

Senate Study Bill 1189 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL BY
CHAIRPERSON DANIELSON)

A BILL FOR

1 An Act making modifications to the sex offender registry and
2 the statute of limitations for sex abuse offenses, creating
3 a missing children safety fund, and making appropriations.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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DIVISION I

SEX OFFENDER REGISTRY MODIFICATIONS

Section 1. Section 692A.102, Code 2013, is amended to read as follows:

692A.102 Sex offense classifications.

~~1.~~ For purposes of this chapter, all individuals required to register shall be classified as a tier I, tier II, or tier III offender pursuant to section 692A.102B. Convictions of more than one sex offense which require registration under this chapter but which are prosecuted within a single indictment shall be considered as a single offense for purposes of registration. For purposes of this chapter, sex offenses are ~~classified into the following tiers~~ the following:

~~a. Tier I offenses include a conviction for the following sex offenses:~~

~~(1)~~ 1. Sexual abuse in the second degree in violation of section 709.3, subsection 2, if committed by a person under the age of fourteen.

~~(2)~~ 2. Sexual abuse in the third degree in violation of section 709.4, subsection 1, 3, or 4, if committed by a person under the age of fourteen.

~~(3)~~ 3. Sexual abuse in the third degree in violation of section 709.4, subsection 2, paragraph "a" or "b", if committed by a person under the age of fourteen.

~~(4)~~ 4. Sexual abuse in the third degree in violation of section 709.4, subsection 2, paragraph "c".

~~(5)~~ 5. Indecent exposure in violation of section 709.9.

~~(6)(a)~~ 6. a. Harassment in violation of section 708.7, subsection 1, 2, or 3, if a determination is made that the offense was sexually motivated pursuant to section 692A.126.

~~(b)~~ b. Stalking in violation of section 708.11, if a determination is made that the offense was sexually motivated pursuant to section 692A.126, except a violation of section 708.11, subsection 3, paragraph "b", subparagraph (3), ~~shall be classified a tier II offense as provided in paragraph "b".~~

1 ~~(e)~~ c. Any other indictable offense in violation of chapter
2 708 if the offense is committed against a minor and if a
3 determination is made that the offense was sexually motivated
4 pursuant to section 692A.126.

5 ~~(7)~~ 7. Pimping in violation of section 725.2 if the offense
6 was committed against a minor or otherwise involves a minor
7 and if a determination is made that the offense was sexually
8 motivated pursuant to section 692A.126.

9 ~~(8)~~ 8. Pandering in violation of section 725.3, subsection
10 2, if a determination is made that the offense was sexually
11 motivated pursuant to section 692A.126.

12 ~~(9)~~ 9. Any indictable offense in violation of chapter
13 726 if the offense is committed against a minor or otherwise
14 involves a minor and if a determination is made that the
15 offense was sexually motivated pursuant to section 692A.126.

16 ~~(10)~~ ~~(a)~~ 10. a. Dissemination or exhibition of obscene
17 material to minors in violation of section 728.2 or telephone
18 dissemination of obscene material to minors in violation of
19 section 728.15.

20 ~~(b)~~ b. Rental or sale of hard-core pornography, if delivery
21 is to a minor, in violation of section 728.4.

22 ~~(11)~~ 11. Admitting minors to premises where obscene
23 material is exhibited in violation of section 728.3.

24 ~~(12)~~ 12. Receipt or possession of child pornography in
25 violation of 18 U.S.C. § 2252.

26 ~~(13)~~ 13. Material containing child pornography in
27 violation of 18 U.S.C. § 2252A.

28 ~~(14)~~ 14. Misleading domain names on the internet in
29 violation of 18 U.S.C. § 2252B.

30 ~~(15)~~ 15. Misleading words or digital images on the internet
31 in violation of section 18 U.S.C. § 2252C.

32 ~~(16)~~ 16. Failure to file a factual statement about an alien
33 individual in violation of 18 U.S.C. § 2424.

34 ~~(17)~~ 17. Transmitting information about a minor to further
35 criminal sexual conduct in violation of 18 U.S.C. § 2425.

