95.

Sec. 5. Section 710.10, Code 2014, is amended by adding the following new subsection:

NEW SUBSECTION. 7. For purposes of this section, methods of enticement include but are not limited to personal contact and communication by any means including through the mail, telephone, internet, or any social media, and include text messages, instant messages, and electronic mail.

Sec. 6. Section 725.1, Code 2014, is amended to read as follows:

725.1 Prostitution.

1. *a.* Except as provided in paragraph "b", a person who sells or offers for sale the person's services as a partner in a sex act commits an aggravated misdemeanor. ~~or~~

b. If the person who sells or offers for sale the person's services as a partner in a sex act is under the age of eighteen, the county attorney may elect, in lieu of filing a petition alleging that the person has committed a delinquent act, to refer that person to the department of human services for the possible filing of a petition alleging that the person is a child in need of assistance.

c. If the person who sells or offers for sale the person's services as a partner in a sex act is under the age of eighteen, upon the expiration of two years following the person's conviction for a violation of paragraph "a" or of a similar local ordinance, the person may petition the court to expunge the conviction, and if the person has had no other criminal convictions, other than local traffic violations or simple misdemeanor violations of chapter 321 during the two-year period, the conviction shall be expunged as a matter of law. The court shall

enter an order that the record of the conviction be expunged by the clerk of the district court. Notwithstanding section 692.2, after receipt of notice from the clerk of the district court that a record of conviction has been expunged for a violation of paragraph “a”, the record of conviction shall be removed from the criminal history data files maintained by the department of public safety.

2. a. Except as provided in paragraph “b”, a person who purchases or offers to purchase such another person’s services, as a partner in a sex act commits an aggravated misdemeanor.

b. A person who purchases or offers to purchase services as a partner in a sex act from a person who is under the age of eighteen commits a class “D” felony.

Sec. 7. Section 725.2, Code 2014, is amended to read as follows:

725.2 Pimping.

1. A person who solicits a patron for a prostitute, or who knowingly takes or shares in the earnings of a prostitute, or who knowingly furnishes a room or other place to be used for the purpose of prostitution, whether for compensation or not, commits a class “D” felony.

2. A person who solicits a patron for a prostitute who is under the age of eighteen, or who knowingly takes or shares in the earnings of a prostitute who is under the age of eighteen, or who knowingly furnishes a room or other place to be used for the purposes of prostitution of a prostitute who is under the age of eighteen, whether for compensation or not, commits a class “C” felony.

3. It shall be an affirmative defense to a prosecution of a person under the age of twenty-one for a violation of this section that the person was allowed, permitted, or encouraged by an adult having influence or control of the person to engage in acts prohibited pursuant to section 725.1, subsection 1, while the person was under the age of eighteen.

Sec. 8. NEW SECTION. **802.2B Other sexual offenses.**

An information or indictment for the following offenses committed on or with a person who is under the age of eighteen years shall be found within ten years after the person upon whom the offense is committed attains eighteen years of age, or if the person against whom the information or indictment is sought is identified through the use of a DNA profile, an information or indictment shall be found within three years from the date the person is identified by the person’s DNA profile, whichever is later:

1. Lascivious acts with a child in violation of section 709.8.
2. Assault with intent to commit sexual abuse in violation of section 709.11.
3. Indecent contact with a child in violation of section 709.12.
4. Lascivious conduct with a minor in violation of section 709.14.
5. Sexual misconduct with a juvenile in violation of section 709.16, subsection 2.
6. Sexual exploitation of a minor in violation of section 728.12.

Sec. 9. Section 802.3, Code 2014, is amended to read as follows:

802.3 Felony — aggravated or serious misdemeanor.

In all cases, except those enumerated in section 802.1, 802.2, 802.2A, 802.2B, or 802.10, an indictment or information for a felony or aggravated or serious misdemeanor shall be found within three years after its commission.

Sec. 10. Section 802.10, subsection 3, Code 2014, is amended to read as follows:

3. However, notwithstanding subsection 2, an indictment or information shall be found against a person within three years from the date the person is identified by the person’s DNA profile. If the action involves sexual abuse, or another sexual offense the indictment or information shall be found as provided in section 802.2 or 802.2B, if the person is identified by the person’s DNA profile.

Sec. 11. Section 808B.3, Code 2014, is amended by adding the following new subsection: NEW SUBSECTION. 6. A felony offense involving human trafficking in violation of chapter 710A.

Sec. 12. Section 902.9, subsection 2, Code 2014, is amended to read as follows:

2. The surcharges required by sections 911.1, 911.2, 911.2A, and 911.3 shall be added to a fine imposed on a class "C" or class "D" felon, as provided by those sections, and are not a part of or subject to the maximums set in this section.

Sec. 13. Section 903.1, subsection 4, Code 2014, is amended to read as follows:

4. The surcharges required by sections 911.1, 911.2, 911.2A, 911.3, and 911.4 shall be added to a fine imposed on a misdemeanor as provided in those sections, and are not a part of or subject to the maximums set in this section.

Sec. 14. **NEW SECTION. 911.2A Human trafficking victim surcharge.**

1. In addition to any other surcharge, the court or clerk of the district court shall assess a human trafficking victim surcharge of one thousand dollars if an adjudication of guilt or a deferred judgment has been entered for a criminal violation of section 725.1, subsection 2, or section 710A.2, 725.2, or 725.3.

2. In the event of multiple offenses, the surcharge shall be imposed for each applicable offense.

3. The surcharge shall be remitted by the clerk of court as provided in section 602.8108, subsection 5A.

Sec. 15. **NEW SECTION. 915.95 Human trafficking victim fund.**

A fund is created as a separate fund in the state treasury. Moneys deposited in the fund shall be administered by the department and dedicated to and used for awarding moneys to programs that provide services and support to victims of human trafficking under section 710A.2, including public outreach and awareness programs and service provider training programs. Notwithstanding section 8.33, any balance in the fund on June 30 of any fiscal year shall not revert to the general fund of the state.

Sec. 16. **EFFECTIVE DATE.** The section of this Act enacting section 911.2A takes effect January 1, 2015.

Sec. 17. **APPLICABILITY.** The section of this Act enacting section 911.2A applies to an adjudication of guilt or a deferred judgment entered for a violation of section 725.1, subsection 2, or section 710A.2, 725.2, or 725.3 on or after January 1, 2015.

Approved April 24, 2014