

910A.9A NOTIFICATION BY DEPARTMENT OF HUMAN SERVICES.

The department of human services shall notify a victim registered with the department, regarding a juvenile adjudicated delinquent for a violent crime, committed to the custody of the department of human services, and placed at the state training school at Eldora or Toledo, or regarding a person determined to be a sexually violent predator under chapter 709C, and committed to the custody of the department of human services, of the following:

1. The date on which the juvenile or sexually violent predator is expected to be temporarily released from the custody of the department of human services, and whether the juvenile is expected to return to the community where the registered victim resides.
2. The juvenile's or the sexually violent predator's escape from custody.
3. The recommendation by the department to consider the juvenile or sexually violent predator for release or placement.
4. The date on which the juvenile or sexually violent predator is expected to be released from a facility pursuant to a plan of placement.

Sec. 6. 1994 Iowa Acts, chapter 1172, section 74, is amended to read as follows:

SEC. 74. EFFECTIVE DATES DATE. ~~Sections 43 through 52 take effect July 1, 1995.~~ Section 63 of this Act takes effect June 30, 1994.

Sec. 7. DEPARTMENTAL STUDY. The department of justice, in consultation with the department of human services, shall conduct a study of the issues involved in the implementation of chapter 709C, including, but not limited to, the costs associated with the current hearing process, the costs of and security problems related to the confinement of sexually violent predators, legal issues surrounding the commitment and confinement of sexually violent predators, and potential alternatives to commitment and confinement of sexually violent predators. In conducting the study, the department shall also consult with an association of county attorneys and the department of corrections. The department of justice shall submit its findings and any recommendations in a report to the general assembly by January 1, 1996.

Approved May 2, 1995

CHAPTER 145

SENIOR JUDGES – APPOINTMENT, COMPENSATION, AND RETIREMENT S.F. 427

AN ACT relating to authorizing the payment of salaries to senior judges, providing for a maximum retirement annuity amount paid to senior judges, affecting senior judge retirement benefits, the appointment of judges to senior judge status, and providing effective and applicability dates.

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

Section 1. Section 602.9203, subsection 2, unnumbered paragraph 1, Code 1995, is amended to read as follows:

A judicial officer referred to in subsection 1 ~~qualifies for a senior judgeship~~ may be appointed, at the discretion of the supreme court, for a two-year term as a senior judge if the judicial officer meets all of the following requirements:

Sec. 2. Section 602.9203, subsection 5, Code 1995, is amended by striking the subsection and inserting in lieu thereof the following:

5. A senior judge may be reappointed to additional two-year terms, at the discretion of the supreme court, if the judicial officer meets the requirements of subsection 2.

Sec. 3. Section 602.9204, subsection 1, Code 1995, is amended to read as follows:

1. ~~A senior judge or a retired senior judge who retires on or after July 1, 1994 and who is appointed a senior judge under section 602.9203, shall not be paid a salary as determined by the general assembly.~~ A senior judge or retired senior judge shall be paid an annuity under the judicial retirement system in the manner provided in section 602.9109, but computed under this section in lieu of section 602.9107, as follows: The annuity paid to a senior judge or retired senior judge shall be an amount equal to three percent of the basic senior judge salary, multiplied by the judge's years of service prior to retirement as a judge of one or more of the courts included under this article, for which contributions were made to the system, except the annuity of the senior judge or retired senior judge shall not exceed fifty percent of the basic senior judge salary used in calculating the annuity. However, following the twelve-month period during which the senior judge or retired senior judge attains seventy-eight years of age, the annuity paid to the person shall be an amount equal to three percent of the basic senior judge salary cap, multiplied by the judge's years of service prior to retirement as a judge of one or more of the courts included under this article, for which contributions were made to the system, except that the annuity shall not exceed fifty percent of the basic senior judge salary cap. A senior judge or retired senior judge shall not receive benefits calculated using a basic senior judge salary established after the twelve-month period in which the senior judge or retired senior judge attains seventy-eight years of age. In addition, if a senior judge is under sixty-five years of age at the time the judge becomes a senior judge, the state shall pay the state's share of the senior judge's medical insurance premium until the judge attains age sixty-five.

