

## SENATE FILE 340

1 Amend Senate File 340 as follows:

2 1. By striking everything after the enacting  
3 clause and inserting the following:

4 "DIVISION I

5 SEX OFFENDER REGISTRY

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

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

9 1. "Aggravated offense" means a conviction for any  
10 of the following offenses:

11 a. Sexual abuse in the first degree in violation  
12 of section 709.2.

13 b. Sexual abuse in the second degree in violation  
14 of section 709.3.

15 c. Sexual abuse in the third degree in violation  
16 of section 709.4, subsection 1.

17 d. Lascivious acts with a child in violation of  
18 section 709.8, subsection 1.

19 e. Assault with intent to commit sexual abuse in  
20 violation of section 709.11.

21 f. Burglary in the first degree in violation of  
22 section 713.3, subsection 1, paragraph "d".

23 g. Kidnapping, if sexual abuse as defined in  
24 section 709.1 is committed during the commission of  
25 the offense.

26 h. Murder in violation of section 707.2 or 707.3,  
27 if sexual abuse as defined in section 709.1 is  
28 committed during the offense.

29 i. Criminal transmission of human immunodeficiency  
30 virus in violation of section 709C.1, subsection 1,  
31 paragraph "a".

32 2. "Aggravated offense against a minor" means a  
33 conviction for any of the following offenses, if such  
34 offense was committed against a minor, or otherwise  
35 involves a minor:

36 a. Sexual abuse in the first degree in violation  
37 of section 709.2.

38 b. Sexual abuse in the second degree in violation  
39 of section 709.3.

40 c. Sexual abuse in the third degree in violation  
41 of section 709.4, except for a violation of section  
42 709.4, subsection 2, paragraph "c", subparagraph (4).

43 3. "Appearance" means to appear in person at a  
44 sheriff's office.

45 4. "Business day" means every day except Saturday,  
46 Sunday, or any paid holiday for county employees in  
47 the applicable county.

48 5. "Change" means to add, begin, or terminate.

49 6. "Child care facility" means the same as defined  
50 in section 237A.1.

1 7. "Convicted" means found guilty of, pleads  
2 guilty to, or is sentenced or adjudicated delinquent  
3 for an act which is an indictable offense in this  
4 state or in another jurisdiction including in a  
5 federal, military, tribal, or foreign court, including  
6 but not limited to a juvenile who has been adjudicated  
7 delinquent, but whose juvenile court records have been  
8 sealed under section 232.150, and a person who has  
9 received a deferred sentence or a deferred judgment or  
10 has been acquitted by reason of insanity.

11 "Conviction" includes the conviction of a juvenile  
12 prosecuted as an adult. "Convicted" also includes a  
13 conviction for an attempt or conspiracy to commit an  
14 offense. "Convicted" does not mean a plea, sentence,  
15 adjudication, deferred sentence, or deferred judgment  
16 which has been reversed or otherwise set aside.

17 8. "Criminal or juvenile justice agency" means an  
18 agency or department of any level of government or an  
19 entity wholly owned, financed, or controlled by one or  
20 more such agencies or departments which performs as  
21 its principal function the apprehension, prosecution,  
22 adjudication, incarceration, or rehabilitation of  
23 criminal or juvenile offenders.

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

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

32 11. "Employment" means acting as an employee.

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

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

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

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

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

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

21 18. "Military offense" means a sex offense  
22 specified by the secretary of defense under 10 U.S.C.  
23 § 951.

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

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

28 a. The residence of the offender, if the offender  
29 has only one residence in this state.

30 b. The residence at which the offender resides,  
31 sleeps, or habitually lives for more days per year  
32 than another residence in this state, if the offender  
33 has more than one residence in this state.

34 c. The place of employment or attendance as a  
35 student, or both, if the sex offender does not have a  
36 residence in this state.

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

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

4 23. a. "Relevant information" means the following  
5 information with respect to a sex offender:  
6 (1) Criminal history, including warrants,  
7 articles, status of parole, probation, or supervised  
8 release, date of arrest, date of conviction, and  
9 registration status.  
10 (2) Date of birth.  
11 (3) Passport and immigration documents.  
12 (4) Government issued driver's license or  
13 identification card.  
14 (5) DNA sample.  
15 (6) Educational institutions attended as a  
16 student, including the name and address of such  
17 institutions.  
18 (7) Employment information including name and  
19 address of employer.  
20 (8) Fingerprints.  
21 (9) Internet identifiers.  
22 (10) Names, nicknames, aliases, or ethnic or  
23 tribal names, and if applicable, the real names of an  
24 offender protected under 18 U.S.C. § 3521.  
25 (11) Palm prints.  
26 (12) Photographs.  
27 (13) Physical description, including scars, marks,  
28 or tattoos.  
29 (14) Professional licensing information.  
30 (15) Residence.  
31 (16) Social security number.  
32 (17) Telephone numbers, including any landline or  
33 wireless numbers.  
34 (18) Temporary lodging information, including  
35 dates when residing in temporary lodging.  
36 (19) Statutory citation and text of offense  
37 committed that requires registration under this  
38 chapter.  
39 (20) Vehicle information for a vehicle owned or  
40 operated by an offender including license plate  
41 number, registration number, or other identifying  
42 number, vehicle description, and the permanent or  
43 frequent locations where the vehicle is parked,  
44 docked, or otherwise kept.  
45 (21) The name, gender, and date of birth of each  
46 person residing in the residence.

47 b. "Relevant information" does not include  
48 relevant information in paragraph "a", subparagraphs  
49 (1) and (19), when a sex offender is required to  
50 provide relevant information pursuant to this chapter.

