

# House Amendment 1628

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1 1 Amend House File 619, as amended, passed, and  
1 2 reprinted by the House, as follows:  
1 3 #1. By striking everything after the enacting  
1 4 clause and inserting the following:  
1 5 <DIVISION I  
1 6 DNA PROFILING  
1 7 Section 1. NEW SECTION. 81.1 DEFINITIONS.  
1 8 As used in this chapter, unless the context  
1 9 otherwise requires:  
1 10 1. "DNA" means deoxyribonucleic acid.  
1 11 2. "DNA databank" means the repository for DNA  
1 12 samples obtained pursuant to section 81.4.  
1 13 3. "DNA database" means the collection of DNA  
1 14 profiles and DNA records.  
1 15 4. "DNA profile" means the objective form of the  
1 16 results of DNA analysis performed on a DNA sample.  
1 17 The results of all DNA identification analysis on an  
1 18 individual's DNA sample are also collectively referred  
1 19 to as the DNA profile of an individual.  
1 20 5. "DNA profiling" means the procedure established  
1 21 by the division of criminal investigation, department  
1 22 of public safety, for determining a person's genetic  
1 23 identity.  
1 24 6. "DNA record" means the DNA sample and DNA  
1 25 profile, and other records in the DNA database and DNA  
1 26 data bank used to identify a person.  
1 27 7. "DNA sample" means a biological sample provided  
1 28 by any person required to submit a DNA sample or a DNA  
1 29 sample submitted for any other purpose under section  
1 30 81.4.  
1 31 8. "Person required to submit a DNA sample" means  
1 32 a person convicted, adjudicated delinquent, receiving  
1 33 a deferred judgment, or found not guilty by reason of  
1 34 insanity of an offense requiring DNA profiling  
1 35 pursuant to section 81.2. "Person required to submit  
1 36 a DNA sample" also means a person determined to be a  
1 37 sexually violent predator pursuant to section 229A.7.  
1 38 Sec. 2. NEW SECTION. 81.2 PERSONS REQUIRED TO  
1 39 SUBMIT A DNA SAMPLE.  
1 40 1. A person who receives a deferred judgment for a  
1 41 felony or against whom a judgment or conviction for a  
1 42 felony has been entered shall be required to submit a  
1 43 DNA sample for DNA profiling pursuant to section 81.4.  
1 44 2. A person determined to be a sexually violent  
1 45 predator pursuant to chapter 229A shall be required to  
1 46 submit a DNA sample for DNA profiling pursuant to  
1 47 section 81.4 prior to discharge or placement in a  
1 48 transitional release program.  
1 49 3. A person found not guilty by reason of insanity  
1 50 of an offense that requires DNA profiling shall be  
2 1 required to submit a DNA sample for DNA profiling  
2 2 pursuant to section 81.4 as part of the person's  
2 3 treatment management program.  
2 4 4. A juvenile adjudicated delinquent of an offense  
2 5 that requires DNA profiling of an adult offender shall  
2 6 be required to submit a DNA sample for DNA profiling  
2 7 pursuant to section 81.4 as part of the disposition of  
2 8 the juvenile's case.  
2 9 5. An offender placed on probation shall  
2 10 immediately report to the judicial district department  
2 11 of correctional services after sentencing so it can be  
2 12 determined if the offender has been convicted of an  
2 13 offense requiring DNA profiling. If it is determined  
2 14 by the judicial district that DNA profiling is  
2 15 required, the offender shall immediately submit a DNA  
2 16 sample.  
2 17 6. A person required to register as a sex  
2 18 offender.  
2 19 Sec. 3. NEW SECTION. 81.3 ESTABLISHMENT OF DNA  
2 20 DATABASE AND DNA DATABANK.  
2 21 1. A state DNA database and a state DNA databank  
2 22 are established under the control of the division of  
2 23 criminal investigation, department of public safety.  
2 24 The division of criminal investigation shall conduct

2 25 DNA profiling of a DNA sample submitted in accordance  
2 26 with this section.

2 27 2. A DNA sample shall be submitted, and the  
2 28 division of criminal investigation shall store and  
2 29 maintain DNA records in the DNA database and DNA  
2 30 databank for persons required to submit a DNA sample.

2 31 3. A DNA sample may be submitted, and the division  
2 32 of criminal investigation shall store and maintain DNA  
2 33 records in the DNA database and DNA databank for any  
2 34 of the following:

2 35 a. Crime scene evidence and forensic casework.  
2 36 b. A relative of a missing person.  
2 37 c. An anonymous DNA profile used for forensic  
2 38 validation, forensic protocol development, or quality  
2 39 control purposes, or for the establishment of a  
2 40 population statistics database.

2 41 4. A fingerprint record of a person required to  
2 42 submit a DNA sample shall also be submitted to the  
2 43 division of criminal investigation with the DNA sample  
2 44 to verify the identity of the person required to  
2 45 submit a DNA sample.

2 46 Sec. 4. NEW SECTION. 81.4 COLLECTING,  
2 47 SUBMITTING, ANALYZING, IDENTIFYING, AND STORING DNA  
2 48 SAMPLES AND DNA RECORDS.

2 49 1. The division of criminal investigation shall  
2 50 adopt rules for the collection, submission, analysis,  
3 1 identification, storage, and disposition of DNA  
3 2 records.

3 3 2. A supervising agency having control, custody,  
3 4 or jurisdiction over a person shall collect a DNA  
3 5 sample from a person required to submit a DNA sample.  
3 6 The supervising agency shall collect a DNA sample,  
3 7 upon admittance to the pertinent institution or  
3 8 facility, of the person required to submit a DNA  
3 9 sample or at a determined date and time set by the  
3 10 supervising agency. If a person required to submit a  
3 11 DNA sample is confined at the time a DNA sample is  
3 12 required, the person shall submit a DNA sample as soon  
3 13 as practicable. If a person required to submit a DNA  
3 14 sample is not confined after the person is required to  
3 15 submit a DNA sample, the supervising agency shall  
3 16 determine the date and time to collect the DNA sample.

3 17 3. A person required to submit a DNA sample who  
3 18 refuses to submit a DNA sample may be subject to  
3 19 contempt proceedings pursuant to chapter 665 until the  
3 20 DNA sample is submitted.

3 21 4. The division of criminal investigation shall  
3 22 conduct DNA profiling on a DNA sample or may contract  
3 23 with a private entity to conduct the DNA profiling.

3 24 Sec. 5. NEW SECTION. 81.5 CIVIL AND CRIMINAL  
3 25 LIABILITY == LIMITATION.

3 26 A person who collects a DNA sample shall not be  
3 27 civilly or criminally liable for the collection of the  
3 28 DNA sample if the person performs the person's duties  
3 29 in good faith and in a reasonable manner according to  
3 30 generally accepted medical practices or in accordance  
3 31 with the procedures set out in the administrative  
3 32 rules of the department of public safety adopted  
3 33 pursuant to section 81.4.

