

A-3/7/02 Judiciary
H-3/13/02 Do Pass

FILED FEB 15 2002

SENATE FILE 2197
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SF 2110)

Passed Senate, (p. 522) Date 3/6/02
Vote: Ayes 46 Nays 1

Passed House, (p. 899) Date 3/20/02
Vote: Ayes 94 Nays 1

Approved May 9, 2002

(p. 801) Re-Parred 3-26-02
Vote 49-1

A BILL FOR

1 An Act prohibiting a registered sex offender from residing near a
2 school or child care facility, and providing a penalty.

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

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SENATE FILE 2197

S-5047

- 1 Amend Senate File 2197 as follows:
- 2 1. Page 1, line 8, by striking the word "two" and
- 3 inserting the following: "three".
- 4 2. Page 1, line 14, by striking the word "two"
- 5 and inserting the following: "three".
- 6 3. Page 1, line 18, by striking the word "two"
- 7 and inserting the following: "three".
- 8 4. Page 1, line 25, by striking the word "two"
- 9 and inserting the following: "three".

Adapted 2/25/02 - MTR 2/25/02 By STEVE KING
(P. 383) *initiated by Belm*
S-5047 FILED FEBRUARY 18, 2002 R/C Prevalled 3/6/02
S-5047 - Now LOST

SF 2197

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

3 NEW SUBSECTION. 1A. "Child care facility" means as
4 defined in section 237A.1.

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

7 NEW PARAGRAPH. g. Inform the person that the person shall
8 not reside within two thousand feet of the real property
9 comprising a public or nonpublic elementary or secondary
10 school, or a child care facility.

11 Sec. 3. NEW SECTION. 692A.2A RESIDENCY RESTRICTIONS --
12 CHILD CARE FACILITIES AND SCHOOLS.

13 1. A person required to register under this chapter shall
14 not reside within two thousand feet of the real property
15 comprising a public or nonpublic elementary or secondary
16 school or a child care facility.

17 2. A person required to register under this chapter who
18 resides within two thousand feet of the real property
19 comprising a public or nonpublic elementary or secondary
20 school, or a child care facility, commits an aggravated
21 misdemeanor.

22 3. A person does not commit a violation of this section,
23 if the person is required to serve a sentence at a jail,
24 prison, juvenile facility, or other correctional institution
25 or facility which is within two thousand feet of the real
26 property comprising a school or child care facility.

27 EXPLANATION

28 This bill prohibits a registered sex offender from residing
29 near a school or child care facility.

30 The bill provides that a person required to register as a
31 sex offender shall not reside within 2,000 feet of the real
32 property comprising a public or nonpublic elementary or
33 secondary school, or child care facility. The bill defines
34 "child care facility" to mean a child care center, preschool,
35 or registered child care home.

1 A person who violates the bill commits an aggravated
2 misdemeanor.

3 The bill also provides that prior to release or sentencing
4 the person shall be informed about the restrictions on
5 residing near a school or child care facility.

6 A sex offender does not violate the bill if the person is
7 required to serve a sentence at a jail, prison, juvenile
8 facility, or other correctional institution or facility which
9 is within 2,000 feet of the real property of a school or child
10 care facility.

11 An aggravated misdemeanor is punishable by confinement for
12 no more than two years and a fine of at least \$500 but not
13 more than \$5,000.

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SENATE FILE 2197

S-5115

1 Amend Senate File 2197 as follows:

2 1. Page 1, line 8, by striking the words "two
3 thousand" and inserting the following: "five
4 hundred".

5 2. Page 1, line 14, by striking the words "two
6 thousand" and inserting the following: "five
7 hundred".

8 3. Page 1, line 18, by striking the words "two
9 thousand" and inserting the following: "five
10 hundred".

11 4. Page 1, line 25, by striking the words "two
12 thousand" and inserting the following: "five
13 hundred".

By MIKE SEXTON

S-5115 FILED MARCH 6, 2002

LCST

(p.521)

SENATE FILE 2197

H-8286

1 Amend Senate File 2197, as passed by the Senate, as
2 follows:

3 1. Page 1, line 26, by inserting after the word
4 "facility." the following: "In addition, a person
5 does not commit a violation of this section if the
6 person has established prior to the effective date of
7 this Act a residence within two thousand feet of the
8 real property comprising a school or child care
9 facility, or if a school or child care facility is
10 placed on or after the effective date of this Act
11 within two thousand feet of the established residence
12 of the person."

