

FEB 12 2004
Place On Calendar

HOUSE FILE 2231
BY COMMITTEE ON PUBLIC SAFETY

(SUCCESSOR TO HSB 509)

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

A BILL FOR

1 An Act relating to the release of sex offender registry records,
2 and providing an effective date.

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

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HF 2231

1 Section 1. Section 22.7, Code Supplement 2003, is amended
2 by adding the following new subsection:

3 NEW SUBSECTION. 48. Sex offender registry records under
4 chapter 692A, except as provided in section 692A.13.

5 Sec. 2. Section 229A.8A, subsection 4, Code Supplement
6 2003, is amended to read as follows:

7 4. ~~For purposes of registering as a sex offender under~~
8 ~~chapter 692A, a person placed in the transitional release~~
9 ~~program shall be classified a "high-risk" sex offender and~~
10 ~~public notification shall be as provided in section 692A.13A,~~
11 ~~subsection 2.~~ A committed person who refuses to register as a
12 sex offender is not eligible for placement in a transitional
13 release program.

14 Sec. 3. Section 692A.13, Code Supplement 2003, is amended
15 by striking the section and inserting in lieu thereof the
16 following:

17 692A.13 AVAILABILITY OF RECORDS.

18 1. The department may provide relevant information from
19 the sex offender registry to the following:

20 a. A criminal or juvenile justice agency, an agency of the
21 state, any sex offender registry of another state, or the
22 federal government.

23 b. The general public through the sex offender registry's
24 web page, except that relevant information about an offender
25 who was under twenty years of age at the time the offender
26 committed a violation of section 709.4, subsection 2,
27 paragraph "c", subparagraph (4), shall not be disclosed on the
28 web page.

29 c. The single contact repository established pursuant to
30 section 135C.33, in accordance with the rules adopted by the
31 department.

32 2. A criminal or juvenile justice agency may provide
33 relevant information from the sex offender registry to the
34 following:

35 a. A criminal or juvenile justice agency, an agency of the

1 state, or any sex offender registry of another state, or the
2 federal government.

3 b. The general public, including public and private
4 agencies, organizations, public places, public and private
5 schools, child care facilities, religious and youth
6 organizations, neighbors, neighborhood associations, community
7 meetings, and employers. Registry information may be
8 distributed to the public through printed materials, visual or
9 audio press releases, or through a criminal or juvenile
10 justice agency's web page.

11 3. Any member of the public may contact a county sheriff's
12 office or police department to request relevant information
13 from the registry regarding a specific person required to
14 register under this chapter. The request for information
15 shall be in writing, and shall include the name of the person
16 and at least one of the following identifiers pertaining to
17 the person about whom the information is sought:

- 18 a. The date of birth of the person.
- 19 b. The social security number of the person.
- 20 c. The address of the person.

21 4. A county sheriff shall also provide to any person upon
22 request access to a list of all registrants in that county.
23 However, records of a person protected under 18 U.S.C. § 3521
24 shall not be disclosed.

25 5. Relevant information provided to the general public may
26 include the offender's name, address, a photograph, locations
27 frequented by the offender, relevant criminal history
28 information from the registry, and any other relevant
29 information. Relevant information provided to the public
30 shall not include the identity of any victim.

31 6. Notwithstanding sections 232.147 through 232.151,
32 records concerning convictions which are committed by a minor
33 may be released in the same manner as records of convictions
34 of adults.

35 7. Sex offender registry records are confidential records

1 pursuant to section 22.7 and shall only be released as
2 provided in this section.

3 Sec. 4. Section 901.4, Code Supplement 2003, is amended to
4 read as follows:

5 901.4 PRESENTENCE INVESTIGATION REPORT CONFIDENTIAL --
6 DISTRIBUTION.

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

1 or refutation shall be included in the report. If the person
2 is sentenced for an offense which requires registration under
3 chapter 692A, the court shall release the report to the
4 department ~~which is responsible under section 692A.13A for~~
5 ~~performing the assessment of risk.~~

6 Sec. 5. Section 692A.13A, Code 2003, is repealed.

7 Sec. 6. APPLICABILITY OF AVAILABLE RECORDS IN THE SEX
8 OFFENDER REGISTRY. Section 692A.13, as amended by this Act,
9 shall apply retroactively to all offenders on the registry.

