



Legal System	Constitution	Bill of Rights	Form of Government
Common Law Statutory Law	Written	Yes	Republic

## A. Criminal Statutes

### 1. Human Trafficking and Related Offenses

#### a. Iowa Code Ann. § 710A.2 (2013) – Human Trafficking

##### i. Summary

A person commits the offense of human trafficking if the person knowingly “participates 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 18, the commercial sexual activity need not involve force, fraud, or coercion.”

Iowa Code Ann. § 710A.1(4)(a); *see* Iowa Code § 710A.2.

A person also commits the offense of human trafficking by:

- (1) “knowingly purchasing or attempting to purchase services involving commercial sexual activity from a victim or another person engaged in human trafficking,” Iowa Code Ann. § 710A.1(4)(b), or
- (2) “knowingly destroying, concealing, removing, confiscating, or possessing any actual or purported government identification of another person.” Iowa Code Ann. § 710A.2(6).

A person “who benefits financially or by receiving anything of value from knowing participation in human trafficking” also commits a felony. Iowa Code Ann. § 710A.2(7).

“A person who knowingly engages in human trafficking by knowingly providing or facilitating the provision of a forged, altered, or fraudulent license purportedly issued pursuant to chapter 152C or 157, or a forged, altered, or fraudulent government identification to another person, to force, coerce, entice, assist, facilitate, or permit the other person to perform labor or services commits an aggravated misdemeanor, except if that other person is under the age of eighteen, the person [commits a] felony.” Iowa Code Ann. § 710A.2(8).

Consent or ignorance of the age of the victim is not a defense. Iowa Code Ann. § 710A.2(8). It is a defense “to a prosecution for a criminal violation directly related to the defendant’s status as a victim of a crime that is a violation of section 710A.2, that the defendant committed the violation under compulsion by another’s threat of serious injury, provided that the defendant reasonably believed that such injury was imminent. Iowa Code Ann. § 710A.3.

As used in the Iowa human trafficking statute, “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.” Iowa Code Ann. § 710A.1(2).

The Iowa human trafficking statute defines “forced labor or services” as:

labor or services that are performed or provided by another person and that are obtained or maintained through any of the following:

- (a) Causing or threatening to cause serious physical injury to any person.
- (b) Physically restraining or threatening to physically restrain another person.
- (c) Abusing or threatening to abuse the law or legal process.
- (d) Knowingly destroying, concealing, removing, confiscating, or possessing any actual or purported government identification of another person.
- (e) Knowingly providing or facilitating the provision of a forged, altered, or fraudulent license purportedly issued pursuant to chapter 152C or 157, or a forged, altered, or fraudulent government identification, to another person in order to force, coerce, entice, assist, facilitate, or permit the other person to perform labor or services.
- (f) Knowingly forcing, coercing, enticing, assisting, facilitating, or permitting another person in possession of a forged, altered, or fraudulent license purportedly issued pursuant to chapter 152C or 157, or a forged, altered, or fraudulent government identification, to produce such license or government identification to a peace officer upon request of the peace officer pursuant to section 152C.5B or 157.4A.
- (g) Knowingly forcing, coercing, intimidating, or compelling another person to perform an act in violation of state or federal law through the use of debt bondage or servitude or as a condition of being allowed to remain in the United States.

Iowa Code Ann. § 710A.1(3).

“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.” Iowa Code Ann. § 710A.1(5).

“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.” Iowa Code Ann. § 710A.1(1).

## ii. Sentencing

A person is guilty of an aggravated misdemeanor and shall be sentenced to imprisonment for no more than two years and payment of a fine of between USD 850 and USD 8,540, if the victim is an adult and:

- (1) the person knowingly engages in human trafficking by knowingly providing or facilitating the provision of a forged, altered, or fraudulent license purportedly issued pursuant to chapter 152C or 157, or a forged, altered, or fraudulent government identification to another person, to force, coerce, entice, assist, facilitate, or permit the other person to perform labor or services; or
- (2) knowingly engages in human trafficking by knowingly forcing, coercing, enticing, assisting, facilitating, or permitting another person in possession of a forged, altered, or fraudulent license purportedly issued pursuant to chapter 152C or 157, or a forged, altered, or fraudulent government identification, to produce such license or government identification upon request of a peace officer pursuant to section 152C.5B or 157.4A.

Iowa Code Ann. §§ 710A.2, 903.1(2).

