

Senate File 385

S-3048

1 Amend Senate File 385 as follows:

2 1. By striking everything after the enacting clause
3 and inserting:

4 <Section 1. Section 692A.106, subsection 2, Code
5 2013, is amended to read as follows:

6 2. A sex offender who has been sentenced to a
7 special sentence under section 903B.1 or 903B.2, shall
8 be required to register for a period equal to the term
9 of the special sentence, but in no case not less than
10 the period specified in subsection 1, unless discharged
11 early from the term of the special sentence imposed
12 under chapter 903B.

13 Sec. 2. NEW SECTION. 903B.3 Early discharge from
14 special sentence.

15 1. A person who is serving a special sentence prior
16 to, on, or after the effective date of this Act, may
17 file an application in district court seeking an early
18 discharge from the term of the special sentence imposed
19 under this chapter.

20 2. An application shall not be granted unless all
21 of the following apply:

22 a. The person was eighteen years of age or younger
23 when the offense requiring the special sentence was
24 committed.

25 b. The victim of the offense requiring the special
26 sentence was thirteen years of age or older when the
27 offense was committed.

28 c. The offense requiring the special sentence did
29 not involve force or a threat of force and was not done
30 against the will of the victim.

31 d. The person has successfully completed all sex
32 offender treatment programs that have been required.

33 e. A risk assessment has been completed and the sex
34 offender was classified as a low or low-to-moderate
35 risk to reoffend. The risk assessment used to assess
36 an offender as a low or low-to-moderate risk to
37 reoffend shall be a validated risk assessment approved
38 by the department of corrections.

39 f. The person is not incarcerated when the
40 application is filed.

41 3. The application shall be filed in the person's
42 county of principal residence.

43 4. Notice of any application shall be provided
44 to the county attorney of the county of the person's
45 principal residence, the county attorney of the county
46 where the conviction requiring the special sentence
47 occurred, and the department of public safety. The
48 county attorney where the conviction occurred shall
49 notify the victim of an application if the victim's
50 address is known.

1 5. The court shall conduct a hearing on the
2 application to hear any evidence deemed appropriate
3 by the court. A victim, as defined in section 915.10
4 shall be provided an opportunity to be heard in any
5 format permissible under section 915.13.
6 6. The court, after the hearing, may either refuse
7 to grant the application or order that the person be
8 discharged early from the term of the special sentence.
9 7. A copy of any court order entered pursuant to
10 this section shall be sent to the person, the county
11 attorney of the person's principal place of residence,
12 the county attorney of the county where the conviction
13 requiring the special sentence occurred, and the
14 victim, if the address of the victim is known.
15 8. If the court orders the person discharged
16 early from the term of the special sentence, a copy
17 of the early discharge order shall also be sent to
18 the department of corrections, the department of
19 public safety, and to the sheriff of the county of the
20 person's principal place of residence.
21 9. If the court orders the person discharged early
22 from the term of the special sentence, the person shall
23 be immediately discharged from the special sentence,
24 and the person's name and relevant information shall
25 be removed from the sex offender registry in the
26 same manner as if the person's required period of
27 registration ended under chapter 692A.>
28 2. Title page, by striking lines 1 through 5 and
29 inserting <An Act modifying the imposition of certain
30 special sentences.>

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