

# SEX OFFENDER REGISTRY OVERVIEW

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- The Sex Offender Registry was created during the 1995 Legislative Session.
- The residency restrictions were added during the 2002 Legislative Session.
- The registry law was substantially amended during the 2005 and 2009 Legislative Sessions.
  - 2005 amendments prompted by Jetseta Gage case.
  - 2009 amendments focused on residency restrictions and electronic monitoring.
- State v. Pickens, 558 N.W.2d 396, 400 (Iowa 1997)
  - Iowa Supreme Court ruled the Sex Offender Registry is not punitive and thus, when applied retroactively, is not a violation of the ex post facto law.



- Who is required to register?

- A person convicted of a sex offense in Iowa.
- A person who is required to register in another jurisdiction under the other jurisdiction's sex offender registry if the person resides, is employed, or attends school in this state.

## • What constitutes a sex offense?

- An indictable offense for which a conviction has been entered that is enumerated in Code Section 692A.102, and means any **comparable offense** for which a conviction has been entered for any comparable offense in a federal, military, or foreign court, or another jurisdiction.
- All Iowa specific sex offenses are listed in Code Section 692A.102.
  - Includes any sex offense under the prior laws of this state or another jurisdiction, or any sex offense under **prior law** that was prosecuted in a federal, military, or foreign court, that is comparable to an offense listed in Code Section 692A.102.



- Registration Process

- A person is required to appear in person to register with the sheriff of each county where the offender has a residence, maintains employment, or is in attendance as a student, within 5 business days of any of the following:
  - The date of placement on probation.
  - The date of release on parole or work release.
  - The date of release from incarceration.

- Except as otherwise provided, the date an adjudicated delinquent is released from placement in a juvenile facility.
- Except as otherwise provided, the date an adjudicated delinquent commences attendance as a student at a public or private educational institution, other than an educational institution located on the real property of a juvenile facility.
- The date of conviction for a sex offense requiring registration if probation, incarceration, or placement in a juvenile facility is not included in the sentencing, order, or decree of the court.

- A person is not required to register while incarcerated. However, the running of the period of registration is tolled if the person is incarcerated.
- Relevant Information to be provided to the sheriff.
  - Adam Walsh Act had extensive list of information to be provided--Iowa did not adopt the Adam Walsh Act.
  - DOB, residence, telephone numbers, social security number, passport and immigration documents, driver's license or nonoperator's identification card, a DNA sample, educational institutions attending, palm prints, photographs, physical description, professional licensing information, dates when residing at a temporary residence, vehicle information, and the name and DOB of any person residing with the person.

- 23. a. “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. § 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.
- b. “Relevant information” does not include relevant information in paragraph “a”, subparagraphs (1) and (19), when a sex offender is required to provide relevant information pursuant to this chapter.

- A person shall, within 5 business days of changing a residence, employment, or attendance as a student, appear **in person** to notify the sheriff of each county where a change has occurred.
- A person shall, within 5 business days of a change in relevant information, **notify** the sheriff of the county where the principal residence of the person is maintained about the change to any relevant information.
  - Rules allow for the notification to be electronic or by telephone but person must receive an acknowledgment from DPS that the notification was received.

- If an person has multiple residences in Iowa, the person is required to appear in person to notify the sheriff of each county where a residence is maintained of the dates the person intends to reside at the residence.
- If the person is going to be away from the principal residence for more than 5 days, the person must notify, within 5 days of being away, in person, the sheriff of the county of the principal residence, and also notify the sheriff of the new location and the period of time the person is staying in that location.
- If another state requires a resident of Iowa to register in the other state, the offender is required to register within 5 business of days of establishing a residence, employment, or attendance as a student in that state.

- Sex Offense--Tiers

- Based upon **Adam Walsh Child Protection and Safety Act.**

- Adopted Tiers but did not adopt entire **Act.**

- The tiers contain sex offenses that are in ascending order of severity; thus a tier I offender has committed a less severe offense than a tier II or tier III offender.

- The tier classification system determines the frequency of verification of relevant information at the sheriff's office and determines when an offender is eligible to apply for a modification of registration requirements.
- An offender will be reclassified to a higher tier if it is determined that the offender has one previous conviction for an offense classified as sex offense.

- Any sex offense which would qualify an offender as a sexually violent predator is classified as a tier III offense.
  - 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. § 14071(a)(3)(B), (C), (D), and (E).
- A tier II offense is reclassified as a tier III offense if the victim is 13 years of age or younger.



- Sex Offender Registry--Statistics

- As of September 1, 2014 there were 5,989 offenders on the Sex Offender Registry.
- There are 1,226 sex offenders who are on the registry for having committed a sex offense against a person 18 years of age or older.
- There are also approximately 2,100 sex offenders who have convicted of a sex offense in Iowa and who no longer reside in this state but who would be subject to sex offender registry requirements if the person returned to this state.

## ● Duration of Registration

- Generally, the duration of registration is 10 years.
- Lifetime Registration
  - Person commits a special sentence offense that requires lifetime parole under Code Section 903B.1.
  - The person commits a second or subsequent offense that requires a second registration.
  - The person is convicted of an aggravated offense.
    - Aggravated offense defined in Code Section 692A.102(1)(a).

- Aggravated offense includes the following:
  - Sexual abuse in the first degree in violation of section 709.2.
  - Sexual abuse in the second degree in violation of section 709.3.
  - Sexual abuse in the third degree in violation of section 709.4, subsection 1, paragraph “a”.
  - Lascivious acts with a child in violation of section 709.8, subsection 1, paragraph “a” or “b”.
  - Assault with intent to commit sexual abuse in violation of section 709.11.
  - Burglary in the first degree in violation of section 713.3, subsection 1, paragraph “d”.
  - Kidnapping, if sexual abuse as defined in section 709.1 is committed during the commission of the offense.
  - Murder in violation of section 707.2 or 707.3, if sexual abuse as defined in section 709.1 is committed during the offense.

- A person meets the definition of a sexually violent predator.
  - 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. § 14071(a)(3)(B), (C), (D), and (E).
- As of September 1, 2014, there are 3,420 persons who are required to register for life.

## ● Verification

- **Verification is different than registration.**
- A person is required to verify relevant information with the county sheriff of the county where the person's principal place of residence is maintained even if no change to a person's relevant information has occurred.
  - Tier I once a year
  - Tier II every six months
  - Tier III every three months

- The verification of relevant information includes allowing the sheriff of the county of the principal residence to photograph the offender.
- A sheriff may require a person to appear in person more frequently to verify relevant information if good cause is shown. The circumstances under which more frequent appearances are required shall be reasonable, documented by the sheriff, and provided to the person and the department in writing.

## • Juvenile registration--Waiver

- A juvenile adjudicated delinquent for a sex offense is required to register unless the juvenile court waives the requirement.
  - However, a juvenile 14 years of age or older who committed an offense with force or threat of serious violence including involuntarily drugging the victim is not eligible to have the registration requirement waived. Juvenile court makes this determination.
  - As of September 1, 2014, approximately 114 juveniles have had their sex offender registration requirements waived under Code Section 692A.103.
- As of September 1, 2014, approximately 779 juveniles are on the registry for having committed a sex crime while under 18 years of age including those prosecuted as an adult.

- **Juvenile Registration-Modify or Suspend.**
  - A juvenile who is required to register may move to modify or suspend the registration requirements, if good cause is shown, unless the juvenile is 14 years of age or older and who committed the offense with force or threat of serious violence including drugging the victim.
  - If any juvenile is required to register in juvenile court, the juvenile court, prior to termination of the dispositional order, may modify or suspend the registration requirements if good cause is shown, except those juveniles who are 14 years of age or older and who committed the offense with force or threat of serious violence including drugging the victim.