3 34 Sec. 6. NEW SECTION. 81.6 CRIMINAL OFFENSE.

3 35 1. A person who knowingly or intentionally does  
3 36 any of the following commits an aggravated  
3 37 misdemeanor:

3 38 a. Discloses any part of a DNA record to a person  
3 39 or agency that is not authorized by the division of  
3 40 criminal investigation to have access to the DNA  
3 41 record.

3 42 b. Uses or obtains a DNA record for a purpose  
3 43 other than what is authorized under this chapter.

3 44 2. A person who knowingly or intentionally alters  
3 45 or attempts to alter a DNA sample, falsifies the  
3 46 source of a DNA sample, or materially alters a  
3 47 collection container used to collect the DNA sample,  
3 48 commits a class "D" felony.

3 49 Sec. 7. NEW SECTION. 81.7 CONVICTION OR ARREST  
3 50 NOT INVALIDATED.

4 1 The detention, arrest, or conviction of a person  
4 2 based upon a DNA database match is not invalidated if  
4 3 it is determined that the DNA sample or DNA profile  
4 4 was obtained or placed into the DNA database by  
4 5 mistake or error.

4 6 Sec. 8. NEW SECTION. 81.8 CONFIDENTIAL RECORDS.  
4 7 1. A DNA record shall be considered a confidential  
4 8 record and disclosure of a DNA record is only  
4 9 authorized pursuant to this section.  
4 10 2. Confidential DNA records under this section may  
4 11 be released to the following agencies for law  
4 12 enforcement identification purposes:  
4 13 a. Any criminal or juvenile justice agency as  
4 14 defined in section 692.1.  
4 15 b. Any criminal or juvenile justice agency in  
4 16 another jurisdiction that meets the definition of a  
4 17 criminal or juvenile justice agency as defined in  
4 18 section 692.1.  
4 19 3. The division of criminal investigation shall  
4 20 share the DNA record information with the appropriate  
4 21 federal agencies for use in a national DNA database.  
4 22 4. A DNA record or other forensic information  
4 23 developed pursuant to this chapter may be released for  
4 24 use in a criminal or juvenile delinquency proceeding  
4 25 in which the state is a party and where the DNA record  
4 26 or forensic information is relevant and material to  
4 27 the subject of the proceeding. Such a record or  
4 28 information may become part of a public transcript or  
4 29 other public recording of such a proceeding.  
4 30 5. A DNA record or other forensic information may  
4 31 be released pursuant to a court order for criminal  
4 32 defense purposes to a defendant, who shall have access  
4 33 to DNA samples and DNA profiles related to the case in  
4 34 which the defendant is charged.  
4 35 Sec. 9. NEW SECTION. 81.9 EXPUNGEMENT OF DNA  
4 36 RECORDS.  
4 37 1. A person whose DNA record has been included in  
4 38 the DNA database or DNA databank established pursuant  
4 39 to section 81.3 may request, in writing to the  
4 40 division of criminal investigation, expungement of the  
4 41 DNA record from the DNA database and DNA databank  
4 42 based upon the person's conviction, adjudication, or  
4 43 civil commitment which caused the submission of the  
4 44 DNA sample being reversed on appeal and the case  
4 45 dismissed. The written request shall contain a  
4 46 certified copy of the final court order reversing the  
4 47 conviction, adjudication, or civil commitment, and a  
4 48 certified copy of the dismissal, and any other  
4 49 information necessary to ascertain the validity of the  
4 50 request.  
5 1 2. The division of criminal investigation, upon  
5 2 receipt of a written request that validates reversal  
5 3 on appeal of a person's conviction, adjudication, or  
5 4 commitment, and subsequent dismissal of the case, or  
5 5 upon receipt of a written request by a person who  
5 6 voluntarily submitted a DNA sample under section 81.3,  
5 7 subsection 3, paragraph "b", or upon receipt of a  
5 8 written request by a person who voluntarily submitted  
5 9 a DNA sample pursuant to section 81.3, subsection 3,  
5 10 paragraph "b", shall expunge all of the DNA records  
5 11 and identifiable information of the person in the DNA  
5 12 database and DNA databank. However, if the division  
5 13 of criminal investigation determines that the person  
5 14 is otherwise obligated to submit a DNA sample, the DNA  
5 15 records shall not be expunged. If the division of  
5 16 criminal investigation denies an expungement request,  
5 17 the division shall notify the person requesting the  
5 18 expungement of the decision not to expunge the DNA  
5 19 record and the reason supporting its decision. The  
5 20 division of criminal investigation decision is subject  
5 21 to judicial review pursuant to chapter 17A. The  
5 22 department of public safety shall adopt rules  
5 23 governing the expungement procedure and a review  
5 24 process.  
5 25 3. The division of criminal investigation is not  
5 26 required to expunge or destroy a DNA record pursuant  
5 27 to this section, if expungement or destruction of the  
5 28 DNA record would destroy evidence related to another  
5 29 person.  
5 30 Sec. 10. NEW SECTION. 81.10 DNA PROFILING AFTER  
5 31 CONVICTION.  
5 32 1. A defendant who has been convicted of a felony  
5 33 and who has not been required to submit a DNA sample  
5 34 for DNA profiling may make a motion to the court for  
5 35 an order to require that DNA analysis be performed on  
5 36 evidence collected in the case for which the person

5 37 stands convicted.

5 38 2. The motion shall state the following:

5 39 a. The specific crimes for which the defendant

5 40 stands convicted in this case.

5 41 b. The facts of the underlying case, as proven at

5 42 trial or admitted to during a guilty plea proceeding.

5 43 c. Whether any of the charges include sexual abuse

5 44 or involve sexual assault, and if so, whether a sexual

5 45 assault examination was conducted and evidence

5 46 preserved, if known.

5 47 d. Whether identity was at issue or contested by

5 48 the defendant.

5 49 e. Whether the defendant offered an alibi, and if

5 50 so, testimony corroborating the alibi and, from whom.

6 1 f. Whether eyewitness testimony was offered, and

6 2 if so from whom.

6 3 g. Whether any issues of police or prosecutor

6 4 misconduct have been raised in the past or are being

6 5 raised by the motion.

6 6 h. The type of inculpatory evidence admitted into

6 7 evidence at trial or admitted to during a guilty plea

6 8 proceeding.

6 9 i. Whether blood testing or other biological

6 10 evidence testing was conducted previously in

6 11 connection with the case and, if so, by whom and to

6 12 the result, if known.

6 13 j. What biological evidence exists and, if known,

6 14 the agency or laboratory storing the evidence that the

6 15 defendant seeks to have tested.

6 16 k. Why the requested analysis of DNA evidence is

6 17 material to the issue in the case and not merely

6 18 cumulative or impeaching.

