

PROTECTED INNOCENCE CHALLENGE

STATE ACTION. NATIONAL CHANGE.

Iowa Report Card 2016

Iowa's human trafficking law criminalizes commercial sexual exploitation of minors without regard to the use of force, fraud or coercion, however Iowa's trafficking offense does not reach the actions of all buyers and a controlling third party must be identified. Victims of sex trafficking or CSEC may be deterred from testifying due to no "rape shield" protection.

Final Score

85

Final Grade

B



10

10

23

25

15

15

6

10

16.5

27.5

14.5

15



Criminalization of Domestic Minor Sex Trafficking

Iowa's human trafficking law includes the sex trafficking of minors and does not require force, fraud, or coercion for minors used in commercial sex acts. The state CSEC crimes include solicitation of commercial sexual activity, sexual exploitation of a minor, enticing a minor under 16, solicitation of commercial sexual activity, prostitution, pimping, and pandering. The prostitution law does not reference the human trafficking law to identify a commercially sexually exploited minor as a victim of trafficking but victims charged with prostitution or other offenses related to their status as trafficking victims may assert an affirmative defense. Human trafficking and CSEC laws are predicate acts under the state racketeering statute.



Criminal Provisions Addressing Demand

The human trafficking law expressly includes purchasing commercial sex acts with a victim of trafficking, however, the circumstances in which charges can be brought against a buyer are likely limited by the statute's requirement that the sexual services be performed for the benefit of or under the supervision of a controlling third party or trafficker. Buyers may also be prosecuted under the CSEC offense of solicitation of commercial sexual activity. Iowa's prostitution law distinguishes between purchasing sex with an adult versus a minor and the solicitation of commercial sexual activity offense specifically criminalizes solicitation of minors. The enticing a minor statute makes it a crime to use the Internet to solicit a minor for sex acts. Convicted buyers face civil asset forfeiture and mandatory victim restitution when convicted of human trafficking or solicitation of commercial sexual activity. The human trafficking law prohibits a defense to prosecution based on mistake of age, but enticing a minor, prostitution, and lascivious acts with a child do not prohibit it. Buyers of sex with minors must register as sex offenders if convicted of human trafficking or solicitation of commercial sexual activity; however, buyers convicted under the prostitution statute, even when it involves a minor, are not required to register.

Demand | Selected Commercial Sex Crimes

Crime (name of law abridged)	Classification	Sentence	Fine (and)	Asset Forfeiture (available)
Human trafficking (§ 710A.2)	Class C felony	Up to 10 years	\$1,000– \$10,000	●
Solicitation of commercial sexual activity (§ 710A.2A)	Class D felony	Up to 5 years	\$750– \$7,500	●
Prostitution (Iowa Code § 725.1)	Class D felony	Max. 5 years	\$750– \$7,500	●
Possessing and purchasing child pornography (Iowa Code § 728.12(3))	Aggravated misdemeanor (first offense)	Max. 2 years	\$625– \$6,250	●



Criminal Provisions for Traffickers

Human trafficking of a minor is punishable as a felony by up to 10 years imprisonment and a fine of \$1,000– \$10,000, or up to 25 years imprisonment if the trafficker causes or threatens serious physical injury. Trafficker's culpability may be limited by the statute's requirement that the trafficker and victim have an ongoing relationship. Sexual exploitation of a minor, pimping, pandering, and enticing a minor under 13 to participate in child pornography are Class C felonies punishable by up to 10 years imprisonment and fines of \$1,000–\$10,000, while solicitation of commercial sexual activity, enticing a minor 13–16 years old and distributing child pornography are Class D felonies punishable by up to 5 years imprisonment and fines of \$750–\$7,500. Traffickers could also be subject to racketeering and money laundering laws leading to additional penalties. The enticing a minor statute may be used to penalize traffickers who use the Internet to recruit minors for the purpose of engaging in commercial sex acts. Traffickers convicted of human trafficking or CSEC laws may face civil asset forfeiture and mandatory restitution. Traffickers must register as sex offenders for convictions of human trafficking and CSEC offenses. Grounds for termination of parental rights include convictions of human trafficking and CSEC laws.

All criminal penalties are statutory; many states also have sentencing guidelines that are not codified which affect sentencing.



