

Substitutes for HF 2154  
2/15/00

2/2/00 Do Pass

LEGISLATIVE  
FILED JAN 20 2000

SENATE FILE 2031  
BY ANGELO

(p. 192)  
Passed Senate, Date 2/7/00  
Vote: Ayes 46 Nays 0

(p. 321)  
Passed House, Date 2/16/00  
Vote: Ayes 98 Nays 0

Approved April 5, 2000

(p. 858)  
Re Passed 3-27-00  
Vote 48-0

**A BILL FOR**

1 An Act relating to violations of the sex offender registry  
2 requirements and providing an effective date.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

**SENATE FILE 2031**

**H-8038**

1 Amend the amendment, H-8024, to Senate File 2031,  
2 as passed by the Senate, as follows:  
3 1. Page 2, by inserting after line 34 the  
4 following:  
5 "\_\_\_\_. Page 1, line 25, by striking the words  
6 "This Act" and inserting the following: "The section  
7 of this Act amending section 692A.7"."

By MASCHER of Johnson

H-8038 FILED FEBRUARY 16, 2000

adopted 2/15/00  
(p. 321)

SF 2031

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1 Section 1. Section 692A.7, subsection 1, Code 1999, is  
2 amended to read as follows:

3 1. ~~A willful-failure-to-register-as-required-under-this~~  
4 ~~chapter-is~~ person required to register under this chapter who  
5 knowingly violates any requirements specified under sections  
6 692A.2 through 692A.4 commits an aggravated misdemeanor for a  
7 first offense and a class "D" felony for a second or  
8 subsequent offense. However, a person ~~who-willfully-fails-to~~  
9 ~~register-as-required-under-this-chapter~~ required to register  
10 under this chapter who knowingly violates any of the  
11 requirements specified under sections 692A.2 through 692A.4  
12 and who commits a criminal offense against a minor, sexual  
13 exploitation, an other relevant offense, or a sexually violent  
14 offense is guilty of a class "C" felony. Any fine imposed for  
15 a second or subsequent offense violation shall not be  
16 suspended. The court shall not defer judgment or sentence for  
17 any violation of ~~the-registration~~ any requirements of-this  
18 ~~chapter~~ specified under sections 692A.2 through 692A.4. The  
19 ~~willful-failure~~ A knowing violation of a person who is on  
20 probation, parole, or work release, or any other form of  
21 release to ~~register-as-required-under-this-chapter~~ comply with  
22 any requirements specified under sections 692A.2 through  
23 692A.4 shall result in the automatic revocation of the  
24 person's probation, parole, or work release.

25 Sec. 2. EFFECTIVE DATE. This Act, being deemed of  
26 immediate importance, takes effect upon enactment.

27 EXPLANATION

28 This bill makes changes to the criminal penalties relating  
29 to the sex offender registry. The bill provides that an  
30 offender who knowingly violates any provision in Code sections  
31 692A.2 through 692A.4 of the sex offender registry law commits  
32 an aggravated misdemeanor for a first offense and a class "D"  
33 felony for a second or subsequent offense. The bill also  
34 provides that an offender who knowingly violates Code sections  
35 692A.2 through 692A.4 of the sex offender registry law and

1. subsequently commits an offense against a minor or certain  
2 sexual offenses commits a class "C" felony. The bill also  
3 provides that an offender shall have the offender's probation,  
4 parole, or work release revoked, if the offender knowingly  
5 commits a violation.

6 A class "C" felony is punishable by confinement for no more  
7 than 10 years and a fine of at least \$1,000 but not more than  
8 \$10,000. A class "D" felony is punishable by confinement for  
9 no more than five years and a fine of at least \$750 but not  
10 more than \$7,500. An aggravated misdemeanor is punishable by  
11 confinement for no more than two years and a fine of at least  
12 \$500 but not more than \$5,000.

