

**661—83.2(692A) Definitions.** The following definitions apply to rules 661—83.1(692A) to 661—83.5(692A).

**83.2(1)** “*Aggravated offense*” means a conviction for any of the following offenses:

- a. Sexual abuse in the first degree in violation of Iowa Code section 709.2.
- b. Sexual abuse in the second degree in violation of Iowa Code section 709.3.
- c. Sexual abuse in the third degree in violation of Iowa Code section 709.4, subsection 1.
- d. Lascivious acts with a child in violation of Iowa Code section 709.8, subsection 1.
- e. Assault with intent to commit sexual abuse in violation of Iowa Code section 709.11.
- f. Burglary in the first degree in violation of Iowa Code section 713.3, subsection 1, paragraph “d.”
- g. Kidnapping, if sexual abuse as defined in Iowa Code section 709.1 is committed during the offense.
- h. Murder, if sexual abuse as defined in Iowa Code section 709.1 is committed during the offense.
- i. Criminal transmission of human immunodeficiency virus in violation of Iowa Code section 709C.1, subsection 1, paragraph “a.”

**83.2(2)** “*Convicted*” or “*conviction*” means a guilty verdict in a criminal case or an adjudication of delinquency in juvenile court for an offense specified in these rules or in Iowa Code chapter 692A as requiring registration with the Iowa sex offender registry. For purposes of these rules, “convicted” or “conviction” includes deferred judgments, deferred sentences, and acquittals by reason of insanity, and adjudications of delinquency of persons whose juvenile court records have been sealed under Iowa Code section 232.150.

**83.2(3)** “*Criminal or juvenile justice agency*” means an agency or department of any level of government or an entity wholly owned, financed, or controlled by one or more such agencies or departments which performs as its principal function the apprehension, prosecution, adjudication, incarceration, or rehabilitation of criminal or juvenile offenders.

**83.2(4)** “*Criminal offense against a minor*” means a violation of any of the following sections of the Code of Iowa or equivalent laws of the United States or of any other jurisdiction, if committed against a minor:

- a. Enticing a person into a brothel or detaining a person in a brothel by force, intimidation, or false pretenses in violation of Iowa Code section 709.7.
- b. Kidnapping of a minor.
- c. False imprisonment of a minor.
- d. Any indictable offense involving sexual conduct directed toward a minor:
  - (1) Stalking in violation of Iowa Code section 708.11, subsection 3, paragraph “b,” subparagraph (3), if the offense is sexually motivated.
  - (2) Any violation of the following Iowa Code sections, subsections, and paragraphs: 709.3(2), 709.4(2)“b,” 709.4(2)“c,” 709.8, 709.12, or 709.14.
  - (3) Any violation of the following Iowa Code sections with a minor victim: 709.2, 709.3, 709.4, 709.9, 709.15, 709.16, or 726.2; violations of section 698.1 (Iowa Code, 1975), 704.1 (Iowa Code, 1975), or 705.2 (Iowa Code, 1975).
- e. Solicitation of a minor to engage in an illegal sex act; any violation of Iowa Code section 709A.6 involving an offense which would warrant registration.
- f. Enticing away a child in violation of Iowa Code section 710.10.
- g. Use of a minor in a sexual performance: any violation of Iowa Code section 728.12(1).
- h. Sexual exploitation of a minor in violation of Iowa Code section 728.12, subsection 2 or 3.
- i. Solicitation of a minor to practice prostitution: any violation of Iowa Code section 725.3(2).
- j. Incest in violation of Iowa Code section 726.2, when committed against a minor.
- k. Dissemination or exhibition of obscene materials to minors:
  - (1) Any violation of Iowa Code section 728.2 or 728.15.
  - (2) Any violation of Iowa Code section 728.4 if delivery is to a minor.
- l. Admitting minors to premises where obscene material is exhibited: any violation of Iowa Code section 728.3.

*m.* An attempt to commit sexual abuse of a minor: any violation of Iowa Code section 709.11; also, any violation of section 698.4 (Iowa Code, 1975).

**83.2(5)** “*Full-time or part-time*” means a period of time exceeding 14 days or an aggregate period of time exceeding 30 days during any calendar year pursuant to 42 U.S.C. § 14071(a)(3)(F).

**83.2(6)** “*Offender*” means a person who is required to register with the Iowa sex offender registry.

**83.2(7)** “*Other relevant offenses*” means any of the following offenses:

- a.* Telephone dissemination of obscene materials in violation of Iowa Code section 728.15.
- b.* Rental or sale of hard-core pornography in violation of Iowa Code section 728.4.
- c.* Indecent exposure in violation of Iowa Code section 709.9.
- d.* Incest committed in violation of Iowa Code section 726.2 against a dependent adult, as defined in Iowa Code section 235B.2.

*e.* A criminal offense committed in another jurisdiction which would constitute an indictable offense under paragraphs “*a*” through “*d*” if committed in this state.

**83.2(8)** “*Registrant*” means a person who is currently registered with the Iowa sex offender registry.

**83.2(9)** “*Relevant information*” means information including, but not limited to, offender’s name, offender’s address or addresses, a photograph or photographs of the offender, locations frequented by the offender, criminal history information from the registry, physical descriptors of the offender, ages and genders of victims, results of risk assessments, and other information deemed relevant by the department.

**83.2(10)** “*Residence*” means the place where a person sleeps, which may be more than one location, and may be mobile or transitory, including a shelter or group home.

**83.2(11)** “*Sexual exploitation*” means sexual exploitation by a counselor or therapist in violation of Iowa Code section 709.15.

**83.2(12)** “*Sexually violent offense*” means any of the following indictable offenses:

- a.* Sexual abuse as defined in Iowa Code section 709.1.
- b.* Assault with intent to commit sexual abuse in violation of Iowa Code section 709.11.
- c.* Sexual misconduct with offenders in violation of Iowa Code section 709.16.
- d.* Any of the following offenses, if the offense involves sexual abuse or attempted sexual abuse: murder, attempted murder, kidnapping, burglary, or manslaughter.
- e.* A criminal offense committed in another jurisdiction which would constitute an indictable offense under paragraphs “*a*” through “*d*” of this subrule if committed in this state.

**83.2(13)** “*Sexually violent predator*” means a person who has been convicted of an offense under the laws of this state or of another state which would qualify the person as a sexually violent predator under the federal Violent Crime Control and Law Enforcement Act of 1994, 42 U.S.C. § 14071(a)(3)(B), (C), (D), and (E).