

REPRINTED

FILED MAR 3 1999

SENATE FILE 294  
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 1110)

Passed Senate, Date 3-15-99 (p.594) Passed House, Date 4/15/99 (p.1357)  
Vote: Ayes 47 Nays 0 Vote: Ayes 89 Nays 4  
Approved April 11, 1999

A BILL FOR

1 An Act relating to lifetime registration for certain sex  
2 offenders, the performance of sex offender risk assessments,  
3 and the procedures for dissemination of registry information  
4 to agencies and the public.

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

6

SENATE FILE 294

S-3063

1 Amend Senate File 294 as follows:

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

4 "Sec. \_\_\_\_ . Section 13.2, Code 1999, is amended by  
5 adding the following new subsection:

6 NEW SUBSECTION. 3A. Prosecute and defend all  
7 actions and proceedings brought by or against any  
8 employee of a judicial district department of  
9 correctional services in the performance of an  
10 assessment of risk pursuant to chapter 692A."

11 2. By renumbering as necessary.

By ROBERT E. DVORSKY  
JEFF ANGELO

S-3063 FILED MARCH 15, 1999

ADOPTED

3-15-99 (p.594)

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SF 294

1 Section 1. Section 692A.1, Code 1999, is amended by adding  
2 the following new subsection:

3 NEW SUBSECTION. 1A. "Aggravated offense" means a  
4 conviction for any of the following offenses:

5 a. Sexual abuse in the first degree in violation of  
6 section 709.2.

7 b. Sexual abuse in the second degree in violation of  
8 section 709.3.

9 c. Sexual abuse in the third degree in violation of  
10 section 709.4, subsection 1.

11 d. Lascivious acts with a child in violation of section  
12 709.8, subsection 1.

13 e. Assault with intent to commit sexual abuse in violation  
14 of section 709.11.

15 f. Burglary in the first degree in violation of section  
16 713.3, subsection 1, paragraph "d".

17 g. Kidnapping, if sexual abuse as defined in section 709.1  
18 is committed during the offense.

19 h. Murder, if sexual abuse as defined in section 709.1 is  
20 committed during the offense.

21 Sec. 2. Section 692A.1, subsection 9, Code 1999, is  
22 amended to read as follows:

23 9. "Sexually violent predator" means a person who has been  
24 convicted of an offense under the laws of this state or of  
25 another state which would qualify the person as a sexually  
26 violent predator under the federal Violent Crime Control and  
27 Law Enforcement Act of 1994, ~~Pub.-L.-No.-103-322, 108-Stat-~~  
28 1798 42 U.S.C. § 14071(a)(3)(B), (C), (D), and (E).

29 Sec. 3. Section 692A.2, subsection 1, unnumbered paragraph  
30 1, Code 1999, is amended to read as follows:

31 A person who has been convicted of a criminal offense  
32 against a minor, an aggravated offense, sexual exploitation,  
33 an other relevant offense, or a sexually violent offense in  
34 this state or in another state, or in a federal, military,  
35 tribal, or foreign court, or a person required to register in

1 another state under the state's sex offender registry, shall  
2 register as provided in this chapter. A person required to  
3 register under this chapter shall, upon a first conviction,  
4 register for a period of ten years commencing as follows:

5 Sec. 4. Section 692A.2, subsection 3, Code 1999, is  
6 amended to read as follows:

7 3. A person who is required to register under this chapter  
8 shall, upon a second or subsequent conviction that requires a  
9 second registration, or upon conviction of an aggravated  
10 offense, or who has previously been convicted of one or more  
11 offenses that would have required registration under this  
12 chapter, register for the rest of the person's life.

13 Sec. 5. Section 692A.2, subsection 5, Code 1999, is  
14 amended to read as follows:

15 5. A person who has been convicted of an offense under the  
16 laws of this state or of another state which would qualify the  
17 person as a sexually violent predator shall register as  
18 provided in this chapter ~~for-an-indeterminate-period~~  
19 ~~terminating-only-upon-a-determination-by-the-sentencing-court~~  
20 ~~that-registration-is-no-longer-required~~ for life.

21 Sec. 6. Section 692A.3, subsection 1, Code 1999, is  
22 amended to read as follows:

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

33 Sec. 7. Section 692A.3, subsection 4, Code 1999, is  
34 amended to read as follows:

35 4. A person required to register under this chapter shall

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

14 Sec. 8. Section 692A.5, Code 1999, is amended by adding  
15 the following new subsection:

16 NEW SUBSECTION. f. Inform the person that if the person  
17 is a nonresident of a state where the person is a full-time or  
18 part-time student or is employed on a full-time or part-time  
19 basis, the person must register with the sheriff of the county  
20 where the person is employed or attending school. Full-time  
21 or part-time means a period of time exceeding fourteen days or  
22 an aggregate period of time exceeding thirty days during any  
23 calendar year pursuant to 42 U.S.C. § 14071(a)(3)(F).

24 Sec. 9. Section 692A.10, subsection 4, Code 1999, is  
25 amended to read as follows:

26 4. Adopt rules under chapter 17A, as necessary, to ensure  
27 compliance with registration and verification requirements of  
28 this chapter, to provide guidelines for persons required to  
29 assist in obtaining registry information, and to provide a  
30 procedure for the dissemination of information contained in  
31 the registry. The procedure for the dissemination of  
32 information shall include, but not be limited to, practical  
33 guidelines for use by criminal or juvenile justice agencies in  
34 determining when public release of information contained in  
35 the registry is appropriate and a requirement that if a member

1 of the general public requests information regarding a  
2 specific individual in the manner provided in section 692A.13  
3 ~~subsection-6~~, the information shall be released. The  
4 department, in developing the procedure, shall consult with  
5 associations which represent the interests of law enforcement  
6 officers. Rules adopted shall also include a procedure for  
7 removal of information from the registry upon the reversal or  
8 setting aside of a conviction of a person who is registered  
9 under this chapter.

10 Sec. 10. Section 692A.10, Code 1999, is amended by adding  
11 the following new subsection:

12 NEW SUBSECTION. 5. Submit sex offender registry data to  
13 the federal bureau of investigation for entry of the data into  
14 the national sex offender registry.

15 Sec. 11. Section 692A.13, unnumbered paragraph 1, Code  
16 1999, is amended to read as follows:

17 Information contained in the sex offender registry is a  
18 confidential record under section 22.7, subsection 9, and  
19 shall only be disseminated or redisseminated as provided in  
20 section 692A.13A or as follows:

21 Sec. 12. Section 692A.13, subsections 1 and 2, Code 1999,  
22 are amended to read as follows:

23 1. The department, ~~or a~~ sheriff, or a police department  
24 may disclose information to criminal or juvenile justice  
25 agencies for law enforcement or prosecution purposes.

26 2. ~~The~~ A department listed under section 692A.13A or a  
27 juvenile court officer conducting a risk assessment may  
28 disclose information to government agencies which are  
29 conducting confidential background investigations.