1 ~~(18) Any sex offense specified in the laws of another~~
2 ~~jurisdiction or any sex offense that may be prosecuted in~~
3 ~~federal, military, or foreign court, that is comparable to an~~
4 ~~offense listed in subparagraphs (1) through (17).~~

5 ~~(19) Any sex offense under the prior laws of this state or~~
6 ~~another jurisdiction, or any sex offense under prior law that~~
7 ~~was prosecuted in a federal, military, or foreign court, that~~
8 ~~is comparable to an offense listed in subparagraphs (1) through~~
9 ~~(17).~~

10 ~~b. Tier II offenses include a conviction for the following~~
11 ~~sex offenses:~~

12 ~~(1) 18. Lascivious acts with a child in violation of~~
13 ~~section 709.8, subsection 3 or 4.~~

14 ~~(2) 19. Solicitation of a minor to engage in an illegal sex~~
15 ~~act in violation of section 705.1.~~

16 ~~(3) 20. Solicitation of a minor to engage in an illegal~~
17 ~~act under section 709.8, subsection 3, in violation of section~~
18 ~~705.1.~~

19 ~~(4) 21. Solicitation of a minor to engage in an illegal act~~
20 ~~under section 709.12, in violation of section 705.1.~~

21 ~~(5) 22. False imprisonment of a minor in violation of~~
22 ~~section 710.7, except if committed by a parent.~~

23 ~~(6) 23. Assault with intent to commit sexual abuse if no~~
24 ~~injury results in violation of section 709.11.~~

25 ~~(7) 24. Invasion of privacy — nudity in violation of~~
26 ~~section 709.21.~~

27 ~~(8) 25. Stalking in violation of section 708.11, subsection~~
28 ~~3, paragraph "b", subparagraph (3), if a determination is made~~
29 ~~that the offense was sexually motivated pursuant to section~~
30 ~~692A.126.~~

31 ~~(9) 26. Indecent contact with a child in violation of~~
32 ~~section 709.12, if the child is thirteen years of age.~~

33 ~~(10) 27. Lascivious conduct with a minor in violation of~~
34 ~~section 709.14.~~

35 ~~(11) 28. Sexual exploitation by a counselor, therapist, or~~

1 school employee in violation of section 709.15, if the victim
2 is thirteen years of age or older.

3 ~~(12)~~ 29. Sexual misconduct with offenders and juveniles in
4 violation of section 709.16, if the victim is thirteen years of
5 age or older.

6 ~~(13)~~ 30. Sexual abuse of a corpse in violation of section
7 709.18.

8 ~~(14)~~ 31. Kidnapping of a person who is not a minor in
9 violation of section 710.2, 710.3, or 710.4, if a determination
10 is made that the offense was sexually motivated pursuant to
11 section 692A.126.

12 ~~(15)~~ 32. Pandering in violation of section 725.3.

13 ~~(16)~~ 33. Solicitation of a minor to engage in an illegal
14 act under section 725.3, subsection 2, in violation of section
15 705.1.

16 ~~(17)~~ 34. Incest committed against a dependent adult as
17 defined in section 235B.2 in violation of section 726.2.

18 ~~(18)~~ 35. Incest committed against a minor in violation of
19 section 726.2.

20 ~~(19)~~ 36. Sexual exploitation of a minor in violation of
21 section 728.12, subsection 2 or 3.

22 ~~(20)~~ 37. Material involving the sexual exploitation of a
23 minor in violation of 18 U.S.C. § 2252(a), except receipt or
24 possession of child pornography.

25 ~~(21)~~ 38. Production of sexually explicit depictions of
26 a minor for import into the United States in violation of 18
27 U.S.C. § 2260.

28 ~~(22)~~ 39. Transportation of a minor for illegal sexual
29 activity in violation of 18 U.S.C. § 2421.

30 ~~(23)~~ 40. Coercion and enticement of a minor for illegal
31 sexual activity in violation of 18 U.S.C. § 2422(a) or (b).

32 ~~(24)~~ 41. Transportation of minors for illegal sexual
33 activity in violation of 18 U.S.C. § 2423(a).

34 ~~(25)~~ 42. Travel with the intent to engage in illegal sexual
35 conduct with a minor in violation of 18 U.S.C. § 2423.

1 ~~(26)~~ 43. Engaging in illicit sexual conduct in foreign
2 places in violation of 18 U.S.C. § 2423(c).

