

**CHAPTER 119**  
**SEX OFFENDER REGISTRY**  
*S.F. 340*

**AN ACT** relating to the sex offender registry, making fees applicable, and providing for penalties.

*Be It Enacted by the General Assembly of the State of Iowa:*

DIVISION I  
SEX OFFENDER REGISTRY

Section 1. NEW SECTION. 692A.101 DEFINITIONS.

As used in this chapter and unless the context otherwise requires:

1. a. "Aggravated offense" means a conviction for any of the following offenses:
  - (1) Sexual abuse in the first degree in violation of section 709.2.
  - (2) Sexual abuse in the second degree in violation of section 709.3.
  - (3) Sexual abuse in the third degree in violation of section 709.4, subsection 1.
  - (4) Lascivious acts with a child in violation of section 709.8, subsection 1 or 2.
  - (5) Assault with intent to commit sexual abuse in violation of section 709.11.
  - (6) Burglary in the first degree in violation of section 713.3, subsection 1, paragraph "d".
  - (7) Kidnapping, if sexual abuse as defined in section 709.1 is committed during the commission of the offense.
  - (8) Murder in violation of section 707.2 or 707.3, if sexual abuse as defined in section 709.1 is committed during the offense.
  - (9) Criminal transmission of human immunodeficiency virus in violation of section 709C.1, subsection 1, paragraph "a".
- b. Any conviction for an offense specified in the laws of another jurisdiction or any conviction for an offense prosecuted in federal, military, or foreign court, that is comparable to an offense listed in paragraph "a" shall be considered an aggravated offense for purposes of registering under this chapter.
2. "Aggravated offense against a minor" means a conviction for any of the following offenses, if such offense was committed against a minor, or otherwise involves a minor:
  - a. Sexual abuse in the first degree in violation of section 709.2.
  - b. Sexual abuse in the second degree in violation of section 709.3.
  - c. Sexual abuse in the third degree in violation of section 709.4, except for a violation of section 709.4, subsection 2, paragraph "c", subparagraph (4).
3. "Appearance" means to appear in person at a sheriff's office.
4. "Business day" means every day except Saturday, Sunday, or any paid holiday for county employees in the applicable county.
5. "Change" means to add, begin, or terminate.
6. "Child care facility" means the same as defined in section 237A.1.
7. "Convicted" means found guilty of, pleads guilty to, or is sentenced or adjudicated delinquent for an act which is an indictable offense in this state or in another jurisdiction including in a federal, military, tribal, or foreign court, including but not limited to a juvenile who has been adjudicated delinquent, but whose juvenile court records have been sealed under section 232.150, and a person who has received a deferred sentence or a deferred judgment or has been acquitted by reason of insanity. "Conviction" includes the conviction of a juvenile prosecuted as an adult. "Convicted" also includes a conviction for an attempt or conspiracy to commit an offense. "Convicted" does not mean a plea, sentence, adjudication, deferred sentence, or deferred judgment which has been reversed or otherwise set aside.
8. "Criminal or juvenile justice agency" means an agency or department of any level of government or an entity wholly owned, financed, or controlled by one or more such agencies or

departments which performs as its principal function the apprehension, prosecution, adjudication, incarceration, or rehabilitation of criminal or juvenile offenders.

9. "Department" means the department of public safety.

10. "Employee" means an offender who is self-employed, employed by another, and includes a person working under contract, or acting or serving as a volunteer, regardless of whether the self-employment, employment by another, or volunteerism is performed for compensation.

11. "Employment" means acting as an employee.

12. "Foreign court" means a court of a foreign nation that is recognized by the United States department of state that enforces the right to a fair trial during the period in which a conviction occurred.

13. "Habitually lives" means living in a place with some regularity, and with reference to where the sex offender actually lives, which could be some place other than a mailing address or primary address but would entail a place where the sex offender lives on an intermittent basis.

14. "Incarcerated" means to be imprisoned by placing a person in a jail, prison, penitentiary, juvenile facility, or other correctional institution or facility or a place or condition of confinement or forcible restraint regardless of the nature of the institution in which the person serves a sentence for a conviction.

15. "Internet identifier" means an electronic mail address, instant message address or identifier, or any other designation or moniker used for self-identification during internet communication or posting, including all designations used for the purpose of routing or self-identification in internet communications or postings.

16. "Jurisdiction" means any state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Northern Mariana Islands, the United States Virgin Islands, or a federally recognized Indian tribe.

17. "Loiter" means remaining in a place or circulating around a place under circumstances that would warrant a reasonable person to believe that the purpose or effect of the behavior is to enable a sex offender to become familiar with a location where a potential victim may be found, or to satisfy an unlawful sexual desire, or to locate, lure, or harass a potential victim.

18. "Military offense" means a sex offense specified by the secretary of defense under 10 U.S.C. § 951.

19. "Minor" means a person under eighteen years of age.

20. "Principal residence" for a sex offender means:

- a. The residence of the offender, if the offender has only one residence in this state.
- b. The residence at which the offender resides, sleeps, or habitually lives for more days per year than another residence in this state, if the offender has more than one residence in this state.
- c. The place of employment or attendance as a student, or both, if the sex offender does not have a residence in this state.

21. "Professional licensing information" means the name or other description, number, if applicable, and issuing authority or agency of any license, certification, or registration required by law to engage in a profession or occupation held by a sex offender who is required at the time of the initial requirement to register under this chapter, or any such license, certification, or registration that was issued to an offender within the five-year period prior to conviction for a sex offense that requires registration under this chapter, or any such license, certification, or registration that is issued to an offender at any time during the duration of the registration requirement.

22. "Public library" means any library that receives financial support from a city or county pursuant to section 256.69.

23. a. "Relevant information" means the following information with respect to a sex offender:

(1) Criminal history, including warrants, articles, status of parole, probation, or supervised release, date of arrest, date of conviction, and registration status.

- (2) Date of birth.
- (3) Passport and immigration documents.
- (4) Government issued driver's license or identification card.
- (5) DNA sample.
- (6) Educational institutions attended as a student, including the name and address of such institutions.
- (7) Employment information including name and address of employer.
- (8) Fingerprints.
- (9) Internet identifiers.
- (10) Names, nicknames, aliases, or ethnic or tribal names, and if applicable, the real names of an offender protected under 18 U.S.C. § 3521.
- (11) Palm prints.
- (12) Photographs.
- (13) Physical description, including scars, marks, or tattoos.
- (14) Professional licensing information.
- (15) Residence.
- (16) Social security number.
- (17) Telephone numbers, including any landline or wireless numbers.
- (18) Temporary lodging information, including dates when residing in temporary lodging.
- (19) Statutory citation and text of offense committed that requires registration under this chapter.
- (20) Vehicle information for a vehicle owned or operated by an offender including license plate number, registration number, or other identifying number, vehicle description, and the permanent or frequent locations where the vehicle is parked, docked, or otherwise kept.
- (21) The name, gender, and date of birth of each person residing in the residence.
  - b. "Relevant information" does not include relevant information in paragraph "a", subparagraphs (1) and (19), when a sex offender is required to provide relevant information pursuant to this chapter.
24. "Residence" means each dwelling or other place where a sex offender resides, sleeps, or habitually lives, or will reside, sleep, or habitually live, including a shelter or group home. If a sex offender does not reside, sleep, or habitually live in a fixed place, "residence" means a description of the locations where the offender is stationed regularly, including any mobile or transitory living quarters. "Residence" shall be construed to refer to the places where a sex offender resides, sleeps, habitually lives, or is stationed with regularity, regardless of whether the offender declares or characterizes such place as the residence of the offender.
25. "Sex act" means as defined in section 702.17.
26. "Sex offender" means a person who is required to be registered under this chapter.
27. "Sex offense" means an indictable offense for which a conviction has been entered that has an element involving a sexual act, sexual contact, or sexual conduct, and which is enumerated in section 692A.102, and means any comparable offense for which a conviction has been entered under prior law, or any comparable offense for which a conviction has been entered in a federal, military, or foreign court, or another jurisdiction.
28. "Sex offense against a minor" means an offense for which a conviction has been entered for a sex offense classified as a tier I, tier II, or tier III offense under this chapter if such offense was committed against a minor, or otherwise involves a minor.
29. "Sexually violent offense" means an offense for which a conviction has been entered for any of the following indictable offenses:
  - a. Sexual abuse as defined under section 709.1.
  - b. Assault with intent to commit sexual abuse in violation of section 709.11.
  - c. Sexual misconduct with offenders and juveniles in violation of section 709.16.
  - d. Any of the following offenses, if the offense involves sexual abuse or assault with intent to commit sexual abuse: murder, attempted murder, kidnapping, burglary, or manslaughter.
  - e. A criminal offense committed in another jurisdiction, including a conviction in a federal,

military, or foreign court, which would constitute an indictable offense under paragraphs “a” through “d” if committed in this state.

