

692A.128 Modification.

1. A sex offender may file an application in district court seeking to modify the registration requirements under [this chapter](#).

2. For an offender whose requirement to register as a sex offender commenced prior to July 1, 2022, an application shall not be granted unless all of the following apply:

a. The date of the commencement of the requirement to register occurred at least two years prior to the filing of the application for a tier I offender and five years prior to the filing of the application for a tier II or III offender.

b. The sex offender has successfully completed all sex offender treatment programs that have been required.

c. A risk assessment has been completed and the sex offender was classified as a low risk to reoffend. The risk assessment used to assess an offender as a low risk to reoffend shall be a validated risk assessment approved by the department of corrections.

d. The sex offender is not incarcerated when the application is filed.

e. The director of the judicial district department of correctional services supervising the sex offender, or the director's designee, stipulates to the modification, and a certified copy of the stipulation is attached to the application.

3. For an offender whose requirement to register as a sex offender commenced on or after July 1, 2022, an application shall not be granted unless all of the following apply:

a. A period of time has elapsed since the offender's initial registration as follows:

(1) (a) Except as otherwise provided in subparagraph division (b), a tier I offender initially registered at least ten years prior to the filing of the application.

(b) A tier I offender who was under twenty years of age at the time the offender committed a violation of [section 709.4, subsection 1](#), paragraph "b", subparagraph (2), subparagraph division (d), initially registered at least five years prior to the filing of the application.

(2) A tier II or tier III offender initially registered at least fifteen years prior to the filing of the application.

b. The sex offender has successfully completed all sex offender treatment programs that have been required.

c. A risk assessment has been completed and the sex offender was classified as a low risk to reoffend. The risk assessment used to assess an offender as a low risk to reoffend shall be a validated risk assessment approved by the department of corrections.

d. The sex offender has successfully completed any pretrial release, probation, parole, or work release for the offense requiring registration.

e. The director of the judicial district department of correctional services supervising the sex offender, or the director's designee, stipulates to the modification, and a certified copy of the stipulation is attached to the application.

f. The sex offender is not incarcerated when the application is filed.

(1) A tier I offender must not have been convicted of any criminal offense other than a simple misdemeanor, or a simple or serious misdemeanor or traffic violation under [chapter 321](#), for the ten-year period immediately preceding the filing of the application.

(2) A tier II or tier III offender shall not have been convicted of any criminal offense other than a simple misdemeanor, or a simple or serious misdemeanor or traffic violation under [chapter 321](#), for the fifteen-year period immediately preceding the filing of the application.

4. The application shall be filed in the sex offender's county of principal residence.

5. Notice of any application shall be provided to the county attorney of the county of the sex offender's principal residence, the county attorney of any county in this state where a conviction requiring the sex offender's registration occurred, and the department. The county attorney where the conviction occurred shall notify the victim of an application if the victim's address is known.

6. The court may, but is not required to, conduct a hearing on the application to hear any evidence deemed appropriate by the court. The court may modify the registration requirements under [this chapter](#) by reducing the registration period.

7. If the court modifies the registration requirements under [this chapter](#), the court shall send a copy of the order to the department, the sheriff of the county of the sex offender's

principal residence, any county attorney notified in [subsection 4](#), and the victim, if the victim's address is known.

[2009 Acts, ch 119, §28](#); [2022 Acts, ch 1063, §1](#)

Referred to in [§692A.106](#)

Section amended