

S-2/21/96 Norma
Pearce

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Place On Calendar

HOUSE FILE 2209
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HF 2147)

Passed House, ^(p.396) Date 2/21/96 Passed Senate, Date _____
Vote: Ayes 91 Nays 0 Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act requiring sex offender registry checks involving persons
2 associated with the care of children.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 2209

1 Section 1. Section 125.14A, subsections 1 and 2, Code
2 1995, are amended to read as follows:

3 1. If a person is being considered for licensure under
4 this chapter, or for employment involving direct
5 responsibility for a child or with access to a child when the
6 child is alone, by a program admitting juveniles subject to
7 licensure under this chapter, or if a person will reside in a
8 facility utilized by such a program, and if the person has
9 been convicted of a crime, is registered in the sex offender
10 registry under chapter 692A, or has a record of founded child
11 abuse, the department of human services and the program, for
12 an employee of the program, shall perform an evaluation to
13 determine whether the crime or founded child abuse warrants
14 prohibition of licensure, employment, or residence in the
15 facility. The department of human services shall conduct
16 criminal, sex offender, and child abuse record checks in this
17 state and may conduct these checks in other states. The
18 evaluation shall be performed in accordance with procedures
19 adopted for this purpose by the department of human services.

20 2. If the department of human services determines that a
21 person has committed a crime, is registered in the sex
22 offender registry, or has a record of founded child abuse and
23 is licensed, employed by a program licensed under this
24 chapter, or resides in a licensed facility the department
25 shall notify the program that an evaluation will be conducted
26 to determine whether prohibition of the person's licensure,
27 employment, or residence is warranted.

28 Sec. 2. Section 135H.7, subsection 2, paragraphs a and b,
29 Code 1995, are amended to read as follows:

30 2. a. If a person is being considered for licensure under
31 this chapter, or for employment involving direct
32 responsibility for a child or with access to a child when the
33 child is alone, by a licensed psychiatric institution, or if a
34 person will reside in a facility utilized by a licensee, and
35 if the person has been convicted of a crime, is registered in

1 the sex offender registry under chapter 692A, or has a record
2 of founded child abuse, the department of human services and
3 the licensee, for an employee of the licensee, shall perform
4 an evaluation to determine whether the crime or founded child
5 abuse warrants prohibition of licensure, employment, or
6 residence in the facility. The department of human services
7 shall conduct criminal and child abuse record checks in this
8 state and may conduct these checks in other states. The
9 evaluation shall be performed in accordance with procedures
10 adopted for this purpose by the department of human services.

11 b. If the department of human services determines that a
12 person has committed a crime, is registered in the sex
13 offender registry, or has a record of founded child abuse and
14 is licensed, employed by a psychiatric institution licensed
15 under this chapter, or resides in a licensed facility the
16 department shall notify the program that an evaluation will be
17 conducted to determine whether prohibition of the person's
18 licensure, employment, or residence is warranted.

19 Sec. 3. Section 237.8, subsection 2, paragraphs a and b,
20 Code 1995, are amended to read as follows:

21 a. If a person is being considered for licensure under
22 this chapter, or for employment involving direct
23 responsibility for a child or with access to a child when the
24 child is alone, by a licensee under this chapter, or if a
25 person will reside in a facility utilized by a licensee, and
26 if the person has been convicted of a crime, is registered in
27 the sex offender registry under chapter 692A, or has a record
28 of founded child abuse, the department and the licensee for an
29 employee of the licensee shall perform an evaluation to
30 determine whether the crime or founded child abuse warrants
31 prohibition of licensure, employment, or residence in the
32 facility. The department shall conduct criminal, sex offender
33 registry, and child abuse record checks in this state and may
34 conduct these checks in other states. The evaluation shall be
35 performed in accordance with procedures adopted for this

1 purpose by the department.

2 b. If the department determines that a person has
3 committed a crime, is registered in the sex offender registry,
4 or has a record of founded child abuse and is licensed,
5 employed by a licensee, or resides in a licensed facility the
6 department shall notify the licensee that an evaluation will
7 be conducted to determine whether prohibition of the person's
8 licensure, employment, or residence is warranted.