A person is guilty of a Class D felony and shall be sentenced to imprisonment for no more than five years and payment of a fine of between USD 750 and USD 7,500, if the victim is an adult and:

- (1) the person engages in human trafficking;
- (2) the person engages in human trafficking by physically restraining or threatening to physically restrain another person;
- (3) the person engages in human trafficking by soliciting services or benefiting from the services of a victim;
- (4) the person engages in human trafficking by abusing or threatening to abuse the law or legal process;
- (5) the person engages in human trafficking by knowingly destroying, concealing, removing, confiscating, or possessing any actual or purported government identification of another person; or
- (6) the person benefits financially or by receiving anything of value from knowing participation in human trafficking.

Iowa Code Ann. §§ 710A.2, 902.9(1)(e).

A person is guilty of a Class D felony and shall be sentenced to imprisonment for no more than five years and payment of a fine of at least USD 750, but no more than USD 7,500, if the victim is under the age of 18 and:

- (1) the person knowingly engages in human trafficking by knowingly providing or facilitating the provision of a forged, altered, or fraudulent license purportedly issued pursuant to chapter 152C or 157, or a forged, altered, or fraudulent government identification to another person, to force, coerce, entice, assist, facilitate, or permit the other person to perform labor or services; or
- (2) knowingly engages in human trafficking by knowingly forcing, coercing, enticing, assisting, facilitating, or permitting another person in possession of a forged, altered, or fraudulent license purportedly issued pursuant to chapter 152C or 157, or a forged, altered, or fraudulent government identification, to produce such license or government identification upon request of a peace officer pursuant to section 152C.5B or 157.4A.

Iowa Code Ann. §§ 710A.2, 902.9(1)(e).

A person is guilty of a Class C felony and shall be sentenced to imprisonment for no more than 10 years and payment of a fine of at least USD 1,000, but not more than USD 10,000, if:

- (1) the person engages in human trafficking and the victim is under the age of 18;
- (2) the person engages in human trafficking by causing or threatening to cause serious physical injury to another person;
- (3) the person engages in human trafficking by physically restraining or threatening to physically restrain another person and the victim is under the age of 18;
- (4) the person engages in human trafficking by soliciting services or benefiting from the services of a victim and the victim is under the age of 18;
- (5) the person engages in human trafficking by abusing or threatening to abuse the law or legal process and the victim is under the age of 18;

(6) the person engages in human trafficking by knowingly destroying, concealing, removing, confiscating, or possessing any actual or purported government identification of another person and the victim is under the age of 18; or

(7) the person benefits financially or by receiving anything of value from knowing participation in human trafficking and the victim is under the age of 18.

Iowa Code Ann. §§ 710A.2, 902.9(1)(d).

A person is guilty of a Class B felony and shall be sentenced to imprisonment for no more than 25 years if the person engages in human trafficking by causing or threatening to cause serious physical injury to another person and the victim is under the age of 18. Iowa Code Ann. §§ 710A.2(2), 902.9(1)(b).

For a habitual offender of a Class C or Class D felony, the court may enhance the sentence of imprisonment for no more than 15 years. Iowa Code Ann. § 902.9(1)(c).

In addition to imprisonment, the court shall assess a human trafficking victim surcharge of USD 1,000 for each offense, which goes to Iowa’s human trafficking victim fund, and a domestic abuse assault, sexual abuse, stalking, and human trafficking victim surcharge of USD 100, which is deposited in the address confidentiality program revolving fund. Iowa Code Ann. §§ 911.2A, 911.2B.

A convicted defendant shall also be ordered to pay restitution to the victim and, to the extent the offender is able to pay, to other entities, including public agencies, a local anticrime organization, and the medical assistance program. Iowa Code Ann. § 910.2(1)(a). When determining the amount of restitution for an offense of human trafficking, “[t]he gross income of a defendant or the value of labor or services performed by the victim of the defendant shall be considered.” Iowa Code Ann. § 710A.4(2). As part of restitution, a convicted defendant may also be ordered to pay restorative expenses for no more than three years. *Id.* Restorative expenses are defined 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.” Iowa Code Ann. § 710A.4(1). “A defendant’s ability to pay shall not be a factor in the court’s decision to order restorative expenses.” Iowa Code Ann. § 710A.4(3). “[C]ourt-ordered restorative expenses are not dischargeable in any proceeding under the federal Bankruptcy Act of 1898, as amended.” Iowa Code Ann. § 710A.4(4).

“A person who is found guilty, enters a plea of guilty, receives a deferred judgment, or receives a deferred or suspended sentence for a violation of this chapter shall be ineligible for a license pursuant to chapter 152C or 157 for a period of not less than five years from the date of conviction, plea, judgment, or sentence.” Iowa Code Ann. § 710A.2(11).