Protective Provisions for the Child Victims

Not all commercially sexually exploited children are defined as juvenile sex trafficking victims, as the actions of buyers only fall under the trafficking law in a few, limited circumstances and a third party must be identified. Victims of sex trafficking and CSEC are also not fully protected under Iowa's laws. Human trafficking and CSEC laws do not prohibit a defense based on consent of the minor. Prostitution laws apply to minors under 18 and juvenile sex trafficking victims face criminalization for commercial sex acts committed as a result of their victimization. However, in lieu of delinquency proceedings, the county attorney may refer the minor to the Department of Human Services, potentially allowing the minor victim to avoid delinquency adjudication and access services through child welfare, although specialized services are not statutorily mandated. Child welfare intervention should be possible for child sex trafficking victims since the definition of abuse includes commercial sexual exploitation, sex trafficking, prostitution or child pornography, or those at risk of being trafficked. The definition of "person responsible for the care of a child" is broadly defined to include those without legal custody of the child, allowing child welfare to intervene in non-familial trafficking cases. Crime victims' compensation is available for trafficking victims. While a minor trafficking victim may not be denied compensation for participating in the conduct giving rise to the injury, consent by the victim and failing to meet time limits for reporting crimes and filing claims could still lead to reduction or denial of benefits. Some victim-friendly trial procedures are available to human trafficking and CSEC victims that may encourage them to pursue justice, including the ability to testify via closed circuit television, the appointment of a guardian ad litem for a child prosecuting witness in a human trafficking case, and the protection of information about a child pornography victim under 14. However, Iowa's "rape shield" law only applies in criminal cases of sexual abuse, leaving CSEC victim-witnesses unprotected from the trauma of cross-examination at trials of their traffickers. Minor victims of trafficking or CSEC are eligible to participate in an address confidentiality program. Juvenile criminal records may be sealed once the juvenile turns 18, provided two years have elapsed since the last action in the case and that the minor has not been convicted of a felony, serious or aggravated misdemeanor, or adjudicated a delinquent for such an offense. Address and location records for human trafficking victims are kept confidential. Restitution is available to victims in any criminal sentencing; however, civil remedies are only available to CSEC victims whose offenders are guilty of racketeering or money laundering. The statute of limitations for sexual exploitation of a minor is extended to 10 years whereas prosecutions for human trafficking differ slightly. The statute of limitations for a child victim of human trafficking is ten years after the victim reaches eighteen years of age, or three years from when the offender is identified through a DNA profile; whichever is later. Other CSEC offenses, though, must be brought within three years of the crime, and civil actions for childhood sexual abuse discovered after the injured person is 18 must be brought within four years of the victim's discovery of the injury.



Criminal Justice Tools for Investigation and Prosecution

Iowa law directs the law enforcement academy to hire specific personnel to develop and provide training on human trafficking. Single party consent to audiotaping is allowed. Wiretapping is allowed in investigations for human trafficking, but not for CSEC offenses. Solicitation of commercial sexual activity expressly prohibits a defense to the use of a decoy to investigate solicitation of minors for prostitution, and law enforcement may use the Internet to investigate some cases of domestic minor sex trafficking by relying on the crime of enticing a minor under 16. Iowa has established a statewide reporting and response system for which both law enforcement and child welfare agencies must report missing and located children.



Criminal Provisions for Facilitators

Iowa's human trafficking law includes the crime of financially benefitting from human trafficking. Human trafficking of a minor and pimping a minor are Class C felonies punishable by up to 10 years imprisonment and a fine of \$1,000-\$10,000. Promoting or selling child pornography is a Class D felony punishable by up to 5 years imprisonment and a fine of \$750-\$7,500. Facilitators could also be subject to racketeering and money laundering laws leading to additional penalties and civil liabilities. Facilitators convicted of human trafficking could be subject to civil asset forfeiture and face mandatory restitution for a victim's pecuniary damages. No laws in Iowa address sex tourism.

The Report Card is based on the Protected Innocence Legislative Framework, an analysis of state laws performed by the American Center for Law & Justice and Shared Hope International, and sets a national standard of protection against domestic minor sex trafficking. To access the Protected Innocence Legislative Framework Methodology, each completed Report Card, and foundational analysis and recommendations, please visit: www.sharedhope.org.