

JAN 12 1995

JUDICIARY

HOUSE FILE 25  
BY BRAMMER

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to criminal sex acts and sex offenders by  
2 providing for life imprisonment for persons convicted of  
3 certain sex offenses, providing for the establishment of a sex  
4 offender registry, and providing penalties.

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

- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

HF 25

DIVISION I

1  
2 Section 1. NEW SECTION. 902.8A LIFE IMPRISONMENT --  
3 HABITUAL SEX OFFENDER.

4 1. An habitual sex offender is any person convicted of a  
5 serious sex offense, who has, before the commission of the  
6 offense, been previously convicted of any serious sex offense  
7 in a court of this or any other state, or of the United  
8 States. An offense committed in another jurisdiction is a  
9 serious sex offense for purposes of this section if, by the  
10 law under which the person is convicted, the court finds that  
11 the elements of the offense, at the time of the person's  
12 conviction, are the same as or are substantially similar to  
13 the elements of any offense that constitutes a serious sex  
14 offense if committed in this state. A person sentenced as an  
15 habitual sex offender shall be imprisoned for the rest of the  
16 person's life and shall not be eligible for parole. Nothing  
17 in the Iowa corrections code pertaining to deferred judgment,  
18 deferred sentence, suspended sentence, or reconsideration of  
19 sentence applies to a sentence as an habitual sex offender.

20 2. For purposes of this section, a "serious sex offense"  
21 means any of the following offenses:

22 a. A violation of section 709.3, 709.4, 709.8, 709.11, or  
23 709.12.

24 b. A violation of section 725.3, subsection 2.

25 c. A violation of section 726.6, subsection 1, paragraph  
26 "e", or section 726.6B.

27 d. A violation of section 728.12, subsection 1 or 2.

28 Sec. 2. Section 902.9, Code 1995, is amended to read as  
29 follows:

30 902.9 MAXIMUM SENTENCE FOR FELONS.

31 The maximum sentence for any person convicted of a felony  
32 shall be that prescribed by statute or, if not prescribed by  
33 statute, if other than a class "A" felony shall be determined  
34 as follows:

35 1. An habitual sex offender shall be confined for the rest

1 of the person's life.

2 2. A class "B" felon, not an habitual sex offender, shall  
3 be confined for no more than twenty-five years.

4 2 3. An habitual offender shall be confined for no more  
5 than fifteen years.

6 3 4. A class "C" felon, not an habitual offender or an  
7 habitual sex offender, shall be confined for no more than ten  
8 years, and in addition may be sentenced to a fine of at least  
9 five hundred dollars but not more than ten thousand dollars.

10 4 5. A class "D" felon, not an habitual offender or an  
11 habitual sex offender, shall be confined for no more than five  
12 years, and in addition may be sentenced to a fine of at least  
13 five hundred dollars but not more than seven thousand five  
14 hundred dollars. A class "D" felon, such felony being for a  
15 violation of section 321J.2, may be sentenced to imprisonment  
16 for up to one year in the county jail.

17 The criminal penalty surcharge required by section 911.2  
18 shall be added to a fine imposed on a class "C" or class "D"  
19 felon, as provided by that section, and is not a part of or  
20 subject to the maximums set in this section.

21 Sec. 3. Section 903.1, subsection 2, Code 1995, is amended  
22 to read as follows:

23 2. When Except as otherwise provided in section 902.8A,  
24 when a person is convicted of an aggravated misdemeanor, and a  
25 specific penalty is not provided for, the maximum penalty  
26 shall be imprisonment not to exceed two years. There shall be  
27 a fine of at least five hundred dollars but not to exceed five  
28 thousand dollars. When a judgment of conviction of an  
29 aggravated misdemeanor is entered against any person and the  
30 court imposes a sentence of confinement for a period of more  
31 than one year the term shall be an indeterminate term.