30. “Sexually violent predator” means a sex offender who has been convicted of an offense which would qualify the offender as a sexually violent predator under the federal Violent Crime Control and Law Enforcement Act of 1994, 42 U.S.C. § 14071(a)(3)(B), (C), (D), and (E).

31. “SORNA” means the Sex Offender Registration and Notification Act, which is Title I of the federal Adam Walsh Child Protection and Safety Act of 2006.

32. “Student” means a sex offender who enrolls in or otherwise receives instruction at an educational institution, including a public or private elementary school, secondary school, trade or professional school, or institution of higher education. “Student” does not mean a sex offender who enrolls in or attends an educational institution as a correspondence student, distance learning student, or any other form of learning that occurs without physical presence on the real property of an educational institution.

33. “Superintendent” means the superintendent or superintendent’s designee of a public school or the authorities in charge of a nonpublic school.

34. “Vehicle” means a vehicle owned or operated by an offender, including but not limited to a vehicle for personal or work-related use, and including a watercraft or aircraft, that is subject to registration requirements under chapter 321, 328, or 462A.

Sec. 2. NEW SECTION. 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. For purposes of this chapter, sex offenses are classified into the following tiers:

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

(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) 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) 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) Sexual abuse in the third degree in violation of section 709.4, subsection 2, paragraph “c”.

(5) Indecent exposure in violation of section 709.9.

(6) 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.

(7) Stalking in violation of section 708.11, except a violation of subsection 3, paragraph “b”, subparagraph (3), if a determination is made that the offense was sexually motivated pursuant to section 692A.126.

(8) (a) Dissemination or exhibition of obscene material to minors in violation of section 728.2 or telephone dissemination of obscene material to minors in violation of 728.15.

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

(9) Admitting minors to premises where obscene material is exhibited in violation of section 728.3.

(10) Receipt or possession of child pornography in violation of 18 U.S.C. § 2252.

(11) Material containing child pornography in violation of 18 U.S.C. § 2252A.

(12) Misleading domain names on the internet in violation of 18 U.S.C. § 2252B.

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

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

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

(16) Any sex offense specified in the laws of another jurisdiction or any sex offense that may

be prosecuted in federal, military, or foreign court, that is comparable to an offense listed in subparagraphs (1) through (15).

(17) Any sex offense under the prior laws of this state or another jurisdiction, or any sex offense under prior law that was prosecuted in a federal, military, or foreign court, that is comparable to an offense listed in subparagraphs (1) through (15).

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

- (1) Detention in brothel in violation of section 709.7.
- (2) Lascivious acts with a child in violation of section 709.8, subsection 3 or 4.
- (3) Solicitation of a minor to engage in an illegal sex act in violation of section 705.1.
- (4) Solicitation of a minor to engage an<sup>1</sup> illegal act under section 709.8, subsection 3, in violation of section 705.1.
- (5) Solicitation of a minor to engage in an illegal act under section 709.12, in violation of section 705.1.
- (6) False imprisonment of a minor in violation of section 710.7, except if committed by a parent.
- (7) Assault with intent to commit sexual abuse if no injury results in violation of section 709.11.
- (8) Invasion of privacy-nudity in violation of section 709.21.
- (9) Stalking in violation of section 708.11, subsection 3, paragraph “b”, subparagraph (3), if a determination is made that the offense was sexually motivated pursuant to section 692A.126.
- (10) Indecent contact with a child in violation of section 709.12, if the child is thirteen years of age.
- (11) Lascivious conduct with a minor in violation of section 709.14.
- (12) Sexual exploitation by a counselor, therapist, or school employee in violation of section 709.15, if the victim is thirteen years of age or older.
- (13) Sexual misconduct with offenders and juveniles in violation of section 709.16, if the victim is thirteen years of age or older.
- (14) Kidnapping of a person who is not a minor in violation of section 710.2, 710.3, or 710.4, if a determination is made that the offense was sexually motivated pursuant to section 692A.126.
- (15) Solicitation of a minor to engage in an illegal act under section 725.3, subsection 2, in violation of section 705.1.
- (16) Incest committed against a dependant<sup>2</sup> adult as defined in section 235B.2 in violation of section 726.2.
- (17) Incest committed against a minor in violation of section 726.2.
- (18) Sexual exploitation of a minor in violation of section 728.12, subsection 2 or 3.
- (19) Material involving the sexual exploitation of a minor in violation of 18 U.S.C. § 2252(a), except receipt or possession of child pornography.
- (20) Production of sexually explicit depictions of a minor for import into the United States in violation of 18 U.S.C. § 2260.
- (21) Transportation of a minor for illegal sexual activity in violation of 18 U.S.C. § 2421.
- (22) Coercion and enticement of a minor for illegal sexual activity in violation of 18 U.S.C. § 2422(a) or (b).
- (23) Transportation of minors for illegal sexual activity in violation of 18 U.S.C. § 2423(a).
- (24) Travel with the intent to engage in illegal sexual conduct with a minor in violation of 18 U.S.C. § 2423.
- (25) Engaging in illicit sexual conduct in foreign places in violation of 18 U.S.C. § 2423(c).
- (26) Video voyeurism of a minor in violation of 18 U.S.C. § 1801.
- (27) Any sex offense specified in the laws of another jurisdiction or any offense that may be prosecuted in a federal, military, or foreign court, that is comparable to an offense listed in subparagraphs (1) through (26).
- (28) Any sex offense under the prior laws of this state or another jurisdiction, or any sex of-

<sup>1</sup> According to enrolled Act; the phrase “engage in an” probably intended

<sup>2</sup> According to enrolled Act; the word “dependent” probably intended

fense under prior law that was prosecuted in a federal, military, or foreign court, that is comparable to a sex offense listed in subparagraphs (1) through (26).

c. Tier III offenses include a conviction for the following sex offenses:

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

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

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

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

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

(6) Sexual abuse in the first degree in violation of section 709.2.

(7) Sexual abuse in the second degree in violation of section 709.3, subsection 1 or 3.

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

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

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

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

(12) Kidnapping in violation of section 710.2 if sexual abuse as defined in section 709.1 is committed during the commission of the offense.

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

(14) Assault with intent to commit sexual abuse resulting in serious or bodily injury in violation of section 709.11.

(15) Burglary in the first degree in violation of section 713.3, subsection 1, paragraph "d".

(16) Any other burglary in the first degree offense in violation of section 713.3 that is not included in subparagraph (15), if a determination is made that the offense was sexually motivated pursuant to section 692A.126.

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

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

(19) Attempted burglary in the second degree in violation of section 713.6, if a determination is made that the offense was sexually motivated pursuant to section 692A.126.

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

(21) Attempted burglary in the third degree in violation of section 713.6B, if a determination is made that the offense was sexually motivated pursuant to section 692A.126.

(22) Criminal transmission of human immunodeficiency virus in violation of section 709C.1, subsection 1, paragraph "a".

(23) Human trafficking in violation of section 710A.2 if sexual abuse or assault with intent to commit sexual abuse is committed or sexual conduct or sexual contact is an element of the offense.

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

(25) Sexual exploitation of a minor in violation of section 728.12, subsection 1.

(26) Indecent contact with a child in violation of section 709.12 if the child is under thirteen years of age.

(27) Sexual exploitation by a counselor, therapist, or school employee in violation of section 709.15, if the child is under thirteen years of age.

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

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

(30) Enticing away a minor in violation of section 710.10, if the violation includes an intent to commit sexual abuse, sexual exploitation, sexual contact, or sexual conduct directed towards a minor.

(31) Sex trafficking of children in violation of 18 U.S.C. § 1591.

(32) Aggravated sexual abuse in violation of 18 U.S.C. § 2241.

(33) Sexual abuse in violation of 18 U.S.C. § 2242.

(34) Sexual abuse of a minor or ward in violation of 18 U.S.C. § 2243.

(35) Abusive sexual contact in violation of 18 U.S.C. § 2244.

(36) Offenses resulting in death in violation of 18 U.S.C. § 2245.

(37) Sexual exploitation of children in violation of 18 U.S.C. § 2251.

(38) Selling or buying of children in violation of 18 U.S.C. § 2251A.

(39) Any sex offense specified in the laws of another jurisdiction or any sex offense that may be prosecuted in federal, military, or foreign court, that is comparable to an offense listed in subparagraphs (1) through (38).

(40) Any sex offense under the prior laws of this state or another jurisdiction, or any sex offense under prior law that was prosecuted in federal, military, or foreign court, that is comparable to a sex offense listed in subparagraphs (1) through (38).

2. A sex offender classified as a tier I offender shall be reclassified as a tier II offender, if it is determined the offender has one previous conviction for an offense classified as a tier I offense.

3. A sex offender classified as a tier II offender, shall be reclassified as a tier III offender, if it is determined the offender has a previous conviction for a tier II offense or has been reclassified as a tier II offender because of a previous conviction.

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

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

6. 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.

