

House Study Bill 15 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT OF
PUBLIC SAFETY BILL)

A BILL FOR

1 An Act relating to sex offender registration requirements,
2 sexually violent predators, and the commission of the
3 offense of child endangerment by a sex offender, and
4 providing penalties.

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

1 Section 1. Section 692A.101, subsection 14, Code 2017, is
2 amended to read as follows:

3 14. *"Incarcerated"* means to be imprisoned by placing a
4 person in a jail, prison, penitentiary, juvenile facility,
5 or other correctional institution or facility or a place or
6 condition of confinement or forcible restraint regardless
7 of the nature of the institution in which the person serves
8 a sentence for a conviction. "Incarcerated" does not mean
9 placement in a residential correctional or treatment facility
10 that allows a resident to leave the facility for a portion of
11 a day or days.

12 Sec. 2. Section 692A.101, subsection 31, Code 2017, is
13 amended by striking the subsection and inserting in lieu
14 thereof the following:

15 31. *"Sexually violent predator"* means a person who has been
16 convicted of or charged with a sexually violent offense and who
17 suffers from a mental abnormality which makes the person likely
18 to engage in predatory acts constituting sexually violent
19 offenses, if not confined in a secure facility.

20 Sec. 3. Section 726.6, Code 2017, is amended by adding the
21 following new subsection:

22 NEW SUBSECTION. 1A. A person who knowingly takes custody or
23 control of a child or minor, or who knowingly has unsupervised
24 access to a child or minor while required to register as a
25 sex offender under chapter 692A, commits child endangerment.
26 However, this subsection does not apply to a person who is a
27 parent or guardian of the child or minor, or to a person who
28 is married to and living with a person who is the parent or
29 guardian of the child or minor.

30 Sec. 4. Section 726.6, subsection 3, unnumbered paragraph
31 1, Code 2017, is amended to read as follows:

32 For the purposes of subsection 1 or 1A, *"person having*
33 *control over a child or a minor"* means any of the following:

34 EXPLANATION

35 The inclusion of this explanation does not constitute agreement with

1 the explanation's substance by the members of the general assembly.

2 This bill relates to sex offender registration requirements,
3 sexually violent predators, and the commission of the offense
4 of child endangerment by a sex offender.

5 Currently, a person required to register as a sex offender
6 is not required to register while incarcerated including while
7 placed in a jail, prison, penitentiary, juvenile facility, or
8 other correctional institution or facility. The bill changes
9 the definition of "incarcerated" in Code chapter 692A to
10 specifically exclude placement in a residential correctional or
11 treatment facility that allows a resident to leave the facility
12 for a portion of a day or days. By excluding placement in
13 a residential correctional or treatment facility from the
14 definition of "incarcerated", a sex offender placed in a
15 residential correctional or treatment facility is required to
16 register as a sex offender while placed at such a facility.

17 The bill changes the definition of "sexually violent
18 predator" in Code chapter 692A (sex offender registry) to
19 mirror the definition of sexually violent predator in Code
20 chapter 229A (commitment of sexually violent predators).
21 Under the bill, the definition of "sexually violent predator"
22 is changed to mean a person who has been convicted of or
23 charged with a sexually violent offense and who suffers from a
24 mental abnormality which makes the person likely to engage in
25 predatory acts constituting sexually violent offenses, if not
26 confined in a secure facility. A sexually violent predator is
27 classified as a tier III offender under Code chapter 692A and
28 must register as a sex offender for life.

29 Under the bill, a person who knowingly takes custody or
30 control of a child or minor, or who knowingly has unsupervised
31 access to a child or minor while required to register as a sex
32 offender, commits child endangerment. However, the bill does
33 not apply to a person who is a parent or guardian of the child
34 or minor, or to a person who is married to and living with a
35 person who is the parent or guardian of the child or minor. The

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1 penalties for a person who commits child endangerment range
2 from an aggravated misdemeanor to a class "B" felony punishable
3 by up to 50 years in prison.