32

DIVISION II

33 Sec. 4. NEW SECTION. 692A.1 DEFINITIONS.

34 As used in this chapter, unless the context otherwise  
35 requires:

- 1 1. "Bureau" means the department of public safety,  
2 division of criminal investigation and bureau of  
3 identification.
- 4 2. "Criminal justice agency" means an agency or department  
5 of federal, state, or local government or an entity which is  
6 wholly owned, financed, or controlled by one or more agencies  
7 or departments of federal, state, or local government, which  
8 performs as its principal function the apprehension,  
9 prosecution, adjudication, incarceration, or rehabilitation of  
10 criminal offenders.
- 11 3. "Department" means the department of public safety.
- 12 4. "Individually identified" means criminal history data  
13 which relates to a specific person by one or more of the  
14 following means of identification:
- 15 a. Name and alias if any.  
16 b. Social security number.  
17 c. Fingerprints.
- 18 5. "Sex crime" means the commission of any of the  
19 following public offenses:
- 20 a. Commission of an act prohibited under chapter 709.  
21 b. Kidnapping, which is accompanied by the intent to  
22 subject the person kidnapped to sexual abuse, as defined under  
23 section 710.1, subsection 3.  
24 c. Burglary or attempted burglary accompanied by the  
25 intent to commit sexual abuse under chapter 713.  
26 d. Incest as defined under section 726.2.  
27 e. Dissemination and exhibition of obscene material to  
28 minors in violation of section 728.2.  
29 f. Admitting minors to premises where obscene material is  
30 exhibited in violation of section 728.3.  
31 g. Sexual exploitation of a minor in violation of section  
32 728.12.  
33 h. Telephone dissemination of obscene material to minors  
34 in violation of section 728.15.  
35 i. A public offense committed under any predecessor

1 statutes to the public offenses specified under paragraphs "a"  
2 through "h".

3 j. A public offense committed in another jurisdiction  
4 which would constitute a public offense under paragraphs "a"  
5 through "h" if committed in this state.

6 6. "Sex crimes analysis information" means information and  
7 analysis of information provided to and used by the sex crimes  
8 analysis unit of the department of public safety that relates  
9 to sex crimes and sex offenders.

10 7. "Sex offender" means any person who has been convicted  
11 of or adjudicated delinquent for commission of an act which  
12 constitutes a sex crime.

13 8. "Sex offender registry" means the centralized  
14 information base maintained by the department of public  
15 safety.

16 Sec. 5. NEW SECTION. 692A.2 WHO MUST REGISTER --  
17 FREQUENCY OF REGISTRATION -- NOTICE OF DUTY TO REGISTER.

18 1. A person who is found guilty, pleads guilty, is  
19 adjudicated delinquent, or is sentenced for a sex crime shall  
20 register in the manner provided in this chapter. If a  
21 person's conviction of or delinquency adjudication for  
22 commission of an act which would constitute a sex crime is  
23 subsequently set aside or overturned, the person shall not be  
24 required to register as a sex offender due to the former  
25 conviction or adjudication.

26 2. The department may require a person convicted of or  
27 adjudicated delinquent for commission of an act which  
28 constitutes a sex crime who is incarcerated to be registered  
29 in the county of incarceration. If the registration of  
30 incarcerated sex offenders is required, the department of  
31 corrections in the case of persons committed to the custody of  
32 the director of the department of corrections, the judicial  
33 district department of correctional services in the case of  
34 persons assigned to the custody of the judicial district  
35 department of correctional services, or the department of

1 human services in the case of persons who are incarcerated in  
2 an institution subject to the control of the department of  
3 human services, shall, upon releasing the offender, notify the  
4 sheriff of the county to which the person is released. The  
5 notification does not relieve the person of the duty to  
6 register.

7 3. At the time of adjudication of delinquency or  
8 sentencing or, if the person is to be released from physical  
9 custody prior to adjudication of delinquency or sentencing, at  
10 the time of entry of a guilty plea or entry of a verdict of  
11 guilty, the court shall notify the sex offender of the  
12 person's duty to register. Failure of the court to notify a  
13 person of the duty to register does not relieve the sex  
14 offender of the duty to register.

