

Since 2011, Shared Hope has laid the foundation for transformational policy, practice, and cultural change by supporting state legislators and stakeholders to identify gaps in the fabric of laws needed to address child sex trafficking. The Report Cards on Child & Youth Sex Trafficking build upon the progress already made, challenging states to take the next step in the fight against sex trafficking by focusing on the area where the largest gaps remain—victim protections. This report provides a thorough review of Iowa’s laws related to both criminalization and victim protections while providing recommendations for addressing gaps in the law.



ISSUE 1: Criminal Provisions

Policy Goal 1.1 The child sex trafficking law is expressly applicable to buyers of commercial sex with any minor under 18.

Iowa Code § 710A.2 (Human trafficking) expressly applies to buyers of commercial sex with a minor based on the definition of “human trafficking.” Pursuant to Iowa Code § 710A.2(1), (4),

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.
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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.

Iowa Code § 710A.1(4)(b) (Definitions) defines “human trafficking” to include “knowingly purchasing or attempting to purchase services¹ involving commercial sexual activity² from a victim or another person engaged in human trafficking.”

¹ Iowa Code § 710A.1(10) (Definitions) defines “services” as “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 performance.”

² Iowa Code § 710A.1(1) defines “commercial sexual activity” as “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.”

Policy Goal 1.2 Commercial sexual exploitation of children (CSEC) laws specifically criminalize purchasing or soliciting commercial sex with any minor under 18.

Iowa’s CSEC laws criminalize both purchasing and soliciting commercial sex with a minor. Pursuant to Iowa Code § 725.1(2)(b) (Prostitution), “[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.” Further, Iowa Code § 710A.2A (Solicitation of commercial sexual activity) states,

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

Policy Goal 1.3 Commercial sexual exploitation of children (CSEC) laws apply to traffickers and protect all minors under 18.

Iowa’s CSEC laws address an array of trafficker conduct. Pursuant to Iowa Code § 725.3(2) (Pandering),

A person who persuades, arranges, coerces, or otherwise causes a minor to become a prostitute or to return to the practice of prostitution after having abandoned it, or keeps or maintains any premises for the purpose of prostitution involving minors or knowingly shares in the income from such premises knowing the character and content of such income, commits a class “C” felony.

Further, Iowa Code § 710A.2A (Solicitation of commercial sexual activity) states,

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.

Lastly, pursuant to Iowa Code § 725.2(2) (Pimping),

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.

Policy Goal 1.4 Mistake of age is not an available defense under sex trafficking and commercial sexual exploitation of children (CSEC) laws.

Iowa law expressly prohibits a mistake of age defense in prosecutions for child sex trafficking but not CSEC. Pursuant to Iowa Code § 710A.2(8) (Human trafficking), “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.”

- 1.4.1 Recommendation: Amend state law to prohibit a mistake of age defense in CSEC cases.

Policy Goal 1.5 Use of a law enforcement decoy is not an available defense in child sex trafficking cases.

Iowa law does not prohibit a defense to prosecution based on the use of a law enforcement decoy posing as a minor to investigate trafficking crimes.³

- 1.5.1 Recommendation: Statutorily prohibit an offender from raising a defense based on the use of a law enforcement decoy posing as a minor to investigate a child sex trafficking crime.

Policy Goal 1.6 The trafficking law expressly allows for business entity liability and establishes a business-specific penalty scheme.

Iowa's trafficking law does not expressly allow for business entity liability.

- 1.6.1 Recommendation: Amend state law to ensure business entities can be held liable under state trafficking laws and establish a business-specific penalty scheme.

Policy Goal 1.7 State law mandates that financial penalties are levied on sex trafficking and CSEC offenders and are directed to a victim services fund.

Iowa law levies financial penalties on sex trafficking and CSEC offenders; although the mandatory surcharges will be directed into victim services funds, a percentage of forfeited assets is not.

Regarding fees, Iowa Code § 911.2A (Human trafficking victim surcharge) requires sex trafficking and CSEC offenders to pay a \$1,000 surcharge; it states,

1. In addition to any other surcharge, the 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 [Prostitution], subsection 2, or section 710A.2 [Human trafficking], 725.2 [Pimping], or 725.3 [Pandering].
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 6.

Further, Iowa Code § 911.2B (Domestic and sexual abuse crimes surcharge) requires those convicted of human trafficking, stalking, or certain sexual offenses to pay a \$90 surcharge; it states,

1. In addition to any other surcharge, the court shall assess a domestic and sexual abuse crimes surcharge of ninety dollars if an adjudication of guilt or a deferred judgment has been entered for a violation of section 708.2A [Domestic abuse assault – Mandatory minimums, penalties enhanced – extension of no-contact order], 708.11 [Stalking], or 710A.2 [Human trafficking], or chapter 709 [Sexual abuse], or if a defendant is held in contempt of court for violating a domestic abuse protective order issued pursuant to chapter 236.
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 6.

³ Further, state law expressly allows for the admission evidence regarding mistake of fact. Iowa Code § 701.6 (Ignorance or mistake) states,

All persons are presumed to know the law. Evidence of an accused person's ignorance or mistake as to a matter of either fact or law shall be admissible in any case where it shall tend to prove the existence or nonexistence of some element of the crime with which the person is charged.

Disposition of the human trafficking victim surcharge and the domestic and sexual abuse crime surcharge is governed by Iowa Code § 602.8108 (Distribution of court revenue), which requires funds to be deposited into the Human Trafficking Victim Fund or the Address Confidentiality Program Revolving Fund, respectively. Specifically, Iowa Code § 602.8108(5)–(6) provides,

5. 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 915.95.⁴
6. The clerk of the district court shall remit all moneys collected from the assessment of the surcharge provided in section 911.2B to the state court administrator for deposit in the address confidentiality program revolving fund created in section 9.8.

Regarding asset forfeiture, Iowa Code § 809A.3(1) (Conduct giving rise to forfeiture) broadly provides for forfeiture in cases involving serious or aggravated misdemeanors or felonies. Under Iowa Code § 809A.4(2)–(6)(a) (Property subject to forfeiture), property subject to forfeiture includes the following:

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 facilitate⁵ conduct giving rise to forfeiture.
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3. All proceeds of any conduct giving rise to forfeiture.
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5. Any interest or security in, claim against, or property or contractual right of any kind affording a source of control over any enterprise that a person has established, operated, controlled, conducted, or participated in the conduct or through 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.

