

CHAPTER 710A
HUMAN TRAFFICKING

Referred to in §135B.34, 135C.33, 152.5A, 331.307, 364.22, 633.535, 701.1, 808B.3, 915.35, 915.37

Table listing sections 710A.1 through 710A.7 with their respective titles: Definitions, Human trafficking, Solicitation of commercial sexual activity, Premises used for human trafficking, Affirmative defense, Restitution — restorative expenses, Certification, Outreach, public awareness, and training programs, Peace officer referral.

710A.1 Definitions.

As used in this chapter:

1. "Commercial sexual activity" means any sex act or sexually explicit performance for which anything of value is given, promised to, or received by any person and includes, but is not limited to, prostitution, participation in the production of pornography, and performance in strip clubs.

2. "Debt bondage" means the status or condition of a debtor arising from a pledge of the debtor's personal services or a person under the control of a debtor's personal services as a security for debt if the reasonable value of such services is not applied toward the liquidation of the debt or the length and nature of those services are not respectively limited and defined.

3. "Forced labor or services" means labor or services that are performed or provided by another person and that are obtained or maintained through any of the following:

- a. Causing or threatening to cause serious physical injury to any person.
b. Physically restraining or threatening to physically restrain another person.
c. Abusing or threatening to abuse the law or legal process.
d. Knowingly destroying, concealing, removing, confiscating, or possessing any actual or purported government identification of another person.

e. Knowingly providing or facilitating the provision of a forged, altered, or fraudulent license purportedly issued pursuant to chapter 152C or 157, or a forged, altered, or fraudulent government identification, to another person in order to force, coerce, entice, assist, facilitate, or permit the other person to perform labor or services.

f. Knowingly forcing, coercing, enticing, assisting, facilitating, or permitting another person in possession of a forged, altered, or fraudulent license purportedly issued pursuant to chapter 152C or 157, or a forged, altered, or fraudulent government identification, to produce such license or government identification to a peace officer upon request of the peace officer pursuant to section 152C.5B or 157.4A.

g. Knowingly forcing, coercing, intimidating, or compelling another person to perform an act in violation of state or federal law through the use of debt bondage or servitude or as a condition of being allowed to remain in the United States.

4. a. "Human trafficking" means participating in a venture to recruit, harbor, transport, supply provisions, or obtain a person for any of the following purposes:

(1) Forced labor or service that results in involuntary servitude, peonage, debt bondage, or slavery.

(2) Commercial sexual activity through the use of force, fraud, or coercion, except that if the trafficked person is under the age of eighteen, the commercial sexual activity need not involve force, fraud, or coercion.

b. "Human trafficking" also means knowingly purchasing or attempting to purchase services involving commercial sexual activity from a victim or another person engaged in human trafficking.

5. "Involuntary servitude" means a condition of servitude induced by means of any scheme, plan, or pattern intended to cause a person to believe that if the person did not enter into or continue in such condition, that person or another person would suffer serious harm or physical restraint or the threatened abuse of legal process.

6. "Labor" means work of economic or financial value.

7. “*Maintain*” means, in relation to labor and services, to secure continued performance thereof, regardless of any initial agreement on the part of the victim to perform such type of services.

8. “*Obtain*” means, in relation to labor or services, to secure performance thereof.

9. “*Peonage*” means a status or condition of involuntary servitude based upon real or alleged indebtedness.

10. “*Services*” means an ongoing relationship between a person and the actor in which the person performs activities under the supervision of or for the benefit of the actor, including commercial sexual activity and sexually explicit performances.

11. “*Sexually explicit performance*” means a live or public act or show intended to arouse or satisfy the sexual desires or appeal to the prurient interest of patrons.

12. “*Venture*” means any group of two or more persons associated in fact, whether or not a legal entity.

13. “*Victim*” means a person subjected to human trafficking.

2006 Acts, ch 1074, §2; 2009 Acts, ch 19, §1; 2012 Acts, ch 1057, §2; 2021 Acts, ch 123, §5

Referred to in §80.45, 80.45A, 217.30, 232.68, 321.208, 915.51, 915.87

710A.2 Human trafficking.