15 4. Upon entry of sentence, adjudication of delinquency,  
16 acceptance of a plea of guilty, or entry of a verdict of  
17 guilty for a sex offense, the clerk shall forward copies of  
18 each court order and other relevant documents filed or entered  
19 in the case to the department.

20 Sec. 6. NEW SECTION. 692A.3 ANNUAL REGISTRATION  
21 REQUIRED.

22 Each sex offender shall, within ten days of release from  
23 physical custody, register initially as a sex offender with  
24 the sheriff of the county in which the sex offender takes up  
25 temporary or permanent residence. A sex offender shall  
26 register annually with the county sheriff. Renewals of  
27 registration shall be completed no later than January 15.

28 A sex offender who is age eighteen or older at the time of  
29 conviction of the sex crime shall register annually during the  
30 ten-year period which begins either with the date of  
31 conviction for the sex crime or the date of the person's  
32 release from custody, whichever date occurs later. Sex  
33 offenders who are under the age of eighteen at the time of  
34 their adjudication of delinquency for an act which constitutes  
35 a sex crime shall register annually until the person reaches

1 the age of twenty-five.

2 If a sex offender maintains more than one residence, the  
3 sex offender shall register in each county of residence in the  
4 manner required by the department. If the sex offender  
5 maintains a mobile residence, the sex offender shall register  
6 any address at which the offender resides for more than seven  
7 days and include the vehicle identification number of the  
8 mobile residence in the offender's registration information.  
9 If a sex offender who is required to register under this  
10 chapter changes the offender's temporary or permanent  
11 residence, the person shall register with the sheriff of the  
12 county in which the new residence is located, within seven  
13 days of the date on which the offender's residence changes.  
14 The sheriff shall transmit the registration information to the  
15 department in the manner provided by rules adopted by the  
16 department.

17 Sec. 7. NEW SECTION. 692A.4 REGISTRATION PROCEDURES.

18 The department shall adopt rules and develop appropriate  
19 forms regarding the registration of sex offenders which  
20 include, but are not limited to, all of the following:

21 1. REGISTRATION FORM AND CONTENTS. The department shall  
22 develop a standard registration form for use in offender  
23 registration. Forms developed shall include information  
24 regarding the sex offender's specific address, including the  
25 street name, house, apartment or lot number, any post office  
26 box, and plat number; a physical description of the residence;  
27 and a current telephone number. Forms developed shall permit  
28 the addition of other relevant information, such as, but not  
29 limited to, fingerprints, photographs, and other relevant  
30 information.

31 2. AVAILABILITY OF FORMS. Rules adopted shall provide  
32 that registration forms shall be available in each county  
33 sheriff's office, and at each facility in which sex offenders  
34 are incarcerated if the registration of incarcerated sex  
35 offenders is required. Copies of the form shall be available

1 to any person upon request.

2 3. REGISTRATION PROCEDURES. Rules adopted shall establish  
3 a procedure for initial registration, registering a change of  
4 address, a procedure for registering multiple residences, if  
5 more than one residence is maintained by an offender, and a  
6 procedure for renewal of registrations. Procedures  
7 established shall include a provision requiring registration  
8 with the sheriff of the county of a new residence within seven  
9 days of changing or adding a residence as the offender's  
10 permanent or temporary address. Rules adopted shall permit  
11 the sheriff of a county who receives a registration due to  
12 change of address, additional residences, or renewal of an old  
13 registration to require the inclusion of new fingerprints,  
14 photographs, or other relevant information as part of the  
15 offender's registration.

16 4. DUTIES OF THE SHERIFF. Rules shall establish the  
17 duties of the sheriff regarding registration forms and  
18 information and shall include a duty to transmit all  
19 information received to the department.