13 The bill takes effect upon enactment.

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SENATE FILE 2031

H-8024

1 Amend Senate File 2031, as passed by the Senate, as  
2 follows:

3 1. Page 1, by inserting before line 1 the  
4 following:

5 "Section 1. Section 692A.3, Code Supplement 1999,  
6 is amended to read as follows:

7 692A.3 REGISTRATION PROCESS.

8 1. A person required to register under this  
9 chapter shall register with the sheriff of the county  
10 of the person's residence within ten five days of  
11 establishment of residence in this state or within ten  
12 five days of any conviction for which the person is  
13 not incarcerated, a release from custody, or placement  
14 on probation, parole, or work release. A sheriff  
15 shall accept the registration of a nonresident of the  
16 county if the person required to register is a full-  
17 time or part-time student or is employed on a full-  
18 time or part-time basis in the county.

19 2. A person required to register under this  
20 chapter shall, within ten five days of changing  
21 residence within a county in this state or within ten  
22 five days of a change in the person's name as a result  
23 of marriage, dissolution of marriage, or a legal name  
24 change, notify the sheriff of the county in which the  
25 person is registered of the change of address, name,  
26 and any changes in the person's telephone number in  
27 writing on a form provided by the sheriff. The  
28 sheriff shall send a copy of the change of information  
29 to the department within three working days of receipt  
30 of notice of the change. The sex offender registry  
31 shall maintain and make available information from the  
32 registry cross-referenced by name at the time of  
33 conviction and by name subsequent to any change.

34 3. A person required to register under this  
35 chapter shall register with the sheriff of a county in  
36 which residence has been newly established and notify  
37 the sheriff of the county in which the person was  
38 registered, within ten five days of changing residence  
39 to a location outside the county in which the person  
40 was registered. Registration shall be in writing on a  
41 form provided by the sheriff and shall include the  
42 person's change of address and any changes to the  
43 person's telephone number or name. The sheriff shall  
44 send a copy of the change of information to the  
45 department within three working days of receipt of  
46 notice of the change.

47 4. A person required to register under this  
48 chapter shall notify the sheriff of the county in  
49 which the person is registered, within ten five days  
50 of changing residence to a location outside this

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1 state, of the new residence address and any changes in  
 2 telephone number or name. The sheriff shall send a  
 3 copy of the change to the department within three  
 4 working days of receipt of notice of the change. The  
 5 person must register with the registering agency of  
 6 the other state within ten five days of changing  
 7 residency, if persons are required to register under  
 8 the laws of the other state. The department shall  
 9 notify the registering agency in the other state of  
 10 the registrant's new address, telephone number, or  
 11 name.

12 5. The collection of information by a court or  
 13 releasing agency under section 692A.5 shall serve as  
 14 the person's initial registration for purposes of this  
 15 section. The court or releasing agency shall forward  
 16 a copy of the registration to the department within  
 17 three working days of completion of registration.

18 Sec. 2. Section 692A.5, subsection 1, paragraphs c  
 19 and d, Code Supplement 1999, are amended to read as  
 20 follows:

21 c. Inform the person that, within ten five days of  
 22 changing residence, registration with the sheriff in  
 23 the county in which residence is established is  
 24 required, if the residence is within the state.

25 d. Inform the person that if the person moves the  
 26 person's residence to another state, the person must  
 27 give the person's new address to the sheriff's  
 28 department in the county of the person's old residence  
 29 within ten five days of changing addresses, and that,  
 30 if the other state has a registration requirement, the  
 31 person is also required to register in the new state  
 32 of residence, not later than ten five days after  
 33 establishing residence in the other state and to  
 34 verify the address at least annually."

35 2. By renumbering as necessary.

