

# **Demand Reduction Efforts in Human Trafficking**

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Human trafficking is a financially motivated system of crime, and like other financial crimes, it involves a triangle of activity: supply, demand, and distribution. Human trafficking can include sex trafficking, labor trafficking, or a combination of the two. The trafficking organizations vary based on the type of services being trafficked, and responses to human trafficking – including demand reduction – have focused primarily on sex trafficking.

When the Clinton administration began its focus on human trafficking, it used the Three Ps framework: Prevention, Prosecution and Protection. After the passage of the Trafficking Victims Protection Act in 2000, the Bush administration developed a framework of Four Rs: Rescue, Rehabilitation, Restoration and Reintegration.

The Global Centurion group has recommended the adoption of a Five Ss framework for demand reduction: Sanctioning Soliciting, Second-Chance Schools, Sting and Reverse-Sting Operations, Social Media Campaigns, and Standards:

## **Sanctioning Soliciting**

In 1999, Swedish lawmakers decriminalized prostitution and criminalized the purchase of sex. Selling sex is not a crime, but buying it is punishable by up to 10 years in prison. This ban on the purchase of sexual services is the first of its kind worldwide. The rationale behind the law, now a decade old, is that prostitution is a form of male violence against women, and that it is a form of discriminatory behavior. The law is unique in that it takes the law enforcement focus off the women and children in prostitution, and puts it on the end user, or customer. It should also reduce pimping, pandering, brothels, and other activities that are already illegal, because if there is reduced demand, those who are involved in prostitution and related activities for profit will no longer be able to sustain their businesses. Norway has recently adopted a similar law. “People are not merchandise, and criminalizing the purchase of sexual services will make it less attractive for human traffickers to look to Norway,” Justice Minister Knut Storberget said in a statement.

“State laws in the U.S. allow for enforcement practices similar to those in Sweden and Norway.” Laws against soliciting are gender neutral and in many states law enforcement officials are increasingly insuring that the law is applied to purchasers. The work of Global Centurion and SCT Now builds on this approach. Targeting the most egregious sex slavery – that of children trafficked into prostitution – Global Centurion and SCT Now are creating teams of investigators to work alongside law enforcement officials to gather information and build cases against purchasers who are exploiting children. This unique concept will disrupt the traditional sanctuaries of child predators, increase arrests, prosecutions, and convictions, and, we hope, dramatically reduce demand.

## **Second Chance Schools**

More commonly and colloquially known as “Johns Schools,” the concept for a one-day school was developed by the late Norma Hotaling. Norma, a survivor of prostitution, founded the organization SAGE (Standing Against Global Exploitation) in 1992. It was a resource, advocacy, and counseling center for those trafficked into or trapped in prostitution. Four years later, she helped the San Francisco District Attorney’s Office create a first-of-its-kind class for johns caught soliciting prostitutes. The First Offender Prostitution Program, now replicated in 40 U.S. cities, as well as dozens abroad, allows first offenders to have their charges dropped if they pay a \$1,000 fine and participate in an eight-hour course taught by sex trafficking-experts, prosecutors, police, neighborhood activists, and health educators who discuss the downsides of prostitution.

Participants also hear from victims of trafficking; examine their own motivations for buying sex; and learn about the nature and scope and harm of trafficking. The program was lauded in a 2008 U.S. Department of Justice study, which concluded that men who attended San Francisco’s “john school” were 30 percent less likely to be rearrested for soliciting a prostitute than men who did not attend such a program.

## **Sting and Reverse Sting Operations**

According to Community Oriented Policing Services (U.S. Department of Justice), Problem-Oriented Policing Teams conducting prostitution sting operations and reverse sting operations are getting results. In sting operations, police pose as prostitutes. Police officers use this method to identify customers. In reverse sting operations, using a reverse tactic, police officers pose as customers seeking to find sex for hire. Once inside supposed massage parlors or other front operations, police can gather evidence and make arrests after determining illegal activity. In online sting operations police detectives, acting as potential customers for these Internet-based sites, gather evidence for cases. Law enforcement is especially targeting online personal profile ads, such as those seen on major barter and sale lists and other similar

sites. Increasingly the Internet is being utilized by traffickers, and police have uncovered many cases of illegal activity, particularly child sex trafficking.

