

CHAPTER 1132**SEX OFFENDER REGISTRY – STUDY OF ACCESS TO VARIOUS REGISTRIES
S.F. 2208**

AN ACT relating to persons required to register with the sex offender registry, requiring a departmental study, and providing a penalty.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 692A.1, subsection 3, paragraph k, Code Supplement 1995, is amended to read as follows:

k. Stalking in violation of section 708.11, subsection 3, paragraph “b”, subparagraph (3), if the fact-finder determines by clear and convincing evidence that the offense was sexually motivated.

l. Sexual exploitation of a minor in violation of section 728.12, subsection 2 or 3.

m. An indictable offense committed in another jurisdiction which would constitute an indictable offense under paragraphs “a” through “j” “l”.

Sec. 2. Section 692A.1, subsection 6, Code Supplement 1995, is amended by adding the following new paragraphs after paragraph c:

NEW PARAGRAPH. d. Telephone dissemination of obscene materials in violation of section 728.15.

NEW PARAGRAPH. e. Rental or sale of hard-core pornography in violation of section 728.4.

NEW PARAGRAPH. f. Indecent exposure in violation of section 709.9.

Sec. 3. Section 692A.1, subsection 6, paragraph d, Code Supplement 1995, is amended to read as follows:

~~g.~~ Any of the following offenses, if the offense involves sexual abuse or attempted sexual abuse: murder, attempted murder, kidnapping, or burglary, or manslaughter.

Sec. 4. Section 692A.5, subsection 2, Code Supplement 1995, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. If the offender refuses to register, the sheriff, warden, or superintendent shall immediately notify a prosecuting attorney of the refusal to register. The prosecuting attorney may bring a contempt of court action against the offender in the county in which the offender was convicted. An offender who refuses to register may be held in contempt and incarcerated following the entry of judgment by the court on the contempt action until the offender complies with the registration requirements.

Sec. 5. Section 692A.13, Code Supplement 1995, is amended by adding the following new subsection:

NEW SUBSECTION. 8. Records regarding the persons requesting registry information shall be maintained for ten years.

Sec. 6. The department of human services shall work with the department of public safety to develop a single point of contact for persons seeking information regarding individuals who may be listed on the child abuse registry created in section 235A.14, the dependent adult abuse registry created in section 235B.5, or the sex offender registry created in section 692A.10. The department of human services and the department of public safety shall also study the issue of information sharing among the registries. The department of human services and the department of public safety shall present a joint report to the general assembly not later than December 15, 1996, regarding the feasibility of creating

a single point of contact for information on the registries and providing information sharing among the registries, including the statutory changes necessary for implementation.

Approved April 17, 1996

CHAPTER 1133

ECONOMIC AND OTHER PENALTIES FOR CRIMINAL ACTIVITY S.F. 482

AN ACT establishing economic and other penalties for certain criminal activity.

Be It Enacted by the General Assembly of the State of Iowa:

DIVISION I IOWA FORFEITURE REFORM ACT

Section 1. NEW SECTION. 809A.1 DEFINITIONS.

As used in this chapter:

1. "Conveyance" includes any vehicle, trailer, vessel, aircraft, or other means of transportation.
2. "Interest holder" means a secured party within the meaning of chapter 554, or the beneficiary of a security interest or encumbrance pertaining to an interest in property, whose interest is perfected against a good faith purchaser for value. A person who holds property for the benefit of or as an agent or nominee for another person, or who is not in substantial compliance with any statute requiring an interest in property to be recorded or reflected in public records in order to perfect the interest against a good faith purchaser for value, is not an interest holder.
3. "Omission" means the failure to perform an act that is required by law.
4. "Owner" means a person, other than an interest holder, who has an interest in property. A person who holds property for the benefit of or for an agent or nominee for another person, or who is not in substantial compliance with any statute requiring an interest in property to be recorded or reflected in public records in order to perfect the interest against a good faith purchaser for value, is not an owner.
5. "Proceeds" means property acquired directly or indirectly from, produced through, realized through, or caused by an act or omission and includes any property of any kind without reduction for expenses incurred for acquisition, maintenance, production, or any other purpose.
6. "Property" means anything of value, and includes any interest in property, including any benefit, privilege, claim, or right with respect to anything of value, whether real or personal, tangible, or intangible.
7. "Prosecuting attorney" means an attorney who is authorized by law to appear on the behalf of the state in a criminal case, and includes the attorney general, an assistant attorney general, the county attorney, an assistant county attorney, or a special or substitute prosecutor whose appearance is approved by a court having jurisdiction to try a defendant for the offense with which the defendant is charged.
8. "Regulated interest holder" means an interest holder that is a business authorized to do business in this state and is under the jurisdiction of any state or federal agency regulating banking, insurance, real estate, or securities.
9. "Seizing agency" means a department or agency of this state or its political subdivisions that regularly employs law enforcement officers, and that employs the law enforcement officer who seizes property for forfeiture, or such other agency as the department or