

House File 2414

H-8161

1 Amend House File 2414 as follows:

2 1. Page 2, by striking lines 21 and 22 and inserting:

3 <3. The application shall be filed in the ~~sex offender's~~
4 county ~~of principal residence~~ where a conviction requiring the
5 sex offender's registration occurred.>

6 2. Page 2, line 33, after <period.> by inserting <The
7 court shall provide all parties including the victim and all
8 other parties receiving notice under subsection 4 with the
9 opportunity to be heard.

10 a. The victim may appear at the hearing and may provide the
11 court with verbal or written testimony.

12 b. At the hearing, the sex offender must establish by
13 clear and convincing evidence the offender is not a current
14 or potential threat to public safety and it is in the best
15 interest of justice to grant the offender's application.

16 c. In determining whether to grant or deny an application
17 for a modification, the court may consider, in addition to the
18 factors specified in subsection 2, any other evidence the court
19 deems appropriate, including but not limited to all of the
20 following:

21 (1) The sex offender's age and level of maturity at the time
22 of the offense.

23 (2) The sex offender's age and level of maturity at the time
24 of the application and hearing.

25 (3) Whether the sex offender has accepted responsibility
26 for the offender's actions.

27 (4) The victim's age and level of maturity at the time of
28 the offense.

29 (5) The nature of the offense.

30 (6) The severity of the offense.

31 (7) Any mitigating or aggravating factors surrounding the
32 offense.

33 (8) The sex offender's criminal history prior to the
34 offense.

35 (9) The sex offender's history subsequent to the offense.

- 1 (10) Any statements offered by the victim.
- 2 (11) Whether the sex offender has maintained a stable
3 residence, and if not, whether the failure to maintain a stable
4 residence was the result of the requirement that the sex
5 offender register.
- 6 (12) Whether the sex offender has maintained stable
7 employment, and if not, whether the failure to maintain stable
8 employment was the result of the requirement that the sex
9 offender register.
- 10 (13) Whether the sex offender has adequately addressed any
11 drug or alcohol abuse or addiction.
- 12 (14) Whether the sex offender has adequately addressed any
13 mental health concerns.
- 14 (15) Any statements or letters of support.
- 15 (16) Any evidence of the sex offender's community service or
16 community involvement.
- 17 d. After the hearing, the court may grant or deny the
18 application.>
- 19 3. Page 3, after line 15 by inserting:
- 20 <7. A sex offender may file an application under this
21 section not more than once every two years.>

HITE of Mahaska