### **Social marketing campaigns**

An important demand reduction strategy is an education and awareness campaign aimed at boys and young men. Such a campaign should tailor the programmatic materials from the First Offender Programs for early education as a possible way of reaching young people in their formative years. Experts studying First Offender Programs have reported males saying, “Why didn’t I hear any of this twenty years ago?” Campaigns should focus on the negative consequences of purchasing sex, from the public and private health problems like the spread of HIV and other STDs, to the grim facts about who runs the sex trade and how customers are helping traffickers flourish and hurting those who has been trafficked. The purpose is to make the harm visible. The messaging needs to be carefully developed to reach the target audience (young males before they have become users/customers). While this seems like an overwhelming task (given the ubiquitous cultural messages glorifying sex and glamorizing prostitution) we should take heart from other successful social marketing campaigns that have targeted intractable or entrenched social practices. Two come to mind: the recent campaign against cigarette smoking, and a similar campaign to combat domestic violence.

One social marketing campaign is the “Dear John” campaign in Atlanta, Georgia. “Dear John” is a public education campaign to end the commercial sexual exploitation of children, with Mayor Shirley Franklin, the Juvenile Justice Fund and a wide-range of supporters. The campaign seeks to educate and activate audiences to help stem the problem. The campaign features a letter from Mayor Franklin: “Dear John: You have been abusing our kids, prostituting them, and throwing them on the street when you’re done. As Mayor of Atlanta, I have promised to listen to people. Kids are no exception. When you buy sex from our kids, you hurt them, you hurt our families, and you hurt our city. It’s over John. No more, Not in Our City.”

### **Standards**

At the bottom of the problem is an increasing commodification that extends even to human beings, a belief that anything, even a life, can be bought anytime, anywhere, any place for any purpose. This license masquerades as liberty and allows the worst kinds of exploitation to flourish. In addition to legal and educational solutions, we will have to continue to work as a global community to develop human rights, religious, and values-based visions that promote the sacredness, dignity, and worth of all human beings.

Why is the focus on demand essential? Just as in any other market, basic economic principles are at work. Supply is affected by demand. When demand increases, supply also increases in order to meet the demand. When demand decreases, supply also decreases.

The development of demand reduction strategies is based, in part, on the motivations of the buyers, who fall into several different categories. The motivations of those who engage in national or international sex tourism are different from those of pedophiles or hebephiles who prefer underage victims, and are different from those who seek out commercial sex episodically.

Demand reduction also depends on societal views of prostitution and human trafficking. Public rejection of prostitution and public approbation about human trafficking can decrease demand among the episodic purchaser, though it may not have the same impact on more consistently committed purchasers.

One study that compared sex buyers from non-sex buyers concluded:

Sex buyers engaged in significantly more criminal activity than non-sex buyers. They were far more likely than non-sex buyers to commit felonies, misdemeanors crimes related to violence against women, substance abuse-related crimes, assaults, crimes with weapons, and crimes against authority. All of the crimes known to be associated with violence against women were reported by sex buyers; none were reported by non-sex buyers.

The sex buyers and non-sex buyers differed in their self-reported likelihood to rape. Sex buyers acknowledged having committed significantly more sexually coercive acts against women (non-prostituting as well as prostituting women) than non-sex buyers.

The two groups differed in their attitudes regarding prostitution as consenting sex or sexual exploitation.

Sex buyers had significantly less empathy for prostituted women than did non-sex buyers. Sex buyers acknowledged fewer harmful effects of prostitution on the women in it and on the community. Non-sex buyers more often saw prostitution as harmful to both the woman herself and to the community as a whole.

As in other studies of sex buyers, sex buyers expressed ambivalence, guilt and negative thinking about buying sex. They felt just as many negative feelings after buying sex as they did before. Many sex buyers sought sex that lacked emotional connection. They had little objection if the woman they purchased pretended to like them or actively disliked performing the act of prostitution. Sex buyers repeatedly commented that they liked the power relationship in prostitution and that they liked the freedom from any relationship obligation.