By MASCHER of Johnson

H-8024 FILED FEBRUARY 10, 2000

*adopted*  
*2/15/00*  
*(p. 321)*

HOUSE AMENDMENT TO  
SENATE FILE 2031

S-5011

1 Amend Senate File 2031, as passed by the Senate, as  
2 follows:

3 1. Page 1, by inserting before line 1 the  
4 following:

5 "Section 1. Section 692A.3, Code Supplement 1999,  
6 is amended to read as follows:

7 692A.3 REGISTRATION PROCESS.

8 1. A person required to register under this  
9 chapter shall register with the sheriff of the county  
10 of the person's residence within ten five days of  
11 establishment of residence in this state or within ten  
12 five days of any conviction for which the person is  
13 not incarcerated, a release from custody, or placement  
14 on probation, parole, or work release. A sheriff  
15 shall accept the registration of a nonresident of the  
16 county if the person required to register is a full-  
17 time or part-time student or is employed on a full-  
18 time or part-time basis in the county.

19 2. A person required to register under this  
20 chapter shall, within ten five days of changing  
21 residence within a county in this state or within ten  
22 five days of a change in the person's name as a result  
23 of marriage, dissolution of marriage, or a legal name  
24 change, notify the sheriff of the county in which the  
25 person is registered of the change of address, name,  
26 and any changes in the person's telephone number in  
27 writing on a form provided by the sheriff. The  
28 sheriff shall send a copy of the change of information  
29 to the department within three working days of receipt  
30 of notice of the change. The sex offender registry  
31 shall maintain and make available information from the  
32 registry cross-referenced by name at the time of  
33 conviction and by name subsequent to any change.

34 3. A person required to register under this  
35 chapter shall register with the sheriff of a county in  
36 which residence has been newly established and notify  
37 the sheriff of the county in which the person was  
38 registered, within ten five days of changing residence  
39 to a location outside the county in which the person  
40 was registered. Registration shall be in writing on a  
41 form provided by the sheriff and shall include the  
42 person's change of address and any changes to the  
43 person's telephone number or name. The sheriff shall  
44 send a copy of the change of information to the  
45 department within three working days of receipt of  
46 notice of the change.

47 4. A person required to register under this  
48 chapter shall notify the sheriff of the county in  
49 which the person is registered, within ten five days  
50 of changing residence to a location outside this

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1 state, of the new residence address and any changes in  
2 telephone number or name. The sheriff shall send a  
3 copy of the change to the department within three  
4 working days of receipt of notice of the change. The  
5 person must register with the registering agency of  
6 the other state within ~~ten~~ five days of changing  
7 residency, if persons are required to register under  
8 the laws of the other state. The department shall  
9 notify the registering agency in the other state of  
10 the registrant's new address, telephone number, or  
11 name.

12 5. The collection of information by a court or  
13 releasing agency under section 692A.5 shall serve as  
14 the person's initial registration for purposes of this  
15 section. The court or releasing agency shall forward  
16 a copy of the registration to the department within  
17 three working days of completion of registration.

18 Sec. 2. Section 692A.5, subsection 1, paragraphs c  
19 and d, Code Supplement 1999, are amended to read as  
20 follows:

21 c. Inform the person that, within ~~ten~~ five days of  
22 changing residence, registration with the sheriff in  
23 the county in which residence is established is  
24 required, if the residence is within the state.

25 d. Inform the person that if the person moves the  
26 person's residence to another state, the person must  
27 give the person's new address to the sheriff's  
28 department in the county of the person's old residence  
29 within ~~ten~~ five days of changing addresses, and that,  
30 if the other state has a registration requirement, the  
31 person is also required to register in the new state  
32 of residence, not later than ~~ten~~ five days after  
33 establishing residence in the other state and to  
34 verify the address at least annually."

35 2. Page 1, line 25, by striking the words "This  
36 Act" and inserting the following: "The section of  
37 this Act amending section 692A.7".

38 3. By renumbering as necessary.

