

**661—83.2 (692A) Definitions.** The following definitions apply to rules 661—83.1(692A) to 661—83.5(692A).

*“Aggravated offense”* means a conviction for any of the following offenses:

1. Sexual abuse in the first degree in violation of Iowa Code section 709.2.
2. Sexual abuse in the second degree in violation of Iowa Code section 709.3.
3. Sexual abuse in the third degree in violation of Iowa Code section 709.4, subsection 1.
4. Lascivious acts with a child in violation of Iowa Code section 709.8, subsection 1 or 2.
5. Assault with intent to commit sexual abuse in violation of Iowa Code section 709.11.
6. Burglary in the first degree in violation of Iowa Code section 713.3, subsection 1, paragraph “d.”
7. Kidnapping, if sexual abuse as defined in Iowa Code section 709.1 is committed during the commission of the offense.
8. Murder in violation of Iowa Code section 707.2 or 707.3, if sexual abuse as defined in Iowa Code section 709.1 is committed during the offense.
9. Criminal transmission of human immunodeficiency virus in violation of Iowa Code section 709C.1, subsection 1, paragraph “a.”
10. Any conviction for an offense specified in the laws of another jurisdiction or any conviction for an offense prosecuted in a federal, military, or foreign court that is comparable to an offense listed in paragraphs “1” through “9” shall be considered an aggravated offense for purposes of registering under this chapter.

*“Aggravated offense against a minor”* means a conviction for any of the following offenses, if such offense was committed against a minor or otherwise involves a minor:

1. Sexual abuse in the first degree in violation of Iowa Code section 709.2.
2. Sexual abuse in the second degree in violation of Iowa Code section 709.3.
3. Sexual abuse in the third degree in violation of Iowa Code section 709.4, except for a violation of Iowa Code section 709.4, subsection 2, paragraph “c,” subparagraph (4).

*“Appearance”* means to appear in person at a sheriff’s office.

*“Business day”* means every day except Saturday, Sunday, or any paid holiday for county employees in the applicable county.

*“Change”* means to add, begin, or terminate.

*“Child care facility”* means the same as defined in Iowa Code section 237A.1.

*“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 but whose juvenile court records have been sealed under Iowa Code 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.

*“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.

*“Department”* means the department of public safety.

*“Employee”* means an offender who is self-employed, employed by another, and includes a person working under contract or acting or serving as a volunteer, regardless of whether the self-employment, employment by another, or volunteerism is performed for compensation.

*“Employment”* means acting as an employee.

*“Foreign court”* means a court of a foreign nation that is recognized by the United States Department of State that enforces the right to a fair trial during the period in which a conviction occurred.

*“Habitually lives”* means living in a place with some regularity, and with reference to where the sex offender actually lives, which could be some place other than a mailing address or primary address but would entail a place where the sex offender lives on an intermittent basis.

*“Incarcerated”* means to be imprisoned by placing a person in a jail, prison, penitentiary, juvenile facility, or other correctional institution or facility or a place or condition of confinement or forcible restraint regardless of the nature of the institution in which the person serves a sentence for a conviction.

*“Internet identifier”* means an electronic mail address, instant message address or identifier, or any other designation or moniker used for self-identification during Internet communication or posting, including all designations used for the purpose of routing or self-identification in Internet communications or postings.

*“Jurisdiction”* means any state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Northern Mariana Islands, the United States Virgin Islands, or a federally recognized Indian tribe.

*“Loiter”* means remaining in a place or circulating around a place under circumstances that would warrant a reasonable person to believe that the purpose or effect of the behavior is to enable a sex offender to become familiar with a location where a potential victim may be found, or to satisfy an unlawful sexual desire, or to locate, lure, or harass a potential victim.

*“Military offense”* means a sex offense specified by the U.S. Secretary of Defense under 10 U.S.C. Section 951.

*“Minor”* means a person under 18 years of age.

*“Principal residence”* for a sex offender means:

1. The residence of the offender, if the offender has only one residence in this state.
2. The residence at which the offender resides, sleeps, or habitually lives for more days per year than another residence in this state, if the offender has more than one residence in this state.
3. The place of employment or attendance as a student, or both, if the sex offender does not have a residence in this state.

*“Professional licensing information”* means the name or other description, number, if applicable, and issuing authority or agency of any license, certification, or registration required by law to engage in a profession or occupation held by a sex offender who is required at the time of the initial requirement to register under this chapter, or any such license, certification, or registration that was issued to an offender within the five-year period prior to conviction for a sex offense that requires registration under this chapter, or any such license, certification, or registration that is issued to an offender at any time during the duration of the registration requirement.

*“Public library”* means any library that receives financial support from a city or county pursuant to Iowa Code section 256.69.

*“Registrant”* means a person who is currently registered with the Iowa sex offender registry.