3 ~~(27)~~ 44. Video voyeurism of a minor in violation of 18
4 U.S.C. § 1801.

5 ~~(28) Any sex offense specified in the laws of another~~
6 ~~jurisdiction or any offense that may be prosecuted in a~~
7 ~~federal, military, or foreign court, that is comparable to an~~
8 ~~offense listed in subparagraphs (1) through (27).~~

9 ~~(29) Any sex offense under the prior laws of this state~~
10 ~~or another jurisdiction, or any sex offense under prior law~~
11 ~~that was prosecuted in a federal, military, or foreign court,~~
12 ~~that is comparable to a sex offense listed in subparagraphs (1)~~
13 ~~through (27).~~

14 ~~e. Tier III offenses include a conviction for the following~~
15 ~~sex offenses:~~

16 ~~(1)~~ 45. Murder in violation of section 707.2 or 707.3 if
17 sexual abuse as defined in section 709.1 is committed during
18 the commission of the offense.

19 ~~(2)~~ 46. Murder in violation of section 707.2 or 707.3, if
20 a determination is made that the offense was sexually motivated
21 pursuant to section 692A.126.

22 ~~(3)~~ 47. Voluntary manslaughter in violation of section
23 707.4, if a determination is made that the offense was sexually
24 motivated pursuant to section 692A.126.

25 ~~(4)~~ 48. Involuntary manslaughter in violation of section
26 707.5, if a determination is made that the offense was sexually
27 motivated pursuant to section 692A.126.

28 ~~(5)~~ 49. Attempt to commit murder in violation of section
29 707.11, if a determination is made that the offense was
30 sexually motivated pursuant to section 692A.126.

31 ~~(6)~~ 50. Penetration of the genitalia or anus with an object
32 in violation of section 708.2, subsection 5.

33 ~~(7)~~ 51. Sexual abuse in the first degree in violation of
34 section 709.2.

35 ~~(8)~~ 52. Sexual abuse in the second degree in violation of

1 section 709.3, subsection 1 or 3.

2 ~~(9)~~ 53. Sexual abuse in the second degree in violation of
3 section 709.3, subsection 2, if committed by a person fourteen
4 years of age or older.

5 ~~(10)~~ 54. Sexual abuse in the third degree in violation of
6 section 709.4, subsection 1, 3, or 4, if committed by a person
7 fourteen years of age or older.

8 ~~(11)~~ 55. Sexual abuse in the third degree in violation of
9 section 709.4, subsection 2, paragraph "a" or "b", if committed
10 by a person fourteen years of age or older.

11 ~~(12)~~ 56. Lascivious acts with a child in violation of
12 section 709.8, subsection 1 or 2.

13 ~~(13)~~ 57. Kidnapping in violation of section 710.2 if sexual
14 abuse as defined in section 709.1 is committed during the
15 commission of the offense.

16 ~~(14)~~ 58. Kidnapping of a minor in violation of section
17 710.2, 710.3, or 710.4, if a determination is made that the
18 offense was sexually motivated pursuant to section 692A.126.

19 ~~(15)~~ 59. Assault with intent to commit sexual abuse
20 resulting in serious or bodily injury in violation of section
21 709.11.

22 ~~(16)~~ 60. Burglary in the first degree in violation of
23 section 713.3, subsection 1, paragraph "d".

24 ~~(17)~~ 61. Any other burglary in the first degree offense in
25 violation of section 713.3 that is not included in ~~subparagraph~~
26 ~~(16)~~ subsection 60, if a determination is made that the offense
27 was sexually motivated pursuant to section 692A.126.

28 ~~(18)~~ 62. Attempted burglary in the first degree in
29 violation of section 713.4, if a determination is made that the
30 offense was sexually motivated pursuant to section 692A.126.

31 ~~(19)~~ 63. Burglary in the second degree in violation of
32 section 713.5, if a determination is made that the offense was
33 sexually motivated pursuant to section 692A.126.

34 ~~(20)~~ 64. Attempted burglary in the second degree in
35 violation of section 713.6, if a determination is made that the

1 offense was sexually motivated pursuant to section 692A.126.

2 ~~(21)~~ 65. Burglary in the third degree in violation of
3 section 713.6A, if a determination is made that the offense was
4 sexually motivated pursuant to section 692A.126.

