

FISCAL TOPICS

Fiscal Services Division

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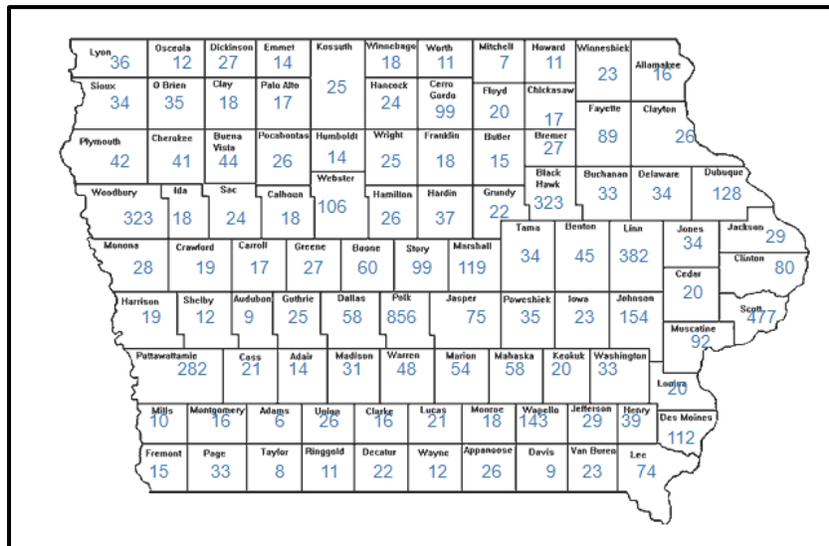
Sex Offender Registry

Establishment of the Sex Offender Registry (SOR)

The Iowa General Assembly established the SOR in 1995.¹ The Registry was initially amended to establish several residency restrictions for registrants during the 2002 Legislative Session, and again in 2005 to include provisions concerning sex offender treatment and assessments regarding the risk of reoffending.² The SOR was amended most recently in 2009 to include expanded classifications of sex offenses and additional requirements for relevant verification information.³ As of August 31, 2020, there are 6,255 individuals listed on the Iowa SOR.

Chart 1 shows the number of sex offenders registered in each Iowa county as of August 31, 2020.

Chart 1: Sex Offender Registrant Numbers by County, 08/31/2020



Source: www.iowasexoffender.gov/webstats

Registration Process and Tier System Placement

An individual is required to register with the Iowa Sex Offender Registry if the individual is convicted or adjudicated of a sex offense (including a criminal offense against a minor, sexual exploitation, and sexually violent crime) in Iowa, or the individual is required to register in another jurisdiction under that

¹ 1995 Iowa Acts, ch. 146.

² 2002 Iowa Acts, ch. 1157 and 2005 Iowa Acts, ch. 158.

³ 2009 Iowa Acts, ch. 119.

More Information

Iowa Sex Offender Registry: www.iowasexoffender.gov
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jurisdiction's respective sex offender registry law if that individual resides, is employed, or attends school in the State.⁴

The registration requirement includes individuals who are serving a deferred sentence or judgment, and can also include convictions on a federal level and those that occurred in other states. Incarcerated individuals are not required to register during the time of incarceration. The running period of the registration is suspended while the offender is incarcerated.⁵

Upon release or parole, the running period of the registration commences either in its entirety or from the point in time when the offender was previously incarcerated. Additionally, an offender who is placed on probation, parole, or work release will have a registration period that begins anew if the individual violates the terms of any of these arrangements. For purposes of registration requirements, multiple sex offenses prosecuted within a single indictment are considered a single offense.

Individuals on the Iowa SOR are placed into a Tier system as determined by the Department of Public Safety (DPS). The Tier system dictates the frequency of which an individual is required to verify information with the county sheriff's office and the DPS. Individuals convicted of a sex offense are classified as either a Tier I, Tier II, or Tier III offender. The tiers ascend in order of the severity of the crime associated with them; for example, a Tier II offender has been convicted of a more serious offense than a Tier I offender. It is important to note that Tier designation is based on the offense an individual is convicted of, and not necessarily the offense that an offender was originally charged with. The Tier classification does not affect the duration of the registration requirement.⁶ Tier I classification requires an in-person verification of relevant information once per year, whereas Tier II requires in-person verification every six months, and Tier III requires in-person verification every three months.

