



[HF 489](#) – Sex Offender Registry (LSB1344HV)
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Fiscal Note Version – New

Description

[House File 489](#) makes several changes to the requirements for a sex offender to be granted a modification of the requirements of the Sex Offender Registry pursuant to Iowa Code chapter [692A](#). The Bill proposes that any sex offender, regardless of status, be allowed to file an application for modification. For a Tier I sex offender, existing requirements for the application of a registry modification are amended to state that the offender must have initially registered at least 10 years prior to the filing of an application. If the Tier I offender was 20 years of age at the time the offender committed sexual abuse in the third degree and the parties involved are not cohabitating and the offender is four or more years older than the other party, the offender must have registered at least five years prior to applying for a modification. A Tier II or Tier III sex offender must have initially registered at least 25 years prior to the filing of the application and must have been initially required to register as a result of an adjudication for a sex offense in juvenile court in order to be granted a modification.

House File 489 strikes the existing stipulation that the Department of Corrections (DOC) must complete a risk assessment on the offender prior to the modification, and that such an assessment must characterize the offender as a low risk to reoffend. The Bill allows a court to grant a modification, including reducing the period of time under which an offender must remain registered, if the offender has successfully completed any period of probation, parole, special sentence, or other supervised release. Additionally, HF 489 provides that a Tier I offender must not have been convicted of any criminal offense other than a simple misdemeanor under Iowa Code chapter [321](#), or any violations of local traffic ordinance in the 10 years immediately prior to applying for a modification. A Tier II or Tier III offender must not have been convicted of any other criminal offense than a simple misdemeanor under Iowa Code chapter 321, or any violations of local traffic ordinances in 25 years immediately prior to the application for modification. House File 489 also strikes the requirement that the director of the judicial district (or designee) who currently supervises the offender must also stipulate to the modification.

Background

Under current law, a sex offender who is on probation, parole, work release, serving a special sentence, or in any type of conditional release may file an application to request a modification of the registration requirements, which means removal from the registry. Prior to the granting of such a request, the following conditions must be met:

- The offense which led to the registry requirement occurred at least two years prior to the modification application for a Tier I offender, or five years prior to the modification application of a Tier II or III offender.
- The offender must have successfully completed all required sex offender treatment programs.
- The DOC must complete a valid risk assessment of the offender, and the offender must be determined to be at a low risk of reoffending.
- The offender may not be incarcerated at the time of filing the application.

- The director of the judicial district (or designee) who currently supervises the offender must also stipulate to the modification.

Assumptions

It is assumed that for each year that the State does not fully implement the provisions of the federal [Sex Offender Registration and Notification Act \(SORNA\)](#), a penalty of 10.0% reduction of Byrne-JAG grant funding will apply on an annual basis until the State fully complies.

Fiscal Impact

House File 489 would allow the Department of Public Safety (DPS) to fully implement the federal SORNA, also known as Title I of the federal Adam Walsh Child Protection and Safety Act of 2006. By allowing State law to fully mirror federal law, the DPS would successfully avoid being penalized with 10.0% reduction of the State's Byrne-JAG federal grant funding. The DPS estimates that avoiding this penalty may result in additional federal Byrne-JAG grant funding up to \$100,000 annually; however, funding is not guaranteed.

Additionally, the DOC estimates that the enactment of HF 489 would likely reduce the number of sex offender registration violations received by the Department in the future. However, the extent of those violation reductions and subsequent decreases in Department operating costs cannot be determined.

Sources

Legislative Services Agency
Department of Corrections
Department of Public Safety

/s/ Holly M. Lyons

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The fiscal note for this Bill was prepared pursuant to [Joint Rule 17](#) and the Iowa Code. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.

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