20 Sec. 8. NEW SECTION. 692A.5 REGISTRY CONFIDENTIAL.

21 1. The sex offender registry is a confidential record  
22 under section 22.7, subsection 9, and shall only be used for  
23 legitimate law enforcement purposes. In cases in which  
24 members of the department are participating in an  
25 investigation or arrest, or where the department has entered  
26 into an agreement with officers of other criminal justice  
27 agencies regarding dissemination of information, the  
28 department may disseminate sex offender registry information  
29 and sex crimes analysis information in the manner provided in  
30 section 692A.6.

31 2. Except in cases in which members of the department are  
32 participating in an investigation or arrest, the department  
33 and bureau may provide copies or communicate information from  
34 the sex offender registry to the following:

35 a. Criminal justice agencies.

1 b. Other public agencies, as authorized by the  
2 commissioner of public safety.

3 c. The Iowa department of human services for the purposes  
4 of carrying the duties or requirements of section 218.13,  
5 section 232.71, subsection 1, section 232.142, section 237.8,  
6 subsection 2, sections 237A.5 and 237A.20, section 600.8,  
7 subsections 1 and 2, and section 812.1.

8 d. The Iowa department of public health for the purposes  
9 of screening employees and applicants for positions of  
10 employment in health care facilities or in substance abuse  
11 treatment programs which admit juveniles and are licensed  
12 under chapter 125.

13 e. Licensed private child care and child placement  
14 agencies and certified adoption investigators for purposes of  
15 carrying out the requirements of section 237.8, subsection 2,  
16 and section 600.8, subsections 1 and 2.

17 f. A psychiatric medical institution for children licensed  
18 under chapter 135H for purposes of meeting the requirements  
19 specified in section 237.8, subsection 2, and section 600.8,  
20 subsections 1 and 2.

21 g. The board of educational examiners for purposes of  
22 carrying out duties imposed under section 272.2, subsection  
23 14.

24 3. The bureau shall maintain a list showing the individual  
25 or agency to whom the information is disseminated and the date  
26 of dissemination.

27 4. A person authorized to receive sex offender registry  
28 information shall request and may receive the information only  
29 when both of the following conditions apply:

30 a. The information is for official purposes and is in  
31 connection with prescribed duties or required pursuant to  
32 section 237.8, subsection 2, or section 237A.5.

33 b. The request for information is based upon a name,  
34 fingerprints, or other individual identifying characteristics.

35 5. Notwithstanding provisions of this section to the

1 contrary, the department may provide copies or communicate  
2 information from the sex offender registry to any youth  
3 service agency approved by the commissioner of public safety.  
4 Sex offender registry information provided by the department  
5 or bureau to authorized youth service agencies shall be  
6 limited to information regarding applicants for paid or  
7 voluntary positions, if those positions would place the  
8 applicant in direct contact with children. The department  
9 shall adopt rules that establish criteria for the  
10 qualification and approval of youth service agencies that may  
11 receive sex offender registry information.

12 6. The department may charge a fee to any non-law  
13 enforcement agency for conducting sex offender registry checks  
14 and otherwise performing duties related to providing access to  
15 sex offender registry information. The amount of the fee  
16 shall be set by the commissioner of public safety, but shall  
17 be equal to the lesser of either the cost incurred in  
18 providing the information or twenty dollars for each  
19 individual check requested. Notwithstanding any other  
20 provision to the contrary, the department may use moneys from  
21 the fee to employ clerical personnel to process sex offender  
22 registry checks for non-law enforcement purposes.

23 7. Information contained in the registry may be  
24 disseminated to law enforcement agencies in Iowa and other  
25 jurisdictions.

26 8. The department shall adopt rules to administer this  
27 section.

28 Sec. 9. NEW SECTION. 692A.6 REDISSEMINATION OF SEX  
29 OFFENDER REGISTRY INFORMATION.

30 1. Except as otherwise provided in this section, a person  
31 or agency receiving sex offender registry information from the  
32 department or bureau shall not redisseminate the information,  
33 unless all of the following apply:

34 a. The information is for official purposes in connection  
35 with prescribed duties of a criminal justice agency.

