

CORRECTIONS DEPARTMENT[201]

Notice of Intended Action

Proposing rulemaking related to sex offender management and treatment and providing an opportunity for public comment

The Department of Corrections hereby proposes to rescind Chapter 38, “Sex Offender Management and Treatment,” Iowa Administrative Code, and to adopt a new Chapter 38 with the same title.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code section 903B.10.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapters 692A and 903B.

Purpose and Summary

This proposed rulemaking rescinds and replaces Chapter 38 to fulfill the requirements of Executive Order 10. The intended benefit of Chapter 38 is public safety through the reduction of sexual recidivism. The chapter provides the necessary clinical and administrative frameworks to manage individuals under sex offender supervision, specifically addressing electronic tracking, pharmacological intervention, or both. Pursuant to Executive Order 10, the chapter was evaluated to realign the text with baseline regulatory drafting standards. Specifically, this rulemaking does the following:

- Removes former rule 201—38.3(692A) (rescinded in 2010) and sequentially renumbers the subsequent rule to maintain numerical continuity.
- Removes text that duplicates provisions directly set forth in Iowa Code chapter 692A and sections 903B.10 and 915.17A.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on August 19, 2026. A public hearing was held on the following date(s):

- September 8, 2026

No comments were received, and no changes from the Regulatory Analysis have been made.

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rulemaking, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 201—Chapter 2504.

Public Comment

Any interested person may submit written or oral comments concerning this proposed rulemaking, which must be received by the Department no later than 4:30 p.m. on November 3, 2026. Comments should be directed to:

Jen Rathje
Iowa Department of Corrections
Jessie Parker Building
510 East 12th Street
Des Moines, Iowa 50319
Phone: 515.802.0898
Email: jen.rathje1@iowa.gov

Public Hearing

Public hearings at which persons may present their views orally or in writing will be held as follows:

November 3, 2026
9:30 to 10:30 a.m.

Via Google Meet Video at
meet.google.com/hjx-panj-ukw
Or dial: (US) +1 318.814.8332
PIN: 569 488 452#

November 3, 2026
1:30 to 2:30 p.m.

Via Google Meet Video at
meet.google.com/rzq-sqzh-aac
Or dial: (US) +1 401.315.8618
PIN: 517 967 012#

Persons who wish to make oral comments at a public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rulemaking.

Any persons who intend to attend a public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Department and advise of specific needs.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rulemaking action is proposed:

ITEM 1. Rescind 201—Chapter 38 and adopt the following **new** chapter in lieu thereof:

CHAPTER 38 SEX OFFENDER MANAGEMENT AND TREATMENT

201—38.1(692A,903B) Application. This chapter applies to sex offender electronic monitoring and hormonal intervention therapy.

201—38.2(692A,903B) Electronic monitoring. It is the intent of the department of corrections that the electronic monitoring system (EMS) will be used to enhance public safety. Appropriate levels of EMS should be used to verify the location and restrict the movement of sex offenders in accordance with the provisions of Iowa Code section 692A.124(2). EMS is additionally governed by the provisions of department of corrections policies OP-SOP-06, CBC-15, and CBC-HRU-04.

38.2(1) Definitions.

“Client” means a person who is required to register with the Iowa sex offender registry.

“Electronic monitoring system” or “EMS” is a term used collectively for technology that determines the location of clients who have restricted movement while being supervised in their respective community.

38.2(2) *Selection of clients for EMS.* All clients on supervision for a current sex offense who are required to be registered as a sex offender under Iowa Code chapter 692A may be placed on EMS immediately after assignment to supervision. This level may be changed based on risk assessment.

38.2(3) *Risk assessment instrument.* Districts will use the statewide approved and validated risk/needs assessment.

38.2(4) *Notification of victims.* The department of corrections shall notify a registered victim regarding a sex offender in accordance with the provisions of Iowa Code section 915.17A.

38.2(5) *Additional rules.* The department of public safety's rules regarding the Iowa sex offender registry are contained in 661—Chapter 83.