Allocation of forfeited assets is governed by Iowa Code § 809A.17(2)–(5) (Allocation of forfeited property), which states,

⁴ Pursuant to Iowa Code § 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, and for reimbursing the Iowa law enforcement academy for domestic abuse and human trafficking training. 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.

⁵ Iowa Code § 809A.4(7) defines “facilitate” as “hav[ing] a substantial connection between the property and the conduct giving rise to forfeiture.”

2. Forfeited property not needed as evidence in a criminal case shall be delivered to the department of justice, or, upon written authorization of the attorney general or the attorney general's designee, the property may be destroyed, sold, or delivered to an appropriate agency for disposal in accordance with this section.
3. Forfeited property may be used by the department of justice in the enforcement of the criminal law. The department may give, sell, or trade property to any other state agency or to any other law enforcement agency within the state if, in the opinion of the attorney general, it will enhance law enforcement within the state.
4. Forfeited property which is not used by the department of justice in the enforcement of the law may be requisitioned by the department of public safety or any law enforcement agency within the state for use in enforcing the criminal laws of this state. Forfeited property not requisitioned may be delivered to the director of the department of administrative services to be disposed of in the same manner as property received pursuant to section 8A.325.
5. Notwithstanding subsection 1, 2, 3, or 4, the following apply:
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 - e. If the forfeited property is cash or proceeds from the sale of real property, the distribution of the forfeited property shall be as follows:
 - (1) The department of justice shall not retain more than ten percent of the gross sale of any forfeited real property. The balance of the proceeds shall be distributed to the seizing agency for use by the agency or for division among law enforcement agencies and county attorneys pursuant to any agreement entered into by the seizing agency.
 - (2) The department of justice shall not retain more than ten percent of any forfeited cash. The balance shall be distributed to the seizing agency for use by the agency or for division among law enforcement agencies and county attorneys pursuant to any agreement entered into by the seizing agency.
 - (3) In the event of a cash forfeiture in excess of four hundred thousand dollars, the distribution of forfeited cash shall be as follows:
 - (a) Forty-five percent shall be retained by the seizing agency.
 - (b) Forty-five percent shall be distributed to other law enforcement agencies within the region of the seizing agency.
 - (c) Ten percent shall be retained by the department of justice.

As noted above, however, state asset forfeiture laws do not direct a percentage of a sex trafficking or CSEC offender's forfeited assets into a victim services fund.



ISSUE 2: Identification of & Response to Victims

Policy Goal 2.1 The definition of child sex trafficking victim in the criminal code includes all commercially sexually exploited children without requiring third party control.

The definition of child sex trafficking victim does not include all commercially sexually exploited children. Iowa Code § 710A.1(13) (Definitions) defines “victim” as “a person subjected to human trafficking.” Pursuant to Iowa Code § 710A.1(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:

.....

(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.

Although the definition of “commercial sexual activity”⁶ under Iowa Code § 710A.1(1) is broad enough to include buyer conduct, the definition of “services” creates a third party control requirement. Iowa Code § 710A.1(10) defines “services” as “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 performance.” Accordingly, the victim must be engaged in an “ongoing relationship” with a trafficker who supervises and/or benefits from the child’s exploitation.

As such, third party control is required to establish the crime of child sex trafficking, thereby excluding commercially sexually exploited children who are not under the control of a trafficker from the definition of sex trafficking victim.

2.1.1 Recommendation: Amend state law to remove third party control requirements that narrow the definition of child sex trafficking victim.⁷

Policy Goal 2.2 State law provides policy guidance to facilitate access to services and assistance for trafficked foreign national children.

Iowa law provides policy guidance that facilitates access to services and assistance for trafficked foreign national children. Specifically, Iowa Code § 915.51 (General rights of human trafficking victims) clarifies that child victims of

⁶ Iowa Code § 710A.1(1) defines “commercial sexual activity” as “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.”

⁷ See generally Shared Hope Int’l, *Eliminating the Third Party Control Barrier to Identifying Juvenile Sex Trafficking Victims*, JuST Response Policy Paper (August 2015), http://sharedhope.org/wp-content/uploads/2015/08/Policy-Paper_Eliminating-Third-Party-Control_Final1.pdf (discussing need to include all commercially sexually exploited children within sex trafficking definitions and the corresponding need to include buyer conduct in core sex trafficking offenses regardless of whether the victim is under control of a third party).

sex trafficking are afforded the same rights and benefits as other crime victims regardless of immigration status, stating,

Victims of human trafficking, as defined in section 710A.1 [Definitions], shall have the same rights as other victims of a crime, including the right to receive victim compensation pursuant to section 915.84 [Application for compensation], regardless of their immigration status.

Iowa Code Chapter 915 (Victim rights) enumerates the rights of crime victims. Services are included under Iowa Code § 915.35(1), (2) (Child victim services), which states,

1. As used in this section, “victim” means a minor under the age of eighteen who has been sexually abused or subjected to any other unlawful sexual conduct under chapter 709 [Sexual abuse], 710A [Human trafficking], or 726 [Protection of the family and dependent persons] or who has been the subject of a forcible felony.
2. A professional licensed or certified by the state to provide immediate or short-term medical services or mental health services to a victim may provide the services without the prior consent or knowledge of the victim’s parents or guardians.

Policy Goal 2.3 State law mandates child welfare agencies to conduct trauma-informed CSEC screening for children at risk of sex trafficking.

Iowa law does not require child welfare to conduct trauma-informed CSEC screening of system-involved children and youth who are at risk of sex trafficking. However, Iowa Code § 232.71B(3)(c) (Duties of the department upon receipt of a report) outlines certain requirements for the Department of Human Services to support identification of sex trafficking victimization among children within the care or supervision of the Department. Iowa Code § 232.71B(3)(c) states,

If the department has reasonable cause to believe that a child under the placement, care, or supervision of the department is, or is at risk of becoming, a sex trafficking victim, the department shall do all of the following:

- (1) Identify the child as a sex trafficking victim or at risk of becoming a sex trafficking victim and include documentation in the child’s department records.
 - (2) Refer the child for appropriate services.
 - (3) Refer the child identified as a sex trafficking victim, within twenty-four hours, to the appropriate law enforcement agency having jurisdiction to investigate the allegation.
- 2.3.1 Recommendation: Statutorily require child welfare to screen system-involved children and youth at risk of sex trafficking for experiences of commercial sexual exploitation.

Policy Goal 2.4 State law mandates juvenile justice agencies to conduct trauma-informed CSEC screening of children at risk of sex trafficking.

