

Iowa Department of Public Safety



# **Office to Combat Human Trafficking**

## **Annual Report 2021**

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# Iowa Office to Combat Human Trafficking

[www.stophtiowa.org](http://www.stophtiowa.org)

# 2021 Annual Report of the Office to Combat Human Trafficking

Preface

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### *Acknowledgements*

*The creation of the Office to Combat Human Trafficking could not have occurred without the leadership of former Iowa House Speaker Kraig Paulsen, Iowa Senator Zach Nunn, and Iowa Senator Kevin Kinney along with the support of other legislators in both houses of the Iowa General Assembly. The continued support of Speaker Pat Grassley and Senate President Jack Whitver has made it possible to carry out the statutory obligations of the Office to Combat Human Trafficking.*

*The operation of the Office to Combat Human Trafficking depends on the dedicated work of countless volunteers and professionals. Those deserving special thanks include: Iowa Law Enforcement Academy Director Judy Bradshaw, Iowa Attorney General Tom Miller, Crime Victim Assistance Director Janelle Melhon, and Human Trafficking Coordinators Celine Vilongco and Gretchen Brown-Waech for their support for victim services programs, George Belitsos and the Board of Directors of the Iowa Network Against Human Trafficking and Slavery, Michael Ferjak of Youth Emergency Services for their commitment to non-government organization support for anti-human trafficking initiatives, and former Assistant United States Attorney Stephen Patrick O’Meara, whose steadfast support for anti-human-trafficking efforts has shaped Iowa’s response. The tireless efforts of former Iowa Senator Maggi Tinsman began and continue to expand the public’s commitment to combat trafficking.*

## *Preface*

*The Office to Combat Human Trafficking was designed to facilitate a more effective enforcement response, to raise public awareness of the issue, and to coordinate the efforts of many dedicated professionals and volunteers who are committed to the reduction and ultimate elimination of human trafficking.*

*Any successful effort to combat criminal activity requires the engagement of many groups. Law enforcement may begin the process of holding traffickers accountable, but simply knowing what has occurred will not stop it. Even as cases proceed through the legal system, and some individual offenders are imprisoned and fined, there are many others who are willing to take their place in the trafficking arena.*

*Genuine efforts to address human trafficking require commitment from everyone: government officials who address child welfare and labor issues, community-based groups who raise public awareness and assist in raising funds for community programming, medical and legal professionals who encounter victims and traffickers and have opportunities to ensure that a fair and just response can occur, religious and educational groups and charitable organizations can work with their constituencies to reshape community values and expectations and to provide assistance in prevention, deterrence and broad-based community efforts to combat human trafficking.*

*The Department of Public Safety takes seriously the obligation to seek out all who engage in human trafficking and to play a role in the coordination of resources and efforts to combat human trafficking in Iowa and elsewhere.*

## I. Update on Human Trafficking

Coordinated efforts by many government agencies and non-government organizations have improved awareness among members of the public, advocacy groups, justice system officials, health providers and other service providers. Law enforcement agencies are sharing information with each other at an increased pace, which leads to more investigations, and several cases have been successfully prosecuted. Systematic study of human trafficking in the academic community has increased notably, providing additional context for understanding what occurs and what responses are most likely to be effective. Of particular note in 2020 and 2021, public awareness of human trafficking issues has improved considerably, and this awareness has spurred action in many different arenas.

### Legal Issues

Over the past couple of years, a number of human trafficking prosecutions have occurred in Iowa's federal courts. The United States Attorney's Office in the Southern District of Iowa publicly reported several convictions for human trafficking during that time.

- On May 12, 2021, a defendant plead guilty in federal court to sex trafficking six victims by force, fraud, or coercion. The defendant admitted to trafficking victims beginning in 2009 to February 28, 2018, when the defendant was arrested during a federal drug investigation. One of the victims was 14 years old. The defendant posted online escort advertisements of victims, transported victims to hotels and motels within and outside of Iowa to engage in commercial sex acts, and took proceeds of the commercial sex acts. The defendant admitted to using physical violence towards six victims, and admitted to providing heroin to one victim to keep the victim engaged in sex acts.<sup>1</sup>
- On July 23, 2021, a business owner in Council Bluffs, Iowa, was found guilty of four counts of sex trafficking minors, two counts of sex trafficking adults, and two counts of distributing a controlled substance to a person under 21. During trial in the Southern District of Iowa, the government proved that the business owner had minor victims come the business owner's residence to perform sex acts with multiple associates in exchange for money, drugs, and other material things. The business owner provided the minor victims with alcohol, Xanax, and marijuana both before and after they participated in sex acts. The business owner also obtained sex acts from adult women by the use of force and coercion.<sup>2</sup>
- On September 24, 2021, a defendant was found guilty of sex trafficking an adult victim by force, fraud, or coercion; facilitation of prostitution; and distribution of a controlled substance to a person under the age of 21. During trial in the Southern District of Iowa, it was shown that the defendant used deceptive and coercive tactics as well as physical force to compel a victim to engage in sex acts in exchange for money. The defendant kept all proceeds from the victim's sex acts. The defendant trafficked the victim in Iowa City, Cedar Rapids, Waterloo, Clive, and surrounding areas in March of 2020. The defendant supplied the victim with a controlled substance and posted advertisements for paid sex

