

229A.2 Definitions.

As used in [this chapter](#):

1. “Agency with jurisdiction” means an agency which has custody of or releases a person serving a sentence or term of confinement or is otherwise in confinement based upon a lawful order or authority, and includes but is not limited to the department of corrections, the department of human services, a judicial district department of correctional services, and the Iowa board of parole.

2. “Appropriate secure facility” means a state facility that is designed to confine but not necessarily to treat a sexually violent predator.

3. “Convicted” means 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 in a federal, military, tribal, or foreign court, including but not limited to a juvenile who has been adjudicated delinquent, whether or not the 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” includes the conviction of a juvenile prosecuted as an adult. “Convicted” also includes a conviction for an attempt or conspiracy to commit an offense. “Convicted” does not mean a plea, sentence, adjudication, deferred sentence, or deferred judgment which has been reversed or otherwise set aside.

4. “Discharge” means an unconditional discharge from the sexually violent predator program. A person released from a secure facility into a transitional release program or released with or without supervision is not considered to be discharged.

5. “Likely to engage in predatory acts of sexual violence” means that the person more likely than not will engage in acts of a sexually violent nature. If a person is not confined at the time that a petition is filed, a person is “likely to engage in predatory acts of sexual violence” only if the person commits a recent overt act.

6. “Mental abnormality” means a congenital or acquired condition affecting the emotional or volitional capacity of a person and predisposing that person to commit sexually violent offenses to a degree which would constitute a menace to the health and safety of others.

7. “Predatory” means acts directed toward a person with whom a relationship has been established or promoted for the primary purpose of victimization.

8. “Recent overt act” means any act that has either caused harm of a sexually violent nature or creates a reasonable apprehension of such harm.

9. “Safekeeper” means a person who is confined in an appropriate secure facility pursuant to [this chapter](#) but who is not subject to an order of commitment pursuant to [this chapter](#).

10. “Sexually motivated” means that one of the purposes for commission of a crime is the purpose of sexual gratification of the perpetrator of the crime.

11. “Sexually violent offense” means:

a. A violation of any provision of [chapter 709](#).

b. A violation of any of the following if the offense involves sexual abuse, attempted sexual abuse, or intent to commit sexual abuse:

(1) Murder as defined in [section 707.1](#).

(2) Kidnapping as defined in [section 710.1](#).

(3) Burglary as defined in [section 713.1](#).

(4) Child endangerment under [section 726.6, subsection 1](#), paragraph “e”.

c. Sexual exploitation of a minor in violation of [section 728.12, subsection 1](#).

d. Pandering involving a minor in violation of [section 725.3, subsection 2](#).

e. An offense involving an attempt or conspiracy to commit any offense referred to in [this subsection](#).

f. An offense under prior law of this state or an offense committed in another jurisdiction which would constitute an equivalent offense under paragraphs “a” through “e”.

g. Any act which, either at the time of sentencing for the offense or subsequently during civil commitment proceedings pursuant to [this chapter](#), has been determined beyond a reasonable doubt to have been sexually motivated.

12. “Sexually violent predator” means a person who has been convicted of or charged with a sexually violent offense and who suffers from a mental abnormality which makes the person

likely to engage in predatory acts constituting sexually violent offenses, if not confined in a secure facility.

13. “*Transitional release*” means a conditional release from a secure facility operated by the department of human services with the conditions of such release set by the court or the department of human services.

98 Acts, ch 1171, §2; 99 Acts, ch 61, §1, 14; 2002 Acts, ch 1139, §2, 27; 2007 Acts, ch 91, §1; 2010 Acts, ch 1074, §1; 2014 Acts, ch 1059, §1

NEW subsection 3 and former subsections 3 – 12 renumbered as 4 – 13