30 Sec. 13. Section 692A.13, subsection 3, unnumbered  
31 paragraph 1, Code 1999, is amended to read as follows:

32 The department or a criminal or juvenile justice agency may  
33 release relevant information from the registry except as  
34 otherwise provided in section 692A.13A, subsection 3, to  
35 members of the general public concerning a specific person who

1 is required to register under this chapter as follows:

2 Sec. 14. Section 692A.13, subsection 3, paragraph b, Code  
3 1999, is amended to read as follows:

4 b. A county sheriff or a police department shall also  
5 provide to any person upon request a, access to the list of  
6 all registrants in that county who have been classified as  
7 "at-risk" in this state, however, records of persons protected  
8 under 18 U.S.C. § 3521 shall not be disclosed.

9 Sec. 15. Section 692A.13, subsection 3, paragraph c, Code  
10 1999, is amended by striking the paragraph.

11 Sec. 16. Section 692A.13, subsection 3, paragraph d, Code  
12 1999, is amended to read as follows:

13 d. c. The Upon the appropriation of sufficient funds, the  
14 department shall provide electronic access to relevant  
15 information from the registry pertaining to offenders who are  
16 convicted of a criminal offense against a minor, sexual  
17 exploitation, an other relevant offense, or a sexually violent  
18 offense on or after the effective date of this Act and who  
19 have been classified as "at-risk" for the following:

20 (1) Persons who commit a criminal offense against a minor,  
21 an aggravated offense, sexual exploitation, a sexually violent  
22 offense, or an other relevant offense on or after the  
23 effective date of this Act.

24 (2) Persons who committed an offense prior to July 1,  
25 1999, and who have been determined to be "at-risk" and whose  
26 opportunity to request a hearing regarding the determination  
27 of risk has lapsed.

28 Sec. 17. Section 692A.13, subsections 6 and 7, Code 1999,  
29 are amended by striking the subsections.

30 Sec. 18. NEW SECTION. 692A.13A RISK ASSESSMENT AND  
31 PUBLIC NOTIFICATION.

32 1. The department of corrections, the department of human  
33 services, and the department of public safety shall, in  
34 consultation with one another, develop methods and procedures  
35 for the assessment of the risk that persons required to

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

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

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

29 c. The division of criminal investigation of the  
30 department of public safety shall perform the assessment of  
31 risk for persons who have moved to Iowa but are not under the  
32 supervision of the department of corrections, a judicial  
33 district department of correctional services, or the  
34 department of human services; federal parolees or  
probationers; persons who have been released from a county

1 jail but are not under the supervision of the department of  
2 corrections, a judicial district department of correctional  
3 services, a juvenile court officer of the judicial branch, or  
4 the department of human services; and persons who are  
5 convicted and released by the courts and are not incarcerated  
6 or placed under supervision pursuant to the court's sentencing  
7 order. Assessments of persons who have moved to Iowa and  
8 persons on federal parole or probation shall be performed on  
9 an expedited basis if the person was classified as a person  
10 with a high degree of likelihood of reoffending by the other  
11 jurisdiction or the federal government.

12 d. A juvenile court officer shall perform the assessment  
13 of risk for a juvenile who is adjudicated delinquent for a  
14 criminal offense listed in section 692A.1 and who is under the  
15 juvenile court officer's supervision.

16 2. A department or juvenile court officer conducting the  
17 assessment of risk shall notify the offender as to the  
18 determination of the assessment. An appeal of an assessment  
19 of risk determination shall be made in accordance with chapter  
20 17A.

21 3. The department of public safety shall be responsible  
22 for disclosing the assessment of risk information to a  
23 criminal or juvenile justice agency for law enforcement,  
24 prosecution, or for public notification purposes. A  
25 department, or a criminal or juvenile justice agency, may  
26 release the offender's name, address, a photograph, locations  
27 frequented by the offender, and relevant criminal history  
28 information from the registry and other relevant information.  
29 The degree of public notification utilized by a criminal or  
30 juvenile justice agency shall be determined as follows:

31 a. For offenders classified as "low-risk", registry  
32 information may be distributed to a criminal or juvenile  
33 justice agency or to members of the public upon requests made  
34 through a criminal or juvenile justice agency or by electronic  
35 access as provided in section 692A.13, subsection 3.



1 b. For offenders classified as "at-risk", including  
2 "moderate-risk" or "high-risk", registry information may be  
3 provided to any criminal or juvenile justice agency and to the  
4 public which includes public and private agencies,  
5 organizations, public places, public and private schools,  
6 child care facilities, religious and youth organizations,  
7 neighbors, and employers. However, if an offender is  
8 classified as "high-risk", information may also be provided to  
9 neighborhood associations or at community meetings. Registry  
10 information may be distributed to the public by printed  
11 materials, visual or audio press releases, and by a criminal  
12 or juvenile justice agency's web page. The scope of  
13 notification may include where the registrant resides, works,  
14 attends school, or frequents.

15 Sec. 19. Section 901.4, Code 1999, is amended to read as  
16 follows:

17 901.4 PRESENTENCE INVESTIGATION REPORT CONFIDENTIAL --  
18 DISTRIBUTION.

19 The presentence investigation report is confidential and  
20 the court shall provide safeguards to ensure its  
21 confidentiality, including but not limited to sealing the  
22 report, which may be opened only by further court order. At  
23 least three days prior to the date set for sentencing, the  
24 court shall serve all of the presentence investigation report  
25 upon the defendant's attorney and the attorney for the state,  
26 and the report shall remain confidential except upon court  
27 order. However, the court may conceal the identity of the  
28 person who provided confidential information. The report of a  
29 medical examination or psychological or psychiatric evaluation  
30 shall be made available to the attorney for the state and to  
31 the defendant upon request. The reports are part of the  
32 record but shall be sealed and opened only on order of the  
33 court. If the defendant is committed to the custody of the  
34 Iowa department of corrections and is not a class "A" felon, a  
35 copy of the presentence investigation report shall be

1 forwarded to the director with the order of commitment by the  
2 clerk of the district court and to the board of parole at the  
3 time of commitment. The presentence investigation report may  
4 also be released by the department of corrections or a  
5 judicial district department of correctional services pursuant  
6 to section 904.602 to another jurisdiction for the purpose of  
7 providing interstate probation and parole compact services or  
8 evaluations. The defendant or the defendant's attorney may  
9 file with the presentence investigation report, a denial or  
10 refutation of the allegations, or both, contained in the  
11 report. The denial or refutation shall be included in the  
12 report. If the person is sentenced for an offense which  
13 requires registration under chapter 692A, the court shall  
14 release the report to the department which is responsible  
15 under section ~~692A.13~~ 692A.13A for performing the assessment  
16 of risk.

