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JUDICIARY

SENATE FILE 2116

BY ANGELO

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

A BILL FOR

1 An Act relating to the registration of sex offenders, by making  
 2 changes in the registry information which must be provided by  
 3 an offender, making changes to contempt procedures applicable  
 4 to a refusal to register, changing the procedures applicable  
 5 to release of information from the registry, and providing for  
 6 the assessment of risk of persons required to register as sex  
 7 offenders.

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

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S.F. 2116

1 Section 1. Section 692A.3, subsections 2, 3, and 4, Code  
2 1997, are amended to read as follows:

3 2. A person required to register under this chapter shall,  
4 within ten days of changing residence within a county in this  
5 state or within ten days of a change in the person's name as a  
6 result of divorce, marriage, or a legal name change, notify  
7 the sheriff of the county in which the person is registered of  
8 the change of address and any changes in the person's  
9 telephone number or the change of name in writing on a form  
10 provided by the sheriff. The sheriff shall send a copy of the  
11 change of address information to the department within three  
12 working days of receipt of notice of the address change. The  
13 sex offender registry shall maintain and make available  
14 information from the registry cross-referenced by name at the  
15 time of conviction and by name subsequent to any change.

16 3. A person required to register under this chapter shall  
17 register with the sheriff of a county in which residence has  
18 been newly established and notify the sheriff of the county in  
19 which the person was registered, within ten days of changing  
20 residence to a location outside the county in which the person  
21 was registered. Registration shall be in writing on a form  
22 provided by the sheriff and shall include the person's change  
23 of address and any changes to the person's telephone number or  
24 name. The sheriff shall send a copy of the change of address  
25 information to the department within three working days of  
26 receipt of notice of the address change.

27 4. A person required to register under this chapter shall  
28 notify the sheriff of the county in which the person is  
29 registered, within ten days of changing residence to a  
30 location outside this state, of the new residence address and  
31 any changes in telephone number ~~and shall register in the~~  
32 ~~other state within the ten days, if persons are required to~~  
33 ~~register under the laws of the other state~~ or name. The  
34 sheriff shall send a copy of the change of ~~address~~ to the  
35 department within three working days of receipt of notice of

1 the address change. The person must register with the  
2 registering agency of the other state within ten days of  
3 changing residency, if persons are required to register under  
4 the laws of the other state. The department or the sheriff of  
5 the county in this state in which the person last resided may  
6 notify the registering agency in the other state of the  
7 registrant's new address, telephone number, or name.

8 Sec. 2. Section 692A.5, subsection 1, Code Supplement  
9 1997, is amended by adding the following new paragraph:

10 NEW PARAGRAPH. f. Inform the person that if the person  
11 changes the person's name, the person must give the person's  
12 new name to the sheriff's department in the county of the  
13 person's residence within ten days of changing names.

14 Sec. 3. Section 692A.5, subsection 2, unnumbered paragraph  
15 2, Code Supplement 1997, is amended to read as follows:

16 If the offender refuses to register, the sheriff, warden,  
17 or superintendent shall immediately notify a prosecuting  
18 attorney of the refusal to register. The prosecuting attorney  
19 may shall bring a contempt of court action against the  
20 offender in the county in which the offender was convicted or,  
21 if the offender no longer resides in that county, in the  
22 county in which the offender resides. An offender who refuses  
23 to register may shall be held in contempt and may be  
24 incarcerated following the entry of judgment by the court on  
25 the contempt action until the offender complies with the  
26 registration requirements.

27 Sec. 4. Section 692A.9, Code 1997, is amended to read as  
28 follows:

29 692A.9 REGISTRATION FORMS.

30 Registration forms shall be prepared by the department and  
31 shall include the registrant's name at the time of conviction  
32 and any change of name as a result of divorce, marriage, or  
33 legal name change, the registrant's social security number,  
34 date of birth, the registrant's current address, and, if  
35 applicable, the registrant's telephone number. The forms may

1 provide for the reporting of additional relevant information  
2 such as, but not limited to, fingerprints and photographs but  
3 shall not include information identifying the victim of the  
4 crime of which the registrant was convicted. Copies of blank  
5 forms shall be available upon request to any person from the  
6 sheriff.

