

HSB 567

JUDICIARY

Raucher, Chair

*Subcom
Ford*

SENATE/HOUSE FILE ^{SUCCE}
SF (HF)
BY (PROPOSED DEPARTMENT OF
PUBLIC SAFETY BILL)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to a nonresident registering as a sex offender in
2 a county where an institution of higher education is located.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. NEW SECTION. 692A.3A REGISTRATION IN A COUNTY
2 WHERE AN INSTITUTION OF HIGHER EDUCATION IS LOCATED.

3 In addition to the registration requirements in section
4 692A.3, a person required to register under this chapter, who
5 is a full-time or part-time student or is employed or engaged
6 in a vocation on a full-time or part-time basis at an
7 institution of higher education in a county other than the
8 county of residence, shall register with the sheriff of the
9 county in which the institution is located. The person must
10 register within five days of becoming a student, being
11 employed, or engaging in a vocation at the institution.

12 Sec. 2. Section 692A.5, subsection 1, Code 2001, is
13 amended by adding the following new paragraph:

14 NEW PARAGRAPH. g. Inform the person that if the person is
15 a nonresident of a county where the person is a full-time or
16 part-time student, or employed or engaged in a vocation on a
17 full-time or part-time basis at an institution of higher
18 education, the person must register in the county where the
19 institution is located within five days of becoming a student,
20 being employed, or engaging in a vocation at the institution.

21 EXPLANATION

22 This bill relates to a nonresident registering as a sex
23 offender in a county where an institution of higher education
24 is located.

25 The bill provides that a person who is required to register
26 as a sex offender shall register in a county where the person
27 is a nonresident, if the person a full-time or part-time
28 student or is employed or engaged in a vocation on a full-time
29 or part-time basis at an institution of higher education in a
30 county other than the county of residence. The bill provides
31 the person must register within five days of becoming a
32 student, being employed, or engaging in a vocation at the
33 institution.

34 The bill also provides that the court prior to release or
35 sentencing, shall inform the person that if the person is a

1 full-time or part-time student or is employed or engaged in a
 2 vocation on a full-time or part-time basis at an institution
 3 of higher education in a county other than the county of
 4 residence, the person must also register in the county where
 5 the institution is located. The bill also provides that the
 6 court must inform the person that the person must register in
 7 the county where the person is a nonresident within five days
 8 of becoming a student, being employed, or engaging in a
 9 vocation at the institution.

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Substitutes for SF 2095
3-11-02
(p. 561)

REPRINTED

FEB 14 2002
Place On Calendar

HOUSE FILE 2338
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 567)

Passed House, ^(p. 418) Date 2/19/02 Passed Senate, ^(p. 561) Date 3-11-02
Vote: Ayes 94 Nays 0 Vote: Ayes 49 Nays 0
Approved March 18, 2002

A BILL FOR

1 An Act relating to a person registering as a sex offender in a
2 county where an institution of higher education is located,
3 and providing penalties.

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

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HOUSE FILE 2338

H-8063

- 1 Amend House File 2338 as follows:
- 2 1. Page 2, line 13, by striking the word
- 3 "knowingly" and inserting the following: "knowingly".
- 4 2. Page 2, line 17, by striking the word
- 5 "knowingly".
- 6 3. Page 2, line 21, by striking the word
- 7 "knowingly" and inserting the following: "knowingly".
- 8 4. Page 2, line 30, by striking the word
- 9 "knowing" and inserting the following: "knowing".

By TREMMEL of Wapello

H-8063 FILED FEBRUARY 18, 2002
adopted 2/19/02 (p. 418)

HF 2338

1 Section 1. NEW SECTION. 692A.3A REGISTRATION IN A COUNTY
2 WHERE AN INSTITUTION OF HIGHER EDUCATION IS LOCATED.

3 1. REGISTRATION IN COUNTY OTHER THAN COUNTY OF RESIDENCE.

4 In addition to the registration requirements in section
5 692A.3, a person required to register under this chapter, who
6 is a full-time or part-time student or is employed or engaged
7 in a vocation on a full-time or part-time basis at an
8 institution of higher education in a county other than the
9 county of residence, shall register with the sheriff of the
10 county in which the institution is located, and provide the
11 sheriff with the name of the institution. The person must
12 register within five days of becoming a student, being
13 employed, or engaging in a vocation at the institution.