5 ~~(22)~~ 66. Attempted burglary in the third degree in
6 violation of section 713.6B, if a determination is made
7 that the offense was sexually motivated pursuant to section
8 692A.126.

9 ~~(23)~~ 67. Criminal transmission of human immunodeficiency
10 virus in violation of section 709C.1, subsection 1, paragraph
11 "a".

12 ~~(24)~~ 68. Human trafficking in violation of section 710A.2
13 if sexual abuse or assault with intent to commit sexual abuse
14 is committed or sexual conduct or sexual contact is an element
15 of the offense.

16 ~~(25)~~ 69. Purchase or sale of an individual in violation of
17 section 710.11 if a determination is made that the offense was
18 sexually motivated pursuant to section 692A.126.

19 ~~(26)~~ 70. Sexual exploitation of a minor in violation of
20 section 728.12, subsection 1.

21 ~~(27)~~ 71. Indecent contact with a child in violation of
22 section 709.12 if the child is under thirteen years of age.

23 ~~(28)~~ 72. Sexual exploitation by a counselor, therapist, or
24 school employee in violation of section 709.15, if the child
25 is under thirteen years of age.

26 ~~(29)~~ 73. Sexual misconduct with offenders and juveniles
27 in violation of section 709.16, if the child is under thirteen
28 years of age.

29 ~~(30)~~ 74. Child stealing in violation of section 710.5, if
30 a determination is made that the offense was sexually motivated
31 pursuant to section 692A.126.

32 ~~(31)~~ 75. Enticing a minor in violation of section 710.10,
33 if the violation includes an intent to commit sexual abuse,
34 sexual exploitation, sexual contact, or sexual conduct directed
35 towards a minor.

- 1 ~~(32)~~ 76. Solicitation of commercial sexual activity in
2 violation of section 710A.2A.
- 3 ~~(33)~~ 77. Sex trafficking of children in violation of 18
4 U.S.C. § 1591.
- 5 ~~(34)~~ 78. Aggravated sexual abuse in violation of 18 U.S.C.
6 § 2241.
- 7 ~~(35)~~ 79. Sexual abuse in violation of 18 U.S.C. § 2242.
- 8 ~~(36)~~ 80. Sexual abuse of a minor or ward in violation of
9 18 U.S.C. § 2243.
- 10 ~~(37)~~ 81. Abusive sexual contact in violation of 18 U.S.C.
11 § 2244.
- 12 ~~(38)~~ 82. Offenses resulting in death in violation of 18
13 U.S.C. § 2245.
- 14 ~~(39)~~ 83. Sexual exploitation of children in violation of
15 18 U.S.C. § 2251.
- 16 ~~(40)~~ 84. Selling or buying of children in violation of 18
17 U.S.C. § 2251A.
- 18 ~~(41)~~ 85. Any sex offense specified in the laws of another
19 jurisdiction or any sex offense that may be prosecuted in
20 federal, military, or foreign court, that is comparable to an
21 offense listed in ~~subparagraphs (1) through (40)~~ this section.
- 22 ~~(42)~~ 86. Any sex offense under the prior laws of this state
23 or another jurisdiction, or any sex offense under prior law
24 that was prosecuted in federal, military, or foreign court,
25 that is comparable to a sex offense listed in ~~subparagraphs (1)~~
26 ~~through (40)~~ this section.
- 27 ~~2. A sex offender classified as a tier I offender shall be~~
28 ~~reclassified as a tier II offender, if it is determined the~~
29 ~~offender has one previous conviction for an offense classified~~
30 ~~as a tier I offense.~~
- 31 ~~3. A sex offender classified as a tier II offender, shall be~~
32 ~~reclassified as a tier III offender, if it is determined the~~
33 ~~offender has a previous conviction for a tier II offense or has~~
34 ~~been reclassified as a tier II offender because of a previous~~
35 ~~conviction.~~

1 ~~4. Notwithstanding the classifications of sex offenses~~
2 ~~in subsection 1, any sex offense which would qualify a sex~~
3 ~~offender as a sexually violent predator shall be classified as~~
4 ~~a tier III offense.~~