Iowa law does not require juvenile justice agencies to conduct trauma-informed CSEC screening of children and youth who are at risk of sex trafficking.

- 2.4.1 Recommendation: Statutorily require juvenile justice agencies to screen children and youth who are at risk of sex trafficking for experiences of commercial sexual exploitation.

Policy Goal 2.5 State law prohibits the criminalization of minors under 18 for prostitution offenses.

Iowa law fails to prohibit the criminalization of minors for prostitution offenses. Pursuant to Iowa Code § 725.1(1)(a), (b) (Prostitution),

- a. Except as provided in subsection “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.

While some commercially sexually exploited minors arrested for, or charged with, prostitution may be diverted away from the juvenile justice system, they must first endure a punitive process before protections and a referral to child welfare is provided. Additionally, such protections are only extended at the county attorney’s discretion, thus allowing some minors to be prosecuted for prostitution. As such, Iowa law fails to protect all minors from punitive responses for engagement in commercial sex.

- 2.5.1 Recommendation: Amend state law to prohibit the criminalization of minors for prostitution offenses.

Policy Goal 2.6 State law prohibits the criminalization of child sex trafficking victims for status offenses, and misdemeanor and non-violent felony offenses committed as a result of their trafficking victimization.

Although Iowa law does not prohibit the criminalization of child sex trafficking victims for status offenses or for misdemeanors or non-violent felonies committed as a result of their trafficking victimization, an affirmative defense may be available. Specifically, Iowa Code § 710A.3 (Affirmative defense) states,

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 [License and government-issued identification – Peace officer request], 152C.5C [Announcements to the public], 157.4A [License and government-issued identification – Peace officer request], 157.4B [Announcements to the public], 710A.2 [Human trafficking], 710A.2A [Solicitation of commercial sexual activity], or 710A.2B [Premises used for human trafficking], that the violation directly resulted from the defendant’s status as a victim of any human trafficking crime under chapter 710A [Human Trafficking].

- 2.6.1 Recommendation: Amend state law to prohibit the criminalization of child sex trafficking victims for status offenses, and misdemeanors and non-violent felonies committed as a result of their trafficking victimization.

Policy Goal 2.7 State law prohibits the criminalization of child sex trafficking victims for sex trafficking and commercial sexual exploitation offenses, including accomplice and co-conspirator liability, committed as a result of their trafficking victimization.

Although Iowa law does not prohibit the criminalization of child sex trafficking victims for sex trafficking and commercial sexual exploitation offenses, including accomplice and co-conspirator liability, committed as a result of their trafficking victimization, an affirmative defense may be available. Specifically, Iowa Code § 710A.3 (Affirmative defense) states,

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 . . . 710A.2 [Human trafficking], 710A.2A [Solicitation of commercial sexual activity], or 710A.2B [Premises used for human trafficking], that the

violation directly resulted from the defendant’s status as a victim of any human trafficking crime under chapter 710A [Human Trafficking].

Further, Iowa Code § 725.2(3) (Pimping) provides commercially sexually exploited children and youth with an affirmative defense to pimping charges, stating,

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 [Prostitution], subsection 1, while the person was under the age of eighteen.

- 2.7.1 Recommendation: Amend state law to prohibit the criminalization of child sex trafficking victims for sex trafficking and commercial sexual exploitation offenses, including accomplice and co-conspirator liability, committed as a result of their trafficking victimization.

Policy Goal 2.8 State law provides child sex trafficking victims with an affirmative defense to violent felonies committed as a result of their trafficking victimization.

Iowa law does not provide child sex trafficking victims with an affirmative defense to violent felonies committed as a result of their trafficking victimization.

- 2.8.1 Recommendation: Enact a law that provides child sex trafficking victims with an affirmative defense to violent felonies committed as a result of their trafficking victimization.

Policy Goal 2.9 Juvenile court jurisdiction aligns with international human rights standards.

Iowa law does not provide age-appropriate juvenile court responses for all minors accused of engaging in juvenile or criminal conduct. While juvenile court jurisdiction extends to all minors under 18 years of age, Iowa law does not establish a minimum age for jurisdictional purposes, permits direct file and transfers to criminal court in cases involving minors previously transferred in a prior matter, and fails to require courts to consider the impact of trauma or past victimization in making discretionary transfer determinations.

	Minimum Age for Juvenile Court Jurisdiction	Maximum Age for Charging a Minor in Juvenile Court	Automatic Transfers or Direct File	Discretionary Transfers	Requirement for Court to Consider Trauma or Past Victimization
Summary	None. “Child” is defined as “a person under eighteen years of age.”	17	Yes. Minors: (1) charged with certain simple misdemeanor offenses; (2) 16+ years of age charged with certain offenses; or (3) 16+ years of age previously transferred to criminal court in a prior case.	Yes. Minors: (1) 14 charged with any offense; (2) 10+ who commit certain offenses may be transferred to criminal court for prosecution as a “youthful offender.”	No.

Relevant Statute(s)	Iowa Code § 232.2(5) (Definitions)	Iowa Code § 232.2(5) (Definitions); Iowa Code § 232.8(1)(a) (Jurisdiction)	Iowa Code § 232.8(1)(b)–(c) (Jurisdiction); Iowa Code § 232.45A(2) (Waiver to and conviction by district court – Processing)	Iowa Code § 232.8(3)(a) (Jurisdiction); Iowa Code § 232.45(7) (Waiver hearing and waiver of jurisdiction)	Iowa Code § 232.45(8)–(9) (Waiver hearing and waiver of jurisdiction)

Consequently, Iowa law fails to provide age-appropriate juvenile court responses to all minors, including child sex trafficking victims, as governing state statute: (1) does not establish a minimum age for juvenile court jurisdiction that aligns with international human rights standards; (2) allows minors to be subject to direct file and automatic transfers; and (3) does not require the juvenile court to consider past trafficking victimization or trauma when making a transfer determination.

- 2.9.1 Recommendation: Statutorily require age-appropriate juvenile court responses for all children accused of engaging in juvenile or criminal conduct.

Policy Goal 2.10 State law defines child abuse to include child sex trafficking for purposes of accessing child welfare services.

Iowa law defines “child abuse” and “abuse” to include child sex trafficking and commercial sexual exploitation of children. Iowa Code § 232.68(2)(a) (Definitions) states in part,

“Child abuse” or “abuse” means:

.....

