



December 3, 2013

SORNA Substantial Implementation Review State of Iowa – Revised

The U.S. Department of Justice, Office of Justice Programs, Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking (SMART) would like to thank the State of Iowa for the extensive work that has gone into its effort to substantially implement Title I of the Adam Walsh Act, the Sex Offender Registration and Notification Act (SORNA). The SMART Office has completed its revised review of Iowa's SORNA substantial implementation packet and has found that the State of Iowa has not substantially implemented SORNA.

In August 2011, the SMART Office determined that Iowa did not substantially implement SORNA. In July 2013, the Iowa Division of Criminal Investigation submitted a revised substantial implementation package that included a completed Substantial Implementation Checklist, a tiering reference document, relevant state statutes, relevant state administrative rules, and relevant state policies and procedures.¹ This revised submission addressed most of the deviations from SORNA requirements highlighted in our August 2011 report to Iowa (and are noted herein).

The following review updates the August 2011 report issued to Iowa. Our review of these materials follows the outline of the SMART Office Substantial Implementation Checklist-Revised, and contains 15 sections addressing the SORNA requirements. Under each section, we indicate whether or not Iowa meets SORNA requirements of that section or deviates from the requirements in some way. In instances of deviation, we specify that the departure(s) from a particular requirement does not substantially disserve the purpose of that requirement. In other words, Iowa is encouraged to work toward rectifying deviations from requirements in order to achieve full implementation of SORNA, but this is not necessary for substantial implementation purposes.

This is an exhaustive review and meant to detail every area in which the state has not met SORNA standards. We encourage you to review the information below, share it with relevant stakeholders in the state, and get back in touch with us to develop a strategy to address these remaining issues.

I. Immediate Transfer of Information

SORNA requires that when an offender initially registers and/or updates his information in a jurisdiction, that the initial registration information/updated information be immediately sent

¹In addition, email and phone correspondence with Terry Cowman, Special Agent in Charge of the Sex Offender Registry, between July and September 2013 filled in gaps in information and procedure, which informed our review.

to other jurisdictions where the offender has to register, as well as to NSOR and the jurisdiction's public sex offender registry website.

Iowa does send initial and updated registration information to the appropriate jurisdictions, and does update its public sex offender registry website and NSOR with that information; however, Iowa does so within five business days of receiving the initial or updated registration information, not three.

These deviations do not substantially disserve the purposes of the requirements in this section.

II. Offenses that Must Be Included in the Registry

SORNA requires that certain federal, military, and foreign offenses be included in a jurisdiction's registration scheme. In addition, SORNA requires that the jurisdiction capture certain sex offenses, both offenses from its jurisdiction and from other SORNA registration jurisdictions, in its registration scheme. SORNA also requires that certain adjudications of delinquency be included in a jurisdiction's registration scheme.

Iowa meets all of the SORNA requirements in this section.

III. Tiering of Offenses

SORNA requires that offenses be classified based on the nature of the offense of conviction. The SMART Office has reviewed all statutes identified in the substantial implementation submission package and has identified Iowa's placement of these statutes within the SORNA three tier levels. Iowa correctly places its statutes within at least the minimum appropriate SORNA tiers, with notable exceptions (see the Appendix, "Iowa State Statutes" for information about Iowa's classification of its offenders and associated registration requirements).

The following Iowa offense requires 10 year registration; this offense is equivalent to a SORNA Tier I offense requiring registration for 15 years with yearly appearances to law enforcement for verification purposes:

- § 710.7 False Imprisonment

The following Iowa offenses require 10 year registration; however, these offenses fall under Iowa Code 903B.2, which means that these offenders will register for ten years plus the length of any probation/incarceration. In addition, these offenses make offenders eligible for categorization as Sexually Violent Predators, which would require the offenders to register for life. These offenses are equivalent to SORNA Tier I offenses requiring registration for 15 years with yearly appearances to law enforcement for verification purposes:

- § 709.14 Lascivious Contact with Minor

- § 709.16 Sexual Misconduct with Offenders and Juveniles (where the misconduct involves sexual contact) (where the victim is an adult)
- § 709.21 Invasion of Privacy – Nudity
- § 728.12(3) Sexual Exploitation of a Minor (purchase/possession)

The following Iowa offenses require 10 year registration and twice-yearly appearances to law enforcement for verification purposes; these offenses are equivalent to SORNA Tier II offenses requiring registration for 25 years with twice-yearly appearances:

- § 705.1 Solicitation (of a minor to engage in an illegal sex act)
- § 710.10 Enticing Away a Minor
- § 710.11 Purchase or Sale of an Individual (if the victim is a minor) (if sexually motivated)
- § 710A.2 Human Trafficking (if the victim is a minor) (where sex abuse, as defined in 709.1, is committed, or where assault with the intent to commit sex abuse is committed, or where sexual conduct or contact is an element)

The following Iowa offenses require 10 year registration and twice-yearly appearances to law enforcement for verification purposes; however, these offenses fall under Iowa Code 903B.2, which means that these offenders will register for ten years plus the length of any probation/incarceration. In addition, these offenses make offenders eligible for categorization as Sexually Violent Predators, which would require the offenders to register for life. These offenses are equivalent to SORNA Tier II offenses requiring registration for 25 years with twice-yearly appearances:

- § 709.8(3) Lascivious Acts with a Child
- § 709.12 Indecent Contact with Child
- § 709.15 Sexual Exploitation by a Counselor, Therapist, or School Employee
- § 709.16 Sexual Misconduct with Offenders and Juveniles (where the misconduct involves sexual contact) (where the victim 16-17, or where the victim is 13-15 and the misconduct involves anything other than the unclothed genitalia of the victim)
- § 728.12(2) Sexual Exploitation of a Minor

The following Iowa offenses require 10 year registration and quarterly appearances to law enforcement for verification purposes; these offenses are equivalent to SORNA Tier III offenses requiring lifetime registration with quarterly appearances:

- § 708.2(5) Penetration of Genitalia or Anus with Object (where the victim is under 16, *or* where the act is non-consensual with a victim of any age)
- § 710.2 Kidnapping in the First Degree (when no sexual abuse is attempted or committed) (where the offense is sexually motivated²) (where the victim is under 18)

² Per Iowa Code 692A.126(1), if a judge or jury makes a determination, beyond a reasonable doubt, that any one of several enumerated offenses for which a conviction has been entered are sexually motivated, the person shall be required to register as a sex offender.