5 ~~5. An offense classified as a tier II offense if committed~~
6 ~~against a person under thirteen years of age shall be~~
7 ~~reclassified as a tier III offense.~~

8 ~~6. Convictions of more than one sex offense which require~~
9 ~~registration under this chapter but which are prosecuted within~~
10 ~~a single indictment shall be considered as a single offense for~~
11 ~~purposes of registration.~~

12 Sec. 2. NEW SECTION. **692A.102A Assessment of risks —**
13 **tiers.**

14 1. The department of corrections, the department of human
15 services, and the department of public safety shall, in
16 consultation with one another, develop methods and procedures
17 for the assessment of the risk to reoffend for a sex offender
18 newly required to register under this chapter on or after July
19 1, 2013, or for an offender required to register prior to
20 July 1, 2013, but who have not registered. The department
21 of corrections, in consultation with the department of human
22 services, the department of public safety, and the attorney
23 general, shall adopt rules relating to assessment procedures.
24 The assessment procedures shall include procedures for the
25 sharing of information between the department of corrections,
26 department of human services, the juvenile court, and the
27 division of criminal investigation of the department of public
28 safety, as well as the communication of the results of the risk
29 assessment to criminal and juvenile justice agencies. The
30 assignment of responsibility for the assessment of risk shall
31 be as follows:

32 a. The department of corrections or a judicial district
33 department of correctional services shall perform the
34 assessment of risk for sex offenders who are incarcerated
35 in institutions under the control of the director of

1 the department of corrections, persons who are under the
2 supervision of the department of corrections or a judicial
3 district department of correctional services, and sex offenders
4 who are under the supervision or control of the department of
5 corrections or a judicial district department of correctional
6 services through an interstate compact.

7 *b.* The department of human services shall perform the
8 assessment of risk for sex offenders who are confined in
9 institutions under the control of the director of human
10 services, sex offenders who are under the supervision of the
11 department of human services, and sex offenders who are under
12 the supervision or control of the department of human services
13 through an interstate compact.

14 *c.* The division of criminal investigation of the department
15 of public safety shall perform the assessment of risk for
16 sex offenders who have moved to Iowa but are not under the
17 supervision of the department of corrections, a judicial
18 district department of correctional services, or the department
19 of human services; federal parolees or probationers; sex
20 offenders who have been released from a county jail but are
21 not under the supervision of the department of corrections,
22 a judicial district department of correctional services,
23 a juvenile court officer of the judicial branch, or the
24 department of human services; and persons who are convicted
25 and released by the courts and are not incarcerated or placed
26 under supervision pursuant to the court's sentencing order.
27 Assessments of sex offenders who have moved to Iowa and sex
28 offenders on federal parole or probation shall be performed
29 on an expedited basis if the sex offender was classified as a
30 person with a high degree of likelihood of reoffending by the
31 other jurisdiction or the federal government.

32 *d.* A juvenile court officer shall perform the assessment of
33 risk for a juvenile sex offender who is adjudicated delinquent
34 for a criminal offense listed in section 692A.102 and who is
35 under the juvenile court officer's supervision.

1 2. The department of public safety shall be responsible
2 for disclosing the classification of risk information to a
3 criminal or juvenile justice agency for law enforcement,
4 prosecution, or for public notification purposes. The results
5 of the assessment of risk shall be disclosed as other relevant
6 information is disclosed under section 692A.121.

7 3. A sex offender on the sex offender registry prior to July
8 1, 2013, and who is on the sex offender registry on or after
9 July 1, 2013, shall remain in the tier classification assigned
10 to the sex offender as of July 1, 2013, until such time that a
11 risk assessment is performed pursuant to this section.

12 Sec. 3. NEW SECTION. **692A.102B Tiers.**

13 After the assessment of risk has been performed pursuant
14 to section 602A.102A, a sex offender assessed a high risk
15 to reoffend shall be classified a tier III offender, a
16 sex offender assessed a moderate risk to reoffend shall be
17 classified as a tier II offender, and a sex offender assessed a
18 low risk to reoffend shall be classified a tier I offender.