The Tier system also allows for the possibility of the reclassification of sex offender Tier designation. An individual currently classified as a Tier I offender is reclassified as a Tier II offender as a result of the determination that the offender has previously committed an offense that can be classified as Tier I. The same process is applicable to Tier II offenders, and should the determination hold, such offenders are reclassified as Tier III offenders. It should be noted that any committed offense that falls under the category of "sexually violent predator" is automatically classified as a Tier III offense.⁷ Additionally, a Tier II offense is reclassified as a Tier III offense if the victim is under the age of 13. Tier reclassification is completed by the DPS.

Registration Duration and Restrictions

The duration of registration, unless otherwise provided, is for a period of 10 years.⁸ If an offender violates any registry requirement, the offender is required to register for an additional 10-year term, which commences at the time the original registration duration is completed. Under specific circumstances, an offender may be required to register for life. These circumstances include:

- If an offender is determined to be a sexually violent predator, which is defined as a sex offender who has been convicted of an offense that would qualify the individual as such under the federal [Violent Crime Control and Law Enforcement Act of 1994](#).⁹
- If an offender is convicted of an aggravated offense.
- If an offender commits a second or subsequent offense that requires a second registration.
- If an offender commits a "special sentence" offense that requires lifetime parole pursuant to Iowa Code section [903B.1](#). A special sentence is defined as a sentence "...committing the person into the custody of the director of the Iowa Department of Corrections for the rest of the person's life, with eligibility for parole."¹⁰

⁴ Iowa Code [§692A.103](#)(1). For additional information on the definition of "sex offense," see Iowa Code section [692A.101](#)(27).

⁵ Iowa Code [§692A.107](#).

⁶ Interview with Bret Braafhart, Karin Hamilton, and Mitch Mortvedt, Sex Offender Registry and Investigation Unit, DPS, August 22, 2019.

⁷ Iowa Code [§692A.102](#)(4). For additional information regarding the definition of "sexually violent predator," please see Iowa Code [§692A.101](#)(31).

⁸ Iowa Code [§692A.106](#)(1).

⁹ Iowa Code [§692A.101](#)(31).

¹⁰ Iowa Code [§692A.106](#)(5).

Upon registration, registrants of the SOR must comply with certain restrictions regarding residence, employment, and certain public places. Similar to the determination of the placement level on the Tier system, the type and severity of the restriction and/or prohibition is dependent upon the crime an individual is convicted of and not necessarily the crime the offender was originally charged with.¹¹ Several residency restrictions were enacted in 2002.¹² An offender convicted of an aggravated offense (sexual abuse in the first or second degrees, or in certain cases sexual abuse in the third degree) against a minor is prohibited from residing within 2,000 feet of real property that consists of a child care facility or school.¹³ For other convictions involving minors (and all convictions involving adults) that do not fall under the determination of sexual abuse in the first, second, and in some cases, third degree sexual abuse, these residency restrictions do not apply.¹⁴

Individuals required to register on the SOR for being convicted of a crime involving a minor are also subject to a 300-foot exclusion zone in certain public areas. Such individuals are prohibited from “loitering” (as defined by Iowa Code section [692A.101](#)(17)) on the real property of a school, day care center or public library, or “any place primarily intended for the use of minors.” Regardless of the type or severity of conviction, individuals who are required to register on the SOR are prohibited from being an employee of or volunteering at a facility that provides services for dependent adults or at events where dependent adults participate in programming. These persons are also prohibited from loitering on the premises or grounds of such a facility or event.¹⁵

Among several other restrictions outlined in Iowa Code chapter [692A](#), offenders who are convicted of a sex crime against a minor are subject to further employment restrictions. Such offenders are prohibited from operating, managing, being employed by, contracting with, or acting as a volunteer at the following locations when a minor is on the premises. Iowa law further stipulates that offenders who are convicted of a sex crime against a minor are also prohibited from being affiliated with or acting as a contractor or volunteer at the following locations primarily intended for the use of minors.

Sex Offender Registry Funding

The SOR and related Investigation Unit is under the purview of the Support Operations Bureau of the Division of Criminal Investigation of the DPS. The Unit is responsible for maintaining the SOR and database, including the entry of new offenders and the modification or reclassification of existing offenders. Additionally, the Unit also verifies relevant information of current registrants, including name and current address, and provides a photograph of the offender that is updated annually. The Unit is responsible for public notification and renotification of offender status and limited identifying information, as well as making sure that the State database follows federal guidelines. The Unit also investigates all acts of noncompliance with the registry and the requirements associated with failing to register or failure of notice of a change of address.¹⁶

General Fund Funding

The SOR and Investigation Unit receives annual funding through an allocation from the General Assembly. [Senate File 615](#) (FY 2020 Justice System Appropriation Act) appropriated a total of \$15.0 million to the Division of Criminal Investigation. Of this amount, a total of \$895,000 was allocated to the SOR Fund. **Chart 2** shows an overview of the annual appropriations allocated to the SOR and Investigation Unit from FY 2010 to FY 2020. General Fund appropriations to the SOR and Investigation Unit have remained relatively steady for the last 11 fiscal years.