14 2. REGISTRATION IN A COUNTY OF RESIDENCE. In addition to
15 the registration requirements in section 692A.3, a person
16 required to register under this chapter, who is a full-time or
17 part-time student or is employed or engaged in a vocation on a
18 full-time or part-time basis at an institution of higher
19 education in the county of residence, shall notify the sheriff
20 of the name of the institution. The person must notify the
21 sheriff within five days of becoming a student, being
22 employed, or engaging in a vocation at the institution.

23 3. CHANGE IN STATUS. A person required to register under
24 this chapter, within five days of the person's change in
25 status as a student, or in employment or vocation, shall
26 notify the sheriff of the county in which the information was
27 provided of the changes. The sheriff shall send a copy of the
28 information regarding the change to the department within
29 three working days of receipt of the notice of the change.

30 Sec. 2. Section 692A.5, subsection 1, Code 2001, is
31 amended by adding the following new paragraph:

32 NEW PARAGRAPH. g. Inform the person that if the person is
33 a resident or a nonresident of a county where the person is a
34 full-time or part-time student, or employed or engaged in a
35 vocation on a full-time or part-time basis at an institution

1 of higher education, the person must register in the county
2 where the institution is located and notify the sheriff of the
3 name of the institution, within five days of becoming a
4 student, being employed, or engaging in a vocation at the
5 institution. Inform the person that if the person changes
6 status as a student, or in employment or vocation, the person
7 shall notify the sheriff of the county in which the
8 information was provided of the change within five days of the
9 change.

10 Sec. 3. Section 692A.7, subsection 1, Code 2001, is
11 amended to read as follows:

12 1. A person required to register under this chapter who
13 knowingly violates any requirements specified under sections
14 692A.2 through, 692A.3, and 692A.4 commits an aggravated
15 misdemeanor for a first offense and a class "D" felony for a
16 second or subsequent offense. A person required to register
17 under this chapter who knowingly violates any requirements
18 specified under section 692A.3A commits a serious misdemeanor
19 for a first offense and a class "D" felony for a second or
20 subsequent offense. However, a person required to register
21 under this chapter who knowingly violates any of the
22 requirements specified under sections section 692A.2 through,
23 692A.3, 692A.3A, or 692A.4 and who commits a criminal offense
24 against a minor, sexual exploitation, an other relevant
25 offense, or a sexually violent offense is guilty of a class
26 "C" felony. Any fine imposed for a second or subsequent
27 violation shall not be suspended. The court shall not defer
28 judgment or sentence for any violation of any requirements
29 specified under sections section 692A.2 through, 692A.3,
30 692A.3A, or 692A.4. A knowing violation of a person who is on
31 probation, parole, work release, or any other form of release
32 to comply with any requirements specified under sections
33 section 692A.2 through, 692A.3, 692A.3A, or 692A.4 shall
34 result in the automatic revocation of the person's probation,
35 parole, or work release.

EXPLANATION

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This bill relates to a person registering as a sex offender in a county where an institution of higher education is located.

The bill provides that a person who is required to register as a sex offender shall register in a county where the person is a nonresident, if the person is a full-time or part-time student or is employed or engaged in a vocation on a full-time or part-time basis at an institution of higher education in a county other than the county of residence. The bill provides the person must register and provide the sheriff with the name of the institution within five days of becoming a student, being employed, or engaging in a vocation at the institution.

The bill also provides that a person who is required to register as a sex offender, who is a full-time or part-time student, or is employed or engaged in a vocation on a full-time or part-time basis at an institution of higher education in the county of residence shall notify the sheriff of the name of the institution.

A person required to register pursuant to this bill who changes the person's status as a student or in employment or vocation is also required to notify the sheriff of the county in which the information was provided within five days of a change in the person's status.

The bill also provides that the entity responsible for releasing the person shall inform the person of the notice requirements under the bill.

A person required to register as a sex offender who commits a violation of this bill commits a serious misdemeanor for a first offense, and a class "D" felony for a second or subsequent offense. A person who commits a violation of this bill and commits certain other criminal offenses, commits a class "C" felony.