The sex buyers masturbated to pornography more often than non-sex buyers, imitated it with partners more often, and had more often received their sex education from pornography than the non-sex buyers. Over time, as a result of their prostitution and pornography use, sex buyers reported that their sexual preferences changed such that they sought more sadomasochistic and anal sex.

Significantly more of the sex buyers compared learned about sex from pornography compared to the non-sex buyers.

When asked how much they agreed with the statement, "Most men go to prostitutes once in a while," we found that about half the sex buyers normalized their use of prostitution by suggesting that most men do it, whereas the non-sex buyers did not tend to make that assumption.

Both sex buyers and non-sex buyers evidenced extensive knowledge of the physical and psychological harms of prostitution. Two thirds of both the sex buyers and the non-sex buyers observed that a majority of women are lured, tricked, or trafficked into prostitution. Many of the men had an awareness of the economic coercion and the lack of alternatives in women's entry into prostitution. Almost all of the sex buyers and non-sex buyers shared the opinion that minor children are almost always available for prostitution in bars, massage parlors, escort and other prostitution in Boston.

The knowledge that the women have been exploited, coerced, pimped, or trafficked failed to deter sex buyers from buying sex. Many of the sex buyers had used women who were controlled by pimps at the time they used her for sex. Sex buyers in this study seemed to justify their involvement in the sex industry by stating their belief that women in prostitution are essentially different from non-prostituting women.

Both sex buyers and non-sex buyers subscribed to the theory that prostitution reduces the likelihood of rape. Although half of the study's sample did not buy sex, many of them were tolerant of prostitution for men who did. These findings suggest that efforts to deter sex buyers should expand their focus from men who buy sex to the general public's attitudes that support prostitution.

Both sex buyers and non-sex buyers agreed that the most effective deterrent to buying sex would be to be placed on a registry of sex offenders. Other effective deterrents included public exposure techniques such as having their name or photo publicized on a billboard, newspaper, or the Internet. Spending time in jail was considered an effective deterrent by 80% of sex buyers and 83% of non-sex buyers. Educational programs were considered the least effective deterrent by both groups of men.

"Demand reduction" strategies have been focused on reducing purchasing. Researchers in a study released in June 2012 found that American localities used various strategies that focused on sex purchasers. These measures include:

- Web-based reverse stings, where purchasers are arrested after making contact with a decoy "prostitute" who is actually a police officer.
- Brothel-based reverse stings, where police close a brothel, make it look like it is still open, and then arrest purchasers who arrive.
- Seizing automobiles of those who solicit prostitutes.
- Suspending driver's licenses of those who solicit prostitutes.

- Using surveillance cameras in anti-prostitution efforts.
- "John school" education or treatment programs. A previous NIJ-sponsored study found a 40 percent reduction in recidivism (8.8 percent to 4.5 percent) in a john school program based on careful screening of participants.

The "Demand Reduction" study, conducted by Abt Associates Inc., showed that localities try demand reduction after attempts to reduce prostitution have failed, or in response to community calls to do something about prostitution.

Demand reduction strategies appear to be promising, but many have not been rigorously assessed for effectiveness.

### **Labor Trafficking Demand Reduction**

Some programs have focused primarily on demand reduction related to labor trafficking. Industry efforts, combined with local efforts, focus on the monitoring of production processes in order to refuse to do business with others who engage in or support labor trafficking. The drive for the lowest price may draw a producer to use labor-traffic-related services, but by raising public awareness of the evils of labor trafficking, some businesses have promoted brand loyalty based on the company's efforts to combat labor trafficking.

In addition, the use of regulatory services – primarily inspection services – by government agencies can identify labor trafficking and provide opportunities to hold traffickers accountable and assist the survivors in breaking free.

