



## Legislation endorsed and encouraged for passage by the 2017 Iowa Legislature

### **1. Erin's Law – House File 50 filed in 2016 by Rep. Greg Heartsill**

Erin's Law is named after childhood sexual assault survivor, author, speaker and activist Erin Merryn. After Erin introduced the legislation in her home state of Illinois, the bill was named "Erin's Law" after her by legislators. It has been adopted in 26 states (see below).

The most vulnerable group to be lured into sex trafficking are children and youth with a history of sexual abuse by parents or relatives. In addition, children and youth in Iowa's Foster Care system are also at high risk of being trafficked.

"Erin's Law" will require that all public schools in Iowa implement a prevention-oriented child sexual abuse program which teaches:

1. Students in grades preK – 12<sup>th</sup> grade, age-appropriate techniques to recognize child sexual abuse and tell a trusted adult
2. School personnel learn about child sexual abuse and warning signs
3. Parents and guardians learn warning signs of child sexual abuse, plus needed assistance, referral or resource information to support sexually abused children and their families

These state governments have passed Erin's Law in this order:

- |                   |                    |
|-------------------|--------------------|
| 1. Illinois       | 14. Louisiana      |
| 2. Indiana        | 15. South Carolina |
| 3. Maine          | 16. Vermont        |
| 4. Missouri       | 17. Pennsylvania   |
| 5. Michigan       | 18. Rhode Island   |
| 6. Arkansas       | 19. California     |
| 7. Mississippi    | 20. Texas          |
| 8. Nevada         | 21. West Virginia  |
| 9. New Mexico     | 22. Oklahoma       |
| 10. Utah          | 23. Colorado       |
| 11. Tennessee     | 24. Oregon         |
| 12. New Hampshire | 25. Alabama        |
| 13. Connecticut   | 26. Alaska         |

Erin's Law is now pending in these additional states, with more to come:

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|-------------------|------------------|
| 1. Massachusetts  |                  |
| 2. Delaware       | 10. Kentucky     |
| 3. New York       | 11. Iowa         |
| 4. New Jersey     | 12. Kansas       |
| 5. Maryland       | 13. Minnesota    |
| 6. North Carolina | 14. Nebraska     |
| 7. Georgia        | 15. South Dakota |
| 8. Florida        | 16. Washington   |
| 9. Ohio           | 17. Hawaii       |

**2. The Iowa NAHT is seeking sponsors for the addition of human trafficking victims to Iowa's rape shield law**

Iowa's rape shield law (Rule 5.412 Sexual abuse cases; relevance of victim's past behavior) does not currently extend rape shield protection to victims of sex trafficking. Iowa should enact laws that provide protections for Iowa sex trafficking victims in the trial process. State statutes and rules must have an adequate focus on all victims of sexual exploitation or abuse to ensure equal protection of those victims who pursue prosecution of their trafficker

The rape shield law in Iowa is in the Rules of Evidence, and the Iowa Supreme Court has primary authority to amend the rules of evidence. In addition to the Legislature making changes to the statute, the Iowa Supreme Court should declare that it will uphold the state statute and rule of evidence change.

The following is the proposed wording:

"The victim's sexual history or history of commercial sexual activity, the specific instances of the victim's sexual conduct, and reputation evidence of the victim's sexual conduct may not be offered as a defense in prosecutions for sex trafficking. In a prosecution for violations of the criminal provisions of [trafficking in person], the identity of the victim and the victim's family must be kept confidential by ensuring that names and identifying information of the victim and victim's family are not released to the public, including by the defendant."

**3. Continuation of state funding for the Office to Combat Human Trafficking**

SF2191 passed the legislature and was signed into law by the Governor on 4/7/16. As a result, the Office to Combat Human Trafficking was established in July 2016 within the Department of Public Safety. An appropriation of \$300,000 funded the office and must be included in the 2017 state budget. The NAHT supports continued funding for the Office to Combat Human Trafficking.