17 EXPLANATION

18 This bill amends Code chapter 692A regarding the sex  
19 offender registry.

20 The bill adds a list of offenses that require lifetime  
21 registration by the offender upon a conviction. These  
22 offenses include sexual abuse in the first and second degree;  
23 certain sexual abuse in the third degree offenses; certain  
24 lascivious acts with a child offenses; assault with the intent  
25 to commit sexual abuse; and burglary in the first degree,  
26 kidnapping, or murder if a sexual abuse as defined in Code  
27 section 709.1 is committed during the offense. The bill also  
28 requires lifetime registration if an offender has previously  
29 been convicted of one or more offenses that would have  
30 required registration or if an offender has been convicted of  
31 an offense in another state which would qualify the offender  
32 as a sexually violent predator in this state. Current law  
33 requires lifetime registration if the offender is required to  
34 register for a second time under Code chapter 692A.

35 The bill requires the department of public safety to submit

1 registry data to the national sex offender registry. However,  
2 the bill restricts the release of registry information to the  
3 public if a person is in the federal witness protection  
4 program.

5 The bill transfers provisions relating to risk assessment  
6 and public notification currently contained in Code section  
7 692A.13, subsection 6, to new Code section 692A.13A and makes  
8 changes regarding the performance of those risk assessments  
9 and the dissemination of registry information. The bill  
10 provides that the department of public safety is responsible  
11 for disclosing the assessment of risk information to a  
12 criminal or juvenile justice agency. The bill provides that  
13 the juvenile court is to share information with other  
14 departments to develop methods and procedures for the  
15 assessment of risk for juveniles who qualify for the registry.  
16 In addition, the bill also provides that juvenile court  
17 officers are to conduct risk assessments for juveniles under  
18 the jurisdiction of the juvenile court.

19 The bill establishes the procedures for dissemination of  
20 registry information to the public based upon the results of  
21 the risk assessment. If an offender is classified as "low-  
22 risk", the public may contact a law enforcement agency to  
23 obtain information about an offender or may obtain information  
24 from a web page established by a law enforcement agency. If  
25 an offender is classified as a "moderate-risk" or a "high-  
26 risk", information may be disseminated through press releases,  
27 and fliers to various public and private agencies and  
28 organizations. In addition, if an offender is classified as  
29 "high-risk" information may also be disseminated to  
30 neighborhood associations.

31 The bill establishes the requirements for disseminating  
32 registry information over the internet.

33 The bill requires a nonresident of a county who is a  
34 student or an employee to register in the county where the  
35 person is attending school or working.

**SENATE FILE 294  
FISCAL NOTE**

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A fiscal note for Senate File 294 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.

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**SUMMARY**

Senate File 294 makes changes to the Sex Offender Registry which include: additions to the list of offenses that require lifetime registration by the offender upon conviction; requirements for the Department of Public Safety to release registry data to the National Sex Offender Registry; requirements for the Juvenile Court, the Department of Justice, the Department of Corrections, the Department of Human Services, and the Department of Public Safety to adopt rules relating to risk assessment procedures; requirements for the Department of Public Safety to disclose the risk assessment information to a criminal or juvenile justice agency for law enforcement, prosecution, or for public notification purposes; and distinguishing the types of public notification avenues which the Department of Public Safety and other criminal and juvenile justice agency may disseminate registry information by "low-risk," "at-risk," "moderate-risk," and "high-risk."

**ASSUMPTIONS**

1. The number of lifetime registrants will increase from approximately 2,740 to 3,425 (25.0%).
2. The Bill requires an appropriation to the Department of Public Safety to provide electronic access to Sex Offender Registry data.
3. lowAccess will develop and maintain the internet web page.

**FISCAL IMPACT**

In FY 2000, the General Fund cost to the Department of Public Safety will be \$40,000 and 1.00 FTE position to enter sex offender information into the internet web page.

**SOURCE**

Department of Public Safety

(LSB 1615sv, CRS)

FILED APRIL 8, 1999

BY DENNIS PROUTY, FISCAL DIRECTOR



1 Section 1. Section 13.2, Code 1999, is amended by adding  
2 the following new subsection:

3 NEW SUBSECTION. 3A. Prosecute and defend all actions and  
4 proceedings brought by or against any employee of a judicial  
5 district department of correctional services in the  
6 performance of an assessment of risk pursuant to chapter 692A.

7 Sec. 2. Section 692A.1, Code 1999, is amended by adding  
8 the following new subsection:

9 NEW SUBSECTION. 1A. "Aggravated offense" means a  
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11 a. Sexual abuse in the first degree in violation of  
12 section 709.2.

13 b. Sexual abuse in the second degree in violation of  
14 section 709.3.

15 c. Sexual abuse in the third degree in violation of  
16 section 709.4, subsection 1.

17 d. Lascivious acts with a child in violation of section  
18 709.8, subsection 1.

19 e. Assault with intent to commit sexual abuse in violation  
20 of section 709.11.

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22 713.3, subsection 1, paragraph "d".

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24 is committed during the offense.

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26 committed during the offense.

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28 amended to read as follows:

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30 convicted of an offense under the laws of this state or of  
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33 Law Enforcement Act of 1994, Pub. Law No. 103-322, 108 Stat.  
34 1798 42 U.S.C. § 14071(a)(3)(B), (C), (D), and (E).

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1 1, Code 1999, is amended to read as follows:

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3 against a minor, an aggravated offense, sexual exploitation,  
4 an other relevant offense, or a sexually violent offense in  
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6 tribal, or foreign court, or a person required to register in  
7 another state under the state's sex offender registry, shall  
8 register as provided in this chapter. A person required to  
9 register under this chapter shall, upon a first conviction,  
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15 second registration, or upon conviction of an aggravated  
16 offense, or who has previously been convicted of one or more  
17 offenses that would have required registration under this  
18 chapter, register for the rest of the person's life.

19 Sec. 6. Section 692A.2, subsection 5, Code 1999, is  
20 amended to read as follows:

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22 laws of this state or of another state which would qualify the  
23 person as a sexually violent predator shall register as  
24 provided in this chapter ~~for an indeterminate period~~  
25 ~~terminating only upon a determination by the sentencing court~~  
26 ~~that registration is no longer required~~ for life.

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33 person is not incarcerated, a release from custody, or  
34 placement on probation, parole, or work release. A sheriff  
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11 send a copy of the change to the department within three  
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17 ~~last resided may~~ shall notify the registering agency in the  
18 other state of the registrant's new address, telephone number,  
19 or name.

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11 associations which represent the interests of law enforcement  
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6 members of the general public concerning a specific person who  
7 is required to register under this chapter as follows:

8 Sec. 15. Section 692A.13, subsection 3, paragraph b, Code  
9 1999, is amended to read as follows:

10 b. A county sheriff or a police department shall also  
11 provide to any person upon request a, access to the list of  
12 all registrants in that county ~~who have been classified as~~  
13 ~~"at-risk" in this state,~~ however, records of persons protected  
14 under 18 U.S.C. § 3521 shall not be disclosed.