1 24. "Residence" means each dwelling or other place  
2 where a sex offender resides, sleeps, or habitually  
3 lives, or will reside, sleep, or habitually live,  
4 including a shelter or group home. If a sex offender  
5 does not reside, sleep, or habitually live in a fixed  
6 place, "residence" means a description of the  
7 locations where the offender is stationed regularly,  
8 including any mobile or transitory living quarters.  
9 "Residence" shall be construed to refer to the places  
10 where a sex offender resides, sleeps, habitually  
11 lives, or is stationed with regularity, regardless of  
12 whether the offender declares or characterizes such  
13 place as the residence of the offender.  
14 25. "Sex act" means as defined in section 702.17.  
15 26. "Sex offender" means a person who is required  
16 to be registered under this chapter.  
17 27. "Sex offense" means an indictable offense for  
18 which a conviction has been entered that has an  
19 element involving a sexual act, sexual contact, or  
20 sexual conduct, and which is enumerated in section  
21 692A.102, and means any comparable offense for which a  
22 conviction has been entered under prior law, or any  
23 comparable offense for which a conviction has been  
24 entered in a federal, military, or foreign court, or  
25 another jurisdiction.  
26 28. "Sex offense against a minor" means an offense  
27 for which a conviction has been entered for a sex  
28 offense classified as a tier I, tier II, or tier III  
29 offense under this chapter if such offense was  
30 committed against a minor, or otherwise involves a  
31 minor.  
32 29. "Sexually violent offense" means an offense  
33 for which a conviction has been entered for any of the  
34 following indictable offenses:  
35 a. Sexual abuse as defined under section 709.1.  
36 b. Assault with intent to commit sexual abuse in  
37 violation of section 709.11.  
38 c. Sexual misconduct with offenders and juveniles  
39 in violation of section 709.16.  
40 d. Any of the following offenses, if the offense  
41 involves sexual abuse or assault with intent to commit  
42 sexual abuse: murder, attempted murder, kidnapping,  
43 burglary, or manslaughter.  
44 e. A criminal offense committed in another  
45 jurisdiction, including a conviction in a federal,  
46 military, or foreign court, which would constitute an  
47 indictable offense under paragraphs "a" through "d" if  
48 committed in this state.  
49 30. "Sexually violent predator" means a sex  
50 offender who has been convicted of an offense which

1 would qualify the offender as a sexually violent  
2 predator under the federal Violent Crime Control and  
3 Law Enforcement Act of 1994, 42 U.S.C. §  
4 14071(a)(3)(B), (C), (D), and (E).

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

8 32. "Student" means a sex offender who enrolls in  
9 or otherwise receives instruction at an educational  
10 institution, including a public or private elementary  
11 school, secondary school, trade or professional  
12 school, or institution of higher education. "Student"  
13 does not mean a sex offender who enrolls in or attends  
14 an educational institution as a correspondence  
15 student, distance learning student, or any other form  
16 of learning that occurs without physical presence on  
17 the real property of an educational institution.

18 33. "Superintendent" means the superintendent or  
19 superintendent's designee of a public school or the  
20 authorities in charge of a nonpublic school.

21 34. "Vehicle" means a vehicle owned or operated by  
22 an offender, including but not limited to a vehicle  
23 for personal or work-related use, and including a  
24 watercraft or aircraft, that is subject to  
25 registration requirements under chapter 321, 328, or  
26 462A.

27 Sec. 2. NEW SECTION. 692A.102 SEX OFFENSE  
28 CLASSIFICATIONS.

29 1. For purposes of this chapter, all individuals  
30 required to register shall be classified as a tier I,  
31 tier II, or tier III offender. For purposes of this  
32 chapter, sex offenses are classified into the  
33 following tiers:

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

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

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

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

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

47 (5) Indecent exposure in violation of section  
48 709.9.

49 (6) Harassment in violation of section 708.7,  
50 subsection 1, 2, or 3, if the court determines the

1 offense was sexually motivated pursuant to section  
2 692A.126.

3 (7) Stalking in violation of section 708.11,  
4 except a violation of subsection 3, paragraph "b",  
5 subparagraph (3), if the court determines the offense  
6 was sexually motivated pursuant to section 692A.126.

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

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

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

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

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

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

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

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

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

28 (16) Any sex offense specified in the laws of  
29 another jurisdiction or any sex offense that may be  
30 prosecuted in federal, military, or foreign court,  
31 that is comparable to an offense listed in  
32 subparagraphs (1) through (15).

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

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

40 (1) Detention in brothel in violation of section  
41 709.7.

42 (2) Lascivious acts with a child in violation of  
43 section 709.8, subsection 3 or 4.

44 (3) Solicitation of a minor to engage in an  
45 illegal sex act in violation of section 705.1.

46 (4) Solicitation of a minor to engage an illegal  
47 act under section 709.8, subsection 3, in violation of  
48 section 705.1.

49 (5) Solicitation of a minor to engage in an  
50 illegal act under section 709.12, in violation of

1 section 705.1.  
2 (6) False imprisonment of a minor in violation of  
3 section 710.7, except if committed by a parent.  
4 (7) Assault with intent to commit sexual abuse if  
5 no injury results in violation of section 709.11.  
6 (8) Invasion of privacy-nudity in violation of  
7 section 709.21.  
8 (9) Stalking in violation of section 708.11,  
9 subsection 3, paragraph "b", subparagraph (3), if the  
10 court determines that the offense was sexually  
11 motivated pursuant to section 692A.126.  
12 (10) Indecent contact with a child in violation of  
13 section 709.12, if the child is thirteen years of age.  
14 (11) Lascivious conduct with a minor in violation  
15 of section 709.14.  
16 (12) Sexual exploitation by a counselor,  
17 therapist, or school employee in violation of section  
18 709.15, if the victim is thirteen years of age or  
19 older.  
20 (13) Sexual misconduct with offenders and  
21 juveniles in violation of section 709.16, if the  
22 victim is thirteen years of age or older.  
23 (14) Kidnapping of a person who is not a minor in  
24 violation of section 710.2, 710.3, or 710.4, if the  
25 court determines the offense was sexually motivated  
26 pursuant to section 692A.126.  
27 (15) Solicitation of a minor to engage in an  
28 illegal act under section 725.3, subsection 2, in  
29 violation of section 705.1.  
30 (16) Incest committed against a dependant adult as  
31 defined in section 235B.2 in violation of section  
32 726.2.  
33 (17) Incest committed against a minor in violation  
34 of section 726.2.  
35 (18) Sexual exploitation of a minor in violation  
36 of section 728.12, subsection 2 or 3.  
37 (19) Material involving the sexual exploitation of  
38 a minor in violation of 18 U.S.C. § 2252(a), except  
39 receipt or possession of child pornography.  
40 (20) Production of sexually explicit depictions of  
41 a minor for import into the United States in violation  
42 of 18 U.S.C. § 2260.  
43 (21) Transportation of a minor for illegal sexual  
44 activity in violation of 18 U.S.C. § 2421.  
45 (22) Coercion and enticement of a minor for  
46 illegal sexual activity in violation of 18 U.S.C. §  
47 2422(a) or (b).  
48 (23) Transportation of minors for illegal sexual  
49 activity in violation of 18 U.S.C. § 2423(a).  
50 (24) Travel with the intent to engage in illegal

1 sexual conduct with a minor in violation of 18 U.S.C.  
2 § 2423.

