

# IOWA SEX-OFFENDER REGISTRATION AND NOTIFICATION

## CONTACT INFORMATION

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## NUMBER OF REGISTERED SEX OFFENDERS

5,145 as of February 1, 2003.

### **1. WHO IS REQUIRED TO REGISTER?**

The registration requirements apply to persons convicted of a criminal offense against a minor, sexual exploitation, other relevant offense, or a sexually violent offense prior to July 1, 1995, who are released on or after July 1, 1995, who are participating in a work-release or institutional-work-release program on or after July 1, 1995, or who are under parole or probation supervision by a judicial district Department of Correctional Services on or after July 1, 1995.

*(Iowa Code § 692A.16(1))*

### **2. WHAT DOES “CRIMINAL OFFENSE AGAINST A MINOR” MEAN?**

“Criminal offense against a minor” means any of the following criminal offenses or conduct:

- (1) kidnapping of a minor, except for the kidnapping of a minor in the third degree committed by a parent;
- (2) false imprisonment of a minor, except if committed by a parent;
- (3) any indictable offense involving sexual conduct directed toward a minor;
- (4) solicitation of a minor to engage in an illegal sex act;
- (5) use of a minor in a sexual performance;
- (6) solicitation of a minor to practice prostitution;
- (7) any indictable offense against a minor involving sexual contact with the minor;
- (8) an attempt to commit one of the offenses listed in (1) through (7) above;
- (9) incest committed against a minor;
- (10) dissemination and exhibition of obscene material to minors;
- (11) admitting minors to premises where obscene material is exhibited;
- (12) stalking, if the fact-finder determines by clear and convincing evidence that the offense was sexually motivated;
- (13) sexual exploitation of a minor;
- (14) enticing a minor away; or
- (15) an indictable offense committed in another jurisdiction that would constitute an indictable offense listed in (1) through (14) above.

*(Iowa Code § 692A.1(4))*

### **3. WHAT DOES “SEXUAL EXPLOITATION” MEAN?**

“Sexual exploitation” means sexual exploitation by a counselor or therapist.

*(Iowa Code § 692A.1(9))*

“Sexual exploitation by a counselor or therapist” occurs when any of the following are found:

- (1) any sexual conduct, with an emotionally dependent patient or client, or an emotionally dependent former patient or client for the purpose of arousing or satisfying the sexual desires of the counselor or therapist, the emotionally dependent patient or client, or the emotionally dependent former patient or client, which includes:
  - (a) kissing;
  - (b) touching of the clothed or unclothed inner thigh, breast, groin, buttock, anus, pubes, or genitals; or
  - (c) a sex act;
- (2) any sexual conduct with a patient or client, or a former patient or client within one year of the termination of the provision of mental-health services by the counselor or therapist for the purpose of arousing or satisfying the sexual desires of the counselor or therapist, the patient or client, or the former patient or client which includes, but is not limited:
  - (a) kissing;
  - (b) touching of the clothed or unclothed inner thigh, breast, groin, buttock, anus, pubes, or genitals; or
  - (c) a sex act; or
- (3) a pattern, practice, or scheme of conduct to engage in any of the conduct described in (1) or (2) above.

*(Iowa Code § 709.15(f))*

#### **4. WHAT DOES “AGGRAVATED OFFENSE” MEAN?**

“Aggravated offense” means a conviction for any of the following offenses:

- (1) sexual abuse in the first, second, or third degree;
- (2) lascivious acts with a minor;
- (3) assault with intent to commit sexual abuse;
- (4) burglary in the first degree;
- (5) kidnapping, if sexual abuse is committed during the offense;
- (6) murder, if sexual abuse is committed during the offense; or
- (7) criminal transmission of the human immunodeficiency virus (HIV).

*(Iowa Code § 692A.1(1))*

#### **5. WHAT DOES “OTHER RELEVANT OFFENSE” MEAN?**

“Other relevant offense” means any of the following:

- (1) telephone dissemination of obscene materials;
- (2) rental or sale of hard-core pornography;
- (3) indecent exposure; or
- (4) a criminal offense committed in another jurisdiction that would constitute an indictable offense listed in (1) through (3) above.