201—38.3(903B) Hormonal intervention therapy.

38.3(1) *Affected clients.* All clients convicted of a serious sex offense in which the victim was a child who, at the time the offense was committed, was 12 years of age or younger; or clients convicted of a second or subsequent offense may be required to undergo hormonal intervention therapy as ordered by the court or board of parole in accordance with the provisions of Iowa Code section 903B.10.

38.3(2) *Agency responsibility.* The department of corrections' and the board of parole's responsibilities are defined in accordance with the provisions of Iowa Code section 903B.10.

38.3(3) *Assessment of affected clients.*

a. Psychosexual assessment. A psychosexual assessment will be conducted on all affected clients as a part of the presentence investigation (PSI) prior to sentencing or upon entry into community supervision or institutional placement if a referral for hormonal intervention therapy is being made.

(1) The psychosexual assessment will be conducted by or under the direction of:

1. A licensed psychologist; or
2. A person specifically trained and experienced in the professional administration, scoring and interpretation of psychological tests (graduate level coursework in testing and assessment); or
3. A staff member who meets the experience and educational requirements of the department of administrative services or department of corrections behavioral health professional classification.

(2) The psychosexual assessment includes:

1. Evaluation of emotional and mental health stability.
 2. IQ to measure cognitive, overall functioning, personality, impulsivity and judgment capability.
 3. Measure of denial, minimization or distortions of deviant sexual characteristics.
 4. Plethysmography, if clinically indicated.
- (3) The assessment will follow the statewide standardized format and will include a determination as to the need and effectiveness of hormonal intervention therapy as well as treatment recommendations.

b. Medical assessment. If hormonal intervention therapy is recommended as an appropriate treatment component, the client will receive a medical assessment to determine biological factors as related to hormonal intervention therapy.

38.3(4) *Pharmaceuticals and distribution.* The director of corrections may contract the purchase and distribution process to reduce pharmaceutical costs and ensure effective distribution and management of all pharmaceuticals related to the hormonal therapy program.

38.3(5) *Educational/treatment programming.*

a. Hormonal intervention therapy is to be utilized in conjunction with a sex offender treatment program (SOTP). The client should be involved in concurrent cognitive-behavioral treatment. In all cases where the treatment plan includes hormonal therapy, the plan will also include monitoring and counseling.

b. All SOTPs will meet the current Iowa board for the treatment of sexual abusers (IBTSA) standards.

38.3(6) *Application of hormonal therapy.*

a. Utilization of hormonal therapy.

(1) Therapy will utilize medroxyprogesterone acetate (MPA) or other approved pharmaceutical agents.

(2) Therapy will be initiated as soon as reasonably possible after the client is sentenced.

1. If the client is incarcerated within a local jurisdiction (jail, residential facility), the supervising district will coordinate initiation of treatment prior to the release of the client from custody.

2. If the client is incarcerated within a correctional institution, initiation of treatment will be determined by department of corrections medical staff.

(3) Requests for hormonal therapy by the client when the aforementioned criteria are not met will be reviewed for consideration by the agency of jurisdiction.

(4) At any time during the course of supervision, the agency of jurisdiction may conduct a reassessment to determine whether hormonal therapy should be considered or reconsidered as part of the treatment plan.

b. Monitoring/termination of hormonal therapy.

(1) Monitoring. The agency of jurisdiction will continue to monitor the client's therapy throughout the client's confinement or supervision and may adjust medication, initiate other medication, or continue prescribed therapy with medical approval.

(2) Termination. Hormonal therapy may be discontinued only by the medical authority, with consent of the supervising officer. Termination requires a reassessment conclusion that the therapy has been determined ineffective or is no longer necessary.

38.3(7) *Client fees.* Clients are responsible for the costs related to hormonal therapy. Client fees are based on the client's ability to pay as determined by the statewide client fee policy.

38.3(8) *Maintenance/transfer of records.* Client file information will be available and shared upon request between responsible agencies, including court of jurisdiction.

These rules are intended to implement Iowa Code chapters 692A and 903B.