15 Sec. 16. Section 692A.13, subsection 3, paragraph c, Code  
16 1999, is amended by striking the paragraph.

17 Sec. 17. Section 692A.13, subsection 3, paragraph d, Code  
18 1999, is amended to read as follows:

19 ~~d.~~ c. The Upon the appropriation of sufficient funds, the  
20 department shall provide electronic access to relevant  
21 information from the registry ~~pertaining to offenders who are~~  
22 ~~convicted of a criminal offense against a minor, sexual~~  
23 ~~exploitation, an other relevant offense, or a sexually violent~~  
24 ~~offense on or after the effective date of this Act and who~~  
25 ~~have been classified as "at-risk" for the following:~~

26 (1) Persons who commit a criminal offense against a minor,  
27 an aggravated offense, sexual exploitation, a sexually violent  
28 offense, or an other relevant offense on or after the  
29 effective date of this Act.

30 (2) Persons who committed an offense prior to July 1,  
31 1999, and who have been determined to be "at-risk" and whose  
32 opportunity to request a hearing regarding the determination  
33 of risk has lapsed.

34 Sec. 18. Section 692A.13, subsections 6 and 7, Code 1999,  
35 are amended by striking the subsections.

1 Sec. 19. NEW SECTION. 692A.13A RISK ASSESSMENT AND  
2 PUBLIC NOTIFICATION.

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

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

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

35 c. The division of criminal investigation of the

1 department of public safety shall perform the assessment of  
2 risk for persons who have moved to Iowa but are not under the  
3 supervision of the department of corrections, a judicial  
4 district department of correctional services, or the  
5 department of human services; federal parolees or  
6 probationers; persons who have been released from a county  
7 jail but are not under the supervision of the department of  
8 corrections, a judicial district department of correctional  
9 services, a juvenile court officer of the judicial branch, or  
10 the department of human services; and persons who are  
11 convicted and released by the courts and are not incarcerated  
12 or placed under supervision pursuant to the court's sentencing  
13 order. Assessments of persons who have moved to Iowa and  
14 persons on federal parole or probation shall be performed on  
15 an expedited basis if the person was classified as a person  
16 with a high degree of likelihood of reoffending by the other  
17 jurisdiction or the federal government.

18 d. A juvenile court officer shall perform the assessment  
19 of risk for a juvenile who is adjudicated delinquent for a  
20 criminal offense listed in section 692A.1 and who is under the  
21 juvenile court officer's supervision.

22 2. A department or juvenile court officer conducting the  
23 assessment of risk shall notify the offender as to the  
24 determination of the assessment. An appeal of an assessment  
25 of risk determination shall be made in accordance with chapter  
26 17A.

27 3. The department of public safety shall be responsible  
28 for disclosing the assessment of risk information to a  
29 criminal or juvenile justice agency for law enforcement,  
30 prosecution, or for public notification purposes. A  
31 department, or a criminal or juvenile justice agency, may  
32 release the offender's name, address, a photograph, locations  
33 frequented by the offender, and relevant criminal history  
34 information from the registry and other relevant information.  
35 The degree of public notification utilized by a criminal or

1 juvenile justice agency shall be determined as follows:

2 a. For offenders classified as "low-risk", registry  
3 information may be distributed to a criminal or juvenile  
4 justice agency or to members of the public upon requests made  
5 through a criminal or juvenile justice agency or by electronic  
6 access as provided in section 692A.13, subsection 3.

7 b. For offenders classified as "at-risk", including  
8 "moderate-risk" or "high-risk", registry information may be  
9 provided to any criminal or juvenile justice agency and to the  
10 public which includes public and private agencies,  
11 organizations, public places, public and private schools,  
12 child care facilities, religious and youth organizations,  
13 neighbors, and employers. However, if an offender is  
14 classified as "high-risk", information may also be provided to  
15 neighborhood associations or at community meetings. Registry  
16 information may be distributed to the public by printed  
17 materials, visual or audio press releases, and by a criminal  
18 or juvenile justice agency's web page. The scope of  
19 notification may include where the registrant resides, works,  
20 attends school, or frequents.

21 Sec. 20. Section 901.4, Code 1999, is amended to read as  
22 follows:

23 901.4 PRESENTENCE INVESTIGATION REPORT CONFIDENTIAL --  
24 DISTRIBUTION.

25 The presentence investigation report is confidential and  
26 the court shall provide safeguards to ensure its  
27 confidentiality, including but not limited to sealing the  
28 report, which may be opened only by further court order. At  
29 least three days prior to the date set for sentencing, the  
30 court shall serve all of the presentence investigation report  
31 upon the defendant's attorney and the attorney for the state,  
32 and the report shall remain confidential except upon court  
33 order. However, the court may conceal the identity of the  
34 person who provided confidential information. The report of a  
35 medical examination or psychological or psychiatric evaluation

1 shall be made available to the attorney for the state and to  
2 the defendant upon request. The reports are part of the  
3 record but shall be sealed and opened only on order of the  
4 court. If the defendant is committed to the custody of the  
5 Iowa department of corrections and is not a class "A" felon, a  
6 copy of the presentence investigation report shall be  
7 forwarded to the director with the order of commitment by the  
8 clerk of the district court and to the board of parole at the  
9 time of commitment. The presentence investigation report may  
10 also be released by the department of corrections or a  
11 judicial district department of correctional services pursuant  
12 to section 904.602 to another jurisdiction for the purpose of  
13 providing interstate probation and parole compact services or  
14 evaluations. The defendant or the defendant's attorney may  
15 file with the presentence investigation report, a denial or  
16 refutation of the allegations, or both, contained in the  
17 report. The denial or refutation shall be included in the  
18 report. If the person is sentenced for an offense which  
19 requires registration under chapter 692A, the court shall  
20 release the report to the department which is responsible  
21 under section ~~692A.13~~ 692A.13A for performing the assessment  
22 of risk.

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SENATE FILE 294

H-1308

1 Amend Senate File 294, as amended, passed, and  
2 reprinted by the Senate as follows:

3 1. Page 5, lines 12 and 13, by striking the words  
4 "~~who have been classified as "at-risk" in this state~~"  
A 5 and inserting the following: "who have been  
6 classified as "at-risk" in this state".

7 2. Page 5, by striking line 19 and inserting the  
B 8 following:  
9 "d. c. The".

10 3. Page 6, line 19, by inserting after the word  
11 "corrections" the following: "or a judicial district  
12 department of correctional services".

13 4. Page 7, line 22, by striking the words "A  
14 department or" and inserting the following: "Each  
15 department under subsection 1 or each".

16 5. Page 7, line 24, by inserting after the word  
A 17 "assessment" the following: "conducted by that  
18 department or officer".

19 6. Page 7, line 25, by inserting after the word  
20 "determination" the following: "performed by a  
21 department".

22 7. Page 7, line 26, by inserting after the figure  
23 "17A." the following: "An appeal of an assessment of  
24 risk determination performed by a juvenile court  
25 officer shall be made in accordance with rules adopted  
26 by the department of public safety in consultation  
27 with the judicial branch."

28 8. By renumbering, relettering, or redesignating  
29 and correcting internal references as necessary.