- In *Re A.J.M.*, 847 N.W.2d 601 (Iowa 2014)
  - Under section 692A.103(3), the first question is whether the juvenile is likely to reoffend; if not, registration is waived, and the matter is ended. If the court is unable to make the required finding for waiver, the juvenile may then ask the court to determine whether there is “good cause” to modify or suspend the registration requirement under section 692A.103(5). The modification or suspension question must be based upon “good cause” and is a separate issue from waiver. At the modification or suspension hearing, factors in addition to the likelihood of reoffending become relevant. In other words, the variety of factors identified by the juvenile court at the waiver hearing in this case would be relevant at a modification or suspension of registration hearing.

## ● Additional Juvenile Provisions

- A dispositional order entered prior to the child attaining the age of seventeen, for a child required to register as a sex offender, may be extended one year and six months beyond the date the child becomes eighteen years of age.
- The term “child abuse” includes knowingly allowing a person custody or control of, or unsupervised access to a child or minor, after knowing the person is required to register or is on the sex offender registry under chapter 692A for a violation of Code Section 726.6.
  - Code Section 726.6 (Child endangerment).

- In considering what custody arrangement is in the best interest of the minor child, the court shall consider whether a parent has allowed a person custody or control of, or unsupervised access to a child after knowing the person is required to register or is on the sex offender registry as a sex offender under chapter 692A.
- A school district may deny enrollment of a person on the sex offender registry but must provide educational services in an alternative setting.

## ● Penalties

- A first offense violation is an aggravated misdemeanor.
- A second or subsequent violation is a class “D” felony.
  - 692A.104 (registration process).
  - 692A.105 (additional registration requirements).
  - 692A.108 (verification of relevant information).
  - 692A.112 (knowingly provide false information).
  - 692A.113 (exclusion zones, loitering and prohibited employment).
  - 692A.114 (residency restrictions).
  - 692A.115 (employment where dependent adults reside).

- In addition to any other penalty, a person who commits an aggravated offense against a minor, a sex offense against a minor, or a sexually violent offense while in violation Chapter 692A, commits a class “C” felony.
- The Court shall not defer any judgment or sentence for any violation of the Chapter 692A.
  - Sentence may be suspended.
- During Fiscal year 2013-2014, 307 persons were charged and convicted for violations of the Sex Offender Registry Requirements under Code Chapter 692A.

- **Knowingly provides false information.**
  - A person commits an aggravated misdemeanor, if the person knowingly provides false information upon registration, when changing relevant information, or during an appearance to verify relevant information.

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- Restrictions
    - Exclusion zones
    - Loitering
    - Residency restrictions
    - Prohibited employment

## ● Exclusion zones

- Presence upon real property not residency.
  - A person who has been convicted of a **sex offense against a minor** or a person required to register as a sex offender in another jurisdiction for an offense involving a minor, is prohibited from being present upon the real property comprising a **public or nonpublic school, child care facility, or public library.**

- A person excluded is also prohibited from being present on or in any vehicle or other conveyance owned, leased, or contracted by a public or nonpublic school.
  - “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 if such offense was committed against a minor.
  - “Child care facility” means a child care center, preschool, or registered child development home.
  - “Public library” means any library that receives financial support from a city or county pursuant to Code Section 256.69.



- Exceptions to Exclusion Zones

- If an offender is enrolled in a public or nonpublic school.
- A person is granted permission by the school administrator, library administrator, or child care facility.
- A vehicle that is simultaneously used as a mode of public transportation and used as a school bus.
- Period of time to reasonably transport the person's own child to and from a place subject to exclusion zones.
- Period of time to reasonable vote in a public election.

## • Loitering

- Broader than exclusion zone.
- A person who has been convicted of a sex offense against a minor (including other jurisdictions) is prohibited from loitering within 300 feet of the real property of a public or nonpublic school, child care facility, or public library.
  - “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.

