

## CHAPTER 444

## PUBLIC OFFENSES BY REPEAT OFFENDERS

H. F. 565

AN ACT establishing a procedure for indictment, trial and sentencing of defendants for public offenses which carry a heavier penalty because of prior convictions.

*Be It Enacted by the General Assembly of the State of Iowa:*

1 SECTION 1. Section seven hundred forty-seven point one (747.1),  
2 Code 1962, is hereby amended by striking from line sixteen (16)  
3 through line eighteen (18) the words “, provided such former judg-  
4 ments shall be referred to in the indictment, stating the court, date  
5 and place of rendition”.

1 SEC. 2. Section seven hundred forty-seven point two (747.2), Code  
2 1962, is hereby amended by striking from line seven (7) through line  
3 nine (9) the words “, provided such former judgments shall be re-  
4 ferred to in the indictment, stating the court, date and place of ren-  
5 dition”.

1 SEC. 3. Chapter seven hundred sixty-nine (769), Code 1962, is  
2 hereby amended by adding after section seven hundred sixty-nine  
3 point five (769.5) the following section:

4 “If the offense charged is one for which the defendant, if convicted,  
5 will be subject by reason of the Code, to an increased penalty because  
6 of prior convictions, the allegation of such convictions, if any, shall be  
7 contained in the (information). A supplemental (information) shall  
8 be prepared for the purpose of trial of the facts of the current offense  
9 only, and shall satisfy all pertinent requirements of the Code, except  
10 that it shall make no mention, directly or indirectly, of the allegation  
11 of the prior convictions, and shall be the only information read or  
12 otherwise presented to the jury prior to conviction of the current  
13 offense. The effect of this section shall be to alter the procedure for  
14 trying, in one criminal proceeding, the offenses appropriate to its  
15 provisions, and not to alter in any manner the basic elements of an  
16 offense as provided by law.”

1 SEC. 4. Chapter seven hundred seventy-three (773), Code 1962, is  
2 hereby amended by adding after section seven hundred seventy-three  
3 point two (773.2) the following section:

4 “If the offense charged is one for which the defendant, if convicted,  
5 will be subject by reason of the Code, to an increased penalty because  
6 of prior convictions, the allegation of such convictions, if any, shall be  
7 contained in the (indictment). A supplemental (indictment) shall be  
8 prepared for the purpose of trial of the facts of the current offense  
9 only, and shall satisfy all pertinent requirements of the Code, except  
10 that it shall make no mention, directly or indirectly, of the allegation  
11 of the prior convictions, and shall be the only indictment read or  
12 otherwise presented to the jury prior to conviction of the current  
13 offense. The effect of this section shall be to alter the procedure for  
14 trying, in one criminal proceeding, the offenses appropriate to its  
15 provisions, and not to alter in any manner the basic elements of an  
16 offense as provided by law.”

1 SEC. 5. Chapter seven hundred eighty-five (785), Code 1962, is  
 2 hereby amended by adding after section seven hundred eighty-five  
 3 point fifteen (785.15) the following section:

4 "After conviction, but prior to pronouncement of sentence, if the  
 5 indictment alleges one or more prior convictions which by the Code,  
 6 subject the offender to an increased sentence, he shall have the oppor-  
 7 tunity in open court to affirm or deny that he is identical with the  
 8 person previously convicted. If he denies the identity, sentence shall  
 9 be postponed for such time as to permit a trial before a jury on the  
 10 sole issue of the offender's identity with the person previously con-  
 11 victed.

12 The court may in its discretion reconvene the jury which heard the  
 13 current offense or dismiss that jury and submit the issue of identity  
 14 to another jury to be later impaneled. If the offender is found by the  
 15 jury to be the person previously convicted, or if he acknowledges that  
 16 he is such person, he shall be sentenced as prescribed in the Code."

1 SEC. 6. Section seven hundred eighty point five (780.5), subsec-  
 2 tion one (1), Code 1962, is hereby amended by adding in line two (2)  
 3 after the word "indictment" the following:

4 "or, the supplemental indictment as required under the provisions  
 5 of the Code."

1 SEC. 7. Section seven hundred sixty-two point three (762.3), Code  
 2 1962, is hereby amended by adding a new subsection four (4) as fol-  
 3 lows:

4 "4. The provisions of section three (3) of this Act shall be appli-  
 5 cable to the prosecution before a justice of the peace of cases within  
 6 its jurisdiction."

1 SEC. 8. Section six hundred three point eleven (603.11), Code  
 2 1962, is hereby amended by striking after the word "prescribe" in line  
 3 four (4) the period (.) and inserting in lieu thereof the words:

4 "and the provisions of section three (3) of this Act shall be appli-  
 5 cable to all such actions."

Approved May 24, 1965.

## CHAPTER 445

### CRIMINAL DETAINERS COMPACT

#### S. F. 445

AN ACT relating to criminal procedure; to adopt the agreement on detainers and provide for implementation thereof.

*Be It Enacted by the General Assembly of the State of Iowa:*

1 SECTION 1. The agreement on detainers is hereby enacted into  
 2 law and entered into by this state with all other jurisdictions legally  
 3 joining therein in the form substantially as follows:

4 The contracting states solemnly agree that: