

Substituted for by HF 2338
3-11-02
(p. 561)

FILED JAN 31 2002

WITHDRAWN
3-11-02
(p. 561)

SENATE FILE 2095
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 3018)

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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SF 2095

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 is 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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SENATE FILE 2095

S-5137

1 Amend Senate File 2095 as follows:

2 1. Page 1, line 3, by inserting before the words
3 "In addition" the following: "1. REGISTRATION IN
4 COUNTY OTHER THAN COUNTY OF RESIDENCE."

5 2. Page 1, line 9, by inserting after the word
6 "located" the following: ", and provide the sheriff
7 with the name of the institution".

8 3. Page 1, by inserting after line 11 the
9 following:

10 "2. REGISTRATION IN A COUNTY OF RESIDENCE. In
11 addition to the registration requirements in section
12 692A.3, a person required to register under this
13 chapter, who is a full-time or part-time student or is
14 employed or engaged in a vocation on a full-time or
15 part-time basis at an institution of higher education
16 in the county of residence, shall notify the sheriff
17 of the name of the institution. The person must
18 notify the sheriff within five days of becoming a
19 student, being employed, or engaging in a vocation at
20 the institution.

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

30 4. Page 1, line 15, by inserting before the words
31 "a nonresident" the following: "a resident or".

32 5. Page 1, line 19, by inserting after the word
33 "located" the following: "and notify the sheriff of
34 the name of the institution,".

35 6. Page 1, line 20, by inserting after the word
36 "institution." the following: "Inform the person that
37 if the person changes status as a student, or in
38 employment or vocation, the person shall notify the
39 sheriff of the county in which the information was
40 provided of the change within five days of the
41 change."

42 7. Page 1, by inserting after line 20 the
43 following:

44 "Sec. ____ . Section 692A.7, subsection 1, Code
45 2001, is amended to read as follows:

46 1. A person required to register under this
47 chapter who knowingly violates any requirements
48 specified under sections 692A.2 through, 692A.3, and
49 692A.4 commits an aggravated misdemeanor for a first
50 offense and a class "D" felony for a second or

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1 subsequent offense. A person required to register
2 under this chapter who violates any requirements
3 specified under section 692A.3A commits a serious
4 misdemeanor for a first offense and a class "D" felony
5 for a second or subsequent offense. However, a person
6 required to register under this chapter who ~~knowingly~~
7 violates any of the requirements specified under
8 ~~sections~~ section 692A.2 through, 692A.3, 692A.3A, or
9 692A.4 and who commits a criminal offense against a
10 minor, sexual exploitation, an other relevant offense,
11 or a sexually violent offense is guilty of a class "C"
12 felony. Any fine imposed for a second or subsequent
13 violation shall not be suspended. The court shall not
14 defer judgment or sentence for any violation of any
15 requirements specified under sections section 692A.2
16 through, 692A.3, 692A.3A, or 692A.4. A knowing
17 violation of a person who is on probation, parole,
18 work release, or any other form of release to comply
19 with any requirements specified under sections section
20 692A.2 through, 692A.3, 692A.3A, or 692A.4 shall
21 result in the automatic revocation of the person's
22 probation, parole, or work release. For purposes of
23 this subsection, a violation occurs when a person
24 knows or reasonably should know of the duty to fulfill
25 a requirement specified in the offense charged."

26 8. Title page, line 1, by striking the word
27 "nonresident" and inserting the following: "person".

28 9. Title page, line 2, by inserting after the
29 word "located" the following: ", and providing
30 penalties".

31 10. By renumbering as necessary.

By DONALD B. REDFERN

S-5137 FILED MARCH 11, 2002

ADOPTED

Legislative Fiscal Bureau

Fiscal Note

SF 2095 - Sex Offender Registration (LSB 5288 SV)

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 SF 2095. 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 SF 2095 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.

Fiscal Impact

If Senate File 2095 is enacted, there would be no significant fiscal impact.

If Senate File 2095 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 18, 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.