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<sup>1</sup> <https://www.justice.gov/usao-sdia/pr/des-moines-man-pleads-guilty-sex-trafficking-several-victims>

<sup>2</sup> <https://www.justice.gov/usao-sdia/pr/council-bluffs-businessman-convicted-sex-trafficking>

acts with the victim and other women on an escort website. The defendant had also distributed controlled substances to other women and had attempted to recruit and/or compel other women to engage in commercial sex acts for the defendant's monetary gain.<sup>3</sup>

- The state appellate courts in Iowa have heard very few cases involving human trafficking convictions to date. Since January 2020, only two individuals have been charged under Iowa's human trafficking statute (710A.2), with no convictions in the same time period.<sup>4</sup>

Human trafficking, however, may also be hidden by the nature of the criminal charges brought. Often, human trafficking is accompanied by other types of crimes, such as fraud, financial crimes, identity theft crimes, drug offenses, and other vice offenses (e.g., pimping, pandering, or prostitution). These other offenses may be prosecuted in order to hold offenders accountable, without requiring the vulnerable trafficking victims to testify. While it would be ideal to always prosecute human trafficking crimes, sometimes the victims who have survived the trafficking are struggling to regain their lives and may find that participation in the criminal process does not help their healing process. Sometimes survivors are justifiably concerned for their own safety and the safety of their loved ones should they testify. More and more, prosecutors are sensitive to the risks involved in victims' participation, and prosecutors may choose other avenues to prosecute offenders besides human trafficking charges. This approach can hold offenders accountable while protecting the interests of the crime victims.

## II. Iowa Perspective

Human trafficking is a crime involving the exploitation of youth under the age of 18 for commercial sex; the exploitation of adults for commercial sex through the use of force, fraud, or coercion; and the exploitation of any individual for compelled labor.<sup>5</sup> Human trafficking does not require the transportation of individuals across state lines, or that someone is physically restrained. Signs that a person is being trafficked can include working excessively long hours, unexplained gifts, physical injury, substance abuse, running away from home, isolation from others, or being controlled or closely monitored by another.

Anyone who suspects human trafficking is occurring, be it a minor engaged in paid sex acts, or anyone being coerced into prostitution or labor, is urged to please call the National Human Trafficking Hotline at 1-888-373-7888.

Like most crimes, human trafficking may be hidden from public view, and it can be challenging to determine the incidence and prevalence of the crime.<sup>6</sup> Many public and private sector agencies and individuals have made efforts to focus on public awareness, including more media attention to the issue.

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<sup>3</sup> <https://www.justice.gov/usao-sdia/pr/manchester-man-found-guilty-sex-trafficking-offenses>

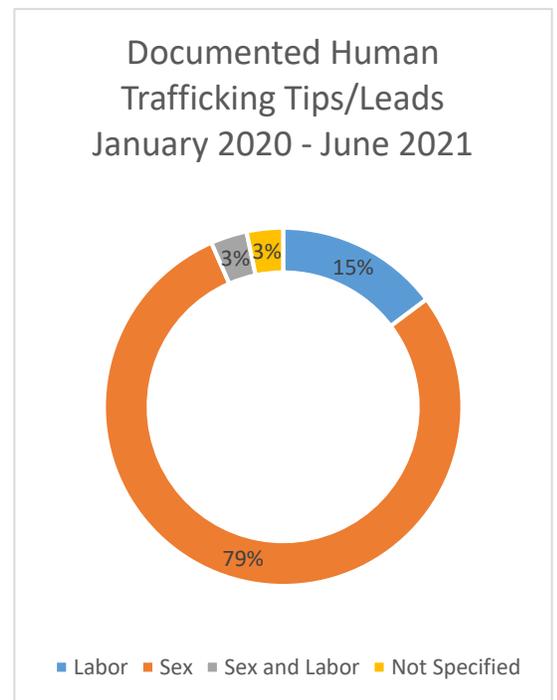
<sup>4</sup> One male subject was charged with human trafficking in Pottawattamie County in January 2020; another male subject was charged with human trafficking in Story County in May 2021.

<sup>5</sup> Hilinski-Rosick & Lee, *Contemporary Issues in Victimology: Identifying Patterns and Trends* (Lexington Books, 2018).