1. A person who knowingly engages in human trafficking is guilty of a class “D” felony, except that if the victim is under the age of eighteen, the person is guilty of a class “C” felony.

2. A person who knowingly engages in human trafficking by causing or threatening to cause serious physical injury to another person is guilty of a class “C” felony, except that if the victim is under the age of eighteen, the person is guilty of a class “B” felony.

3. A person who knowingly engages in human trafficking by physically restraining or threatening to physically restrain another person is guilty of a class “D” felony, except that if the victim is under the age of eighteen, the person is guilty of a class “C” felony.

4. A person who knowingly engages in human trafficking by soliciting services or benefiting from the services of a victim is guilty of a class “D” felony, except that if the victim is under the age of eighteen, the person is guilty of a class “C” felony.

5. A person who knowingly engages in human trafficking by abusing or threatening to abuse the law or legal process is guilty of a class “D” felony, except that if the victim is under the age of eighteen, the person is guilty of a class “C” felony.

6. A person who knowingly engages in human trafficking by knowingly destroying, concealing, removing, confiscating, or possessing any actual or purported government identification of another person is guilty of a class “D” felony, except if that other person is under the age of eighteen, the person is guilty of a class “C” felony.

7. A person who benefits financially or by receiving anything of value from knowing participation in human trafficking is guilty of a class “D” felony, except that if the victim is under the age of eighteen, the person is guilty of a class “C” felony.

8. A person who knowingly engages in human trafficking by knowingly providing or facilitating the provision of a forged, altered, or fraudulent license purportedly issued pursuant to [chapter 152C](#) or [157](#), or a forged, altered, or fraudulent government identification to another person, to force, coerce, entice, assist, facilitate, or permit the other person to perform labor or services is guilty of an aggravated misdemeanor, except if that other person is under the age of eighteen, the person is guilty of a class “D” felony.

9. A person who knowingly engages in human trafficking by knowingly forcing, coercing, enticing, assisting, facilitating, or permitting another person in possession of a forged, altered, or fraudulent license purportedly issued pursuant to [chapter 152C](#) or [157](#), or a forged, altered, or fraudulent government identification, to produce such license or government identification upon request of a peace officer pursuant to [section 152C.5B](#) or [157.4A](#), is guilty of an aggravated misdemeanor, except if that other person is under the age of eighteen, the person is guilty of a class “D” felony.

10. A person’s ignorance of the age of the victim or a belief that the victim was older is not a defense to a violation of [this section](#).

11. A person who is found guilty, enters a plea of guilty, receives a deferred judgment, or receives a deferred or suspended sentence for a violation of [this chapter](#) shall be ineligible

for a license pursuant to [chapter 152C](#) or [157](#) for a period of not less than five years from the date of conviction, plea, judgment, or sentence.

[2006 Acts, ch 1074, §3](#); [2012 Acts, ch 1057, §3](#); [2013 Acts, ch 90, §187](#); [2021 Acts, ch 123, §6, 7](#)

Referred to in [§9E.2, 152C.5, 272.2, 692A.102, 710A.3, 710A.5, 802.2D, 911.2A, 911.2B, 915.94, 915.95](#)

710A.2A Solicitation of commercial sexual activity.

A person shall not entice, coerce, or recruit, or attempt to entice, coerce, or recruit, either a person who is under the age of eighteen or a law enforcement officer or agent who is representing that the officer or agent is under the age of eighteen, to engage in a commercial sexual activity. A person who violates [this section](#) commits a class “D” felony.

[2012 Acts, ch 1057, §4](#); [2013 Acts, ch 90, §188](#)

Referred to in [§692A.102, 710A.3](#)

710A.2B Premises used for human trafficking.

1. A person who owns, rents, leases, or uses any part of a building, structure, boat, trailer, or other place offering shelter or seclusion, and who knows, or has reason to know, that the building, structure, boat, trailer, or other place offering shelter or seclusion is being used for the purposes of human trafficking, commits a class “D” felony.

