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JUDICIARY

HOUSE FILE 2423  
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KREIMAN

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

**A BILL FOR**

1 An Act relating to lifetime registration as a sex offender and  
2 second or subsequent violations for failing to properly  
3 register as a sex offender.

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

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HF 2423

1 Section 1. Section 692A.2, Code 2001, is amended to read  
2 as follows:

3 692A.2 PERSONS REQUIRED TO REGISTER.

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

- 14 a. From the date of placement on probation.
- 15 b. From the date of release on parole or work release.
- 16 c. From the date of release as a juvenile from foster care  
17 or residential treatment.
- 18 d. From the date of any other release from custody.

19 ~~2.--If a person is placed on probation, parole, or work~~  
20 ~~release and the probation, parole, or work release is revoked,~~  
21 ~~the ten years shall commence anew upon release from custody.~~  
22 ~~If the person who is required to register under this chapter~~  
23 ~~is incarcerated for a crime which does not require~~  
24 ~~registration under this chapter, the period of registration is~~  
25 ~~tolled until the person is released from incarceration for~~  
26 ~~that crime.~~

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

33 4. 2. A person is not required to register while  
34 incarcerated, in foster care, or in a residential treatment  
35 program. A person who is convicted, as defined in section

1 692A.1, of a criminal offense against a minor, sexual  
2 exploitation, a sexually violent offense, or an other relevant  
3 offense as a result of adjudication of delinquency in juvenile  
4 court shall be required to register as required in this  
5 chapter unless the juvenile court finds that the person should  
6 not be required to register under this chapter. If a juvenile  
7 is required to register and the court later modifies the order  
8 regarding the requirement to register, the court shall  
9 immediately notify the department. ~~Convictions of more than  
10 one offense which require registration under this chapter but  
11 which are prosecuted within a single indictment shall be  
12 considered as a single offense for purposes of registration.~~  
13 5.--A person who has been convicted of an offense under the  
14 laws of this state or of another state which would qualify the  
15 person as a sexually violent predator shall register as  
16 provided in this chapter for life.

17 Sec. 2. Section 692A.7, subsection 2, Code 2001, is  
18 amended to read as follows:

19 2. ~~In determining if a violation is a second or subsequent  
20 offense, a conviction for a violation of this section which  
21 occurred more than ten years prior to the date of the  
22 violation charged shall not be considered in determining that  
23 the violation charged is a second, third, or subsequent  
24 offense.~~ Violations in any other states under sex offender  
25 registry provisions that are substantially similar to those  
26 contained in this section shall be counted as previous  
27 offenses. The court shall judicially notice the statutes of  
28 other states which are substantially equivalent to this  
29 section.

30 Sec. 3. Section 692A.8, subsection 1, Code 2001, is  
31 amended to read as follows:

32 1. A person who is registered under this chapter may  
33 request that the department determine whether the offense for  
34 which the person has been convicted requires the person to  
35 register under this chapter ~~or whether the period of time~~

1 ~~during-which-the-person-is-obligated-to-register-under-this~~  
2 ~~chapter-has-expired.~~

3 Sec. 4. Section 692A.16, subsection 2, Code 2001, is  
4 amended to read as follows:

5 2. Persons required to register under subsection 1 shall  
6 register ~~for-a-period-of-ten-years~~ commencing with the later  
7 of either July 1, 1995, or the date of the person's release  
8 from confinement, release on work release or institutional  
9 work release, or release on parole or probation. For persons  
10 released from confinement, registration shall be initiated by  
11 the warden, sheriff, or superintendent in charge of the place  
12 of confinement in the same manner as provided in section  
13 692A.5. For persons who are under parole or probation  
14 supervision, the person's parole or probation officer shall  
15 inform the person of the person's duty to register and shall  
16 obtain the registration information from the person as  
17 required under section 692A.5.

18 Sec. 5. IMPLEMENTATION OF ACT. Section 25B.2, subsection  
19 3, shall not apply to this Act.

20 EXPLANATION

21 This bill relates to registering as a sex offender and to a  
22 second or subsequent violation for failing to properly  
23 register as a sex offender.

24 The bill requires that all persons required to register as  
25 a sex offender must register for the rest of the person's  
26 life.

27 Current law generally provides that a person must register  
28 for a period of 10 years. Also, under current law a sexually  
29 violent predator or a second conviction for an offense that  
30 requires registration only requires lifetime registration.

31 Current law provides that a person who fails to properly  
32 register as a sex offender commits an aggravated misdemeanor  
33 for a first offense, and a class "D" felony for a second or  
34 subsequent offense.

35 The bill provides that for purposes of determining whether

1 a second or subsequent offense has occurred, any violation  
2 which occurred more than 10 years prior to the current  
3 violation may be used to charge the person with a second or  
4 subsequent offense. Current law provides that a violation  
5 which occurred more than 10 years prior to the current  
6 violation cannot be used to charge a person with a second or  
7 subsequent offense.

8 The bill may include a state mandate as defined in Code  
9 section 25B.3. The bill makes inapplicable Code section  
10 25B.2, subsection 3, which would relieve a political  
11 subdivision from complying with a state mandate if funding for  
12 the cost of the state mandate is not provided or specified.  
13 Therefore, political subdivisions are required to comply with  
14 any state mandate included in the bill.

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