3 (25) Engaging in illicit sexual conduct in foreign  
4 places in violation of 18 U.S.C. § 2423(c).

5 (26) Video voyeurism of a minor in violation of 18  
6 U.S.C. § 1801.

7 (27) Any sex offense specified in the laws of  
8 another jurisdiction or any offense that may be  
9 prosecuted in a federal, military, or foreign court,  
10 that is comparable to an offense listed in  
11 subparagraphs (1) through (26).

12 (28) Any sex offense under the prior laws of this  
13 state or another jurisdiction, or any sex offense  
14 under prior law that was prosecuted in a federal,  
15 military, or foreign court, that is comparable to a  
16 sex offense listed in subparagraphs (1) through (26).

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

19 (1) Murder in violation of section 707.2 or 707.3,  
20 if the court determines the offense was sexually  
21 motivated pursuant to section 692A.126.

22 (2) Voluntary manslaughter in violation of section  
23 707.4, if the court determines the offense was  
24 sexually motivated pursuant to section 692A.126.

25 (3) Involuntary manslaughter in violation of  
26 section 707.5, if the court determines the offense was  
27 sexually motivated pursuant to section 692A.126.

28 (4) Attempt to commit murder in violation of  
29 section 707.11, if the court determines the offense  
30 was sexually motivated pursuant to section 692A.126.

31 (5) Sexual abuse in the first degree in violation  
32 of section 709.2.

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

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

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

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

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

48 (11) Kidnapping of a minor in violation of section  
49 710.2, 710.3, or 710.4, if the court determines the  
50 offense was sexually motivated pursuant to section

1 692A.126.  
2 (12) Assault with intent to commit sexual abuse  
3 resulting in serious or bodily injury in violation of  
4 section 709.11.  
5 (13) Burglary in the first degree in violation of  
6 section 713.3, subsection 1, paragraph "d".  
7 (14) Murder in violation of section 707.2 or 707.3  
8 if sexual abuse as defined in section 709.1 is  
9 committed during the commission of the offense.  
10 (15) Criminal transmission of human  
11 immunodeficiency virus in violation of section 709C.1,  
12 subsection 1, paragraph "a".  
13 (16) Human trafficking in violation of section  
14 710A.2 if sexual abuse or assault with intent to  
15 commit sexual abuse is committed or sexual conduct or  
16 sexual contact is an element of the offense.  
17 (17) Purchase or sale of an individual in  
18 violation of section 710.11 if the court determines  
19 the offense was sexually motivated pursuant to section  
20 692A.126.  
21 (18) Sexual exploitation of a minor in violation  
22 of section 728.12, subsection 1.  
23 (19) Indecent contact with a child in violation of  
24 section 709.12 if the child is under thirteen years of  
25 age.  
26 (20) Sexual exploitation by a counselor,  
27 therapist, or school employee in violation of section  
28 709.15, if the child is under thirteen years of age.  
29 (21) Sexual misconduct with offenders and  
30 juveniles in violation of section 709.16, if the child  
31 is under thirteen years of age.  
32 (22) Child stealing in violation of section 710.5,  
33 if the court determines that the offense was sexually  
34 motivated pursuant to section 692A.126.  
35 (23) Enticing away a minor in violation of section  
36 710.10, if the violation includes an intent to commit  
37 sexual abuse, sexual exploitation, sexual contact, or  
38 sexual conduct directed towards a minor.  
39 (24) Sex trafficking of children in violation of  
40 18 U.S.C. § 1591.  
41 (25) Aggravated sexual abuse in violation of 18  
42 U.S.C. § 2241.  
43 (26) Sexual abuse in violation of 18 U.S.C. §  
44 2242.  
45 (27) Sexual abuse of a minor or ward in violation  
46 of 18 U.S.C. § 2243.  
47 (28) Abusive sexual contact in violation of 18  
48 U.S.C. § 2244.  
49 (29) Offenses resulting in death in violation of  
50 18 U.S.C. § 2245.

1 (30) Sexual exploitation of children in violation  
2 of 18 U.S.C. § 2251.

3 (31) Selling or buying of children in violation of  
4 18 U.S.C. § 2251A.

5 (32) Any sex offense specified in the laws of  
6 another jurisdiction or any sex offense that may be  
7 prosecuted in federal, military, or foreign court,  
8 that is comparable to an offense listed in  
9 subparagraphs (1) through (31).

10 (33) Any sex offense under the prior laws of this  
11 state or another jurisdiction, or any sex offense  
12 under prior law that was prosecuted in federal,  
13 military, or foreign court, that is comparable to a  
14 sex offense listed in subparagraphs (1) through (31).

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

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

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

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

32 6. Convictions of more than one sex offense which  
33 require registration under this chapter but which are  
34 prosecuted within a single indictment shall be  
35 considered as a single offense for purposes of  
36 registration.

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

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

50 a. From the date of placement on probation.

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

3 c. From the date of release from incarceration.

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

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

15 f. From the date of conviction for a sex offense  
16 requiring registration if probation, incarceration, or  
17 placement ordered pursuant to section 232.52 in a  
18 juvenile facility is not included in the sentencing,  
19 order, or decree of the court, except as otherwise  
20 provided in this section for juvenile cases.

21 2. A sex offender is not required to register  
22 while incarcerated. However, the running of the  
23 period of registration is tolled pursuant to section  
24 692A.107 if a sex offender is incarcerated.

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

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

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

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

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

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

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

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

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

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

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

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

48 3. A sex offender shall, within five business days  
49 of a change in relevant information other than  
50 relevant information enumerated in subsection 2,

1 notify the sheriff of the county where the principal  
2 residence of the offender is maintained about the  
3 change to the relevant information. The department  
4 shall establish by rule what constitutes proper  
5 notification under this subsection.

6 4. A sex offender who is required to verify  
7 information pursuant to the provisions of section  
8 692A.108 is only required to appear in person in the  
9 county where the principal residence of the offender  
10 is maintained to verify such information.