<sup>6</sup> Incidence refers to how many crimes occur during a particular period of time. Prevalence measures how many people experience a particular crime during their lifetimes. National Institute of Justice, *Measuring Frequency*, <https://www.nij.gov/topics/crime/rape-sexual-violence/campus/Pages/measuring.aspx>

As with other crime, the number of intelligence submissions or tips submitted to the Iowa Office to Combat Human Trafficking (Iowa OCHT), located within the Iowa DOI/FC, does not fully capture the extent of the problem, nor the level of threat in Iowa. Law enforcement, open source, and vetted tips (those with a reasonable suspicion of criminal activity) received by the Iowa DOI/FC declined in 2020 from 2019. The COVID-19 pandemic could have played an extensive role in the lack of reporting (e.g. travel and community movement restrictions, health concerns, and a significant drop in large gatherings such as sporting events). First and second quarter reporting in 2021, however, projects an increase in documented reports this calendar year.<sup>7</sup> The Iowa DOI/FC assesses the observed ebb and flow in the volume of reporting in the past few years is influenced significantly by a multitude of factors (e.g. awareness and training campaigns, law enforcement staffing, and resource availability) that do not necessarily relate to a fluctuation in actual threat.

- In 2020, Iowa OCHT documented forty-three (43) tips and leads on human trafficking; the vast majority (thirty-four, 34) were received from the National Human Trafficking Hotline (NHTH) – part of the Polaris Project.<sup>8</sup>
- During the first half of 2021, eighteen (18) tips and leads were documented, fourteen (14) of which are from the NHTH.
- Through the NHTH sharing process, the vast majority of human trafficking related tips and leads since 2020 have involved known or suspected sex trafficking (see chart at right).



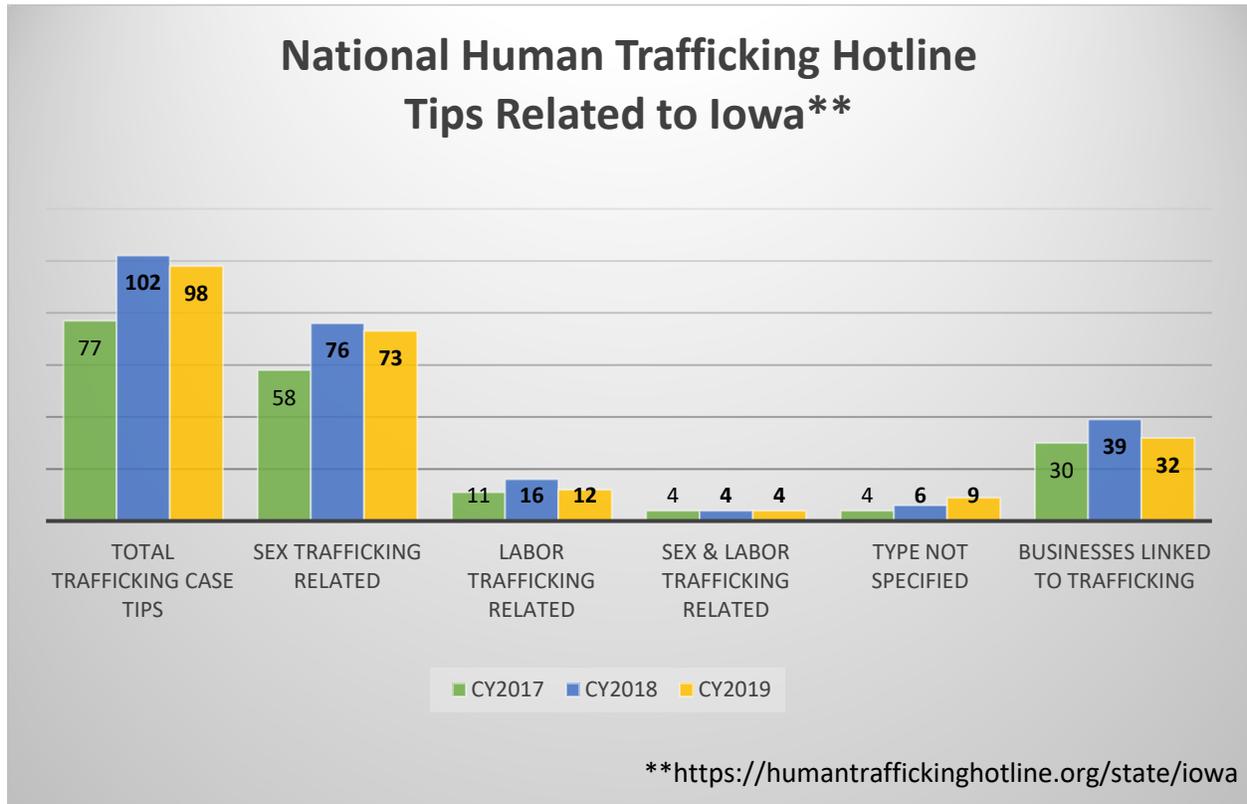
**HUMAN TRAFFICKING OUTLOOK:** The Iowa DOI/FC expects law enforcement and NHTH reporting to rise through the second half of 2021 and into 2022. The Iowa OCHT has taken a more proactive approach toward combating human trafficking and forming partnerships throughout the state with the public/private sector and local, state, and federal law enforcement. OCHT has been developing new training and outreach programs on human trafficking and working on intelligence-led collection and policing projects that will help develop a better qualitative understanding of the scope of human trafficking in the state.