6 19 l. Why the DNA evidence would have changed the

6 20 outcome of the trial or invalidated a guilty plea if

6 21 DNA profiling had been conducted prior to the

6 22 conviction.

6 23 3. A motion filed under this section shall be

6 24 filed in the county where the defendant was convicted,

6 25 and notice of the motion shall be served by certified

6 26 mail upon the county attorney and, if known, upon the

6 27 state, local agency, or laboratory holding evidence

6 28 described in subsection 2, paragraph "k". The county

6 29 attorney shall have sixty days to file an answer to

6 30 the motion.

6 31 4. Any DNA profiling of the defendant or other

6 32 biological evidence testing conducted by the state or

6 33 by the defendant shall be disclosed and the results of

6 34 such profiling or testing described in the motion or

6 35 answer.

6 36 5. If the evidence requested to be tested was

6 37 previously subjected to DNA or other biological

6 38 analysis by either party, the court may order the

6 39 disclosure of the results of such testing, including

6 40 laboratory reports, notes, and underlying data, to the

6 41 court and the parties.

6 42 6. The court may order a hearing on the motion to

6 43 determine if evidence should be subjected to DNA

6 44 analysis.

6 45 7. The court shall grant the motion if all of the

6 46 following apply:

6 47 a. The evidence subject to DNA testing is

6 48 available and in a condition that will permit

6 49 analysis.

6 50 b. A sufficient chain of custody has been

7 1 established for the evidence.

7 2 c. The identity of the person who committed the

7 3 crime for which the defendant was convicted was a

7 4 significant issue in the crime for which the defendant

7 5 was convicted.

7 6 d. The evidence subject to DNA analysis is

7 7 material to, and not merely cumulative or impeaching

7 8 of, evidence included in the trial record or admitted

7 9 to at a guilty plea proceeding.

7 10 e. DNA analysis of the evidence would raise a

7 11 reasonable probability that the defendant would not

7 12 have been convicted if DNA profiling had been

7 13 available at the time of the conviction and had been

7 14 conducted prior to the conviction.

7 15 8. Upon the court granting a motion filed pursuant

7 16 to this section, DNA analysis of evidence shall be

7 17 conducted within the guidelines generally accepted by

7 18 the scientific community. The defendant shall provide  
7 19 DNA samples for testing if requested by the state.

7 20 9. Results of DNA analysis conducted pursuant to  
7 21 this section shall be reported to the parties and to  
7 22 the court and may be provided to the board of parole,  
7 23 department of corrections, and criminal and juvenile  
7 24 justice agencies, as defined in section 692.1, for use  
7 25 in the course of investigations and prosecutions, and  
7 26 for consideration in connection with requests for  
7 27 parole, pardon, reprieve, and commutation. DNA  
7 28 samples obtained pursuant to this section may be  
7 29 included in the DNA databank, and DNA profiles and DNA  
7 30 records developed pursuant to this section may be  
7 31 included in the DNA database.

7 32 10. A criminal or juvenile justice agency, as  
7 33 defined in section 692.1, shall maintain DNA samples  
7 34 and evidence that could be tested for DNA for a period  
7 35 of three years beyond the limitations for the  
7 36 commencement of criminal actions as set forth in  
7 37 chapter 802. This section does not create a cause of  
7 38 action for damages or a presumption of spoliation in  
7 39 the event evidence is no longer available for testing.

7 40 11. If the court determines a defendant who files  
7 41 a motion under this section is indigent, the defendant  
7 42 shall be entitled to appointment of counsel as  
7 43 provided in chapter 815.

7 44 12. If the court determines after DNA analysis  
7 45 ordered pursuant to this section that the results  
7 46 indicate conclusively that the DNA profile of the  
7 47 defendant matches the profile from the analyzed  
7 48 evidence used against the defendant, the court may  
7 49 order the defendant to pay the costs of these  
7 50 proceedings, including costs of all testing, court  
8 1 costs, and costs of court-appointed counsel, if any.

8 2 Sec. 11. Section 229A.7, Code 2005, is amended by  
8 3 adding the following new subsection:

8 4 NEW SUBSECTION. 5A. If the court or jury  
8 5 determines that the respondent is a sexually violent  
8 6 predator, the court shall order the respondent to  
8 7 submit a DNA sample for DNA profiling pursuant to  
8 8 section 81.4.

8 9 Sec. 12. Section 232.52, Code 2005, is amended by  
8 10 adding the following new subsection:

8 11 NEW SUBSECTION. 10. The court shall order a  
8 12 juvenile adjudicated a delinquent for an offense that  
8 13 requires DNA profiling under section 81.2 to submit a  
8 14 DNA sample for DNA profiling pursuant to section 81.4.

8 15 Sec. 13. Section 669.14, Code 2005, is amended by  
8 16 adding the following new subsection:

8 17 NEW SUBSECTION. 15. Any claim arising from or  
8 18 related to the collection of a DNA sample for DNA  
8 19 profiling pursuant to section 81.4 or a DNA profiling  
8 20 procedure performed by the division of criminal  
8 21 investigation, department of public safety.

8 22 Sec. 14. Section 901.5, subsection 8A, Code 2005,  
8 23 is amended to read as follows:

8 24 8A. a. The court shall order DNA profiling of a  
8 25 defendant convicted of an offense that requires  
8 26 profiling under section ~~13.10~~ 81.2.

8 27 b. Notwithstanding section ~~13.10~~ 81.2, the court  
8 28 may order the defendant to provide a ~~physical specimen~~  
8 29 DNA sample to be submitted for DNA profiling if  
8 30 appropriate. In determining the appropriateness of  
8 31 ordering DNA profiling, the court shall consider the  
8 32 deterrent effect of DNA profiling, the likelihood of  
8 33 repeated offenses by the defendant, and the  
8 34 seriousness of the offense.

8 35 Sec. 15. Section 906.4, unnumbered paragraph 3,  
8 36 Code 2005, is amended to read as follows:

8 37 ~~Notwithstanding section 13.10, the~~ The board may  
8 38 order the defendant to provide a physical specimen to  
8 39 be submitted for DNA profiling as a condition of  
8 40 parole or work release, if ~~appropriate~~ a DNA profile  
8 41 ~~has not been previously conducted pursuant to chapter~~

8 42 81. In determining the appropriateness of ordering  
8 43 DNA profiling, the board shall consider the deterrent  
8 44 effect of DNA profiling, the likelihood of repeated  
8 45 offenses by the defendant, and the seriousness of the  
8 46 offense.

8 47 Sec. 16. 2002 Iowa Acts, chapter 1080, is  
8 48 repealed.

