

Judiciary 4/0

Senate File 450
Judiciary
Carr, Chairman
Kelly
Doderer

FILED APR 9 1975

SENATE FILE 450

By KELLY and DODERER

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the use of probation by the court.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section seven hundred eighty-nine A point two
2 (789A.2), unnumbered paragraph one (1), Code 1975, is amended
3 to read as follows:

4 The length of the probation shall be for such term as the
5 court may fix but not to exceed five years if the offense
6 is a felony or not to exceed two years if the offense is a
7 misdemeanor, ~~unless the person is ordered placed under the~~
8 ~~supervision of the chief parole officer, in which case the~~
9 ~~term of probation shall be determined by the board of parole~~
10 ~~and the probation of the defendant shall be supervised by~~
11 ~~the chief parole officer.~~

12 Sec. 2. Section seven hundred eighty-nine A point six
13 (789A.6), Code 1975, is amended to read as follows:

14 789A.6 DISCHARGE FROM PROBATION. At any time that the
15 court determines that the purposes of probation have been
16 fulfilled, the court may order the discharge of any person
17 from probation. At the expiration of the period of probation,
18 ~~in cases where the court fixes the term of probation,~~ the
19 court shall order the discharge of such person from probation,
20 and the court shall forward to the governor a recommendation
21 for or against restoration of citizenship rights to such
22 person. A person who has been discharged from probation shall
23 no longer be held to answer for his offense. Upon discharge
24 from probation, if judgment has been deferred under section
25 789A.1, the court's criminal record with reference to the
26 deferred judgment shall be expunged. The record maintained
27 by the supreme court administrator required by section 789A.1
28 shall not be expunged. The court's record shall never be
29 expunged in any other circumstances except as provided in
30 section 602.15.

31 EXPLANATION

32 This bill provides that when a probationer is placed under
33 the supervision of the chief probation officer the authority
34 to set the length of probation shall be with the court and
35 not the board of parole.

LSB 411
be/rh/31