

Shey, Chair
Baudler
Jochum

HSB 183

JUDICIARY
Succeed
SF 550
HOUSE FILE
BY (PROPOSED COMMITTEE ON
JUDICIARY BILL BY
CHAIRPERSON LARSON)

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

A BILL FOR

1 An Act adding the offense of criminal transmission of human
2 immunodeficiency virus to the list of criminal offenses that
3 require registration under the sex offender registry and
4 providing an effective date.

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

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1 Section 1. Section 692A.1, subsection 1, Code 2001, is
2 amended by adding the following new paragraph:

3 NEW PARAGRAPH. i. Criminal transmission of human
4 immunodeficiency virus in violation of section 709C.1.

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

7 EXPLANATION

8 This bill adds the offense of criminal transmission of human
9 immunodeficiency virus to the list of aggravated offenses that
10 require registration under the sex offender registry. Current
11 law generally requires a person to register as a sex offender for
12 a period of 10 years. Persons convicted of aggravated offenses
13 are required to register for life. A person who is convicted of
14 criminal transmission of human immunodeficiency virus, commits a
15 class "B" felony.

16 The bill takes effect upon enactment.

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

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3/22/01 by 17th Judiciary
3/28/01 do Pass

MAR 7 2001

5-4/12/01 UNFINISHED BUSINESS CALENDAR

Place On Calendar

HOUSE FILE 550
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 183)

Passed House, Date ^(P. 832) 3-22-01 Passed Senate, Date ^(P. 1126) 4-16-01
Vote: Ayes 97 Nays 0 Vote: Ayes 49 Nays 0
Approved April 24, 2001

A BILL FOR

1 An Act adding the offense of criminal transmission of human
2 immunodeficiency virus to the list of criminal offenses that
3 require registration under the sex offender registry and
4 providing an effective date.

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

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HF 550

1 Section 1. Section 692A.1, subsection 1, Code 2001, is
2 amended by adding the following new paragraph:

3 NEW PARAGRAPH. i. Criminal transmission of human
4 immunodeficiency virus in violation of section 709C.1,
5 subsection 1, paragraph "a".

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

8 EXPLANATION

9 This bill adds the offense of criminal transmission of
10 human immunodeficiency virus through intimate contact to the
11 list of aggravated offenses that require registration under
12 the sex offender registry. Current law generally requires a
13 person to register as a sex offender for a period of 10 years.
14 Persons convicted of aggravated offenses are required to
15 register for life. A person who is convicted of criminal
16 transmission of human immunodeficiency virus commits a class
17 "B" felony.

18 The bill takes effect upon enactment.

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HOUSE FILE 550

H-1225

1 Amend House File 550 as follows:
2 1. Page 1, by inserting before line 1, the
3 following:
4 "Section 1. Section 80.9, subsection 2, paragraph
5 d, Code 2001, is amended to read as follows:
6 d. To collect and classify, and keep at all times
7 available, complete information useful for the
8 detection of crime, and the identification and
9 apprehension of criminals. Such information shall be
10 available for all peace officers within the state,
11 under such regulations as the commissioner may
12 prescribe. The provisions of chapter 141A do not
13 apply to the entry of human immunodeficiency virus-
14 related information by criminal or juvenile justice
15 agencies, as defined in section 692.1, into the Iowa
16 criminal justice information system or the national
17 crime information center system. The provisions of
18 chapter 141A also do not apply to the transmission of
19 the same information from either or both information
20 systems to criminal or juvenile justice agencies. The
21 provisions of chapter 141A ~~also~~ do not apply to the
22 transmission of the same information from either or
23 both information systems to employees of state
24 correctional institutions subject to the jurisdiction
25 of the department of corrections, employees of secure
26 facilities for juveniles subject to the jurisdiction
27 of the department of human services, and employees of
28 city and county jails, if those employees have direct
29 physical supervision over inmates of those facilities
30 or institutions. ~~Human immunodeficiency virus-related~~
31 The provisions of chapter 141A also do not apply to
32 transmission of the same information shall not be
33 ~~transmitted~~ over the police radio broadcasting system
34 under chapter 693 or any other radio-based
35 communications system. An employee of an agency
36 receiving human immunodeficiency virus-related
37 information under this section who communicates the
38 information to another employee who does not have
39 direct physical supervision over inmates, other than
40 to a supervisor of an employee who has direct physical
41 supervision over inmates for the purpose of conveying
42 the information to such an employee, or who
43 communicates the information to any person ~~not~~
44 ~~employed by the agency or uses the information outside~~
45 ~~the agency while not acting within the scope of~~
46 employment is guilty of a class "D" felony. The
47 commissioner shall adopt rules regarding the
48 transmission of human immunodeficiency virus-related
49 information including provisions for maintaining
50 confidentiality of the information. The rules shall