7 Sec. 5. Section 692A.10, subsection 4, Code 1997, is  
8 amended to read as follows:

9 4. Adopt rules under chapter 17A, as necessary, to ensure  
10 compliance with registration and verification requirements of  
11 this chapter, to provide guidelines for persons required to  
12 assist in obtaining registry information, and to provide a  
13 procedure for the dissemination of information contained in  
14 the registry. The procedure for the dissemination of  
15 information shall include, but not be limited to, practical  
16 guidelines for use by criminal or juvenile justice agencies in  
17 ~~determining-when-public~~ for release of information contained  
18 in the registry ~~is-appropriate-and-a-requirement-that-if-a~~  
19 ~~member-of-the-general-public-requests-information-regarding-a~~  
20 ~~specific-individual-in-the-manner-provided-in-section-692A.13,~~  
21 ~~subsection-67-the-information-shall-be-released.~~ The  
22 department, in developing the procedure, shall consult with  
23 associations which represent the interests of law enforcement  
24 officers. Rules adopted shall also include a procedure for  
25 removal of information from the registry upon the reversal or  
26 setting aside of a conviction of a person who is registered  
27 under this chapter.

28 Sec. 6. Section 692A.13, subsection 3, Code 1997, is  
29 amended to read as follows:

30 3. The department or a criminal or juvenile justice agency  
31 ~~with-case-specific-authorization-from-the-department~~ may  
32 release relevant information from the registry ~~regarding-a~~  
33 ~~criminal-offense-against-a-minor,-sexual-exploitation,-or-a~~  
34 ~~sexually-violent-offense,-that-is-necessary-to-protect-the~~ to  
35 members of the general public concerning a specific person who

1 is required to register under this chapter as follows:

2 a. Any person may contact a sheriff's office or a police  
3 department in writing to request information regarding any  
4 person required to register. A request for information shall  
5 include the name and one or more of the following identifiers  
6 pertaining to the person about whom information is sought:

7 (1) The person's date of birth.

8 (2) The person's social security number.

9 (3) The person's address.

10 b. A county sheriff or a police department shall also  
11 provide to any person upon request a list of all registrants  
12 in that county who are classified as "at-risk".

13 c. For offenders who are classified as "at-risk", the  
14 department or a criminal or juvenile justice agency may also  
15 release the offender's name, a photograph, locations  
16 frequented by the offender, and relevant criminal history  
17 information from the registry to public and private schools,  
18 child day care centers, family day care providers, businesses,  
19 and organizations that serve primarily children, women, or  
20 vulnerable adults, and neighbors and community groups, or to  
21 the public at large. The extent of public disclosure of the  
22 information shall be rationally related to the following:

23 (1) The level of risk posed by the offender to the  
24 community.

25 (2) The locations where the offender resides, expects to  
26 reside, or is regularly found.

27 (3) The needs of the affected community members for  
28 information to enhance their individual and collective safety.

29 d. The department shall provide electronic access to  
30 relevant information from the registry pertaining to offenders  
31 who have been classified as "at-risk".

32 Sec. 7. Section 692A.13, subsection 6, Code 1997, is  
33 amended by striking the subsection and inserting in lieu  
34 thereof the following:

35 6. The department of corrections, the department of human

1 services, and the division of criminal investigation of the  
2 department of public safety shall, in consultation with one  
3 another, develop methods and procedures for the assessment of  
4 the risk that persons required to register under this chapter  
5 pose of reoffending. The department of corrections, the  
6 department of human services, and the division of criminal  
7 investigation of the department of public safety shall, in  
8 consultation with one another, adopt rules relating to  
9 assessment procedures. The assessment procedures shall  
10 include procedures for the sharing of information between the  
11 department of corrections, department of human services, and  
12 the division of criminal investigation of the department of  
13 public safety, as well as the communication of the results of  
14 the risk assessment to criminal and juvenile justice agencies.  
15 The assignment of responsibility for the assessment of risk  
16 shall be as follows:

17 a. The department of corrections shall perform the  
18 assessment of risk for persons who are incarcerated in  
19 institutions under the control of the director of the  
20 department of corrections, persons who are under the  
21 supervision of the department of corrections or a judicial  
22 district department of correctional services, and persons who  
23 are under the supervision or control of the department of  
24 corrections or a judicial district department of correctional  
25 services through an interstate compact.