- The loitering prohibition extends within 300 feet of or within the premises of any place intended primarily for the use of minors including but not limited to playgrounds available to the public, recreational or sports-related activity area when in use by a minor, or a public swimming pool or public beach when in use by a minor, and the premises or grounds of a facility or event providing services or programming to dependent adults.
- State v. Showens, 845 N.W.2d 436, (Iowa 2014)
  - Offender sat on park bench 75 feet from library entrance.
  - Loitering statute not void for vagueness.

- Exceptions to loitering

- A person resides within 300 feet of the real property or boundary of a public or nonpublic school, child care facility, public library, or other place intended primarily for use of minors.
- A person does not commit loitering from being present on or in any place intended primarily for the use of minors, except public or nonpublic school property, a school vehicle, child care facility, or public library, as long as the offender does not commit loitering.
  - Person takes their child to a swimming pool.
- An adult person who is a patient or resident of a health care facility, a participant in a medical assistance program home and community-based services waiver program, or a participant in a medical assistance state plan employment services as part of the participant's habitation plan.



- Prohibited employment.

- A person is prohibited from being employed at a facility providing services for dependent adults.
- A person convicted of a sex offense against a minor shall not operate, manage, be employed by, or act as a contractor or volunteer at any municipal, county, or state fair or carnival, children's arcade, certain entertainment centers, or any facility that provides programs primarily to minors.

- A person convicted of a sex offense against a minor is prohibited from operating, managing, being employed by, or acting as a contractor or volunteer at any place intended primarily for use by minors, including but not limited to a playground, children's play area, recreational or sports related activity area, swimming pool, or beach.
- A person convicted of a sex offense against a minor is also prohibited from operating, managing, being employed by, or acting as a contractor or volunteer at a business that operates a motor vehicle primarily marketing the sale of ice cream or other food products.

## • Residency Restrictions

- A person who has been convicted of an **aggravated offense against a minor** is subject to residency restrictions.
  - An “aggravated offense against a minor” means any of the following:
    - Sexual abuse in the first degree in violation of section 709.2.
    - Sexual abuse in the second degree in violation of section 709.3.
    - Sexual abuse in the third degree in violation of section 709.4, subsection 1, paragraph “a”.
    - Lascivious acts with a child in violation of section 709.8, subsection 1, paragraph “a” or “b”.

- Assault with intent to commit sexual abuse in violation of section 709.11.
- Burglary in the first degree in violation of section 713.3, subsection 1, paragraph “d”.
- Kidnapping, if sexual abuse as defined in section 709.1 is committed during the commission of the offense.
- Murder in violation of section 707.2 or 707.3, if sexual abuse as defined in section 709.1 is committed during the offense.

- A person subject to the residency restrictions shall not reside within 2,000 feet of the real property comprising a school or child care facility.
- Exceptions to the residency restrictions
  - A person does not violate the 2,000 foot residency restrictions if the person is required to serve a jail or prison sentence within 2,000 feet of a school.
  - The person is subject to order of commitment as a sexually violent predator.
  - The person has an established residence prior to July 1, 2002, or has an established residence prior to a newly established school or child care facility.

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- The person is a minor.
  - The person is a ward in a guardianship and a judge has granted an exemption from the residency restriction.
  - The person is a resident or patient at a hospice or hospital.

- Residency restrictions case law.
- Doe v. Miller, 298 F. Supp 2<sup>nd</sup> 844(S.D. 2004)
  - Application of statute to those who committed their respective crimes before statute's effective date constituted a retroactive punishment forbidden by the Ex Post Facto Clause;
  - Statute unconstitutionally infringed on sex offenders' fundamental rights to family choice and privacy, and to interstate and intrastate travel;
  - Statute deprived offenders of a liberty interest with insufficient notice and no opportunity to be heard in violation of the procedural component of the Due Process Clause.
  - Registration requirements of statute unconstitutionally required sex offenders to provide incriminating evidence against themselves in violation of their Fifth Amendment rights