- § 710.3 Kidnapping in the Second Degree (when no sexual abuse is attempted or committed) (where the offense is sexually motivated) (where the victim is under 18)
- § 710.4 Kidnapping in the Third Degree (when no sexual abuse is attempted or committed) (where the offense is sexually motivated) (where the victim is under 18)
- § 710.5 Child Stealing (if sexually motivated)

The following Iowa offenses require 10 year registration and quarterly appearances to law enforcement for verification purposes; however, these offenses fall under Iowa Code 903B.2, which means that these offenders will register for ten years plus the length of any probation/incarceration. In addition, these offenses make offenders eligible for categorization as Sexually Violent Predators, which would require the offenders to register for life. These offenses are equivalent to SORNA Tier III offenses requiring lifetime registration with quarterly appearances:

- § 709.15 Sexual Exploitation by a Counselor, Therapist, or School Employee (where the victim is under 13)
- § 709.16 Sexual Misconduct with Offenders and Juveniles (where victim under 13, or where the victim is 13-15 and the misconduct involves touching the unclothed genitalia of the victim, or where the misconduct is a sexual act)

Because the majority of sex offenses in Iowa require lifetime registration and the vast majority of the remaining offense include a “special sentence,” which adds time under supervision to the base 10 year registration requirement, the SMART Office has determined that Iowa’s tiering structure does not substantially disserve the purposes of the requirements in this section.

IV. Required Registration Information

SORNA requires that the jurisdiction collect certain pieces of information from and for each offender that it registers, and requires that the jurisdiction keep that registration information, in a digitized form, in its registry.

Iowa meets these requirements, with one exception: Iowa requires the offender’s photograph to be taken annually; however, registry officials may require that the photograph be re-taken on a more frequent schedule to “verify relevant information.”

This deviation does not substantially disserve the purposes of the requirements in this section.

V. Where Registration is Required

SORNA requires that the jurisdiction register an offender if the jurisdiction is the one in which he is convicted or incarcerated. In addition, SORNA requires that the jurisdiction register offenders who reside, work, or attend school in the jurisdiction.

Iowa meets all of the SORNA requirements in this section.

VI. Initial Registration: Timing and Notice

SORNA requires that when an offender is incarcerated within the jurisdiction, the registration occur before release from imprisonment for the registration offense. Similarly, when an offender is sentenced within the jurisdiction, but not incarcerated, SORNA requires that registration occur within three business days of sentencing. Finally, when an offender has been convicted, sentenced, or incarcerated in another jurisdiction (including federal or military court), the jurisdiction must register the offender within three business days of the offender establishing residence, employment, or school attendance within the jurisdiction. SORNA also requires that, during the initial registration process, the jurisdiction inform the offender of his registration duties and require the offender to acknowledge in writing that he understands those duties.

Iowa requires that the state initially register an offender who has been released from imprisonment or sentencing (if the offender is sentenced but not incarcerated) within five business days of that release, and not three business days, as SORNA requires. When an offender is convicted and/or sentenced in another jurisdiction, and chooses to reside, work, or attend school in Iowa, Iowa requires that the state register the offender within five business days of the sex offender establishing residence, employment, or school attendance within Iowa, and not three business days, as SORNA requires.

Iowa also requires that an offender appear in person in the local registry office within five business days of changing a residence, employment, or school information, and that an offender report in writing other changes in registry information within five business days. The facility or court from which the offender was released, having accepted the registration forms on behalf of the local registry office, sends the registration information to the state's sex offender registry and to the sheriff of the county in which the offender resides within five business days, and not three business days, as SORNA requires.

These deviations do not substantially disserve the purposes of the requirements in this section.

VII. Initial Registration: Retroactive Classes of Offenders

SORNA requires that each registration jurisdiction have a procedure in place to recapture three categories of sex offenders: those who are currently incarcerated or under supervision, either for the predicate sex offense or for some other crime; those who are already registered or subject to a pre-existing sex offender registration requirement under the jurisdiction's law; and those who reenter the jurisdiction's criminal justice system because of a conviction for some other felony crime (whether or not it is a sex offense).

Iowa does not automatically recapture offenders who are currently incarcerated for non-sex offenses; however, the state does recapture all offenders who have a past conviction for one of the offenses captured under Iowa Code 903B.1 (class "C" felony or greater offense under chapter 709, or a class "C" felony under section 728.12) and 903B.2 (a person convicted of a misdemeanor or a class "D" felony offense under chapter 709, section 726.2, or section 728.12), as well as all offenders whose conviction is one of the offenses listed in Iowa Code 692A.126 if a judge or jury determines that the offense is sexually motivated.

Additionally, Iowa does not recapture offenders who re-enter the jurisdiction's criminal justice system for another non-sex offense felony crime.

These deviations do not substantially disserve the purposes of the requirements in this section.

VIII. Keeping the Registration Current

SORNA requires that when a sex offender resides in a jurisdiction, that the offender immediately appear in-person to update his or her name, residence, employment, school attendance, and termination of residence. When an offender works in a jurisdiction, but does not reside or attend school there, SORNA requires that the offender immediately appear in-person to update employment-related information. When an offender attends school in a jurisdiction, but does not reside or work there, SORNA requires that the offender immediately appear in-person to update school-related information.

SORNA also requires that when an offender resides in a jurisdiction, that the sex offender immediately update any changes to his or her email addresses, internet identifiers, telephone communications, vehicle information, and temporary lodging information.

SORNA also requires that when an offender resides in a jurisdiction but indicates to the state that he/she intends to travel outside the United States, the offender notify the residence jurisdiction at least 21 days in advance of such travel.

In addition, SORNA requires that when an offender notifies the jurisdiction of his intent to relocate to another country to live, work or attend school, or of his intent to travel to another country, that the jurisdiction do three things: immediately notify any other jurisdiction where the offender is either registered, or is required to register, of that updated information; immediately notify the United States Marshals Service, and immediately update NCIC/NSOR.

To a great extent, Iowa requires that offenders who reside, work, and/or attend school in Iowa update their information as SORNA requires. However, offenders do not automatically have to appear in person to change their name, unless the sheriff's office (the registering agency) invokes its right to require it in a particular case. In addition, Iowa allows offenders five days to update registration information, and not three days, as SORNA requires.

While Iowa requires offenders who reside in the jurisdiction to notify Iowa of their intent to travel to another country, offenders are not required to do so by any certain period of time.

These deviations do not substantially disserve the purposes of the requirements in this section.

IX. Verification/Appearance Requirements

SORNA requires that offenders register for a duration of time, and make in-person appearances at the registering agency, based on the tier of the offense of conviction.

A. Duration of Registration

SORNA requires that offenders register for a duration of time based on the tier of the offense of conviction. Specifically, SORNA requires that SORNA Tier I offenders register for 15 years, SORNA Tier II offenders register for 25 years, and SORNA Tier III offenders register for life.

