



Iowa General Assembly

2006 Legal Updates

Legislative Services Agency – Legal Services Division

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Purpose. *Legal update briefings are prepared by the nonpartisan Legal Services Division of the Legislative Services Agency. A legal update briefing is intended to inform legislators, legislative staff, and other persons interested in legislative matters of recent court decisions, Attorney General Opinions, regulatory actions, federal actions, and other occurrences of a legal nature that may be pertinent to the General Assembly's consideration of a topic. Although a briefing may identify issues for consideration by the General Assembly, a briefing should not be interpreted as advocating any particular course of action.*

NEW FEDERAL LAW RELATING TO SEX OFFENDERS - H.R. 4472

Overview. The United States Congress passed and President Bush signed into law H.R. 4472, "An Act to protect children from sexual exploitation and violent crime, to prevent child abuse and child pornography, to promote internet safety, and to honor the memory of Adam Walsh and other child crime victims." The new Act is quite extensive and will have an impact on Iowa's sex offender registry and other related laws. The following is a summary of the impact of the federal legislation on the sex offender registry.

The Act requires all states to have a sex offender registry and requires each registry to participate in the Dru Sjodin National Sex Offender Public Website. Currently no national sex offender registry database exists.

Registration Requirement. The Act requires a sex offender to register the location of the offender's place of employment and to also register the license plate number and description of any vehicle owned or operated by the offender. Iowa law does not require a sex offender to register the offender's location of employment or require the offender to register the license plate number or description of any vehicle that will be operated by the offender.

The Act also requires a sex offender to register within three business days of being sentenced or changing the offender's name, residence, place of employment, or student status. Currently in Iowa, a sex offender must register within five days of sentencing or any other change.

Registration Tiers. The Act creates tier I, tier II, and tier III status sex offenders. A tier I sex offender must register for a period of 15 years, a tier II sex offender must register for a period of 25 years, and a tier III sex offender must register for the rest of the offender's life.

A tier III sex offender means an offender whose offense is punishable by more than one year in prison and the offense is comparable to the federal version of sexual abuse, aggravated sexual abuse, or abusive sexual contact, or the offense involves the kidnapping of a minor, or the offense occurs after the offender becomes a tier II offender. A tier II sex offender means an offender whose offense is punishable by more than one year in prison and the offense is comparable to the federal version of sex trafficking, coercion and enticement, transportation with the intent to engage in criminal sexual activity, or abusive sexual content, or the offense involves the use of a minor in a sexual performance, solicitation of prostitution, or child pornography, or the offense occurred after the offender became a tier I offender. A tier I offender means a sex offender other than a tier II or tier III sex offender.

Under the Act, the registration duration for a tier I offender may be reduced if the offender maintains a clean record. Under current Iowa law, a sex offender registers for a period of 10 years but may be required to register for life under certain circumstances.

Photographs. The Act requires a tier I sex offender to be photographed once a year by the sheriff, a tier II sex offender to be photographed every six months, and a tier III offender to be photographed every three months. Current Iowa law requires a registrant's photograph to be updated annually.

State Compliance. Under the Act, each state must implement the Act within three years of enactment or risk losing federal funds appropriated in the Act.

The Act also grants the U.S. Attorney General the authority to specify the applicability of the Act to sex offenders convicted prior to enactment of the Act.

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