

Barry, Ch
Raecker
Bell

HSB 3

JUDICIARY

Submitted by
SF 136

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
JUDICIARY BILL BY CHAIR-
PERSON LARSON)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the criminal offenses that require
2 registration as provided in the sex offender registry law and
3 providing an effective date.

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

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1 Section 1. Section 692A.1, subsection 3, Code 1999, is
2 amended by adding the following new paragraphs before
3 paragraph a and redesignating paragraphs a through k as c
4 through m:

5 NEW PARAGRAPH. a. Kidnapping of a minor, except for the
6 kidnapping of a minor in the third degree committed by a
7 parent.

8 NEW PARAGRAPH. b. False imprisonment of a minor, except
9 if committed by a parent.

10 Sec. 2. Section 692A.1, subsection 3, paragraph 1, Code
11 1999, is amended to read as follows:

12 ± n. An indictable offense committed in another
13 jurisdiction which would constitute an indictable offense
14 under paragraphs "a" through "~~k~~" "m".

15 Sec. 3. Section 692A.1, subsection 7, paragraph d, Code
16 1999, is amended to read as follows:

17 d. Any of the following offenses, if the offense involves
18 sexual abuse or attempted sexual abuse: murder, attempted
19 murder, kidnapping, ~~false-imprisonment~~, burglary, or
20 manslaughter.

21 Sec. 4. EFFECTIVE DATE. This Act, being deemed of
22 immediate importance, takes effect upon enactment.

23 EXPLANATION

24 This bill amends the sex offender registry chapter by
25 making changes to the list of offenses that require
26 registration. The bill adds two offenses to the list of
27 offenses included in the definition of "criminal offense
28 against a minor" and strikes an offense in the definition of
29 "sexually violent offense" in order to comply with the
30 mandatory guidelines of the federal Jacob Wetterling Act.

31 The definition of the term "criminal offense against a
32 minor" is amended by adding two offenses, kidnapping, and
33 false imprisonment. If an offender is convicted of either
34 kidnapping or ~~false imprisonment~~ of a minor, the offender must
35 register pursuant to the sex offender registry law. However,

1 the bill provides an exception for kidnapping in the third
2 degree or false imprisonment which is committed by the minor's
3 parent.

4 The definition of the term "sexually violent offense" is
5 also amended by striking the offense of false imprisonment.
6 This offense is now contained in the definition of "criminal
7 offense against a minor" which requires registration if the
8 offense is against a minor but not an adult.

9 An offender convicted of an offense requiring registration
10 pursuant to the sex offender registry chapter, is required to
11 register the person's name, telephone number, and home address
12 with the county sheriff for a period of 10 years commencing
13 after placement on probation and parole or another form of
14 release from custody.

15 This bill takes effect upon enactment.

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S 2/2/99 Judiciary
S. 2/23/99 Amend/Do Pass w/53018

JAN 26 1999

Place On Calendar

HOUSE FILE **136**
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 3)

(P. 217)
Passed House, Date 2/1/99 Passed Senate, Date 3/24/99
Vote: Ayes 78 Nays 22 Vote: Ayes 49 Nays 0
Approved April 14, 1999
Passed 4/1/99
Vote 97-0
(P. 1013)

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HF 136

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30 mandatory guidelines of the federal Jacob Wetterling Act.

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**HOUSE FILE 136
FISCAL NOTE**

A fiscal note for House File 136 is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note is available from the Legislative Fiscal Bureau to members of the Legislature upon request.

This bill amends the Sex Offender Registry Chapter by adding kidnapping and false imprisonment to the list of offenses which require registration with the Sex Offender Registry. The bill provides for the exception of kidnapping in the third degree or false imprisonment committed by the minor's parent. The definition of the term "sexually violent offense" is also amended by striking the offense of false imprisonment which is now contained in the definition of "criminal offense against a minor."

BACKGROUND

Iowa will receive approximately \$5.9 million in FY 1999 from the Federal Drug Control and System Improvement Grant funding which is administered by the Governor's Alliance on Substance Abuse (GASA). Eighty percent of this funding is passed through to local governments. The United States Department of Justice has indicated that Iowa has until September 1999 to come into compliance with the federal requirements and guidelines pertaining to the Jacob Wetterling Act. In order to be in compliance, Iowa must add kidnapping and false imprisonment, except by a parent, to the list of offenses requiring registration on the Sex Offender Registry. States that fail to comply will lose 10.0% of their Drug Control and System Improvement Grant money.