19 Sec. 4. Section 692A.103, subsection 1, unnumbered
20 paragraph 1, Code 2013, is amended to read as follows:

21 A person who has been convicted of any sex offense ~~classified~~
22 ~~as a tier I, tier II, or tier III offense~~, or an offender
23 required to register in another jurisdiction under the other
24 jurisdiction's sex offender registry, shall register as a sex
25 offender as provided in this chapter if the offender resides,
26 is employed, or attends school in this state. A sex offender
27 shall, upon a first or subsequent conviction, register in
28 compliance with the procedures specified in this chapter, for
29 the duration of time specified in this chapter, commencing as
30 follows:

31 Sec. 5. Section 692A.121, subsection 2, paragraph b,
32 subparagraph (1), Code 2013, is amended by adding the following
33 new subparagraph division:

34 NEW SUBPARAGRAPH DIVISION. (i) The classification that
35 results from risk assessment performed pursuant to section

1 692A.102A.

2 Sec. 6. Section 692A.125, subsection 1, Code 2013, is
3 amended to read as follows:

4 1. The registration requirements of this chapter shall
5 apply to sex offenders convicted on or after July 1, 2009, of a
6 sex offense ~~classified~~ enumerated under section 692A.102.

7 DIVISION II

8 STATUTE OF LIMITATIONS — SEXUAL ABUSE

9 Sec. 7. Section 802.2, Code 2013, is amended by striking the
10 section and inserting in lieu thereof the following:

11 **802.2 Sexual abuse — first, second, or third degree.**

12 1. A prosecution for sexual abuse in the first, second, or
13 third degree may be commenced at any time after the commission
14 of the act.

15 2. If the person against whom an information or indictment
16 is sought for prosecution under subsection 1 is identified
17 through the use of a DNA profile, the information or indictment
18 may be commenced at any time.

19 Sec. 8. Section 802.10, subsection 1, paragraph b, Code
20 2013, is amended to read as follows:

21 *b.* ~~"Identified" means the same as defined in section 802.2 a~~
22 person's legal name is known and the person has been determined
23 to be the source of the DNA.

24 DIVISION III

25 MISSING CHILDREN SAFETY REVOLVING FUND — APPROPRIATION

26 Sec. 9. NEW SECTION. **80.44 Missing children safety —**
27 **revolving fund.**

28 1. A missing children safety revolving fund is created in
29 the state treasury under the control of the department. The
30 fund shall consist of appropriations made to the fund and
31 transfers of interest, earnings, and moneys from other funds
32 as provided by law.

33 2. The department shall use the moneys in the fund for
34 establishing and supporting joint training and best practice
35 protocols between state and local law enforcement agencies for

1 finding missing children. The best practice protocols shall
2 include but not be limited to the following:

3 a. A statewide alert system separate from the amber alert
4 system.

5 b. An active alert system based upon geographic proximity
6 to the location involving the missing child using electronic
7 and social media.

8 c. The establishment of voluntary community neighborhood
9 search teams that can be mobilized within two hours of the
10 report of a missing child.

11 d. The establishment of a statewide human trafficking task
12 force with the capability to coordinate a search for a missing
13 child based upon localized knowledge of human trafficking in
14 the area where the child is reported missing.

15 3. The department shall submit an annual report not later
16 than January 31 to the members of the general assembly and the
17 legislative services agency of the training activities funded
18 by and expenditures made from the revolving fund during the
19 preceding fiscal year.

20 4. Notwithstanding section 8.33, moneys in the fund at the
21 end of a fiscal year shall not revert to the general fund of the
22 state. Notwithstanding section 12C.7, subsection 2, interest
23 or earnings on moneys in the fund shall be credited to the
24 fund.

25 Sec. 10. MISSING CHILDREN SAFETY — REVOLVING FUND. There
26 is appropriated from the general fund of the state to the
27 department of public safety for the fiscal year beginning July
28 1, 2013, and ending June 30, 2014, the following amount, or
29 so much thereof as is necessary, to be used for the purposes
30 designated:

31 For deposit in the missing children safety fund created in
32 section 80.44:

33 \$ 2,000,000

34 EXPLANATION

35 This bill makes modifications to the sex offender registry

1 and the statute of limitations for sex abuse offenses, creates
2 a missing children safety fund, and makes appropriations.

3 DIVISION I — SEX OFFENDER REGISTRY. The bill modifies the
4 application of the tier structure of the sex offender registry.