8 49 Sec. 17. Section 13.10, Code 2005, is repealed.  
8 50 Sec. 18. PERSONS REQUIRED TO SUBMIT A DNA SAMPLE  
9 1 PRIOR TO EFFECTIVE DATE OF THIS DIVISION OF THIS ACT.  
9 2 A person convicted, adjudicated a delinquent, civilly  
9 3 committed as a sexually violent predator, or found not  
9 4 guilty by reason of insanity, prior to the effective  
9 5 date of this Act, who would otherwise be required to  
9 6 submit a DNA sample under this Act, and who is under  
9 7 the custody, control, or jurisdiction of a supervising  
9 8 agency, shall submit a DNA sample prior to being  
9 9 released from the supervising agency's custody,  
9 10 control, or jurisdiction.  
9 11 Sec. 19. EFFECTIVE DATE. This division of this  
9 12 Act, being deemed of immediate importance, takes  
9 13 effect upon enactment.  
9 14 DIVISION II  
9 15 SEX OFFENDER REGISTRY == TREATMENT == STUDY  
9 16 Sec. 20. Section 232.68, subsection 2, Code 2005,  
9 17 is amended by adding the following new paragraph:  
9 18 NEW PARAGRAPH. i. Cohabitation with a person on  
9 19 the sex offender registry under chapter 692A in  
9 20 violation of section 726.6.  
9 21 Sec. 21. Section 692A.1, subsection 8, Code 2005,  
9 22 is amended to read as follows:  
9 23 8. "Residence" means the place where a person  
9 24 sleeps, which may include more than one location, and  
9 25 may be mobile or transitory, including a shelter or  
9 26 group home.  
9 27 Sec. 22. Section 692A.2, Code 2005, is amended by  
9 28 adding the following new subsection:  
9 29 NEW SUBSECTION. 1A. If a person is required to  
9 30 register for a period of ten years under subsection 1  
9 31 and the period under subsection 1 has expired, the  
9 32 person shall be required to remain on the registry if  
9 33 the person has been sentenced to a special sentence as  
9 34 required under section 903B.0A or 903B.0B, for a  
9 35 period equal to the term of the special sentence.  
9 36 Sec. 23. Section 692A.4, Code 2005, is amended to  
9 37 read as follows:  
9 38 692A.4 VERIFICATION OF ADDRESS AND TAKING OF  
9 39 PHOTOGRAPH.  
9 40 1. The address of a person required to register  
9 41 under this chapter shall be verified annually as  
9 42 follows:  
9 43 a. On a date which falls within the month in which  
9 44 the person was initially required to register, the  
9 45 department shall mail a verification form to the last  
9 46 reported address of the person. Verification forms  
9 47 shall not be forwarded to the person who is required  
9 48 to register under this chapter if the person no longer  
9 49 resides at the address, but shall be returned to the  
9 50 department.  
10 1 b. The person shall complete and mail the  
10 2 verification to the department within ten days of  
10 3 receipt of the form.  
10 4 c. The verification form shall be signed by the  
10 5 person, and state the address at which the person  
10 6 resides. If the person is in the process of changing  
10 7 residences, the person shall state that fact as well  
10 8 as the old and new addresses or places of residence.  
10 9 2. Verification of address for a person who has  
10 10 been convicted of an offense under the laws of this  
10 11 state or of another state which would qualify the  
10 12 person as a sexually violent predator shall be  
10 13 accomplished in the same manner as in subsection 1,  
10 14 except that the verification shall be done every three  
10 15 months at times established by the department.  
10 16 3. A photograph of a person required to register  
10 17 under this chapter shall be updated, at a minimum,  
10 18 annually. When the department mails the address  
10 19 verification notice in subsection 1, the department  
10 20 shall also enclose a form informing the person to  
10 21 annually submit to being photographed by the sheriff  
10 22 of the county of the person's residence within ten  
10 23 days of receipt of the address verification form. The  
10 24 sheriff shall send the updated photograph to the  
10 25 department within ten days of the photograph being  
10 26 taken and the department shall post the updated  
10 27 photograph on the sex offender registry's web page.  
10 28 The sheriff may require the person to submit to being  
10 29 photographed by the sheriff more than once a year by

10 30 mailing another notice informing the person to submit  
10 31 to being photographed.

10 32 Sec. 24. NEW SECTION. 692A.4A ELECTRONIC  
10 33 MONITORING.

10 34 A person required to register under this chapter  
10 35 who is placed on probation, parole, work release,  
10 36 special sentence, or any other type of conditional  
10 37 release, may be supervised by an electronic tracking  
10 38 and monitoring system in addition to any other  
10 39 conditions of supervision.

10 40 Sec. 25. Section 692A.5, subsection 1, Code 2005,  
10 41 is amended by adding the following new paragraph:

10 42 NEW PARAGRAPH. i. Inform the person that the  
10 43 person must, at a minimum, annually submit to being  
10 44 photographed by the sheriff of the county of the  
10 45 person's residence.

10 46 Sec. 26. Section 692A.13, subsection 3, Code 2005,  
10 47 is amended to read as follows:

10 48 3. Any member of the public may contact a county  
10 49 sheriff's office or police department to request  
10 50 relevant information from the registry regarding a  
11 1 specific person required to register under this  
11 2 chapter. ~~The request for information shall be in~~

~~11 3 writing, and A person making a request for relevant~~  
~~11 4 information may make the request by telephone, in~~  
~~11 5 writing, or in person, and the request shall include~~  
11 6 the name of the person and at least one of the  
11 7 following identifiers pertaining to the person about  
11 8 whom the information is sought:

- 11 9 a. The date of birth of the person.  
11 10 b. The social security number of the person.  
11 11 c. The address of the person.

11 12 A county sheriff or police department shall not  
~~11 13 charge a fee relating to a request for relevant~~  
~~11 14 information.~~

11 15 Sec. 27. Section 692A.13, subsection 2, paragraph  
11 16 b, Code 2005, is amended to read as follows:

11 17 b. The general public, including public and  
11 18 private agencies, organizations, public places, ~~public~~  
~~11 19 and private schools,~~ child care facilities, religious  
11 20 and youth organizations, neighbors, neighborhood  
11 21 associations, community meetings, and employers.  
11 22 Registry information may be distributed to the public  
11 23 through printed materials, visual or audio press  
11 24 releases, radio communications, or through a criminal  
11 25 or juvenile justice agency's web page.

11 26 Sec. 28. Section 692A.13, Code 2005, is amended by  
11 27 adding the following new subsection:

11 28 NEW SUBSECTION. 2A. When a person required to  
11 29 register under this chapter moves into a school  
11 30 district or moves within a school district, the county  
11 31 sheriff of the county of the person's new residence  
11 32 shall provide relevant information from the sex  
11 33 offender registry to the administrative office of the  
11 34 school district in which the person required to  
11 35 register resides, and shall also provide relevant  
11 36 information to any private school near the person's  
11 37 residence.