#### ***Online sources:***

Inter-Agency Coordination Group against Trafficking in Persons, Preventing Trafficking in Persons by Demand Reduction (2014), available online:  
[http://www.ungift.org/doc/knowledgehub/events/ICAT\\_Demand\\_paper\\_-\\_FINAL.pdf](http://www.ungift.org/doc/knowledgehub/events/ICAT_Demand_paper_-_FINAL.pdf)

Deconstructing Demand: The Driving Force of Sex Trafficking, The Brown Journal of World Affairs, 19(2), 1-12 (2013), available online: [https://www.demandabolition.org/wp-content/uploads/2013/07/brown\\_journal\\_6\\_2013.pdf](https://www.demandabolition.org/wp-content/uploads/2013/07/brown_journal_6_2013.pdf)

A National Overview of Prostitution and Sex Trafficking Demand Reduction Efforts, Final Report (2012), available online: <https://www.ncjrs.gov/pdffiles1/nij/grants/238796.pdf>

Comparing Sex Buyers with Men Who Don't Buy Sex (2011), available online:  
<http://www.catwinternational.org/content/images/article/212/attachment.pdf>

US AID, Tackling the Demand that Fosters Human Trafficking (2011), available online:  
[http://lastradainternational.org/lisidocs/Tackling\\_the\\_Demand.pdf](http://lastradainternational.org/lisidocs/Tackling_the_Demand.pdf)

A Revised Approach to Reducing Labor Abuses and Human Trafficking (2010), available online: <http://digitalcommons.unl.edu/cgi/viewcontent.cgi?article=1020&context=humtrafconf2>

Of Vice and Men: A New Approach to Eradication of Sex Trafficking by Reducing Male Demand through Educational Programs and Abolitionist Legislation, *Journal of Criminal Law & Criminology*, 98(2), 653-686 (2008), available online:

<http://scholarlycommons.law.northwestern.edu/cgi/viewcontent.cgi?article=7292&context=jclc>

Best Practices to Address the Demand Side of Sex Trafficking, University of Rhode Island (2004), available online: [http://www.uri.edu/artsci/wms/hughes/demand\\_sex\\_trafficking.pdf](http://www.uri.edu/artsci/wms/hughes/demand_sex_trafficking.pdf)

# Statutory Law

Human Trafficking Iowa Code Chapter 710A (2013)		
B Felony	C Felony	D Felony
<ul style="list-style-type: none"> <li>▪ Knowingly engage in human trafficking</li> <li>▪ By causing/threatening physical injury</li> <li>▪ Victim is under age 18</li> </ul>	<ul style="list-style-type: none"> <li>▪ Knowingly engage in human trafficking</li> <li>▪ Victim is under age 18</li> </ul>	<ul style="list-style-type: none"> <li>▪ Knowingly engage in human trafficking</li> </ul>
	<ul style="list-style-type: none"> <li>▪ Knowingly engage in human trafficking</li> <li>▪ By causing/threatening physical injury</li> </ul>	<ul style="list-style-type: none"> <li>▪ Knowingly engage in human trafficking</li> <li>▪ By physically restraining/threatening restraint</li> </ul>
	<ul style="list-style-type: none"> <li>▪ Knowingly engage in human trafficking</li> <li>▪ By physically restraining/threatening restraint</li> <li>▪ Victim is under age 18</li> </ul>	<ul style="list-style-type: none"> <li>▪ Knowingly engage in human trafficking</li> <li>▪ By soliciting services/benefiting from services</li> </ul>
	<ul style="list-style-type: none"> <li>▪ Knowingly engage in human trafficking</li> <li>▪ By soliciting services/benefiting from services</li> <li>▪ Victim is under age 18</li> </ul>	<ul style="list-style-type: none"> <li>▪ Knowingly engage in human trafficking</li> <li>▪ By abusing/threatening abuse of law/legal process</li> </ul>
	<ul style="list-style-type: none"> <li>▪ Knowingly engage in human trafficking</li> <li>▪ By abusing/threatening abuse of law/legal process</li> <li>▪ Victim is under age 18</li> </ul>	<ul style="list-style-type: none"> <li>▪ Knowingly engage in human trafficking</li> <li>▪ By knowingly destroying, concealing, removing, confiscating, possessing actual/purported immigration document or government document</li> </ul>
	<ul style="list-style-type: none"> <li>▪ Knowingly engage in human trafficking</li> <li>▪ By knowingly destroying, concealing, removing, confiscating, possessing actual/purported immigration document or government document</li> <li>▪ Victim is under age 18</li> </ul>	<ul style="list-style-type: none"> <li>▪ Person who benefits financially or receives anything of value</li> <li>▪ From knowing participation in human trafficking</li> </ul>
	<ul style="list-style-type: none"> <li>▪ Person who benefits financially or receives anything of value</li> <li>▪ From knowing participation in human trafficking</li> <li>▪ Victim is under age 18</li> </ul>	<ul style="list-style-type: none"> <li>▪ Entice, coerce, recruit (or attempt) person under 18 (or law enforcement representing under 18)</li> <li>▪ To engage in commercial sexual activity</li> </ul>