Iowa's duration of registration scheme deviates from SORNA requirements. Under Iowa's system, registrants either register for ten years, for ten years plus the duration of their supervision or incarceration, or for life.

These deviations do not substantially disserve the purposes of the requirements in this section.

B. Frequency of Registration

SORNA requires that offenders make in-person appearances at the registering agency based on the tier of the offense of conviction. Specifically, SORNA requires that SORNA Tier I offenders appear once a year, that SORNA Tier II offenders appear every six months, and that SORNA Tier III offenders appear every three months.

Iowa meets all of SORNA's requirements with regard to frequency of registration.

C. Reduction of Registration Periods

SORNA creates certain requirements under which a jurisdiction can allow an offender to have a reduced registration period. Subsection (b) of section 115 of SORNA allows for Tier I and certain Tier III offenders' registration and notification requirements to be terminated if multiple conditions are met.

Iowa does not meet most of SORNA's requirements as to which offenders are eligible for a reduction in their respective registration periods, and under what circumstances. Under Iowa's current system, Tier I offenders are eligible to petition for a modification in their registration requirements two years after the date of the beginning of the requirement to register, and Tier II

and Tier III offenders are so eligible three years after the date of the beginning of the requirement to register. All of the aforementioned offenders are eligible to petition for a reduction, as long as they are on probation, parole, special sentence, or any kind of conditional release.

Iowa's procedure for making a determination on a modification application (which can result in a suspension of registration requirements) is as follows: the offender must petition for early removal and undergo a risk assessment,³ and it must be determined that the applicant is at a low risk to reoffend; the director of the department that is supervising the offender, or his designee, must stipulate to the petition; the court may, if it chooses to, conduct a hearing on the petition after notice to the county attorney where the offender resides, the county attorney where the conviction occurred, and, if possible, the victim (by notification to the victim's address, if known). A granted petition does require the successful completion of an appropriate and certified sex offender treatment program. Additionally, the success of the petition does not depend on the lack of a conviction for new sex offense, the lack of conviction for a new offense for which imprisonment for more than one year may be imposed, or the successful completion of any periods of supervised release, probation, or parole, as SORNA requires.

Iowa does not meet the SORNA requirements in this section.

X. Registry Website Requirements

SORNA requires that each jurisdiction maintain a public sex offender registry website and publish certain registration information on that website. SORNA also requires that certain information not be displayed on a jurisdiction's public registry website.

Iowa meets most of SORNA's requirements with regard to its public registry website. The public website does not list offenders who have been made to register based on a conviction for Iowa Code 709.4(2)(c)(4) if the offender is under 20 at the time of the offense. The public website does display all other sex offenses for which the offender has been convicted, but only if the offender was required to register in Iowa for that conviction (regardless of whether it is a conviction from an Iowa court).

In addition, the offender's employment and/or school address are not posted on the public registry website; however, an individual can obtain employment and school information on request. Specifically, an individual can access from the local sheriff's office a list of all registrants working and/or attending school within that county, along with the addresses at which the offenders are working and/or attending school. In addition, if an individual provides his or her local sheriff's office with the offender's date of birth, social security number, address, internet identifier, or phone number, the individual can access the employment and school address for that offender. By statute, an individual cannot be charged for accessing this information. Iowa does provide instruction to visitors on how to obtain employment information on its public registry website.⁴

³ The risk assessment must be a validated risk assessment approved by the Iowa Department of Corrections.

⁴ See: <http://www.iowasexoffender.com/faq/content>

Finally, while an individual can input a vehicle plate number on the public website, and can thus determine whether that plate number matches that of the vehicle of a registered offender, the public website does not display the vehicle information for each offender.

These deviations do not substantially disserve the purposes of the requirements in this section.

XI. Community Notification

SORNA requires that each jurisdiction disseminate certain initial and updated registration information to particular agencies within the jurisdiction. In addition, SORNA requires that each jurisdiction also disseminate certain initial and updated registration information to the community.

While individuals in Iowa can access employment and school information through the local sheriff's office, the state's automated notification system does not notify individuals when an offender begins to work or attend school within a certain zip code or geographic radius.

This deviation does not substantially disserve the purposes of the requirements in this section.

XII. Failure to Register as a Sex Offender: State Penalty

SORNA requires that each jurisdiction, other than a federally recognized Indian tribe, provide a criminal penalty that includes a maximum term of imprisonment that is greater than one year for the failure of a sex offender to comply with their registration requirements.

Iowa meets all of the SORNA requirements in this section.

XIII. When a Sex Offender Fails to Appear for Registration

SORNA requires that when a jurisdiction is notified that a sex offender intends to reside, be employed, or attend school in its jurisdiction, and that offender fails to appear for registration as required, that the jurisdiction receiving that notice inform the originating jurisdiction (the jurisdiction that provided the initial notification) that the sex offender failed to appear for registration.

Iowa meets all of the SORNA requirements in this section.

XIV. When a Jurisdiction has Information that a Sex Offender may have Absconded

SORNA requires that when a jurisdiction has information that a sex offender may have absconded, that the jurisdiction take certain actions in terms of investigating the abscondence and notifying various law enforcement agencies.

Iowa meets all of the SORNA requirements in this section.

XV. Tribal Considerations

Iowa has one Indian tribe, which has substantially implemented SORNA: the Sac and Fox Tribe of the Mississippi in Iowa. The State has indicated in writing to the tribe that the Sex Offender Registry, which is part of the Iowa Division of Criminal Investigation, is the official Point of Contact for the Iowa Indian tribes with regards to SORNA implementation. Specifically, the Special Agent in Charge of the Registry is the designated Point of Contact. Currently, that Special Agent in Charge is Terry Cowman. The Division of Criminal Investigation is currently inputting rolled DNA, fingerprints and palm prints to the appropriate national databases (CODIS and IAFIS).

Conclusion

Iowa has put forth exceptional work and effort in adopting SORNA and enhancing its sex offender registration and notification system. However, there are provisions identified in this report, most notably the modification process that allows offenders to petition for early removal from the registry, that should be addressed in order for Iowa to substantially implement SORNA.

We encourage you to contact the SMART Office once you have had the opportunity to review and discuss our findings and have developed a strategy for addressing and adopting the remaining provisions of SORNA.

Appendix: Iowa State Statutes

The SMART Office has reviewed all Iowa statutes identified in its substantial implementation submission package and has identified Iowa's placement of these statutes within the tiering structure created in Title I of the Adam Walsh Child Protection and Safety Act of 2006, the Sex Offender Registration and Notification Act (SORNA). Unless indicated in the notes herein, the SMART office has not reviewed any statutes (or subsections) that were not included in the legislation provided by Iowa.

