

692A.5 Duty to facilitate registration.

1. When a person who is required to register under this chapter is released from confinement from a jail, prison, juvenile facility, or other correctional institution or facility, or when such a person is convicted but not incarcerated, the sheriff, warden, or superintendent or, in the case of release from foster care or residential treatment or conviction without incarceration, the court shall do the following prior to release or sentencing of the convicted person:

a. Obtain fingerprints, the social security number, and a photograph of the person if fingerprints and a photograph and the social security number have not already been obtained in connection with the offense that triggers registration. A current photograph shall also be required. Additional information for a person required to register as a sexually violent predator shall include, but not be limited to, other identifying factors, anticipated future places of residence, offense history, and documentation of any treatment received by the person for a mental abnormality or personality disorder.

b. Inform the person of the duty to register.

c. Inform the person that, within five days of changing residence, registration with the sheriff in the county in which residence is established is required, if the residence is within the state.

d. Inform the person that if the person moves the person's residence to another state, the person must give the person's new address to the sheriff's department in the county of the person's old residence within five days of changing addresses, and that, if the other state has a registration requirement, the person is also required to register in the new state of residence, not later than five days after establishing residence in the other state, and to verify the address at least annually.

e. Require the person to read and sign a form stating that the duty of the person to register under this chapter has been explained. If the person cannot read, is unable to write, or refuses to cooperate, the duty and the form shall be explained orally and a written record maintained by the person explaining the duty and the form.

f. Inform the person that if the person is a nonresident of a state where the person is a full-time or part-time student or is employed on a full-time or part-time basis, the person must register with the sheriff of the county where the person is employed or attending school. Full-time or part-time means a period of time exceeding fourteen days or an aggregate period of time exceeding thirty days during any calendar year pursuant to 42 U.S.C. § 14071(a)(3)(F).

g. Inform the person that if the person is a resident or a nonresident of a county where the person is a full-time or part-time student, or employed or engaged in a vocation on a full-time or part-time basis at an institution of higher education, the person must register in the county where the institution is located and notify the sheriff of the name of the institution, within five days of becoming a student, being employed, or engaging in a vocation at the institution. Inform the person that if the person changes status as a student, or in employment or vocation, the person shall notify the sheriff of the county in which the information was provided of the change within five days of the change.

h. Inform the person, if the person's residency is restricted under section 692A.2A, that the person shall not reside within two thousand feet of the real property comprising a public or nonpublic elementary or secondary school, or a child care facility.

i. Inform the person that the person must, at a minimum, annually submit to being photographed by the sheriff of the county of the person's residence.

2. When a person who is required to register under this chapter is released from confinement from a jail,

prison, juvenile facility, or other correctional institution or facility, or when such a person is convicted but not incarcerated, the sheriff, warden, or superintendent or, in the case of release from foster care or residential treatment or conviction without incarceration, the court shall verify that the person has completed initial registration forms, and accept the forms on behalf of the sheriff of the county of registration. The sheriff, warden, superintendent, or the court shall send the initial registration information to the department within three working days of completion of the registration. Probation, parole, work release, or any other form of release after conviction shall not be granted unless the person has registered as required under this chapter.

If the offender refuses to register, the sheriff, warden, or superintendent shall immediately notify a prosecuting attorney in the county in which the offender was convicted or, if the offender no longer resides in that county, in the county in which the offender resides of the refusal to register. The prosecuting attorney shall bring a contempt of court action against the offender in the county in which the offender was convicted or, if the offender no longer resides in that county, in the county in which the offender resides. An offender who refuses to register shall be held in contempt and may be incarcerated following the entry of judgment by the court on the contempt action until the offender complies with the registration requirements.

3. The sheriff, warden, or superintendent or, in the case the person is placed on probation, the court shall forward one copy of the registration information to the department and to the sheriff of the county in which the person is to reside within three days after completion of the registration.

4. The court may order an appropriate law enforcement agency or the county attorney to assist the court in performing the requirements of subsection 1.

95 Acts, ch 146, §5; 96 Acts, ch 1132, § 4; 96 Acts, ch 1134, § 8, 9; 97 Acts, ch 128, §4; 98 Acts, ch 1169, §9, 10; 99 Acts, ch 112, §9; 2000 Acts, ch 1044, §2; 2002 Acts, ch 1020, §2; 2002 Acts, ch 1157, §2; 2005 Acts, ch 158, §25