### Sec. 3. NEW SECTION. 692A.103 OFFENDERS REQUIRED TO REGISTER.

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

a. From the date of placement on probation.

b. From the date of release on parole or work release.

c. From the date of release from incarceration.

d. Except as otherwise provided in this section, from the date an adjudicated delinquent is released from placement in a juvenile facility ordered by a court pursuant to section 232.52.

e. Except as otherwise provided in this section, from the date an adjudicated delinquent commences attendance as a student at a public or private educational institution, other than an educational institution located on the real property of a juvenile facility if the juvenile has been ordered placed at such facility pursuant to section 232.52.

f. From the date of conviction for a sex offense requiring registration if probation, incarceration, or placement ordered pursuant to section 232.52 in a juvenile facility is not included in

the sentencing, order, or decree of the court, except as otherwise provided in this section for juvenile cases.

2. A sex offender is not required to register while incarcerated. However, the running of the period of registration is tolled pursuant to section 692A.107 if a sex offender is incarcerated.

3. A juvenile adjudicated delinquent for an offense that requires registration shall be required to register as required in this chapter unless the juvenile court waives the requirement and finds that the person should not be required to register under this chapter.

4. Notwithstanding subsections 3 and 5, a juvenile fourteen years of age or older at the time the offense was committed shall be required to register if the adjudication was for an offense committed by force or the threat of serious violence, by rendering the victim unconscious, or by involuntary drugging of the victim. At the time of adjudication the judge shall make a determination as to whether the offense was committed by force or the threat of serious violence, by rendering the victim unconscious, or by involuntary drugging of the victim.

5. If a juvenile is required to register pursuant to subsection 3, the juvenile court may, upon motion of the juvenile, and after reasonable notice to the parties and hearing, modify or suspend the registration requirements if good cause is shown.

a. The motion to modify or suspend shall be made and the hearing shall occur prior to the discharge of the juvenile from the jurisdiction of the juvenile court for the sex offense that requires registration.

b. If at the time of the hearing the juvenile is participating in an appropriate outpatient treatment program for juvenile sex offenders, the juvenile court may enter orders temporarily suspending the requirement that the juvenile register and may defer entry of a final order on the matter until such time that the juvenile has completed or been discharged from the outpatient treatment program.

c. Final orders shall then be entered within thirty days from the date of the juvenile's completion or discharge from outpatient treatment.

d. Any order entered pursuant to this subsection that modifies or suspends the requirement to register shall include written findings stating the reason for the modification or suspension, and shall include appropriate restrictions upon the juvenile to protect the public during any period of time the registry requirements are modified or suspended. Upon entry of an order modifying or suspending the requirement to register, the juvenile court shall notify the superintendent or the superintendent's designee where the juvenile is enrolled of the decision.

e. This subsection does not apply to a juvenile fourteen years of age or older at the time the offense was committed if the adjudication was for a sex offense committed by force or the threat of serious violence, by rendering the victim unconscious, or by involuntary drugging of the victim.

6. If a juvenile is required to register and the court later modifies or suspends the order regarding the requirement to register, the court shall notify the department within five days of the decision.

Sec. 4. NEW SECTION. 692A.104 REGISTRATION PROCESS.

1. A sex offender shall appear in person to register with the sheriff of each county where the offender has a residence, maintains employment, or is in attendance as a student, within five business days of being required to register under section 692A.103 by providing all relevant information to the sheriff. A sheriff shall accept the registration of any person who is required to register in the county pursuant to the provisions of this chapter.

2. A sex offender shall, within five business days of changing a residence, employment, or attendance as a student, appear in person to notify the sheriff of each county where a change has occurred.

3. A sex offender shall, within five business days of a change in relevant information other than relevant information enumerated in subsection 2, notify the sheriff of the county where the principal residence of the offender is maintained about the change to the relevant information. The department shall establish by rule what constitutes proper notification under this subsection.



4. A sex offender who is required to verify information pursuant to the provisions of section 692A.108 is only required to appear in person in the county where the principal residence of the offender is maintained to verify such information.

5. A sex offender shall, within five business days of the establishment of a residence, employment, or attendance as a student in another jurisdiction, appear in person to notify the sheriff of the county where the principal residence of the offender is maintained, about the establishment of a residence, employment, or attendance in another jurisdiction. A sex offender shall, within five business days of establishing a new residence, employment, or attendance as a student in another jurisdiction, register with the registering agency of the other jurisdiction, if the offender is required to register under the laws of the other jurisdiction. The department shall notify the registering agency in the other jurisdiction of the sex offender's new residence, employment, or attendance as a student in the other jurisdiction.

6. A sex offender, who has multiple residences in this state, shall appear in person to notify the sheriff of each county where a residence is maintained, of the dates the offender will reside at each residence including the date when the offender will move from one residence to another residence.

7. Except as provided in subsection 8, the initial or subsequent registration and any notifications required in subsections 1, 2, 4, 5, and 6 shall be by appearance at the sheriff's office and completion of the initial or subsequent registration or notification shall be on a printed form, which shall be signed and dated by the sex offender. If the sheriff uses an electronic form to complete the initial registration or notification, the electronic form shall be printed upon completion and signed and dated by the sex offender. The sheriff shall transmit the registration or notification form completed by the sex offender within five business days by paper copy, or electronically, using procedures established by the department by rule.

8. The collection of relevant information by a court or releasing agency under section 692A.109 shall serve as the sex offender's initial or subsequent registration for purposes of this section. However, the sex offender shall register by appearing in person in the county of residence to verify the offender's arrival and relevant information. The court or releasing agency shall forward a copy of the registration to the department within five business days of completion of registration using procedures established by the department by rule.

Sec. 5. NEW SECTION. 692A.105 ADDITIONAL REGISTRATION REQUIREMENTS — TEMPORARY LODGING.

In addition to the registration provisions specified in section 692A.104, a sex offender, within five business days of a change, shall also appear in person to notify the sheriff of the county of principal residence, of any location in which the offender is staying when away from the principal residence of the offender for more than five days, by identifying the location and the period of time the offender is staying in such location.

Sec. 6. NEW SECTION. 692A.106 DURATION OF REGISTRATION.

1. Except as otherwise provided in section 232.54, 692A.103, or 692A.128, or this section, the duration of registration required under this chapter shall be for a period of ten years. The registration period shall begin as provided in section 692A.103.

2. A sex offender who has been sentenced to a special sentence under section 903B.1 or 903B.2, shall be required to register for a period equal to the term of the special sentence, but in no case not less than the period specified in subsection 1.

3. A sex offender who is convicted of violating any of the requirements of this chapter shall register for an additional ten years, commencing from the date the offender's registration would have expired under subsection 1 or, in the case of an offender who has been sentenced to a special sentence under section 903B.1 or 903B.2, commencing from the date the offender's registration would have expired under subsection 2.

4. A sex offender shall, upon a second or subsequent conviction that requires a second registration, or upon conviction of an aggravated offense, or who has previously been convicted of one or more offenses that would have required registration under this chapter, register for life.

5. A sexually violent predator shall register for life.

6. If a sex offender ceases to maintain a residence, employment, or attendance as a student in this state, the offender shall no longer be required to register, and the offender shall be placed on inactive status and relevant information shall not be placed on the sex offender registry internet site, after the department verifies that the offender has complied with the registration requirements in another jurisdiction. If the sex offender subsequently reestablishes residence, employment, or attendance as a student in this state, the registration requirement under this chapter shall apply and the department shall remove the offender from inactive status and place any relevant information and any updated relevant information in the possession of the department on the sex offender registry internet site.

Sec. 7. NEW SECTION. 692A.107 TOLLING OF REGISTRATION PERIOD.

1. If a sex offender is incarcerated during a period of registration, the running of the period of registration is tolled until the offender is released from incarceration for that crime.

2. If a sex offender violates any requirements of section 692A.104, 692A.105, 692A.108, 692A.112, 692A.113, 692A.114, or 692A.115, in addition to any criminal penalty prescribed for such violation, the period of registration is tolled until the offender complies with the registration provisions of this chapter.

Sec. 8. NEW SECTION. 692A.108 VERIFICATION OF RELEVANT INFORMATION.

1. A sex offender shall appear in person in the county of principal residence after the offender was initially required to register, to verify residence, employment, and attendance as a student, to allow the sheriff to photograph the offender, and to verify the accuracy of other relevant information during the following time periods after the initial registration:

- a. For a sex offender classified as a tier I offender, every year.
- b. For a sex offender classified as a tier II offender, every six months.
- c. For a sex offender classified as a tier III offender, every three months.

2. A sheriff may require a sex offender to appear in person more frequently than provided in subsection 1 to verify relevant information if good cause is shown. The circumstances under which more frequent appearances are required shall be reasonable, documented by the sheriff, and provided to the offender and the department in writing. Any modification to such requirement shall also be provided to the sex offender and the department in writing.