11 38 Sec. 29. Section 692A.13, subsection 5, Code 2005,  
11 39 is amended to read as follows:

11 40 5. Relevant information provided to the general  
11 41 public may include the offender's name, address, a  
11 42 photograph, locations frequented by the offender,  
11 43 relevant criminal history information from the  
11 44 registry, and any other relevant information.  
11 45 Relevant information provided to the public shall not  
11 46 include the identity of any victim. For purposes of  
~~11 47 inclusion in the sex offender registry's web page or~~  
~~11 48 dissemination to the general public, a conviction for~~  
~~11 49 incest shall be disclosed as either a violation of~~  
~~11 50 section 709.4 or 709.8.~~

12 1 Sec. 30. Section 726.6, subsection 1, Code 2005,  
12 2 is amended by adding the following new paragraph:

12 3 NEW PARAGRAPH. h. Cohabits with a person after  
12 4 knowing the person is required to register or is on  
12 5 the sex offender registry as a sex offender under  
12 6 chapter 692A. However, this paragraph does not apply  
12 7 to a person who is a parent, guardian, or a person  
12 8 having custody or control over a child or a minor who  
12 9 is required to register as a sex offender.

12 10 Sec. 31. Section 903A.2, subsection 1, paragraph

12 11 a, Code 2005, is amended to read as follows:  
12 12 a. Category "A" sentences are those sentences  
12 13 which are not subject to a maximum accumulation of  
12 14 earned time of fifteen percent of the total sentence  
12 15 of confinement under section 902.12. To the extent  
12 16 provided in subsection 5, category "A" sentences also  
12 17 include life sentences imposed under section 902.1.  
12 18 An inmate of an institution under the control of the  
12 19 department of corrections who is serving a category  
12 20 "A" sentence is eligible for a reduction of sentence  
12 21 equal to one and two-tenths days for each day the  
12 22 inmate demonstrates good conduct and satisfactorily  
12 23 participates in any program or placement status  
12 24 identified by the director to earn the reduction. The  
12 25 programs include but are not limited to the following:  
12 26 (1) Employment in the institution.  
12 27 (2) Iowa state industries.  
12 28 (3) An employment program established by the  
12 29 director.  
12 30 (4) A treatment program established by the  
12 31 director.  
12 32 (5) An inmate educational program approved by the  
12 33 director.  
12 34 However, an inmate required to participate in a sex  
12 35 offender treatment program shall not be eligible for a  
12 36 reduction of sentence unless the inmate participates  
12 37 in and completes a sex offender treatment program  
12 38 established by the director.  
12 39 An inmate serving a category "A" sentence is  
12 40 eligible for an additional reduction of sentence of up  
12 41 to three hundred sixty-five days of the full term of  
12 42 the sentence of the inmate for exemplary acts. In  
12 43 accordance with section 903A.4, the director shall by  
12 44 policy identify what constitutes an exemplary act that  
12 45 may warrant an additional reduction of sentence.  
12 46 Sec. 32. Section 903B.1, Code 2005, is amended by  
12 47 adding the following new subsection:  
12 48 NEW SUBSECTION. 7. A person who administers  
12 49 medroxyprogesterone acetate or any other  
12 50 pharmaceutical agent shall not be liable for civil  
13 1 damages for administering such pharmaceutical agents  
13 2 pursuant to this chapter.  
13 3 Sec. 33. SEX OFFENDER INTERIM STUDY COMMITTEE.  
13 4 The legislative council is requested to authorize a  
13 5 study for the 2005 legislative interim on sexual  
13 6 abuse-related criminal offenses and the sex offender  
13 7 registry. The study recommendations and findings  
13 8 shall include but are not limited to identifying  
13 9 possible changes to sexual abuse-related offenses and  
13 10 the sex offender registry. The study report,  
13 11 including findings and recommendations, shall be  
13 12 submitted to the general assembly for consideration  
13 13 during the 2006 legislative session. The study shall  
13 14 be conducted by a study committee consisting of up to  
13 15 nine members of the general assembly. A chairperson  
13 16 or co-chairpersons shall be designated by the  
13 17 legislative council.  
13 18 DIVISION III  
13 19 ENHANCED CRIMINAL PENALTIES AND  
13 20 STATUTE OF LIMITATIONS  
13 21 Sec. 34. Section 709.8, Code 2005, is amended to  
13 22 read as follows:  
13 23 709.8 LASCIVIOUS ACTS WITH A CHILD.  
13 24 It is unlawful for any person ~~eighteen~~ sixteen  
13 25 years of age or older to perform any of the following  
13 26 acts with a child with or without the child's consent  
13 27 unless married to each other, for the purpose of  
13 28 arousing or satisfying the sexual desires of either of  
13 29 them:  
13 30 1. Fondle or touch the pubes or genitals of a  
13 31 child.  
13 32 2. Permit or cause a child to fondle or touch the  
13 33 person's genitals or pubes.  
13 34 3. Solicit a child to engage in a sex act or  
13 35 solicit a person to arrange a sex act with a child.  
13 36 4. Inflict pain or discomfort upon a child or  
13 37 permit a child to inflict pain or discomfort on the  
13 38 person.  
13 39 Any person who violates a provision of this section  
13 40 involving an act included in subsection 1 or 2 shall,  
13 41 upon conviction, be guilty of a class "~~D~~" "C" felony.



~~13 42 A person who violates a provision of this section and~~  
~~13 43 who is sentenced to a term of confinement shall also~~  
~~13 44 be sentenced to an additional term of parole or work~~  
~~13 45 release not to exceed two years. The board of parole~~  
~~13 46 shall determine whether the person should be released~~  
~~13 47 on parole or placed in a work release program. The~~  
~~13 48 sentence of an additional term of parole or work~~  
~~13 49 release supervision shall commence immediately upon~~  
~~13 50 the expiration of the preceding sentence and shall be~~  
~~14 1 under the terms and conditions as set out in chapter~~  
~~14 2 906. Violations of parole or work release shall be~~  
~~14 3 subject to the procedures set out in chapter 905 or~~  
~~14 4 908 or rules adopted under those chapters. The~~  
~~14 5 sentence of an additional term of parole or work~~  
~~14 6 release shall be consecutive to the original term of~~  
~~14 7 confinement. Any person who violates a provision of~~  
~~14 8 this section involving an act included in subsection 3~~  
~~14 9 or 4 shall, upon conviction, be guilty of a class "D"~~  
~~14 10 felony.~~

14 11 Sec. 35. Section 802.2, Code 2005, is amended to  
14 12 read as follows:

14 13 802.2 SEXUAL ABUSE == FIRST, SECOND, OR THIRD  
14 14 DEGREE.