# Iowa Code Chapter 710A

(as amended, 2015)



## 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

## 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

#### **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

#### **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.

## **Chapter 702**

### **702.4 Brothel.**

A “*brothel*” is any building, structure, or part thereof, or other place offering shelter or seclusion, which is principally or regularly used for the purpose of prostitution, with the consent or connivance of the owner, tenant, or other person in possession of it.

Section 702.11, subsection 1, Code 2015, is amended to read as follows:

1. A “*forcible felony*” is any felonious child endangerment, assault, murder, sexual abuse, kidnapping, robbery, human trafficking, arson in the first degree, or burglary in the first degree.
  2. Notwithstanding subsection 1, the following offenses are not forcible felonies:
    - a. Willful injury in violation of section 708.4, subsection 2.
    - b. Sexual abuse in the third degree committed between spouses.
    - c. Sexual abuse in violation of section 709.4, subsection 1, paragraph “b”, subparagraph (3), subparagraph division (d).
    - d. Sexual exploitation by a counselor, therapist, or school employee in violation of section 709.15.
    - e. Child endangerment subject to penalty under section 726.6, subsection 6.
    - f. Assault in violation of section 708.2, subsection 4.
    - g. Domestic abuse assault in violation of section 708.2A, subsection 5.
    - h. Removal of an officer’s communication or control device in violation of section 708.12, subsection 3, paragraph “f”.

### **702.15 Prostitute.**

A “*prostitute*” is a person who sells or offers for sale the person’s services as a participant in a sex act.

## **Chapter 725**

### **725.1 Prostitution.**

1.
  - a. Except as provided in paragraph “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.
  - c. 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, upon the expiration of two years following the person’s conviction for a violation of paragraph “a” 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. The court shall enter an order that the record of the conviction be expunged by the clerk of the district court. Notwithstanding section 692.2, after receipt of notice from the clerk of the district court that a record of conviction has been expunged for a violation of paragraph "a", the record of conviction shall be removed from the criminal history data files maintained by the department of public safety.

2. 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.

#### **725.2 Pimping.**

1. A person who solicits a patron for a prostitute, or who knowingly takes or shares in the earnings of a prostitute, or who knowingly furnishes a room or other place to be used for the purpose of prostitution, whether for compensation or not, commits a class "D" felony.

2. 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.

3. 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, subsection 1, while the person was under the age of eighteen.

#### **725.3 Pandering.**

1. A person who persuades, arranges, coerces, or otherwise causes another, not 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 purposes of prostitution or takes a share in the income from such premises knowing the character and content of such income, commits a class "D" felony.

2. 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.

#### **725.4 Leasing premises for prostitution.**

A person who has rented or let any building, structure or part thereof, boat, trailer or other place offering shelter or seclusion, and who knows, or has reason to know, that the lessee or tenant is using such for the purposes of prostitution, and who does not, immediately upon acquiring such knowledge, terminate the tenancy or effectively put an end to such practice of prostitution in such place, commits a serious misdemeanor.

## **Chapter 915**

### **915.10 Definitions.**

As used in this subchapter, unless the context otherwise requires:

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3. "*Victim*" means a person who has suffered physical, emotional, or financial harm as the result of a public offense or a delinquent act, other than a simple misdemeanor, committed in this state. "*Victim*" also includes the immediate family members of a victim who died or was rendered incompetent as a result of the offense or who was under eighteen years of age at the time of the offense.