- OCHT has developed a new website [StopHTIowa.org](https://stopht.iowa.org) for human trafficking prevention training, listing approved lodging providers for the new training requirements, receiving investigative leads/tips, and finding available resources throughout the state.
- OCHT identified 31 ads used as possible human trafficking investigative leads for law enforcement.

<sup>7</sup> Note, this projection is based on all human trafficking-related reporting collected by the Iowa DOI/FC, not just NHTH tips and leads.

<sup>8</sup> <https://polarisproject.org/>

- OCHT ran 227 requests for information (RFI's) regarding human trafficking investigative leads.
- OCHT provided human trafficking identification and investigation training for 86 local, state and federal law enforcement officers throughout Iowa.



In July 2020, the Iowa Legislature passed House File 2259 to assist in the reporting, training, and prevention of human trafficking. House File 2259 requires human trafficking training for employees of Iowa-based lodging providers as defined in Iowa Code section 423A.2. The bill requires the Office to Combat Human Trafficking, in collaboration with other government agencies, nongovernmental agencies, and community organizations, to develop a human trafficking prevention training program. Lodging providers within the state may choose to voluntarily participate in the program beginning January 1, 2022. The training must focus on accurate and prompt identification and reporting of, or response to, suspected human trafficking. At a minimum, the training must include the following:

- A general overview of human trafficking.
- A general overview of state law on human trafficking.
- The definition of human trafficking and the commercial exploitation of children.
- Guidance on the difference between labor trafficking and sex trafficking.
- Guidance on how to recognize potential human trafficking victims.
- Guidance on how to recognize potential human traffickers.

- Guidance on how to identify activities commonly associated with human trafficking.
- Safe and effective responses to human trafficking situations, including but not limited to how to report suspected human trafficking to proper law enforcement officials.

The training must be approved by the Commissioner of the Department of Public Safety, who is also tasked with adopting rules to implement and administer the training as necessary under Iowa Code chapter 17A.

In July of 2021, the Iowa Legislature passed House File 452, to assist in civil and criminal enforcement regarding human trafficking taking place at massage therapy and cosmetology businesses. The new bill provides penalties for criminal activity.

In August of 2021, the OCHT assisted in Operation “United Front”, a coordinated 12-state operation to combat human trafficking. In Iowa, local, state, and federal partners executed 10 search warrants; identified five businesses involved in trafficking victims for labor and/or sex; and made 11 arrests. States who participated in Operation “United Front” included: Missouri, Illinois, Iowa, Kentucky, Minnesota, Nebraska, North Dakota, Oklahoma, South Dakota, Tennessee, Texas, and Wisconsin. A total of 102 arrests were made, and 47 victims were rescued.

# Appendix A

## Iowa Code Chapter 710A: Human Trafficking

### 710A.1 Definitions.

As used in this chapter:

1. “*Commercial sexual activity*” means any sex act or sexually explicit performance for which anything of value is given, promised to, or received by any person and includes, but is not limited to, prostitution, participation in the production of pornography, and performance in strip clubs.
2. “*Debt bondage*” means the status or condition of a debtor arising from a pledge of the debtor’s personal services or a person under the control of a debtor’s personal services as a security for debt if the reasonable value of such services is not applied toward the liquidation of the debt or the length and nature of those services are not respectively limited and defined.
3. “*Forced labor or services*” means labor or services that are performed or provided by another person and that are obtained or maintained through any of the following:
  - a. Causing or threatening to cause serious physical injury to any person.
  - b. Physically restraining or threatening to physically restrain another person.
  - c. Abusing or threatening to abuse the law or legal process.
  - d. Knowingly destroying, concealing, removing, confiscating, or possessing any actual or purported passport or other immigration document, or any other actual or purported government identification document, of another person.
4. a. “*Human trafficking*” means 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. “*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.
5. “*Involuntary servitude*” means a condition of servitude induced by means of any scheme, plan, or pattern intended to cause a person to believe that if the person did not enter into or continue in such condition, that person or another person would suffer serious harm or physical restraint or the threatened abuse of legal process.
6. “*Labor*” means work of economic or financial value.
7. “*Maintain*” means, in relation to labor and services, to secure continued performance thereof, regardless of any initial agreement on the part of the victim to perform such type of services.
8. “*Obtain*” means, in relation to labor or services, to secure performance thereof.
9. “*Peonage*” means a status or condition of involuntary servitude based upon real or alleged indebtedness.
10. “*Services*” means an ongoing relationship between a

person and the actor in which the person performs activities under the supervision of or for the benefit of the actor, including commercial sexual activity and sexually explicit performances.

