

MAR 3 2006  
PUBLIC SAFETY

HOUSE FILE 2629  
BY HUTTER

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act establishing a domestic abuse assault registry and  
2 providing for fees and penalties.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 2629

1 Section 1. Section 22.7, Code Supplement 2005, is amended  
2 by adding the following new subsection:

3 NEW SUBSECTION. 52. Domestic abuse assault registry  
4 records under chapter 236A, except as provided in section  
5 236A.

6 Sec. 2. NEW SECTION. 236A.1 DEFINITIONS.

7 For the purposes of this chapter:

8 1. "Convicted" or "conviction" means a person who is found  
9 guilty of, pleads guilty to, or is sentenced or adjudicated  
10 delinquent for an act which is an indictable offense in this  
11 state or in another jurisdiction, including but not limited to  
12 a juvenile who has been adjudicated delinquent, but whose  
13 juvenile court records have been sealed under section 232.150,  
14 and a person who has received a deferred sentence or a  
15 deferred judgment or has been acquitted by reason of insanity.  
16 "Convicted" or "conviction" does not mean a plea, sentence,  
17 adjudication, or deferral of sentence or judgment which has  
18 been reversed or otherwise set aside.

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

25 3. "Department" means the department of public safety.

26 4. "Domestic abuse assault" means an assault, as defined  
27 in section 708.1, which is domestic abuse as defined in  
28 section 236.2, subsection 2, paragraph "a", "b", "c", or "d".

29 Sec. 3. NEW SECTION. 236A.2 CENTRAL REGISTRY ESTABLISHED  
30 -- DOMESTIC ABUSE ASSAULT.

31 1. The department shall establish and maintain a central  
32 registry of persons who have been convicted of domestic abuse  
33 assault which shall be known as the domestic abuse assault  
34 offender registry.

35 2. The department shall develop and disseminate standard

1 forms for use in registering of, verifying addresses of, and  
2 verifying understanding of registration requirements by  
3 persons required to register by section 236A.3. Forms used to  
4 verify addresses of persons required to register by section  
5 236A.3 shall contain a warning against forwarding of the forms  
6 and of the requirement to return the forms if the person to  
7 whom the form is directed no longer resides at the address  
8 listed on the form or the mailing.

9 3. The department shall adopt rules under chapter 17A, as  
10 necessary, to ensure compliance with registration and  
11 verification requirements of this chapter, to provide  
12 guidelines for persons required to assist in obtaining  
13 registry information, and to provide a procedure for the  
14 dissemination of information contained in the registry. The  
15 procedure for the dissemination of information shall include  
16 but not be limited to practical guidelines for use by criminal  
17 or juvenile justice agencies in determining when public  
18 release of information contained in the registry is  
19 appropriate. The department, in developing the procedure,  
20 shall consult with associations which represent the interests  
21 of law enforcement officers. Rules adopted shall also include  
22 a procedure for removal of information from the registry upon  
23 the reversal or setting aside of a conviction of a person who  
24 is registered under this chapter.

25 Sec. 4. NEW SECTION. 236A.3 PERSONS REQUIRED TO  
26 REGISTER.

27 1. A person who has been convicted of domestic abuse  
28 assault shall register as provided in this section. A person  
29 required to register under this section shall, upon a first  
30 conviction, register for a period of ten years commencing as  
31 follows:

- 32 a. From the date of placement on probation.  
33 b. From the date of release on parole or work release.  
34 c. From the date of release as a juvenile from foster care  
35 or residential treatment.

1 d. From the date of any other release from custody.

2 e. A person who is required to register under this section  
3 shall, upon a second or subsequent conviction that requires a  
4 second registration, or who has previously been convicted of  
5 one or more offenses that would have required registration  
6 under this section, register for the rest of the person's  
7 life.

