






Iowa's human trafficking law criminalizes sex trafficking of minors without regard to the use of force, fraud, or coercion. However, Iowa's trafficking offense does not reach the actions of all buyers because the offense requires the involvement of a controlling third party. Victims of sex trafficking or CSEC may be deterred from testifying due to lack "rape shield" protection.

Final Score
<b>84</b>
Final Grade
<b>B</b>

					
<b>10</b>	<b>23</b>	<b>15</b>	<b>6</b>	<b>15.5</b>	<b>14.5</b>
10	25	15	10	27.5	15

## Criminalization of Domestic Minor Sex Trafficking

Iowa's human trafficking law includes the sex trafficking of minors without requiring proof of force, fraud, or coercion for minors used in commercial sex acts. State commercial sexual exploitation of children (CSEC) laws include: "solicitation of commercial sexual activity," "sexual exploitation of a minor," "enticing a minor under 16," "solicitation of commercial sexual activity," "prostitution," "pimping," and "pandering." Although the prostitution law does not refer to the human trafficking law, an affirmative defense to prostitution charges is provided in the human trafficking chapter. Human trafficking and CSEC laws are predicate acts under the state racketeering statute.

## Criminal Provisions for Demand

The human trafficking law expressly includes purchasing commercial sex acts with a victim of trafficking; however, the involvement of a trafficker or controlling third party is required to successfully prosecute a buyer. Buyers may also be prosecuted under the CSEC offense of "solicitation of commercial sexual activity," which specifically criminalizes solicitation of minors. Iowa's prostitution law distinguishes between purchasing sex with an adult versus purchasing sex with a minor. Buyers convicted of child sex trafficking face a maximum of 10 years imprisonment and a fine between \$1,000–\$10,000, while penalties under the CSEC offense range from 0–5 years and fines between \$750–\$7,500. "Enticing a minor" criminalizes using the Internet to solicit a minor for sex acts. Convicted buyers face civil asset forfeiture and mandatory victim restitution when convicted of human trafficking or CSEC. The human trafficking law prohibits a mistake of age defense, but other CSEC offenses do not prohibit that defense. Buyers of sex with minors must register as sex offenders if convicted of human trafficking, "solicitation of commercial sexual activity" or offenses involving images of child sexual exploitation (ICSE); however, buyers convicted under the prostitution statute, even when the victim is a minor, are not required to register.

## Criminal Provisions for Traffickers

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

## Criminal Provisions for Facilitators

Iowa's human trafficking law prohibits financially benefitting from human trafficking. Human trafficking of a minor and "pimping" a minor are Class C felonies punishable by up to 10 years imprisonment and a fine of \$1,000–\$10,000. Promoting or selling ICSE is a Class D felony punishable by up to 5 years imprisonment and a fine of \$750–\$7,500. Facilitators could also be

subject to racketeering and money laundering laws, leading to additional penalties and civil liabilities. Facilitators convicted of human trafficking could be subject to civil asset forfeiture and face mandatory restitution for a victim's pecuniary damages. No laws in Iowa address sex tourism.



## Protective Provisions for the Child Victims

Not all commercially sexually exploited children are defined as child sex trafficking victims because the actions of buyers only fall under the trafficking law in a few, limited circumstances, and a third party must be identified. Human trafficking and CSEC laws do not prohibit a defense based on the willingness of the minor to engage in the commercial sex act. Prostitution laws apply to minors under 18, meaning that child sex trafficking victims may face criminalization for commercial sex acts committed as a result of their victimization. However, in lieu of delinquency proceedings, the county attorney may refer the minor to the Department of Human Services, potentially allowing the minor victim to avoid delinquency adjudication and to access services through child welfare, but specialized services are not statutorily mandated. Child welfare intervention should be possible for child sex trafficking victims because the definition of abuse includes "commercial sexual exploitation," "sex trafficking," "prostitution," ICSE, or those at risk of being trafficked. The definition of "person responsible for the care of a child" is broadly defined to include those without legal custody of the child, allowing child welfare to intervene in non-familial trafficking cases. Crime victims' compensation is available for trafficking victims. While a minor trafficking victim may not be denied compensation for participating in the conduct giving rise to the injury, consent by the victim and failing to meet time limits for reporting crimes and filing claims could still lead to reduction or denial of benefits. Some victim-friendly trial procedures are available to human trafficking

and CSEC victims that may encourage them to pursue justice, including the ability to testify via closed circuit television, the appointment of a guardian ad litem for a child prosecuting witness in a human trafficking case, and the protection of information about a ICSE victim under 14. However, Iowa's "rape shield" law only applies in criminal cases of sexual abuse, leaving CSEC victim-witnesses unprotected from the trauma of cross-examination at trials of their traffickers. Minor victims of trafficking or CSEC are eligible to participate in an address confidentiality program. Iowa law does not provide a mechanism for minors to vacate delinquency adjudications related to trafficking victimization; however, record expungement is automatic for child sex trafficking victims convicted of a prostitution offense once a two year waiting period has passed. Restitution is available to victims in any criminal sentencing; however, civil remedies are only available to CSEC victims whose offenders are guilty of racketeering or money laundering. The statute of limitations for sexual exploitation of a minor is extended to 10 years whereas prosecutions for human trafficking differ slightly. The statute of limitations for a child victim of human trafficking is ten years after the victim reaches eighteen years of age, or three years from when the offender is identified through a DNA profile; whichever is later. Other CSEC cases, however, must be brought within three years of the crime, and civil actions for childhood sexual abuse discovered after the injured person is 18 must be brought within four years of the victim's discovery of the injury.



## Criminal Justice Tools for Investigation and Prosecution

Iowa law directs the law enforcement academy to hire specific personnel to develop and provide training on human trafficking. Single party consent to audiotaping is permitted. Wiretapping is allowed in investigations for human trafficking, but not for CSEC offenses. "Solicitation of commercial sexual activity" expressly prohibits a defense based on the use of a law enforcement decoy posing as a minor to investigate solicitation of minors for

prostitution, and law enforcement may use the Internet to investigate some cases of child sex trafficking by relying on the crime of "enticing a minor" under 16. Iowa has established a state-wide reporting and response system under which both law enforcement and child welfare agencies must report missing and located children.



*The Report Card is based on the Protected Innocence Challenge Legislative Framework, an analysis of state laws performed by Shared Hope International, and sets a national standard of protection against domestic minor sex trafficking. To access the Protected Innocence Challenge Legislative Framework Methodology, all state Report Cards, and foundational analysis and recommendations, please visit: [www.sharedhope.org/reportcards](http://www.sharedhope.org/reportcards).*