3. a. At least thirty days prior to an appearance for the verification of relevant information as required by this section, the department shall mail notification of the required appearance to each reported residence of the sex offender. The department shall not be required to mail notification to any sex offender if the residence described or listed in the sex offender's relevant information is insufficient for the delivery of mail.

b. The notice shall state that the sex offender shall appear in person in the county of principal residence on or before a date specified in the notice to verify and update relevant information. The notice shall not be forwarded to another address and shall be returned to the department if the sex offender no longer resides at the address.

4. A photograph of the sex offender shall be updated, at a minimum, annually. The sheriff shall send the updated photograph to the department using procedures established by the department by rule within five business days of the photograph being taken and the department shall post the updated photograph on the sex offender registry's internet site. The sheriff may require the sex offender to submit to being photographed, fingerprinted, or palm printed, more than once per year during any required appearance to verify relevant information.

5. The sheriff may make a reasonable modification to the date requiring a sex offender to make an appearance based on exigent circumstances including man-made or natural disasters. The sheriff shall notify the department of any modification using procedures established by department by rule.

6. A waiver of the next immediate in-person verification pursuant to this section may be granted at the discretion of the sheriff, if the sex offender appears in person at the sheriff's office because of changes to relevant information pursuant to section 692A.104 or 692A.105, and

if the in-person verification pursuant to this section is within thirty days of such in-person appearance. If a waiver is granted, the sheriff shall notify the department of granting the waiver.

Sec. 9. NEW SECTION. 692A.109 DUTY TO FACILITATE REGISTRATION.

1. When a sex offender is released from incarceration from a jail, prison, juvenile facility, or other correctional institution or facility, or when the offender is convicted but not incarcerated, the sheriff, warden, or superintendent of a facility or, in the case of release from foster care or residential treatment or conviction without incarceration, the court shall do the following prior to release or sentencing of the convicted offender:

a. Obtain all relevant information from the sex offender. Additional information for a sex offender required to register as a sexually violent predator shall include but not be limited to other identifying factors, anticipated future places of residence, offense history, and documentation of any treatment received by the person for a mental abnormality or personality disorder.

b. Inform the sex offender of the duty to register under this chapter and SORNA and ensure registration forms are completed and signed.

c. Inform the sex offender that, within five business days of changing a residence, employment, attendance<sup>3</sup> as a student, an appearance is required before the sheriff in the county where the change occurred.

d. Inform the sex offender that, within five business days of a change in relevant information other than a change of residence, employment, or attendance as a student, the sex offender shall notify, in a manner prescribed by rule, the sheriff of the county of principal residence of the change.

e. Inform the sex offender that if the offender establishes residence in another jurisdiction, or becomes employed, or becomes a student in another jurisdiction, the offender must report the offender's new residence, employment, or attendance as a student, to the sheriff's office in the county of the offender's principal residence within five business days, and that, if the other jurisdiction has a registration requirement, the offender shall also be required to register in such jurisdiction.

f. Require the sex offender to read and sign a form stating that the duty of the offender to register under this chapter has been explained and the offender understands the registration requirement. If the sex offender cannot read, is unable to write, or refuses to cooperate, the duty and the form shall be explained orally and a written record shall be maintained by the sheriff, warden, superintendent of a facility, or court explaining the duty and the form.

g. Inform the sex offender who was convicted of a sex offense against a minor of the prohibitions established under section 692A.113 by providing the offender with a written copy of section 692A.113 and relevant definitions of section 692A.101.

h. Inform the sex offender who was convicted of an aggravated offense against a minor of the prohibitions established under section 692A.114 by providing the offender with a written copy of section 692A.114 and relevant definitions of section 692A.101.

i. Inform the sex offender that the offender must submit to being photographed by the sheriff of any county in which the offender is required to register upon initial registration and during any appearance to verify relevant information required under this chapter.

j. Inform the sex offender that any violation of this chapter may result in state or federal prosecution.

2. a. When a sex offender is released from incarceration from a jail, prison, juvenile facility, or other correctional institution or facility, or when the offender is convicted but not incarcerated, the sheriff, warden, superintendent of a facility, or court shall verify that the person has completed initial or subsequent registration forms, and accept the forms on behalf of the sheriff of the county of registration. The sheriff, warden, superintendent of a facility, or the court shall send the initial or subsequent registration information to the department within five business days of completion of the registration. Probation, parole, work release, or any other form of release after conviction shall not be granted unless the offender has registered as required under this chapter.

<sup>3</sup> According to enrolled Act; the phrase "employment, or attendance" probably intended

b. If the sex offender refuses to register, the sheriff, warden, superintendent of a facility, or court shall notify within five business days the county attorney in the county in which the offender was convicted or, if the offender no longer resides in that county, in the county in which the offender resides of the refusal to register. The county attorney shall bring a contempt of court action against the sex offender in the county in which the offender was convicted or, if the offender no longer resides in that county, in the county in which the offender resides. A sex offender who refuses to register shall be held in contempt and may be incarcerated pursuant to the provisions of chapter 665 following the entry of judgment by the court on the contempt action until the offender complies with the registration requirements.

3. The sheriff, warden, or superintendent of a facility, or if the sex offender is placed on probation, the court shall forward one copy of the registration information to the department and to the sheriff of the county in which the principal residence is established within five business days after completion of the registration.

4. The court may order an appropriate law enforcement agency or the county attorney to assist the court in performing the requirements of subsection 1 or 2.

Sec. 10. NEW SECTION. 692A.110 REGISTRATION FEES AND CIVIL PENALTY FOR OFFENDERS.

1. A sex offender shall pay an annual fee in the amount of twenty-five dollars to the sheriff of the county of principal residence, beginning with the first required in-person appearance at the sheriff's office after the effective date of this Act. If the sex offender has more than one principal residence in this state, the offender shall pay the annual fee in the county where the offender is first required to appear in person after the effective date of this Act. The sheriff shall accept the registration. If, at the time of registration, the sex offender is unable to pay the fee, the sheriff may allow the offender time to pay the fee, permit the payment of the fee in installments, or may waive payment of the fee. Fees paid to the sheriff shall be used to defray the costs of duties related to the registration of sex offenders under this chapter.

2. In addition to any other penalty, at the time of conviction for a public offense committed on or after July 1, 1995, which requires a sex offender to register under this chapter, the offender shall be assessed a civil penalty of two hundred dollars, to be payable to the clerk of the district court as provided in section 602.8105 and distributed as provided in section 602.8108. With respect to a conviction for a public offense committed on or after July 1, 2009, which requires a sex offender to register under this chapter, the offender shall be assessed a civil penalty of two hundred fifty dollars, payable to the clerk of the district court as provided in section 602.8105 and distributed as provided in section 602.8108.

3. The fee and penalty required by this section shall not be assessed against a person who has been acquitted by reason of insanity of the offense which requires registration under this chapter.

Sec. 11. NEW SECTION. 692A.111 FAILURE TO COMPLY — PENALTY.

1. A sex offender who violates any requirements of section 692A.104, 692A.105, 692A.108, 692A.112, 692A.113, 692A.114, or 692A.115 commits an aggravated misdemeanor for a first offense and a class "D" felony for a second or subsequent offense. However, a sex offender convicted of an aggravated offense against a minor, a sex offense against a minor, or a sexually violent offense committed while in violation of any of the requirements specified in section 692A.104, 692A.105, 692A.108, 692A.112, 692A.113, 692A.114, or 692A.115 is guilty of a class "C" felony, in addition to any other penalty provided by law. Any fine imposed for a second or subsequent violation shall not be suspended. Notwithstanding section 907.3, the court shall not defer judgment or sentence for any violation of any requirements specified in this chapter. For purposes of this subsection, a violation occurs when a sex offender knows or reasonably should know of the duty to fulfill a requirement specified in this chapter as referenced in the offense charged.

2. Violations in any other jurisdiction under sex offender registry provisions that are sub-

stantially similar to those contained in this section shall be counted as previous offenses. The court shall judicially notice the statutes of other states which are substantially similar to this section.

3. A sex offender who violates any provision of this chapter may be prosecuted in any county where registration is required by the provisions of this chapter.

Sec. 12. NEW SECTION. 692A.112 KNOWINGLY PROVIDING FALSE INFORMATION — PENALTY.

A sex offender shall not knowingly provide false information upon registration, change of relevant information, or during an appearance to verify relevant information.

Sec. 13. NEW SECTION. 692A.113 EXCLUSION ZONES AND PROHIBITION OF CERTAIN EMPLOYMENT-RELATED ACTIVITIES.