(5) The acts or omissions of a person responsible for the care of a child which allow, permit, or encourage the child to engage in acts prohibited pursuant to section 725.1 [Prostitution]. Notwithstanding section 702.5 [defines child as person under 14 years of age],⁸ acts or omissions under this subparagraph include an act or omission referred to in this subparagraph with or to a person under the age of eighteen years.

.....

(11) The recruitment, harboring, transportation, provision, obtaining, patronizing, or soliciting of a child for the purpose of commercial sexual activity as defined in section 710A.1 [Human trafficking].

Policy Goal 2.11 State law clearly defines child welfare’s role in responding to non-familial child sex trafficking through an alternative specialized response that does not hinge on caregiver fault.

Iowa law provides access to child welfare services for child sex trafficking victims regardless of parent or caregiver fault, but it does not outline a child sex trafficking-specific protocol for responding to non-familial sex trafficking cases. Specifically, the definition of “child abuse or abuse” under Iowa Code § 232.68(2)(a)(11) (Definitions) expressly includes child sex trafficking and, unlike other acts constituting abuse, does not limit conduct to acts committed by a caregiver.

⁸ Iowa Code § 702.5 (Child) states, “For purposes of Title XVI, unless another age is specified, a ‘child’ is any person under the age of fourteen years.”

- 2.11.1 Recommendation: Strengthen existing law to statutorily outline a child sex trafficking-specific protocol for responding to non-familial child sex trafficking cases that does not hinge on caregiver fault.



ISSUE 3: Continuum of Care

Policy Goal 3.1 State law provides child sex trafficking victims with access to specialized services through a non-punitive system.

Iowa law requires the Department of Human Services to refer a commercially sexually exploited child for appropriate services; however, it does not require the entity receiving the referral to provide access to specialized services and this protection only applies to children who are already system-involved. Specifically, Iowa Code § 232.70(10) (Reporting procedures)⁹ provides,

If the department has reasonable cause to believe that a child under the placement, care, or supervision of the department is, or is at risk of becoming, a sex trafficking victim, the department shall do all of the following:

- a. Identify the child as a sex trafficking victim or at risk of becoming a sex trafficking victim and include documentation in the child's department records.
 - b. Refer the child for appropriate services.
 - c. Refer the child identified as a sex trafficking victim, within twenty-four hours, to the appropriate law enforcement agency having jurisdiction to investigate the allegation.
- 3.1.1 Recommendation: Statutorily require access to specialized services through a non-punitive system.

Policy Goal 3.2 State law provides for a survivor-centered multi-disciplinary team response to child sex trafficking cases.

Although child sex trafficking victims could receive a multi-disciplinary team (MDT) response through an existing MDT, Iowa law does not require a child sex trafficking-specific MDT response. Pursuant to Iowa Code § 915.35(4) (Child victim services),

a. A child protection assistance team involving the county attorney, law enforcement personnel, and personnel of the department of human services shall be established for each county by the county attorney. However, by mutual agreement, two or more county attorneys may establish a single child protection assistance team to cover a multicounty area. A child protection assistance team, to the greatest extent possible, may be consulted in cases involving a forcible felony against a child who is less than age fourteen in which the suspected offender is the person responsible for the care of a child, as defined in section 232.68 [Definitions]. A child protection assistance team may also be utilized in cases involving a

⁹ Similarly, Iowa Code § 232.71B(3)(c) (Duties of the department upon receipt of report) states,

If the department has reasonable cause to believe that a child under the placement, care, or supervision of the department is, or is at risk of becoming, a sex trafficking victim, the department shall do all of the following:

- (1) Identify the child as a sex trafficking victim or at risk of becoming a sex trafficking victim and include documentation in the child's department records.
- (2) Refer the child for appropriate services.
- (3) Refer the child identified as a sex trafficking victim, within twenty-four hours, to the appropriate law enforcement agency having jurisdiction to investigate the allegation.

violation of chapter 709 [Sexual abuse] or 726 [Protection of the family and dependent persons] or other crime committed upon a victim¹⁰ as defined in subsection 1.

b. A child protection assistance team may also consult with or include juvenile court officers, medical and mental health professionals, physicians or other hospital-based health professionals, court-appointed special advocates, guardians ad litem, and members of a multidisciplinary team created by the department of human services for child abuse investigations.¹¹ A child protection assistance team may work cooperatively with the early childhood Iowa area board established under chapter 256I [Early childhood Iowa initiatives]. The child protection assistance team shall work with the department of human services in accordance with section 232.71B [Duties of the department upon receipt of the report], subsection 3, in developing the protocols for prioritizing the actions taken in response to child abuse assessments and for law enforcement agencies working jointly with the department at the local level in processes for child abuse assessments. The department of justice may provide training and other assistance to support the activities of a child protection assistance team.

- 3.2.1 Recommendation: Statutorily require a multi-disciplinary team response specific to child sex trafficking victims.

Policy Goal 3.3 State law requires the juvenile justice system to provide access to specialized services for identified sex trafficked children and youth.

Iowa law does not provide access to specialized services for identified sex trafficked children and youth in the juvenile justice system.

- 3.3.1 Recommendation Statutorily require the juvenile justice system to provide access to specialized services for identified sex trafficked children and youth.

Policy Goal 3.4 State law extends foster care services to older foster youth.

Iowa state law extends foster care services to youth under 23 years of age. Pursuant to Iowa Code § 234.46 (Preparation for adult living program),

1. For the purposes of this section, “young adult” means a person who is described by all of the following conditions:
 - a. The person is a resident of this state.
 - b. The person is age eighteen, nineteen, twenty, twenty-one, or twenty-two.
 - c. At the time the person became age eighteen, the person received foster care services that were paid for by the state under section 234.35, services at a state training school, services at a juvenile shelter care home, services at a juvenile detention home, or court-ordered care in accordance with chapter 232 by a relative or another person with a significant relationship with the person, and the person is no longer receiving such services or care.

¹⁰ Iowa Code § 915.35(1) (Child victim services) defines “victim” in part as “a minor under the age of eighteen who has been sexually abused or subjected to any other unlawful sexual conduct under chapter . . . 710A [Human trafficking].”

¹¹ Iowa Code § 235A.13(8) (Definitions) defines “multidisciplinary team” to include the following:

[A] group of individuals who possess knowledge and skills related to the diagnosis, assessment, and disposition of child abuse cases and who are professionals practicing in the disciplines of medicine, nursing, public health, substance abuse, domestic violence, mental health, social work, child development, education, law, juvenile probation, or law enforcement, or a group established pursuant to section 235B.1 [Dependent adult abuse services], subsection 1.