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

12 EXPLANATION

13 This bill relates to the release of sex offender registry
14 records.

15 The bill repeals a provision requiring the department of
16 corrections, the department of human services, the department
17 of public safety, and juvenile court officers to perform a
18 risk assessment for persons under the jurisdiction of the
19 department or juvenile court for purposes of disseminating
20 information on the sex offender registry. The bill makes
21 corresponding amendments to provisions referencing the
22 repealed provision. The bill provides that sex offender
23 registry information shall be disseminated in the same manner
24 for each offender. Current law provides that sex offender
25 information be released in differing ways based upon the risk
26 assessment score of the sex offender.

27 The bill provides that the department of public safety may
28 provide relevant sex offender information to a law enforcement
29 agency, another state agency, the federal government, a single
30 contact repository under Code section 135C.33, and the general
31 public via the department's web page, except that information
32 relating to offenders under 20 years of age who commit
33 statutory rape shall not be disclosed on the department's web
34 page. The bill further provides that a law enforcement agency
35 may release sex offender information to another law

1 enforcement agency, an agency of the state, another state's
2 sex offender registry, the federal government, or the general
3 public including public and private agencies and neighborhood
4 associations. The bill also provides that any member of the
5 general public may request, in writing, sex offender registry
6 information from a local law enforcement agency. The county
7 sheriff must provide a complete list of registered sex
8 offenders in the county if requested by any person.

9 The bill provides that sex offender information which may
10 be provided to the public includes the name, address,
11 photograph, locations frequented by the sex offender, and the
12 relevant criminal history of the offender. Information
13 provided to the public does not include the identity of any
14 victim.

15 The bill makes sex offender registry records a confidential
16 record under Code chapter 22. The release of sex offender
17 registry records are governed by this bill.

18 The bill applies retroactively to all sex offenders.

19

HOUSE FILE 2231

H-8310

1 Amend House File 2231 as follows:

2 1. Page 1, by striking lines 1 through 17, and
3 inserting the following:

4 "Sec. ____ . AVAILABILITY OF RECORDS -- PRIOR TO
5 EFFECTIVE DATE OF THIS ACT."

6 2. Page 1, line 18, by striking the words "The
7 department" and inserting the following:
8 "Notwithstanding sections 692A.13 and 692A.13A, for a
9 sex offender required to register as a sex offender
10 prior to the effective date of this Act, the
11 department of public safety".

12 3. By striking page 3, line 3, through page 4,
13 line 9, and inserting the following:

14 "Sec. ____ . The department of public safety is not
15 required to implement sections 692A.13 and 692A.13A
16 for a sex offender required to register as a sex
17 offender prior to the effective date of this Act, but
18 is required to implement sections 692A.13 and 692A.13A
19 for a sex offender newly required to register as a sex
20 offender on and after the effective date of this Act."

By BAUDLER of Adair

H-8310 FILED MARCH 23, 2004

HOUSE FILE 2231**S-5265**

1 Amend House File 2231, as passed by the House, as
2 follows:

3 1. Page 2, line 29, by inserting before the word
4 "Relevant" the following: "Relevant information
5 provided to the general public shall include the
6 offense level pursuant to subsection 5A."

7 2. Page 2, by inserting after line 30 the
8 following:

9 "5A. a. In addition to any relevant information
10 disclosed in subsection 5, the department shall
11 disclose the offense level of a person required to
12 register under this chapter. The offense level shall
13 be disclosed to the general public in the following
14 manner:

15 (1) "High offense level" means any conviction for
16 an offense categorized as a class "A", "B", or "C"
17 felony, or a person required to register for the rest
18 of the person's life.

19 (2) "Moderate offense level" means any conviction
20 for an offense categorized as a class "D" felony.

21 (3) "Low offense level" means any conviction for
22 an offense categorized as a misdemeanor.

23 b. If a person required to register under this
24 chapter has a conviction under the laws of another
25 state, the department shall determine the offense
26 level prior to disclosing the information to the
27 general public."

28 3. By renumbering as necessary.