14 15 1. An information or indictment for sexual abuse  
14 16 in the first, second, or third degree committed on or  
14 17 with a person who is under the age of eighteen years  
14 18 shall be found within ten years after the person upon  
14 19 whom the offense is committed attains eighteen years  
14 20 of age, or if the identity of the person against whom  
14 21 the information or indictment is sought is established  
14 22 through the use of a DNA profile, an information or  
14 23 indictment shall be found within three years from the  
14 24 date the identity of the person is identified by the  
14 25 person's DNA profile, whichever is later.

14 26 2. An information or indictment for any other  
14 27 sexual abuse in the first, second, or third degree  
14 28 shall be found within ten years after its commission,  
14 29 or if the identity of the person against whom the  
14 30 information or indictment is sought is established  
14 31 through the use of a DNA profile, an information or  
14 32 indictment shall be found within three years from the  
14 33 date the identity of the person is identified by the  
14 34 person's DNA profile, whichever is later.

14 35 3. As used in this section, "identified" means a  
14 36 person's legal name is known and the person has been  
14 37 determined to be the source of the DNA.

14 38 Sec. 36. Section 901.5, Code 2005, is amended by  
14 39 adding the following new subsection:

14 40 NEW SUBSECTION. 13. In addition to any other  
14 41 sentence or other penalty imposed against the  
14 42 defendant, the court shall impose a special sentence  
14 43 if required under section 903B.0A or 903B.0B.

14 44 Sec. 37. NEW SECTION. 902.15 ENHANCED PENALTY ==  
14 45 SEXUAL ABUSE OR LASCIVIOUS ACTS WITH A CHILD.

14 46 1. A person commits a class "A" felony if the  
14 47 person commits a second or subsequent offense  
14 48 involving any combination of the following offenses:

14 49 a. Sexual abuse in the second degree in violation  
14 50 of section 709.3.

15 1 b. Sexual abuse in the third degree in violation  
15 2 of section 709.4.

15 3 c. Lascivious acts with a child in violation of  
15 4 section 709.8, subsection 1 or 2.

15 5 2. In determining if a violation charged is a  
15 6 second or subsequent offense for purposes of criminal  
15 7 sentencing in this section, each previous violation on  
15 8 which conviction or deferral of judgment was entered  
15 9 prior to the date of the violation charged shall be  
15 10 considered and counted as a separate previous offense,  
15 11 regardless of whether the previous offense occurred  
15 12 before, on, or after the effective date of this Act.  
15 13 Convictions or the equivalent of deferred judgments  
15 14 for violations in any other states under statutes  
15 15 substantially corresponding to the offenses listed in  
15 16 subsection 1 shall be counted as previous offenses.  
15 17 The courts shall judicially notice the statutes of  
15 18 other states which define offenses substantially  
15 19 equivalent to the offenses listed in subsection 1 and  
15 20 can therefore be considered corresponding statutes.

15 21 Sec. 38. NEW SECTION. 903B.0A SPECIAL SENTENCE  
15 22 == CLASS "B" OR CLASS "C" FELONIES.

15 23 A person convicted of a class "C" felony or greater  
15 24 offense under chapter 709, or a class "C" felony under  
15 25 section 728.12, shall also be sentenced, in addition  
15 26 to any other punishment provided by law, to a special  
15 27 sentence committing the person into the custody of the  
15 28 director of the Iowa department of corrections for the  
15 29 rest of the person's life, with eligibility for parole  
15 30 as provided in chapter 906. The special sentence  
15 31 imposed under this section shall commence upon  
15 32 completion of the sentence imposed under any  
15 33 applicable criminal sentencing provisions for the  
15 34 underlying criminal offense and the person shall begin  
15 35 the sentence under supervision as if on parole. The  
15 36 person shall be placed on the corrections continuum in  
15 37 chapter 901B, and the terms and conditions of the  
15 38 special sentence, including violations, shall be  
15 39 subject to the same set of procedures set out in  
15 40 chapters 901B, 905, 906, and chapter 908, and rules  
15 41 adopted under those chapters for persons on parole.  
15 42 The revocation of release shall not be for a period  
15 43 greater than two years upon any first revocation, and  
15 44 five years upon any second or subsequent revocation.  
15 45 A special sentence shall be considered a category "A"  
15 46 sentence for purposes of calculating earned time under  
15 47 section 903A.2.

15 48 Sec. 39. NEW SECTION. 903B.0B SPECIAL SENTENCE  
15 49 == CLASS "D" FELONIES OR MISDEMEANORS.

15 50 A person convicted of a misdemeanor or a class "D"  
16 1 felony offense under chapter 709, section 726.2, or  
16 2 section 728.12 shall also be sentenced, in addition to  
16 3 any other punishment provided by law, to a special  
16 4 sentence committing the person into the custody of the  
16 5 director of the Iowa department of corrections for a  
16 6 period of ten years, with eligibility for parole as  
16 7 provided in chapter 906. The special sentence imposed  
16 8 under this section shall commence upon completion of  
16 9 the sentence imposed under any applicable criminal  
16 10 sentencing provisions for the underlying criminal  
16 11 offense and the person shall begin the sentence under  
16 12 supervision as if on parole. The person shall be  
16 13 placed on the corrections continuum in chapter 901B,  
16 14 and the terms and conditions of the special sentence,  
16 15 including violations, shall be subject to the same set  
16 16 of procedures set out in chapters 901B, 905, 906, and  
16 17 908, and rules adopted under those chapters for  
16 18 persons on parole. The revocation of release shall  
16 19 not be for a period greater than two years upon any  
16 20 first revocation, and five years upon any second or  
16 21 subsequent revocation. A special sentence shall be  
16 22 considered a category "A" sentence for purposes of  
16 23 calculating earned time under section 903A.2.

16 24 Sec. 40. Section 903B.1, subsection 3, Code 2005,  
16 25 is amended by striking the subsection.

16 26 Sec. 41. Section 906.15, unnumbered paragraph 1,  
16 27 Code 2005, is amended to read as follows:

16 28 Unless sooner discharged, a person released on  
16 29 parole shall be discharged when the person's term of  
16 30 parole equals the period of imprisonment specified in  
16 31 the person's sentence, less all time served in  
16 32 confinement. Discharge from parole may be granted  
16 33 prior to such time, when an early discharge is  
16 34 appropriate. The board shall periodically review all  
16 35 paroles, and when the board determines that any person  
16 36 on parole is able and willing to fulfill the  
16 37 obligations of a law-abiding citizen without further  
16 38 supervision, the board shall discharge the person from  
16 39 parole. A parole officer shall periodically review  
16 40 all paroles assigned to the parole officer, and when  
16 41 the parole officer determines that any person assigned  
16 42 to the officer is able and willing to fulfill the  
16 43 obligations of a law-abiding citizen without further  
16 44 supervision, the officer may discharge the person from  
16 45 parole after notification and approval of the district  
16 46 director and notification of the board of parole. In  
16 47 any event, discharge from parole shall terminate the  
16 48 person's sentence. If a person has been sentenced to  
16 49 a special sentence under section 903B.0A or 903B.0B,  
16 50 the person may be discharged early from the sentence  
17 1 in the same manner as any other person on parole.