- d. The person enters into and participates in an individual self-sufficiency plan that complements the person's own efforts for achieving self-sufficiency and the plan provides for one or more of the following:
- (1) The person attends an accredited school full-time pursuing a course of study leading to a high school diploma.
 - (2) The person attends an instructional program leading to a high school equivalency diploma.
 - (3) The person is enrolled in or pursuing enrollment in a postsecondary education or training program or work training.
 - (4) The person is employed or seeking employment.
2. The division shall establish a preparation for adult living program directed to young adults. The purpose of the program is to assist persons who are leaving foster care and other court-ordered services at age eighteen or older in making the transition to self-sufficiency. The department shall adopt rules necessary for administration of the program, including but not limited to eligibility criteria for young adult participation and the services and other support available under the program. The rules shall provide for participation of each person who meets the definition of young adult on the same basis, regardless of whether federal financial participation is provided. The services and other support available under the program may include but are not limited to any of the following:
- a. Support for the young adult continuing to reside with the family that provided family foster care to the young adult.
 - b. Support for a supervised apartment living arrangement.
 - c. Support for participation in education, training, or employment activities.
 - d. Other assistance to enhance the young adult's ability to achieve self-sufficiency.

Policy Goal 3.5 State funding is appropriated to support specialized services and a continuum of care for sex trafficked children regardless of system involvement.

The Iowa state legislature made a non-reoccurring appropriation during the 2021 session to support the Office to Combat Human Trafficking, a legislatively created body established within the Department of Public Safety to oversee and coordinate anti-trafficking efforts across the state. However, while Iowa Code § 80.45(e) (Office to Combat Human Trafficking) requires the Office to “[a]pply for or assist other governmental agencies, as assistance is needed, to apply for grants to support human trafficking enforcement, prosecutions, trainings, and victim services,” the Office itself is not required to provide or coordinate for the provision of specialized, community-based services to child and youth survivors of sex trafficking.

2021-2022 Appropriations				
Bill	Recipient	Amount	Intended Purpose	Term
HF 861	Office to Combat Human Trafficking; Department of Public Safety	\$197,325	To support the Office to Combat Human Trafficking, which, pursuant to Iowa Code § 80.45, is required to, “Apply for or assist other governmental agencies, as assistance as needed, to apply for grants to support . . . “victim services.” § 14(10).	FY 2021-2022 (Non-recurring)
2021 Legislative Session				July 1-June 30

- 3.5.1 Recommendation: Appropriate state funds to support the development of and access to specialized, community-based services to child and youth survivors of sex trafficking.

Policy Goal 3.6 State funding is appropriated to support child-serving agencies with providing specialized services and a continuum of care for sex trafficked children.

The Iowa state legislature did not appropriate funds to support child-serving agencies with developing and providing specialized services and ensuring a continuum of care for child and youth survivors who interact or are involved in state systems.

- 3.6.1 Recommendation: Appropriate state funds to support child-serving agencies in the development of and access to specialized services to child and youth survivors of sex trafficking.



ISSUE 4: Access to Justice for Trafficking Survivors

Policy Goal 4.1 State law allows trafficking victims to seek emergency civil orders of protection.

While civil orders of protection exist under Iowa law, this protection is not expressly available to victims of child sex trafficking and CSEC.

- 4.1.1 Recommendation: Amend state law to expressly allow victims of trafficking and CSEC to obtain ex parte civil orders of protection against their exploiters.

Policy Goal 4.2 Ineligibility factors for crime victims' compensation do not prevent victims of child sex trafficking and commercial sexual exploitation of children (CSEC) from accessing compensation.

Iowa's crime victims' compensation laws do not provide commercially sexually exploited children with exceptions to most ineligibility factors, leaving many victims without access to an award. For purposes of accessing crime victims' compensation, Iowa Code § 915.80(9)(a) (Definitions) defines "victim" to include "a person who suffers personal injury or death as a result of . . . [a] crime." "Crime" is defined under Iowa Code § 915.80(2) as follows:

[C]onduct that occurs or is attempted in this state, poses a substantial threat of personal injury or death, and is punishable as a felony or misdemeanor, or would be so punishable but for the fact that the person engaging in the conduct lacked the capacity to commit the crime under the laws of this state.

However, certain ineligibility factors may still limit a commercially sexually exploited child's ability to seek crime victims' compensation. Pursuant to Iowa Code § 915.84(1), (3) (Application for compensation),

1. To claim compensation under the crime victim compensation program, a person shall apply in writing on a form prescribed by the department and file the application with the department within two years after the date of the crime, the discovery of the crime, or the date of death of the victim. The department may waive the time limitation if good cause is shown.
. . . .
3. A person is not eligible for compensation unless the crime was reported to the local police department or county sheriff department within seventy-two hours of its occurrence. If the crime cannot reasonably be reported within that time period, the crime shall have been reported within seventy-two hours of the time a report can reasonably be made.¹² The department may waive this requirement if good cause is shown.

¹² Iowa Code § 915.84(4) provides victims of sexual abuse, unlawful sexual conduct, or a forcible felony with an exception to reporting requirements; however, victims of child sex trafficking and CSEC are not expressly included, and the prohibited conduct must have been committed by a "person responsible for the care of [the] child." Iowa Code § 915.84 states,

Notwithstanding subsection 2, a victim under the age of eighteen or dependent adult as defined in section 235B.2 who has been sexually abused or subjected to any other unlawful sexual conduct under chapter 709 [Sexual offenses] or 726 [Protection of the family and dependent persons] or who has been the subject of a forcible felony is not required to report the crime to the local police department or county sheriff department to be eligible for compensation if the crime was allegedly committed upon a child by a person responsible for the care of a child, as defined in section 232.68, subsection 8, or upon a dependent adult by a caretaker as defined in section 235B.2, and was reported to an employee of the department of human services and the employee verifies the report to the department.

Although Iowa law allows for waiver of these requirements upon a showing of good cause, nothing in this section explains what constitutes “good cause” for purposes of Iowa Code § 915.84(1), (3).

Further, Iowa Code § 915.84(7) requires “[t]he victim [to] cooperate with reasonable requests by the appropriate law enforcement agencies in the investigation or prosecution of the crime.” Lastly, Iowa Code § 915.87(2)(a) (Reductions and disqualifications) states, “Compensation shall not be made when the bodily injury or death for which a benefit is sought was caused by . . . [c]onsent, provocation, or incitement by the victim.”