In reviewing Iowa Code, the SMART Office understands that Iowa has three categories of registrants for purposes of frequency of registration requirements:

Tier I offenders, who are required to appear annually to verify registration information.

Tier II offenders, who are required to appear semi-annually to verify registration information.

Tier III offenders, who are required to appear quarterly to verify registration information.

In reviewing Iowa Code, the SMART Office understands that Iowa has four categories of registrants for purposes of length of registration requirements. The below lengths are based upon a first conviction (Iowa's recidivism requirements are dealt with in the "Tiering" section above):

Offenders who are convicted of an aggravated offense or for an offense that falls under 903B.1, who therefore must register for life (the "lifetime offender category").

Offenders who are convicted of an offense that makes them eligible to be classified as sexually violent predators. If the offender is designated as a sexually violent predator, the offender must register for life; however, if the offender is not so designated, he must register for 10 years.⁵

Offenders who are sentenced under Iowa Code 903B.2, and therefore must register for ten years *plus* the length of the offender's probation or incarceration (whichever applies). For purposes of this tiering report, these offenders will be placed in the ten year offender category (see directly below).⁶

Offenders who are required to register for ten years (the "ten year offender category").

⁵ Each of these offenses, unless they otherwise fall in the lifetime offender category, will be noted as such. According to the Iowa Attorney General's Office, in Fiscal Year 2009, 16 offenders were eligible for designation as Sexually Violent Predators, and 6 were designated as such. In Fiscal Year 2010, 23 offenders were eligible for designation as Sexually Violent Predators, and 3 were designated as such. In Fiscal Year 2011, 24 offenders were eligible for designation as Sexually Violent Predators, and 6 were designated as such.

⁶ Each of these offenses will be noted as such.

SORNA Tier I Offenses

SORNA requires that Tier I offenders register for a minimum of 15 years and annually verify registration information. The following offenses listed in Iowa Code would require, at a minimum, Tier I registration requirements under SORNA.

§ 709.2 Sexual Abuse, First Degree (where the act is sexual contact and the victim is an adult)

Placement of this statute in the Iowa Tier III category exceeds SORNA's requirements for frequency of appearances. Placement of this statute in the Iowa lifetime offender category exceeds SORNA's requirements for duration of registration.

§ 709.3(1) Sexual Abuse, Second Degree (where the act is sexual contact and the victim is an adult)

Placement of this statute in the Iowa Tier III category exceeds SORNA's requirements for frequency of appearances. Placement of this statute in the Iowa lifetime offender category exceeds SORNA's requirements for duration of registration.

§ 709.3(3) Sexual Abuse, Second Degree (where the act is sexual contact and the victim is an adult)

Placement of this statute in the Iowa Tier III category exceeds SORNA's requirements for frequency of appearances. Placement of this statute in the Iowa lifetime offender category exceeds SORNA's requirements for duration of registration.

§ 709.4(1) Sexual Abuse, Third Degree (if committed by a person 14 and older, where the act is sexual contact and the victim is an adult)

Placement of this statute in the Iowa Tier III category exceeds SORNA's requirements for frequency of appearances. Placement of this statute in the Iowa lifetime offender category exceeds SORNA's requirements for duration of registration.

§ 709.4(2)(a) Sexual Abuse, Third Degree (if committed by a person 14 and older, where the act is sexual contact and the victim is an adult)

Placement of this statute in the Iowa Tier III category exceeds SORNA's requirements for frequency of appearances. Placement of this statute in the Iowa lifetime offender category exceeds SORNA's requirements for duration of registration.

§ 709.4(3) Sexual Abuse, Third Degree (if committed by a person 14 and older, where the act is sexual contact and the victim is an adult)

Placement of this statute in the Iowa Tier III category exceeds SORNA's requirements for frequency of appearances. Placement of this statute in the Iowa lifetime offender category exceeds SORNA's requirements for duration of registration.

§ 709.4(4) Sexual Abuse, Third Degree (if committed by a person 14 and older, where the act is sexual contact and the victim is an adult)

Placement of this statute in the Iowa Tier III category exceeds SORNA's requirements for frequency of appearances. Placement of this statute in the Iowa lifetime offender category exceeds SORNA's requirements for duration of registration.

§ 709.8(4) Lascivious Acts with Child

Placement of this statute in the Iowa Tier III category exceeds SORNA's requirements for frequency of appearances. Placement of this statute in the Iowa ten year offender category does not meet SORNA's requirements for duration of registration: it is a Tier I offense under SORNA. However, this offense falls under Iowa Code 903B.2, which means that the offender will register for ten years *plus* the length of any probation/incarceration. In addition, this offense makes the offender eligible for categorization as a Sexually Violent Predator, which would require the offender to register for life.

§ 709.14 Lascivious Contact with Minor

Placement of this statute in the Iowa Tier II category exceeds SORNA's requirements for frequency of appearances. Placement of this statute in the Iowa ten year offender category does not meet SORNA's requirements for duration of registration: it is a Tier I offense under SORNA. However, this offense falls under Iowa Code 903B.2, which means that the offender will register for ten years *plus* the length of any probation/incarceration. In addition, this offense makes the offender eligible for categorization as a Sexually Violent Predator, which would require the offender to register for life.

§ 709.16 Sexual Misconduct with Offenders and Juveniles (victim an adult)

Placement of this statute in the Iowa Tier II category exceeds SORNA's requirements for frequency of appearances. Placement of this statute in the Iowa ten year offender category does not meet SORNA's requirements for duration of registration: it is a Tier I offense under SORNA. However, this offense falls under Iowa Code 903B.2, which means that the offender will register for ten years *plus* the length of any probation/incarceration. In addition, this offense makes the offender eligible for categorization as a Sexually Violent Predator, which would require the offender to register for life.

§ 709.21 Invasion of Privacy – Nudity

Placement of this statute in the Iowa Tier II category exceeds SORNA's requirements for frequency of appearances. Placement of this statute in the Iowa ten year offender category does not meet SORNA's requirements for duration of registration: it is a Tier I

offense under SORNA. However, this offense falls under Iowa Code 903B.2, which means that the offender will register for ten years *plus* the length of any probation/incarceration. In addition, this offense makes the offender eligible for categorization as a Sexually Violent Predator, which would require the offender to register for life.

§ 710.7 False Imprisonment

Placement of this statute in the Iowa Tier II category exceeds SORNA's requirements for frequency of appearances. Placement of this statute in the Iowa ten year offender category does not meet SORNA's requirements for duration of registration: it is a Tier I offense under SORNA.

§ 713.3(1)(d) Burglary in the First Degree (where the underlying sexual abuse constitutes a Tier I offense)

Placement of this statute in the Iowa Tier III category exceeds SORNA's requirements for frequency of appearances. Placement of this statute in the Iowa lifetime offender category exceeds SORNA's requirements for duration of registration.