1 b. The agency maintains a list of the persons receiving  
2 the information and the date and purpose of the dissemination.

3 c. The request for information is based upon a name,  
4 fingerprints, or other individual identifying characteristics.

5 2. The department of human services may redisseminate sex  
6 offender registry information obtained pursuant to section  
7 692A.5, to persons licensed, registered, or certified under  
8 chapters 237, 237A, 238, and 600 for the purposes of section  
9 237.8, subsection 2, and section 237A.5. A person who  
10 receives information pursuant to this subsection shall not use  
11 the information other than for purposes of section 237.8,  
12 subsection 2, section 237A.5, or section 600.8, subsections 1  
13 and 2. A person who receives sex offender registry  
14 information pursuant to this subsection and who uses the  
15 information for purposes other than those permitted by this  
16 subsection or who communicates the information to another  
17 person except for the purposes permitted by this subsection is  
18 guilty of an aggravated misdemeanor.

19 3. The Iowa department of public health may redisseminate  
20 sex offender registry information obtained pursuant to section  
21 692A.5, subsection 2, to administrators of facilities licensed  
22 under chapter 125 which admit juveniles. Persons who receive  
23 sex offender registry information pursuant to this subsection  
24 shall not use the information other than for the purpose of  
25 screening employees and applicants for employment in substance  
26 abuse programs which admit juveniles and are licensed under  
27 chapter 125. A person who receives sex offender registry  
28 information pursuant to this subsection and who uses it for  
29 any other purposes or who communicates the information to any  
30 other person other than for the purposes permitted by this  
31 subsection is guilty of an aggravated misdemeanor.

32 4. A peace officer, criminal justice agency, or state or  
33 federal regulatory agency shall not redisseminate sex crimes  
34 analysis information outside the agency, received from the  
35 department or bureau or from any other source, except as

1 provided in subsection 1, paragraphs "a" through "c".

2 Sec. 10. NEW SECTION. 692A.7 FAILURE TO COMPLY.

3 Failure to register as required under this chapter is a  
4 serious misdemeanor for a first offense, an aggravated  
5 misdemeanor for a second offense, and a class "D" felony for a  
6 third or subsequent offense. Any fine imposed for a second or  
7 subsequent offense shall not be suspended. The court shall  
8 not defer the judgment or sentence for any violation of this  
9 chapter. The failure of a sex offender who is on probation or  
10 parole to register as required under this chapter shall result  
11 in the automatic revocation of the sex offender's probation or  
12 parole.

13 A conviction for, deferred judgment for, or plea of guilty  
14 to, a violation of this section which occurred more than ten  
15 years prior to the date of the violation charged shall not be  
16 considered in determining that the violation charged is a  
17 second, third, or subsequent offense. For purposes of  
18 determining if a violation is a second or subsequent offense,  
19 deferred judgments entered pursuant to section 907.3 for  
20 violations of this section and convictions or the equivalent  
21 of deferred judgments entered for violations in any other  
22 states under sex offender registry provisions that are  
23 substantially similar to those contained in this section shall  
24 be counted as previous offenses. The court shall judicially  
25 notice the statutes of other states which establish offenses  
26 substantially equivalent to this section. Each violation for  
27 which a conviction or deferral judgment is entered prior to  
28 the date of the violation charged shall be considered and  
29 counted as a separate previous offense.

30 Sec. 11. NEW SECTION. 692A.8 ACQUITTALS BY REASON OF  
31 INSANITY -- PSYCHIATRIC EVALUATION.

32 If a person is found not guilty by reason of insanity of  
33 any sex crime, the court shall order that the person undergo  
34 an independent psychiatric evaluation in order to determine  
35 whether the offender suffers from a permanent psychiatric

1 disorder, and whether the disorder can be treated. The  
2 results of the examination shall be reported to the court.