Notably, Iowa law provides commercially sexually exploited children with an exception to ineligibility based on “assisting, attempting, or committing a criminal act.” Iowa Code § 915.87(2)(b) states,

The victim assisting, attempting, or committing a criminal act.
This paragraph shall not apply to a victim under the age of eighteen involved in commercial sexual activity¹³ as defined in section 710A.1 [Definitions].

Because child sex trafficking and CSEC victims are not expressly exempt from the other ineligibility factors noted above, however, some commercially sexually exploited children still may not have access to an award.

- 4.2.1 Recommendation: Statutorily exempt victims of child sex trafficking and CSEC from ineligibility factors for crime victims’ compensation.

Policy Goal 4.3 Sex trafficked children and youth may vacate delinquency adjudications and criminal convictions for any offense arising from trafficking victimization.

Iowa law does not allow sex trafficked children and youth to vacate delinquency adjudications or criminal convictions for offenses arising from trafficking victimization.

- 4.3.1 Recommendation: Amend state law to allow sex trafficked children and youth to vacate delinquency adjudications and criminal convictions for any offense arising from trafficking victimization.

Policy Goal 4.4 State law mandates restitution for child sex trafficking and commercial sexual exploitation of children (CSEC) offenses.

Iowa law requires an offender convicted of a child sex trafficking or CSEC offense to pay restitution. Pursuant to Iowa Code § 910.2(1) (Restitution or community service to be ordered by sentencing court),

- a. In all criminal cases in which there is a plea of guilty, verdict of guilty, or special verdict upon which a judgment of conviction is rendered, the sentencing court shall order that pecuniary damages¹⁴ be paid by

¹³ Iowa Code § 710A.1(1) (Definitions) defines “commercial sexual activity” as “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.”

¹⁴ Iowa Code § 910.1(6) (Definitions) defines “pecuniary damages” as follows:

[A]ll damages to the extent not paid by an insurer on an insurance claim by the victim, which a victim could recover against the offender in a civil action arising out of the same facts or event, except punitive damages and damages for

each offender to the victims of the offender's criminal activities, and that all other restitution be paid to the clerk of court subject to the following:

- (1) Pecuniary damages and category "A" restitution¹⁵ shall be ordered without regard to an offender's reasonable ability to make payments.
- (2) Category "B" restitution¹⁶ shall be ordered subject to an offender's reasonable ability to make payments pursuant to section 910.2A.

....

c. In structuring a plan of restitution, the plan of payment shall provide for payments in the following order of priority:

- (1) Pecuniary damages to the victim.
- (2) Category "A" restitution.
- (3) Category "B" restitution in the following order:
 - (a) Crime victim compensation program reimbursement.
 - (b) Public agencies.
 - (c) Court costs.
 - (d) Court-appointed attorney fees ordered pursuant to section 815.9, including the expense of a public defender.
 - (e) Contribution to a local anticrime organization.
 - (f) The medical assistance program.

Iowa Code § 915.100(1), (2) (Victim restitution rights) reinforces this requirement, stating,

1. Victims,¹⁷ as defined in section 910.1 [Definitions], have the right to recover pecuniary damages, as defined in section 910.1.
 2. The right to restitution includes the following:
 - a. In all criminal cases in which there is a plea of guilty, verdict of guilty, or special verdict upon which a judgment of conviction is rendered, the sentencing court shall order that restitution be made by each offender to victims of the offender's criminal activities.
-
- i. The right to victim restitution for the pecuniary damages incurred by a victim as the result of a crime does not limit or impair the right of the victim to sue and recover damages from the offender in a civil action.

With regard to trafficking cases, Iowa Code § 710A.4(2) (Restitution – Restorative expenses) specifies,

pain, suffering, mental anguish, and loss of consortium. Without limitation, "pecuniary damages" includes damages for wrongful death and expenses incurred for psychiatric or psychological services or counseling or other counseling for the victim which became necessary as a direct result of the criminal activity.

¹⁵ Iowa Code § 910.1(1) defines "category 'A' restitution" as "fines, penalties, and surcharges."

¹⁶ Iowa Code § 910.1(2) defines "category 'B' restitution" as follows:

[T]he contribution of funds to a local anticrime organization which provided assistance to law enforcement in an offender's case, the payment of crime victim compensation program reimbursements, payment of restitution to public agencies pursuant to section 321J.2, subsection 13, paragraph "b", court costs, court-appointed attorney fees ordered pursuant to section 815.9, including the expense of a public defender, and payment to the medical assistance program pursuant to chapter 249A for expenditures paid on behalf of the victim resulting from the offender's criminal activities including investigative costs incurred by the Medicaid fraud control unit pursuant to section 249A.50.

¹⁷ Iowa Code § 910.1(11) defines "victim" as "a person who has suffered pecuniary damages as a result of the offender's criminal activities."

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 expenses¹⁸ for a period not to exceed three years as approved and ordered by the court.

EXTRA CREDIT



Iowa law mandates restitution for victims of child labor trafficking under Iowa Code § 910.2, which applies broadly to any offense.

Policy Goal 4.5 State law provides child sex trafficking victims with a trafficking-specific civil remedy.

Iowa law does not allow victims of child sex trafficking to pursue civil remedies against their exploiters.

- 4.5.1 Recommendation: Amend state law to provide child sex trafficking victims with a trafficking-specific civil remedy.

Policy Goal 4.6 Statutes of limitation for criminal and civil actions for child sex trafficking or commercial sexual exploitation of children (CSEC) offenses are eliminated to allow prosecutors and victims a realistic opportunity to pursue criminal action and legal remedies.

Child sex trafficking prosecutions may commence at any time; however, prosecutions for Iowa’s CSEC offenses are subject to a statute of limitation. Pursuant to Iowa Code § 802.2D (Human Trafficking), “An information or indictment for human trafficking in violation of section 710A.2, committed on or with a person who is under the age of eighteen years may be commenced at any time after the commission of the offense.” Otherwise, Iowa Code § 802.3 (Felony – Aggravated or serious misdemeanor) establishes a 3-year statute of limitation “for a felony or aggravated or serious misdemeanor.”

Regarding civil actions, Iowa law does not provide child sex trafficking victims with a trafficking-specific civil remedy.