9 Sec. 4. Section 237A.5, subsection 2, paragraphs a and b,
10 Code 1995, are amended to read as follows:

11 a. If a person is being considered for licensure or
12 registration under this chapter, or for employment involving
13 direct responsibility for a child or with access to a child
14 when the child is alone, by a child day care facility subject
15 to licensure or registration under this chapter, or if a
16 person will reside in a facility, and if the person has been
17 convicted of a crime, is registered in the sex offender
18 registry under chapter 692A, or has a record of founded child
19 abuse, the department and the licensee or registrant for an
20 employee of the licensee or registrant shall perform an
21 evaluation to determine whether the crime or founded child
22 abuse warrants prohibition of licensure, registration,
23 employment, or residence in the facility. The department
24 shall conduct criminal, sex offender registry, and child abuse
25 record checks in this state and may conduct these checks in
26 other states. The evaluation shall be performed in accordance
27 with procedures adopted for this purpose by the department.

28 b. If the department determines that a person has
29 committed a crime, is registered in the sex offender registry,
30 or has a record of founded child abuse and is licensed,
31 employed by a licensee or registrant or registered under this
32 chapter, or resides in a licensed or registered facility the
33 department shall notify the licensee or registrant that an
34 evaluation will be conducted to determine whether prohibition
35 of the person's licensure, registration, employment, or

1 residence is warranted.

2 Sec. 5. Section 600.8, subsection 1, paragraph a,
3 subparagraph (3), Code 1995, is amended to read as follows:

4 (3) Whether the prospective adoption petitioner has been
5 convicted of a crime under a law of any state, is registered
6 in the sex offender registry under chapter 692A, or has a
7 record of founded child abuse.

8 Sec. 6. Section 692A.13, Code Supplement 1995, is amended
9 by adding the following new subsection:

10 NEW SUBSECTION. 8. The department shall disclose
11 information to any of the following individuals, agencies, or
12 facilities associated with providing care to a child:

13 a. To an employee or agent of the department of human
14 services responsible for conducting record checks or
15 evaluations of employees of a juvenile substance abuse program
16 licensed under section 125.14A and the administrator of a
17 program if the information concerns a person employed by or
18 being considered for employment by or living in a facility
19 utilized by the program.

20 b. To an employee or agent of the department of human
21 services responsible for conducting record checks or
22 evaluations of employees of a psychiatric medical institution
23 for children licensed under chapter 135H and the administrator
24 of a licensee if the information concerns a person employed by
25 or being considered for employment by or living in a facility
26 utilized by the licensee.

27 c. To an employee or agent of the department of human
28 services responsible for registering or licensing or approving
29 the registration or licensing of an individual, agency, or
30 facility under section 232.142 or chapter 237 or 237A.

31 d. To an employee of the department of human services
32 responsible for an adoptive placement, a certified adoption
33 investigator, or licensed child-placing agency responsible for
34 an adoptive placement.

35 e. To an administrator of a child foster care facility

1 licensed under chapter 237 if the information concerns a
2 person employed by or being considered for employment by or
3 living in the facility.

4 f. To an administrator of a child day care facility
5 registered or licensed under chapter 237A if the information
6 concerns a person employed by or being considered for
7 employment by or living in the facility.

8 EXPLANATION

9 This bill relates to sex offender registry checks involving
10 persons associated with the care of children.

11 The sex offender registry created in chapter 692A requires
12 registration of certain persons convicted of the following
13 crimes: criminal offense against a minor, sexual
14 exploitation, or a sexually violent offense.

15 Section 125.14A, relating to licensed substance abuse
16 programs admitting juveniles, is amended to include a sex
17 offender registry check along with the requirement in current
18 law for a criminal and founded child abuse check.

19 Section 135H.7, relating to psychiatric medical
20 institutions for children, is amended to include a sex
21 offender registry check along with the requirement in current
22 law for a criminal and founded child abuse check.

23 The bill amends section 237.8 to include a sex offender
24 registry check along with the requirement in current law for a
25 criminal and founded child abuse check. This section applies
26 to individuals or employees of agencies licensed by the state
27 to provide child foster care, and county or multicounty
28 juvenile detention and shelter care facilities.

29 Section 237A.5, relating to child day care providers, is
30 amended to include a sex offender registry check along with
31 the requirement in current law for a criminal and founded
32 child abuse check.

33 Section 600.8, relating to adoption placement
34 investigations, is amended to include a sex offender registry
35 check along with the requirement in current law for a criminal

1 and founded child abuse check.

2 Section 692A.13 is amended to authorize access to the sex
3 offender registry on the part of the department of human
4 services staff and the substance abuse, psychiatric medical
5 institutions for children, foster care, child day care, and
6 adoption agencies and facilities for which the registry check
7 is required by the bill.

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