- Doe v. Miller, 298 F. Supp 2<sup>nd</sup> 844(S.D. 2004) reversed by 405 F. 3<sup>rd</sup> 700 (8<sup>th</sup> Cir. 2005).
- State v. Seering, 701 N.W.2d 655 (Iowa 2005)
  - Statute did not violate substantive due process.
  - Statute did not violate procedural due process.
  - Statute did not violate ex post facto clause.
  - Statute did not violate offender's right against self-incrimination.
  - Two-year sentence for violating statute did not constitute cruel and unusual punishment.

- State v. Formaro, 773 N.W.2d 834 (Iowa 2009)
  - Statute that prohibited registered sex offender from residing within 2,000 feet of certain locations did not violate sex offender's right to intrastate travel and freedom of association;
  - Statute was not unconstitutionally void for vagueness.
  - Statute was not impermissible bill of attainder (An act of a legislature declaring a person or group of persons guilty of some crime and punishing them without privilege of a judicial trial).
  - Statute was not impermissible ex post facto law.

## ● Request for Determination to Register

- An offender may request the Department of Public Safety to determine whether the offense for which the offender has been convicted requires registration or whether the period of time the offender is required to register has expired. The Department of Public Safety has 90 days from the filing of the request to determine whether the offender is required to register.

## • Modification of Registration

- A person who is on probation, parole, work release, special sentence, or on any other type of conditional release may file an application in district court seeking to modify the registration requirements.
- An application shall not be granted unless the person meets the following criteria:
  - The date of commencement of the requirement to register must have 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 tier III offender.

- The person must have successfully completed all required sex offender treatment programs.
- A risk assessment must have been completed and the person must have been classified as a low risk to reoffend.
- The person must not be incarcerated when the application is filed.
- The director of the judicial district department of correctional services supervising the person, or the director's designee, must stipulate to the modification.

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- The application to modify shall be filed in the county of the person's principal residence.
  - Notice of the application is to be provided to the county attorney of the offender's principal place of residence and to the county attorney of any other county in this state where a conviction requiring registration occurred.
  - As of September 1, 2014, 15 persons have had their registration requirements modified under Code Section 692A.128.

- State v. District Court for Story County, 843 N.W.2d 76, (Iowa 2014)
  - Sex offender registry statute grants modification eligibility to any individual, whether an adult convicted of a sex offense or a juvenile adjudicated delinquent of a sex offense, who is no longer subject to corrections supervision and who has satisfied statutory prerequisites for modification.

- 692A.128 Modification.
- 1. A sex offender who is on probation, parole, work release, special sentence, or any other type of conditional release may file an application in district court seeking to modify the registration requirements under this chapter.
- 2. 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. The application shall be filed in the sex offender's county of principal residence.

- 4. 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.
- 5. 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.
- 6. A sex offender may be granted a modification if the offender is required to be on the sex offender registry as a result of an adjudication for a sex offense, the offender is not under the supervision of the juvenile court or a judicial district judicial department of correctional services, and the department of corrections agrees to perform a risk assessment on the sex offender. However, all other provisions of this section not in conflict with this subsection shall apply to the application prior to an application being granted except that the sex offender is not required to obtain a stipulation from the director of a judicial district department of correctional services, or the director's designee.



- Department of Public Safety Duties

- The Department has the responsibility to maintain the central registry.
- If an offender fails to register, the Department is required to make a reasonable effort to ascertain the whereabouts of the person, and if such effort fails, the Department is required to post an appropriate notice on the Department's internet site and notify law enforcement.

# ● Sex Offender Registry Records

- The Sex Offender Registry internet site is required to be searchable by name, county, zip code, and geographic radius.
- The Department of Public Safety is required to provide updated and corrected relevant information relating to an offender within 5 business days of the information being updated or corrected.