By DAVID MILLER

S-5265 FILED APRIL 5, 2004

HOUSE FILE 2231

S-5296

1 Amend House File 2231, as passed by the House, as
2 follows:

3 1. Page 1, by striking lines 1 through 17, and
4 inserting the following:

5 "Sec. ____ . AVAILABILITY OF RECORDS -- PRIOR TO
6 EFFECTIVE DATE OF THIS ACT."

7 2. Page 1, line 18, by striking the words "The
8 department" and inserting the following:

9 "Notwithstanding sections 692A.13 and 692A.13A, for a
10 sex offender required to register as a sex offender
11 prior to the effective date of this Act, the
12 department of public safety".

13 3. By striking page 3, line 3, through page 4,
14 line 9, and inserting the following:

15 "Sec. ____ . The department of public safety is not
16 required to implement sections 692A.13 and 692A.13A
17 for a sex offender required to register as a sex
18 offender prior to the effective date of this Act, but
19 is required to implement sections 692A.13 and 692A.13A
20 for a sex offender newly required to register as a sex
21 offender on and after the effective date of this Act."

By DAVID MILLER

S-5296 FILED APRIL 7, 2004

HOUSE FILE 2231**S-5304**

1 Amend the amendment, S-5296, to House File 2231, as
2 passed by the House, as follows:

3 1. Page 1, by striking lines 3 through 21 and
4 inserting the following:

5 "____. Page 2, line 29, by inserting before the
6 word "Relevant" the following: "Relevant information
7 disclosed to the general public shall also include
8 information under subsection 5A."

9 _____. Page 2, by inserting after line 30 the
10 following:

11 "5A. In addition to any relevant information
12 disclosed to the general public pursuant to subsection
13 5, the department shall disclose a general description
14 of the criminal offense committed by the offender, the
15 relevant Code sections violated, and the criminal
16 offense classification of the offense committed. The
17 department shall post on the sex offender registry's
18 web page a description of the applicable criminal
19 offense classifications in this state and the
20 penalties associated with the classifications."

21 _____. Page 4, by inserting after line 6 the
22 following:

23 "Sec. _____. IMPLEMENTATION OF CODE SECTION 692A.13.
24 The department of public safety, department of
25 corrections, department of human services, and the
26 attorney general shall, in consultation with one
27 another, develop methods and procedures for complying
28 with the posting of any relevant information required
29 by this Act for persons required to be posted on the
30 sex offender registry's web page prior to the
31 effective date of this Act. The department of public
32 safety shall continuously update the sex offender
33 registry's web page until all relevant information
34 required by this Act is posted on the sex offender
35 registry's web page for persons required to be posted
36 on the sex offender registry's web page prior to the
37 effective date of this Act."

38 _____. By renumbering as necessary."

By KEITH A. KREIMAN

S-5304 FILED APRIL 12, 2004

HOUSE FILE 2231

S-5311

1 Amend the amendment, S-5296, to House File 2231, as
2 passed by the House, as follows:

3 1. Page 1, by striking line 5 and inserting the
4 following:

5 ""Sec. ____ . Section 692A.13, subsection 3,
6 unnumbered paragraph 1, Code Supplement 2003, is
7 amended to read as follows:

8 The department or a criminal or juvenile justice
9 agency may release relevant information from the
10 registry ~~except as otherwise provided in section~~
11 ~~692A.13A, subsection 3,~~ to members of the general
12 public concerning a specific person who is required to
13 register under this chapter as follows:

14 Sec. ____ . Section 692A.13, subsection 3, paragraph
15 c, Code Supplement 2003, is amended to read as
16 follows:

17 c. ~~Upon the appropriation of sufficient funds, the~~
18 The department shall provide electronic access to
19 relevant information from the registry for ~~the~~
20 ~~following:~~

21 ~~-(1) Persons~~ persons who commit a criminal offense
22 against a minor, an aggravated offense, sexual
23 exploitation, a sexually violent offense, or an other
24 relevant offense on or after July 1, 1999, ~~and who~~
25 ~~have been assessed to be "moderate-risk" or "high-~~
26 ~~risk".~~

27 ~~-(2) Persons who committed an offense prior to July~~
28 ~~1, 1999, and who have been assessed to be "moderate-~~
29 ~~risk" or "high-risk" and whose opportunity to request~~
30 ~~a hearing regarding the assessment of risk has lapsed.~~

