



[SF 2363](#) – Sex Offender Registry (LSB5315SV.2)
 Staff Contact: Evan Johnson (515.281.6301) evan.johnson@legis.iowa.gov
 Fiscal Note Version – Final Action

Description

[Senate File 2363](#) changes the requirements for a sex offender whose requirement to register as a sex offender commenced on or after July 1, 2022, to be granted a modification of the sex offender registry requirements pursuant to Iowa Code chapter [692A](#). This Bill allows any sex offender on the Iowa Sex Offender Registry to file an application for a modification of the Registry requirements. The Bill allows a court to grant a modification if an offender whose requirement to register commenced on or after July 1, 2022, has successfully completed any pretrial release, probation, parole, or work release for the offense requiring registration.

Background

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

- A Tier I offender must have been required to register for at least two years, and a Tier II or III offender must have been required to register for at least five years.
- The offender must have successfully completed all required sex offender treatment programs.
- The Department of Corrections (DOC) must complete a valid risk assessment of the offender and determine the offender 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 department of correctional services supervising the offender, or the director’s designee, must also stipulate to the modification.

According to the Department of Public Safety (DPS), in calendar year (CY) 2021, there were 80 individuals who received Sex Offender Registry modifications. The number of sex offender registrants as of June 30, 2021, is shown in **Table 1**.

Table 1 — FY 2021 Sex Offender Registrant Count

Tier	Offender Count
Tier I	1,257
Tier II	1,686
Tier III	3,537
Registrant Total	6,480

Assumptions

- To be considered for a modification, a Tier I offender must have initially registered at least 10 years prior to the filing of the application. If the Tier I offender was under 20 years of age at the time the offender committed sexual abuse in the third degree under circumstances pursuant to Iowa Code section [709.4\(1\)\(b\)\(2\)\(d\)](#), the offender must have initially registered

at least 5 years prior to the filing of the application. A Tier II or III offender must have initially registered at least 15 years prior to the filing of the application.

- An increased length of time before an offender can request a modification of the Sex Offender Registry requirements will result in fewer modifications being granted and an increase in the number of offenders on the Registry.
- An increased number of offenders on the Registry will result in an increased number of violations of the Registry requirements.

Correctional Impact

[Senate File 2363](#) increases the length of time that an offender must remain on the Sex Offender Registry before requesting a modification. This is estimated to increase prison and community-based corrections (CBC) admissions by an unknown amount for violations of the Sex Offender Registry requirements. As shown in **Table 2**, there were 78 offenders admitted to prison and 203 offenders admitted to CBC on a most serious Iowa Code chapter 692A sex offender registration or verification violation in FY 2021.

Table 2 — FY 2021 Prison and CBC Admissions Under Iowa Code Chapter 692A

Offense Class	Prison Admissions	CBC Admissions
	Under 692A	Under 692A
B Felony	5	14
C Felony	59	94
Aggravated Misdemeanor	14	95
Total	78	203

In CY 2021, there were 80 offenders who received a Sex Offender Registry modification. There were 463 convictions under Iowa Code chapter 692A among 428 unique offenders in FY 2021. Refer to the Legislative Services Agency (LSA) memo addressed to the General Assembly, [Cost Estimates Used for Correctional Impact Statements](#), dated January 18, 2022, for information related to the correctional system.

Minority Impact

Minority data related to violations of Iowa Code chapter 692A for FY 2021 is shown in **Table 3**. This Bill could have a disproportionate or negative impact on the African American community as 16.3% of prison admissions for violations of Iowa Code chapter 692A were African American compared to 3.9% of Iowa’s population. Refer to the LSA memo addressed to the General Assembly, [Minority Impact Statement](#), dated January 18, 2022, for information related to minorities in the criminal justice system.

Table 3 — FY 2021 Minority Prison Admissions Under Iowa Code Chapter 692A

Race	Population of Iowa	Prison Admissions
Caucasian	85.3%	78.9%
African American	3.9%	16.3%
Hispanic	6.2%	2.4%
American Indian/Alaska Native	0.3%	2.4%

Fiscal Impact

Senate File 2363 is estimated to have a minimal fiscal impact to the DPS. The Bill would not bring the DPS into compliance with the federal [Sex Offender Registration and Notification System \(SORNA\)](#), also known as Title I of the federal [Adam Walsh Child Protection and Safety Act of 2006](#). As a result, the DPS would remain unable to receive 10.0% of the State’s awarded federal Byrne Justice Assistance Grant, which equates to approximately \$100,000 annually.

The fiscal impact of [SF 2363](#) on the DOC cannot be estimated due to a lack of data. **Table 4** shows the increase in costs for one offender to be returned to prison and CBC for a violation of Iowa Code chapter 692A for each offense class.

Table 4 — Marginal Cost of a Violation of Iowa Code Chapter 692A by Offense Class

Offense Class	Average Length of Stay in Prison (Months)	Marginal Prison Cost Per Day	Average Length of Stay in CBC (Months)	Marginal CBC Cost Per Day	Total Cost
B Felony	17.9	\$23.33	27.5	\$7.01	\$ 18,600
C Felony	13.7	\$23.33	23.2	\$7.01	\$ 14,700
Aggravated Misdemeanor	7.7	\$23.33	14.1	\$7.01	\$ 8,500

Sources

Criminal and Juvenile Justice Planning Division, Department of Human Rights
 Department of Corrections
 Department of Public Safety
 Legislative Services Agency calculations

/s/ Holly M. Lyons

June 24, 2022

Doc ID 1289259

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.