By EICHHORN of Hamilton

H-8286 FILED MARCH 13, 2002

W/D 3/20/02 (p.898)

HOUSE AMENDMENT TO
SENATE FILE 2197

S-5234

1 Amend Senate File 2197, as passed by the Senate, as
2 follows:

3 1. Page 1, line 7, by inserting after the words
4 "Inform the person" the following: ", if the person's
5 residency is restricted under section 692A.2A,".

6 2. Page 1, by inserting after line 12 the
7 following:

8 "1. For purposes of this section, "person" means a
9 person who has committed a criminal offense against a
10 minor, or an aggravated offense, sexually violent
11 offense, or other relevant offense that involved a
12 minor."

13 3. Page 1, by striking line 13 and inserting the
14 following:

15 "2. A person shall".

16 4. Page 1, by striking line 17 and inserting the
17 following:

18 "3. A person who".

19 5. Page 1, by striking lines 22 through 26 and
20 inserting the following:

21 "4. A person residing within two thousand feet of
22 the real property comprising a public or nonpublic
23 elementary or secondary school or a child care
24 facility does not commit a violation of this section
25 if any of the following apply:

26 a. The person is required to serve a sentence at a
27 jail, prison, juvenile facility, or other correctional
28 institution or facility.

29 b. The person is subject to an order of commitment
30 under chapter 229A.

31 c. The person has established a residence prior to
32 the effective date of this Act or a school or child
33 care facility is newly located on or after the
34 effective date of this Act.

35 d. The person is a minor or a ward under a
36 guardianship."

RECEIVED FROM THE HOUSE

S-5234 FILED MARCH 20, 2002

Senate Concurred

3/26/02

(P. 801)

SENATE FILE 2197

H-8370

1 Amend the amendment, H-8330, to Senate File 2197,
2 as passed by the Senate, as follows:
3 1. Page 1, line 29, by striking the words "placed
4 in a transitional program" and inserting the
5 following: "subject to an order of commitment".

By EICHHORN of Hamilton

H-8370 FILED MARCH 20, 2002

adopted
3/20/02
(P. 898)

SENATE FILE 2197

S-5249

1 Amend the House amendment, S-5234, to Senate File
2 2197, as passed by the Senate, as follows:
3 1. Page 1, by striking lines 31 through 34.
4 2. Page 1, by inserting after line 36 the
5 following:
6 "Sec. ____ SEVERABILITY. If any provision of this
7 Act or any application of this Act to any person or
8 circumstances is held invalid or unconstitutional,
9 such judgment shall not affect other provisions or
10 applications of this Act which can be given effect
11 without the invalid or unconstitutional provision or
12 application, and to this end the provisions of this
13 Act are declared to be severable.""
14 3. By renumbering as necessary.

By JERRY BEHN

S-5249 FILED MARCH 25, 2002

adopted
3/26/02 (P. 801)

SENATE FILE 2197

H-8324

1 Amend Senate File 2197, as passed by the Senate, as
2 follows:

3 1. Page 1, by inserting after line 26 the
4 following:

5 "Sec. _____. Section 711.3, Code 2001, is amended to
6 read as follows:

7 711.3 ROBBERY IN THE SECOND DEGREE.

8 All robbery which is not robbery in the first
9 degree is robbery in the second degree, except as
10 provided in section 711.3A. Robbery in the second
11 degree is a class "C" felony.

12 Sec. _____. NEW SECTION. 711.3A ROBBERY IN THE
13 THIRD DEGREE.

14 A person commits robbery in the third degree when,
15 while perpetrating a robbery, the person does not do
16 any of the following: cause injury, attempt to cause
17 injury, threaten to cause injury or to commit a
18 forcible felony, purposefully put another in fear of
19 injury, possess a firearm or dangerous weapon, commit
20 a theft of cash or an item with a value greater than
21 fifty dollars, or commit a robbery of a financial
22 institution as defined in section 12C.1. Robbery in
23 the third degree is a class "D" felony.

24 Sec. _____. 2001 Iowa Acts, chapter 186, section 6,
25 subsection 6, is amended by striking the subsection.

26 Sec. _____. EFFECTIVE DATE. The section of this Act
27 amending 2001 Iowa Acts, chapter 186, section 6,
28 subsection 6, being deemed of immediate importance,
29 takes effect upon enactment."

30 2. Title page, by striking lines 1 and 2, and
31 inserting the following: "An Act relating to criminal
32 offenses and procedure, including persons required to
33 register as sex offenders, the criminal offense of
34 robbery, drug courts, providing for a penalty, and
35 providing for an effective date."