*(Iowa Code § 692A.1(6))*

#### **6. WHAT DOES “SEXUALLY VIOLENT OFFENSE” MEAN?**

A “sexually violent offense” means any of the following indictable offenses:

- (1) sexual abuse;
- (2) assault with the intent to commit sexual abuse;
- (3) sexual misconduct;

- (4) any of the following offenses, if the offense involves sexual abuse or attempted sexual abuse:
  - (a) murder;
  - (b) attempted murder;
  - (c) kidnapping;
  - (d) burglary; or
  - (e) manslaughter; or
- (5) a criminal offense committed in another jurisdiction that would constitute an indictable offense listed in (1) through (4) above.

*(Iowa Code § 692A.1(8))*

**7. WHO IS A “SEXUALLY VIOLENT PREDATOR”?**

A “sexually violent predator” is a person who has been convicted of an offense under the laws of Iowa or another state that would qualify him or her as a sexually violent predator under the Federal Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. §§ 14071(a)(3)(B)-(E)).

*(Iowa Code § 692A.1(10))*

**8. ARE JUVENILE OFFENDERS REQUIRED TO REGISTER?**

The definition of the word “convicted” applies to juveniles who have been adjudicated delinquent; therefore, a juvenile offender may be required to register.

*(Iowa Code § 692A.1(2))*

**9. WHEN AND WHERE DOES AN OFFENDER REGISTER?**

An offender must register upon placement on probation, release on parole or work release, release as a juvenile from foster care or residential treatment, or any other release from custody.

*(Iowa Code § 692A.2(1))*

An offender who is required to register must do so with the sheriff of the county of his or her residence within five days of establishing residence in Iowa, or within five days of:

- (1) any conviction for which he or she is not incarcerated;
- (2) a release from custody; or
- (3) placement on probation, parole, or work release.

*(Iowa Code § 692A.3(1))*

**10. WHAT INFORMATION MUST AN OFFENDER PROVIDE AT THE TIME OF REGISTRATION?**

Information that must be provided on the registration form includes the offender’s:

- (1) name at the time of conviction and any change of name as a result of marriage, dissolution of marriage, or legal name change;
- (2) social-security number;
- (3) date of birth; and
- (4) current address and telephone number.

*(Iowa Code § 692A.9)*

Registration may also require fingerprints and photographs.

*(Iowa Code § 692A.9)*

Sexually violent predators must provide other identifying factors including:

- (1) anticipated future places of residence;
- (2) offense history; and
- (3) documentation of any treatment he or she has received for a mental abnormality or personality disorder.

*(Iowa Code § 692A.9)*

**11. WHAT HAPPENS IF AN OFFENDER CHANGES HIS OR HER ADDRESS OR OTHER REGISTRATION INFORMATION DURING THE REGISTRATION PERIOD?**

Within five days of changing residence, an offender must register with the sheriff in the county in which residence is established, and inform the sheriff of the county where he or she formerly resided of the change in address.

*(Iowa Code § 692A.5(1)(c); §§ 692A.3(2)-(3))*

Any changes in an offender's telephone number must be given in writing, within five days of such change, to the sheriff in the county where he or she resides.

*(Iowa Code § 692A.3(2))*

Within five days of an offender changing his or her name because of marriage, dissolution of marriage, or a legal name change, he or she must notify the sheriff of the county in which he or she is registered of the name change.

*(Iowa Code § 692A.3(2))*

**12. WHAT HAPPENS IF AN OFFENDER MOVES FROM IOWA TO ANOTHER STATE?**

If an offender moves to another state, he or she must give his or her new address to the sheriff's department in the county of his or her old residence within five days of changing addresses. If the other state has a registration requirement, he or she must register in the new state of residence no later than five days after establishing residence in the other state.

*(Iowa Code § 692A.5(d); § 692A.3(4))*

**13. IS AN OFFENDER WHO MOVES FROM ANOTHER STATE TO IOWA REQUIRED TO REGISTER?**

A person who has been convicted of a criminal offense against a minor, an aggravated offense, sexual exploitation, an other relevant offense, or a sexually violent offense in another state or in a federal, military, tribal, or foreign court, or a person required to register in another state under the state's sex-offender registry, must register in Iowa.

*(Iowa Code § 692A.2(1))*

Within five days of establishing residence in Iowa, an offender from another state must register with the sheriff of the county in which he or she will reside.

*(Iowa Code § 692A.3(1))*

**14. WHAT IF AN OFFENDER LIVES IN ANOTHER STATE BUT WORKS OR GOES TO SCHOOL IN IOWA?**

An offender who is a resident of another state but who works or goes to school in Iowa, whether full- or part-time, must register with the sheriff of the county where he or she works or attends school.