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- A criminal and juvenile justice agency may provide relevant information relating to an offender to the federal government, another law enforcement agency, the general public if the information is available through the Internet site, public and private agencies, public places, religious and youth organizations, neighborhood associations, community meetings, and employers.



- Public Access Through the Internet

- The relevant information available to the general public through the Internet site includes the following:

- DOB
- Name (nicknames, aliases)
- Photographs
- Physical description
- Residence
- Offense committed
- Specific references indicating whether residency restrictions or exclusion zones apply to the person.



- **Notification to Schools**

- The county sheriff of the county of the offender's new residence is required to provide relevant information about a sex offender to the administrative office of a school district if the offender moves into the school district or moves within a school district and to also provide the same relevant information to nonpublic schools in the area.

- **Public Access Through the Sheriff's Office**
  - A member of the general public may contact the local county sheriff's office to request relevant information, including certain relevant information not posted on the Internet site, that relates to a specific offender.
  - If a member of the general public makes such a specific request, the request must include at least one of the following identifiers: the date of birth of the offender, the social security number of the offender, the address of the offender, an Internet identifier of the offender, or a telephone number of the offender

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- If a specific request is made with a correct identifier, the member of the general public making the request is entitled to the following additional relevant information relating to the offender:
    - Educational institutions attended as a student.
    - Employment information.
    - Temporary lodging information.
    - Vehicle information.



- **Public Access Through the Mail**

- The Department of Public Safety is required to maintain an automated mail notification system, available to any subscriber, that provides a notice of any addition or deletion from the Sex Offender Registry within a zip code or geographic radius or that is offender specific.

- Information not available to the public.
  - The following relevant information is not available to the public:
    - Identity of the victim
    - Arrests not resulting in a conviction
    - Passport and immigration documents
    - Driver's license
    - DNA information

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- Fingerprints
  - Palm prints
  - Professional licensing information
  - Social security number
  - Offender's real name if protected under a witness protection program



- Immunity

- Criminal or juvenile justice agencies, state agencies, schools, public libraries, and child care facilities, and their employees shall be immune from liability for acts or omissions arising from a good faith effort to comply with Code Chapter 692A.

## ● Electronic Monitoring

- An offender who is placed on probation, parole, or work release, special sentence, or any other type of conditional release, may be supervised by electronic tracking and monitoring.
- The determination to use electronic tracking and monitoring to supervise a sex offender shall be based upon a **validated risk assessment** approved by the department of corrections, and also upon the sex offender's criminal history, progress in treatment and supervision, and other relevant factors.
- Under previous law, any person who committed a criminal offense against a minor, an aggravated offense, or a sexually violent offense was required to be electronically monitored for a period of at least 5 years.

## ● Sexually Motivated Offenses

- Certain offenders committing a criminal offense that does not have a sexual element may be required to register if the offense is proven to be sexually motivated. The determination of sexual motivation is made by a judge or jury.
- Under previous law, the Department of Public Safety made the determination as to whether an offense was sexually motivated, even if the criminal offense did not contain a sexual element.

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- If an adult or juvenile offender is convicted in another jurisdiction of an offense that is comparable to sexually motivated offenses in Code Section 692A.126(1), the Department of Public Safety has the authority to determine if the offense is sexually motivated and to place the person on the registry.
  - The offenses with no sexual element but which may be sexually motivated are classified under the tier classification system.



- Limitations on Political Subdivisions

- A political subdivision of the state is prohibited from adopting a motion, resolution, or ordinance regulating the residency location of an offender or excluding the offender from certain real property.

## ● Sex Offender Registry Fund

- The fund shall consist of moneys received as a result of the imposition of the penalty imposed under section 692A.110 in the amount of \$250 and other funds allocated for purposes of establishing and maintaining the sex offender registry, conducting research and analysis related to sex crimes and offenders, and to perform other duties required under this chapter.
  - Ten percent of moneys go to the Court Technology Fund.