11 5. A sex offender shall, within five business days  
12 of the establishment of a residence, employment, or  
13 attendance as a student in another jurisdiction,  
14 appear in person to notify the sheriff of the county  
15 where the principal residence of the offender is  
16 maintained, about the establishment of a residence,  
17 employment, or attendance in another jurisdiction. A  
18 sex offender shall, within five business days of  
19 establishing a new residence, employment, or  
20 attendance as a student in another jurisdiction,  
21 register with the registering agency of the other  
22 jurisdiction, if the offender is required to register  
23 under the laws of the other jurisdiction. The  
24 department shall notify the registering agency in the  
25 other jurisdiction of the sex offender's new  
26 residence, employment, or attendance as a student in  
27 the other jurisdiction.

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

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

49 8. The collection of relevant information by a  
50 court or releasing agency under section 692A.109 shall

1 serve as the sex offender's initial or subsequent  
2 registration for purposes of this section. However,  
3 the sex offender shall register by appearing in person  
4 in the county of residence to verify the offender's  
5 arrival and relevant information. The court or  
6 releasing agency shall forward a copy of the  
7 registration to the department within five business  
8 days of completion of registration using procedures  
9 established by the department by rule.

10 Sec. 5. NEW SECTION. 692A.105 ADDITIONAL  
11 REGISTRATION REQUIREMENTS -- TEMPORARY LODGING.

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

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

23 1. Except as otherwise provided in this section,  
24 the duration of registration required under this  
25 chapter shall be for a period of ten years. The  
26 registration period shall begin as provided in section  
27 692A.103.

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

33 3. A sex offender who is convicted of violating  
34 any of the requirements of this chapter shall register  
35 for an additional ten years, commencing from the date  
36 the offender's registration would have expired under  
37 subsection 1 or, in the case of an offender who has  
38 been sentenced to a special sentence under section  
39 903B.1 or 903B.2, commencing from the date the  
40 offender's registration would have expired under  
41 subsection 2.

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

48 5. A sexually violent predator shall register for  
49 life.

50 6. If a sex offender ceases to maintain a

1 residence, employment, or attendance as a student in  
2 this state, the offender shall no longer be required  
3 to register, and shall be removed from the registry,  
4 after the department verifies that the offender has  
5 complied with the registration requirements in another  
6 jurisdiction. If the sex offender subsequently  
7 reestablishes residence, employment, or attendance as  
8 a student in this state, the registration requirement  
9 under this chapter shall apply.

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

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

16 2. If a sex offender violates any requirements of  
17 section 692A.104, 692A.105, 692A.108, 692A.112,  
18 692A.113, 692A.114, or 692A.115, in addition to any  
19 criminal penalty prescribed for such violation, the  
20 period of registration is tolled until the offender  
21 complies with the registration provisions of this  
22 chapter.

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

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

32 a. For a sex offender classified as a tier I  
33 offender, every year.

34 b. For a sex offender classified as a tier II  
35 offender, every six months.

36 c. For a sex offender classified as a tier III  
37 offender, every three months.

38 2. A sheriff may require a sex offender to appear  
39 in person more frequently than provided in subsection  
40 1 to verify relevant information if good cause is  
41 shown. The circumstances under which more frequent  
42 appearances are required shall be reasonable,  
43 documented by the sheriff, and provided to the  
44 offender and the department in writing. Any  
45 modification to such requirement shall also be  
46 provided to the sex offender and the department in  
47 writing.

48 3. a. At least thirty days prior to an appearance  
49 for the verification of relevant information as  
50 required by this section, the department shall mail

1 notification of the required appearance to each  
2 reported residence of the sex offender. The  
3 department shall not be required to mail notification  
4 to any sex offender if the residence described or  
5 listed in the sex offender's relevant information is  
6 insufficient for the delivery of mail.

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

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

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

31 6. A waiver of the next immediate in-person  
32 verification pursuant to this section may be granted  
33 at the discretion of the sheriff, if the sex offender  
34 appears in person at the sheriff's office because of  
35 changes to relevant information pursuant to section  
36 692A.104 or 692A.105, and if the in-person  
37 verification pursuant to this section is within thirty  
38 days of such in-person appearance. If a waiver is  
39 granted, the sheriff shall notify the department of  
40 granting the waiver.

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

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

1 sentencing of the convicted offender:

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

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

13 c. Inform the sex offender that, within five  
14 business days of changing a residence, employment,  
15 attendance as a student, an appearance is required  
16 before the sheriff in the county where the change  
17 occurred.

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

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

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

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

48 h. Inform the sex offender who was convicted of an  
49 aggravated offense against a minor of the prohibitions  
50 established under section 692A.114 by providing the

1 offender with a written copy of section 692A.114 and  
2 relevant definitions of section 692A.101.

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

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

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

28 b. If the sex offender refuses to register, the  
29 sheriff, warden, superintendent of a facility, or  
30 court shall notify within five business days the  
31 county attorney in the county in which the offender  
32 was convicted or, if the offender no longer resides in  
33 that county, in the county in which the offender  
34 resides of the refusal to register. The county  
35 attorney shall bring a contempt of court action  
36 against the sex offender in the county in which the  
37 offender was convicted or, if the offender no longer  
38 resides in that county, in the county in which the  
39 offender resides. A sex offender who refuses to  
40 register shall be held in contempt and may be  
41 incarcerated pursuant to the provisions of chapter 665  
42 following the entry of judgment by the court on the  
43 contempt action until the offender complies with the  
44 registration requirements.

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

1 completion of the registration.

2 4. The court may order an appropriate law  
3 enforcement agency or the county attorney to assist  
4 the court in performing the requirements of subsection  
5 1 or 2.

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

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

25 2. In addition to any other penalty, at the time  
26 of conviction for a public offense committed on or  
27 after July 1, 1995, which requires a sex offender to  
28 register under this chapter, the offender shall be  
29 assessed a civil penalty of two hundred dollars, to be  
30 payable to the clerk of the district court as provided  
31 in section 602.8105 and distributed as provided in  
32 section 602.8108. With respect to a conviction for a  
33 public offense committed on or after July 1, 2009,  
34 which requires a sex offender to register under this  
35 chapter, the offender shall be assessed a civil  
36 penalty of two hundred fifty dollars, payable to the  
37 clerk of the district court as provided in section  
38 602.8105 and distributed as provided in section  
39 602.8108.