§ 728.12(3) Sexual Exploitation of a Minor (purchase/possession)

Placement of this statute in the Iowa Tier II category exceeds SORNA's requirements for frequency of appearances. Placement of this statute in the Iowa ten year offender category does not meet SORNA's requirements for duration of registration: it is a Tier I offense under SORNA. However, this offense falls under Iowa Code 903B.2, which means that the offender will register for ten years *plus* the length of any probation/incarceration. In addition, this offense makes the offender eligible for categorization as a Sexually Violent Predator, which would require the offender to register for life.

§ 18 U.S.C. 1801 Video Voyeurism of a Minor

Placement of this statute in the Iowa Tier II category exceeds SORNA's requirements for frequency of appearances.⁷

§ 18 U.S.C. 2252 (receipt/possession of child pornography)

Placement of this statute in the Iowa Tier I category meets SORNA's requirements for frequency of appearances.

§ 18 U.S.C. 2252B Misleading Domain Names on the Internet

Placement of this statute in the Iowa Tier I category meets SORNA's requirements for frequency of appearances.

⁷ Iowa does not have federal offenses classified for purposes of duration of registration. Per statute, the Department of Corrections will classify a federal offense to the appropriate comparable Iowa offense. According to the Department of Corrections, the state has not ever had to classify a federal offense that existed exclusively (that is, without an accompanying state-level offense).

§ 18 U.S.C. 2252C Misleading Words or Digital Images on the Internet

Placement of this statute in the Iowa Tier I category meets SORNA’s requirements for frequency of appearances.

§ 18 U.S.C. 2423(b) Travel with Intent to Engage in Illicit Sexual Conduct

Placement of this statute in the Iowa Tier II category exceeds SORNA’s requirements for frequency of appearances.

§ 18 U.S.C. 2423(c) Engaging in Illicit Sexual Conduct in Foreign Places

Placement of this statute in the Iowa Tier II category exceeds SORNA’s requirements for frequency of appearances.

§ 18 U.S.C. 2424 Failure to File a Factual Statement About an Alien Individual

Placement of this statute in the Iowa Tier I category meets SORNA’s requirements for frequency of appearances.

§ 18 U.S.C. 2425 Transmitting Information About a Minor to Further Criminal Sexual Conduct

Placement of this statute in the Iowa Tier I category meets SORNA’s requirements for frequency of appearances.

Tier II Offenses

SORNA requires that Tier II offenders register for a minimum of 25 years and semi-annually verify registration information. The following offenses listed in Iowa Code would require, at a minimum, Tier II registration requirements under SORNA.

§ 705.1 Solicitation (of a minor to engage in an illegal sex act)

Placement of this statute in the Iowa Tier II category meets SORNA’s requirements for frequency of appearances. However, placement of this statute in the Iowa ten year offender category does not meet SORNA’s requirements for duration of registration. This offense involves enticing a minor to engage in a criminal sex act, which is a Tier II offense under SORNA.

§ 709.2 Sexual Abuse in the First Degree (where the abuse is sexual contact and the victim is 13-17)

Placement of this statute in the Iowa Tier III category exceeds SORNA’s requirements for frequency of appearances. Placement of this statute in the Iowa lifetime offender category exceeds SORNA’s requirements for duration of registration.

§ 709.3(1) Sexual Abuse, Second Degree (where the abuse is sexual contact and the victim is 13-17)

Placement of this statute in the Iowa Tier III category exceeds SORNA's requirements for frequency of appearances. Placement of this statute in the Iowa lifetime offender category exceeds SORNA's requirements for duration of registration.

§ 709.3(3) Sexual Abuse, Second Degree (where the abuse is sexual contact and the victim is 13-17)

Placement of this statute in the Iowa Tier III category exceeds SORNA's requirements for frequency of appearances. Placement of this statute in the Iowa lifetime offender category exceeds SORNA's requirements for duration of registration.

§ 709.4(1) Sexual Abuse, Third Degree (if committed by a person 14 and older, where the abuse is sexual contact and the victim is 13-17)

Placement of this statute in the Iowa Tier III category exceeds SORNA's requirements for frequency of appearances. Placement of this statute in the Iowa lifetime offender category exceeds SORNA's requirements for duration of registration.

§ 709.4(2)(a), (b) Sexual Abuse, Third Degree (if committed by a person 14 and older, where the abuse is sexual contact and the victim is 13-17 [in the case of (b), where the victim is 13])

Placement of this statute in the Iowa Tier III category exceeds SORNA's requirements for frequency of appearances. Placement of this statute in the Iowa lifetime offender category exceeds SORNA's requirements for duration of registration.

§ 709.4(2)(c)(4) Sexual Abuse, Third Degree (if committed by a person 14 and older, where the offender is *more than* four years older than the victim and the offense involves sexual contact)

Placement of this statute in the Iowa Tier III category exceeds SORNA's requirements for frequency of appearances. Placement of this statute in the Iowa lifetime offender category exceeds SORNA's requirements for duration of registration.

§ 709.4(3) Sexual Abuse, Third Degree (if committed by a person 14 and older, where the abuse is sexual contact and the victim is 13-17)

Placement of this statute in the Iowa Tier III category exceeds SORNA's requirements for frequency of appearances. Placement of this statute in the Iowa lifetime offender category exceeds SORNA's requirements for duration of registration.

§ 709.4(4) Sexual Abuse, Third Degree (if committed by a person 14 and older, where the abuse is sexual contact and the victim is an adult, or where the abuse is a consensual sexual act and the victim is 16 or 17)

Placement of this statute in the Iowa Tier III category exceeds SORNA's requirements for frequency of appearances. Placement of this statute in the Iowa lifetime offender category exceeds SORNA's requirements for duration of registration.

§ 709.8(1), (2) Lascivious Acts with a Child (unless the victim is under 16 and the offense involves a naked touching)

Placement of this statute in the Iowa Tier III category exceeds SORNA's requirements for frequency of appearances. Placement of this statute in the Iowa lifetime offender category exceeds SORNA's requirements for duration of registration.

§ 709.8(3) Lascivious Acts with a Child - solicitation

Placement of this statute in the Iowa Tier II category meets SORNA's requirements for frequency of appearances. Placement of this statute in the Iowa ten year offender category does not meet SORNA's requirements for duration of registration: the offense involves enticing a criminal sexual act, which is a Tier II offense under SORNA. However, this offense falls under Iowa Code 903B.2, which means that the offender will register for ten years *plus* the length of any probation/incarceration. In addition, this offense makes the offender eligible for categorization as a Sexually Violent Predator, which would require the offender to register for life.

