

SENATE FILE 2263  
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 3085)

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

**A BILL FOR**

1 An Act making changes to the residency restrictions that apply to  
2 certain sex offenders residing near a school or child care  
3 facility, and providing an effective date.

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

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SF 2263 JUDICIARY

1 Section 1. Section 692A.2A, Code 2003, is amended to read  
2 as follows:

3 692A.2A RESIDENCY RESTRICTIONS -- CHILD CARE FACILITIES  
4 AND SCHOOLS.

5 1. For purposes of this section, "person" means a person  
6 who has committed a criminal offense against a minor, or an  
7 aggravated offense, sexually violent offense, or other  
8 relevant offense that involved a minor.

9 2. A person shall not reside within ~~two~~ one thousand feet  
10 of the real property comprising a public or nonpublic  
11 elementary or secondary school or a child care facility.

12 3. A person who resides within ~~two~~ one thousand feet of  
13 the real property comprising a public or nonpublic elementary  
14 or secondary school, or a child care facility, commits an  
15 aggravated misdemeanor.

16 4. A person residing within ~~two~~ one thousand feet of the  
17 real property comprising a public or nonpublic elementary or  
18 secondary school or a child care facility does not commit a  
19 violation of this section if any of the following apply:

20 a. The person is required to serve a sentence at a jail,  
21 prison, juvenile facility, or other correctional institution  
22 or facility.

23 b. The person is subject to an order of commitment under  
24 chapter 229A.

25 c. The person has established a residence prior to July 1,  
26 2002, or a school or child care facility is newly located on  
27 or after July 1, 2002.

28 d. The person is a minor or a ward under a guardianship.

29 Sec. 2. Section 692A.5, subsection 1, paragraph h, Code  
30 2003, is amended to read as follows:

31 h. Inform the person, if the person's residency is  
32 restricted under section 692A.2A, that the person shall not  
33 reside within ~~two~~ one thousand feet of the real property  
34 comprising a public or nonpublic elementary or secondary  
35 school, or a child care facility.



**Fiscal Services Division  
Legislative Services Agency  
Fiscal Note**

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SF 2263 - Sex Offender Residency Requirements (LSB 6417 SV)  
Analyst: Jennifer Acton (Phone: (515) 281-7846) (jennifer.acton@legis.state.ia.us)  
Fiscal Note Version - New

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**Description**

Senate File 2263 makes changes to the residency restrictions that apply to certain sex offenders residing near a school or child care facility, and provides an effective date.

**Assumptions**

1. Senate File 2263 reduces the residency restrictions that apply to certain sex offenders residing near a school or child care facility from 2,000 feet to 1,000 feet. Current law restricts sex offenders from residing within 2,000 feet of a public or nonpublic elementary or secondary school.
2. There were three convictions for a violation of the 2,000-foot rule prior to the temporary injunction.
3. In FY 2003, there were 166 convictions for failure to register as a sex offender.
4. As of March 1, 2004, there were 5,793 individuals registered on the sex offender registry.
5. Under current law and SF 2263, a person who violates the Bill commits an aggravated misdemeanor, which is punishable by confinement for no more than two years and a fine of at least \$500 but no more than \$5,000.
6. Release from prison may be slowed due to the lack of adequate housing outside the restricted area and the inability to approve a valid parole plan.
7. The Bill takes effect upon enactment.

**Correctional Impact**

The correctional impact of SF 2263 cannot be determined due to insufficient information regarding the number of cases that might be filed and the conviction rate. It is reasonable to expect a correctional impact on prison, jail, and Community-Based Corrections resources. Also, releases from prison may be significantly slowed if appropriate community housing cannot be located.

**Fiscal Impact**

The fiscal impact of SF 2263 cannot be determined but is anticipated to be minimal.

**Sources**

Department of Human Rights, Criminal and Juvenile Justice Planning Division  
Judicial Branch  
Department of Public Safety

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Dennis C Prouty

March 16, 2004

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The fiscal note and correctional impact statement for this bill was prepared pursuant to Joint Rule 17 and pursuant to Section 2.56, Code of Iowa. Data used in developing this fiscal note and correctional impact statement are available from the Fiscal Services Division, Legislative Services Agency to members of the Legislature upon request.

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Redfern  
Kreiman  
Kettering

Succeeded By  
①/HF 2263 Judiciary

SSB# 3095

SENATE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
JUDICIARY BILL BY  
CHAIRPERSON REDFERN)

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

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