8 Sec. 5. NEW SECTION. 236A.4 REGISTRATION PROCESS.

9 1. A person required to register under this chapter shall  
10 register with the sheriff of the county of the person's  
11 residence within five days of establishment of residence in  
12 this state or within five days of any conviction for which the  
13 person is not incarcerated, a release from custody, or  
14 placement on probation, parole, or work release. A sheriff  
15 shall accept the registration of a nonresident of the county  
16 if the person required to register is a full-time or part-  
17 time student or is employed on a full-time or part-time basis  
18 in the county.

19 2. A person required to register under this chapter shall,  
20 within five days of changing residence within a county in this  
21 state or within five days of a change in the person's name as  
22 a result of marriage, dissolution of marriage, or a legal name  
23 change, notify the sheriff of the county in which the person  
24 is registered of the change of address, name, and any changes  
25 in the person's telephone number in writing on a form provided  
26 by the sheriff. The sheriff shall send a copy of the change  
27 of information to the department within three working days of  
28 receipt of notice of the change.

29 3. A person required to register under this chapter shall  
30 register with the sheriff of a county in which residence has  
31 been newly established and notify the sheriff of the county in  
32 which the person was registered within five days of changing  
33 residence to a location outside the county in which the person  
34 was registered. Registration shall be in writing on a form  
35 provided by the sheriff and shall include the person's change

1 of address and any changes to the person's telephone number or  
2 name. The sheriff shall send a copy of the change of  
3 information to the department within three working days of  
4 receipt of notice of the change.

5 4. A person required to register under this chapter shall  
6 notify the sheriff of the county in which the person is  
7 registered within five days of changing residence to a  
8 location outside this state of the new residence address and  
9 any changes in telephone number or name. The sheriff shall  
10 send a copy of the change to the department within three  
11 working days of receipt of notice of the change. The person  
12 must register with the registering agency of the other state  
13 within five days of changing residency, if persons are  
14 required to register under the laws of the other state. The  
15 department shall notify the registering agency in the other  
16 state of the registrant's new address, telephone number, or  
17 name.

18 Sec. 6. NEW SECTION. 236A.5 DUTY TO FACILITATE  
19 REGISTRATION.

20 1. When a person who is required to register under this  
21 chapter is released from confinement from a jail, prison,  
22 juvenile facility, or other correctional institution or  
23 facility, or when such a person is convicted but not  
24 incarcerated, the sheriff, warden, or superintendent or, in  
25 the case of release from foster care or residential treatment  
26 or conviction without incarceration, the court shall verify  
27 that the person has completed initial registration forms and  
28 accept the forms on behalf of the sheriff of the county of  
29 registration. The sheriff, warden, superintendent, or the  
30 court shall send the initial registration information to the  
31 department within three working days of completion of the  
32 registration. Probation, parole, work release, or any other  
33 form of release after conviction shall not be granted unless  
34 the person has registered as required under this chapter.

35 2. If the offender refuses to register, the sheriff,

1 warden, or superintendent shall immediately notify a  
2 prosecuting attorney in the county in which the offender was  
3 convicted or, if the offender no longer resides in that  
4 county, in the county in which the offender resides of the  
5 refusal to register. The prosecuting attorney shall bring a  
6 contempt of court action against the offender in the county in  
7 which the offender was convicted or, if the offender no longer  
8 resides in that county, in the county in which the offender  
9 resides. An offender who refuses to register shall be held in  
10 contempt and may be incarcerated following the entry of  
11 judgment by the court on the contempt action until the  
12 offender complies with the registration requirements.

13 3. The sheriff, warden, or superintendent or, in the case  
14 the person is placed on probation, the court shall forward one  
15 copy of the registration information to the department and to  
16 the sheriff of the county in which the person is to reside  
17 within three days after completion of the registration.

