

692A.102 Sex offense classifications.

1. For purposes of this chapter, all individuals required to register shall be classified as a tier I, tier II, or tier III offender. For purposes of this chapter, sex offenses are classified into the following tiers:

a. Tier I offenses include a conviction for the following sex offenses:

(1) Sexual abuse in the second degree in violation of section 709.3, subsection 2, if committed by a person under the age of fourteen.

(2) Sexual abuse in the third degree in violation of section 709.4, subsection 1, 3, or 4, if committed by a person under the age of fourteen.

(3) Sexual abuse in the third degree in violation of section 709.4, subsection 2, paragraph "a" or "b", if committed by a person under the age of fourteen.

(4) Sexual abuse in the third degree in violation of section 709.4, subsection 2, paragraph "c".

(5) Indecent exposure in violation of section 709.9.

(6) (a) Harassment in violation of section 708.7, subsection 1, 2, or 3, if a determination is made that the offense was sexually motivated pursuant to section 692A.126.

(b) Stalking in violation of section 708.11, except a violation of subsection 3, paragraph "b", subparagraph (3), if a determination is made that the offense was sexually motivated pursuant to section 692A.126.

(c) Any other indictable offense in violation of chapter 708 if the offense is committed against a minor and if a determination is made that the offense was sexually motivated pursuant to section 692A.126.

(7) Pimping in violation of section 725.2 if the offense was committed against a minor or otherwise involves a minor and if a determination is made that the offense was sexually motivated pursuant to section 692A.126.

(8) Pandering in violation of section 725.3, subsection 2, if a determination is made that the offense was sexually motivated pursuant to section 692A.126.

(9) Any indictable offense in violation of chapter 726 if the offense is committed against a minor or otherwise involves a minor and if a determination is made that the offense was sexually motivated pursuant to section 692A.126.

(10) (a) Dissemination or exhibition of obscene material to minors in violation of section 728.2 or telephone dissemination of obscene material to minors in violation of section 728.15.

(b) Rental or sale of hard-core pornography, if delivery is to a minor, in violation of section 728.4.

(11) Admitting minors to premises where obscene material is exhibited in violation of section 728.3.

(12) Receipt or possession of child pornography in violation of 18 U.S.C. § 2252.

(13) Material containing child pornography in violation of 18 U.S.C. § 2252A.

(14) Misleading domain names on the internet in violation of 18 U.S.C. § 2252B.

(15) Misleading words or digital images on the internet in violation of section 18 U.S.C. § 2252C.

(16) Failure to file a factual statement about an alien individual in violation of 18 U.S.C. § 2424.

(17) Transmitting information about a minor to further criminal sexual conduct in violation of 18 U.S.C. § 2425.

(18) Any sex offense specified in the laws of another jurisdiction or any sex offense that may be prosecuted in federal, military, or foreign court, that is comparable to an offense listed in subparagraphs (1) through (17).

(19) Any sex offense under the prior laws of this state or another jurisdiction, or any sex offense under prior law that was prosecuted in a federal, military, or foreign court, that is comparable to an offense listed in subparagraphs (1) through (17).

b. Tier II offenses include a conviction for the following sex offenses:

(1) Lascivious acts with a child in violation of section 709.8, subsection 3 or 4.

(2) Solicitation of a minor to engage in an illegal sex act in violation of section 705.1.

(3) Solicitation of a minor to engage in an illegal act under section 709.8, subsection 3, in violation of section 705.1.