3 Sec. 12. NEW SECTION. 692A.9 SEX CRIMES ANALYSIS UNIT.

4 If the commissioner of public safety determines that  
5 sufficient funds are appropriated or received, the department  
6 shall establish a sex crimes analysis unit to maintain the sex  
7 offender registry, to conduct research and analysis related to  
8 sex crimes and sex offenders, and to perform other duties  
9 required under this chapter.

10 Sec. 13. NEW SECTION. 692A.10 REDISSEMINATION OF SEX  
11 CRIMES ANALYSIS INFORMATION.

12 1. Information obtained by the sex crimes analysis unit is  
13 a confidential record under section 22.7, subsection 9. The  
14 department or bureau may compile and disseminate sex crimes  
15 analysis information to criminal justice agencies for official  
16 law enforcement purposes. The department may compile and  
17 disseminate sex crimes analysis information in the form of  
18 statistical or law enforcement reports derived from sex crimes  
19 analysis information or as the basis of further study if  
20 individual identities are not ascertainable.

21 The bureau, with the approval of the commissioner of public  
22 safety, may disseminate sex crimes analysis information to  
23 persons conducting bona fide research, if the data is not  
24 individually identified.

25 2. The department may compile and disseminate sex crimes  
26 analysis information that may aid in the investigation,  
27 apprehension, or prosecution of a criminal case to criminal  
28 justice agencies. The information shall not be redisseminated  
29 unless the redissemination is to aid in the investigation,  
30 apprehension, or prosecution of a suspect.

31 Sec. 14. NEW SECTION. 692A.11 REGISTRY ADMINISTRATION  
32 FUND.

33 A registry administration fund is created as a repository  
34 for the moneys collected as a result of the imposition of the  
35 civil penalty under section 901.11 and any additional funds

1 that may be appropriated by the general assembly or received  
2 from other sources. The fund is established as a separate  
3 fund in the state treasury and, notwithstanding section 8.33,  
4 any balance remaining in the fund on June 30 of any fiscal  
5 year shall not revert to the general fund of the state.  
6 Moneys in the fund are appropriated for and shall be used to  
7 cover the costs incurred by the sex crimes analysis unit to  
8 maintain the sex offender registry and perform the other  
9 duties required under this chapter.

10 Sec. 15. NEW SECTION. 901.11 CIVIL PENALTY FOR SEX  
11 OFFENDERS.

12 A person who is found guilty, pleads guilty, or is  
13 sentenced for any crime included in chapter 709; kidnapping,  
14 which is accompanied by the intent to subject the person  
15 kidnapped to sexual abuse, as defined under section 710.1,  
16 subsection 3; burglary or attempted burglary accompanied by  
17 the intent to commit sexual abuse under chapter 713; incest as  
18 defined under section 726.2; dissemination and exhibition of  
19 obscene material to minors in violation of section 728.2;  
20 admitting minors to premises where obscene material is  
21 exhibited in violation of section 728.3; sexual exploitation  
22 of a minor in violation of section 728.12; or telephone  
23 dissemination of obscene material to minors in violation of  
24 section 728.15 shall, in addition to any other penalty, be  
25 assessed a civil penalty of one hundred dollars. The money  
26 collected under this section shall be transmitted to the  
27 treasurer of state who shall deposit the money in the registry  
28 administration fund established under section 692A.11.