§ 709.11 Assault with Intent to Commit Sexual Abuse (where the abuse is sexual contact and the victim is 13-17)

Placement of this statute in the Iowa Tier II category meets SORNA's requirements for frequency of appearances. Placement of this statute in the Iowa lifetime offender category exceeds SORNA's requirements for duration of registration.

§ 709.12 Indecent Contact with Child (where victim is 13-15, where the touching is of anything other than the unclothed genitalia of the victim) or (where victim is 16-17 and it is an unconsensual touching of any kind).

Placement of this statute in the Iowa Tier II category meets SORNA's requirements for frequency of appearances. Placement of this statute in the Iowa ten year offender category does not meet SORNA's requirements for duration of registration: the offense involves sexual contact with a thirteen-year-old victim, which is a Tier II offense under SORNA. However, this offense falls under Iowa Code 903B.2, which means that the offender will register for ten years *plus* the length of any probation/incarceration. In addition, this offense makes the offender eligible for categorization as a Sexually Violent Predator, which would require the offender to register for life.

§ 709.15 Sexual Exploitation by a Counselor, Therapist, or School Employee (where the victim is 13-15 and the offense involves sexual contact)

Placement of this statute in the Iowa ten year offender category does not meet SORNA's requirements for duration of registration: it is a 25-year offense under SORNA. However, this offense falls under Iowa Code 903B.2, which means that the offender will register for ten years *plus* the length of any probation/incarceration. In addition, this offense makes the offender eligible for categorization as a Sexually Violent Predator, which would require the offender to register for life.

§ 709.16 Sexual Misconduct with Offenders and Juveniles (where victim 13-17) (where misconduct is anything other than the unclothed genitalia of the victim, if the victim is 13-15).

Placement of this statute in the Iowa Tier II category meets SORNA's requirements for frequency of appearances. Placement of this statute in the Iowa ten year offender category does not meet SORNA's requirements for duration of registration: it is a Tier II offense under SORNA. However, this offense falls under Iowa Code 903B.2, which means that the offender will register for ten years *plus* the length of any probation/incarceration. In addition, this offense makes the offender eligible for categorization as a Sexually Violent Predator, which would require the offender to register for life.

§ 710.10 Enticing Away a Minor

Placement of this statute in the Iowa Tier III category exceeds SORNA's requirements. However, placement of this statute in the Iowa ten year offender category does not meet SORNA's requirements for duration of registration. This offense involves enticing a minor to engage in a criminal sex act, which is a Tier II offense under SORNA.

§ 710.11 Purchase or Sale of an Individual (if the victim is a minor) (if sexually motivated)⁸

Placement of this statute in the Iowa Tier III category exceeds SORNA's requirements for frequency of appearances. However, placement of this statute in the Iowa ten year offender category does not meet SORNA's requirements for duration of registration: this offense involves commercial sexual exploitation of a minor, which is a Tier II offense under SORNA.

§ 710A.2 Human Trafficking (if the victim is a minor) (where sex abuse, as defined in 709.1, is committed, or where assault with the intent to commit sex abuse is committed, or where sexual conduct or contact is an element)

Placement of this statute in the Iowa Tier III category exceeds SORNA's requirements. However, placement of this statute in the Iowa ten year offender category does not meet

⁸ Per Iowa Code 692A.126(1), if a judge or jury makes a determination, beyond a reasonable doubt, that any one of several enumerated offenses for which a conviction has been entered are sexually motivated, the person shall be required to register as a sex offender.

SORNA's requirements for duration of registration: this offense involves commercial sexual exploitation of a minor, which is a Tier II offense under SORNA.

§ 713.3(1)(d) Burglary in the First Degree (where the underlying sexual abuse constitutes a Tier II offense)

Placement of this statute in the Iowa Tier III category exceeds SORNA's requirements for frequency of appearances. Placement of this statute in the Iowa lifetime offender category exceeds SORNA's requirements for duration of registration.

§ 725.2 Pimping (victim under 18) (if sexually motivated)

Placement of this statute in the Iowa Tier I category does not meet SORNA's requirements for frequency of appearances. In addition, placement of this statute in the ten year offender category does not meet SORNA's requirements for purposes of duration of registration. This offense involves solicitation to practice prostitution, which is a Tier II offense under SORNA. In addition, this statute requires the offender to register as a Tier II offender, even if the underlying crime is not sexually motivated.

§ 725.3(2) Pandering (victim under 18) (if sexually motivated).

Placement of this statute in the Iowa Tier I category does not meet SORNA's requirements for frequency of appearances. In addition, placement of this statute in the ten year offender category does not meet SORNA's requirements for purposes of duration of registration. This offense involves solicitation to practice prostitution, which is a Tier II offense under SORNA. In addition, a conviction under this statute requires the offender to register as a SORNA Tier II offender, even if the underlying crime is not sexually motivated.

§ 726.2 Incest (sexual contact with a victim between 13 and 17) (if sexually motivated)

Placement of this statute in the Iowa Tier II category meets SORNA's requirements for frequency of appearances. However, placement of this statute in the ten year offender category does not meet SORNA's requirements for purposes of duration of registration. This offense involves sexual contact with a victim 13-17, which is a Tier II offense under SORNA. In addition, a conviction under this statute requires the offender to register as a SORNA Tier II offender, even if the underlying crime is not sexually motivated.

§ 728.12(1) Sexual Exploitation of a Minor

Placement of this statute in the Iowa Tier III category exceeds SORNA's requirements for frequency of appearances. Placement of this statute in the Iowa lifetime offender category exceeds SORNA's requirements for duration of registration.

§ 728.12(2) Sexual Exploitation of a Minor

Placement of this statute in the Iowa Tier II category meets SORNA's requirements for frequency of appearances. Placement of this statute in the Iowa ten year offender category does not meet SORNA's requirements for duration of registration: the offense involves distribution of child pornography, which is a Tier II offense under SORNA. However, this offense falls under Iowa Code 903B.2, which means that the offender will register for ten years *plus* the length of any probation/incarceration.

§ 18 U.S.C. 1591 Sex Trafficking of Children

Placement of this statute in the Iowa Tier III category exceeds SORNA's requirements for frequency of appearances.

§ 18 U.S.C. 2244 Abusive Sexual Contact (victim 13-17)

Placement of this statute in the Iowa Tier III category exceeds SORNA's requirements for frequency of appearances.

§ 18 U.S.C. 2251 Sexual Exploitation of Children

Placement of this statute in the Iowa Tier III category exceeds SORNA's requirements for frequency of appearances.

§ 18 U.S.C. 2251A Selling or Buying of Children

Placement of this statute in the Iowa Tier III category exceeds SORNA's requirements for frequency of appearances.