- 4.6.1 Recommendation: Amend state law to eliminate the criminal and civil statutes of limitation for all cases involving child sex trafficking and CSEC.¹⁹

¹⁸ Iowa Code § 710A.4(1) defines “restorative expenses” as “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.”

¹⁹ The recommendation in this Policy Goal is predicated upon the recommendation in Policy Goal 4.5 being simultaneously or previously enacted.



ISSUE 5: Tools for a Victim-Centered Criminal Justice Response

Policy Goal 5.1 State law provides a child sex trafficking-specific hearsay exception that applies to non-testimonial evidence to reduce reliance on victim testimony.

Iowa law does not allow non-testimonial, out-of-court statements made by a commercially sexually exploited child to be admitted into evidence in lieu of, or for the purpose of corroborating, the child's testimony.

5.1.1 Recommendation: Statutorily provide a hearsay exception that applies to non-testimonial evidence in cases involving commercial sexual exploitation of children under 18 years of age.

Policy Goal 5.2 State law provides child sex trafficking victims with alternatives to live, in-court testimony regardless of the prosecuted offense.

Iowa law provides commercially sexually exploited children with an alternative to live, in-court testimony. Iowa Code § 915.38(1), (2) (Televised, videotaped, and recorded evidence – Limited court testimony – Minors and others) states,

1.
 - a. Upon its own motion or upon motion of any party, a court may protect a minor,²⁰ as defined in section 599.1 [Period of minority – Exception for certain inmates], from trauma caused by testifying in the physical presence of the defendant where it would impair the minor's ability to communicate, by ordering that the testimony of the minor be taken in a room other than the courtroom and be televised by closed-circuit equipment for viewing in the courtroom. However, such an order shall be entered only upon a specific finding by the court that such measures are necessary to protect the minor from trauma
2. The court may, upon its own motion or upon motion of a party, order that the testimony of a minor, as defined in section 599.1, be taken by recorded deposition for use at trial, pursuant to rule of criminal procedure 2.13(2)(b) [Issuance of warrants]. In addition to requiring that such testimony be recorded by stenographic means, the court may on motion and hearing, and upon a finding that the minor is unavailable as provided in rule of evidence 5.804(a), order the videotaping of the minor's testimony for viewing in the courtroom by the court. The videotaping shall comply with the provisions of rule of criminal procedure 2.13(2)(b), and shall be admissible as evidence in the trial

²⁰ Iowa Code § 599.1(1) (Period of minority – Exception for certain inmates) states, "The period of minority extends to the age of eighteen years, but all minors attain their majority by marriage."

EXTRA CREDIT



Iowa Code § 915.38 permits victims of child labor trafficking to testify by an alternative method since this protection is not limited to victims of specific offenses.

Policy Goal 5.3 Child sex trafficking victims have access to victim protections in the criminal justice system.

	Child sex trafficking victims have the right to a victim advocate	Child sex trafficking victims testifying against their exploiter are provided supports in the courtroom	Child sex trafficking victims' identifying information is protected from disclosure in court records
Summary	Crime victims have the right to an advocate. Advocates may accompany victims to all court appearances, investigation interviews, and proceedings.	Courts can limit the duration of a child's testimony to one hour with a break.	The identity of the child or any information reasonably likely to disclose the identity of the child shall not be released to the public by any public employee except as authorized by the court.
Relevant Statute(s)	Iowa Code § 915.20(a), (b)(2) (Presence of victim counselors)	Iowa Code § 915.38 (Televised, videotaped, and recorded evidence – Limited court testimony – Minors and others)	Iowa Code § 915.36(1)–(2) (Protection of child victim's privacy)

Policy Goal 5.4 State law provides for privileged communications between caseworkers and child sex trafficking victims.

Iowa law provides for a child sex trafficking-specific caseworker privilege that protects a child sex trafficking victim's communications with their caseworker from being disclosed. Under Iowa Code § 915.20A(2), (7) (Victim counselor privilege),

2. A victim counselor²¹ shall not be examined or required to give evidence in any civil or criminal proceeding as to any confidential communication²² made by a victim to the counselor, nor shall a clerk, secretary, stenographer, or any other employee who types or otherwise prepares or manages the confidential reports or working papers of a victim counselor be required to produce evidence of any such confidential communication, unless the victim waives this privilege in writing or disclosure of the information is compelled by a court pursuant to subsection 7

7. Upon the motion of a party, accompanied by a written offer of proof, a court may compel disclosure of certain information if the court determines that all of the following conditions are met:
- a. The information sought is relevant and material evidence of the facts and circumstances involved in an alleged criminal act which is the subject of a criminal proceeding.
 - b. The probative value of the information outweighs the harmful effect, if any, of disclosure on the victim, the counseling relationship, and the treatment services.
 - c. The information cannot be obtained by reasonable means from any other source.

Iowa Code § 915.20A(1)(c) defines “victim” as “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.” The definition of “violent crime” under Iowa Code § 915.10(5) (Definitions) refers to the definition of “forcible felony” as defined under Iowa Code § 702.11(1) (Forcible felony), which includes “any felonious child endangerment, assault, murder, sexual abuse, kidnapping, robbery, human trafficking,²³ arson in the first degree, or burglary in the first degree.”

²¹ Iowa Code § 915.20A(1)(d) defines “victim counselor” as follows:

[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, 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.

²² Iowa Code § 915.20A(1)(a) defines “confidential communication” as follows:

[I]nformation shared between a crime victim and a victim counselor within the counseling relationship, and includes all information received by the counselor and any advice, report, or working paper given to or prepared by the counselor in the course of the counseling relationship with the victim. “Confidential information” is confidential information which, so far as the victim is aware, is not disclosed to a third party with the exception of a person present in the consultation for the purpose of furthering the interest of the victim, a person to whom disclosure is reasonably necessary for the transmission of the information, or a person with whom disclosure is necessary for accomplishment of the purpose for which the counselor is consulted by the victim.

²³ Iowa Code § 710A.1(4) (Definitions) defines “human trafficking” to include the following:

- a. . . . 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. . . . knowingly purchasing or attempting to purchase services involving commercial sexual activity from a victim or another person engaged in human trafficking.

EXTRA CREDIT

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Iowa law prevents disclosure of confidential communications made between a sex trafficking victim and their caseworker under Iowa Code § 915.20A regardless of the victim's age.

CLT

Iowa law prevents disclosure of confidential communications made between a child labor trafficking victim and their caseworker under Iowa Code § 915.20A, which makes this protection available to victims of “violent crimes,” including human trafficking victims. Importantly, Iowa Code § 710A.1(4) (Definitions) defines “human trafficking” to include both sex and labor trafficking.



