

908.6 APPEAL OR REVIEW.

The order of the parole revocation officer shall become the final decision of the board of parole unless, within the time provided by rule, the parole violator appeals the decision or a panel of the board reviews the decision on its own motion. On appeal or review of the parole revocation officer's decision, the board panel has all the power which it would have in initially making the revocation hearing decision. The appeal or review shall be conducted pursuant to rules adopted by the board of parole. The record on appeal or review shall be the record made at the parole revocation hearing conducted by the parole revocation officer.

Sec. 12. Section 908.7, Code 1987, is amended by striking the section and inserting in lieu thereof the following:

908.7 WAIVER OF PAROLE REVOCATION HEARING.

The alleged parole violator may waive the parole revocation hearing, in which event the parole revocation officer shall proceed to determine the disposition of the matter. The parole revocation officer shall dispose of the case as provided in section 908.4. The parole revocation officer shall make a verbatim record of the proceedings. The waiver proceeding may be conducted electronically.

Sec. 13. Section 908.9, Code 1987, is amended to read as follows:

908.9 DISPOSITION OF VIOLATOR.

If the parole of a parole violator is revoked, the violator shall remain in the custody of the Iowa department of corrections under the terms of the parolee's original commitment. If the parole of a parole violator is not revoked, the board parole revocation officer or board panel shall order the person's release subject to the terms of the person's parole with any modifications that the board parole revocation officer or board panel determines proper.

Sec. 14. Section 908.10, Code 1987, is amended to read as follows:

908.10 CONVICTION OF OTHER OFFENSE AS VIOLATION.

When the alleged violation consists of a conviction of a public offense in this or any other state, ~~such~~ the conviction shall be proved by a certified copy of the judgment of conviction, together with evidence that the alleged violator is the person against whom the judgment was rendered. Neither the ~~liaison officer, court,~~ parole revocation officer nor board of parole the board panel shall retry the facts underlying such conviction.

Sec. 15. Section 908.8, Code 1987, is repealed.

Approved April 26, 1988

CHAPTER 1092**JURISDICTION OF MAGISTRATES***S.F. 2063*

AN ACT relating to the jurisdiction of magistrates, and providing an effective date.

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

Section 1. Section 602.6405, subsection 1, Code Supplement 1987, is amended by striking the subsection and inserting in lieu thereof the following:

1. Magistrates have jurisdiction of simple misdemeanors, including traffic and ordinance violations, and preliminary hearings, search warrant proceedings, county and municipal infractions, and small claims. They also have jurisdiction to exercise the powers specified in sections 644.2 and 644.12, and to hear complaints or preliminary informations, issue warrants, order arrests, make commitments, and take bail. They also have jurisdiction over violations of section 123.47 and section 123.49, subsection 2, paragraph "h".

Sec. 2. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved April 26, 1988

CHAPTER 1093
DISORDERLY CONDUCT
S.F. 2091

AN ACT relating to the offense of disorderly conduct and making a penalty applicable.

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

Section 1. Section 723.4, subsection 2, Code 1987, is amended to read as follows:

2. Makes loud and raucous noise in the vicinity of any residence or ~~hospital~~ public building which causes unreasonable distress to the occupants thereof.

Approved April 26, 1988

CHAPTER 1094
JUDICIAL NOMINATING COMMISSION EXPENSES
S.F. 2257

AN ACT relating to expenses for the state judicial nominating commission.

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

Section 1. NEW SECTION. 46.26 JUDICIAL NOMINATING COMMISSION EXPENSES AND COMPENSATION.

Members of the state judicial nominating commission and the district judicial nominating commissions are entitled to be reimbursed for actual and necessary expenses incurred in the performance of their duties as commissioners for each day spent attending commission meetings or training sessions called by the chairperson. Expenses shall be paid from funds appropriated to the judicial department for this purpose.

Approved April 26, 1988