

Senate Study Bill 3105 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED GOVERNOR'S BILL)

A BILL FOR

1 An Act relating to sex offender notification, providing
2 penalties, and including effective date provisions.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 135C.23A Sex offender notification.

2 1. Upon commitment of a person required to register as
3 a sex offender as provided in section 692A.103 to a nursing
4 facility, residential care facility, or assisted living program
5 as defined in section 231C.2, the clerk of the committing court
6 shall notify the department of inspections and appeals and the
7 admitting facility or program.

8 2. Prior to or immediately upon admission of a resident or
9 tenant to a nursing facility, residential care facility, or
10 assisted living program, the facility or program shall access
11 and search the sex offender registry established in chapter
12 692A to determine whether the resident or tenant is a person
13 required to register as a sex offender, as provided in section
14 692A.103.

15 3. Upon the admission of a person required to register as a
16 sex offender, a nursing facility, residential care facility, or
17 assisted living program shall provide notice of the admission,
18 in accordance with rules adopted by the department, to all of
19 the following persons:

20 a. A resident or tenant of the facility or program.

21 b. The emergency contact person or next of kin for a
22 resident or tenant of the facility or program.

23 c. An operator, owner, manager, or employee of the facility
24 or program.

25 d. A visitor to the facility or program.

26 e. The sheriff for the county in which the facility or
27 program is located.

28 4. Upon the admission of a person required to register as a
29 sex offender, a nursing facility, residential care facility, or
30 assisted living program shall develop and implement a written
31 safety plan for each such person in accordance with rules
32 adopted by the department.

33 5. The department shall establish by rule, all of the
34 following:

35 a. The requirements of the notice required under this

1 section. The rules shall include but are not limited to
2 provisions for the method of notice and time of notice to each
3 of the persons enumerated in subsection 3.

4 *b.* The requirements of a safety plan for persons required
5 to register as a sex offender who are admitted by a nursing
6 facility, residential care facility, or assisted living
7 program. The rules shall include but are not limited to all of
8 the following:

9 (1) A plan for the safety of residents or tenants.

10 (2) A plan for the safety of others when a person required
11 to register as a sex offender temporarily leaves a facility or
12 program or when community functions are held at a facility or
13 program.

14 (3) A provision for establishing the responsibilities of
15 a nursing facility, residential care facility, and assisted
16 living program and of the operators, owners, managers,
17 employees, residents, and tenants of facilities and programs.

18 (4) A provision for the timely development and
19 implementation of a safety plan.

20 *c.* Civil penalties for a violation of this section in
21 accordance with section 135C.36.

22 6. A violation of this section is subject to the imposition
23 of a civil penalty in accordance with rules adopted by the
24 department pursuant to this section.

25 Sec. 2. Section 231C.3, subsection 9, Code 2011, is amended
26 to read as follows:

27 9. An assisted living program shall comply with ~~section~~
28 sections 135C.23A and 135C.33.

29 Sec. 3. Section 602.8102, Code 2011, is amended by adding
30 the following new subsection:

31 NEW SUBSECTION. 152. Notify the department of inspections
32 and appeals and the admitting entity upon commitment of a
33 person required to register as a sex offender as provided in
34 section 692A.103 to a nursing facility or residential care
35 facility as defined in section 135C.1, or assisted living

1 program as defined in section 231C.2.

2 Sec. 4. EMERGENCY RULES. The department of inspections
3 and appeals shall adopt administrative rules under section
4 17A.4, subsection 3, and section 17A.5, subsection 2, paragraph
5 "b", to implement the provisions of this Act and the rules
6 shall become effective immediately upon filing or on a later
7 effective date specified in the rules. Any rules adopted in
8 accordance with the provisions of this section shall also be
9 published as a notice of intended action as provided in section
10 17A.4.

11 Sec. 5. CURRENT RESIDENTS AND TENANTS — ACCESS AND SEARCH
12 OF SEX OFFENDER REGISTRY AND NOTIFICATION. A nursing facility,
13 residential care facility, or assisted living program, within
14 three months of the adoption of the rules by the department of
15 inspections and appeals regarding notification of the admission
16 of persons required to register as a sex offender to a facility
17 or program and development and implementation of safety plans
18 relating to such admitted persons, shall access and search
19 the sex offender registry established in chapter 692A for
20 persons who were residents or tenants of a facility or program
21 prior to the adoption of the rules and who remain residents or
22 tenants of the facility or program after the adoption of the
23 rules. Upon determining that a resident or tenant is a person
24 required to register as a sex offender, the facility or program
25 shall, within three months of the adoption of the rules, notify
26 persons as required by section 135C.23A and the rules adopted
27 pursuant to that section and develop and implement a safety
28 plan as required by section 135C.23A and the rules adopted
29 pursuant to that section.

30 Sec. 6. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
31 immediate importance, takes effect upon enactment.

32

EXPLANATION

33 This bill relates to notifying residents and tenants of
34 certain facilities and programs about the status of other
35 residents or tenants included on the state's sex offender

1 registry.

2 The bill requires the clerk of a court that is committing
3 a person required to register as a sex offender to a nursing
4 facility, residential care facility, or assisted living program
5 to notify the department of inspections and appeals (DIA) and
6 the facility or program to which the person is being committed.

7 The bill requires a nursing facility, residential care
8 facility, and assisted living program prior to or immediately
9 upon the admission of a resident or tenant to access and search
10 the sex offender registry to determine whether the resident or
11 tenant is included on the registry.

12 Upon the admission of a person required to register as a
13 sex offender, a nursing facility, residential care facility,
14 or assisted living program must provide notice as provided in
15 the DIA's rules to residents or tenants, the emergency contact
16 or next of kin for residents or tenants, operators, owners,
17 managers, or employees of the facility or program, visitors to
18 the facility or program, and the county sheriff.

19 The bill also requires nursing facilities, residential
20 care facilities, and assisted living programs to develop and
21 implement a written safety plan complying with the DIA's rules
22 relating to each person required to register as a sex offender
23 admitted to the facility or program.

24 The bill requires the DIA to establish rules for the
25 requirements of the notice including the method of notice and
26 time of notice, the requirements of the safety plans including
27 the safety plan for other residents and the community,
28 a provision for the responsibilities of the facility or
29 program, the operators, owners, managers, or employees, and
30 the residents and tenants, and a provision for the timely
31 development and implementation of safety plans, and civil
32 penalties for a violation of the bill. A person who violates
33 the requirements of the bill is subject to a civil penalty.

34 The bill requires the DIA to adopt emergency rules.

35 The bill provides that a nursing facility, residential care

1 facility, or assisted living program, within three months
2 of the adoption of the DIA's rules regarding sex offender
3 notification, is required to access and search the sex offender
4 registry to determine whether current residents or tenants
5 are on the registry. If a current resident or tenant is on
6 the sex offender registry, the nursing facility, residential
7 care facility, or assisted living program, within three months
8 of the adoption of the DIA's rules, shall notify persons as
9 required under the bill and develop and implement a safety plan
10 as required under the bill.

11 The bill takes effect upon enactment.