ISSUE 6: Prevention & Training

Policy Goal 6.1 State law mandates statewide training for child welfare agencies on identification and response to child sex trafficking.

Iowa law authorizes statewide training for governmental agencies on identification and response to human trafficking. Pursuant to Iowa Code § 80.45(3)(f) (Office to combat human trafficking), “The [Office to Combat Human Trafficking] shall . . . [r]esearch and recommend trainings to assist governmental agencies to identify and respond appropriately to human trafficking victims.” Resultingly, resources and training regarding human trafficking may be, or become, available for use by child welfare. However, Iowa law does not statutorily require individuals employed by child welfare to receive such training.

- 6.1.1 Recommendation: Statutorily mandate statewide training for child welfare agencies on identification and response to child sex trafficking.

Policy Goal 6.2 State law mandates statewide training for juvenile justice agencies on identification and response to child sex trafficking.

Iowa law authorizes statewide training for governmental agencies on identification and response to human trafficking. Pursuant to Iowa Code § 80.45(3)(f) (Office to combat human trafficking), “The [Office to Combat Human Trafficking] shall . . . [r]esearch and recommend trainings to assist governmental agencies to identify and respond appropriately to human trafficking victims.” Resultingly, resources and training regarding child sex trafficking may be, or become, available for use by juvenile justice agencies. However, Iowa law does not statutorily require individuals employed by juvenile justice agencies to receive such training.

- 6.2.1 Recommendation: Statutorily mandate statewide training for juvenile justice agencies on identification and response to child sex trafficking.

Policy Goal 6.3 State law mandates ongoing, trafficking-specific training on victim-centered investigations for law enforcement.

Iowa law authorizes trafficking-specific training for law enforcement. Pursuant to Iowa Code § 80B.11(1)(e) (Rules),

The director of the academy, subject to the approval of the council, shall promulgate rules in accordance with the provisions of this chapter [Law enFt academy] and chapter 17A [Iowa administrative procedure act], 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.²⁴

Additional training is authorized pursuant to Iowa Code § 710A.6 (Outreach, public awareness, and training program), which states,

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.

Lastly, House File 861, § 10(3) appropriates funds for the 2021-2022 fiscal year to be used for law enforcement training on human trafficking; it provides,

The Iowa law enforcement academy shall provide training for domestic abuse and human trafficking-related issues throughout the state. The training shall be offered at no cost to the attendees and the training shall not replace any existing domestic abuse or human trafficking training offered by the academy.

Resultingly, resources and training regarding child sex trafficking may be, or become, available for use by law enforcement. However, law enforcement officers are not statutorily mandated to receive such training nor is the training required to be ongoing.

- 6.3.1 Recommendation: Statutorily mandate ongoing, trafficking-specific training on victim-centered investigations for law enforcement.

Policy Goal 6.4 State law mandates trafficking-specific training on victim-centered investigations and prosecutions for prosecutors.

Iowa law does not mandate trafficking-specific training on victim-centered investigations and prosecutions for prosecutors.

- 6.4.1 Recommendation: Statutorily mandate trafficking-specific training on victim-centered investigations and prosecutions for prosecutors.

Policy Goal 6.5 State law mandates child sex trafficking training for school personnel.

Iowa law does not mandate training on child sex trafficking for school personnel.

- 6.5.1 Recommendation: Statutorily mandate trafficking-specific prevention education training for school personnel.

²⁴ Funding for academy level training is provided for under Iowa Code § 915.94 (Victim compensation fund), which states in part, “the department may use moneys from the [victim compensation fund] . . . for reimbursement to the Iowa law enforcement academy for . . . human trafficking training” Further, Iowa Code § 915.95 (Human trafficking victim fund) provides, “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 . . . reimbursing the Iowa law enforcement academy for . . . human trafficking training”

Policy Goal 6.6 State law mandates child sex trafficking prevention education in schools.

Iowa law does not mandate child sex trafficking prevention education in schools.

- 6.6.1 Recommendation: Statutorily mandate developmentally and age-appropriate child sex trafficking prevention education in schools.

State Laws Addressing Child Sex Trafficking

1. Iowa Code § 710A.2(1)–(7) (Human trafficking) states,

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.

Iowa Code § 710A.1(4) (Definitions) defines “human trafficking” as follows:

- a. . . . 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. . . . knowingly purchasing or attempting to purchase services involving commercial sexual activity from a victim or another person engaged in human trafficking.

Pursuant to Iowa Code § 710A.1(1) (Definitions) “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.”

A class B felony is punishable by imprisonment for up to 25 years. Iowa Code § 902.9(1)(b) (Maximum sentence for felons). A class C felony is punishable by imprisonment for up to 10 years and a fine of \$1,370–\$13,660. Iowa Code § 902.9(1)(d). A class D felony is punishable by imprisonment for up to 5 years and a fine of \$1,025–\$10,245. Iowa Code § 902.9(1)(e).

State Laws Addressing Commercial Sexual Exploitation of Children (CSEC)

1. Iowa Code § 725.3(2) (Pandering) states,

A person who persuades, arranges, coerces, or otherwise causes a minor to become a prostitute or to return to the practice of prostitution after having abandoned it, or keeps or maintains any premises for the purpose of prostitution involving minors or knowingly shares in the income from such premises knowing the character and content of such income, commits a class “C” felony.

A class C felony is punishable by imprisonment for up to 10 years and a fine of \$1,370–\$13,660. Iowa Code § 902.9(1)(d) (Maximum sentence for felons).

2. Iowa Code § 710A.2A (Solicitation of commercial sexual activity) states,

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.

A class D felony is punishable by imprisonment for up to 5 years and a fine of \$1,025–\$10,245. Iowa Code § 902.9(1)(e) (Maximum sentence for felons).

3. Iowa Code § 725.1(2) (Prostitution) states,

a. Except as provided in paragraph “b”, a person who purchases or offers to purchase 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.

A class D felony is punishable by imprisonment for up to 5 years and a fine of \$1,025–\$10,245. Iowa Code § 902.9(1)(e) (Maximum sentence for felons).

4. Iowa Code § 725.2(2) (Pimping) states,

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.

A class C felony is punishable by imprisonment for up to 10 years and a fine of \$1,370–\$13,660. Iowa Code § 902.9(1)(d) (Maximum sentence for felons).