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Rosenberg, Lloyd Jones, McKeon

SENATE FILE 229
BY MURPHY

(COMPANION TO HF 192 BY DODERER)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to establishing a registry of sex offenders and
2 establishing penalties.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SF 229

1 Section 1. NEW SECTION. 901A.1 DUTY TO REGISTER --
2 ADULTS.

3 1. A person who, after July 1, 1993, is convicted of,
4 pleads guilty to, or is released, paroled, or discharged from
5 confinement from a jail or correctional facility for a public
6 offense under sections 709.2 through 709.4, or section 709.8,
7 709.11, 709.12, or 709.14, or section 710.2 where a sexual
8 assault is committed against the victim, shall register as a
9 sex offender in accordance with section 901A.3.

10 2. A person who, after July 1, 1993, is convicted of,
11 pleads guilty to, or is released, paroled, or discharged from
12 a jail or correctional facility for an offense which, if
13 committed in this state, would have been punishable as one or
14 more of the offenses listed in subsection one, shall register
15 as a sex offender in accordance with section 901A.3.

16 Sec. 2. NEW SECTION. 901A.2 DUTY TO REGISTER --
17 JUVENILES.

18 1. A juvenile who, after July 1, 1993, enters into an
19 informal adjustment agreement, is adjudicated, or is released,
20 discharged, or paroled from confinement in a juvenile
21 correctional facility for a delinquent act which, if committed
22 by an adult, would be a public offense under sections 709.2
23 through 709.4, or section 709.11 or 710.2 where a sexual
24 assault is committed against the victim, shall register in
25 accordance with section 901A.3.

26 2. The duty of a juvenile to register shall terminate when
27 the person reaches age twenty-five, provided that the person
28 has not been convicted of or pled guilty to any subsequent
29 offense requiring registration.

30 3. All records relating to the registration of juvenile
31 sex offenders shall be sealed when the person required to
32 register reaches age twenty-five.

33 Sec. 3. NEW SECTION. 901A.3 REGISTRATION.

34 1. The department of public safety shall develop a
35 standard form for use by the department of corrections, local

1 law enforcement agencies, and sheriff's departments to
2 register sex offenders. The form shall contain the following
3 minimum information:

4 a. The registrant's name and the address for which the
5 registrant is registering.

6 b. A statement informing the registrant of the continuing
7 duty to register should the registrant change address and the
8 penalty for failing to register. The statement shall also
9 contain a verification that the registrant has read and
10 understood the statement and a place for the registrant's
11 signature.

12 2. A person required to register as a sex offender shall
13 do so prior to the person's release, discharge, or parole from
14 a jail or correctional facility, or sentencing, if the person
15 is sentenced to probation or required to pay a fine in lieu of
16 imprisonment. A person relocating within the state or
17 entering the state shall register within fourteen days after
18 the person establishes a temporary or permanent residence.

19 3. Registration shall be made as follows:

20 a. With the administrator of the jail or correctional
21 facility in which the person is confined. A copy of this
22 registration shall be sent by the administrator to the chief
23 of police of the community and the sheriff of the county in
24 which the person plans to reside. A copy shall also be filed
25 with the department of public safety within three days of
26 receiving the completed registration.

27 b. With the chief of police, if any, of the community to
28 which the person relocates and with the sheriff of the county
29 to which the person relocates.

30 4. Within three days of receiving a completed registration
31 form, the chief of police and sheriff shall forward to the
32 department of public safety a copy of the registration form.

33 Sec. 4. NEW SECTION. 901A.4 FAILURE TO REGISTER --
34 PENALTY.

35 1. A person required to register under this chapter who

1 fails to do so is guilty of a simple misdemeanor.

2 2. A person who has two prior convictions under this
3 section and who subsequently fails to register commits a
4 serious misdemeanor.

5 3. A person released on parole or probation who is
6 required to register under this chapter and fails to do so
7 shall have the person's parole or probation revoked.

8 Sec. 5. NEW SECTION. 901A.5 CONFIDENTIAL RECORDS.

9 The records relating to the registration of sex offenders
10 shall be confidential and not open to inspection by the
11 public, notwithstanding the provisions of chapter 22.