*“Relevant information”* means the following information with respect to a sex offender:

1. Criminal history, including warrants, articles, status of parole, probation, or supervised release, date of arrest, date of conviction, and registration status.
2. Date of birth.
3. Passport and immigration documents.
4. Government-issued driver’s license or identification card.
5. DNA sample.
6. Educational institutions attended as a student, including the name and address of such institutions.
7. Employment information, including name and address of employer.
8. Fingerprints.
9. Internet identifiers.
10. Names, nicknames, aliases, or ethnic or tribal names, and, if applicable, the real names of an offender protected under 18 U.S.C. Section 3521.
11. Palm prints.
12. Photographs.
13. Physical description, including scars, marks, or tattoos.
14. Professional licensing information.
15. Residence.
16. Social security number.
17. Telephone numbers, including any landline or wireless numbers.
18. Temporary lodging information, including dates when residing in temporary lodging.
19. Statutory citation and text of offense committed that requires registration under this chapter.
20. Vehicle information for a vehicle owned or operated by an offender, including license plate number, registration number, or other identifying number, vehicle description, and the permanent or frequent locations where the vehicle is parked, docked, or otherwise kept.
21. The name, gender, and date of birth of each person residing in the residence.

EXCEPTION: “Relevant information” does not include relevant information in paragraphs “1” and “19,” when a sex offender is required to provide relevant information pursuant to this chapter.

*“Residence”* means each dwelling or other place where a sex offender resides, sleeps, or habitually lives, or will reside, sleep, or habitually live, including a shelter or group home. If a sex offender does not reside, sleep, or habitually live in a fixed place, “residence” means a description of the locations where the offender is stationed regularly, including any mobile or transitory living quarters. “Residence” shall be construed to refer to the places where a sex offender resides, sleeps, habitually lives, or is stationed with regularity, regardless of whether the offender declares or characterizes such place as the residence of the offender.

“*Sex act*” means the same as the term is defined in Iowa Code section 702.17.

“*Sex offender*” means a person who is required to be registered under Iowa Code chapter 692A as amended by 2009 Iowa Acts, Senate File 340.

“*Sex offense*” means an indictable offense for which a conviction has been entered that has an element involving a sexual act, sexual contact, or sexual conduct, and which is enumerated in 2009 Iowa Acts, Senate File 340, section 2, and means any comparable offense for which a conviction has been entered under prior law, or any comparable offense for which a conviction has been entered in a federal, military, or foreign court, or another jurisdiction.

“*Sex offense against a minor*” means an offense for which a conviction has been entered for a sex offense classified as a tier I, tier II, or tier III offense under this chapter if such offense was committed against a minor or otherwise involves a minor.

“*Sexually violent offense*” means an offense for which a conviction has been entered for any of the following indictable offenses:

1. Sexual abuse as defined under Iowa Code section 709.1.
2. Assault with intent to commit sexual abuse in violation of Iowa Code section 709.11.
3. Sexual misconduct with offenders and juveniles in violation of Iowa Code section 709.16.
4. Any of the following offenses, if the offense involves sexual abuse or assault with intent to commit sexual abuse: murder, attempted murder, kidnapping, burglary, or manslaughter.
5. A criminal offense committed in another jurisdiction, including a conviction in a federal, military, or foreign court, which would constitute an indictable offense under paragraphs “1” through “4” if committed in this state.

“*Sexually violent predator*” means a sex offender who has been convicted of an offense which would qualify the offender as a sexually violent predator under the federal Violent Crime Control and Law Enforcement Act of 1994, 42 U.S.C. Sections 14071(a)(3)(B), (C), (D), and (E).

“*SORNA*” means the Sex Offender Registration and Notification Act, which is Title I of the federal Adam Walsh Child Protection and Safety Act of 2006.

“*Student*” means a sex offender who enrolls in or otherwise receives instruction at an educational institution, including a public or private elementary school, secondary school, trade or professional school, or institution of higher education. “Student” does not mean a sex offender who enrolls in or attends an educational institution as a correspondence student, distance-learning student, or any other form of learning that occurs without the person’s physical presence on the real property of an educational institution.

“*Superintendent*” means the superintendent or superintendent’s designee of a public school or the authorities in charge of a nonpublic school.

“*Tier I offender*” means a registrant who has been convicted of one or more of the offenses enumerated in 2009 Iowa Acts, Senate File 340, section 2, subsection 1, paragraph “a.”

“*Tier II offender*” means a registrant who has been convicted of one or more of the offenses identified in 2009 Iowa Acts, Senate File 340, section 2, subsection 1, paragraph “b,” and is not a “tier I offender.”

*“Tier III offender”* means a registrant who has been convicted of one or more of the offenses enumerated in 2009 Iowa Acts, Senate File 340, section 2, subsection 1, paragraph “c,” and is not a “tier I offender” or a “tier II offender.”

*“Vehicle”* means a vehicle owned or operated by an offender, including but not limited to a vehicle for personal or work-related use, and including a watercraft or aircraft, that is subject to registration requirements under Iowa Code chapter 321, 328, or 462A.

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