¹¹ Interview with Bret Braafhart, Karin Hamilton, and Mitch Mortvedt, Sex Offender Registry and Investigation Unit, DPS, August 22, 2019.

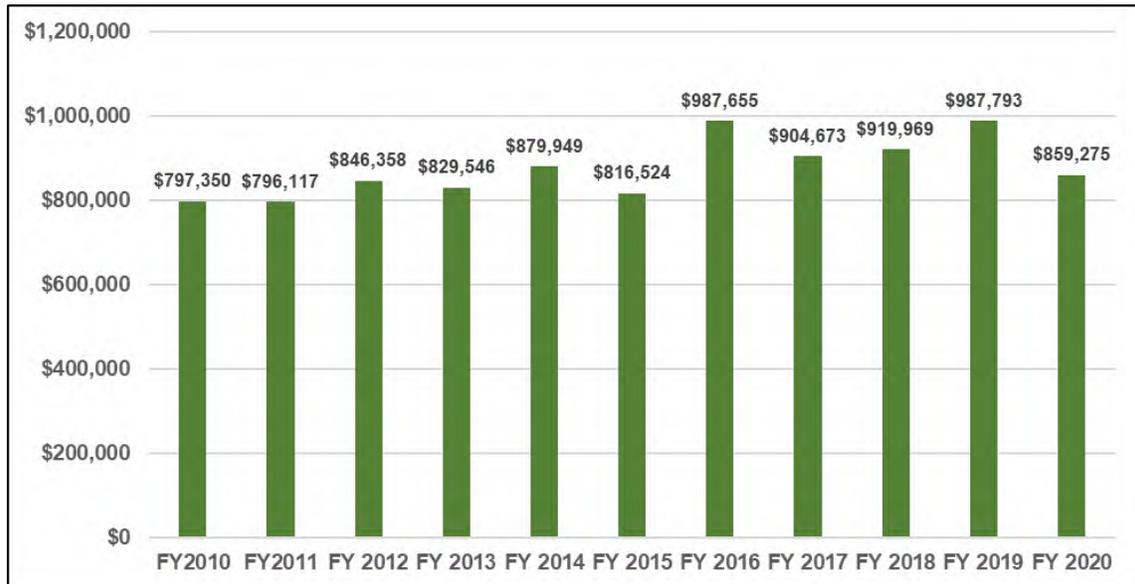
¹² 2002 Iowa Acts, ch. [1157](#).

¹³ Iowa Division of Criminal Investigation, Iowa Sex Offender Registration Quick Reference, available at www.iowasexoffender.gov/SORregistration.pdf (last visited November 19, 2019).

¹⁴ Ibid.

¹⁵ Iowa Code [§692A.115](#)(1).

¹⁶ Interview with Bret Braafhart, Karin Hamilton, and Mitch Mortvedt, Sex Offender Registry and Investigation Unit, DPS, August 22, 2019.

Chart 2: Appropriation Allocations to the SOR and Investigation Unit, FY 2010 – FY 2020

Source: Integrated Information System for Iowa (I/3)