5 Under the bill, a person newly required to register under
6 this Code chapter on or after July 1, 2013, or a person
7 required to register prior to July 1, 2013, but who has not yet
8 registered as of July 1, 2013, is required to undergo a risk
9 assessment.

10 The bill requires the department of corrections to
11 perform the risk assessment of sex offenders incarcerated
12 in the institutions under the control of the department of
13 corrections, or for persons under the supervision of the
14 department of corrections or judicial district department of
15 correctional services. The bill requires the department of
16 human services to perform the risk assessment for sex offenders
17 confined in institutions under the control of the department
18 or under supervision of the department. The bill requires the
19 division of criminal investigation of the department of public
20 safety to perform the risk assessment for sex offenders who
21 move to this state but who are not under supervision and for
22 offenders convicted in this state on or after July 1, 2013,
23 and who are not placed under supervision. The bill requires
24 a juvenile court officer to perform the risk assessment
25 for a juvenile who is adjudicated delinquent and under the
26 supervision of the juvenile court officer.

27 The bill requires the results of the risk classification to
28 be disclosed to the general public through the sex offender
29 registry internet site.

30 The bill provides that a person assessed a high risk to
31 reoffend shall be classified a tier III offender. A tier III
32 offender is required to appear at the sheriff's office, allow
33 the sheriff to photograph the offender, and to verify relevant
34 information every three months.

35 The bill provides that a person assessed a moderate risk to

1 reoffend shall be classified a tier II offender. A tier II
2 offender is required to appear at the sheriff's office, allow
3 the sheriff to photograph the offender, and to verify relevant
4 information every six months.

5 The bill provides that a person assessed a low risk to
6 reoffend shall be classified a tier I offender. A tier I
7 offender is required to appear at the sheriff's office, allow
8 the sheriff to photograph the offender, and to verify relevant
9 information once a year.

10 Under current law, the tier classification of a person is
11 based upon the type of offense committed, not the results of a
12 risk assessment as provided in the bill.

13 DIVISION II — STATUTE OF LIMITATIONS — SEXUAL ABUSE. The
14 bill eliminates the statute of limitations for the criminal
15 prosecution of sexual abuse in the first, second, or third
16 degree. The bill provides that a prosecution for sexual abuse
17 in the first, second, or third degree may be commenced at any
18 time after the commission of the act.

19 The bill further provides that if the person against whom
20 an information or indictment is sought for prosecution is
21 identified through the use of a DNA profile, the information or
22 indictment may be commenced at any time.

23 Under current law, a prosecution for sexual abuse in the
24 first, second, or third degree shall be found within 10
25 years after its commission, or if the person against whom the
26 information or indictment is sought is identified through the
27 use of a DNA profile, an information or indictment shall be
28 found within three years from the date the person is identified
29 by the person's DNA profile, whichever is later.

30 In addition, under current law, a prosecution for sexual
31 abuse in the first, second, or third degree committed on or
32 with a person who is under 18 years of age shall be found within
33 10 years after the victim attains 18 years of age, or if the
34 person against whom the information or indictment is sought is
35 identified through the use of a DNA profile, an information or

1 indictment shall be found within three years from the date the
2 person is identified by the person's DNA profile, whichever is
3 later.

4 DIVISION III — MISSING CHILDREN SAFETY REVOLVING FUND —
5 APPROPRIATIONS. The bill creates a missing children safety
6 revolving fund in the state treasury under the control of
7 the department of public safety. The bill requires the
8 department of public safety to use the moneys in the fund for
9 establishing and supporting joint training and best practice
10 protocols between state and local law enforcement agencies for
11 finding missing children. The best practice protocols shall
12 include but not be limited to the following: a statewide
13 alert system separate from the amber alert system; an active
14 alert system based upon geographic proximity to the location
15 involving the missing child using electronic and social media;
16 the establishment of voluntary community neighborhood search
17 teams that can be mobilized within two hours of the report of
18 a missing child; and the establishment of a statewide human
19 trafficking task force with the capability to coordinate a
20 search for a missing child based upon localized knowledge of
21 human trafficking in the area where the child is reported
22 missing.

23 The bill appropriates \$2 million to the department of public
24 safety for deposit in the missing children safety revolving
25 fund for FY 2013-2014.