1. A sex offender who has been convicted of a sex offense against a minor shall not do any of the following:

a. Be present upon the real property of a public or nonpublic elementary or secondary school without the written permission of the school administrator or school administrator's designee, unless enrolled as a student at the school.

b. Loiter within three hundred feet of the real property boundary of a public or nonpublic elementary or secondary school, unless enrolled as a student at the school.

c. Be present on or in any vehicle or other conveyance owned, leased, or contracted by a public or nonpublic elementary or secondary school without the written permission of the school administrator or school administrator's designee when the vehicle is in use to transport students to or from a school or school-related activities, unless enrolled as a student at the school or unless the vehicle is simultaneously made available to the public as a form of public transportation.

d. Be present upon the real property of a child care facility without the written permission of the child care facility administrator.

e. Loiter within three hundred feet of the real property boundary of a child care facility.

f. Be present upon the real property of a public library without the written permission of the library administrator.

g. Loiter within three hundred feet of the real property boundary of a public library.

h. Loiter on or within three hundred feet of the premises of any place intended primarily for the use of minors including but not limited to a playground available to the public, a children's play area available to the public, recreational or sport-related activity area when in use by a minor, a swimming or wading pool available to the public when in use by a minor, or a beach available to the public when in use by a minor.

2. A sex offender who has been convicted of a sex offense against a minor:

a. Who resides in a dwelling located within three hundred feet of the real property boundary of public or nonpublic elementary or secondary school, child care facility, public library, or place intended primarily for the use of minors as specified in subsection 1, paragraph "h", shall not be in violation of subsection 1 for having an established residence within the exclusion zone.

b. Who is the parent or legal guardian of a minor shall not be in violation of subsection 1 solely during the period of time reasonably necessary to transport the offender's own minor child or ward to or from a place specified in subsection 1.

c. Who is legally entitled to vote shall not be in violation of subsection 1 solely for the period of time reasonably necessary to exercise the right to vote in a public election if the polling location of the offender is located in a place specified in subsection 1.

3. A sex offender who has been convicted of a sex offense against a minor shall not do any of the following:

a. Operate, manage, be employed by, or act as a contractor or volunteer at any municipal, county, or state fair or carnival when a minor is present on the premises.

b. Operate, manage, be employed by, or act as a contractor or volunteer on the premises of any children's arcade, an amusement center having coin or token operated devices for entertainment, or facilities providing programs or services intended primarily for minors, when a minor is present.

c. Operate, manage, be employed by, or act as a contractor or volunteer at a public or non-public elementary or secondary school, child care facility, or public library.

d. Operate, manage, be employed by, or act as a contractor or volunteer at any place intended primarily for use by minors including but not limited to a playground, a children's play area, recreational or sport-related activity area, a swimming or wading pool, or a beach.

Sec. 14. NEW SECTION. 692A.114 RESIDENCY RESTRICTIONS — PRESENCE — CHILD CARE FACILITIES AND SCHOOLS.

1. As used in this section:

a. "Minor" means a person who is under eighteen years of age or who is enrolled in a secondary school.

b. "School" means a public or nonpublic elementary or secondary school.

c. "Sex offender" means a person required to be registered under this chapter who has been convicted of an aggravated offense against a minor.

2. A sex offender shall not reside within two thousand feet of the real property comprising a school or a child care facility.

3. A sex offender residing within two thousand feet of the real property comprising a school or a child care facility does not commit a violation of this section if any of the following apply:

a. The sex offender is required to serve a sentence at a jail, prison, juvenile facility, or other correctional institution or facility.

b. The sex offender is subject to an order of commitment under chapter 229A.

c. The sex offender has established a residence prior to July 1, 2002.

d. The sex offender has established a residence prior to any newly located school or child care facility being established.

e. The sex offender is a minor.

f. The sex offender is a ward in a guardianship, and a district judge or associate probate judge grants an exemption from the residency restriction.

g. The sex offender is a patient or resident at a health care facility as defined in section 135C.1 or a patient in a hospice program, and a district judge or associate probate judge grants an exemption from the residency restriction.

Sec. 15. NEW SECTION. 692A.115 EMPLOYMENT WHERE DEPENDENT ADULTS RESIDE.

A sex offender shall not be an employee of a facility providing services for dependent adults or at events where dependent adults participate in programming and shall not loiter on the premises or grounds of a facility or at an event providing such services or programming.

Sec. 16. NEW SECTION. 692A.116 DETERMINATION OF REQUIREMENT TO REGISTER.

1. An offender may request that the department determine whether the offense for which the offender has been convicted requires the offender to register under this chapter or whether the period of time during which the offender is required to register under this chapter has expired.

2. Application for determination shall be filed with the department and shall be made on forms provided by the department and accompanied by copies of sentencing or adjudicatory orders with respect to each offense for which the offender asks that a determination be made.

3. The department, after filing of the request and after all documentation or information requested by the department is received, shall have ninety days from the filing of the request, to determine whether the offender is required to register under this chapter.

Sec. 17. NEW SECTION. 692A.117 REGISTRATION FORMS AND ELECTRONIC REGISTRATION SYSTEM.

1. Registration forms and an electronic registration system shall be made available by the department.
2. Copies of blank forms shall be available upon request to any registering agency.

Sec. 18. NEW SECTION. 692A.118 DEPARTMENT DUTIES — REGISTRY.

The department shall perform all of the following duties:

1. Develop an electronic system and standard forms for use in the registration of, verifying addresses of, and verifying understanding of registration requirements by sex offenders. Forms used to verify addresses of sex offenders shall contain a warning against forwarding a form to another address and of the requirement to return the form if the offender to whom the form is directed no longer resides at the address listed on the form or the mailing.
2. Maintain a central registry of information collected from sex offenders, which shall be known as the sex offender registry.
3. In consultation with the attorney general, adopt rules under chapter 17A which list specific offenses under present and former law which constitute sex offenses or sex offenses against a minor under this chapter.
4. Adopt rules under chapter 17A, as necessary, to ensure compliance with registration and verification requirements of this chapter, to provide guidelines for persons required to assist in obtaining registry information, and to provide a procedure for the dissemination of information contained in the registry. The procedure for the dissemination of information shall include but not be limited to practical guidelines for use by criminal or juvenile justice agencies in determining when public release of relevant information contained in the registry is appropriate and a requirement that if a member of the general public requests information regarding a specific individual in the manner provided in section 692A.121, the relevant information shall be released. The department, in developing the procedure, shall consult with associations which represent the interests of law enforcement officers. Rules adopted shall also include a procedure for removal of information from the registry upon the reversal or setting aside of a conviction of an offender.
5. Submit sex offender registry data to the federal bureau of investigation for entry of the data into the national sex offender registry.
6. Perform the requirements under this chapter and under federal law in cooperation with the office of sex offender sentencing, monitoring, apprehending, registering, and tracking of the office of justice programs of the United States department of justice.
7. Enter and maintain fingerprints and palm prints of sex offenders in an automated fingerprint identification system maintained by the department and made accessible to law enforcement agencies in this state, of the federal government, or in another jurisdiction. The department or any law enforcement agency may use such prints for criminal investigative purposes, to include comparison against finger and palm prints identified or recovered as evidence in a criminal investigation.
8. Notify a jurisdiction that provided information that a sex offender has or intends to maintain a residence, employment, or attendance as a student, in this state, of the failure of the sex offender to register as required under this chapter.
9. Submit a DNA sample to the combined DNA index system, if a sample has not been submitted.
10. Submit the social security number to the national crime information center, if the number has not been submitted.
11. When the department has a reasonable basis to believe that a sex offender has changed residence to an unknown location, has become a fugitive from justice, or who has otherwise taken flight, the department shall make a reasonable effort to ascertain the whereabouts of the offender, and if such effort fails to identify the location of the offender, an appropriate notice shall be made on the sex offender registry internet site of this state and shall be transmitted

to the national sex offender registry. The department shall notify other law enforcement agencies as deemed appropriate.

12. The department shall notify appropriate law enforcement agencies including the United States marshal service to investigate and verify possible violations. The department shall ensure any warrants for arrest are entered into the Iowa online warrant and articles system and the national crime information center and pursue prosecution of stated violations through state or federal court.

Sec. 19. NEW SECTION. 692A.119 SEX OFFENDER REGISTRY FUND.

A sex offender registry fund is established as a separate fund within the state treasury under the control of the department. The fund shall consist of moneys received as a result of the imposition of the penalty imposed under section 692A.110 and other funds allocated for purposes of establishing and maintaining the sex offender registry, conducting research and analysis related to sex crimes and offenders, and to perform other duties required under this chapter. Notwithstanding section 8.33, unencumbered or unobligated moneys and any interest remaining in the fund on June 30 of any fiscal year shall not revert to the general fund of the state, but shall remain available for expenditure in subsequent fiscal years.

Sec. 20. NEW SECTION. 692A.120 DUTIES OF THE SHERIFF.

The sheriff of each county shall comply with the requirements of this chapter and rules adopted by the department pursuant to this chapter. The sheriff of each county shall provide information and notices as provided in section 282.9.

Sec. 21. NEW SECTION. 692A.121 AVAILABILITY OF RECORDS.

1. The department shall maintain an internet site for the public and others to access relevant information about sex offenders. The internet site, at a minimum, shall be searchable by name, county, city, zip code, and geographic radius.

2. The department shall provide updated or corrected relevant information within five business days of the information being updated or corrected, from the sex offender registry to the following:

a. A criminal or juvenile justice agency, an agency of the state, a sex offender registry of another jurisdiction, or the federal government.

b. The general public through the sex offender registry internet site.