12 Sec. 6. NEW SECTION. 901A.6 TEMPORARY RELEASE -- NOTICE
13 TO LOCAL LAW ENFORCEMENT AGENCY.

14 The superintendent or other administrative official in
15 charge of a jail or correctional facility shall notify the
16 local law enforcement agencies having jurisdiction of the area
17 in which a person, otherwise required to register under this
18 chapter, is to be temporarily sent outside the jail or
19 correctional facility where the person is confined, within a
20 reasonable time prior to the person's temporary release from
21 the jail or correction facility. This section does not apply
22 to persons temporarily released under guard.

23 Sec. 7. NEW SECTION. 901A.7 CERTIFICATE OF
24 REHABILITATION.

25 1. A person required to register as a sex offender under
26 this chapter may petition the district court for the county in
27 which the person resides for a certificate of rehabilitation.
28 The petition shall state the following:

29 a. That the petitioner has satisfactorily completed the
30 sentence and any probation or other supervision for one or
31 more of the offenses listed in section 901A.1 or 901A.2.

32 b. That the petitioner has not been convicted of any
33 public offense, or any offense which would be a public offense
34 if committed in this state or by an adult, other than traffic
35 or parking violations since completing the petitioner's

1 sentence and probation or supervision for a sex offense.

2 c. That at least five years have elapsed since the
3 completion of the person's sentence and probation or
4 supervision for a sex offense.

5 d. That during the period of rehabilitation the person has
6 lived an honest and upright life, acted with sobriety and
7 industry, exhibited a good moral character, and conformed to
8 and obeyed the laws of the land.

9 2. If the court, following a hearing and the presentation
10 of such evidence as the court shall direct, finds by a
11 preponderance of the evidence that the facts alleged in the
12 petition are true, the court shall issue an order declaring
13 that the petitioner is a rehabilitated sex offender and is
14 relieved of the duty to register as a sex offender. The order
15 shall be filed with the clerk of the district court, who shall
16 transmit a copy to the department of public safety and the
17 clerk of the district court for the county in which the person
18 was convicted of any sex offense.

19 3. The petitioner shall give notice of the hearing to the
20 county attorney of the county in which the petition is filed
21 and to the county attorney of the county in which the
22 petitioner was convicted, at least thirty days prior to the
23 hearing.

24 Sec. 8. NEW SECTION. 901A.8 BODILY FLUID SAMPLES.

25 1. Upon appropriation or receipt of sufficient funds by
26 the division of criminal investigation of the department of
27 public safety to carry out deoxyribonucleic acid (DNA)
28 analysis and profiling and other genetic typing analysis, a
29 person required to register as a sex offender under section
30 901A.1 or 901A.2, prior to discharge, release, or parole from
31 a jail or correctional facility, or commencing a period of
32 probation or other supervision, shall provide two specimens of
33 blood and a saliva sample to the department of corrections in
34 accordance with rules adopted by the department. The
35 department shall ensure that the collection of the specimens

1 is in accordance with accepted medical procedures.

2 2. Upon appropriation or receipt of sufficient funds by
3 the division of criminal investigation of the department of
4 public safety, the specimens shall be forwarded to the
5 division which shall carry out DNA analysis and profiling and
6 other genetic typing analysis. The division may contract with
7 private entities for DNA profiling. "DNA profiling" means the
8 procedure established by the division for determining a
9 person's genetic identity.

10 The DNA profiling and other genetic typing analysis shall
11 be used for law enforcement purposes only.

12 3. The deoxyribonucleic acid and other genetic typing
13 information shall be filed with the person's registry file at
14 the department of public safety.

15 EXPLANATION

16 This bill requires that sex offenders register with the
17 jail or correctional facility prior to their release from
18 confinement or commencing probation or other supervision
19 following conviction, and with local law enforcement agencies
20 following a change of residence, or entering the state. The
21 bill provides that the penalties for failing to register are
22 simple and serious misdemeanors. In addition, the bill
23 provides that, if an appropriation for this purpose is made to
24 the division of criminal investigation of the department of
25 public safety, sex offenders prior to their release from
26 confinement or commencing probation or other supervision are
27 required to provide the department of public safety with blood
28 and saliva samples for DNA and other genetic analysis to be
29 filed with the offenders' registry file at the department of
30 public safety.

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