ASSUMPTIONS

1. The United States Department of Justice will not waive the kidnapping and false imprisonment requirements.
2. The Governor's Alliance on Substance Abuse anticipates federal funding for the Drug Control and System Improvement Grant will increase in future years.

FISCAL IMPACT

The fiscal impact of House File 136 based on the FY 1999 funding level will result in a 10.0% (\$590,000) reduction annually in Federal Drug Control and System Improvement Grant funding to the State of Iowa.

SOURCES

Governor's Alliance on Substance Abuse
Department of Public Safety

(LSB 1092hv, CRS)

HOUSE FILE 136

S-3018

- 1 Amend House File 136, as passed by the House, as
2 follows:
3 1. Page 1, by inserting after line 20 the
4 following:
5 "Sec. ____ . Section 692A.13, Code 1999, is amended
6 by adding the following new subsection:
7 NEW SUBSECTION. 8A. A criminal or juvenile
8 justice agency shall not initiate affirmative public
9 notification regarding an individual who has been
10 convicted of kidnapping or false imprisonment, and the
11 crime did not involve attempted sexual abuse or sexual
12 abuse, and the person has not committed another
13 offense that would require the person to register."
14 2. By renumbering as necessary.

By COMMITTEE ON JUDICIARY
ANDY MCKEAN, Chairperson

adopted 3/24/99 (P. 761)

S-3018 FILED FEBRUARY 23, 1999

MARCH 25, 1999

H-1205

SENATE AMENDMENT TO HOUSE FILE 136

- 1 Amend House File 136, as passed by the House, as
2 follows:
3 1. Page 1, by inserting after line 20 the
4 following:
5 "Sec. ____ . Section 692A.13, Code 1999, is amended
6 by adding the following new subsection:
7 NEW SUBSECTION. 8A. A criminal or juvenile
8 justice agency shall not initiate affirmative public
9 notification regarding an individual who has been
10 convicted of kidnapping or false imprisonment, and the
11 crime did not involve attempted sexual abuse or sexual
12 abuse, and the person has not committed another
13 offense that would require the person to register."
14 2. By renumbering as necessary.

RECEIVED FROM THE SENATE

H-1205 FILED MARCH 24, 1999

Have Concurred 4/1/99 (P. 1013)

AN ACT

RELATING TO THE CRIMINAL OFFENSES THAT REQUIRE REGISTRATION AS PROVIDED IN THE SEX OFFENDER REGISTRY LAW AND PROVIDING AN EFFECTIVE DATE.

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

Section 1. Section 692A.1, subsection 3, Code 1999, is amended by adding the following new paragraphs before paragraph a and redesignating paragraphs a through k as c through m:

NEW PARAGRAPH. a. Kidnapping of a minor, except for the kidnapping of a minor in the third degree committed by a parent.

NEW PARAGRAPH. b. False imprisonment of a minor, except if committed by a parent.

Sec. 2. Section 692A.1, subsection 3, paragraph 1, Code 1999, is amended to read as follows:

1 n. An indictable offense committed in another jurisdiction which would constitute an indictable offense under paragraphs "a" through "k" "m".

Sec. 3. Section 692A.1, subsection 7, paragraph d, Code 1999, is amended to read as follows:

d. Any of the following offenses, if the offense involves sexual abuse or attempted sexual abuse: murder, attempted murder, kidnapping, false imprisonment, burglary, or manslaughter.

Sec. 4. Section 692A.13, Code 1999, is amended by adding the following new subsection:

NEW SUBSECTION. 8A. A criminal or juvenile justice agency shall not initiate affirmative public notification regarding an individual who has been convicted of kidnapping or false imprisonment, and the crime did not involve attempted sexual

abuse or sexual abuse, and the person has not committed another offense that would require the person to register.

Sec. 5. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

RON J. CORBETT
Speaker of the House

MARY E. KRAMER
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 136, Seventy-eighth General Assembly.

ELIZABETH ISAACSON
Chief Clerk of the House

Approved April 14, 1999

THOMAS J. VILSACK
Governor