(1) The following relevant information about a sex offender shall be disclosed on the internet site:

(a) The date of birth.

(b) The name, nickname, aliases, including ethnic or tribal names.

(c) Photographs.

(d) The physical description, including scars, marks, or tattoos.

(e) The residence.

(f) The statutory citation and text of the offense committed that requires registration under this chapter.

(g) A specific reference indicating whether a particular sex offender is subject to residency restrictions pursuant to section 692A.114.

(h) A specific reference indicating whether a particular sex offender is subject to exclusion zone restrictions pursuant to section 692A.113.

(2) The following relevant information shall not be disclosed on the internet site:

(a) The relevant information about a sex offender who was under twenty years of age at the time the offender committed a violation of section 709.4, subsection 2, paragraph "c", subparagraph (4).

(b) The employer name, address, or location where a sex offender acts as an employee in any form of employment.

(c) The address and name of any school where a student required to be on the registry attends.



- (d) The real name of a sex offender protected under 18 U.S.C. § 3521.
- (e) The statutory citation and text of the offense committed for an incest conviction in violation of section 726.2, however, the citation and text of an incest conviction shall be disclosed on the internet site as a conviction of section 709.4 or 709.8.
- (f) Any other relevant information not described in subparagraph (1).
- c. The general public through any other means, at the discretion of the department, any relevant information that is available on the internet site.
- 3. A criminal or juvenile justice agency may provide relevant information from the sex offender registry to the following:
  - a. A criminal or juvenile justice agency, an agency of the state, or a sex offender registry of another jurisdiction, or the federal government.
  - b. The general public, any information available to the general public in subsection 2, including public and private agencies, organizations, public places, child care facilities, religious and youth organizations, neighbors, neighborhood associations, community meetings, and employers. The relevant information available to the general public may be distributed to the public through printed materials, visual or audio press releases, radio communications, or through a criminal or juvenile justice agency's internet site.
- 4. When a sex offender moves into a school district or moves within a school district, the county sheriff of the county of the offender's new residence shall provide relevant information that is available to the general public in subsection 2 to the administrative office of the school district in which the person required to register resides, and shall also provide relevant information to any nonpublic school near the offender's residence.
- 5. a. A member of the public may contact a county sheriff's office to request relevant information from the registry regarding a specific sex offender. A person making a request for relevant information may make the request by telephone, in writing, or in person, and the request shall include the name of the person and at least one of the following identifiers pertaining to the sex offender about whom the information is sought:
  - (1) The date of birth of the person.
  - (2) The social security number of the person.
  - (3) The address of the person.
  - (4) Internet identifiers.
  - (5) Telephone numbers, including any landline or wireless numbers.
- b. The relevant information made available to the general public pursuant to this subsection shall include all the relevant information provided to the general public on the internet site pursuant to subsection 2, and the following additional relevant information:
  - (1) Educational institutions attended as a student, including the name and address of such institution.
  - (2) Employment information including the name and address of employer.
  - (3) Temporary lodging information, including the dates when residing at the temporary lodging.
  - (4) Vehicle information.
- c. A county sheriff or police department shall not charge a fee relating to a request for relevant information.
- 6. A county sheriff shall also provide to a person upon request access to a list of all registrants in that county.
- 7. The following relevant information shall not be provided to the general public:
  - a. The identity of the victim.
  - b. Arrests not resulting in a conviction.
  - c. Passport and immigration documents.
  - d. A government issued driver's license or identification card.
  - e. DNA information.
  - f. Fingerprints.
  - g. Palm prints.
  - h. Professional licensing information.

- i. Social security number.
- j. Real name protected under 18 U.S.C. § 3521.
8. Notwithstanding sections 232.147 through 232.151, records concerning convictions which are committed by a minor may be released in the same manner as records of convictions of adults.
9. A person may contact the department or a county sheriff's office to verify if a particular internet identifier or telephone number is one that has been included in a registration by a sex offender.
10. The department shall include links to sex offender safety information, educational resources pertaining to the prevention of sexual assaults, and the national sex offender registry.
11. The department shall include on the sex offender registry internet site instructions and any applicable forms necessary for a person seeking correction of information that the person contends is erroneous.
12. When the department receives and approves registration data, such data shall be made available on the sex offender registry internet site within five business days.
13. The department shall maintain an automated electronic mail notification system, which shall be available by free subscription to any person, to provide notice of addition, deletion, or changes to any sex offender registration, relevant information within a postal zip code or, if selected by a subscriber, a geographic radius or, if selected by a subscriber, specific to a sex offender.
14. Sex offender registry records are confidential records not subject to examination and copying by a member of the public and shall only be released as provided in this section.

Sec. 22. NEW SECTION. 692A.122 COOPERATION WITH REGISTRATION.

An agency of state and local government that possesses information relevant to requirements that an offender register under this chapter shall provide that information to the court or the department upon request. All confidential records provided under this section shall remain confidential, unless otherwise ordered by a court, by the lawful custodian of the records, or by another person duly authorized to release such information.

Sec. 23. NEW SECTION. 692A.123 IMMUNITY FOR GOOD FAITH CONDUCT.

Criminal or juvenile justice agencies and employees of criminal or juvenile justice agencies and state agencies and their employees shall be immune from liability for acts or omissions arising from a good faith effort to comply with this chapter.

Sec. 24. NEW SECTION. 692A.124 ELECTRONIC MONITORING.

1. A sex offender who is placed on probation, parole, work release, special sentence, or any other type of conditional release, may be supervised by an electronic tracking and monitoring system in addition to any other conditions of supervision.
2. The determination to use electronic tracking and monitoring to supervise a sex offender shall be based upon a validated risk assessment approved by the department of corrections, and also upon the sex offender's criminal history, progress in treatment and supervision, and other relevant factors.
3. If a sex offender is under the jurisdiction of the juvenile court, the determination to use electronic tracking and monitoring to supervise the sex offender shall be based upon a risk assessment performed by a juvenile court officer.

Sec. 25. NEW SECTION. 692A.125 APPLICABILITY OF CHAPTER AND RETROACTIVITY.

1. The registration requirements of this chapter shall apply to sex offenders convicted on or after the effective date of this Act of a sex offense classified under section 692A.102.
2. The registration requirements of this chapter shall apply to a sex offender convicted of a sex offense or a comparable offense under prior law prior to the effective date of this Act under the following circumstances:

a. Any sex offender including a juvenile offender who is required to be on the sex offender registry as of June 30, 2009.

b. Any sex offender who is incarcerated on or after the effective date of this Act, for conviction of a sex offense committed prior to the effective date of this Act.

c. Any sex offender who is serving a special sentence pursuant to section 903B.1 or 903B.2 prior to the effective date of this Act.

3. For a sex offender required to register pursuant to subsection 1 or 2, each conviction or adjudication for a sex offense requiring registration, regardless of whether such conviction or adjudication occurred prior to, on, or after the effective date of this Act, shall be included in determining the tier requirements pursuant to this chapter.

4. An offender on the sex offender registry as of June 30, 2009, and who is required to be on the registry on or after July 1, 2009, shall be credited for any time on the registry prior to July 1, 2009.

Sec. 26. NEW SECTION. 692A.126 SEXUALLY MOTIVATED OFFENSE — DETERMINATION.

1. If a judge or jury makes a determination, beyond a reasonable doubt, that any of the following offenses for which a conviction has been entered are sexually motivated, the person shall be required to register as provided in this chapter:

a. Murder in the first degree in violation of section 707.2.

b. Murder in the second degree in violation of section 707.3.

c. Voluntary manslaughter in violation of section 707.4.

d. Involuntary manslaughter in violation of section 707.5.

e. Attempt to commit murder in violation of section 707.11.

f. Harassment in violation of section 708.7, subsection 1, 2, or 3.

g. Stalking in violation of section 708.11, subsection 3, paragraph “b”, subparagraph (3).

h. Kidnapping in the first degree in violation of section 710.2.

i. Kidnapping in the second degree in violation of section 710.3.

j. Kidnapping in the third degree in violation of section 710.4.

k. Child stealing in violation of section 710.5.

l. Purchase or sale or attempted purchase or sale of an individual in violation of section 710.11.

m. Burglary in the first degree in violation of section 713.3, subsection 1, paragraph “a”, “b”, or “c”.

n. Attempted burglary in the first degree in violation of section 713.4.

o. Burglary in the second degree in violation of section 713.5.

p. Attempted burglary in the second degree in violation of section 713.6.

q. Burglary in the third degree in violation of section 713.6A.

r. Attempted burglary in the third degree in violation of section 713.6B.

2. If a person is convicted of an offense in another jurisdiction, or of an offense that was prosecuted in a federal, military, or foreign court, that is comparable to an offense specified in subsection 1, the person shall be required to register as provided in this chapter if the department makes a determination that the offense was sexually motivated.