### iii. Statute of Limitations

If the victim is under the age of 18 years, an indictment or information for human trafficking may be commenced at any time after the commission of the offense. Iowa Code Ann. § 802.2D.

If the victim is 18 years of age or older, an indictment or information for human trafficking “shall be found within three years after its commission.” Iowa Code Ann. § 802.3.

## b. Iowa Code Ann. § 710A.2B — Premises Used for Human Trafficking

### i. Summary

“A person who owns, rents, leases, or uses any part of a building, structure, boat, trailer, or other place offering shelter or seclusion, and who knows, or has reason to know, that the building, structure, boat, trailer, or other place offering shelter or seclusion is being used for the purposes of human trafficking, commits a class ‘D’ felony.” Iowa Code Ann. § 710A.2B(1). “It shall be an affirmative defense to a prosecution of a person pursuant to subsection 1, if

immediately upon acquiring knowledge that the building, structure, boat, trailer, or other place offering shelter or seclusion is used for the purposes of human trafficking, the person notifies a law enforcement agency with jurisdiction and fully cooperates with any subsequent investigation.” Iowa Code Ann. § 710A.2B(2).

This statute also provides:

- a. If a law enforcement agency notifies a person who owns, rents, leases, or uses any part of a building, structure, boat, trailer, or other place offering shelter or seclusion of an investigation pursuant to chapter 152C or 157 that may involve the building, structure, boat, trailer, or other place offering shelter or seclusion, the person shall have an affirmative duty to fully cooperate with the investigation.
- b. A person who fails to fully cooperate with an investigation pursuant to paragraph “a” commits a serious misdemeanor.

Iowa Code Ann. § 710A.2B(3).

## ii. Sentencing

A person guilty of a Class D felony shall be sentenced to imprisonment for no more than five years and payment of a fine of between USD 750 and USD 7,500. Iowa Code Ann. § 902.9(1)(e).

A person guilty of a serious misdemeanor may be sentenced to imprisonment for no more than one year and shall be sentenced to a fine of between USD 430 and USD 2,560. Iowa Code Ann. § 903.1(b).

## iii. Statute of Limitations

An indictment or information for the felony of premises used for human trafficking shall be found within three years after its commission. Iowa Code Ann. § 802.3.

“When a person leaves the state, the indictment or information may be found within the [period of limitation prescribed in this chapter] after the person’s coming into the state, and no period during which the party charged was not publicly resident within the state is a part of the limitation.” Iowa Code Ann. § 802.6.

## 2. Child Sexual Exploitation and Child Pornography Offenses

Iowa Code Ann. § 710.10 – Enticing a Minor

Iowa Code Ann. § 710A.21A – Solicitation of Commercial Sexual Activity

Iowa Code Ann. § 728.12 – Sexual Exploitation of a Minor

Iowa Code Ann. § 728.14 – Commercial Film and Photographic Print Processor Reports of Depictions of Minors Engaged in Prohibited Sexual Acts

## 3. Iowa Code Ann. § 692A.102 (2014) – Registration as Sex Offender

A person convicted of certain sex offenses must register as a sex offender. Those sex offenses are sex trafficking of children, human trafficking if sexual abuse or assault with intent to commit sexual abuse is committed or sexual conduct or sexual contact is an element of the offense, pimping if the offense involves a minor, sexual exploitation of a minor, solicitation of commercial sexual activity, and enticement of a minor for illegal sexual activity. Iowa Code Ann. § 692A.102.

## B. Civil Liability Statutes

No Iowa statutes regarding civil lawsuits specific to human trafficking were found.

## C. Additional Statutes Specific to Human Trafficking

### 1. Iowa Code Ann. § 9E.3 (2017) – Address Confidentiality Program

A human trafficking victim who fears for their safety or for that of a household member may receive a new mailing address designated by the Secretary of State.

### 2. Iowa Code Ann. § 80B.11 (2012) – Law Enforcement Academy Training

The law enforcement academy director must promulgate rules, considering factors including:

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.

Iowa Code Ann. § 80B.11. An annual report must specifically include data regarding academy resources devoted to training relating to human trafficking. Iowa Code Ann. § 80B.10.

### 3. Iowa Code Ann. § 80.45 (2017) – Office to Combat Human Trafficking

Iowa established an office to combat human trafficking within its Department of Public Safety to oversee and coordinate efforts to combat human trafficking in Iowa.