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

44 Sec. 11. NEW SECTION. 692A.111 FAILURE TO COMPLY  
45 -- PENALTY.

46 1. A sex offender who violates any requirements of  
47 section 692A.104, 692A.105, 692A.108, 692A.112,  
48 692A.113, 692A.114, or 692A.115 commits an aggravated  
49 misdemeanor for a first offense and a class "D" felony  
50 for a second or subsequent offense. However, a sex

1 offender convicted of an aggravated offense against a  
2 minor, a sex offense against a minor, or a sexually  
3 violent offense committed while in violation of any of  
4 the requirements specified in section 692A.104,  
5 692A.105, 692A.108, 692A.112, 692A.113, 692A.114, or  
6 692A.115 is guilty of a class "C" felony, in addition  
7 to any other penalty provided by law. Any fine  
8 imposed for a second or subsequent violation shall not  
9 be suspended. Notwithstanding section 907.3, the  
10 court shall not defer judgment or sentence for any  
11 violation of any requirements specified in this  
12 chapter. For purposes of this subsection, a violation  
13 occurs when a sex offender knows or reasonably should  
14 know of the duty to fulfill a requirement specified in  
15 this chapter as referenced in the offense charged.

16 2. Violations in any other jurisdiction under sex  
17 offender registry provisions that are substantially  
18 similar to those contained in this section shall be  
19 counted as previous offenses. The court shall  
20 judicially notice the statutes of other states which  
21 are substantially similar to this section.

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

26 Sec. 12. NEW SECTION. 692A.112 KNOWINGLY  
27 PROVIDING FALSE INFORMATION -- PENALTY.

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

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

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

38 a. Be present upon the real property of a public  
39 or nonpublic elementary or secondary school without  
40 the written permission of the school administrator,  
41 unless enrolled as a student at the school.

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

46 c. Be present on or in any vehicle or other  
47 conveyance owned, leased, or contracted by a public or  
48 nonpublic elementary or secondary school without the  
49 written permission of the school administrator when  
50 the vehicle is in use to transport students to or from

1 a school or school-related activities, unless enrolled  
2 as a student at the school or unless the vehicle is  
3 simultaneously made available to the public as a form  
4 of public transportation.

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

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

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

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

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

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

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

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

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

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

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

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

7 c. Operate, manage, be employed by, or act as a  
8 contractor or volunteer at a public or nonpublic  
9 elementary or secondary school, child care facility,  
10 or public library.

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

17 Sec. 14. NEW SECTION. 692A.114 RESIDENCY  
18 RESTRICTIONS -- PRESENCE -- CHILD CARE FACILITIES AND  
19 SCHOOLS.

20 1. As used in this section:

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

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

25 c. "Sex offender" means a person required to  
26 register under this chapter who has been convicted of  
27 an aggravated offense against a minor.

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

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

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

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

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

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

45 e. The sex offender is a minor.

46 f. The sex offender is a ward in a guardianship,  
47 and upon approval of the county attorney where the sex  
48 offender resides and a district judge or associate  
49 probate judge.

50 g. The sex offender is a patient or resident at a

1 health care facility as defined in section 135C.1 or a  
2 patient in a hospice program, and upon approval of the  
3 county attorney where the sex offender resides and a  
4 district judge or associate probate judge.

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

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

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

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

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

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

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

35 1. Registration forms and an electronic  
36 registration system shall be made available by the  
37 department.

38 2. Copies of blank forms shall be available upon  
39 request to any registering agency.

40 Sec. 18. NEW SECTION. 692A.118 DEPARTMENT DUTIES  
41 -- REGISTRY.

42 The department shall perform all of the following  
43 duties:

44 1. Develop an electronic system and standard forms  
45 for use in the registration of, verifying addresses  
46 of, and verifying understanding of registration  
47 requirements by sex offenders. Forms used to verify  
48 addresses of sex offenders shall contain a warning  
49 against forwarding a form to another address and of  
50 the requirement to return the form if the offender to

1 whom the form is directed no longer resides at the  
2 address listed on the form or the mailing.

3 2. Maintain a central registry of information  
4 collected from sex offenders, which shall be known as  
5 the sex offender registry.

6 3. In consultation with the attorney general,  
7 adopt rules under chapter 17A which list specific  
8 offenses under present and former law which constitute  
9 sex offenses or sex offenses against a minor under  
10 this chapter.

11 4. Adopt rules under chapter 17A, as necessary, to  
12 ensure compliance with registration and verification  
13 requirements of this chapter, to provide guidelines  
14 for persons required to assist in obtaining registry  
15 information, and to provide a procedure for the  
16 dissemination of information contained in the  
17 registry. The procedure for the dissemination of  
18 information shall include but not be limited to  
19 practical guidelines for use by criminal or juvenile  
20 justice agencies in determining when public release of  
21 relevant information contained in the registry is  
22 appropriate and a requirement that if a member of the  
23 general public requests information regarding a  
24 specific individual in the manner provided in section  
25 692A.121, the relevant information shall be released.  
26 The department, in developing the procedure, shall  
27 consult with associations which represent the  
28 interests of law enforcement officers. Rules adopted  
29 shall also include a procedure for removal of  
30 information from the registry upon the reversal or  
31 setting aside of a conviction of an offender.

32 5. Submit sex offender registry data to the  
33 federal bureau of investigation for entry of the data  
34 into the national sex offender registry.

35 6. Perform the requirements under this chapter and  
36 under federal law in cooperation with the office of  
37 sex offender sentencing, monitoring, apprehending,  
38 registering, and tracking of the office of justice  
39 programs of the United States department of justice.

40 7. Enter and maintain fingerprints and palm prints  
41 of sex offenders in an automated fingerprint  
42 identification system maintained by the department and  
43 made accessible to law enforcement agencies in this  
44 state, of the federal government, or in another  
45 jurisdiction. The department or any law enforcement  
46 agency may use such prints for criminal investigative  
47 purposes, to include comparison against finger and  
48 palm prints identified or recovered as evidence in a  
49 criminal investigation.

50 8. Notify a jurisdiction that provided information

1 that a sex offender has or intends to maintain a  
2 residence, employment, or attendance as a student, in  
3 this state, of the failure of the sex offender to  
4 register as required under this chapter.