26 b. The department of human services shall perform the  
27 assessment of risk for persons who are confined in  
28 institutions under the control of the director of human  
29 services, persons who are under the supervision of the  
30 department of human services, and persons who are under the  
31 supervision or control of the department of human services  
32 through an interstate compact.

33 c. The division of criminal investigation of the  
34 department of public safety shall perform the assessment of  
35 risk for persons who have moved to Iowa but are not under the

1 is required to register under this chapter as follows:

2 a. Any person may contact a sheriff's office or a police  
3 department in writing to request information regarding any  
4 person required to register. A request for information shall  
5 include the name and one or more of the following identifiers  
6 pertaining to the person about whom information is sought:

7 (1) The person's date of birth.

8 (2) The person's social security number.

9 (3) The person's address.

10 b. A county sheriff or a police department shall also  
11 provide to any person upon request a list of all registrants  
12 in that county who are classified as "at-risk".

13 c. For offenders who are classified as "at-risk", the  
14 department or a criminal or juvenile justice agency may also  
15 release the offender's name, a photograph, locations  
16 frequented by the offender, and relevant criminal history  
17 information from the registry to public and private schools,  
18 child day care centers, family day care providers, businesses,  
19 and organizations that serve primarily children, women, or  
20 vulnerable adults, and neighbors and community groups, or to  
21 the public at large. The extent of public disclosure of the  
22 information shall be rationally related to the following:

23 (1) The level of risk posed by the offender to the  
24 community.

25 (2) The locations where the offender resides, expects to  
26 reside, or is regularly found.

27 (3) The needs of the affected community members for  
28 information to enhance their individual and collective safety.

29 d. The department shall provide electronic access to  
30 relevant information from the registry pertaining to offenders  
31 who have been classified as "at-risk".

32 Sec. 7. Section 692A.13, subsection 6, Code 1997, is  
33 amended by striking the subsection and inserting in lieu  
34 thereof the following:

35 6. The department of corrections, the department of human

1 services, and the division of criminal investigation of the  
2 department of public safety shall, in consultation with one  
3 another, develop methods and procedures for the assessment of  
4 the risk that persons required to register under this chapter  
5 pose of reoffending. The department of corrections, the  
6 department of human services, and the division of criminal  
7 investigation of the department of public safety shall, in  
8 consultation with one another, adopt rules relating to  
9 assessment procedures. The assessment procedures shall  
10 include procedures for the sharing of information between the  
11 department of corrections, department of human services, and  
12 the division of criminal investigation of the department of  
13 public safety, as well as the communication of the results of  
14 the risk assessment to criminal and juvenile justice agencies.  
15 The assignment of responsibility for the assessment of risk  
16 shall be as follows:

17 a. The department of corrections shall perform the  
18 assessment of risk for persons who are incarcerated in  
19 institutions under the control of the director of the  
20 department of corrections, persons who are under the  
21 supervision of the department of corrections or a judicial  
22 district department of correctional services, and persons who  
23 are under the supervision or control of the department of  
24 corrections or a judicial district department of correctional  
25 services through an interstate compact.

26 b. The department of human services shall perform the  
27 assessment of risk for persons who are confined in  
28 institutions under the control of the director of human  
29 services, persons who are under the supervision of the  
30 department of human services, and persons who are under the  
31 supervision or control of the department of human services  
32 through an interstate compact.