11. “*Sexually explicit performance*” means a live or public act or show intended to arouse or satisfy the sexual desires or appeal to the prurient interest of patrons.
12. “*Venture*” means any group of two or more persons associated in fact, whether or not a legal entity.
13. “*Victim*” means a person subjected to human trafficking. 2006 Acts, ch 1074, §2; 2009 Acts, ch 19, §1; 2012 Acts, ch 1057, §2

Referred to in §80.45, §232.68, §915.51, §915.87

### 710A.2 Human trafficking.

1. A person who knowingly engages in human trafficking is guilty of a class “D” felony, except that if the victim is under the age of eighteen, the person is guilty of a class “C” felony.
2. A person who knowingly engages in human trafficking by causing or threatening to cause serious physical injury to another person is guilty of a class “C” felony, except that if the victim is under the age of eighteen, the person is guilty of a class “B” felony.
3. A person who knowingly engages in human trafficking by physically restraining or threatening to physically restrain another person is guilty of a class “D” felony, except that if the victim is under the age of eighteen, the person is guilty of a class “C” felony.
4. A person who knowingly engages in human trafficking by soliciting services or benefiting from the services of a victim is guilty of a class “D” felony, except that if the victim is under the age of eighteen, the person is guilty of a class “C” felony.
5. A person who knowingly engages in human trafficking by abusing or threatening to abuse the law or legal process is guilty of a class “D” felony, except that if the victim is under the age of eighteen, the person is guilty of a class “C” felony.
6. A person who knowingly engages in human trafficking by knowingly destroying, concealing, removing, confiscating, or possessing any actual or purported passport or other immigration document, or any other actual or purported government identification document of a victim is guilty of a class “D” felony, except that if that other person is under the age of eighteen, the person is guilty of a class “C” felony.
7. A person who benefits financially or by receiving anything of value from knowing participation in human trafficking is guilty of a class “D” felony, except that if the victim is under the age of eighteen, the person is guilty of a class “C” felony.
8. A person’s ignorance of the age of the victim or a belief that the victim was older is not a defense to a violation of this section.

2006 Acts, ch 1074, §3; 2012 Acts, ch 1057, §3; 2013 Acts, ch 90, §187

Referred to in §9E.2, §272.2, §692A.102, §710A.3, §710A.5, §802.2D, §911.2A, §911.2B, §915.94, §915.95

**710A.2A Solicitation of commercial sexual activity.**

A person shall not entice, coerce, or recruit, or attempt to entice, coerce, or recruit, either a person 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.

2012 Acts, ch 1057, §4; 2013 Acts, ch 90, §188

Referred to in §692A.102

**710A.3 Affirmative defense.**

It shall be an affirmative defense, in addition to any other affirmative defenses for which the victim might be eligible, 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.

2006 Acts, ch 1074, §4

**710A.4 Restitution.**

The gross income of the defendant or the value of labor or services performed by the victim to the defendant shall be considered when determining the amount of restitution.

2006 Acts, ch 1074, §5

**710A.5 Certification.**

A law enforcement agency investigating a crime described in section 710A.2 shall notify the attorney general in writing about the investigation. Upon request of the attorney general, such law enforcement agency shall provide copies of any investigative reports describing the immigration status and cooperation of the victim. The attorney general shall certify in

writing to the United States department of justice or other federal agency that an investigation or prosecution under this chapter has begun and that the person who is a likely victim of a crime described in section 710A.2 is willing to cooperate or is cooperating with the investigation to enable the person, if eligible under federal law, to qualify for an appropriate special immigrant visa and to access available federal benefits. Cooperation with law enforcement shall not be required of a minor victim of a crime described in section 710A.2. This certification shall be made available to the victim and the victim’s designated legal representative.

2006 Acts, ch 1074, §6

**710A.6 Outreach, public awareness, and training programs.**

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.

2015 Acts, ch 138, §138, 161, 162

Referred to in §915.94

Establishment of human trafficking enforcement fund; 2015 Acts, ch 138, §141; 2016 Acts, ch 1137, §20

# Appendix B

## House File 2259: Human Trafficking Prevention

House File 2259 - Enrolled House

File 2259 AN ACT RELATING TO HUMAN TRAFFICKING PREVENTION TRAINING AND REPORTING FOR EMPLOYEES OF LODGING PROVIDERS IN THE STATE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. NEW SECTION. 80.45A Human trafficking prevention training — lodging providers.