18 Sec. 7. NEW SECTION. 236A.6 REGISTRATION FEES AND CIVIL  
19 PENALTY FOR OFFENDERS.

20 1. At the time of filing a registration statement, or a  
21 change of registration, with the sheriff of the county of  
22 residence, a person who is required to register under this  
23 chapter shall pay a fee of ten dollars to the sheriff. If, at  
24 the time of registration, the person who is required to  
25 register is unable to pay the fee, the sheriff may allow the  
26 person time to pay the fee, permit the payment of the fee in  
27 installments, or may waive payment of the fee. Fees paid to  
28 the sheriff shall be used to defray the costs of duties  
29 related to the registration of persons under this chapter.

30 2. In addition to any other penalty, at the time of  
31 conviction for a public offense committed on or after July 1,  
32 2006, which requires a person to register under this chapter,  
33 the person shall be assessed a civil penalty of two hundred  
34 dollars, to be payable in the same manner as a fine. The  
35 clerk of the district court shall transmit money collected

1 under this subsection each month to the treasurer of state,  
2 who shall deposit ten percent of the moneys transmitted by the  
3 clerk into the court technology and modernization fund, for  
4 use for the purposes established in section 602.8108,  
5 subsection 7, and deposit the balance of the moneys  
6 transmitted by the clerk into the general fund of the state.

7 3. The fees and civil penalties required by this section  
8 shall not be assessed against a person who has been acquitted  
9 by reason of insanity of the offense which requires  
10 registration under this chapter.

11 Sec. 8. NEW SECTION. 236A.7 FAILURE TO COMPLY --  
12 PENALTY.

13 1. A person required to register under this chapter who  
14 violates any requirements specified under this chapter commits  
15 an aggravated misdemeanor for a first offense and a class "D"  
16 felony for a second or subsequent offense.

17 2. In determining if a violation is a second or subsequent  
18 offense, a conviction for a violation referred to in this  
19 section which occurred more than ten years prior to the date  
20 of the violation charged shall not be considered in  
21 determining that the violation charged is a second or  
22 subsequent offense.

23 Sec. 9. NEW SECTION. 236A.8 AVAILABILITY OF RECORDS.

24 1. The department may provide relevant information from  
25 the domestic abuse assault offender registry to a criminal or  
26 juvenile justice agency, an agency of the state, a similar  
27 registry in another state, or the federal government.

28 2. A criminal or juvenile justice agency may provide  
29 relevant information from the domestic abuse assault registry  
30 to the following:

31 a. A criminal or juvenile justice agency, an agency of the  
32 state, a similar registry of another state, or the federal  
33 government.

34 b. The general public, including public and private  
35 agencies, organizations, public places, child care facilities,

1 religious and youth organizations, neighbors, neighborhood  
2 associations, community meetings, and employers. Registry  
3 information may be distributed to the public through printed  
4 materials, visual or audio press releases, radio  
5 communications, or through a criminal or juvenile justice  
6 agency's internet web page.

7 3. Any member of the public may contact a county sheriff's  
8 office or police department to request relevant information  
9 from the registry regarding a specific person required to  
10 register under this chapter. A person making a request for  
11 relevant information may make the request by telephone, in  
12 writing, or in person, and the request shall include the name  
13 of the person and at least one of the following identifiers  
14 pertaining to the person about whom the information is sought:

- 15 a. The date of birth of the person.
- 16 b. The social security number of the person.
- 17 c. The address of the person.

18 A county sheriff or police department shall not charge a  
19 fee relating to a request for relevant information.

20 4. Domestic abuse assault registry records are  
21 confidential records pursuant to section 22.7 and shall only  
22 be released as provided in this section.

23 EXPLANATION

24 This bill relates to the establishment of a domestic abuse  
25 assault registry and includes fees and provides penalties.

26 The bill provides that the department of public safety  
27 shall establish and maintain a central registry of persons who  
28 have been convicted of domestic abuse assault in violation of  
29 Code section 708.2A, to be known as the domestic abuse assault  
30 offender registry. "Domestic abuse assault" means an assault,  
31 as defined in Code section 708.1, which is domestic abuse as  
32 defined in Code section 236.2, subsection 2, paragraph "a",  
33 "b", "c", or "d".