By COMMITTEE ON JUDICIARY  
LARSON of Linn, Chairperson

H-1308 FILED MARCH 30, 1999

A. adopted 4/15/99 (p. 1356)

B. Lost 4/15/99 (p. 1356)

SENATE FILE 294

H-1613

1 Amend Senate File 294, as amended, passed, and  
2 reprinted by the Senate as follows:

3 1. Page 5, line 29, by inserting after the word  
4 "Act" the following: "and who have been assessed to  
5 be a "moderate-risk" or "high-risk"".

6 2. Page 5, by striking lines 31 and 32, and  
7 inserting the following: "1999, and who have been  
8 assessed to be a "moderate-risk" or "high-risk" and  
9 whose opportunity to request a hearing regarding the  
10 assessment".

By DODERER of Johnson  
BRADLEY of Clinton  
MARTIN of Scott

BARRY of Harrison  
KREIMAN of Davis

H-1613 FILED APRIL 14, 1999

adopted 4/15/99 (p. 1357)

HOUSE AMENDMENT TO  
SENATE FILE 294

S-3413

- 1 Amend Senate File 294, as amended, passed, and  
2 reprinted by the Senate as follows:
- 3 1. Page 5, lines 12 and 13, by striking the words  
4 ~~"who-have-been-classified-as-"at-risk"-in-this-state"~~  
5 and inserting the following: "who have been  
6 classified as "at-risk" in this state".
- 7 2. Page 5, line 29, by inserting after the word  
8 "Act" the following: "and who have been assessed to  
9 be a "moderate-risk" or "high-risk"."
- 10 3. Page 5, by striking lines 31 and 32, and  
11 inserting the following: "1999, and who have been  
12 assessed to be a "moderate-risk" or "high-risk" and  
13 whose opportunity to request a hearing regarding the  
14 assessment".
- 15 4. Page 6, line 19, by inserting after the word  
16 "corrections" the following: "or a judicial district  
17 department of correctional services".
- 18 5. Page 7, line 22, by striking the words "A  
19 department or" and inserting the following: "Each  
20 department under subsection 1 or each".
- 21 6. Page 7, line 24, by inserting after the word  
22 "assessment" the following: "conducted by that  
23 department or officer".
- 24 7. Page 7, line 25, by inserting after the word  
25 "determination" the following: "performed by a  
26 department".
- 27 8. Page 7, line 26, by inserting after the figure  
28 "17A." the following: "An appeal of an assessment of  
29 risk determination performed by a juvenile court  
30 officer shall be made in accordance with rules adopted  
31 by the department of public safety in consultation  
32 with the judicial branch."
- 33 9. By renumbering, relettering, or redesignating  
34 and correcting internal references as necessary.

RECEIVED FROM THE HOUSE

S-3413 FILED APRIL 15, 1999

*Senate Concurred*  
4-20-99  
(P 1211)



SENATE FILE 294

AN ACT

RELATING TO LIFETIME REGISTRATION FOR CERTAIN SEX OFFENDERS,  
THE PERFORMANCE OF SEX OFFENDER RISK ASSESSMENTS, AND THE  
PROCEDURES FOR DISSEMINATION OF REGISTRY INFORMATION TO  
AGENCIES AND THE PUBLIC.

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

Section 1. Section 13.2, Code 1999, is amended by adding  
the following new subsection:

NEW SUBSECTION. 3A. Prosecute and defend all actions and  
proceedings brought by or against any employee of a judicial  
district department of correctional services in the  
performance of an assessment of risk pursuant to chapter 692A.

Sec. 2. Section 692A.1, Code 1999, is amended by adding  
the following new subsection:

NEW SUBSECTION. 1A. "Aggravated offense" means a  
conviction for any of the following offenses:

- a. Sexual abuse in the first degree in violation of  
section 709.2.
- b. Sexual abuse in the second degree in violation of  
section 709.3.
- c. Sexual abuse in the third degree in violation of  
section 709.4, subsection 1.
- d. Lascivious acts with a child in violation of section  
709.8, subsection 1.
- e. Assault with intent to commit sexual abuse in violation  
of section 709.11.
- f. Burglary in the first degree in violation of section  
713.3, subsection 1, paragraph "d".
- g. Kidnapping, if sexual abuse as defined in section 709.1  
is committed during the offense.

h. Murder, if sexual abuse as defined in section 709.1 is  
committed during the offense.

Sec. 3. Section 692A.1, subsection 9, Code 1999, is  
amended to read as follows:

9. "Sexually violent predator" means a person who has been  
convicted of an offense under the laws of this state or of  
another state which would qualify the person as a sexually  
violent predator under the federal Violent Crime Control and  
Law Enforcement Act of 1994, Pub. L. No. 103-322, 108 Stat.  
1798 42 U.S.C. § 14071(a)(3)(B), (C), (D), and (E).

Sec. 4. Section 692A.2, subsection 1, unnumbered paragraph  
1, Code 1999, is amended to read as follows:

A person who has been convicted of a criminal offense  
against a minor, an aggravated offense, sexual exploitation,  
an other relevant offense, or a sexually violent offense in  
this state or in another state, or in a federal, military,  
tribal, or foreign court, or a person required to register in  
another state under the state's sex offender registry, shall  
register as provided in this chapter. A person required to  
register under this chapter shall, upon a first conviction,  
register for a period of ten years commencing as follows:

Sec. 5. Section 692A.2, subsection 3, Code 1999, is  
amended to read as follows:

3. A person who is required to register under this chapter  
shall, upon a second or subsequent conviction that requires a  
second registration, or upon conviction of an aggravated  
offense, or who has previously been convicted of one or more  
offenses that would have required registration under this  
chapter, register for the rest of the person's life.

Sec. 6. Section 692A.2, subsection 5, Code 1999, is  
amended to read as follows:

5. A person who has been convicted of an offense under the  
laws of this state or of another state which would qualify the  
person as a sexually violent predator shall register as  
provided in this chapter ~~for an indeterminate period~~

~~terminating-only-upon-a-determination-by-the-sentencing-court  
that-registration-is-no-longer-required-for-life.~~

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

1. A person required to register under this chapter shall register with the sheriff of the county of the person's residence within ten days of establishment of residence in this state or within ten 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.

Sec. 8. Section 692A.3, subsection 4, Code 1999, is amended to read as follows:

4. A person required to register under this chapter shall notify the sheriff of the county in which the person is registered, within ten 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 days of changing residency, if persons are required to register under the laws of the other state. ~~The department or the sheriff of the county in this state in which the person last resided may~~ shall notify the registering agency in the other state of the registrant's new address, telephone number, or name.

Sec. 9. Section 692A.5, Code 1999, is amended by adding the following new subsection:

NEW SUBSECTION. f. Inform the person that if the person is a nonresident of a state where the person is a full-time or part-time student or is employed on a full-time or part-time

basis, the person must register with the sheriff of the county where the person is employed or attending school. Full-time or part-time means a period of time exceeding fourteen days or an aggregate period of time exceeding thirty days during any calendar year pursuant to 42 U.S.C. § 14071(a)(3)(F).