29 Sec. 16. Section 907.3, subsection 1, Code 1995, is  
30 amended by adding the following new paragraph:

31 NEW PARAGRAPH. j. The offense is a failure to register in  
32 violation of chapter 692A.

33 Sec. 17. Section 907.3, subsection 2, Code 1995, is  
34 amended to read as follows:

35 2. At the time of or after pronouncing judgment and with

1 the consent of the defendant, the court may defer the sentence  
2 and assign the defendant to the judicial district department  
3 of correctional services. However, the court shall not defer  
4 the sentence for a violation of section 708.2A if the  
5 defendant has previously received a deferred judgment or  
6 sentence for a violation of section 708.2 or 708.2A which was  
7 issued on a domestic abuse assault, or if similar relief was  
8 granted anywhere in the United States concerning that  
9 jurisdiction's statutes which substantially correspond to  
10 domestic abuse assault as provided in section 708.2A. In  
11 addition, the court shall not defer a sentence if it is  
12 imposed for contempt pursuant to section 236.8 or 236.14, or  
13 if it is imposed for a violation of chapter 692A. Upon a  
14 showing that the defendant is not fulfilling the conditions of  
15 probation, the court may revoke probation and impose any  
16 sentence authorized by law. Before taking such action, the  
17 court shall give the defendant an opportunity to be heard on  
18 any matter relevant to the proposed action. Upon violation of  
19 the conditions of probation, the court may proceed as provided  
20 in chapter 908.

21

## EXPLANATION

22 Division I of this bill provides that a person who is  
23 convicted two times of a crime that is classified as a serious  
24 sex offense is to be imprisoned for the rest of the person's  
25 life. The term "serious sex offense" is defined to include  
26 certain violations of the sexual abuse chapter, pandering  
27 involving a minor, child endangerment involving physical or  
28 sexual abuse, and sexual exploitation of a minor. Persons  
29 sentenced as an habitual sex offender are not eligible for  
30 parole, a suspended or deferred sentence, or deferred  
31 judgment.

32 Division II of this bill establishes a registry for and  
33 imposes a requirement to register on persons who have been  
34 convicted of, adjudicated delinquent for an act which  
35 constitutes, or have been sentenced for an act which is

1 defined as a sex offense. Sex offenses include any of the  
2 offenses listed in the chapter regarding sexual abuse;  
3 kidnapping, if the act includes the intent to subject the  
4 person kidnapped to sexual abuse; incest; burglary or  
5 attempted burglary which is accompanied by the intent to  
6 commit sexual abuse under chapter 713; sexual exploitation of  
7 a minor; dissemination and exhibition of obscene material to  
8 minors; admitting minors to premises where obscene material is  
9 exhibited; any public offense under any predecessor statutes  
10 to those which define the crimes previously enumerated; and  
11 any public offense committed in another jurisdiction that is  
12 equivalent to the offenses previously enumerated. The  
13 department of public safety is required to develop forms and  
14 adopt rules necessary to implement the registry, including  
15 rules relating to initial registration, registration renewals,  
16 registration of changes in address, registration of multiple  
17 addresses, and registration of mobile dwellings. The  
18 department is also required to develop a standard form for use  
19 in the registry and adopt rules relating to when and where the  
20 form is to be made available and filed, as well as rules that  
21 define the duties of the county sheriff relating to  
22 information in the form.

23 The court is required to provide notice, before the  
24 offender's release, to sex offenders of the duty to register.  
25 Failure to provide the notice does not relieve an offender of  
26 the duty to register. The registry is deemed a criminal  
27 identification file of a law enforcement agency and is  
28 therefore a confidential record under the public records law.  
29 Restrictions are placed on the redissemination of sex offender  
30 registry information. A failure to register as required under  
31 the bill is a serious misdemeanor for a first offense, an  
32 aggravated misdemeanor for a second offense, and a class "D"  
33 felony for a third or subsequent offense. A failure to  
34 register will result in the automatic revocation of the  
35 probation or parole of a sex offender. Persons who are

1 convicted of a failure to register as a sex offender are  
2 ineligible for deferred judgments or deferred sentences.  
3 Contingent upon funding, the department is required to  
4 establish a sex crimes analysis unit to manage the registry  
5 and to conduct research and analysis related to sex crimes and  
6 sex offenders. Sex crimes analysis information is also  
7 confidential record under the public records law and  
8 restrictions are placed on the redissemination of sex crimes  
9 analysis information. A new civil penalty is established for  
10 sex offenders, which is to be deposited in a special fund,  
11 appropriated, and used to defray the costs of the sex crimes  
12 analysis unit.

13 This bill may create a state mandate under chapter 25B.

- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28
- 29
- 30
- 31
- 32
- 33
- 34
- 35