- (4) Solicitation of a minor to engage in an illegal act under section 709.12, in violation of section 705.1.
- (5) False imprisonment of a minor in violation of section 710.7, except if committed by a parent.
- (6) Assault with intent to commit sexual abuse if no injury results in violation of section 709.11.
- (7) Invasion of privacy-nudity in violation of section 709.21.
- (8) Stalking in violation of section 708.11, subsection 3, paragraph “b”, subparagraph (3), if a determination is made that the offense was sexually motivated pursuant to section 692A.126.
- (9) Indecent contact with a child in violation of section 709.12, if the child is thirteen years of age.
- (10) Lascivious conduct with a minor in violation of section 709.14.
- (11) Sexual exploitation by a counselor, therapist, or school employee in violation of section 709.15, if the victim is thirteen years of age or older.
- (12) Sexual misconduct with offenders and juveniles in violation of section 709.16, if the victim is thirteen years of age or older.
- (13) Sexual abuse of a corpse in violation of section 709.18.
- (14) Kidnapping of a person who is not a minor in violation of section 710.2, 710.3, or 710.4, if a determination is made that the offense was sexually motivated pursuant to section 692A.126.
- (15) Pandering in violation of section 725.3.
- (16) Solicitation of a minor to engage in an illegal act under section 725.3, subsection 2, in violation of section 705.1.
- (17) Incest committed against a dependent adult as defined in section 235B.2 in violation of section 726.2.
- (18) Incest committed against a minor in violation of section 726.2.
- (19) Sexual exploitation of a minor in violation of section 728.12, subsection 2 or 3.
- (20) Material involving the sexual exploitation of a minor in violation of 18 U.S.C. § 2252(a), except receipt or possession of child pornography.
- (21) Production of sexually explicit depictions of a minor for import into the United States in violation of 18 U.S.C. § 2260.
- (22) Transportation of a minor for illegal sexual activity in violation of 18 U.S.C. § 2421.
- (23) Coercion and enticement of a minor for illegal sexual activity in violation of 18 U.S.C. § 2422(a) or (b).
- (24) Transportation of minors for illegal sexual activity in violation of 18 U.S.C. § 2423(a).
- (25) Travel with the intent to engage in illegal sexual conduct with a minor in violation of 18 U.S.C. § 2423.
- (26) Engaging in illicit sexual conduct in foreign places in violation of 18 U.S.C. § 2423(c).
- (27) Video voyeurism of a minor in violation of 18 U.S.C. § 1801.
- (28) Any sex offense specified in the laws of another jurisdiction or any offense that may be prosecuted in a federal, military, or foreign court, that is comparable to an offense listed in subparagraphs (1) through (27).
- (29) Any sex offense under the prior laws of this state or another jurisdiction, or any sex offense under prior law that was prosecuted in a federal, military, or foreign court, that is comparable to a sex offense listed in subparagraphs (1) through (27).
- c. Tier III offenses include a conviction for the following sex offenses:
 - (1) Murder in violation of section 707.2 or 707.3 if sexual abuse as defined in section 709.1 is committed during the commission of the offense.
 - (2) Murder in violation of section 707.2 or 707.3, if a determination is made that the offense was sexually motivated pursuant to section 692A.126.
 - (3) Voluntary manslaughter in violation of section 707.4, if a determination is made that the offense was sexually motivated pursuant to section 692A.126.
 - (4) Involuntary manslaughter in violation of section 707.5, if a determination is made that the offense was sexually motivated pursuant to section 692A.126.

(5) Attempt to commit murder in violation of section 707.11, if a determination is made that the offense was sexually motivated pursuant to section 692A.126.

(6) Penetration of the genitalia or anus with an object in violation of section 708.2, subsection 5.

(7) Sexual abuse in the first degree in violation of section 709.2.

(8) Sexual abuse in the second degree in violation of section 709.3, subsection 1 or 3.

(9) Sexual abuse in the second degree in violation of section 709.3, subsection 2, if committed by a person fourteen years of age or older.

(10) Sexual abuse in the third degree in violation of section 709.4, subsection 1, 3, or 4, if committed by a person fourteen years of age or older.

(11) Sexual abuse in the third degree in violation of section 709.4, subsection 2, paragraph "a" or "b", if committed by a person fourteen years of age or older.

(12) Lascivious acts with a child in violation of section 709.8, subsection 1 or 2.

(13) Kidnapping in violation of section 710.2 if sexual abuse as defined in section 709.1 is committed during the commission of the offense.

(14) Kidnapping of a minor in violation of section 710.2, 710.3, or 710.4, if a determination is made that the offense was sexually motivated pursuant to section 692A.126.

(15) Assault with intent to commit sexual abuse resulting in serious or bodily injury in violation of section 709.11.

(16) Burglary in the first degree in violation of section 713.3, subsection 1, paragraph "d".

(17) Any other burglary in the first degree offense in violation of section 713.3 that is not included in subparagraph (16), if a determination is made that the offense was sexually motivated pursuant to section 692A.126.

(18) Attempted burglary in the first degree in violation of section 713.4, if a determination is made that the offense was sexually motivated pursuant to section 692A.126.

(19) Burglary in the second degree in violation of section 713.5, if a determination is made that the offense was sexually motivated pursuant to section 692A.126.

