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PUBLIC SAFETY

HOUSE FILE 2539

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

A BILL FOR

1 An Act relating to sex offenders residing near or being present
2 at schools or child care facilities, providing for real-time
3 tracking of sex offenders, for publication of the address of a
4 sex offender, establishing a tax credit for the purchase of an
5 internet obscenity filter, and continuing the sex offender
6 treatment and supervision task force.

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

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HF 2539

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1 Section 1. NEW SECTION. 422.11M INTERNET FILTER TAX
2 CREDIT.

3 The tax imposed under this division, less the credits
4 allowed under sections 422.12 and 422.12B, shall be reduced by
5 an internet filter tax credit authorized pursuant to section
6 728.16.

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

9 692A.2A RESIDENCY RESTRICTIONS -- PRESENCE -- CHILD CARE
10 FACILITIES AND SCHOOLS.

11 1. For purposes of this section, "person" means a person
12 who has committed a criminal offense against a minor, or an
13 aggravated offense, sexually violent offense, or other
14 relevant offense that involved a minor.

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

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

22 ~~4.~~ 3. A person residing within two thousand feet of the
23 real property comprising a public or nonpublic elementary or
24 secondary school or a child care facility does not commit a
25 violation of this section if any of the following apply:

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

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

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

34 d. The person has established a residence prior to any
35 newly located school or child care facility being established.

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

3 4. a. A person shall not knowingly be present on the real
4 property comprising a public or nonpublic elementary or
5 secondary school or a child care facility unless any of the
6 following apply:

7 (1) The person is transporting a minor who is a child of
8 the person to or from the school or child care facility.

9 (2) The person is attending a parent-teacher conference.

10 (3) The person has been summoned to discuss the academic
11 or social progress of a minor who is a child of the person.

12 (4) The person is directly attending to the needs of the
13 person's minor child.

14 (5) The person is voting during the hours designated to
15 vote.

16 b. If the person intends to be present on the real
17 property comprising a school or child care facility for any
18 other reason not enumerated in paragraph "a", the person shall
19 first notify the administrative offices of the school or child
20 care facility that the person intends to be present on the
21 real property comprising a school or child care facility, and
22 the person shall receive written permission from the
23 administration of the school or child care facility prior to
24 entering onto the real property comprising a school or child
25 care facility.

26 5. A person who violates this section commits an
27 aggravated misdemeanor.

28 Sec. 3. Section 692A.4A, Code Supplement 2005, is amended
29 to read as follows:

30 692A.4A ELECTRONIC MONITORING.

31 A person required to register under this chapter who is
32 placed on probation, parole, work release, special sentence,
33 or any other type of conditional release, may be supervised by
34 an electronic tracking and monitoring system in addition to
35 any other conditions of supervision. However, if the person

1 committed a criminal offense against a minor, or an aggravated
2 offense, sexually violent offense, or other relevant offense
3 that involved a minor, the person shall be supervised for a
4 period of at least five years by an a real-time electronic
5 tracking and monitoring system in addition to any other
6 conditions of release.

7 Sec. 4. Section 692A.13, Code Supplement 2005, is amended
8 by adding the following new subsection:

9 NEW SUBSECTION. 5A. The department, on an annual basis,
10 shall publish sex offender registry information for each
11 county in all of the newspapers of general circulation in that
12 county. In addition, the department, on a monthly basis,
13 shall also publish any new sex offender registry information
14 for each county in all newspapers of general circulation in
15 that county. Published sex offender registry information for
16 each sex offender shall at a minimum include the following:
17 name, address, criminal offenses committed that required the
18 registration, and date of conviction for each offense that
19 required registration. Each publication shall also contain a
20 general statement informing readers of the sex offender
21 registry's web page and that more information about sex
22 offenders residing in their community may be obtained from the
23 county sheriff. The department shall adopt rules in
24 accordance with chapter 17A to administer this subsection.

25 Sec. 5. NEW SECTION. 728.16 TAX CREDIT -- PURCHASE OF
26 INTERNET FILTER.

27 1. For any tax year beginning on or after January 1, 2006,
28 a tax credit shall be allowed against the taxes imposed in
29 chapter 422, division II, equal to one-half the cost, up to a
30 maximum of a fifty dollar credit, of the purchase of an
31 internet filter to be placed on an in-home computer that
32 protects minors from online visual depictions of obscene
33 material. An individual may claim a tax credit under this
34 section of a partnership, limited liability company, S
35 corporation, estate or trust electing to have income taxed

1 directly to the individual.

