

House File 2427 - Introduced

HOUSE FILE 2427

BY COMMITTEE ON PUBLIC SAFETY

(SUCCESSOR TO HF 2076)

A BILL FOR

1 An Act modifying sex offender registry requirements by
2 requiring sex offenders whose registration requirements have
3 expired to reregister, and providing penalties.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 692A.102, subsection 1, unnumbered
2 paragraph 1, Code 2016, is amended to read as follows:

3 For purposes of **this chapter**, all individuals required to
4 register shall be classified as a tier I, tier II, ~~or tier~~
5 III, or tier IV offender. For purposes of **this chapter**, sex
6 offenses are classified into the following tiers:

7 Sec. 2. Section 692A.102, subsection 1, Code 2016, is
8 amended by adding the following new paragraph:

9 NEW PARAGRAPH. *d.* Tier IV offenses include a conviction
10 for any sex offense that required a sex offender to register
11 in this state or under another jurisdiction's sex offender
12 registry but such registration requirement has since expired.

13 Sec. 3. Section 692A.103, subsection 1, unnumbered
14 paragraph 1, Code 2016, is amended to read as follows:

15 A person who has been convicted of any sex offense classified
16 as a tier I, tier II, or tier III offense, or an offender
17 required to register in another jurisdiction under the other
18 jurisdiction's sex offender registry, shall register as a sex
19 offender as provided in **this chapter** if the offender resides,
20 is employed, or attends school in this state. A person who
21 has been convicted of any sex offense classified as a tier
22 IV offense shall register as a sex offender as provided in
23 section 692A.104A if the offender resides in this state. A sex
24 offender shall, upon a first or subsequent conviction, register
25 in compliance with the procedures specified in **this chapter**,
26 for the duration of time specified in **this chapter**, commencing
27 as follows:

28 Sec. 4. Section 692A.103, subsection 1, Code 2016, is
29 amended by adding the following new paragraphs:

30 NEW PARAGRAPH. *g.* From the date of establishing a residence
31 in this state if the sex offender is a tier IV offender.

32 NEW PARAGRAPH. *h.* From the date the registration
33 requirements expire under this chapter for a tier I, II, or
34 III offender and the sex offender is reclassified as a tier IV
35 offender.

1 Sec. 5. NEW SECTION. 692A.104A Tier IV — registration
2 process — duration of registration.

3 1. Notwithstanding any other Code provision to the
4 contrary, a sex offender classified as a tier IV offender
5 shall register and shall provide all relevant information
6 as specified in this section. All other provisions of this
7 chapter not in conflict with this section shall apply to a tier
8 IV offender. A sex offender classified as a tier IV offender
9 shall, within thirty days of being required to register under
10 section 692A.103, appear in person to register with the sheriff
11 of the county where the principal residence of the offender is
12 maintained. The sex offender is only required to provide the
13 sheriff the following relevant information:

14 a. Name.

15 b. Date of birth.

16 c. Principal residence.

17 d. Photograph.

18 e. County in this state or jurisdiction outside this state
19 where a conviction requiring registration occurred.

20 2. a. A tier IV offender is not required to verify any
21 relevant information as required by section 692A.108.

22 b. However, if a tier IV offender establishes a different
23 principal residence in this state the offender shall, within
24 thirty days of establishing the different principal residence,
25 appear in person to register with the sheriff of the county
26 where the principal residence is maintained even if that
27 different principal residence is in the same county as the
28 previous residence and provide the county sheriff with the
29 relevant information required under subsection 1 including
30 allowing the sheriff to photograph the offender.

31 3. A tier IV offender shall be required to register for as
32 long as the offender resides in this state.

33 Sec. 6. Section 692A.106, subsection 1, Code 2016, is
34 amended to read as follows:

35 1. Except as otherwise provided in [section 232.54](#),

1 692A.103, 692A.104A, or 692A.128, or this section, the duration
2 of registration required under this chapter shall be for a
3 period of ten years. The registration period shall begin as
4 provided in section 692A.103.

5 Sec. 7. Section 692A.110, subsection 1, Code 2016, is
6 amended to read as follows:

7 1. A sex offender shall pay an annual fee in the amount of
8 twenty-five dollars to the sheriff of the county of principal
9 residence, beginning with the first required in-person
10 appearance at the sheriff's office after July 1, 2009. A tier
11 IV offender shall pay twenty-five dollars to the sheriff of the
12 county of principal residence at any time when the offender
13 is required to register under section 692A.104A. If the sex
14 offender has more than one principal residence in this state,
15 the offender shall pay the annual fee in the county where the
16 offender is first required to appear in person after July 1,
17 2009. The sheriff shall accept the registration. If, at the
18 time of registration, the sex offender is unable to pay the
19 fee, the sheriff may allow the offender time to pay the fee,
20 permit the payment of the fee in installments, or may waive
21 payment of the fee. Fees paid to the sheriff shall be used to
22 defray the costs of duties related to the registration of sex
23 offenders under this chapter.