5 9. Submit a DNA sample to the combined DNA index  
6 system, if a sample has not been submitted.

7 10. Submit the social security number to the  
8 national crime information center, if the number has  
9 not been submitted.

10 11. When the department has a reasonable basis to  
11 believe that a sex offender has changed residence to  
12 an unknown location, has become a fugitive from  
13 justice, or who has otherwise taken flight, the  
14 department shall make a reasonable effort to ascertain  
15 the whereabouts of the offender, and if such effort  
16 fails to identify the location of the offender, an  
17 appropriate notice shall be made on the sex offender  
18 registry internet site of this state and shall be  
19 transmitted to the national sex offender registry.  
20 The department shall notify other law enforcement  
21 agencies as deemed appropriate.

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

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

32 A sex offender registry fund is established as a  
33 separate fund within the state treasury under the  
34 control of the department. The fund shall consist of  
35 moneys received as a result of the imposition of the  
36 penalty imposed under section 692A.110 and other funds  
37 allocated for purposes of establishing and maintaining  
38 the sex offender registry, conducting research and  
39 analysis related to sex crimes and offenders, and to  
40 perform other duties required under this chapter.

41 Notwithstanding section 8.33, unencumbered or  
42 unobligated moneys and any interest remaining in the  
43 fund on June 30 of any fiscal year shall not revert to  
44 the general fund of the state, but shall remain  
45 available for expenditure in subsequent fiscal years.

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

48 The sheriff of each county shall comply with the  
49 requirements of this chapter and rules adopted by the  
50 department pursuant to this chapter. The sheriff of

1 each county shall provide information and notices as  
2 provided in section 282.9.

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

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

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

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

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

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

21 (a) The date of birth.

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

24 (c) Photographs.

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

27 (e) The residence.

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

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

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

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

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

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

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

47 (d) The real name of a sex offender protected  
48 under 18 U.S.C § 3521.

49 (e) The statutory citation and text of the offense  
50 committed for an incest conviction in violation of

1 section 726.2, however, the citation and text of an  
2 incest conviction shall be disclosed on the internet  
3 site as a conviction of section 709.4 or 709.8.

4 (f) Any other relevant information not described  
5 in subparagraph (1).

6 c. The general public through any other means, at  
7 the discretion of the department, any relevant  
8 information that is available on the internet site.

9 3. A criminal or juvenile justice agency may  
10 provide relevant information from the sex offender  
11 registry to the following:

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

15 b. The general public, any information available  
16 to the general public in subsection 2, including  
17 public and private agencies, organizations, public  
18 places, child care facilities, religious and youth  
19 organizations, neighbors, neighborhood associations,  
20 community meetings, and employers. The relevant  
21 information available to the general public may be  
22 distributed to the public through printed materials,  
23 visual or audio press releases, radio communications,  
24 or through a criminal or juvenile justice agency's  
25 internet site.

26 4. When a sex offender moves into a school  
27 district or moves within a school district, the county  
28 sheriff of the county of the offender's new residence  
29 shall provide relevant information that is available  
30 to the general public in subsection 2 to the  
31 administrative office of the school district in which  
32 the person required to register resides, and shall  
33 also provide relevant information to any nonpublic  
34 school near the offender's residence.

35 5. a. A member of the public may contact a county  
36 sheriff's office to request relevant information from  
37 the registry regarding a specific sex offender. A  
38 person making a request for relevant information may  
39 make the request by telephone, in writing, or in  
40 person, and the request shall include the name of the  
41 person and at least one of the following identifiers  
42 pertaining to the sex offender about whom the  
43 information is sought:

- 44 (1) The date of birth of the person.
- 45 (2) The social security number of the person.
- 46 (3) The address of the person.
- 47 (4) Internet identifiers.
- 48 (5) Telephone numbers, including any landline or  
49 wireless numbers.

50 b. The relevant information made available to the

1 general public pursuant to this subsection shall  
2 include all the relevant information provided to the  
3 general public on the internet site pursuant to  
4 subsection 2, and the following additional relevant  
5 information:

- 6 (1) Educational institutions attended as a  
7 student, including the name and address of such  
8 institution.
- 9 (2) Employment information including the name and  
10 address of employer.
- 11 (3) Temporary lodging information, including the  
12 dates when residing at the temporary lodging.
- 13 (4) Vehicle information.

14 c. A county sheriff or police department shall not  
15 charge a fee relating to a request for relevant  
16 information.

17 6. A county sheriff shall also provide to a person  
18 upon request access to a list of all registrants in  
19 that county.

20 7. The following relevant information shall not be  
21 provided to the general public:

- 22 a. The identity of the victim.
- 23 b. Arrests not resulting in a conviction.
- 24 c. Passport and immigration documents.
- 25 d. A government issued driver's license or  
26 identification card.
- 27 e. DNA information.
- 28 f. Fingerprints.
- 29 g. Palm prints.
- 30 h. Professional licensing information.
- 31 i. Social security number.
- 32 j. Real name protected under 18 U.S.C § 3521.

33 8. Notwithstanding sections 232.147 through  
34 232.151, records concerning convictions which are  
35 committed by a minor may be released in the same  
36 manner as records of convictions of adults.

37 9. A person may contact the department or a county  
38 sheriff's office to verify if a particular internet  
39 identifier or telephone number is one that has been  
40 included in a registration by a sex offender.

41 10. The department shall include links to sex  
42 offender safety information, educational resources  
43 pertaining to the prevention of sexual assaults, and  
44 the national sex offender registry.

45 11. The department shall include on the sex  
46 offender registry internet site instructions and any  
47 applicable forms necessary for a person seeking  
48 correction of information that the person contends is  
49 erroneous.

50 12. When the department receives and approves

1 registration data, such data shall be made available  
2 on the sex offender registry internet site within five  
3 business days.

4 13. The department shall maintain an automated  
5 electronic mail notification system, which shall be  
6 available by free subscription to any person, to  
7 provide notice of addition, deletion, or changes to  
8 any sex offender registration, relevant information  
9 within a postal zip code or, if selected by a  
10 subscriber, a geographic radius or, if selected by a  
11 subscriber, specific to a sex offender.

