

692A.1 Definitions.

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

1. "*Aggravated offense*" means a conviction for any of the following offenses:

a. Sexual abuse in the first degree in violation of section 709.2.

b. Sexual abuse in the second degree in violation of section 709.3.

c. Sexual abuse in the third degree in violation of section 709.4, subsection 1.

d. Lascivious acts with a child in violation of section 709.8, subsection 1.

e. Assault with intent to commit sexual abuse in violation of section 709.11.

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

g. Kidnapping, if sexual abuse as defined in section 709.1 is committed during the offense.

h. Murder, if sexual abuse as defined in section 709.1 is committed during the offense.

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

2. "*Child care facility*" means as defined in section 237A.1.

3. "*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.

4. "*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.

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

a. Kidnapping of a minor, except for the kidnapping of a minor in the third degree committed by a parent.

b. False imprisonment of a minor, except if 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.

- g. Any indictable offense against a minor involving sexual contact with the minor.
 - h. An attempt to commit an offense enumerated in this subsection.
 - i. Incest committed against a minor.
 - j. Dissemination and exhibition of obscene material to minors in violation of section 728.2.
 - k. Admitting minors to premises where obscene material is exhibited in violation of section 728.3.
 - l. Stalking in violation of section 708.11, subsection 3, paragraph "b", subparagraph (3), if the fact-finder determines by clear and convincing evidence that the offense was sexually motivated.
 - m. Sexual exploitation of a minor in violation of section 728.12.
 - n. Enticing away a minor in violation of section 710.10, subsection 1.
 - o. An indictable offense committed in another jurisdiction which would constitute an indictable offense under paragraphs "a" through "n".
6. "*Department*" means the department of public safety.
7. "*Other relevant offense*" means any of the following offenses:
- a. Telephone dissemination of obscene materials in violation of section 728.15.
 - b. Rental or sale of hard-core pornography in violation of section 728.4.
 - c. Indecent exposure in violation of section 709.9.
 - d. Incest committed against a dependent adult as defined in section 235B.2 in violation of section 726.2.
 - e. A criminal offense committed in another jurisdiction which would constitute an indictable offense under paragraphs "a" through "d" if committed in this state.
8. "*Residence*" means the place where a person sleeps, which may include more than one location, and may be mobile or transitory.
9. "*Sexually violent offense*" means any of the following indictable offenses:
- a. Sexual abuse as defined under section 709.1.
 - b. Assault with intent to commit sexual abuse in violation of section 709.11.
 - c. Sexual misconduct with offenders in violation of 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" if committed in this state.
10. "*Sexual exploitation*" means sexual exploitation by a counselor, therapist, or school employee under

section 709.15.

11. "*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).

95 Acts, ch 146, §1; 96 Acts, ch 1034, § 58; 96 Acts, ch 1132, § 13; 97 Acts, ch 33, §13; 98 Acts, ch 1169, §15; 99 Acts, ch 23, §13, 5; 99 Acts, ch 112, §2, 3; 2001 Acts, ch 17, §1, 2; 2001 Acts, ch 73, §1, 2; 2002 Acts, ch 1119, § 102; 2002 Acts, ch 1157, § 1; 2003 Acts, ch 180, §63; 2004 Acts, ch 1064, §1

Footnotes

Child or dependent adult abuse information and criminal records access, see §135C.33