§ 18 U.S.C. 2252A Certain Activities Relating to Material Constituting or Containing Child Pornography (not possession or receipt of child pornography)

Placement of this statute in the Iowa Tier II category meets SORNA's requirements for frequency of appearances.

§ 18 U.S.C. 2260 Production of Sexually Explicit Depictions of a Minor for Importation into the United States

Placement of this statute in the Iowa Tier II category meets SORNA's requirements for frequency of appearances.

§ 18 U.S.C. 2421 Transportation of a Minor for Illegal Sexual Activity

Placement of this statute in the Iowa Tier II category meets SORNA's requirements for frequency of appearances.

§ 18 U.S.C. 2422 Coercion and Enticement of a Minor for Illegal Sexual Activity

Placement of this statute in the Iowa Tier II category meets SORNA's requirements for frequency of appearances.

§ 18 U.S.C. 2423(A) Transportation of Minors for Illegal Sexual Activity

Placement of this statute in the Iowa Tier II category meets SORNA's requirements for frequency of appearances.

SORNA Tier III Offenses

SORNA requires that Tier III offenders register for life and quarterly verify registration information. The following offenses listed in Iowa Code would require, at a minimum, Tier III registration requirements under SORNA.

§ 708.2(5) Penetration of Genitalia or Anus with Object (where the victim is under 16, or where the act is non-consensual with a victim of any age)

Placement of this statute in the Iowa Tier III category meets SORNA's requirements for frequency of appearances. Placement of this statute in the ten year offender category does not meet SORNA's requirements for purposes of duration of registration. This offense involves a sexual act with a minor under 16, or a non-consensual sex act with a victim of any age, which is a Tier III offense under SORNA.

§ 709.2 Sexual Abuse in the First Degree (where the abuse is sexual contact and the victim is under 13, or where the abuse is a non-consensual sexual act and the victim is any age)

Placement of this statute in the Iowa Tier III category meets SORNA's requirements for frequency of appearances. Placement of this statute in the Iowa lifetime offender category meets SORNA's requirements for duration of registration.

§ 709.3(1) Sexual Abuse, Second Degree (where the abuse is sexual contact and the victim is under 13, or where the abuse is a non-consensual sexual act and the victim is any age)

Placement of this statute in the Iowa Tier III category meets SORNA's requirements for frequency of appearances. Placement of this statute in the Iowa lifetime offender category meets SORNA's requirements for duration of registration.

§ 709.3(2) Sexual Abuse, Second Degree (if committed by a person 14 and older, where the victim is under 12)

Placement of this statute in the Iowa Tier III category meets SORNA's requirements for frequency of appearances. Placement of this statute in the Iowa lifetime offender category meets SORNA's requirements for duration of registration.

§ 709.3(3) Sexual Abuse, Second Degree (where the abuse is sexual contact and the victim is under 13, or where the abuse is a non-consensual sexual act and the victim is any age)

Placement of this statute in the Iowa Tier III category meets SORNA's requirements for frequency of appearances. Placement of this statute in the Iowa lifetime offender category meets SORNA's requirements for duration of registration.

§ 709.4(1) Sexual Abuse, Third Degree (if committed by a person 14 and older, where the abuse is sexual contact and the victim is under 13, or where the abuse is a sexual act and the victim is any age)

Placement of this statute in the Iowa Tier III category meets SORNA's requirements for frequency of appearances. Placement of this statute in the Iowa lifetime offender category meets SORNA's requirements for duration of registration.

§ 709.4(2)(a), (b) Sexual Abuse, Third Degree (if committed by a person 14 and older, where the abuse is sexual contact and the victim is under 13, or where the abuse is a sexual act and the victim is any age)

Placement of this statute in the Iowa Tier III category meets SORNA's requirements for frequency of appearances. Placement of this statute in the Iowa lifetime offender category meets SORNA's requirements for duration of registration.

§ 709.4(2)(c)(4) Sexual Abuse, Third Degree (if committed by a person 14 and older, where the offender is *more than* four years older than the victim and the offense involves a sexual act)

Placement of this statute in the Iowa Tier III category meets SORNA's requirements for frequency of appearances. Placement of this statute in the Iowa lifetime offender category meets SORNA's requirements for duration of registration.

§ 709.4(3) Sexual Abuse, Third Degree (if committed by a person 14 and older, where the abuse is sexual contact and the victim is under 13, or where the abuse is a sexual act and the victim is any age)

Placement of this statute in the Iowa Tier III category meets SORNA's requirements for frequency of appearances. Placement of this statute in the Iowa lifetime offender category meets SORNA's requirements for duration of registration.

§ 709.4(4) Sexual Abuse, Third Degree (if committed by a person 14 and older, where the abuse is sexual contact and the victim is under 13, or where the abuse is a sexual act and the victim is any age)

Placement of this statute in the Iowa Tier III category meets SORNA's requirements for frequency of appearances. Placement of this statute in the Iowa lifetime offender category meets SORNA's requirements for duration of registration.

§ 709.8(1), (2) Lascivious Acts with a Child (where victim is under 16 and the offense involves a naked touching)

Placement of this statute in the Iowa Tier III category meets SORNA's requirements for frequency of appearances. Placement of this statute in the Iowa lifetime offender category meets SORNA's requirements for duration of registration.

§ 709.11 Assault with Intent to Commit Sexual Abuse (where the abuse is sexual contact and the victim is under 13, or where the abuse is a sexual act and the victim is any age)

Placement of this statute in the Iowa Tier III category meets SORNA's requirements for frequency of appearances. Placement of this statute in the Iowa lifetime offender category meets SORNA's requirements for duration of registration.

§ 709.12 Indecent Contact with Child (where victim is 13-15) (where the touching is of the unclothed genitalia of the victim).

Placement of this statute in the Iowa Tier II category does not meet SORNA's requirements for frequency of appearances. Placement of this statute in the ten year offender category does not meet SORNA's requirements for duration of registration. This offense involves a sexual act with a victim under 16, which is a Tier III offense under SORNA. However, this offense falls under Iowa Code 903B.2, which means that the offender will register for ten years *plus* the length of any probation/incarceration. In addition, this offense makes the offender eligible for categorization as a Sexually Violent Predator, which would require the offender to register for life.

§ 709.12 Indecent Contact with Child (where victim is under 13) (where the touching is of the unclothed genitalia of the victim).

Placement of this statute in the Iowa Tier III category meets SORNA's requirements for frequency of appearances. Placement of this statute in the ten year offender category does not meet SORNA's requirements for duration of registration. This offense involves a sexual act with a victim under 16, which is a Tier III offense under SORNA. However, this offense falls under Iowa Code 903B.2, which means that the offender will register for ten years *plus* the length of any probation/incarceration. In addition, this offense makes the offender eligible for categorization as a Sexually Violent Predator, which would require the offender to register for life.