### **915.94 Victim compensation fund.**

A victim compensation fund is established 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

the purposes of section 915.41 and this subchapter. In addition, the department may use moneys from the fund for the purpose of the department's prosecutor-based victim service coordination, including the duties defined in sections 910.3 and 910.6 and this chapter, and for the award of funds to programs that provide services and support to victims of domestic abuse or sexual assault as provided in chapter 236, to victims under section 710A.2, and for the support of an automated victim notification system established in section 915.10A. The For each fiscal year, the department may also use up to one three hundred thousand dollars from the fund to provide training for victim service providers, to provide training for related professionals concerning victim service programming, and to provide training concerning homicide, domestic assault, sexual assault, stalking, harassment, and human trafficking as required by section 710A.6. 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.



## Federal Laws on Human Trafficking

### **Peonage, 18 U.S.C. § 1581.**

Section 1581 of Title 18 makes it unlawful to hold a person in “debt servitude,” or peonage, which is closely related to involuntary servitude. Section 1581 prohibits using force, the threat of force, or the threat of legal coercion to compel a person to work against his/her will. In addition, the victim's involuntary servitude must be tied to the payment of a debt.

### **Involuntary Servitude, 18 U.S.C. § 1584.**

Section 1584 of Title 18 makes it unlawful to hold a person in a condition of slavery, that is, a condition of compulsory service or labor against his/her will. A Section 1584 conviction requires that the victim be held against his/her will by actual force, threats of force, or threats of legal coercion. Section 1584 also prohibits compelling a person to work against his/her will by creating a “climate of fear” through the use of force, the threat of force, or the threat of legal coercion [i.e., If you don't work, I'll call the immigration officials.] which is sufficient to compel service against a person's will.

### **Forced Labor, 18 U.S.C. § 1589.**

Section 1589 of Title 18, which was passed as part of the TVPA, makes it unlawful to provide or obtain the labor or services of a person through one of three prohibited means. Congress enacted § 1589 in response to the Supreme Court's decision in *United States v. Kozminski*, 487 U.S. 931 (1988), which interpreted § 1584 to require the use or threatened use of physical or legal coercion. Section 1589 broadens the definition of the kinds of coercion that might result in forced labor.

### **Trafficking with Respect to Peonage, Slavery, Involuntary Servitude, or Forced Labor, 18 U.S.C. § 1590.**

Section 1590 makes it unlawful to recruit, harbor, transport, or broker persons for labor or services under conditions which violate any of the offenses contained in Chapter 77 of Title 18.

### **Sex Trafficking of Children or by Force, Fraud, or Coercion, 18 U.S.C. § 1591.**

Section 1591 criminalizes sex trafficking, which is defined as causing a person to engage in a commercial sex act under certain statutorily enumerated conditions. A commercial sex act means any sex act, on account of which anything of value is given to or received by any person. The specific conditions are the use of force, fraud, or coercion, or conduct involving persons under the age of 18. The punishment for conduct that either involves a victim who is under the age of 14 or involves force, fraud, or coercion is any term of years or life. The punishment for conduct that involves a victim between the ages of 14 and 18 is 40 years.

## **Unlawful Conduct with Respect to Documents in Furtherance of Trafficking, Peonage, Slavery, Involuntary Servitude, or Forced Labor , 18 U.S.C. § 1592.**

Section 1592 makes it illegal to seize documents in order to force others to work. By expanding its coverage to false documents as well as official documents, § 1592 recognizes that victims are often immobilized by the withholding of whatever documents they possess, even if the documents are forged or fraudulent. Section 1592 expands the scope of federal trafficking statutes to reach those who prey on the vulnerabilities of immigrant victims by controlling their papers.

## **Additional Provisions Under the Trafficking Victims Protection Act**

Mandatory Restitution, 18 U.S.C. § 1593

Attempt and Forfeiture, 18 U.S.C. §§ 1594(a) and

(b) Private Right of Action, 18 U.S.C. § 1595

Visa Fraud, 18 U.S.C. § 1546

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