

JAN 20 2006
PUBLIC SAFETY

HOUSE FILE 2096
BY HORBACH

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

A BILL FOR

1 An Act relating to the residency restriction for a sex offender
2 near a school or child care facility.

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

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HF 2096

1 Section 1. Section 692A.2A, Code 2005, 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~~ been convicted of a criminal offense against
7 a minor, or an offense involving a minor that is an aggravated
8 offense, sexually violent offense, or other relevant offense
9 ~~that-involved-a-minor~~. For purposes of measuring the distance
10 from the real property comprising a public or nonpublic
11 elementary or secondary school or a child care facility to a
12 residence, the distance shall be measured from the real
13 property comprising the school or child care facility to the
14 real property comprising the residence where the person
15 resides.

16 2. A person shall not reside within two thousand feet of
17 the real property comprising a public or nonpublic elementary
18 or secondary school or a child care facility.

19 3. A person who resides within two thousand feet of the
20 real property comprising a public or nonpublic elementary or
21 secondary school, or a child care facility, commits an
22 aggravated misdemeanor.

23 4. A person residing within two thousand feet of the real
24 property comprising a public or nonpublic elementary or
25 secondary school or a child care facility does not commit a
26 violation of this section if any of the following apply:

27 a. The person is required to serve a sentence at a jail,
28 prison, juvenile facility, or other correctional institution
29 or facility.

30 b. The person is subject to an order of commitment under
31 chapter 229A.

32 c. The person has established a residence prior to July 1,
33 ~~2002, or a school or child care facility is newly located on~~
34 ~~or after July 1, 2002.~~

35 d. The person has established a residence prior to any

1 newly located school or child care facility being established.

2 ~~d.~~ e. The person is a minor ~~or-a-ward-under-a~~
3 guardianship.

4 f. The person is a ward in a guardianship.

5 g. The person is enrolled in a secondary school.

6 Sec. 2. Section 692A.4A, Code Supplement 2005, is amended
7 to read as follows:

8 692A.4A ELECTRONIC MONITORING.

9 A person required to register under this chapter who is
10 placed on probation, parole, work release, special sentence,
11 or any other type of conditional release, may be supervised by
12 an electronic tracking and monitoring system in addition to
13 any other conditions of supervision. However, if the person
14 committed has been convicted of a criminal offense against a
15 minor, or an offense involving a minor that is an aggravated
16 offense, sexually violent offense, or other relevant offense
17 that-involved-a-minor, the person shall be supervised for a
18 period of at least five years by an electronic tracking and
19 monitoring system in addition to any other conditions of
20 release.

21 EXPLANATION

22 This bill relates to residency restrictions applicable to
23 sex offenders.

24 The bill provides that for purposes of measuring the
25 distance from the real property comprising a public or
26 nonpublic elementary or secondary school or a child care
27 facility to a residence, the distance shall be measured from
28 the real property comprising the school or child care
29 facility to the real property comprising the residence of the
30 offender.

31 The bill amends current language to provide that the 2,000-
32 foot residency restriction generally applies to residences
33 within 2,000 feet of a newly located school or child care
34 facility. However, under the bill, the restriction does not
35 apply to a sex offender who has an established residence prior

1 to the establishment of a newly located school or child care
2 facility.

3 The bill also provides that the residency restriction does
4 not apply to an offender who is enrolled in a secondary
5 school.

6 The bill also specifies the offenses which subject a
7 convicted person to the residency restrictions.

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