Sec. 10. Section 692A.10, subsection 4, Code 1999, is amended to read as follows:

4. Adopt rules under chapter 17A, as necessary, to ensure compliance with registration and verification requirements of this chapter, to provide guidelines for persons required to assist in obtaining registry information, and to provide a procedure for the dissemination of information contained in the registry. The procedure for the dissemination of information shall include, but not be limited to, practical guidelines for use by criminal or juvenile justice agencies in determining when public release of information contained in the registry is appropriate and a requirement that if a member of the general public requests information regarding a specific individual in the manner provided in section 692A.13, ~~subsection-6,~~ the information shall be released. The department, in developing the procedure, shall consult with associations which represent the interests of law enforcement officers. Rules adopted shall also include a procedure for removal of information from the registry upon the reversal or setting aside of a conviction of a person who is registered under this chapter.

Sec. 11. Section 692A.10, Code 1999, is amended by adding the following new subsection:

NEW SUBSECTION. 5. Submit sex offender registry data to the federal bureau of investigation for entry of the data into the national sex offender registry.

Sec. 12. Section 692A.13, unnumbered paragraph 1, Code 1999, is amended to read as follows:

Information contained in the sex offender registry is a confidential record under section 22.7, subsection 9, and

shall only be disseminated or redisseminated as provided in section 692A.13A or as follows:

Sec. 13. Section 692A.13, subsections 1 and 2, Code 1999, are amended to read as follows:

1. The department, or a sheriff, or a police department may disclose information to criminal or juvenile justice agencies for law enforcement or prosecution purposes.

2. The A department listed under section 692A.13A or a juvenile court officer conducting a risk assessment may disclose information to government agencies which are conducting confidential background investigations.

Sec. 14. Section 692A.13, subsection 3, unnumbered paragraph 1, Code 1999, is amended to read as follows:

The department or a criminal or juvenile justice agency may release relevant information from the registry except as otherwise provided in section 692A.13A, subsection 3, to members of the general public concerning a specific person who is required to register under this chapter as follows:

Sec. 15. Section 692A.13, subsection 3, paragraph b, Code 1999, is amended to read as follows:

b. A county sheriff or a police department shall also provide to any person upon request a, access to the list of all registrants in that county who have been classified as "at-risk" in this state, however, records of persons protected under 18 U.S.C. § 3521 shall not be disclosed.

Sec. 16. Section 692A.13, subsection 3, paragraph c, Code 1999, is amended by striking the paragraph.

Sec. 17. Section 692A.13, subsection 3, paragraph d, Code 1999, is amended to read as follows:

~~d. c. The~~ Upon the appropriation of sufficient funds, the department shall provide electronic access to relevant information from the registry pertaining to offenders who are convicted of a criminal offense against a minor, sexual exploitation, an other relevant offense, or a sexually violent offense on or after the effective date of this Act and who have been classified as "at-risk" for the following:

(1) Persons who commit a criminal offense against a minor, an aggravated offense, sexual exploitation, a sexually violent offense, or an other relevant offense on or after the effective date of this Act and who have been assessed to be a "moderate-risk" or "high-risk".

(2) Persons who committed an offense prior to July 1, 1999, and who have been assessed to be a "moderate-risk" or "high-risk" and whose opportunity to request a hearing regarding the assessment of risk has lapsed.

Sec. 18. Section 692A.13, subsections 6 and 7, Code 1999, are amended by striking the subsections.

Sec. 19. NEW SECTION. 692A.13A RISK ASSESSMENT AND PUBLIC NOTIFICATION.

1. The department of corrections, the department of human services, and the department of public safety shall, in consultation with one another, develop methods and procedures for the assessment of the risk that persons required to register under this chapter pose of reoffending. The department of corrections, in consultation with the department of human services, the department of public safety, and the attorney general, shall adopt rules relating to assessment procedures. The assessment procedures shall include procedures for the sharing of information between the department of corrections, department of human services, the juvenile court, and the division of criminal investigation of the department of public safety, as well as the communication of the results of the risk assessment to criminal and juvenile justice agencies. The assignment of responsibility for the assessment of risk shall be as follows:

a. The department of corrections or a judicial district department of correctional services shall perform the assessment of risk for persons who are incarcerated in institutions under the control of the director of the department of corrections, persons who are under the supervision of the department of corrections or a judicial

district department of correctional services, and persons who are under the supervision or control of the department of corrections or a judicial district department of correctional services through an interstate compact.

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

c. The division of criminal investigation of the department of public safety shall perform the assessment of risk for persons who have moved to Iowa but are not under the supervision of the department of corrections, a judicial district department of correctional services, or the department of human services; federal parolees or probationers; persons who have been released from a county jail but are not under the supervision of the department of corrections, a judicial district department of correctional services, a juvenile court officer of the judicial branch, or the department of human services; and persons who are convicted and released by the courts and are not incarcerated or placed under supervision pursuant to the court's sentencing order. Assessments of persons who have moved to Iowa and persons on federal parole or probation shall be performed on an expedited basis if the person was classified as a person with a high degree of likelihood of reoffending by the other jurisdiction or the federal government.

d. A juvenile court officer shall perform the assessment of risk for a juvenile who is adjudicated delinquent for a criminal offense listed in section 692A.1 and who is under the juvenile court officer's supervision.

2. Each department under subsection 1 or each juvenile court officer conducting the assessment of risk shall notify

the offender as to the determination of the assessment conducted by that department or officer. An appeal of an assessment of risk determination performed by a department shall be made in accordance with chapter 17A. An appeal of an assessment of risk determination performed by a juvenile court officer shall be made in accordance with rules adopted by the department of public safety in consultation with the judicial branch.

3. The department of public safety shall be responsible for disclosing the assessment of risk information to a criminal or juvenile justice agency for law enforcement, prosecution, or for public notification purposes. A department, or a criminal or juvenile justice agency, may release the offender's name, address, a photograph, locations frequented by the offender, and relevant criminal history information from the registry and other relevant information. The degree of public notification utilized by a criminal or juvenile justice agency shall be determined as follows:

a. For offenders classified as "low-risk", registry information may be distributed to a criminal or juvenile justice agency or to members of the public upon requests made through a criminal or juvenile justice agency or by electronic access as provided in section 692A.13, subsection 3.

b. For offenders classified as "at-risk", including "moderate-risk" or "high-risk", registry information may be provided to any criminal or juvenile justice agency and to the public which includes public and private agencies, organizations, public places, public and private schools, child care facilities, religious and youth organizations, neighbors, and employers. However, if an offender is classified as "high-risk", information may also be provided to neighborhood associations or at community meetings. Registry information may be distributed to the public by printed materials, visual or audio press releases, and by a criminal or juvenile justice agency's web page. The scope of

notification may include where the registrant resides, works, attends school, or frequents.