1. As used in this section, unless the context otherwise requires:

- a. "Commissioner" means the commissioner of the department of public safety or the commissioner's designee.
- b. "Human trafficking" means the same as defined in section 710A.1. 9
- c. "Lodging" means the same as defined in section 423A.2.
- d. "Lodging provider" means the same as defined in section 423A.2.
- e. "Lodging provider's employee" means an individual who is employed by a lodging provider, including an owner, operator, manager, and temporary employee.
- f. "Public employee" means an individual employed by a public employer.
- g. "Public employer" means the same as defined in section 20.3.
- h. "Public funds" means the same as defined in section 12C.1.
- i. "Temporary employee" means an individual who is employed by a temporary employment firm to provide services to a lodging provider to supplement the lodging provider's workforce during absences, seasonal workloads, temporary skill or labor market shortages, and for special assignments and projects.
- j. "Temporary employment firm" means a person engaged in the business of employing temporary employees.

2. Human trafficking prevention training.

- a. Beginning January 1, 2022, a lodging provider may voluntarily complete and certify to the commissioner that each of the lodging provider's employees have completed human trafficking prevention training.
- b. The human trafficking prevention training may be developed and delivered to lodging providers by the office to combat human trafficking, a governmental agency, or nongovernmental or community organization that has expertise in the area of human trafficking. The human trafficking prevention training must be approved by the commissioner.
- c. A lodging provider shall maintain training records for each of the lodging provider's employees pursuant to rules adopted by the commissioner.

3. Human trafficking prevention training content. The human trafficking prevention training shall focus on the accurate and prompt identification and reporting of, or response to, suspected human trafficking. The human trafficking prevention training shall include, at a minimum, all of the following:

- a. A general overview of human trafficking.
- b. A general overview of state law on human trafficking.
- c. The definition of human trafficking and the commercial exploitation of children.
- d. Guidance on the difference between labor trafficking and sex trafficking.
- e. Guidance on how to recognize potential human trafficking victims.
- f. Guidance on how to recognize potential human traffickers.
- g. Guidance on how to identify activities commonly associated with human trafficking.
- h. Safe and effective responses to human trafficking situations, including but not limited to how to report suspected human trafficking to proper law enforcement officials.

4. Certification by the commissioner. No later than December 31, 2021, the commissioner shall develop and maintain all of the following to certify a lodging provider's voluntary completion of human trafficking prevention training:
- a.** A certification issued by the commissioner that a lodging provider may display, in an area readily visible to the public, in the following areas of all lodging owned, operated, or owned and operated by the lodging provider: (1) The front entrance of the lodging. (2) The check-in area of the lodging. (3) Any internet site advertising or promoting the lodging.
  - b.** An internet site, readily accessible to the public, that identifies lodging providers in this state that are certified as having completed human trafficking prevention training. The internet site shall be maintained by the department.
5. Certification for utilization of public funds.
- a.** Prior to expending or committing public funds for a purpose described in paragraph "c", a public employer or a public employee shall confirm a lodging provider's current certification status on the internet site maintained by the department pursuant to subsection 4, paragraph "b".
  - b.** A certification issued pursuant to subsection 4, paragraph "a" shall be valid for three years from the date the commissioner issues the certification to a lodging provider.
  - c.** If a lodging provider is not certified as having completed human trafficking prevention training pursuant to subsection 4, paragraph "a", a public employer and a public employee shall not use public funds for any of the following purposes: (1) To procure lodging that is owned, operated, or owned and operated by the lodging provider. (2) To procure space or services for a conference, meeting, or banquet located at a site where lodging is available that is owned, operated, or owned and operated by the lodging provider. (3) To host a conference, meeting, or banquet at a site where lodging is available that is owned, operated, or owned and operated by the lodging provider.
  - d.** This section applies to all public funds expended for a purpose described in paragraph "c" on or after January 1, 2022.
6. Immunity. A lodging provider's employee who acts in good faith shall be immune from civil liability for reporting suspected human trafficking activities to any law enforcement official.
7. Rules. The commissioner shall adopt rules pursuant 1 to chapter 17A as necessary to implement and administer this 2 chapter.