12 14. Sex offender registry records are confidential  
13 records not subject to examination and copying by a  
14 member of the public and shall only be released as  
15 provided in this section.

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

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

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

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

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

36 A sex offender who is placed on probation, parole,  
37 work release, special sentence, or any other type of  
38 conditional release, may be supervised by an  
39 electronic tracking and monitoring system in addition  
40 to any other conditions of supervision.

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

43 1. The registration requirements of this chapter  
44 shall apply to sex offenders convicted on or after the  
45 effective date of this Act of a sex offense classified  
46 under section 692A.102.

47 2. The registration requirements of this chapter  
48 shall apply to a sex offender convicted of a sex  
49 offense or a comparable offense under prior law prior  
50 to the effective date of this Act under the following

1 circumstances:

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

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

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

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

20 Sec. 26. NEW SECTION. 692A.126 SEXUALLY  
21 MOTIVATED OFFENSE -- DETERMINATION.

22 1. If the fact finder makes a determination,  
23 beyond a reasonable doubt, that any of the following  
24 offenses for which a conviction has been entered are  
25 sexually motivated, the person shall be required to  
26 register as provided in this chapter:

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

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

31 c. Voluntary manslaughter in violation of section  
32 707.4.

33 d. Involuntary manslaughter in violation of  
34 section 707.5.

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

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

39 g. Stalking in violation of section 708.11,  
40 subsection 3, paragraph "b", subparagraph (3).

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

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

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

47 k. Child stealing in violation of section 710.5.

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

50 2. If a person is convicted of an offense in

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

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

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

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

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

28 1. A sex offender may file an application in  
29 district court seeking to modify the registration  
30 requirements under this chapter.

31 2. An application shall not be filed unless all of  
32 the following apply:

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

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

41 c. A risk assessment has been completed and the  
42 sex offender was classified as a low risk to reoffend.

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

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

50 3. The application shall be filed in the sex

1 offender's county of principal residence.

2 4. Notice of any application shall be provided to  
3 the county attorney of the county of the sex  
4 offender's principal residence, the county attorney of  
5 any county in this state where a conviction requiring  
6 the sex offender's registration occurred, the victim,  
7 if known, and the department.

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

12 6. If the court modifies the registration  
13 requirements under this chapter, the court shall send  
14 a copy of the order to the department, the sheriff of  
15 the county of the sex offender's principal residence,  
16 any county attorney notified in subsection 4, and the  
17 victim, if known.

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

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

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

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

28 Sec. 31. Sections 692A.1 through 692A.16, Code  
29 2009, are repealed.

## 30 DIVISION II

### 31 SEX OFFENDER REGISTRY RELATED CHANGES

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

34 d. Prosecute and defend all actions and  
35 proceedings brought by or against any employee of a  
36 judicial district department of correctional services  
37 in the performance of an assessment of risk pursuant  
38 to ~~chapter 692A.~~

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

41 48. Sex offender registry records under chapter  
42 692A, except as provided in section ~~692A.13~~ 692A.121.

43 Sec. 34. Section 232.53, subsections 2 and 3, Code  
44 2009, are amended to read as follows:

45 2. All dispositional orders entered prior to the  
46 child attaining the age of seventeen years shall  
47 automatically terminate when the child becomes  
48 eighteen years of age, except as provided in section  
49 2A. Dispositional orders entered subsequent to the  
50 child attaining the age of seventeen years and prior

1 to the child's eighteenth birthday shall automatically  
2 terminate one year and six months after the date of  
3 disposition. In the case of an adult within the  
4 jurisdiction of the court under the provisions of  
5 section 232.8, subsection 1, the dispositional order  
6 shall automatically terminate one year and six months  
7 after the last date upon which jurisdiction could  
8 attach.

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

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

25 NEW UNNUMBERED PARAGRAPH. If the duration of a  
26 dispositional order is extended pursuant to section  
27 232.53, subsection 2A, the court may continue or  
28 extend supervision by an electronic tracking and  
29 monitoring system in addition to any other conditions  
30 of supervision.

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

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

39 Sec. 37. Section 232.116, subsection 1, paragraph  
40 o, Code 2009, is amended to read as follows:

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

48 Sec. 38. Section 272.2, subsection 17, Code 2009,  
49 is amended to read as follows:

50 17. Adopt rules to require that a background

1 investigation be conducted by the division of criminal  
2 investigation of the department of public safety on  
3 all initial applicants for licensure. The board shall  
4 also require all initial applicants to submit a  
5 completed fingerprint packet and shall use the packet  
6 to facilitate a national criminal history background  
7 check. The board shall have access to, and shall  
8 review the sex offender registry information under  
9 section ~~692A-13~~ 692A.121 available to the general  
10 public, the central registry for child abuse  
11 information established under chapter 235A, and the  
12 dependent adult abuse records maintained under chapter  
13 235B for information regarding applicants for license  
14 renewal.

15 Sec. 39. Section 279.13, subsection 1, paragraph  
16 b, subparagraph (1), Code 2009, is amended to read as  
17 follows:

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

35 Sec. 40. Section 282.9, subsection 2, Code 2009,  
36 is amended to read as follows:

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

44 Sec. 41. Section 598.41A, Code 2009, is amended to  
45 read as follows:

46 598.41A VISITATION -- HISTORY OF CRIMES AGAINST A  
47 MINOR.

48 Notwithstanding section 598.41, the court shall  
49 consider in the award of visitation rights to a parent  
50 of a child, the criminal history of the parent if the

1 parent has been convicted of a ~~eriminal-offense~~  
2 ~~against-a-minor,-a-sexually-violent-offense-against-a~~  
3 ~~minor,-or-sexual-exploitation-of-a-minor.--As-used-in~~  
4 ~~this-section,-"eriminal-offense-against-a-minor",~~  
5 ~~"sexually-violent-offense",-and-"sexual-exploitation"~~  
6 ~~mean-as-defined-in-section-692A.1 sex offense against~~  
7 ~~a minor as defined in section 692A.101.~~

8 Sec. 42. Section 600A.8, subsection 10, Code 2009,  
9 is amended to read as follows:

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

17 Sec. 43. Section 602.8105, subsection 2, Code  
18 2009, is amended by adding the following new  
19 paragraph:

20 NEW PARAGRAPH. gg. For applicable convictions  
21 under section 692A.110 prior to July 1, 2009, a civil  
22 penalty of two hundred dollars, and for applicable  
23 convictions under section 692A.110 on or after July 1,  
24 2009, a civil penalty of two hundred fifty dollars.