A serious misdemeanor is punishable by confinement for no more than one year and a fine of at least \$250 but not more

1 than \$1,500. A class "D" felony is punishable by confinement
2 for no more than five years and a fine of at least \$750 but
3 not more than \$7,500. A class "C" felony is punishable by
4 confinement for no more than 10 years and a fine of at least
5 \$1,000 but not more than \$10,000.

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HOUSE FILE 2338

H-8071

1 Amend the amendment, H-8063, to House File 2338 as
2 follows:

3 1. Page 1, by inserting after line 9 the
4 following:

5 "____. Page 2, line 35, by inserting after the
6 word "release." the following: "For purposes of this
7 subsection, a violation occurs when a person knows or
8 reasonably should know of the duty to fulfill a
9 requirement specified in the offense charged."

10 2. By renumbering as necessary.

By TREMMEL of Wapello

SHEY of Linn

KREIMAN of Davis

adopted 2/19/02 (p.417)

H-8071 FILED FEBRUARY 19, 2002

Legislative Fiscal Bureau

Fiscal Note

HF 2338 - Sex Offender Registration (LSB 5288 HV)

Analyst: Jennifer Dean (Phone: (515) 281-7846) (Jennifer.Dean@legis.state.ia.us)

Fiscal Note Version - New

Description

The Bill relates to a nonresident registering as a sex offender in a county where an institution of higher education is located.

Assumptions

1. The Department of Public Safety will notify all sex offenders who are currently registered as well as any new registrations of this change in the law as of July 1, 2002.
2. During FY 2001, 103 offenders were convicted under current provisions of Chapter 692A, according to the Justice Data Warehouse.
3. As of December 31, 2001, the Department of Public Safety reported 4,447 individuals registered with the Iowa Sex Offender Registry.
4. Registration with the sheriff's office would be the responsibility of the student or employee and would have no additional costs to the colleges or universities. A person must register within five days of becoming a student, being employed, or engaging in a vocation at the institution.
5. If legislation is not passed, the State would receive a 10.0% penalty in Byrne Funds annually until compliance is achieved.
6. The penalty takes affect November 20, 2002, if legislation is not implemented.
7. Federal guidelines will not permit a two-year extension regarding the penalty.
8. The 10.0% penalty would result in a reduction of \$563,000. The State would receive a reduction of \$248,000 (44.0%) and local governments would receive \$315,000 (56.0%) less.
9. In FFY 2001/SFY 2002, the Office of Drug Control Policy received \$5.6 million, which was divided 44.0% to State agencies and 56.0% to the local government agencies. A minimum of 46.0% must be awarded to local governments.
10. There will be additional convictions and a correctional impact on probation, CBC facilities, jails, and prisons as a result of HF 2338. Due to insufficient information, the number of violations that might occur annually cannot be determined. The correctional impact is expected to be minimized as a result of the Bill requiring the Department of Public Safety to notify individuals currently on the Sex Offender Registry of the law change.

Correctional Impact

The correctional impact of HF 2338 is unknown, but is not expected to be significant due to the Department of Public Safety providing notice, of the law change, to individuals currently on the Sex Offender Registry. The first-time penalty for the new offense of Failing to Register in a County Where an Institution of Higher Education is Located in this Bill has been reduced from an aggravated misdemeanor to a serious misdemeanor, which is likely to reduce the number of incarcerations for first-offense violations.

Fiscal Impact

If House File 2338 is enacted, there would be no significant fiscal impact.

If House File 2338 is not enacted, the fiscal impact would be the loss of 10.0% in federal Byrne funding for each year the State is not in compliance. The penalty takes effect November 20, 2002. The impact for FY 2003 would be \$563,000 in reduced federal funding. In FFY 2001/SFY 2002, the Office of Drug Control Policy received \$5.6 million, which was divided: 44.0% to State government and 56.0% to the local government. Of the \$563,000, the State would receive a reduction of \$248,000 (44.0% of \$563,000) and local government would realize a reduction of \$315,000 (56.0% of \$563,000).

