

House File 572 - Reprinted

HOUSE FILE 572
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 15)

(As Amended and Passed by the House March 20, 2025)

A BILL FOR

- 1 An Act establishing the criminal offense of the smuggling of
- 2 persons, and providing penalties.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 710.12 Smuggling of persons.

2 1. A person commits the offense of smuggling of persons when
3 the person knowingly, for payment or anything of value, does
4 any of the following involving a person in violation of federal
5 immigration laws:

6 a. Uses a motor vehicle, aircraft, watercraft, or other
7 means of conveyance to transport an individual with the intent
8 to:

9 (1) Conceal the individual from a peace officer.

10 (2) Flee from a person the actor knows is a peace officer
11 attempting to lawfully arrest or detain the actor.

12 b. Encourage or induce a person to enter or remain in
13 the United States in violation of federal law by concealing,
14 harboring, or shielding that person from detection.

15 c. Assist, guide, or direct two or more individuals to enter
16 or remain on agricultural land without the effective consent
17 of the owner.

18 2. An offense under this section is a class "C" felony,
19 except that the offense is:

20 a. A class "B" felony if the person or other party as
21 specified does any of the following:

22 (1) The person commits the offense in a manner that creates
23 a substantial likelihood that the smuggled individual will
24 suffer serious bodily injury or death.

25 (2) The person smuggles an individual who is a child younger
26 than eighteen years of age at the time of the offense.

27 (3) The person commits the offense with the intent to obtain
28 a pecuniary benefit.

29 (4) During the commission of the offense, the actor, another
30 party to the offense, or an individual assisted, guided, or
31 directed by the actor knowingly possessed a firearm.

32 b. A class "A" felony under any of the following
33 circumstances:

34 (1) If as a direct result of the commission of the offense,
35 the smuggled individual became a victim of sexual abuse in the

1 first degree under section 709.2 or sexual abuse in the second
2 degree under section 709.3.

3 (2) If the smuggled individual suffered serious bodily
4 injury or death.

5 3. It is an affirmative defense to prosecution of an offense
6 under this section, other than an offense punishable under
7 subsection 2, paragraph "a", subparagraph (1), or subsection
8 2, paragraph "b", that the actor is related to the smuggled
9 individual within the second degree of consanguinity or, at the
10 time of the offense, within the second degree of affinity.