31 Sec. ____ . AVAILABILITY OF RECORDS -- PRIOR TO".

By KEITH A. KREIMAN

S-5311 FILED APRIL 12, 2004

SENATE AMENDMENT TO
HOUSE FILE 2231

H-8606

1 Amend House File 2231, as passed by the House, as
2 follows:

3 1. Page 1, by striking lines 1 through 17, and
4 inserting the following:

5 "Sec. ____ . Section 692A.13, subsection 3,
6 unnumbered paragraph 1, Code Supplement 2003, is
7 amended to read as follows:

8 The department or a criminal or juvenile justice
9 agency may release relevant information from the
10 registry ~~except as otherwise provided in section~~
11 ~~692A.13A, subsection 3,~~ to members of the general
12 public concerning a specific person who is required to
13 register under this chapter as follows:

14 Sec. ____ . Section 692A.13, subsection 3, paragraph
15 c, Code Supplement 2003, is amended to read as
16 follows:

17 c. ~~Upon the appropriation of sufficient funds, the~~
18 ~~The~~ department shall provide electronic access to
19 relevant information from the registry for the
20 following:

21 ~~(1) Persons~~ persons who commit a criminal offense
22 against a minor, an aggravated offense, sexual
23 exploitation, a sexually violent offense, or an other
24 relevant offense on or after July 1, 1999, ~~and who~~
25 ~~have been assessed to be "moderate risk" or "high~~
26 ~~risk".~~

27 ~~(2) Persons who committed an offense prior to July~~
28 ~~1, 1999, and who have been assessed to be "moderate-~~
29 ~~risk" or "high risk" and whose opportunity to request~~
30 ~~a hearing regarding the assessment of risk has lapsed.~~

31 Sec. ____ . AVAILABILITY OF RECORDS -- PRIOR TO
32 EFFECTIVE DATE OF THIS ACT."

33 2. Page 1, line 18, by striking the words "The
34 department" and inserting the following:
35 "Notwithstanding sections 692A.13 and 692A.13A, for a
36 sex offender required to register as a sex offender
37 prior to the effective date of this Act, the
38 department of public safety".

39 3. By striking page 3, line 3, through page 4,
40 line 9, and inserting the following:

41 "Sec. ____ . The department of public safety is not
42 required to implement sections 692A.13 and 692A.13A
43 for a sex offender required to register as a sex
44 offender prior to the effective date of this Act, but
45 is required to implement sections 692A.13 and 692A.13A
46 for a sex offender newly required to register as a sex
47 offender on and after the effective date of this Act."

RECEIVED FROM THE SENATE

H-8606 FILED APRIL 15, 2004

Tjepkes, Ch.
Chambers
McCarthy

Succeeded By
SF 2231

HSB 509
PUBLIC SAFETY

HOUSE FILE _____

BY (PROPOSED COMMITTEE ON
PUBLIC SAFETY BILL BY
CHAIRPERSON BAUDLER)

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

A BILL FOR

1 An Act relating to the release of sex offender registry records,
2 and providing an effective date.

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

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1 Section 1. Section 22.7, Code Supplement 2003, is amended
2 by adding the following new subsection:

3 NEW SUBSECTION. 48. Sex offender registry records under
4 chapter 692A, except as provided in section 692A.13.

5 Sec. 2. Section 229A.8A, subsection 4, Code Supplement
6 2003, is amended to read as follows:

7 4. ~~For purposes of registering as a sex offender under~~
8 ~~chapter 692A, a person placed in the transitional release~~
9 ~~program shall be classified a "high-risk" sex offender and~~
10 ~~public notification shall be as provided in section 692A.13A,~~
11 ~~subsection 2.~~ A committed person who refuses to register as a
12 sex offender is not eligible for placement in a transitional
13 release program.

14 Sec. 3. Section 692A.13, Code Supplement 2003, is amended
15 by striking the section and inserting in lieu thereof the
16 following:

17 692A.13 AVAILABILITY OF RECORDS.

18 1. The department may provide relevant information from
19 the sex offender registry to the following:

20 a. A criminal or juvenile justice agency, an agency of the
21 state, any sex offender registry of another state, or the
22 federal government.