Sec. 20. Section 901.4, Code 1999, is amended to read as follows:

901.4 PRESENTENCE INVESTIGATION REPORT CONFIDENTIAL -- DISTRIBUTION.

The presentence investigation report is confidential and the court shall provide safeguards to ensure its confidentiality, including but not limited to sealing the report, which may be opened only by further court order. At least three days prior to the date set for sentencing, the court shall serve all of the presentence investigation report upon the defendant's attorney and the attorney for the state, and the report shall remain confidential except upon court order. However, the court may conceal the identity of the person who provided confidential information. The report of a medical examination or psychological or psychiatric evaluation shall be made available to the attorney for the state and to the defendant upon request. The reports are part of the record but shall be sealed and opened only on order of the court. If the defendant is committed to the custody of the Iowa department of corrections and is not a class "A" felon, a copy of the presentence investigation report shall be forwarded to the director with the order of commitment by the clerk of the district court and to the board of parole at the time of commitment. The presentence investigation report may also be released by the department of corrections or a judicial district department of correctional services pursuant to section 904.602 to another jurisdiction for the purpose of providing interstate probation and parole compact services or evaluations. The defendant or the defendant's attorney may file with the presentence investigation report, a denial or refutation of the allegations, or both, contained in the report. The denial or refutation shall be included in the report. If the person is sentenced for an offense which

requires registration under chapter 692A, the court shall release the report to the department which is responsible under section 692A-13 692A.13A for performing the assessment of risk.

---

MARY E. KRAMER  
President of the Senate

---

RON J. CORBETT  
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 294, Seventy-eighth General Assembly.

---

MICHAEL E. MARSHALL  
Secretary of the Senate

Approved 5/11, 1999

---

THOMAS J. VILSACK  
Governor

Angelo  
Duorsky  
Tinsman

SSB-1110  
Judiciary

Succeeded By  
SENATE FILE SSB 294  
BY (PROPOSED COMMITTEE ON  
JUDICIARY BILL BY  
CHAIRPERSON MCKEAN)

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

**A BILL FOR**

1 An Act relating to lifetime registration for certain sex  
2 offenders, the performance of sex offender risk assessments,  
3 and the procedures for dissemination of registry information  
4 to agencies and the public.

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

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1 Section 1. Section 692A.1, Code 1999, is amended by adding  
2 the following new subsection:

3 NEW SUBSECTION. 1A. "Aggravated offense" means a  
4 conviction for any of the following offenses:

5 a. Sexual abuse in the second degree in violation of  
6 section 709.3.

7 b. Sexual abuse in the third degree in violation of  
8 section 709.4, subsection 1.

9 c. Lascivious acts with a child in violation of section  
10 709.8, subsection 1.

11 d. Assault with intent to commit sexual abuse in violation  
12 of section 709.11.

13 e. Burglary in the first degree in violation of section  
14 713.3, subsection 1, paragraph "d".

15 f. Kidnapping, if sexual abuse as defined in section 709.1  
16 is committed during the offense.

17 g. Murder, if sexual abuse as defined in section 709.1 is  
18 committed during the offense.

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

21 3. A person who is required to register under this chapter  
22 shall, upon a second or subsequent conviction or upon  
23 conviction of a sexually violent offense which is an  
24 aggravated offense, register for the rest of the person's  
25 life.

26 Sec. 3. Section 692A.10, subsection 4, Code 1999, is  
27 amended to read as follows:

28 4. Adopt rules under chapter 17A, as necessary, to ensure  
29 compliance with registration and verification requirements of  
30 this chapter, to provide guidelines for persons required to  
31 assist in obtaining registry information, and to provide a  
32 procedure for the dissemination of information contained in  
33 the registry. The procedure for the dissemination of  
34 information shall include, but not be limited to, practical  
35 guidelines for use by criminal or juvenile justice agencies in

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1 determining when public release of information contained in  
2 the registry is appropriate and a requirement that if a member  
3 of the general public requests information regarding a  
4 specific individual in the manner provided in section 692A.13  
5 ~~subsection-6~~ the information shall be released. The  
6 department, in developing the procedure, shall consult with  
7 associations which represent the interests of law enforcement  
8 officers. Rules adopted shall also include a procedure for  
9 removal of information from the registry upon the reversal or  
10 setting aside of a conviction of a person who is registered  
11 under this chapter.

12 Sec. 4. Section 692A.10, Code 1999, is amended by adding  
13 the following new subsection:

14 NEW SUBSECTION. 5. Submit sex offender registry data to  
15 the federal bureau of investigation for entry of the data into  
16 the national sex offender registry.

17 Sec. 5. Section 692A.13, subsections 1 and 2, Code 1999,  
18 are amended to read as follows:

19 1. The department, ~~or a sheriff, or a police department~~  
20 may disclose information to criminal or juvenile justice  
21 agencies for law enforcement or prosecution purposes.

22 2. The A department listed under section 692A.13A or a  
23 juvenile court officer conducting a risk assessment may  
24 disclose information to government agencies which are  
25 conducting confidential background investigations.

26 Sec. 6. Section 692A.13, subsection 3, paragraph b, Code  
27 1999, is amended to read as follows:

28 b. A county sheriff or a police department shall also  
29 provide to any person upon request a, access to the list of  
30 all registrants in that county who have been classified as  
31 "at-risk"-in-this-state, however, records of persons protected  
32 under 18 U.S.C. § 3521 shall not be disclosed.

33 Sec. 7. Section 692A.13, subsection 3, paragraph c, Code  
34 1999, is amended by striking the paragraph.

35 Sec. 8. Section 692A.13, subsection 3, paragraph d, Code



1 1999, is amended to read as follows:

2 d- c. The Upon the appropriation of sufficient funds, the  
3 department shall provide electronic access to relevant  
4 information from the registry pertaining to offenders who are  
5 convicted of a criminal offense against a minor, sexual  
6 exploitation, an other relevant offense, or a sexually violent  
7 offense on or after the effective date of this Act and who  
8 have been classified as "at-risk" as determined under rules  
9 adopted by the department pursuant to section 692A.13A.

10 Sec. 9. Section 692A.13, subsections 6 and 7, Code 1999,  
11 are amended by striking the subsections.

12 Sec. 10. NEW SECTION. 692A.13A RISK ASSESSMENT AND  
13 PUBLIC NOTIFICATION.

14 1. The department of corrections, the department of human  
15 services, and the department of public safety shall, in  
16 consultation with one another, develop methods and procedures  
17 for the assessment of the risk that persons required to  
18 register under this chapter pose of reoffending. The  
19 department of corrections, in consultation with the department  
20 of human services, the department of public safety, and the  
21 attorney general, shall adopt rules relating to assessment  
22 procedures. The assessment procedures shall include  
23 procedures for the sharing of information between the  
24 department of corrections, department of human services, the  
25 juvenile court, and the division of criminal investigation of  
26 the department of public safety, as well as the communication  
27 of the results of the risk assessment to criminal and juvenile  
28 justice agencies. The assignment of responsibility for the  
29 assessment of risk shall be as follows:

30 a. The department of corrections shall perform the  
31 assessment of risk for persons who are incarcerated in  
32 institutions under the control of the director of the  
33 department of corrections, persons who are under the  
34 supervision of the department of corrections or a judicial  
35 district department of correctional services, and persons who

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1 are under the supervision or control of the department of  
2 corrections or a judicial district department of correctional  
3 services through an interstate compact.

