

## Sex offender laws still evolving

By JOHN SKIPPER, *Of The Globe Gazette*

MASON CITY — “Do something.”

The public outcry for protection against sex offenders is loud and persistent.

It has made its way from the smallest hamlets to the largest city in Iowa and to the Legislature.

Gov. Tom Vilsack says he understands the concern.

“Government’s role is to protect the people and especially the most vulnerable people. The Legislature wants to send the strongest message, and communities want to do the same,” he said.

Vilsack said good government doesn’t happen instantly, it evolves. So it’s not unusual for bills and laws to be approved and then changed or revised over the years.

“There’s never been a perfect bill passed,” he said.

Iowa already has one of the toughest laws in the nation. Those convicted of sexually assaulting a child are restricted from living within 2,000 feet of a school or registered day-care.

That’s about the length of seven football fields laid end to end.

Vilsack said the problem with residency restrictions is that they only control where sex offenders sleep — they don’t control where they are during the day.

He said he favors legislation that would establish “safety zones.”

“Police can’t check where everyone is sleeping, but they can check parks and playgrounds,” said Vilsack.

Many city governments in Iowa, responding to pleas and demands of citizens, are passing their own laws, expanding the restrictions to include parks, bus stops and other public places.

Des Moines passed a residency restriction in September that adds parks, swimming pools, libraries and recreational trails to the 2,000-foot restriction.

North Iowa cities including Kanawha, Marble Rock, Nora Springs and Osage have passed restriction laws. In Plymouth, the City Council instructed City Clerk Sharon Hamrick to provide copies of other

cities' ordinances as council members prepare to draft their own.

The Osage ordinance, passed this month, is similar to the Des Moines ordinance, stating that registered sex offenders cannot live within 2,000 feet of schools, parks, playgrounds, child care facilities, swimming pools, recreational trails and libraries.

But the Osage ordinance exempts sex offenders who are minors and live with their parents or guardian. Also, registered sex offenders who already live within the newly established boundaries are exempt.

Alan Kemp, a director with the Iowa League of Cities in Des Moines, says there is a possibility that politics are smothering common sense.

“This is an issue that has spread like wildfire,” said Kemp. “Well over half of the cities in Iowa have formally considered adopting an ordinance.

“When these ordinances are effectively combined, they essentially banish offenders from the state,” he said.

Because of that, Kemp said he would not be surprised if eventually a court is asked to determine whether the city ordinances are constitutional.

State Sen. Amanda Ragan, D-Mason City, and State Rep. Bill Schickel, R-Mason City, think the Legislature can do more.

Ragan said she thinks actions by the Legislature in 2005 have made children safer. Legislators approved increased penalties for some sex crimes committed against children; electronic monitoring of the most dangerous sex offenders; requiring sex offenders to complete treatment before their release from prison; and specifying better services for victims.

But she said more can be done.

“We need to make sure all sexual offenders are assessed before they are released and returned to society. We need to look at real-time monitoring of sexual offenders and we also need to recognize different levels of severity as we do with other types of crimes — because some individuals on our registry are not stalkers or repeat offenders,” Ragan said.

Schickel said Iowa's sex offender residency restrictions, while well intended, may be making citizens less safe.

He said the law would be strengthened and children would be much better protected by changing from residency requirements to “no trespassing zones” — similar to Vilsack's “safety zones.”

“The ‘no trespassing’ zones would prohibit sex offenders from entering or loitering near schools, day care centers, playgrounds, parks and public libraries,” Schickel said.

He said local law enforcement officials have told him the current law is making it more difficult to keep track of sex offenders because many have gone “underground.”

Vilsack said while the public clamors for action, state and local governments must make sure they provide something other than false hope.

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