17 2 However, a person convicted of a violation of section  
17 3 709.3, 709.4, or 709.8 committed on or with a child,

17 4 or a person serving a sentence under section 902.12,  
17 5 shall not be discharged from parole until the person's  
17 6 term of parole equals the period of imprisonment  
17 7 specified in the person's sentence, less all time  
17 8 served in confinement.  
17 9 Sec. 42. Section 908.5, Code 2005, is amended to  
17 10 read as follows:  
17 11 908.5 DISPOSITION.  
17 12 1. If a violation of parole is established, the  
17 13 administrative parole judge may continue the parole  
17 14 with or without any modification of the conditions of  
17 15 parole. The administrative parole judge may revoke  
17 16 the parole and require the parolee to serve the  
17 17 sentence originally imposed, or may revoke the parole  
17 18 and reinstate the parolee's work release status.  
17 19 2. If the person is serving a special sentence  
17 20 under chapter 903B, the administrative parole judge  
17 21 may revoke the release. Upon the revocation of  
17 22 release, the person shall not serve the entire length  
17 23 of the special sentence imposed, and the revocation  
17 24 shall be for a period not to exceed two years in a  
17 25 correctional institution upon a first revocation and  
17 26 for a period not to exceed five years in a  
17 27 correctional institution upon a second or subsequent  
17 28 revocation.  
17 29 3. The order of the administrative parole judge  
17 30 shall contain findings of fact, conclusions of law,  
17 31 and a disposition of the matter.  
17 32 DIVISION IV  
17 33 VICTIM RIGHTS  
17 34 Sec. 43. NEW SECTION. 235D.1 CRIMINAL HISTORY  
17 35 CHECK == APPLICANTS AT DOMESTIC ABUSE OR SEXUAL  
17 36 ASSAULT CENTERS.  
17 37 An applicant for employment at a domestic abuse or  
17 38 sexual assault center shall be subject to a national  
17 39 criminal history check through the federal bureau of  
17 40 investigation. The domestic abuse or sexual assault  
17 41 center shall request the criminal history check and  
17 42 shall provide the applicant's fingerprints to the  
17 43 department of public safety for submission through the  
17 44 state criminal history repository to the federal  
17 45 bureau of investigation. The applicant shall  
17 46 authorize release of the results of the criminal  
17 47 history check to the domestic abuse or sexual assault  
17 48 center. The applicant shall pay the actual cost of  
17 49 the fingerprinting and criminal history check, if any.  
17 50 Unless the criminal history check was completed within  
18 1 the ninety calendar days prior to the date the  
18 2 application is received by the domestic abuse or  
18 3 sexual assault center, the center shall reject and  
18 4 return the application to the applicant. The results  
18 5 of a criminal history check conducted pursuant to this  
18 6 subsection shall not be considered a public record  
18 7 under chapter 22. For purposes of this section,  
18 8 "domestic abuse or sexual assault center" means a  
18 9 facility which is used to house victims of domestic  
18 10 abuse or sexual assault, and is owned, operated, or  
18 11 maintained by a nonprofit organization.  
18 12 Sec. 44. NEW SECTION. 709.22 PREVENTION OF  
18 13 FURTHER SEXUAL ASSAULT == NOTIFICATION OF RIGHTS.  
18 14 If a peace officer has reason to believe that a  
18 15 sexual assault as defined in section 915.40 has  
18 16 occurred, the officer shall use all reasonable means  
18 17 to prevent further violence including but not limited  
18 18 to the following:  
18 19 1. If requested, remaining on the scene of the  
18 20 alleged sexual assault as long as there is a danger to  
18 21 the victim's physical safety without the presence of a  
18 22 peace officer, including but not limited to staying in  
18 23 the dwelling unit, or if unable to remain on the  
18 24 scene, assisting the victim in leaving the residence.  
18 25 2. Assisting a victim in obtaining medical  
18 26 treatment necessitated by the sexual assault,  
18 27 including providing assistance to the victim in  
18 28 obtaining transportation to the emergency room of the  
18 29 nearest hospital.  
18 30 3. Providing a victim with immediate and adequate  
18 31 notice of the victim's rights. The notice shall  
18 32 consist of handing the victim a copy of the following  
18 33 statement written in English and Spanish, asking the  
18 34 victim to read the statement, and asking whether the

18 35 victim understands the rights:  
18 36 "You have the right to ask the court for help with  
18 37 any of the following on a temporary basis:  
18 38 a. Keeping your attacker away from you, your home,  
18 39 and your place of work.  
18 40 b. The right to stay at your home without  
18 41 interference from your attacker.  
18 42 c. The right to seek a no-contact order under  
18 43 section 709.20 or 915.22, if your attacker is arrested  
18 44 for sexual assault.  
18 45 You have the right to register as a victim with the  
18 46 county attorney under section 915.12.  
18 47 You have the right to file a complaint for threats,  
18 48 assaults, or other related crimes.  
18 49 You have the right to seek restitution against your  
18 50 attacker for harm to you or your property.  
19 1 You have the right to apply for victim  
19 2 compensation.  
19 3 You have the right to contact the county attorney  
19 4 or local law enforcement to determine the status of  
19 5 your case.  
19 6 If you are in need of medical treatment, you have  
19 7 the right to request that the officer present assist  
19 8 you in obtaining transportation to the nearest  
19 9 hospital or otherwise assist you.  
19 10 You have the right to a sexual assault examination  
19 11 performed at state expense.  
19 12 If you believe that police protection is needed for  
19 13 your physical safety, you have the right to request  
19 14 that the officer present remain at the scene until you  
19 15 and other affected parties can leave or until safety  
19 16 is otherwise ensured."  
19 17 The notice shall also contain the telephone numbers  
19 18 of shelters, support groups, and crisis lines  
19 19 operating in the area.  
19 20 Sec. 45. Section 915.10, subsections 1 and 2, Code  
19 21 2005, are amended to read as follows:  
19 22 1. "Notification" means mailing by regular mail or  
19 23 providing for hand delivery of appropriate information  
19 24 or papers. However, this notification procedure does  
19 25 not prohibit an office, agency, or department from  
19 26 also providing appropriate information to a registered  
19 27 victim by telephone, electronic mail, or other means.  
19 28 2. "Registered" means having provided the county  
19 29 attorney with the victim's written request for  
19 30 registration and current mailing address and telephone  
19 31 number. If an automated victim notification system is  
19 32 implemented pursuant to section 915.10A, "registered"  
19 33 also means having filed a request for registration  
19 34 with the system.  
19 35 Sec. 46. NEW SECTION. 915.10A AUTOMATED VICTIM  
19 36 NOTIFICATION SYSTEM.  
19 37 1. An automated victim notification system may be  
19 38 utilized to assist public officials in informing crime  
19 39 victims, the victim's family, or other interested  
19 40 persons as provided in this subchapter and where  
19 41 otherwise specifically provided. The system shall  
19 42 disseminate the information to registered users  
19 43 through telephonic, electronic, or other means of  
19 44 access.  
19 45 2. An office, agency, or department may satisfy a  
19 46 notification obligation to registered victims required  
19 47 by this subchapter through participation in the system  
19 48 to the extent information is available for  
19 49 dissemination through the system. Nothing in this  
19 50 section shall relieve a notification obligation under  
20 1 this subchapter due to the unavailability of  
20 2 information for dissemination through the system.  
20 3 3. Notwithstanding section 232.147, information  
20 4 concerning juveniles charged with a felony offense  
20 5 shall be released to the extent necessary to comply  
20 6 with this section.  
20 7 Sec. 47. Section 915.11, Code 2005, is amended to  
20 8 read as follows:  
20 9 915.11 INITIAL NOTIFICATION BY LAW ENFORCEMENT.  
20 10 A local police department or county sheriff's  
20 11 department shall advise a victim of the right to  
20 12 register with the county attorney, and shall provide a  
20 13 request-for-registration form to each victim. If an  
20 14 automated victim notification system is available  
20 15 pursuant to section 915.10A, a local police department