Sec. 4. Section 602.9204, subsection 2, paragraphs a and c, Code 1995, are amended to read as follows:

a. ~~"Basic senior judge salary" means the average annual basic salary for the senior judge's or retired senior judge's last three years as a judge of one or more of the courts included in this article~~ basic annual salary which the judge is receiving at the time the judge becomes separated from full-time service, as would be used in computing an annuity pursuant to section 602.9107 without service as a senior judge, plus seventy-five percent of the escalator.

c. ~~"Escalator" means the difference between the current basic salary, as of the time each payment is made up to and including the twelve-month period during which the senior judge or retired senior judge attains seventy-eight years of age, of the office in which the senior judge last served as a judge before retirement as a judge or senior judge, and the average annual basic salary for the senior judge's or retired senior judge's last three years~~ basic annual salary which the judge is receiving at the time the judge becomes separated from full-time service as a judge of one or more of the courts included in this article, as would be used in computing an annuity pursuant to section 602.9107 without service as a senior judge.

Sec. 5. Section 602.9208, subsection 3, Code 1995, is amended to read as follows:

3. A person who relinquishes a senior judgeship in the manner provided in subsection 1 or who is not reappointed shall be paid a retirement annuity that commences on the effective date of the relinquishment or the date of the completion of the term or appointment and shall be based upon the number of years the person served as a senior judge. A person who serves six or more years as a senior judge shall be paid a retirement annuity that is in an amount equal to the amount of the annuity the person is receiving on the effective date of the relinquishment or the date of the completion of the term or appointment in lieu of an amount determined according to section 602.9204. If the person serves less than six years as a senior judge, the person shall be paid a retirement annuity that is in

an amount equal to an amount determined according to section 602.9107 added to an amount equal to the number of years the person served as a senior judge, divided by six, multiplied by the difference between the amount of the annuity the person is receiving on the effective date of the relinquishment and the amount determined according to section 602.9107. A person who is removed from a senior judgeship as provided in subsection 2 shall be paid a retirement annuity that commences on the effective date of the removal and is in an amount determined according to section 602.9107 in lieu of section 602.9204, and any service and annuity of the person as a senior judge is disregarded.

Sec. 6. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved May 2, 1995

CHAPTER 146
SEX OFFENDER REGISTRY
S.F. 93

†AN ACT related to criminal offenses against minors, sexual exploitation, and sexually violent offenses and offenders committing those offenses, by requiring registration by offenders, providing for the establishment of a sex offender registry, permitting the charging of fees, providing penalties, and providing for transition, applicability, and severability provisions.

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

Section 1. NEW SECTION. 692A.1 DEFINITIONS.

As used in this chapter and unless the context otherwise requires:

1. "Convicted" or "conviction" means a person who is found guilty of, pleads guilty to, or is sentenced or adjudicated delinquent for an act which is an indictable offense in this state or in another jurisdiction, including, but not limited to, a juvenile who has been adjudicated delinquent, but whose juvenile court records have been sealed under section 232.150, and a person who has received a deferred sentence or a deferred judgment or has been acquitted by reason of insanity. "Convicted" or "conviction" does not mean a plea, sentence, adjudication, deferral of sentence or judgment which has been reversed or otherwise set aside.

2. "Criminal 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 offenders.

3. "Criminal offense against a minor" means any of the following criminal offenses or conduct:

- a. Kidnapping of a minor, except for kidnapping of a minor in the third degree which is committed by a parent.
- b. False imprisonment of a minor, except when committed by a parent.
- c. Any indictable offense involving sexual conduct directed toward a minor.
- d. Solicitation of a minor to engage in an illegal sex act.
- e. Use of a minor in a sexual performance.
- f. Solicitation of a minor to practice prostitution.

†Estimate of additional local revenue expenditures required by state mandate on file with the Secretary of State