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1 include a requirement that persons receiving
2 information from the Iowa criminal justice information
3 system or the national crime information center system
4 receive training regarding confidentiality standards
5 applicable to the information received from the
6 system. The commissioner shall develop and establish,
7 in cooperation with the department of corrections and
8 the Iowa department of public health, training
9 programs and program criteria for persons receiving
10 human immunodeficiency virus-related information
11 through the Iowa criminal justice information system
12 or the national crime information center system."
13 2. Title page, line 3, by inserting after the
14 word "and" the following: "authorizing the limited
15 release of information about the human
16 immunodeficiency virus, and".

By BAUDLER of Adair**H-1225** FILED MARCH 8, 2001

Not Done
3/22/01 (P 831)

**HOUSE FILE 550
FISCAL NOTE**

A fiscal note for **House File 550** 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.

House File 550 requires a person who commits an offense of criminal transmission of human immunodeficiency virus to register as a sex offender.

ASSUMPTIONS

1. Current law requires a sex offender to register for ten years on the sex offender registry.
2. A person who is convicted of criminal transmission of human immunodeficiency virus commits a Class B felony.
3. According to the Justice Data Warehouse, there was one offender convicted during FY 2000. The number of offenders in the future is unknown.
4. Court costs for a Class B felony range from approximately \$9,000 to \$15,000.
5. The marginal cost per day for a prison inmate is \$16.
6. The average length of stay for a Class B felony is 103.7 months.
7. The cost to the State Public Defender's Office is \$3,000.
8. The Bill takes effect upon enactment.

CORRECTIONAL IMPACT

The number of people who might be convicted of criminal transmission of human immunodeficiency virus, in the future, is unknown. During FY 2000, only one person was convicted of this offense.

FISCAL IMPACT

Due to insufficient information, an accurate fiscal impact cannot be determined. However, for each offender, the General Fund cost would be between \$75,000 and \$81,000.

SOURCES

Criminal and Juvenile Justice Planning Division, Department of Human Rights
Judicial Department
State Public Defender

(LSB 2726HV, JDD)

FILED MARCH 12, 2001

BY DENNIS PROUTY, FISCAL DIRECTOR

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

BRENT SIEGRIST
Speaker of the House

MARY E. KRAMER
President of the Senate

HOUSE FILE 550

AN ACT

ADDING THE OFFENSE OF CRIMINAL TRANSMISSION OF HUMAN IMMUNODEFICIENCY VIRUS TO THE LIST OF CRIMINAL OFFENSES THAT REQUIRE REGISTRATION UNDER THE SEX OFFENDER REGISTRY AND PROVIDING AN EFFECTIVE DATE.

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

Section 1. Section 692A.1, subsection 1, Code 2001, is amended by adding the following new paragraph:

NEW PARAGRAPH. i. Criminal transmission of human immunodeficiency virus in violation of section 709C.1, subsection 1, paragraph "a".

I hereby certify that this bill originated in the House and is known as House File 550, Seventy-ninth General Assembly.

MARGARET THOMSON
Chief Clerk of the House

Approved *April 24*, 2001

THOMAS J. VILSACK
Governor