~~20 16 or county sheriff's department shall provide a~~  
~~20 17 telephone number and website to each victim to~~  
~~20 18 register with the system.~~  
20 19 Sec. 48. Section 915.12, Code 2005, is amended to  
20 20 read as follows:  
20 21 915.12 REGISTRATION.  
20 22 ~~1. The county attorney shall be the sole registrar~~  
~~20 23 of victims under this subchapter.~~  
20 24 ~~2. 1. A victim may register by filing a written~~  
20 25 ~~request=for=registration form with the county~~  
20 26 ~~attorney. The county attorney shall notify the~~  
20 27 ~~victims in writing and advise them of their~~  
20 28 ~~registration and rights under this subchapter.~~  
20 29 ~~3. The county attorney shall provide a registered~~  
20 30 ~~victim list to the offices, agencies, and departments~~  
20 31 ~~required to provide information under this subchapter~~  
20 32 ~~for notification purposes.~~  
20 33 ~~2. If an automated victim notification system, the~~  
20 34 ~~victim's family, is available pursuant to section~~  
20 35 ~~915.10A, a victim, the victim's family, or other~~  
20 36 ~~interested person may register with the system by~~  
20 37 ~~filing a request for registration through written,~~  
20 38 ~~telephonic, or electronic means.~~  
20 39 ~~4. 3. Notwithstanding chapter 22 or any other~~  
20 40 ~~contrary provision of law, a victim's the registration~~  
20 41 ~~of a victim, victim's family, or other interested~~  
20 42 ~~person shall be strictly maintained in a separate~~  
20 43 ~~confidential file or other confidential medium, and~~  
20 44 ~~shall be available only to the offices, agencies, and~~  
20 45 ~~departments required to provide information under this~~  
20 46 ~~subchapter.~~  
20 47 Sec. 49. Section 915.29, Code 2005, is amended by  
20 48 adding the following new unnumbered paragraph:  
20 49 NEW UNNUMBERED PARAGRAPH. The notification  
20 50 required pursuant to this section may occur through  
21 1 the automated victim notification system referred to  
21 2 in section 915.10A to the extent such information is  
21 3 available for dissemination through the system.  
21 4 Sec. 50. Section 915.45, Code 2005, is amended by  
21 5 adding the following new unnumbered paragraph:  
21 6 NEW UNNUMBERED PARAGRAPH. The notification  
21 7 required pursuant to this section may occur through  
21 8 the automated victim notification system referred to  
21 9 in section 915.10A to the extent such information is  
21 10 available for dissemination through the system.  
21 11 DIVISION V  
21 12 TASK FORCE  
21 13 Sec. 51. SEX OFFENDER TREATMENT AND SUPERVISION  
21 14 TASK FORCE.  
21 15 1. The division of criminal and juvenile justice  
21 16 planning shall establish a task force to study and  
21 17 make periodic recommendations for treating and  
21 18 supervising sex offenders in correctional institutions  
21 19 and in the community. The task force shall file a  
21 20 report with recommendations with the general assembly  
21 21 by January 15, 2006. The task force shall study the  
21 22 effectiveness of electronic monitoring and the  
21 23 potential effects and costs associated with the  
21 24 special sentence created in this Act. The task force  
21 25 shall study risk assessment models created for sex  
21 26 offenders. The task force shall also review this  
21 27 state's efforts and the efforts of other states to  
21 28 implement treatment programs and make recommendations  
21 29 as to the best treatment options available for sex  
21 30 offenders. The task force shall also develop a plan  
21 31 to integrate state government databases for the  
21 32 purpose of updating addresses of persons on the sex  
21 33 offender registry.  
21 34 2. Members of the task force shall include  
21 35 representatives of the following state agencies and  
21 36 organizations:  
21 37 a. One representative of the department of human  
21 38 services.  
21 39 b. One representative of the department of public  
21 40 safety.  
21 41 c. One representative of the Iowa state sheriffs  
21 42 and deputies association.  
21 43 d. One representative of the Iowa county attorneys  
21 44 association.  
21 45 e. One representative of the department of  
21 46 corrections.

21 47 f. One representative of the board of parole.  
21 48 g. One representative of a judicial district  
21 49 department of correctional services.  
21 50 h. One representative of the department of  
22 1 justice.  
22 2 i. One representative of the state public  
22 3 defender.  
22 4 j. One representative of the Iowa coalition  
22 5 against sexual assault.  
22 6 DIVISION VI  
22 7 STATE MANDATE  
22 8 Sec. 52. IMPLEMENTATION OF ACT. Section 25B.2,  
22 9 subsection 3, shall not apply to this Act.>  
22 10 #2. Title page, by striking lines 1 through 5 and  
22 11 inserting the following: <An Act relating to criminal  
22 12 sentencing, victim notification, and the sex offender  
22 13 registry, by establishing a special sentence for  
22 14 certain offenders, requiring DNA testing of certain  
22 15 offenders and lengthening the time an information or  
22 16 indictment may be found in certain offenses where DNA  
22 17 evidence is available, requiring sex offender  
22 18 treatment in order to accumulate earned time,  
22 19 restricting certain persons from residing with sex  
22 20 offenders, establishing a sex offender treatment and  
22 21 supervision task force, providing penalties, and  
22 22 providing effective dates.>  
22 23 HF 619.S  
22 24 jm/cc/26