# Appendix C

## House File 452

### Civil and Criminal Enforcement Activities Involving Massage Therapy and Cosmetology, and Human Trafficking

AN ACT RELATING TO CERTAIN CIVIL AND CRIMINAL ENFORCEMENT ACTIVITIES INVOLVING THE PRACTICE OF MASSAGE THERAPY AND COSMETOLOGY, AND HUMAN TRAFFICKING, AND PROVIDING PENALTIES. BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA;

**Section 1, NEW SECTION. 152C.5B License and government-issued identification — peace officer request.**

1. For purposes of this section, unless the context otherwise requires:
  - a) "Government-issued identification" means any of the following:
    - (1) An unexpired driver's license issued by any state, territory, or district of the United States.
    - (2) An unexpired identification card issued by any state, territory, or district of the United States.
    - (3) An unexpired United States passport.
    - (4) A naturalization certificate issued by the United States citizenship and immigration services.
    - (5) An unexpired permanent resident card, also known as a green card, issued by the United States citizenship and immigration services.
    - (6) An unexpired employment authorization document issued by the United States citizenship and immigration services.
  - b) "Peace officer" means any of the following:
    - (1) Sheriffs and their regular deputies who are subject to mandated law enforcement training.
    - (2) Marshals and police officers of cities.
    - (3) Peace officer members of the department of public safety as defined in chapter 80.
    - (4) Special security officers employed by board of regents institutions as set forth in section 262.13.
    - (5) Such employees of the department of transportation as are designated "peace officers" by resolution of the department under section 321.477.
    - (6) Employees of an aviation authority designated as "peace officers" by the authority under section 330A.8, subsection 16. 2. A person licensed or who purports to be licensed under this chapter shall, upon the request of any peace officer investigating a complaint of illegal services, present a copy of the person's valid Iowa massage therapist license and a government-issued identification to the peace officer. A person who violates this subsection commits a serious misdemeanor.

**Sec. 2. NEW SECTION. 152C.5C Announcements to the public.**

1. For purposes of this section, "announcement to the public" means the use of any print media, broadcast media, subscription internet site, internet site available to the public, or any other means to do any of the following:
  - a. Advertise or market massage therapy services.
  - b. Provide a site for clients to post reviews.

- c. Offer a virtual marketplace at which goods or services may be offered or clients may be solicited.
- 2. A person shall not do any of the following in an announcement to the public:
  - a. Represent that another person is licensed under this chapter when the person knows, or has reason to know, that the other person is not licensed.
  - b. Falsely represent the person's self as licensed under this chapter.
  - c. Offer the services of massage therapy if paragraph or of this subsection applies.
  - d. Offer, or imply the offer of, services that violate state law.
- 3. A person who violates subsection 2 commits a serious misdemeanor.

**Sec. 3. NEW SECTION. 157.4A License and government-issued identification — peace officer request.**

- 1. For purposes of this section, unless the context otherwise requires:
  - a. "Government-issued identification" means any of the following:
    - (1) An unexpired driver's license issued by any state, territory, or district of the United States.
    - (2) An unexpired identification card issued by any state, territory, or district of the United States.
    - (3) An unexpired United States passport.
    - (4) A naturalization certificate issued by the United States citizenship and immigration services.
    - (5) An unexpired permanent resident card, also known as a green card, issued by the United States citizenship and immigration services.
    - (6) An unexpired employment authorization document issued by the United States citizenship and immigration services.
  - b. "Peace officer" means any of the following:
    - (1) Sheriffs and their regular deputies who are subject to mandated law enforcement training.
    - (2) Marshals and police officers of cities.
    - (3) Peace officer members of the department of public safety as defined in chapter 80.
    - (4) Special security officers employed by board of regents institutions as set forth in section 262.13.
    - (5) Such employees of the department of transportation as are designated "peace officers" by resolution of the department under section 321.477.
    - (6) Employees of an aviation authority designated as "peace officers" by the authority under section 330A.8, subsection 16.2. A person licensed or who purports to be licensed under this chapter shall, upon the request of any peace officer investigating a complaint of illegal services, present a copy of the person's valid license issued pursuant to this chapter and a government-issued identification to the peace officer.

**Sec. 4. NEW SECTION. 157.48 Announcements to the public.**

- 1. For purposes of this section, "announcement to the public" means the use of any print media, broadcast media, subscription internet site, internet site available to the public, or any other means to do any of the following:
  - a. Advertise or market cosmetology services.
  - b. Provide a site for clients to post reviews.
  - c. Offer a virtual marketplace at which goods or services may be offered or clients may be solicited.
- 2. A person shall not do any of the following in an announcement to the public:
  - a. Represent that another person is licensed under this chapter when the person knows, or has reason to know, that the other person is not licensed.

- b. Falsely represent the person's self as licensed under this chapter.
  - c. Offer, or imply the offer of, services that violate state law.
3. A person who violates subsection 2 commits a serious misdemeanor.

**Sec. 5. Section 710A.1, subsection 3, Code 2021, is amended to read as follows:**

3. "Forced labor or services" means labor or services that are performed or provided by another person and that are obtained or maintained through any of the following:

- a. Causing or threatening to cause serious physical injury to any person.
- b. Physically restraining or threatening to physically restrain another person.
- c. Abusing or threatening to abuse the law or legal process.
- d. Knowingly destroying, concealing, removing, confiscating, or possessing any actual or purported passport or other immigration documentation or any other actual or purported government identification documentation 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.