23 b. The general public through the sex offender registry's
24 web page.

25 c. The single contact repository established pursuant to
26 section 135C.33, in accordance with the rules adopted by the
27 department.

28 2. A criminal or juvenile justice agency may provide
29 relevant information from the sex offender registry to the
30 following:

31 a. A criminal or juvenile justice agency, an agency of the
32 state, or any sex offender registry of another state, or the
33 federal government.

34 b. The general public, including public and private
35 agencies, organizations, public places, public and private

1 schools, child care facilities, religious and youth
2 organizations, neighbors, neighborhood associations, community
3 meetings, and employers. Registry information may be
4 distributed to the public through printed materials, visual or
5 audio press releases, or through a criminal or juvenile
6 justice agency's web page.

7 3. Any member of the public may contact a county sheriff's
8 office or police department to request relevant information
9 from the registry regarding a specific person required to
10 register under this chapter. The request for information
11 shall be in writing, and shall include the name of the person
12 and at least one of the following identifiers pertaining to
13 the person about whom the information is sought:

- 14 a. The date of birth of the person.
- 15 b. The social security number of the person.
- 16 c. The address of the person.

17 4. A county sheriff shall also provide to any person upon
18 request access to a list of all registrants in that county.
19 However, records of a person protected under 18 U.S.C. § 3521
20 shall not be disclosed.

21 5. Relevant information provided to the general public may
22 include the offender's name, address, a photograph, locations
23 frequented by the offender, relevant criminal history
24 information from the registry, and any other relevant
25 information. Relevant information provided to the public
26 shall not include the identity of any victim.

27 6. Notwithstanding sections 232.147 through 232.151,
28 records concerning convictions which are committed by a minor
29 may be released in the same manner as records of convictions
30 of adults.

31 7. Sex offender registry records are confidential records
32 pursuant to section 22.7 and shall only be released as
33 provided in this section.

34 Sec. 4. Section 901.4, Code Supplement 2003, is amended to
35 read as follows:

1 901.4 PRESENTENCE INVESTIGATION REPORT CONFIDENTIAL --
2 DISTRIBUTION.

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

1 performing-the-assessment-of-risk.

2 Sec. 5. Section 692A.13A, Code 2003, is repealed.

3 Sec. 6. APPLICABILITY OF AVAILABLE RECORDS IN THE SEX
4 OFFENDER REGISTRY. Section 692A.13, as amended by this Act,
5 shall apply retroactively to all offenders on the registry.

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

8 EXPLANATION

9 This bill relates to the release of sex offender registry
10 records.

11 The bill repeals a provision requiring the department of
12 corrections, the department of human services, the department
13 of public safety, and juvenile court officers to perform a
14 risk assessment for persons under the jurisdiction of the
15 department or juvenile court for purposes of disseminating
16 information on the sex offender registry. The bill makes
17 corresponding amendments to provisions referencing the
18 repealed provision. The bill provides that sex offender
19 registry information shall be disseminated in the same manner
20 for each offender. Current law provides that sex offender
21 information be released in differing ways based upon the risk
22 assessment score of the sex offender.

23 The bill provides that the department of public safety may
24 provide relevant sex offender information to a law enforcement
25 agency, another state agency, the federal government, the
26 general public via the department's web page, and a single
27 contact repository under Code section 135C.33. The bill
28 further provides that a law enforcement agency may release sex
29 offender information to another law enforcement agency, an
30 agency of the state, another state's sex offender registry,
31 the federal government, or the general public including public
32 and private agencies and neighborhood associations. The bill
33 also provides that any member of the general public may
34 request, in writing, sex offender registry information from a
35 local law enforcement agency. The county sheriff must provide

1 a complete list of registered sex offenders in the county if
2 requested by any person.

3 The bill provides that sex offender information which may
4 be provided to the public includes the name, address,
5 photograph, locations frequented by the sex offender, and the
6 relevant criminal history of the offender. Information
7 provided to the public does not include the identity of any
8 victim.

9 The bill makes sex offender registry records a confidential
10 record under Code chapter 22. The release of sex offender
11 registry records are governed by this bill.

12 The bill applies retroactively to all sex offenders.

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