25 Sec. 44. Section 602.8107, subsection 4, paragraph  
26 a, Code 2009, is amended to read as follows:

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

36 Sec. 45. Section 602.8108, subsection 2, Code  
37 2009, is amended to read as follows:

38 2. Except as otherwise provided, the clerk of the  
39 district court shall report and submit to the state  
40 court administrator, not later than the fifteenth day  
41 of each month, the fines and fees received during the  
42 preceding calendar month. Except as provided in  
43 subsections 3, 4, 5, 7, 8, and 9, and 10, the state  
44 court administrator shall deposit the amounts received  
45 with the treasurer of state for deposit in the general  
46 fund of the state. The state court administrator  
47 shall report to the legislative services agency within  
48 thirty days of the beginning of each fiscal quarter  
49 the amount received during the previous quarter in the  
50 account established under this section.

1     Sec. 46. Section 602.8108, Code 2009, is amended  
2 by adding the following new subsection:  
3     NEW SUBSECTION. 10. The clerk of the district  
4 court shall remit to the treasurer of state, not later  
5 than the fifteenth day of each month, all moneys  
6 collected from the sex offender civil penalty provided  
7 in section 692A.110 during the preceding calendar  
8 month. Of the amount received from the clerk, the  
9 treasurer of state shall allocate ten percent to be  
10 deposited in the court technology and modernization  
11 fund established in subsection 7. The treasurer of  
12 state shall deposit the remainder into the sex  
13 offender registry fund established in section  
14 692A.119.

15     Sec. 47. Section 707.2, Code 2009, is amended by  
16 adding the following new unnumbered paragraph after  
17 subsection 6:

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

23     Sec. 48. Section 707.3, Code 2009, is amended by  
24 adding the following new unnumbered paragraph after  
25 unnumbered paragraph 2:

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

31     Sec. 49. Section 707.4, Code 2009, is amended by  
32 adding the following new unnumbered paragraph after  
33 unnumbered paragraph 3:

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

39     Sec. 50. Section 707.5, Code 2009, is amended by  
40 adding the following new subsection:

41     NEW SUBSECTION. 3. For purposes of determining  
42 whether a person should register as a sex offender  
43 pursuant to the provisions of chapter 692A, the fact  
44 finder shall make a determination as provided in  
45 section 692A.126.

46     Sec. 51. Section 707.11, Code 2009, is amended by  
47 adding the following new unnumbered paragraph after  
48 unnumbered paragraph 2:

49     NEW UNNUMBERED PARAGRAPH. For purposes of  
50 determining whether the person should register as a

1 sex offender pursuant to the provisions of chapter  
2 692A, the fact finder shall make a determination as  
3 provided in section 692A.126.

4 Sec. 52. Section 708.7, Code 2009, is amended by  
5 adding the following new subsection:  
6 NEW SUBSECTION. 5. For purposes of determining  
7 whether or not the person should register as a sex  
8 offender pursuant to the provisions of chapter 692A,  
9 the fact finder shall make a determination as provided  
10 in section 692A.126.

11 Sec. 53. Section 708.11, Code 2009, is amended by  
12 adding the following new subsection:  
13 NEW SUBSECTION. 6. For purposes of determining  
14 whether or not the person should register as a sex  
15 offender pursuant to the provisions of chapter 692A,  
16 the fact finder shall make a determination as provided  
17 in section 692A.126.

18 Sec. 54. Section 710.2, Code 2009, is amended by  
19 adding the following new unnumbered paragraph after  
20 unnumbered paragraph 2:  
21 NEW UNNUMBERED PARAGRAPH. For purposes of  
22 determining whether the person should register as a  
23 sex offender pursuant to the provisions of chapter  
24 692A, the fact finder shall make a determination as  
25 provided in section 692A.126.

26 Sec. 55. Section 710.3, Code 2009, is amended by  
27 adding the following new unnumbered paragraph:  
28 NEW UNNUMBERED PARAGRAPH. For purposes of  
29 determining whether the person should register as a  
30 sex offender pursuant to the provisions of chapter  
31 692A, the fact finder shall make a determination as  
32 provided in section 692A.126.

33 Sec. 56. Section 710.4, Code 2009, is amended by  
34 adding the following new unnumbered paragraph:  
35 NEW UNNUMBERED PARAGRAPH. For purposes of  
36 determining whether the person should register as a  
37 sex offender pursuant to the provisions of chapter  
38 692A, the fact finder shall make a determination as  
39 provided in section 692A.126.

40 Sec. 57. Section 710.5, Code 2009, is amended by  
41 adding the following new unnumbered paragraph:  
42 NEW UNNUMBERED PARAGRAPH. For purposes of  
43 determining whether the person should register as a  
44 sex offender pursuant to the provisions of chapter  
45 692A, the fact finder shall make a determination as  
46 provided in section 692A.126.

47 Sec. 58. Section 907.3, subsection 1, Code 2009,  
48 is amended by adding the following new paragraph:  
49 NEW PARAGRAPH. m. The offense is a violation of  
50 chapter 692A.

1 Sec. 59. Section 907.3, subsection 2, Code 2009,  
2 is amended by adding the following new paragraph:  
3 NEW PARAGRAPH. g. The offense is a violation of  
4 chapter 692A.

5 Sec. 60. Section 907.3, subsection 3, Code 2009,  
6 is amended by adding the following new paragraph:  
7 NEW PARAGRAPH. g. The offense is a violation of  
8 chapter 692A.

9 DIVISION III

10 COHABITATION WITH A SEX OFFENDER

11 Sec. 61. Section 232.68, subsection 2, paragraph  
12 i, Code 2009, is amended to read as follows:

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

19 Sec. 62. Section 726.6, subsection 1, paragraph h,  
20 Code 2009, is amended to read as follows:

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

32 DIVISION IV

33 STATE MANDATE

34 Sec. 63. IMPLEMENTATION OF ACT. Section 25B.2,  
35 subsection 3, shall not apply to this Act."

36 2. Title page, by striking lines 1 and 2 and  
37 inserting the following: "An Act relating to the sex  
38 offender registry, making fees applicable, and  
39 providing for penalties."  
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