

## Iowa State Report State Ratings 2014

The Polaris annual state ratings process tracks the presence or absence of 10 categories of state statutes that Polaris believes are critical to a comprehensive anti-trafficking legal framework. It is important to note that these 10 categories are not exhaustive of all the important legislation that helps combat human trafficking in a given state. Moreover, the ratings do not assess the effectiveness or implementation of these laws, nor the anti-trafficking efforts of task forces, law enforcement, prosecutors, judges, service providers, and advocates in the state. The purpose of the annual state ratings process is to document laws on the books, to motivate legislators and policy advocates, and to focus the attention of states on the statutes that still need to be enacted in order to achieve a strong anti-trafficking legal framework.

**Rating:** Tier One (yellow)

**Total Points:** 6.5

**Credited Categories:** 1 Sex Trafficking; 2 Labor Trafficking; 3(a) Asset Forfeiture; 4(a) Training for Law Enforcement; 5 No Requirement of Force, Fraud, or Coercion for Minor Victims of Sex Trafficking; 7 Safe Harbor for Minors; and 8 Victim assistance.

**Categories Still Needed:** 3(b) Investigative Tools; 4(b) Human Trafficking Task Force; 6 Posting of a Hotline; 9 Civil Remedy; and 10 Vacating Convictions.

**Category By Category Break-Down:**

### Category 1: Sex Trafficking Statute

#### 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 passport or other immigration document, or any other actual or purported government identification document, of another person.



4. Human trafficking” means participating in a venture to recruit, harbor, transport, supply provisions, or obtain a person for any of the following purposes:
  - a. Forced labor or service that results in involuntary servitude, peonage, debt bondage, or slavery.
  - b. 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.
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.

#### **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 passport or other immigration document, or any other actual or purported government identification document of a victim is guilty of a class “D” felony, except that 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's ignorance of the age of the victim or a belief that the victim was older is no defense to a violation of this section.

### **Category 2: Labor Trafficking Statute**

Yes. See 710A.1(4)(a).

### **Category 3(a): Asset Forfeiture**

#### **809A.3. Conduct giving rise to forfeiture**

The following conduct may give rise to forfeiture:

1. An act or omission which is a public offense and which is a serious or aggravated misdemeanor or felony.

#### **809A.4. Property subject to forfeiture**

The following are subject to forfeiture:

2. a. All property, except as provided in paragraph “b”, including the whole of any lot or tract of land and any appurtenances or improvements to real property, including homesteads that are otherwise exempt from judicial sale pursuant to section 561.16, that is either:
  - (1) Furnished or intended to be furnished by a person in an exchange that constitutes conduct giving rise to forfeiture.
  - (2) Used or intended to be used in any manner or part to facilitate conduct giving rise to forfeiture.
- b. If the only conduct giving rise to forfeiture is a violation of section 124.401, subsection 3, real property is not subject to forfeiture and other property subject to forfeiture pursuant to paragraph “a”, subparagraph (2), may be forfeited only pursuant to section 809A.14.
3. All proceeds of any conduct giving rise to forfeiture.
6. a. Any property of a person up to the value of property which is either of the following:
  - (1) Described in subsection 2 that the person owned or possessed for the purpose of a use described in subsection 2.
  - (2) Described in subsection 3 and is proceeds of conduct engaged in by the person or for which the person is criminally responsible.

### **Category 3(b): Investigative Tools**

None.

### **Category 4(a): Training for Law Enforcement**

#### **80B.11. Rules**

1. The director of the academy, subject to the approval of the council, shall promulgate rules in accordance with the provisions of this chapter and chapter 17A, giving due consideration to varying factors and special requirements of law enforcement agencies relative to the following:



e. Training standards on the subject of human trafficking, to include curricula on cultural sensitivity and the means to deal effectively and appropriately with trafficking victims. Such training shall encourage law enforcement personnel to communicate in the language of the trafficking victims. The course of instruction and training standards shall be developed by the director in consultation with the appropriate national and state experts in the field of human trafficking.

**Category 4(b): Human Trafficking Task Force**

None.

**Category 5: No Requirement of Force, Fraud, or Coercion for Sex Trafficking of Minors**

Yes. See §710A.1(4)(a)(2).

**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 under the age of eighteen or a law enforcement officer or agent representing oneself to be under the age of eighteen, to engage in a commercial sexual activity. A person who violates this section commits a class "D" felony.

**Category 6: Posting of a Human Trafficking Hotline**

None.

**Category 7: Safe Harbor**

**SF 2311 (2014)**

**725.1 Prostitution.**

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.

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.



## **Category 8: Victim Assistance**

### **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.

### **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.

## **Category 9: Civil Remedy**

None.

## **Category 10: Vacating Convictions**

\*Recognition for efforts, but no credit awarded.

### **SF 2311 (2014)**

#### **725.1 Prostitution.**

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.

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If you would like assistance in enacting laws to fill in the gaps, please contact the Polaris Policy Program at [policy@polarisproject.org](mailto:policy@polarisproject.org).