2. It shall be an affirmative defense to a prosecution of a person pursuant to [subsection 1](#), if immediately upon acquiring knowledge that the building, structure, boat, trailer, or other place offering shelter or seclusion is used for the purposes of human trafficking, the person notifies a law enforcement agency with jurisdiction and fully cooperates with any subsequent investigation.

3. *a.* If a law enforcement agency notifies a person who owns, rents, leases, or uses any part of a building, structure, boat, trailer, or other place offering shelter or seclusion of an investigation pursuant to [chapter 152C](#) or [157](#) that may involve the building, structure, boat, trailer, or other place offering shelter or seclusion, the person shall have an affirmative duty to fully cooperate with the investigation.

b. A person who fails to fully cooperate with an investigation pursuant to paragraph “*a*” commits a serious misdemeanor.

[2021 Acts, ch 123, §8](#)

Referred to in [§710A.3](#)

710A.3 Affirmative defense.

It shall be an affirmative defense, in addition to any other affirmative defenses for which a defendant may be eligible, to a prosecution for a criminal violation of [section 152C.5B, 152C.5C, 157.4A, 157.4B, 710A.2, 710A.2A, or 710A.2B](#), that the violation directly resulted from the defendant’s status as a victim of any human trafficking crime under [chapter 710A](#).

[2006 Acts, ch 1074, §4](#); [2021 Acts, ch 123, §9](#)

710A.4 Restitution — restorative expenses.

1. For purposes of [this section](#), “*restorative expenses*” means the projected costs of education, vocational training, medical health, mental health, transportation, housing, child care, or other projected costs that will aid in a victim’s recovery.

2. The gross income of a defendant or the value of labor or services performed by a victim of the defendant shall be considered when determining restitution pursuant to [chapter 910](#). For purposes of [this section](#), restitution may include restorative expenses for a period not to exceed three years as approved and ordered by the court.

3. A defendant’s ability to pay shall not be a factor in the court’s decision to order restorative expenses.

4. A defendant’s obligation to pay court-ordered restorative expenses shall not be dischargeable in any proceeding under the federal Bankruptcy Act of 1898, as amended.

[2006 Acts, ch 1074, §5](#); [2021 Acts, ch 123, §10](#)

710A.5 Certification.

A law enforcement agency investigating a crime described in [section 710A.2](#) shall notify the attorney general in writing about the investigation. Upon request of the attorney general, such law enforcement agency shall provide copies of any investigative reports describing the immigration status and cooperation of the victim. The attorney general shall certify in writing to the United States department of justice or other federal agency that an investigation or prosecution under [this chapter](#) has begun and that the person who is a likely victim of a crime described in [section 710A.2](#) is willing to cooperate or is cooperating with the investigation to enable the person, if eligible under federal law, to qualify for an appropriate special immigrant visa and to access available federal benefits. Cooperation with law enforcement shall not be required of a minor victim of a crime described in [section 710A.2](#). This certification shall be made available to the victim and the victim's designated legal representative.

[2006 Acts, ch 1074, §6](#)

710A.6 Outreach, public awareness, and training programs.

The crime victim assistance division of the department of justice, in cooperation with other governmental agencies and nongovernmental or community organizations, shall develop and conduct outreach, public awareness, and training programs for the general public, law enforcement agencies, first responders, potential victims, and persons conducting or regularly dealing with businesses or other ventures that have a high statistical incidence of debt bondage or forced labor or services. The programs shall train participants to recognize and report incidents of human trafficking and to suppress the demand that fosters exploitation of persons and leads to human trafficking.

[2015 Acts, ch 138, §138, 161, 162](#)

Referred to in [§915.94](#)

710A.7 Peace officer referral.

If during the course of an investigation or prosecution under [this chapter](#) a peace officer has reason to believe that a person who purports to be licensed pursuant to [chapter 152C](#) or [157](#) does not possess a valid license or is in violation of any other state or federal laws, the peace officer may report such noncompliance to the appropriate licensing board under the professional licensure division within the department of public health, and to the appropriate state or federal authorities.

[2021 Acts, ch 123, §11](#)