**Sec. 6. Section 710A.2, subsection 6, Code 2021, is amended to read as follows:**

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 documentation or any other actual or purported government identification document of a victim another person is guilty of a class felony, except that if that other person is under the age of eighteen, the person is guilty of a class felony.

**Sec. 7. Section 710A.2, Code 2021, is amended by adding the following new subsections:**

**NEW SUBSECTION.** 7A. 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 is guilty of an aggravated misdemeanor, except if that other person is under the age of eighteen, the person is guilty of a class felony.

**NEW SUBSECTION.** 7B. A person who 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, is guilty of an aggravated misdemeanor, except if that other person is under the age of eighteen, the person is guilty of a class felony.

**NEW SUBSECTION.** 9. 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.

**Sec. 8. NEW SECTION. 710A.2B Premises used for human trafficking.**

1. 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 felony.
2. 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.
3. 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 commits a serious misdemeanor.

**Sec. 9. Section 710A.3, Code 2021, is amended by striking the section and inserting in lieu thereof the following:**

710A.3 Affirmative defense.

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, 152C.5C, 157.4A, 157.4B, 710A.2, 710A.2A, or 710A.2B, that the violation directly resulted from the defendant's status as a victim of any human trafficking crime under chapter 710A.

**Sec. 10. Section 710A.4, Code 2021, is amended to read as follows:**

710A.4 Restitution — restorative expenses.

1. For purposes of this section, "restorative expenses" means 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.
2. 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 the amount of restitution pursuant to chapter 910. For purposes of this section, restitution may include restorative expenses for a period not to exceed three years as approved and ordered by the court.
3. A defendant's ability to pay shall not be a factor in the court's decision to order restorative expenses. 4. A defendant's obligation to pay court-ordered restorative expenses shall not be dischargeable in any proceeding under the federal Bankruptcy Act of 1898, as amended.

**Sec. 11. NEW SECTION. 710A.7 Peace officer referral.**

If during the course of an investigation or prosecution under this chapter a peace officer has reason to believe that a person who purports to be licensed pursuant to chapter 152C or 157 does not possess a valid license or is in violation of any other state or federal laws, the peace officer may report such noncompliance to the appropriate licensing board under the professional licensure division within the department of public health, and to the appropriate state or federal authorities.

# Appendix D

## Human Trafficking Indicators

The following list of indicators is has been published by the Polaris Project.<sup>9</sup> Please note that not all indicators will be present in all situations. The type of trafficking and the content or environment are all important to take into account.

### *Common Work and Living Conditions: The individual(s) in question*

- Is not free to leave or come and go at will
- Is under 18 and is providing commercial sex acts
- Is in the commercial sex industry and has a pimp / manager
- Is unpaid, paid very little, or paid only through tips
- Works excessively long and/or unusual hours
- Is not allowed breaks or suffers under unusual restrictions at work
- Owes a large debt and is unable to pay it off
- Was recruited through false promises concerning the nature and conditions of his/her work
- High security measures exist in the work and/or living locations (e.g. opaque windows, boarded up windows, bars on windows, barbed wire, security cameras, etc.)
- Is living and working on site
- Experiences verbal or physical abuse by their supervisor
- Is not given proper safety equipment
- Is not paid directly
- Is forced to meet daily quotas

### *Poor Mental Health or Abnormal Behavior*

- Is fearful, anxious, depressed, submissive, tense, or nervous/paranoid
- Exhibits unusually fearful or anxious behavior after bringing up law enforcement or immigration officials
- Shows signs of substance use or addiction

### *Poor Physical Health*

- Shows signs of poor hygiene, malnourishment, and/or fatigue
- Shows signs of physical and/or sexual abuse, physical restraint, confinement, or torture

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<sup>9</sup> <https://polarisproject.org/human-trafficking/recognize-signs>

### *Lack of Control*

- Has few or no personal possessions
- Is frequently monitored
- Is not in control of their own money, financial records, or bank account
- Is not in control of their own identification documents (ID or passport)
- Is not allowed or able to speak for themselves (a third party may insist on being present and/or translating)

### *Other*

- Claims of just visiting and inability to clarify where they are staying/address
- Lack of knowledge of whereabouts and/or do not know what city he/she is in
- Appear to have lost sense of time
- Shares scripted, confusing, or inconsistent stories
- Protects the person who may be hurting them or minimizes abuse

This list is not exhaustive and represents only a selection of possible indicators. The red flags in this list may not be present in all trafficking cases. Each individual indicator should be taken in context, not be considered in isolation, nor should be taken as “proof” that human trafficking is occurring. Additionally, cultural differences should also be considered.