3. If a juvenile is convicted of an offense in another jurisdiction, or of an offense as a juvenile in a similar juvenile court proceeding in a federal, military, or foreign court, that is comparable to an offense specified in subsection 1, the person shall be required to register as provided in this chapter if the department makes a determination that the offense was sexually motivated.

Sec. 27. NEW SECTION. 692A.127 LIMITATIONS ON POLITICAL SUBDIVISIONS.

A political subdivision of the state shall not adopt any motion, resolution, or ordinance regulating the residency location of a sex offender or any motion, resolution, or ordinance regulating the exclusion of a sex offender from certain real property. A motion, resolution, or ordinance adopted by a political subdivision of the state in violation of this section is void and unenforceable and any enforcement activity conducted in violation of this section is void.

Sec. 28. NEW SECTION. 692A.128 MODIFICATION.

1. A sex offender who is on probation, parole, work release, special sentence, or any other type of conditional release may file an application in district court seeking to modify the registration requirements under this chapter.

2. An application shall not be granted unless all of the following apply:

a. The date of the commencement of the requirement to register occurred at least two years prior to the filing of the application for a tier I offender and five years prior to the filing of the application for a tier II or III offender.

b. The sex offender has successfully completed all sex offender treatment programs that have been required.

c. A risk assessment has been completed and the sex offender was classified as a low risk to reoffend. The risk assessment used to assess an offender as a low risk to reoffend shall be a validated risk assessment approved by the department of corrections.

d. The sex offender is not incarcerated when the application is filed.

e. The director of the judicial district department of correctional services supervising the sex offender, or the director's designee, stipulates to the modification, and a certified copy of the stipulation is attached to the application.

3. The application shall be filed in the sex offender's county of principal residence.

4. Notice of any application shall be provided to the county attorney of the county of the sex offender's principal residence, the county attorney of any county in this state where a conviction requiring the sex offender's registration occurred, and the department. The county attorney where the conviction occurred shall notify the victim of an application if the victim's address is known.

5. The court may, but is not required to, conduct a hearing on the application to hear any evidence deemed appropriate by the court. The court may modify the registration requirements under this chapter.

6. A sex offender may be granted a modification if the offender is required to be on the sex offender registry as a result of an adjudication for a sex offense, the offender is not under the supervision of the juvenile court or a judicial district judicial department of correctional services, and the department of corrections agrees to perform a risk assessment on the sex offender. However, all other provisions of this section not in conflict with this subsection shall apply to the application prior to an application being granted except that the sex offender is not required to obtain a stipulation from the director of a judicial district department of correctional services, or the director's designee.

7. If the court modifies the registration requirements under this chapter, the court shall send a copy of the order to the department, the sheriff of the county of the sex offender's principal residence, any county attorney notified in subsection 4, and the victim, if the victim's address is known.

Sec. 29. NEW SECTION. 692A.129 PROBATION AND PAROLE OFFICERS.

A probation or parole officer supervising a sex offender is not precluded from imposing more restrictive exclusion zone requirements, employment prohibitions, and residency restrictions than under sections 692A.113 and 692A.114.

Sec. 30. NEW SECTION. 692A.130 RULES.

The department shall adopt rules pursuant to chapter 17A to administer this chapter.

Sec. 31. Sections 692A.1 through 692A.16, Code 2009, are repealed.

DIVISION II  
SEX OFFENDER REGISTRY RELATED CHANGES

Sec. 32. Section 13.2, subsection 1, paragraph d, Code 2009, is amended to read as follows:

d. Prosecute and defend all actions and proceedings brought by or against any employee

of a judicial district department of correctional services in the performance of an assessment of risk pursuant to chapter 692A.

Sec. 33. Section 22.7, subsection 48, Code 2009, is amended to read as follows:

48. Sex offender registry records under chapter 692A, except as provided in section ~~692A.13~~ 692A.121.

Sec. 34. Section 232.53, subsections 2 and 3, Code 2009, are amended to read as follows:

2. All dispositional orders entered prior to the child attaining the age of seventeen years shall automatically terminate when the child becomes eighteen years of age, except as provided in section 2A.<sup>4</sup> Dispositional orders entered subsequent to the child attaining the age of seventeen years and prior to the child's eighteenth birthday shall automatically terminate one year and six months after the date of disposition. In the case of an adult within the jurisdiction of the court under the provisions of section 232.8, subsection 1, the dispositional order shall automatically terminate one year and six months after the last date upon which jurisdiction could attach.

3. Notwithstanding section 233A.13, a child committed to the training school subsequent to the child attaining the age of seventeen years and prior to the child's eighteenth birthday may be held at the school beyond the child's eighteenth birthday pursuant to subsection 2 or 2A, provided that the training school makes application to and receives permission from the committing court. This extension shall be for the purpose of completion by the child of a course of instruction established for the child pursuant to section 233A.4 and cannot extend for more than one year and six months beyond the date of disposition unless the duration of the dispositional order was extended pursuant to section 2A.<sup>5</sup>

Sec. 35. Section 232.52A, Code 2009, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. If the duration of a dispositional order is extended pursuant to section 232.53, subsection 2A, the court may continue or extend supervision by an electronic tracking and monitoring system in addition to any other conditions of supervision.

Sec. 36. Section 232.53, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 2A. A dispositional order entered prior to the child attaining the age of seventeen, for a child required to register as a sex offender pursuant to the provisions of chapter 692A, may be extended one year and six months beyond the date the child becomes eighteen years of age.

Sec. 37. Section 232.54, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 8A. With respect to a dispositional order requiring a child to register as a sex offender pursuant to chapter 692A, the juvenile court shall determine whether the child shall remain on the sex offender registry prior to termination of the dispositional order.

Sec. 38. Section 232.116, subsection 1, paragraph o, Code 2009, is amended to read as follows:

o. The parent has been convicted of a felony offense that is a ~~criminal sex~~ offense against a minor as defined in section ~~692A.1~~ 692A.101, the parent is divorced from or was never married to the minor's other parent, and the parent is serving a minimum sentence of confinement of at least five years for that offense.

Sec. 39. Section 272.2, subsection 17, Code 2009, is amended to read as follows:

17. Adopt rules to require that a background investigation be conducted by the division of criminal investigation of the department of public safety on all initial applicants for licensure. The board shall also require all initial applicants to submit a completed fingerprint packet and shall use the packet to facilitate a national criminal history background check. The board shall

<sup>4</sup> According to enrolled Act; the phrase "subsection 2A" probably intended

<sup>5</sup> According to enrolled Act; the phrase "subsection 2A" probably intended

have access to, and shall review the sex offender registry information under section ~~692A.13~~ 692A.121 available to the general public, the central registry for child abuse information established under chapter 235A, and the dependent adult abuse records maintained under chapter 235B for information regarding applicants for license renewal.

Sec. 40. Section 279.13, subsection 1, paragraph b, subparagraph (1), Code 2009, is amended to read as follows:

(1) Prior to entering into an initial contract with a teacher who holds a license other than an initial license issued by the board of educational examiners under chapter 272, the school district shall initiate a state criminal history record check of the applicant through the division of criminal investigation of the department of public safety, submit the applicant's fingerprints to the division for submission to the federal bureau of investigation for a national criminal history record check, and review the sex offender registry information under section ~~692A.13~~ 692A.121 available to the general public, the central registry for child abuse information established under section 235A.14, and the central registry for dependent adult abuse information established under section 235B.5 for information regarding applicants for employment as a teacher.

Sec. 41. Section 282.9, subsection 2, Code 2009, is amended to read as follows:

2. Notwithstanding section ~~692A.13~~ 692A.121, or any other provision of law to the contrary, the county sheriff shall provide to the boards of directors of the school districts located within the county the name of any individual under the age of twenty-one who is required to register as a sex offender under chapter 692A.

Sec. 42. Section 598.41A, Code 2009, is amended to read as follows:

598.41A VISITATION — HISTORY OF CRIMES AGAINST A MINOR.

Notwithstanding section 598.41, the court shall consider in the award of visitation rights to a parent of a child, the criminal history of the parent if the parent has been convicted of a ~~criminal offense against a minor, a sexually violent offense against a minor, or sexual exploitation of a minor. As used in this section, "criminal offense against a minor", "sexually violent offense", and "sexual exploitation" mean as defined in section 692A.1~~ sex offense against a minor as defined in section 692A.101.

Sec. 43. Section 600A.8, subsection 10, Code 2009, is amended to read as follows:

10. The parent has been convicted of a felony offense that is a ~~criminal~~ sex offense against a minor as defined in section ~~692A.1~~ 692A.101, the parent is divorced from or was never married to the minor's other parent, and the parent is serving a minimum sentence of confinement of at least five years for that offense.

Sec. 44. Section 602.8105, subsection 2, Code 2009, is amended by adding the following new paragraph:

NEW PARAGRAPH. gg. For applicable convictions under section 692A.110 prior to July 1, 2009, a civil penalty of two hundred dollars, and for applicable convictions under section 692A.110 on or after July 1, 2009, a civil penalty of two hundred fifty dollars.