Fine and Fee Revenue and Sex Offender Registry Fund

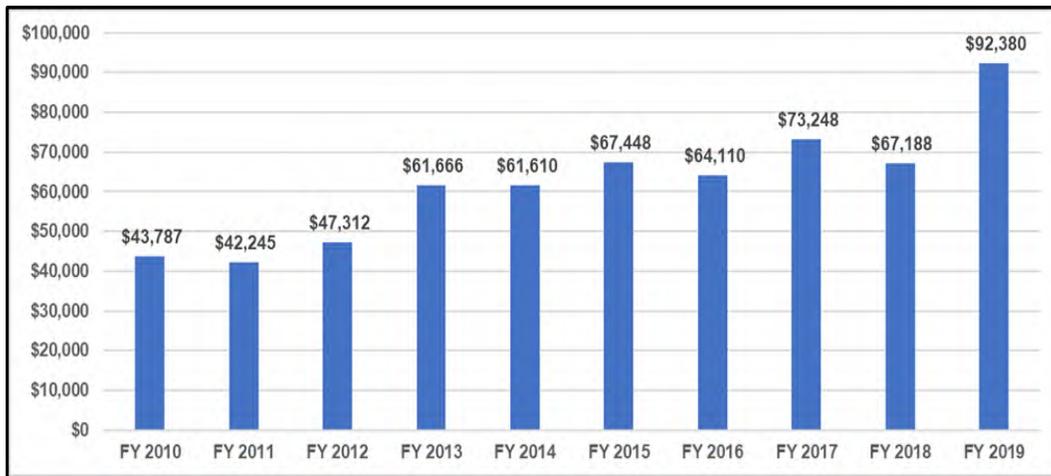
When an offender is convicted of an offense that requires registration on the SOR, the offender is also assessed a \$250 civil penalty.¹⁷ This penalty is to be paid to the clerk of the district court, and is then split between two funding sources. The first of these sources is the SOR Fund maintained by the SOR and Investigation Unit.¹⁸ The second source is the Court Technology and Modernization Fund administered by the Judicial Branch. The civil penalty is split on a 90/10 ratio, with 90.0%, or \$225, deposited in the SOR Fund, and 10.0%, or \$25, deposited in the Court Technology and Modernization Fund.

Moneys in the SOR Fund are primarily used for technological maintenance of the registry itself. Moneys in the Court Technology and Modernization Fund are used to enhance the ability of the Judicial Branch to process cases quickly and efficiently; electronically transmit information to State and local governments, law enforcement agencies, and the public; and to improve public access to the Judicial Branch and associated court system. **Chart 3** shows the total amount of fees collected and deposited in the SOR Fund from FY 2010 to FY 2019.

¹⁷ Iowa Code [§692A.110\(2\)](#).

¹⁸ Iowa Code [§692A.119](#).

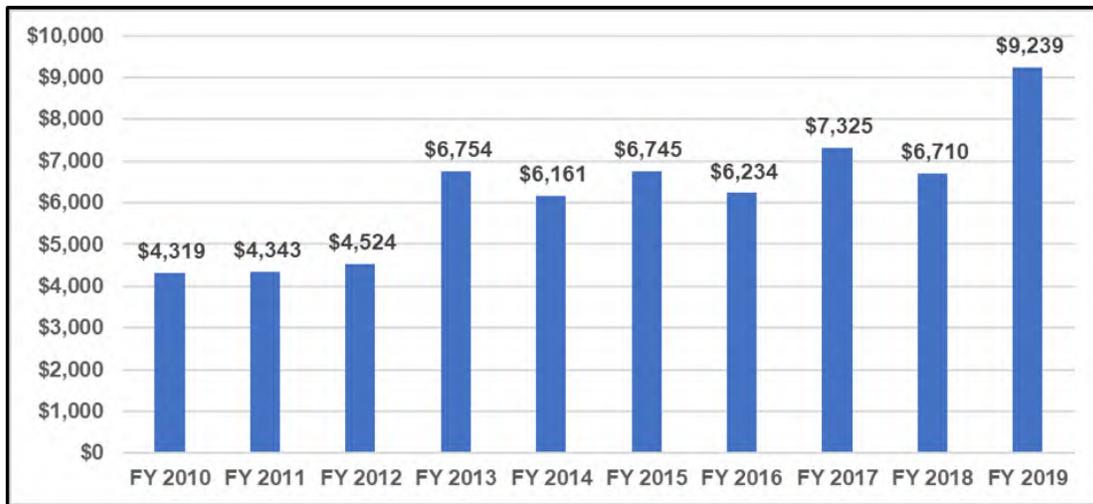
Chart 3: Civil Fees Collected, Sex Offender Registry Fund, FY 2010 – FY 2019



Source: Integration Information for Iowa System (I/3), Iowa Courts Information System (ICIS)

Chart 4 shows the total amount of fees collected and deposited in the Court Technology and Modernization Fund from FY 2010 to FY 2019.

Chart 4: Civil Fees Collected, Court Technology and Modernization Fund, FY 2010 – FY 2019



Source: Iowa Court Information System (ICIS)

In addition to a civil penalty, an offender is required to pay a registration fee to the county sheriff at the time of verification of relevant information. A registrant is required to pay an annual fee of \$25 to the county sheriff’s office of the county of the offender’s primary residence.¹⁹ This fee is collected and maintained by the county sheriff’s office and is used to defray the costs of duties associated with the registration process. Should an offender be unable to pay the \$25 fee, the county sheriff is allowed to permit the fee to be paid in installments, or waive the fee entirely.²⁰

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¹⁹ Iowa Code §692A.110(1).

²⁰ Iowa Code §692A.110(1).