33 c. The division of criminal investigation of the  
34 department of public safety shall perform the assessment of  
35 risk for persons who have moved to Iowa but are not under the

1 supervision of the department of corrections, a judicial  
2 department of correctional services, or the department of  
3 human services; for federal parolees or probationers; for  
4 persons who have been released from a county jail but are not  
5 under the supervision of the department of corrections, a  
6 judicial department of correctional services, or the  
7 department of human services; and for persons who are  
8 convicted and released by the courts and are not incarcerated  
9 or placed under supervision pursuant to the court's sentencing  
10 order.

11 Sec. 8. Section 692A.13, Code 1997, is amended by adding  
12 the following new subsection:

13 NEW SUBSECTION. 6A. By January 1, 1999, the department of  
14 corrections, the department of human services, and the  
15 division of criminal investigation of the department of public  
16 safety shall, in consultation with one another and  
17 associations which represent criminal and juvenile justice  
18 agencies, develop a model policy for disclosure of information  
19 about persons required to register under this chapter to  
20 members of the general public. The model policy shall be  
21 designed to further the objectives of providing adequate and  
22 timely notice to the community concerning sex offenders who  
23 are or will be residing in the community and of assisting  
24 community members in developing constructive plans to prepare  
25 themselves.

26 EXPLANATION

27 This bill makes changes in the notification and offender  
28 reporting requirements under the sex offender registry chapter  
29 of the Code and provides a mechanism for the assessment of  
30 offender risk.

31 Language is added to the provisions relating to changes in  
32 information pertaining to a registrant to require that the  
33 person provide information relating to certain new legal name  
34 changes and to provide that the registry be cross-referenced  
35 by name at the time of conviction and by name subsequent to

1 any change. The bill also requires that sex offenders who  
2 move to another state must register with the registering  
3 agency of the other state within 10 days of changing residency  
4 if sex offenders are required to register under the laws of  
5 that state. The department or the sheriff of the county in  
6 this state may notify the registering agency in the other  
7 state of the registrant's new address, telephone number, or  
8 name.

9 The contempt procedures applicable to an offender refusing  
10 to register are changed to require a prosecutor to bring a  
11 contempt of court action and to permit the action to be  
12 brought in the county where the offender resides if the  
13 offender no longer resides in the county in which the  
14 conviction for the sex offense was obtained.

15 The public notification provisions are modified to provide  
16 that any person may contact a sheriff's office or police  
17 department in writing to request information regarding any  
18 person who is required to register. The request must include  
19 the registrant's name and at least one of the following  
20 additional identifiers: the registrant's date of birth,  
21 social security number, or address. Additionally, the county  
22 sheriff or a police department is to provide to any person  
23 upon request a list of all registrants in that county who are  
24 classified as "at-risk" of reoffending. For offenders who are  
25 classified as "at-risk", the department or a criminal or  
26 juvenile justice agency may release the offender's name, a  
27 photograph, locations frequented by the offender, and relevant  
28 criminal history information from the registry to public and  
29 private schools, child day care centers, family day care  
30 providers, businesses and organizations that serve primarily  
31 children, women, or vulnerable adults, and neighbors and  
32 community groups, or to the public at large. Releases of  
33 information are to be rationally related to the level of risk  
34 posed by the offender, the locations where the offender  
35 resides or may be found, and the needs of the affected

1 community members. The department is also to provide  
2 electronic access to relevant information from the registry  
3 which pertains to offenders who have been classified as "at-  
4 risk".

5 The department of corrections, the department of human  
6 services, and the division of criminal investigation of the  
7 department of public safety, in consultation with one another,  
8 shall develop methods and procedures for the assessment of  
9 persons required to register as sex offenders and sexually  
10 violent predators and are to perform assessments of offenders  
11 who are under their respective jurisdictions. The departments  
12 are also to include as part of the assessment procedures,  
13 procedures for the sharing of information between the  
14 departments and communication of the risk assessment results  
15 to criminal and juvenile justice agencies.

16 The department of corrections, the department of human  
17 services, and the division of criminal investigation of the  
18 department of public safety, in consultation with each other  
19 and the associations which represent criminal and juvenile  
20 justice agencies, are to develop, by January 1, 1999, a model  
21 policy for disclosure of information to members of the public  
22 about persons required to register as sex offenders.

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