**§ 709.15 Sexual Exploitation by a Counselor, Therapist, or School Employee
(where the victim is 13-15 and the offense involves a sexual act)**

Placement of this statute in the Iowa Tier II category does not meet SORNA's requirements for frequency of appearances. In addition, placement of this statute in the Iowa ten year offender category does not meet SORNA's requirements for duration of registration: it is a Tier III offense under SORNA. However, this offense falls under Iowa Code 903B.2, which means that the offender will register for ten years *plus* the length of any probation/incarceration. In addition, this offense makes the offender eligible for categorization as a Sexually Violent Predator, which would require the offender to register for life.

**§ 709.15 Sexual Exploitation by a Counselor, Therapist, or School Employee
(where the victim is under 13)**

Placement of this statute in the Iowa ten year offender category does not meet SORNA's requirements for duration of registration: it is a Tier III offense under SORNA. However, this offense falls under Iowa Code 903B.2, which means that the offender will register for ten years *plus* the length of any probation/incarceration. In addition, this offense makes the offender eligible for categorization as a Sexually Violent Predator, which would require the offender to register for life.

**§ 709.16 Sexual Misconduct with Offenders and Juveniles (where victim under
13, or where the victim is 13-15 and the misconduct involves touching
the unclothed genitalia of the victim, or where the misconduct is a
sexual act)**

Placement of this statute in the Iowa Tier III category meets SORNA's requirements for frequency of appearances. Placement of this statute in the ten year offender category does not meet SORNA's requirements for duration of registration. This offense is a Tier III offense under SORNA. However, this offense falls under Iowa Code 903B.2, which means that the offender will register for ten years *plus* the length of any probation/incarceration. In addition, this offense makes the offender eligible for categorization as a Sexually Violent Predator, which would require the offender to register for life.

**§ 710.2 Kidnapping in the First Degree (when sexual abuse is attempted or
committed) (where the offense is sexually motivated) (where the
victim is under 18)**

Placement of this statute in the Iowa Tier III category meets SORNA's requirements for frequency of appearances. Placement of this statute in the Iowa lifetime offender category meets SORNA's requirements for duration of registration.

§ 710.2 Kidnapping in the First Degree (when no sexual abuse is attempted or committed) (where the offense is sexually motivated) (where the victim is under 18)

Placement of this statute in the Iowa Tier III category meets SORNA's requirements for frequency of appearances. Placement of this statute in the Iowa ten year offender category does not meet SORNA's requirements for duration of registration. This offense involves kidnapping of a minor, which is a Tier III offense under SORNA.

§ 710.3 Kidnapping in the Second Degree (when sexual abuse is attempted or committed) (where the offense is sexually motivated) (where the victim is under 18)

Placement of this statute in the Iowa Tier III category meets SORNA's requirements for frequency of appearances. Placement of this statute in the Iowa lifetime offender category meets SORNA's requirements for duration of registration.

§ 710.3 Kidnapping in the Second Degree (when no sexual abuse is attempted or committed) (where the offense is sexually motivated) (where the victim is under 18)

Placement of this statute in the Iowa Tier III category meets SORNA's requirements for frequency of appearances. Placement of this statute in the Iowa ten year offender category does not meet SORNA's requirements for duration of registration. This offense involves kidnapping of a minor, which is a Tier III offense under SORNA.

§ 710.4 Kidnapping in the Third Degree (when sexual abuse is attempted or committed) (where the offense is sexually motivated) (where the victim is under 18)

Placement of this statute in the Iowa Tier III category meets SORNA's requirements for frequency of appearances. Placement of this statute in the Iowa lifetime offender category meets SORNA's requirements for duration of registration.

§ 710.3 Kidnapping in the Third Degree (when no sexual abuse is attempted or committed) (where the offense is sexually motivated) (where the victim is under 18)

Placement of this statute in the Iowa Tier III category meets SORNA's requirements for frequency of appearances. Placement of this statute in the Iowa ten year offender category does not meet SORNA's requirements for duration of registration. This offense involves kidnapping of a minor, which is a Tier III offense under SORNA.

§ 710.5 Child Stealing (if sexually motivated)

Placement of this statute in the Iowa Tier III category meets SORNA's requirements for frequency of appearances. In addition, placement of this statute in the ten year offender category does not meet SORNA's requirements for purposes of duration of registration. This offense involves kidnapping of a minor, which is a Tier III offense under SORNA.

§ 713.3(1)(d) Burglary in the First Degree (where the underlying sexual abuse constitutes a Tier III offense)

Placement of this statute in the Iowa Tier III category meets SORNA's requirements for frequency of appearances. Placement of this statute in the Iowa lifetime offender category meets SORNA's requirements for duration of registration.

§ 726.2 Incest (sexual contact with a victim under 13, or a sexual act with a victim between 13 and 17)

Placement of this statute in the Iowa Tier III category meets SORNA's requirements for frequency of appearances. However, placement of this statute in the ten year offender category does not meet SORNA's requirements for purposes of duration of registration. This offense involves sexual contact with a victim under 13, or a sexual act with a victim between 13 and 17, which is a Tier II offense under SORNA.

§ 18 U.S.C. 2241 Aggravated Sexual Abuse

Placement of this statute in the Iowa Tier III category meets SORNA's requirements for frequency of appearances.

§ 18 U.S.C. 2242 Sexual Abuse

Placement of this statute in the Iowa Tier III category meets SORNA's requirements for frequency of appearances.

§ 18 U.S.C. 2243 Sexual Abuse of a Minor or Ward

Placement of this statute in the Iowa Tier III category meets SORNA's requirements for frequency of appearances.

§ 18 U.S.C. 2244 Abusive Sexual Contact (victim under 13)

Placement of this statute in the Iowa Tier III category meets SORNA's requirements for frequency of appearances.

Further Review

In reviewing the statutes that Iowa cited as those that are registerable offenses under Iowa's registration scheme, the SMART office did notice that there are some offenses missing from those statutes for which SORNA requires registration. Those offenses include:

1. § 725.3(1)
2. § 18 U.S.C. 2423(B)

In addition, Iowa registers the following offenses; however, those offenses, without the commission of (or the attempt or conspiracy to commit) a sexual offense, do not require registration under SORNA:

1. § 713
2. § 726 (aside from incest)
3. § 728(2), (3), and (4)
4. § 728.15
5. § 709.3(2) (offender under 14)
6. § 709.4 (offender under 14)
7. § 709.9
8. § 709.18
9. § 709C.1(1)(A)
10. § 709.15 (where the victim is 16 or over)