### 4. Iowa Code Ann. §§ 91A.1 *et seq.* – Iowa Wage Payment Collection Law

An employer that intentionally fails to pay an employee wages or to reimburse expenses is liable for any wages or expenses that were intentionally not paid, plus liquidated damages and necessary attorney's fees and costs. If an employee cannot demonstrate that an employer intentionally failed to pay wages owed, an employee can still bring a civil lawsuit to recover unpaid wages, court costs, and usual and necessary attorney's fees. Iowa Code Ann. § 91A.8. The Iowa Division of Labor may also impose civil penalties on noncompliant employers. Iowa Code Ann. § 91A.12.

More information is available at: <https://www.iowadivisionoflabor.gov/wage-frequently-asked-questions>.

### 5. Iowa Code Ann. § 710A.6 (2015) – Outreach, Public Awareness, and Training Programs

The Crime Victim Assistance Division of the Department of Justice 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.

### 6. Iowa Code Ann. § 725.1 (2014) – Diversion or Expungement of Prostitution Conviction

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 18, 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. Iowa Code Ann. § 725.1(1)(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 18, upon the expiration of two years following the person’s conviction for a violation of paragraph “a” [prohibition on selling or offering to sell a person’s services as a partner in a sex act] 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.

**7. Iowa Code Ann. § 725.1(1)(c). Iowa Code Ann. § 915.51 (2006) – General Rights of Human Trafficking Victims**

Victims of human trafficking have the same rights as other victims, including receipt of victim compensation, regardless of their immigration status.

**8. Iowa Code Ann. § 915.95 (2016) – Human Trafficking Victim Fund**

Iowa created a separate fund for awarding money to programs that provide services and support to victims of human trafficking, 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.

**D. Significant Cases**

No significant cases regarding Iowa’s human trafficking statutes were found.

**E. Academic Research/Papers**

Laura McGuire, Note, *The Time to Act Was Yesterday: Local Reforms to Confront the Tragedy of For-Profit Sexual Exploitation and Provide Victim Assistance*, 64 DRAKE L. REV. 225, 263 (2016).

**F. Resources**

Iowa Department of Justice Office of the Attorney General:

<https://www.iowaattorneygeneral.gov/for-crime-victims/fighting-human-trafficking>

Sarah Johnson, Iowa Department of Human Rights, *An Analysis of Human Trafficking in Iowa* (Jan. 1, 2016):

[https://humanrights.iowa.gov/sites/default/files/media/CJJP\\_January\\_2016\\_Task\\_Force\\_Report\\_%20Human%20Trafficking.pdf](https://humanrights.iowa.gov/sites/default/files/media/CJJP_January_2016_Task_Force_Report_%20Human%20Trafficking.pdf)

Samantha Lowry, et al., ICF, *Understanding Human Trafficking in Iowa* (Apr. 2017):

[https://www.iowaattorneygeneral.gov/media/cms/Understanding\\_Human\\_Trafficking\\_in\\_Iowa\\_6BCA41F996861.pdf](https://www.iowaattorneygeneral.gov/media/cms/Understanding_Human_Trafficking_in_Iowa_6BCA41F996861.pdf)

National Human Trafficking Hotline (Iowa):

<https://humantraffickinghotline.org/state/iowa>

Roxann M. Ryan, Commissioner, Iowa Department of Public Safety, *Human Trafficking: The Iowa Perspective* (2015):

<https://pcbaonline.org/wp-content/uploads/2016/01/13-Ryan-Human-Trafficking.pdf>

Shared Hope International, Iowa Report Card (2019):

[https://sharedhope.org/PICframe9/reportcards/PIC\\_RC\\_2019\\_IA.pdf](https://sharedhope.org/PICframe9/reportcards/PIC_RC_2019_IA.pdf)

Shared Hope International, Iowa Analysis and Recommendations (2019):

[https://sharedhope.org/PICframe9/analysis/PIC\\_AR\\_2019\\_IA.pdf](https://sharedhope.org/PICframe9/analysis/PIC_AR_2019_IA.pdf)

U.S. Department of Health & Human Services, *Iowa: Efforts to Combat Human Trafficking* (2017):

[https://www.acf.hhs.gov/sites/default/files/documents/otip/iowa\\_profile\\_efforts\\_to\\_combat\\_human\\_trafficking.pdf](https://www.acf.hhs.gov/sites/default/files/documents/otip/iowa_profile_efforts_to_combat_human_trafficking.pdf)

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