Sources

Department of Human Rights, Criminal Juvenile Justice Planning
Office of Drug Control Policy
Department of Public Safety
Department of Education

/s/ Dennis C Prouty

February 19, 2002

The fiscal note and correctional impact statement for this bill was prepared pursuant to Joint Rule 17 and pursuant to Section 2.56, Code of Iowa. Data used in developing this fiscal note and correctional impact statement is available from the Legislative Fiscal Bureau to members of the Legislature upon request.

HOUSE FILE 2338
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 567)

(As Amended and Passed by the House February 19, 2002)

Passed House, Date _____ Passed Senate, ^(P. 561) Date 3-11-02
Vote: Ayes _____ Nays _____ Vote: Ayes 49 Nays 0
Approved 3/18/02

A BILL FOR

1 An Act relating to a person registering as a sex offender in a
2 county where an institution of higher education is located,
3 and providing penalties.

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

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House Amendments _____

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Deleted Language *

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1 Section 1. NEW SECTION. 692A.3A REGISTRATION IN A COUNTY
2 WHERE AN INSTITUTION OF HIGHER EDUCATION IS LOCATED.

3 1. REGISTRATION IN COUNTY OTHER THAN COUNTY OF RESIDENCE.

4 In addition to the registration requirements in section
5 692A.3, a person required to register under this chapter, who
6 is a full-time or part-time student or is employed or engaged
7 in a vocation on a full-time or part-time basis at an
8 institution of higher education in a county other than the
9 county of residence, shall register with the sheriff of the
10 county in which the institution is located, and provide the
11 sheriff with the name of the institution. The person must
12 register within five days of becoming a student, being
13 employed, or engaging in a vocation at the institution.

14 2. REGISTRATION IN A COUNTY OF RESIDENCE. In addition to
15 the registration requirements in section 692A.3, a person
16 required to register under this chapter, who is a full-time or
17 part-time student or is employed or engaged in a vocation on a
18 full-time or part-time basis at an institution of higher
19 education in the county of residence, shall notify the sheriff
20 of the name of the institution. The person must notify the
21 sheriff within five days of becoming a student, being
22 employed, or engaging in a vocation at the institution.

23 3. CHANGE IN STATUS. A person required to register under
24 this chapter, within five days of the person's change in
25 status as a student, or in employment or vocation, shall
26 notify the sheriff of the county in which the information was
27 provided of the changes. The sheriff shall send a copy of the
28 information regarding the change to the department within
29 three working days of receipt of the notice of the change.

30 Sec. 2. Section 692A.5, subsection 1, Code 2001, is
31 amended by adding the following new paragraph:

32 NEW PARAGRAPH. g. Inform the person that if the person is
33 a resident or a nonresident of a county where the person is a
34 full-time or part-time student, or employed or engaged in a
35 vocation on a full-time or part-time basis at an institution

1 of higher education, the person must register in the county
2 where the institution is located and notify the sheriff of the
3 name of the institution, within five days of becoming a
4 student, being employed, or engaging in a vocation at the
5 institution. Inform the person that if the person changes
6 status as a student, or in employment or vocation, the person
7 shall notify the sheriff of the county in which the
8 information was provided of the change within five days of the
9 change.

10 Sec. 3. Section 692A.7, subsection 1, Code 2001, is
11 amended to read as follows:

12 1. A person required to register under this chapter who
13 knowingly violates any requirements specified under sections
14 692A.2 through, 692A.3, and 692A.4 commits an aggravated
15 misdemeanor for a first offense and a class "D" felony for a
16 second or subsequent offense. A person required to register
17 under this chapter who violates any requirements specified
18 under section 692A.3A commits a serious misdemeanor for a
19 first offense and a class "D" felony for a second or
20 subsequent offense. However, a person required to register
21 under this chapter who knowingly violates any of the
22 requirements specified under sections section 692A.2 through,
23 692A.3, 692A.3A, or 692A.4 and who commits a criminal offense
24 against a minor, sexual exploitation, an other relevant
25 offense, or a sexually violent offense is guilty of a class
26 "C" felony. Any fine imposed for a second or subsequent
27 violation shall not be suspended. The court shall not defer
28 judgment or sentence for any violation of any requirements
29 specified under sections section 692A.2 through, 692A.3,
30 692A.3A, or 692A.4. A knowing violation of a person who is on
31 probation, parole, work release, or any other form of release
32 to comply with any requirements specified under sections
33 section 692A.2 through, 692A.3, 692A.3A, or 692A.4 shall
34 result in the automatic revocation of the person's probation,
35 parole, or work release. For purposes of this subsection, a

1 violation occurs when a person knows or reasonably should know
2 of the duty to fulfill a requirement specified in the offense
3 charged.