24 Sec. 8. Section 692A.111, subsection 1, Code 2016, is
25 amended to read as follows:

26 1. A sex offender who violates any requirements of section
27 692A.104, 692A.104A, 692A.105, 692A.108, 692A.112, 692A.113,
28 692A.114, or 692A.115 commits an aggravated misdemeanor for a
29 first offense and a class "D" felony for a second or subsequent
30 offense. However, a sex offender convicted of an aggravated
31 offense against a minor, a sex offense against a minor, or a
32 sexually violent offense committed while in violation of any
33 of the requirements specified in section 692A.104, 692A.104A,
34 692A.105, 692A.108, 692A.112, 692A.113, 692A.114, or 692A.115
35 is guilty of a class "C" felony, in addition to any other

1 penalty provided by law. Any fine imposed for a second or
2 subsequent violation shall not be suspended. Notwithstanding
3 section 907.3, the court shall not defer judgment or sentence
4 for any violation of any requirements specified in this
5 chapter. For purposes of **this subsection**, a violation occurs
6 when a sex offender knows or reasonably should know of the
7 duty to fulfill a requirement specified in **this chapter** as
8 referenced in the offense charged.

9 Sec. 9. Section 692A.121, subsection 2, paragraph b,
10 unnumbered paragraph 1, Code 2016, is amended to read as
11 follows:

12 The general public through the sex offender registry
13 internet site, except the general public shall not have access
14 to tier IV offender relevant information through the internet
15 site.

16 Sec. 10. Section 692A.121, subsection 5, paragraph a,
17 unnumbered paragraph 1, Code 2016, is amended to read as
18 follows:

19 A member of the public may contact a county sheriff's office
20 to request relevant information from the registry regarding a
21 specific sex offender, including relevant information relating
22 to a tier IV offender as specified in section 692A.104A,
23 subsection 1. A person making a request for relevant
24 information may make the request by telephone, in writing, or
25 in person, and the request shall include the name of the person
26 and at least one of the following identifiers pertaining to the
27 sex offender about whom the information is sought:

28 EXPLANATION

29 The inclusion of this explanation does not constitute agreement with
30 the explanation's substance by the members of the general assembly.

31 This bill modifies the sex offender registry requirements by
32 requiring sex offenders whose registration requirements have
33 expired to reregister.

34 The bill creates a tier IV offense and defines a tier IV
35 offense to mean any sex offense that required a sex offender

1 to register in this state or under another jurisdiction's sex
2 offender registry but such registration has since expired.

3 The bill requires a person who has been convicted of any
4 sex offense classified as a tier IV offense to register as a
5 sex offender in this state from the date the requirements to
6 register as a tier I, II, or III offender in this state expire
7 or when the person establishes a residence in this state. A
8 tier IV offender shall register as a tier IV offender in this
9 state as long as the person resides in this state.

10 The bill establishes the registration requirements for a
11 tier IV offender which are different from other sex offenders
12 who are required to register. Under the bill, a tier IV
13 offender shall, within 30 days of establishing a residence in
14 this state or from the date the requirement to register as a
15 tier I, II, or III offender in this state expires, appear in
16 person to register with the sheriff of the county where the
17 principal residence of the offender is maintained. At the time
18 of registration the tier IV offender is required to provide the
19 sheriff with the offender's name, date of birth, residence,
20 photograph, and county or jurisdiction where conviction
21 requiring registration occurred. Current law provides that any
22 new sex offender registrant must register with the sheriff of
23 the county where the principal residence is maintained within
24 five days of being required to do so and also requires a sex
25 offender to provide more relevant information to the county
26 sheriff. The relevant information required to be provided to
27 the county sheriff is listed in Code section 692A.101(23).

28 The bill does not require a tier IV offender to periodically
29 verify any relevant information or to notify the county sheriff
30 when certain relevant information has changed. However,
31 the bill does require a tier IV offender who establishes
32 a different residence in this state to, within 30 days of
33 establishing such a residence, appear in person to register
34 with the sheriff of the county where the principal residence
35 is maintained even if that different principal residence is

1 in the same county as the previous residence and provide the
2 county sheriff with the relevant information required by the
3 bill including allowing the sheriff to photograph the offender.

4 The bill prohibits the posting of relevant information
5 relating to tier IV on the sex offender registry internet site.
6 The bill does permit a member of the public to contact the
7 county sheriff's office to request relevant information about
8 a tier IV offender, if the person provides the name of the sex
9 offender and one of the following identifiers: date of birth,
10 social security number, address, internet identifiers, or
11 telephone number.

12 The bill requires a tier IV offender to pay \$25 to the
13 sheriff of the county of principal residence at any time when
14 the offender is required to register, including when the
15 offender establishes a different principal residence. Current
16 law requires a sex offender to pay a \$25 annual fee to the
17 county sheriff.

18 A tier IV offender who violates the bill commits an
19 aggravated misdemeanor for a first offense and a class "D"
20 felony for any second or subsequent offense. A tier IV
21 offender is guilty of a class "C" felony if the offender
22 is convicted of an aggravated offense against a minor, a
23 sex offense against a minor, or a sexually violent offense
24 committed while in violation of any of the requirements
25 specified in the bill.

26 Depending on the nature of the offense committed, a tier
27 IV offender may be subject to exclusion zones and prohibition
28 of certain employment-related activities under Code section
29 692A.113, residency and child care restrictions under Code
30 section 692A.114, and restricted employment where dependent
31 adults reside under Code section 692A.115.

32 A tier IV offender is not eligible to modify the registration
33 requirements pursuant to Code section 692A.128.