4 b. The department of human services shall perform the  
5 assessment of risk for persons who are confined in  
6 institutions under the control of the director of human  
7 services, persons who are under the supervision of the  
8 department of human services, and persons who are under the  
9 supervision or control of the department of human services  
10 through an interstate compact.

11 c. The division of criminal investigation of the  
12 department of public safety shall perform the assessment of  
13 risk for persons who have moved to Iowa but are not under the  
14 supervision of the department of corrections, a judicial  
15 district department of correctional services, or the  
16 department of human services; federal parolees or  
17 probationers; persons who have been released from a county  
18 jail but are not under the supervision of the department of  
19 corrections, a judicial district department of correctional  
20 services, a juvenile court officer of a judicial district  
21 department of correctional services, or the department of  
22 human services; and persons who are convicted and released by  
23 the courts and are not incarcerated or placed under  
24 supervision pursuant to the court's sentencing order.

25 Assessments of persons who have moved to Iowa and persons on  
26 federal parole or probation shall be performed on an expedited  
27 basis if the person was classified as a person with a high  
28 degree of likelihood of reoffending by the other jurisdiction  
29 or the federal government.

30 d. A juvenile court officer shall perform the assessment  
31 of risk for a juvenile who is adjudicated delinquent for a  
32 criminal offense listed in section 692A.1 and who is under the  
33 juvenile court officer's supervision.

34 | 2. A department or juvenile court officer conducting the  
35 assessment of risk shall notify the offender as to the

1 determination of the assessment. An appeal of an assessment  
2 of risk determination shall be made in accordance with chapter  
3 17A.

4 3. A department or juvenile court officer performing the  
5 risk assessment may disclose assessment of risk information to  
6 a criminal or juvenile justice agency for prosecution, or for  
7 public notification purposes. A department, or a criminal or  
8 juvenile justice agency, may release the offender's name, a  
9 photograph, locations frequented by the offender, and relevant  
10 Iowa criminal history information. The degree of public  
11 notification shall be determined as follows:

12 a. For offenders classified as "low-risk", registry  
13 information may be distributed to a criminal or juvenile  
14 justice agency or to members of the public upon requests made  
15 through a criminal or juvenile justice agency or by electronic  
16 access as provided in section 692A.13, subsection 3.

17 b. For offenders classified as "moderate-risk" or "high-  
18 risk", registry information may be provided to any criminal or  
19 juvenile justice agency and to the public which includes  
20 public and private agencies, organizations, public places,  
21 public and private schools, child care facilities, religious  
22 and youth organizations, neighbors, and employers. However,  
23 if an offender is classified as "high-risk", the department  
24 may also provide information to neighborhood associations or  
25 community meetings held to discuss the registrant. Registry  
26 information may be distributed to the public by printed  
27 materials, visual or audio press releases, and by a criminal  
28 or juvenile justice agency's web page. The scope of  
29 notification may include where the registrant resides, works,  
30 attends school, or frequents.

31 Sec. 11. Section 901.4, Code 1999, is amended to read as  
32 follows:

33 901.4 PRESENTENCE INVESTIGATION REPORT CONFIDENTIAL --  
34 DISTRIBUTION.

35 The presentence investigation report is confidential and

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1 the court shall provide safeguards to ensure its  
2 confidentiality, including but not limited to sealing the  
3 report, which may be opened only by further court order. At  
4 least three days prior to the date set for sentencing, the  
5 court shall serve all of the presentence investigation report  
6 upon the defendant's attorney and the attorney for the state,  
7 and the report shall remain confidential except upon court  
8 order. However, the court may conceal the identity of the  
9 person who provided confidential information. The report of a  
10 medical examination or psychological or psychiatric evaluation  
11 shall be made available to the attorney for the state and to  
12 the defendant upon request. The reports are part of the  
13 record but shall be sealed and opened only on order of the  
14 court. If the defendant is committed to the custody of the  
15 Iowa department of corrections and is not a class "A" felon, a  
16 copy of the presentence investigation report shall be  
17 forwarded to the director with the order of commitment by the  
18 clerk of the district court and to the board of parole at the  
19 time of commitment. The presentence investigation report may  
20 also be released by the department of corrections or a  
21 judicial district department of correctional services pursuant  
22 to section 904.602 to another jurisdiction for the purpose of  
23 providing interstate probation and parole compact services or  
24 evaluations. The defendant or the defendant's attorney may  
25 file with the presentence investigation report, a denial or  
26 refutation of the allegations, or both, contained in the  
27 report. The denial or refutation shall be included in the  
28 report. If the person is sentenced for an offense which  
29 requires registration under chapter 692A, the court shall  
30 release the report to the department which is responsible  
31 under section 692A-13 692A.13A for performing the assessment  
32 of risk.

EXPLANATION

33 |  
34 | This bill amends Code chapter 692A regarding the sex  
35 offender registry.

1 The bill adds a list of offenses that require lifetime  
2 registration by the offender upon a just conviction. These  
3 offenses include sexual abuse in the second degree; certain  
4 sexual abuse in the third degree offenses; certain lascivious  
5 acts with a child offenses; assault with the intent to commit  
6 sexual abuse; and burglary in the first degree, kidnapping, or  
7 murder if a sexual abuse as defined in Code section 709.1 is  
8 committed during the offense. Current law requires lifetime  
9 registration if the offender is required to register for a  
10 second time under Code chapter 692A.

11 The bill requires the department of public safety to submit  
12 registry data to the national sex offender registry. However,  
13 the bill restricts the release of registry information to the  
14 public if a person is in the federal witness protection  
15 program.

16 The bill transfers provisions relating to risk assessment  
17 and public notification currently contained in Code section  
18 692A.13, subsection 6, to new Code section 692A.13A and makes  
19 changes regarding the performance of those risk assessments  
20 and the dissemination of registry information. The bill  
21 provides that the juvenile court is to share information with  
22 other departments to develop methods and procedures for the  
23 assessment of risk for juveniles who qualify for the registry.  
24 In addition, the bill also provides that juvenile court  
25 officers are to conduct risk assessments for juveniles under  
26 the jurisdiction of the juvenile court.

27 The bill establishes the procedures for dissemination of  
28 registry information to the public based upon the results of  
29 the risk assessment. If an offender is classified as "low-  
30 risk", the public may contact a law enforcement agency to  
31 obtain information about an offender or may obtain information  
32 from a web page established by a law enforcement agency. If  
33 an offender is classified as a "moderate-risk" or a "high-  
34 risk", information may be disseminated through press releases,  
35 and fliers to various public and private agencies and

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