Sec. 45. Section 602.8107, subsection 4, paragraph a, Code 2009, is amended to read as follows:

a. This subsection does not apply to amounts collected for victim restitution, the victim compensation fund, the criminal penalty surcharge, sex offender civil penalty, drug abuse resistance education surcharge, the law enforcement initiative surcharge, county enforcement surcharge, amounts collected as a result of procedures initiated under subsection 5 or under section 8A.504, or fees charged pursuant to section 356.7.

Sec. 46. Section 602.8108, subsection 2, Code 2009, is amended to read as follows:

2. Except as otherwise provided, the clerk of the district court shall report and submit to the

state court administrator, not later than the fifteenth day of each month, the fines and fees received during the preceding calendar month. Except as provided in subsections 3, 4, 5, 7, 8, and 9, and 10, the state court administrator shall deposit the amounts received with the treasurer of state for deposit in the general fund of the state. The state court administrator shall report to the legislative services agency within thirty days of the beginning of each fiscal quarter the amount received during the previous quarter in the account established under this section.

Sec. 47. Section 602.8108, Code 2009, is amended by adding the following new subsection: NEW SUBSECTION. 10. The clerk of the district court shall remit to the treasurer of state, not later than the fifteenth day of each month, all moneys collected from the sex offender civil penalty provided in section 692A.110 during the preceding calendar month. Of the amount received from the clerk, the treasurer of state shall allocate ten percent to be deposited in the court technology and modernization fund established in subsection 7. The treasurer of state shall deposit the remainder into the sex offender registry fund established in section 692A.119.

Sec. 48. Section 707.2, Code 2009, is amended by adding the following new unnumbered paragraph after subsection 6:

NEW UNNUMBERED PARAGRAPH. For purposes of determining whether a person should register as a sex offender pursuant to the provisions of chapter 692A, the fact finder shall make a determination as provided in section 692A.126.

Sec. 49. Section 707.3, Code 2009, is amended by adding the following new unnumbered paragraph after unnumbered paragraph 2:

NEW UNNUMBERED PARAGRAPH. For purposes of determining whether a person should register as a sex offender pursuant to the provisions of chapter 692A, the fact finder shall make a determination as provided in section 692A.126.

Sec. 50. Section 707.4, Code 2009, is amended by adding the following new unnumbered paragraph after unnumbered paragraph 3:

NEW UNNUMBERED PARAGRAPH. For purposes of determining whether a person should register as a sex offender pursuant to the provisions of chapter 692A, the fact finder shall make a determination as provided in section 692A.126.

Sec. 51. Section 707.5, Code 2009, is amended by adding the following new subsection: NEW SUBSECTION. 3. For purposes of determining whether a person should register as a sex offender pursuant to the provisions of chapter 692A, the fact finder shall make a determination as provided in section 692A.126.

Sec. 52. Section 707.11, Code 2009, is amended by adding the following new unnumbered paragraph after unnumbered paragraph 2:

NEW UNNUMBERED PARAGRAPH. For purposes of determining whether the person should register as a sex offender pursuant to the provisions of chapter 692A, the fact finder shall make a determination as provided in section 692A.126.

Sec. 53. Section 708.7, Code 2009, is amended by adding the following new subsection: NEW SUBSECTION. 5. For purposes of determining whether or not the person should register as a sex offender pursuant to the provisions of chapter 692A, the fact finder shall make a determination as provided in section 692A.126.

Sec. 54. Section 708.11, Code 2009, is amended by adding the following new subsection: NEW SUBSECTION. 6. For purposes of determining whether or not the person should register as a sex offender pursuant to the provisions of chapter 692A, the fact finder shall make a determination as provided in section 692A.126.

Sec. 55. Section 710.2, Code 2009, is amended by adding the following new unnumbered paragraph after unnumbered paragraph 2:

NEW UNNUMBERED PARAGRAPH. For purposes of determining whether the person should register as a sex offender pursuant to the provisions of chapter 692A, the fact finder shall make a determination as provided in section 692A.126.

Sec. 56. Section 710.3, Code 2009, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. For purposes of determining whether the person should register as a sex offender pursuant to the provisions of chapter 692A, the fact finder shall make a determination as provided in section 692A.126.

Sec. 57. Section 710.4, Code 2009, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. For purposes of determining whether the person should register as a sex offender pursuant to the provisions of chapter 692A, the fact finder shall make a determination as provided in section 692A.126.

Sec. 58. Section 710.5, Code 2009, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. For purposes of determining whether the person should register as a sex offender pursuant to the provisions of chapter 692A, the fact finder shall make a determination as provided in section 692A.126.

Sec. 59. Section 903B.1, Code 2009, is amended to read as follows:

903B.1 SPECIAL SENTENCE — CLASS “B” OR CLASS “C” FELONIES.

A person convicted of a class “C” felony or greater offense under chapter 709, or a class “C” felony under section 728.12, shall also be sentenced, in addition to any other punishment provided by law, to a special sentence committing the person into the custody of the director of the Iowa department of corrections for the rest of the person’s life, with eligibility for parole as provided in chapter 906. The board of parole shall determine whether the person should be released on parole or placed in a work release program. The special sentence imposed under this section shall commence upon completion of the sentence imposed under any applicable criminal sentencing provisions for the underlying criminal offense and the person shall begin the sentence under supervision as if on parole or work release. The person shall be placed on the corrections continuum in chapter 901B, and the terms and conditions of the special sentence, including violations, shall be subject to the same set of procedures set out in chapters 901B, 905, 906, and chapter 908, and rules adopted under those chapters for persons on parole or work release. The revocation of release shall not be for a period greater than two years upon any first revocation, and five years upon any second or subsequent revocation. A special sentence shall be considered a category “A” sentence for purposes of calculating earned time under section 903A.2.

Sec. 60. Section 903B.2, Code 2009, is amended to read as follows:

903B.2 SPECIAL SENTENCE — CLASS “D” FELONIES OR MISDEMEANORS.

A person convicted of a misdemeanor or a class “D” felony offense under chapter 709, section 726.2, or section 728.12 shall also be sentenced, in addition to any other punishment provided by law, to a special sentence committing the person into the custody of the director of the Iowa department of corrections for a period of ten years, with eligibility for parole as provided in chapter 906. The board of parole shall determine whether the person should be released on parole or placed in a work release program. The special sentence imposed under this section shall commence upon completion of the sentence imposed under any applicable criminal sentencing provisions for the underlying criminal offense and the person shall begin the sentence under supervision as if on parole or work release. The person shall be placed on



the corrections continuum in chapter 901B, and the terms and conditions of the special sentence, including violations, shall be subject to the same set of procedures set out in chapters 901B, 905, 906, and 908, and rules adopted under those chapters for persons on parole or work release. The revocation of release shall not be for a period greater than two years upon any first revocation, and five years upon any second or subsequent revocation. A special sentence shall be considered a category "A" sentence for purposes of calculating earned time under section 903A.2.

Sec. 61. Section 907.3, subsection 1, Code 2009, is amended by adding the following new paragraph:

NEW PARAGRAPH. m. The offense is a violation of chapter 692A.

Sec. 62. Section 907.3, subsection 2, Code 2009, is amended by adding the following new paragraph:

NEW PARAGRAPH. g. The offense is a violation of chapter 692A.

Sec. 63. NEW SECTION. 915.17A NOTIFICATION BY JUDICIAL DISTRICT DEPARTMENT OF CORRECTIONAL SERVICES.

A judicial district department of correctional services shall notify a registered victim, regarding a sex offender convicted of a sex offense against a minor who is under the supervision of a judicial district department of correctional services, of the following:

1. The beginning date for use of an electronic tracking and monitoring system to supervise the sex offender and the type of electronic tracking and monitoring system used.
2. The date of any modification to the use of an electronic tracking and monitoring system and the nature of the change.

### DIVISION III COHABITATION WITH A SEX OFFENDER

Sec. 64. Section 232.68, subsection 2, paragraph i, Code 2009, is amended to read as follows:

i. ~~Cohabitation with a person~~ Knowingly allowing a person custody or control of, or unsupervised access to a child or minor, after knowing the person is required to register or is on the sex offender registry under chapter 692A in for a violation of section 726.6.

Sec. 65. Section 726.6, subsection 1, paragraph h, Code 2009, is amended to read as follows:

h. ~~Cohabits with a person~~ Knowingly allows a person custody or control of, or unsupervised access to a child or a minor after knowing the person is required to register or is on the sex offender registry as a sex offender under chapter 692A. However, this paragraph does not apply to a person who is a parent, or guardian, ~~or a person having custody or control over~~ of a child or a minor, who is required to register as a sex offender, or to a person who is married to and living with a person required to register as a sex offender.

### DIVISION IV STATE MANDATE

Sec. 66. IMPLEMENTATION OF ACT. Section 25B.2, subsection 3, shall not apply to this Act.

Approved May 21, 2009