(20) Attempted burglary in the second degree in violation of section 713.6, if a determination is made that the offense was sexually motivated pursuant to section 692A.126.

(21) Burglary in the third degree in violation of section 713.6A, if a determination is made that the offense was sexually motivated pursuant to section 692A.126.

(22) Attempted burglary in the third degree in violation of section 713.6B, if a determination is made that the offense was sexually motivated pursuant to section 692A.126.

(23) Criminal transmission of human immunodeficiency virus in violation of section 709C.1, subsection 1, paragraph "a".

(24) Human trafficking in violation of section 710A.2 if sexual abuse or assault with intent to commit sexual abuse is committed or sexual conduct or sexual contact is an element of the offense.

(25) Purchase or sale of an individual in violation of section 710.11 if a determination is made that the offense was sexually motivated pursuant to section 692A.126.

(26) Sexual exploitation of a minor in violation of section 728.12, subsection 1.

(27) Indecent contact with a child in violation of section 709.12 if the child is under thirteen years of age.

(28) Sexual exploitation by a counselor, therapist, or school employee in violation of section 709.15, if the child is under thirteen years of age.

(29) Sexual misconduct with offenders and juveniles in violation of section 709.16, if the child is under thirteen years of age.

(30) Child stealing in violation of section 710.5, if a determination is made that the offense was sexually motivated pursuant to section 692A.126.

(31) Enticing a minor in violation of section 710.10, if the violation includes an intent to commit sexual abuse, sexual exploitation, sexual contact, or sexual conduct directed towards a minor.

(32) Sex trafficking of children in violation of 18 U.S.C. § 1591.

(33) Aggravated sexual abuse in violation of 18 U.S.C. § 2241.

(34) Sexual abuse in violation of 18 U.S.C. § 2242.

(35) Sexual abuse of a minor or ward in violation of 18 U.S.C. § 2243.

- (36) Abusive sexual contact in violation of 18 U.S.C. § 2244.
- (37) Offenses resulting in death in violation of 18 U.S.C. § 2245.
- (38) Sexual exploitation of children in violation of 18 U.S.C. § 2251.
- (39) Selling or buying of children in violation of 18 U.S.C. § 2251A.
- (40) Any sex offense specified in the laws of another jurisdiction or any sex offense that may be prosecuted in federal, military, or foreign court, that is comparable to an offense listed in subparagraphs (1) through (39).

(41) Any sex offense under the prior laws of this state or another jurisdiction, or any sex offense under prior law that was prosecuted in federal, military, or foreign court, that is comparable to a sex offense listed in subparagraphs (1) through (39).

2. A sex offender classified as a tier I offender shall be reclassified as a tier II offender, if it is determined the offender has one previous conviction for an offense classified as a tier I offense.

3. A sex offender classified as a tier II offender, shall be reclassified as a tier III offender, if it is determined the offender has a previous conviction for a tier II offense or has been reclassified as a tier II offender because of a previous conviction.

4. Notwithstanding the classifications of sex offenses in subsection 1, any sex offense which would qualify a sex offender as a sexually violent predator shall be classified as a tier III offense.

5. An offense classified as a tier II offense if committed against a person under thirteen years of age shall be reclassified as a tier III offense.

6. Convictions of more than one sex offense which require registration under this chapter but which are prosecuted within a single indictment shall be considered as a single offense for purposes of registration.

2009 Acts, ch 119, §2; 2010 Acts, ch 1043, §2; 2010 Acts, ch 1074, §2; 2010 Acts, ch 1104, §4 – 7, 23; 2010 Acts, ch 1193, §65, 78

Subsection 1, paragraph a, subparagraph (6), NEW subparagraph division (c) and former subparagraph (7) redesignated as subparagraph division (b) of subparagraph (6)

Subsection 1, paragraph a, NEW subparagraphs (7) – (9) and former subparagraphs (8) – (17) renumbered as (10) – (19)

Subsection 1, paragraph b, subparagraph (1) stricken and former subparagraphs (2) – (13) renumbered as (1) – (12)

Subsection 1, paragraph b, NEW subparagraph (13)

Subsection 1, paragraph b, NEW subparagraph (15) and former subparagraphs (15) – (28) renumbered as (16) – (29)

Subsection 1, paragraph c, NEW subparagraph (6) and former subparagraphs (6) – (40) renumbered as (7) – (41)

Subsection 1, paragraph c, subparagraph (31) amended