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HOUSE FILE 2338

AN ACT

RELATING TO A PERSON REGISTERING AS A SEX OFFENDER IN A COUNTY WHERE AN INSTITUTION OF HIGHER EDUCATION IS LOCATED, AND PROVIDING PENALTIES.

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

Section 1. NEW SECTION. 692A.3A REGISTRATION IN A COUNTY WHERE AN INSTITUTION OF HIGHER EDUCATION IS LOCATED.

1. REGISTRATION IN COUNTY OTHER THAN COUNTY OF RESIDENCE.

In addition to the registration requirements in section 692A.3, a person required to register under this chapter, who is a full-time or part-time student or is employed or engaged in a vocation on a full-time or part-time basis at an institution of higher education in a county other than the county of residence, shall register with the sheriff of the county in which the institution is located, and provide the sheriff with the name of the institution. The person must register within five days of becoming a student, being employed, or engaging in a vocation at the institution.

2. REGISTRATION IN A COUNTY OF RESIDENCE. In addition to the registration requirements in section 692A.3, a person required to register under this chapter, who is a full-time or part-time student or is employed or engaged in a vocation on a full-time or part-time basis at an institution of higher education in the county of residence, shall notify the sheriff of the name of the institution. The person must notify the sheriff within five days of becoming a student, being employed, or engaging in a vocation at the institution.

3. CHANGE IN STATUS. A person required to register under this chapter, within five days of the person's change in status as a student, or in employment or vocation, shall notify the sheriff of the county in which the information was

provided of the changes. The sheriff shall send a copy of the information regarding the change to the department within three working days of receipt of the notice of the change.

Sec. 2. Section 692A.5, subsection 1, Code 2001, is amended by adding the following new paragraph:

NEW PARAGRAPH. g. Inform the person that if the person is a resident or a nonresident of a county where the person is a full-time or part-time student, or employed or engaged in a vocation on a full-time or part-time basis at an institution of higher education, the person must register in the county where the institution is located and notify the sheriff of the name of the institution, within five days of becoming a student, being employed, or engaging in a vocation at the institution. Inform the person that if the person changes status as a student, or in employment or vocation, the person shall notify the sheriff of the county in which the information was provided of the change within five days of the change.

Sec. 3. Section 692A.7, subsection 1, Code 2001, is amended to read as follows:

1. A person required to register under this chapter who knowingly violates any requirements specified under sections 692A.2 through, 692A.3, and 692A.4 commits an aggravated misdemeanor for a first offense and a class "D" felony for a second or subsequent offense. A person required to register under this chapter who violates any requirements specified under section 692A.3A commits a serious misdemeanor for a first offense and a class "D" felony for a second or subsequent offense. However, a person required to register under this chapter who knowingly violates any of the requirements specified under sections section 692A.2 through, 692A.3, 692A.3A, or 692A.4 and who commits a criminal offense against a minor, sexual exploitation, an other relevant offense, or a sexually violent offense is guilty of a class "C" felony. Any fine imposed for a second or subsequent violation shall not be suspended. The court shall not defer judgment or sentence for any violation of any requirements

specified under sections section 692A.2 through, 692A.3, 692A.3A, or 692A.4. A knowing violation of a person who is on probation, parole, work release, or any other form of release to comply with any requirements specified under sections section 692A.2 through, 692A.3, 692A.3A, or 692A.4 shall result in the automatic revocation of the person's probation, parole, or work release. For purposes of this subsection, a violation occurs when a person knows or reasonably should know of the duty to fulfill a requirement specified in the offense charged.

BRENT SIEGRIST
Speaker of the House

MARY E. KRAMER
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2338, Seventy-ninth General Assembly.

MARGARET THOMSON
Chief Clerk of the House

Approved March 18, 2002

THOMAS J. VILSACK
Governor