2 2. A person shall submit to the department of revenue a
3 copy of the sales receipt and the universal bar code label as
4 proof of purchase in order to receive a tax credit under this
5 section.

6 3. The tax credit under this section shall only be claimed
7 one time by a household. For purposes of this subsection,
8 "household" means the claimant and the claimant's spouse if
9 the spouse is living with the claimant at the time the tax
10 credit is claimed.

11 4. Any credit in excess of the taxpayer's tax liability
12 shall be refunded. In lieu of claiming a refund, the taxpayer
13 may elect to have the overpayment shown on the taxpayer's
14 final, completed return credited to the tax liability for the
15 following tax year.

16 Sec. 6. CONTINUATION OF SEX OFFENDER TREATMENT AND
17 SUPERVISION TASK FORCE. The division of criminal and juvenile
18 justice planning of the department of human rights shall
19 continue to study and develop recommendations about treating
20 and supervising sex offenders. In addition to continuing to
21 study and develop the recommendations provided by the task
22 force, the task force shall also take a more comprehensive
23 approach to developing recommendations, including but not
24 limited to studying and making recommendations on sex
25 offender-related policies and practices. More specifically,
26 the task force shall develop proposals and make
27 recommendations about the following: (1) tracking sex
28 offenders who fail to or improperly register under chapter
29 692A of the Code; (2) the establishment of a secure website
30 that allows a sheriff to electronically transmit sex offender-
31 registry information to the department of public safety; (3)
32 the effect of the sex offender registry and sex offender-
33 related laws on juveniles; and (4) whether state agencies
34 should provide information to the department of public safety
35 through batch transfers, with such information containing

1 limited amounts of information about a person required to
2 register as a sex offender.

3 The task force is encouraged to begin a pilot project that
4 permits the department of corrections to transfer information
5 to the department of public safety about a person required to
6 register as a sex offender, and based upon the knowledge
7 gathered from the pilot project with the department of
8 corrections, the task force is encouraged to facilitate the
9 same type of information exchange between the state department
10 of transportation and the department of public safety.

11 The task force shall file a report with recommendations
12 with the general assembly by January 9, 2007.

13 EXPLANATION

14 This bill relates to sex offenders residing near or being
15 present at schools or child care facilities, and provides for
16 real-time tracking of sex offenders, publication of the
17 address of a sex offender, provides a tax credit for the
18 purchase of an internet filter relating to obscene material,
19 and continues the sex offender treatment and supervision task
20 force.

21 The bill provides that a sex offender shall not be present
22 on the real property comprising a school or child care
23 facility. The bill provides that an offender may be present
24 on the property of a school or child care facility property if
25 the offender is transporting the offender's child to or from
26 the school or child care facility, the offender is summoned to
27 discuss the academic or social progress of the offender's
28 child; the offender is attending to the social needs of the
29 offender's child, or the offender is voting in an election
30 during the designated hours to vote.

31 If a sex offender is to be present on the real property of
32 a school or child care facility for any other reason other
33 than the reasons permissible under the bill, the offender must
34 first receive written permission from the administration of
35 the school or child care facility prior to entering onto the

1 property.

2 Under current law and the bill, a person who violates the
3 provisions of Code section 692A.2A commits an aggravated
4 misdemeanor.

5 The bill requires that a registered sex offender who has
6 been convicted of a criminal offense involving a minor shall
7 be supervised using a real-time electronic tracking and
8 monitoring system in addition to any other conditions of
9 release.

10 The bill requires the department of public safety to
11 annually publish in all newspapers of general circulation in
12 each county the name, address, convictions, and dates of
13 convictions of each registered sex offender residing in the
14 county. The bill also requires the department of public
15 safety, on a monthly basis, to publish any new sex offender
16 registry information for each county in all newspapers of
17 general circulation in that county.

18 The bill creates a one-time tax credit equal to one-half
19 the cost, up to a maximum of \$50, of the purchase of an
20 internet filter that protects minors from online visual
21 depictions of obscene material. Any credit in excess of the
22 taxpayer's liability shall be refunded.

23 The bill provides that sex offender treatment and
24 supervision task force created during the 2005 Legislative
25 Session shall continue the work of the task force and make
26 additional recommendations in January 2007.

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