36 3. By renumbering as necessary.

By GRUNDBERG of Polk

H-8324 FILED MARCH 18, 2002

w/d
3/20/02
(p. 898)

SENATE FILE 2197

H-8330

1 Amend Senate File 2197, as passed by the Senate, as
2 follows:

3 1. Page 1, line 7, by inserting after the words
4 "Inform the person" the following: ", if the person's
5 residency is restricted under section 692A.2A,".

6 2. Page 1, by inserting after line 12 the
7 following:

8 "1. For purposes of this section, "person" means a
9 person who has committed a criminal offense against a
10 minor, or an aggravated offense, sexually violent
11 offense, or other relevant offense that involved a
12 minor."

13 3. Page 1, by striking line 13 and inserting the
14 following:

15 "2. A person shall".

16 4. Page 1, by striking line 17 and inserting the
17 following:

18 "3. A person who".

19 5. Page 1, by striking lines 22 through 26 and
20 inserting the following:

21 "4. A person residing within two thousand feet of
22 the real property comprising a public or nonpublic
23 elementary or secondary school or a child care
24 facility does not commit a violation of this section
25 if any of the following apply:

26 a. The person is required to serve a sentence at a
27 jail, prison, juvenile facility, or other correctional
28 institution or facility.

29 b. The person is placed in a transitional program
30 under chapter 229A.

31 c. The person has established a residence prior to
32 the effective date of this Act or a school or child
33 care facility is newly located on or after the
34 effective date of this Act.

35 d. The person is a minor or a ward under a
36 guardianship."

By EICHHORN of Hamilton

H-8330 FILED MARCH 19, 2002

Adopted
3/20/02
(p. 898)

SENATE AMENDMENT TO HOUSE AMENDMENT TO SENATE FILE 2197

H-8447

1 Amend the House amendment, S-5234, to Senate File
2 2197, as passed by the Senate, as follows:

3 1. Page 1, by striking lines 31 through 34.

4 2. Page 1, by inserting after line 36 the
5 following:

6 "Sec. ____ SEVERABILITY. If any provision of this
7 Act or any application of this Act to any person or
8 circumstances is held invalid or unconstitutional,
9 such judgment shall not affect other provisions or
10 applications of this Act which can be given effect
11 without the invalid or unconstitutional provision or
12 application, and to this end the provisions of this
13 Act are declared to be severable.""

14 3. By renumbering as necessary.

RECEIVED FROM THE SENATE

H-8447 FILED MARCH 27, 2002

House Refused
4-8-02
(P. 1204)

Senate Recedes
4-12-02
(P. 1145)

SENATE FILE 2197

AN ACT

PROHIBITING A REGISTERED SEX OFFENDER FROM RESIDING NEAR A SCHOOL OR CHILD CARE FACILITY, AND PROVIDING A PENALTY.

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

Section 1. Section 692A.1, Code Supplement 2001, is amended by adding the following new subsection:

NEW SUBSECTION. 1A. "Child care facility" means as defined in section 237A.1.

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

NEW PARAGRAPH. g. Inform the person, if the person's residency is restricted under section 692A.2A, that the person shall not reside within two thousand feet of the real property comprising a public or nonpublic elementary or secondary school, or a child care facility.

Sec. 3. NEW SECTION. 692A.2A RESIDENCY RESTRICTIONS -- CHILD CARE FACILITIES AND SCHOOLS.

1. For purposes of this section, "person" means a person who has committed a criminal offense against a minor, or an aggravated offense, sexually violent offense, or other relevant offense that involved a minor.

2. A person shall not reside within two thousand feet of the real property comprising a public or nonpublic elementary or secondary school or a child care facility.

3. A person who resides within two thousand feet of the real property comprising a public or nonpublic elementary or secondary school, or a child care facility, commits an aggravated misdemeanor.

4. A person residing within two thousand feet of the real property comprising a public or nonpublic elementary or secondary school or a child care facility does not commit a violation of this section if any of the following apply:

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

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

c. The person has established a residence prior to the effective date of this Act or a school or child care facility is newly located on or after the effective date of this Act.

d. The person is a minor or a ward under a guardianship.

MARY E. KRAMER
President of the Senate

BRENT SIEGRIST
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2197, Seventy-ninth General Assembly.

MICHAEL E. MARSHALL
Secretary of the Senate

Approved 5/9, 2002

THOMAS J. VILSACK
Governor

S.F. 2197