*(Iowa Code § 692A.5(f))*

**15. IS REGISTRATION A LIFETIME REQUIREMENT?**

Generally, registration is required for a period of 10 years; however, registration may also be required for life.

*(Iowa Code §§ 692A.2(1)-(2))*

Offenders required to register due to a conviction for a criminal offense against a minor, sexual exploitation, an other relevant offense, or a sexually violent offense prior to July 1, 1995, who are released on or after July 1, 1995, who are participating in a work-release or institutional-work-release program on or after July 1, 1995, or who are under parole or probation supervision by a judicial district Department of Correctional Services on or after July 1, 1995, must register for a period of 10 years, beginning with the later of either July 1, 1995, or the date of his or her release from confinement, release on work release or institutional work release, or release on parole or probation.

*(Iowa Code § 692A.16(2))*

An offender must register for life upon a second or subsequent conviction that requires a second registration or a conviction for an aggravated offense.

*(Iowa Code § 692A.2(3))*

An offender who has previously been convicted of one or more offenses that would require registration must register for life.

*(Iowa Code § 692A.2(3))*

A person who has been convicted of an offense under the laws of Iowa or another state that would qualify him or her as a sexually violent predator must register for life.

*(Iowa Code § 692A.2(5))*

**16. ARE THERE ANY PENALTIES FOR FAILING TO REGISTER OR FOR PROVIDING FALSE INFORMATION?**

An offender who is required to register and who knowingly violates any registration requirements commits an aggravated misdemeanor for a first offense and a Class D felony for a second or subsequent offense.

*(Iowa Code § 692A.7(1))*

An offender who is required to register and who knowingly violates any registration requirements 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.

*(Iowa Code § 692A.7(1))*

A knowing violation by an offender who is on probation, parole, or work release to comply with any registration requirements will result in the automatic revocation of his or her probation, parole, or work release.

*(Iowa Code § 692A.7(1))*

**17. WHAT INFORMATION IS RELEASED TO THE PUBLIC ABOUT REGISTERED OFFENDERS?**

Records concerning convictions for criminal offenses against a minor, sexual exploitation, other relevant offenses, or sexually violent offenses that are committed by a minor are released in the same manner as records of convictions for adults.

*(Iowa Code § 692A.13(7))*

Any person may contact a sheriff's office or police department in writing to request information regarding any offender who is required to register. A request for information must include the name and one or more of the following identifiers pertaining to the offender about whom the information is sought:

- (1) date of birth;
- (2) social-security number; or
- (3) address.

*(Iowa Code § 692A.13(3)(a))*

A county sheriff or police department must also provide to any person, upon request, access to the list of all registrants in that county who have been classified as "at risk."

*(Iowa Code § 692A.13(3)(b))*

For offenders classified as "low risk," registry information can be distributed to a criminal- or juvenile-justice agency or to members of the public upon requests made through a criminal- or juvenile-justice agency or by electronic access.

*(Iowa Code § 692A.13A(3)(a))*

For offenders classified as "at risk," including "moderate risk" or "high risk," registry information can be provided to any criminal- or juvenile-justice agency and to the public including public and private agencies, organizations, public places, public and private schools, childcare facilities, religious and youth organizations, neighbors, and employers. If an offender is classified as "high risk," information can also be provided to neighborhood associations or at community meetings.

*(Iowa Code § 692A.13A(3)(b))*

Registry information may be distributed to the public by printed materials, visual or audio press releases, and by a criminal- or juvenile-justice agency's web site. The scope of notification may include where the registrant resides, works, attends school, or frequents.

*(Iowa Code § 692A.13A(3)(b))*

## **18. CAN I SEARCH THE INTERNET FOR OFFENDERS IN MY AREA?**

Electronic access to relevant information from the registry is available for the following:

- (1) persons who commit a criminal offense against a minor, an aggravated offense, sexual exploitation, a sexually violent offense, or an other relevant offense on or after July 1, 1995, and who have been assessed as "moderate risk" or "high risk"; or
- (2) persons who committed an offense prior to July 1, 1999, and who have been assessed as "moderate risk" or "high risk" and whose opportunity to request a hearing regarding the assessment of risk has lapsed.

*(Iowa Code § 692A.13(c))*

The Iowa Sex-Offender Registry is available online at <http://www.iowasexoffenders.com/search.php>.

The registry can be searched by last name, first name, city, county, zip code, gender of offender, gender of victim, race, height, weight, approximate age, hair color, eye color, and county of conviction.