RECEIVED FROM THE HOUSE

S-5011 FILED FEBRUARY 17, 2000

*Senate Concurred*  
3-27-00  
(P. 857)

SENATE FILE 2031

AN ACT  
RELATING TO VIOLATIONS OF THE SEX OFFENDER REGISTRY  
REQUIREMENTS AND PROVIDING AN EFFECTIVE DATE.

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

Section 1. Section 692A.3, Code Supplement 1999, is amended to read as follows:

692A.3 REGISTRATION PROCESS.

1. A person required to register under this chapter shall register with the sheriff of the county of the person's residence within ten five days of establishment of residence in this state or within ten five days of any conviction for which the person is not incarcerated, a release from custody, or placement on probation, parole, or work release. A sheriff shall accept the registration of a nonresident of the county if the person required to register is a full-time or part-time student or is employed on a full-time or part-time basis in the county.

2. A person required to register under this chapter shall, within ten five days of changing residence within a county in this state or within ten five days of a change in the person's name as a result of marriage, dissolution of marriage, or a legal name change, notify the sheriff of the county in which the person is registered of the change of address, name, and any changes in the person's telephone number in writing on a form provided by the sheriff. The sheriff shall send a copy of the change of information to the department within three working days of receipt of notice of the change. The sex offender registry shall maintain and make available

information from the registry cross-referenced by name at the time of conviction and by name subsequent to any change.

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

4. A person required to register under this chapter shall notify the sheriff of the county in which the person is registered, within ten five days of changing residence to a location outside this state, of the new residence address and any changes in telephone number or name. The sheriff shall send a copy of the change to the department within three working days of receipt of notice of the change. The person must register with the registering agency of the other state within ten five days of changing residency, if persons are required to register under the laws of the other state. The department shall notify the registering agency in the other state of the registrant's new address, telephone number, or name.

5. The collection of information by a court or releasing agency under section 692A.5 shall serve as the person's initial registration for purposes of this section. The court or releasing agency shall forward a copy of the registration to the department within three working days of completion of registration.

Sec. 2. Section 692A.5, subsection 1, paragraphs c and d, Code Supplement 1999, are amended to read as follows:



c. Inform the person that, within ten five days of changing residence, registration with the sheriff in the county in which residence is established is required, if the residence is within the state.

d. Inform the person that if the person moves the person's residence to another state, the person must give the person's new address to the sheriff's department in the county of the person's old residence within ten five days of changing addresses, and that, if the other state has a registration requirement, the person is also required to register in the new state of residence, not later than ten five days after establishing residence in the other state and to verify the address at least annually.

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

1. ~~A willful-failure-to-register-as-required-under-this chapter-is~~ person required to register under this chapter who knowingly violates any requirements specified under sections 692A.2 through 692A.4 commits an aggravated misdemeanor for a first offense and a class "D" felony for a second or subsequent offense. However, a person ~~who willfully fails to register-as-required-under-this-chapter~~ required to register under this chapter who knowingly violates any of the requirements specified under sections 692A.2 through 692A.4 and who commits a criminal offense against a minor, sexual exploitation, an other relevant offense, or a sexually violent offense is guilty of a class "C" felony. Any fine imposed for a second or subsequent offense violation shall not be suspended. The court shall not defer judgment or sentence for any violation of the registration any requirements of of this chapter specified under sections 692A.2 through 692A.4. ~~The willful-failure~~ A knowing violation of a person who is on probation, parole, or work release, or any other form of release to ~~register-as-required-under-this-chapter~~ comply with any requirements specified under sections 692A.2 through

692A.4 shall result in the automatic revocation of the person's probation, parole, or work release.

Sec. 4. EFFECTIVE DATE. The section of this Act amending section 692A.7, being deemed of immediate importance, takes effect upon enactment.

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MARY E. KRAMER  
President of the Senate

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BRENT SIEGRIST  
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2031, Seventy-eighth General Assembly.

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MICHAEL E. MARSHALL  
Secretary of the Senate

Approved April 5, 2000

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THOMAS J. VILSACK  
Governor