34 The bill provides that the department shall develop and  
35 distribute registration forms to persons required to register

1 under this bill and shall adopt rules under Code chapter 17A,  
2 in consultation with associations that represent law  
3 enforcement agencies, to ensure compliance with registration  
4 and verification requirements of this bill. Rules adopted  
5 shall also include a procedure for removal of information from  
6 the registry upon the reversal or setting aside of a  
7 conviction of a person who is registered under the bill.

8 The bill provides specific procedures concerning the  
9 registration process upon a first and second or subsequent  
10 conviction of domestic abuse assault. A person required to  
11 register under the bill shall register for a 10-year period  
12 upon first conviction and for life upon a second or subsequent  
13 conviction. The bill provides that a person required to  
14 register under the bill shall register with the sheriff of the  
15 county of the person's residence within five days of  
16 establishment of residence in this state or within five days  
17 of any conviction for which the person is not incarcerated,  
18 release from custody, or placement on probation, parole, or  
19 work release. The bill provides additional registration  
20 requirements for a person required to register under the bill  
21 who changes residences or whose name changes and provides  
22 notification requirements for the sheriff and the department  
23 of public safety in regard to such information.

24 The bill provides that when a person who is required to  
25 register under the bill is released from confinement from a  
26 jail, prison, juvenile facility, or other correctional  
27 institution or facility, or when such a person is convicted  
28 but not incarcerated, the sheriff, warden, or superintendent  
29 or, in the case of release from foster care or residential  
30 treatment or conviction without incarceration, the court shall  
31 verify that the person has completed initial registration  
32 forms and accept the forms on behalf of the sheriff of the  
33 county of registration. The sheriff, warden, or  
34 superintendent shall immediately notify a prosecuting attorney  
35 in the county in which the offender was convicted or, if the

1 offender no longer resides in that county, in the county in  
2 which the offender resides of the refusal to register if the  
3 offender refuses to register. The bill provides that the  
4 prosecuting attorney shall bring a contempt of court action  
5 against the offender in the county in which the offender was  
6 convicted or, if the offender no longer resides in that  
7 county, in the county in which the offender resides if the  
8 offender refuses to register.

9 The bill provides that at the time of filing a registration  
10 statement, or a change of registration, with the sheriff of  
11 the county of residence, a person who is required to register  
12 under this bill shall pay a \$10 fee to the sheriff. The bill  
13 provides that such fees paid shall be used to defray the costs  
14 of duties related to the registration of persons under the  
15 bill. The bill provides that a person required to register  
16 under this bill shall pay a civil penalty of \$200, 10 percent  
17 of which shall be deposited in the court technology and  
18 modernization fund, for use for the purposes established in  
19 Code section 602.8108, subsection 7, and the remainder shall  
20 be deposited in the general fund of the state. The bill  
21 exempts persons who have been acquitted by reason of insanity  
22 from paying the registration and civil penalty fees.

23 The bill provides that a person required to register under  
24 the bill who violates any requirements specified under the  
25 bill commits an aggravated misdemeanor for a first offense and  
26 a class "D" felony for a second or subsequent offense. An  
27 aggravated misdemeanor is punishable by confinement for no  
28 more than two years and a fine of at least \$500 but not more  
29 than \$5,000, and a class "D" felony is punishable by  
30 confinement for no more than five years and a fine of at least  
31 \$750 but not more than \$7,500.

32 The bill provides that the department of public safety may  
33 provide relevant information from the domestic abuse assault  
34 offender registry to a criminal or juvenile justice agency, an  
35 agency of the state, a similar registry in another state, or

1 the federal government, and that a criminal or juvenile  
2 justice agency may provide relevant information from the  
3 domestic abuse assault registry to a criminal or juvenile  
4 justice agency, an agency of the state, a similar registry of  
5 another state, the federal government, and the general public.  
6 The bill provides that domestic abuse assault registry records  
7 are confidential records pursuant to Code section 22.7 and  
8 shall only be released as provided in the bill.

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