

FILED MAR 02 1987

SENATE FILE 300  
BY COMMITTEE ON JUDICIARY  
(formerly SSB 150)  
*Approval (p. 5/5)*

Passed Senate, Date 3-12-87 (p. 653) Passed House, Date \_\_\_\_\_  
Vote: Ayes 40 Nays 0 Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

- 1 An Act relating to procedures upon violation of probation when
- 2 the probationer is supervised within this state pursuant to
- 3 the interstate probation and parole compact.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

SENATE FILE 301

S-3170

- 1 Amend Senate File 301 as follows:
- 2 1. Page 1, line 4, by inserting after the word
- 3 "for" the following: "perishable products, stored in
- 4 Iowa-made refrigerators, and".
- 5 2. Page 1, line 15, by inserting after the word
- 6 "state." the following: "Next to the computer would
- 7 be located a VCR player displaying a video of the most
- 8 recent Iowa general assembly."
- 9 3. Page 1, line 17, by inserting after the word
- 10 "state." the following: "All reservations shall be
- 11 guaranteed and if the reservations are not honored the
- 12 participating business commits a simple misdemeanor."
- 13 4. Page 1, line 19, by inserting after the word
- 14 "shops." the following: "All signs shall be made
- 15 through prison industries in the colors pink and
- 16 blue."
- 17 5. Page 1, line 29, by inserting after the word
- 18 "size" the following: ", the parking lot shall be at
- 19 least four acres in size covered by at least twelve
- 20 inches of concrete,".
- 21 6. Page 1, line 32, by inserting after the word
- 22 "buildings" the following: "and parking lots".

S-3170

Filed March 16, 1987

BY JIM LIND

1 Section 1. Section 908.11, Code 1987, is amended to read  
2 as follows:

3 908.11 VIOLATION OF PROBATION.

4 A probation officer or the judicial district department of  
5 correctional services having probable cause to believe that  
6 any person released on probation has violated the conditions  
7 of probation shall proceed by arrest or summons as in the case  
8 of a parole violation. The functions of the liaison officer  
9 and the board of parole shall be performed by the judge or  
10 magistrate who placed the alleged violator on probation if  
11 that judge or magistrate is available, otherwise by another  
12 judge or magistrate who would have had jurisdiction to try the  
13 original offense. If the probationer is being supervised  
14 within this state pursuant to the interstate probation and  
15 parole compact, the judge in the county where the alleged  
16 probation violation occurred shall issue the warrants and  
17 conduct the initial appearance and probable cause hearing, and  
18 if the judge finds probable cause, the probationer along with  
19 the transcript of the probable cause hearing shall be returned  
20 to the court of original jurisdiction. If the probation  
21 officer proceeds by arrest, any magistrate may receive the  
22 complaint, issue an arrest warrant, or conduct the initial  
23 appearance and probable cause hearing if it is not convenient  
24 for the judge who placed the alleged violator on probation to  
25 do so. The initial appearance, probable cause hearing, and  
26 probation revocation hearing, or any of them, may at the  
27 discretion of the court be merged into a single hearing when  
28 it appears that the alleged violator will not be prejudiced  
29 thereby. If the violation is established, the court may  
30 continue the probation with or without an alteration of the  
31 conditions of probation. If the defendant is an adult the  
32 court may hold the defendant in contempt of court and sentence  
33 the defendant to a jail term while continuing the probation,  
34 or may revoke the probation and require the defendant to serve  
35 the sentence imposed or any lesser sentence, and, if

1 imposition of sentence was deferred, may impose any sentence  
2 which might originally have been imposed.

3 EXPLANATION

4 This bill relates to procedures upon violation of  
5 probation. It provides that when the probationer is being  
6 supervised in Iowa pursuant to the interstate probation and  
7 parole compact (chapter 907A of the Code), the judge in the  
8 county of the alleged violation conducts the probable cause  
9 hearing and must return the probationer to the court of  
10 original jurisdiction if probable cause is found.

11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35

SSB #150  
Judiciary  
Amended  
SF 300

SENATE/HOUSE FILE \_\_\_\_\_  
BY (PREFILED DEPARTMENT OF  
CORRECTIONS BILL)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

A BILL FOR

1 An Act relating to procedures upon violation of probation when  
2 the probationer is supervised within this state pursuant to  
3 the interstate probation and parole compact.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

SUB COMMITTEE ASSIGNMENTS  
CHAIR: *Frause*  
COMMITTEE: *Judiciary*  
*2/26/87*

1 Section 1. Section 908.11, Code 1987, is amended to read  
2 as follows:

3 908.11 VIOLATION OF PROBATION.

4 A probation officer or the judicial district department of  
5 correctional services having probable cause to believe that  
6 any person released on probation has violated the conditions  
7 of probation shall proceed by arrest or summons as in the case  
8 of a parole violation. The functions of the liaison officer  
9 and the board of parole shall be performed by the judge or  
10 magistrate who placed the alleged violator on probation if  
11 that judge or magistrate is available, otherwise by another  
12 judge or magistrate who would have had jurisdiction to try the  
13 original offense. If the probationer is being supervised  
14 within this state pursuant to the interstate probation and  
15 parole compact, the judge in the county where the alleged  
16 probation violation occurred shall issue the warrants and  
17 conduct the initial appearance and probable cause hearing, and  
18 if the judge finds probable cause, the probationer along with  
19 the transcript of the probable cause hearing shall be returned  
20 to the court of original jurisdiction. If the probation  
21 officer proceeds by arrest, any magistrate may receive the  
22 complaint, issue an arrest warrant, or conduct the initial  
23 appearance and probable cause hearing if it is not convenient  
24 for the judge who placed the alleged violator on probation to  
25 do so. The initial appearance, probable cause hearing, and  
26 probation revocation hearing, or any of them, may at the  
27 discretion of the court be merged into a single hearing when  
28 it appears that the alleged violator will not be prejudiced  
29 thereby. If the violation is established, the court may  
30 continue the probation with or without an alteration of the  
31 conditions of probation. If the defendant is an adult the  
32 court may hold the defendant in contempt of court and sentence  
33 the defendant to a jail term while continuing the probation,  
34 or may revoke the probation and require the defendant to serve  
35 the sentence imposed or any lesser sentence, and, if

1 imposition of sentence was deferred, may impose any sentence  
2 which might originally have been imposed.

3 EXPLANATION

4 This bill relates to procedures upon violation of  
5 probation. It provides that when the probationer is being  
6 supervised in Iowa pursuant to the interstate probation and  
7 parole compact (chapter 907A of the Code), the judge in the  
8 county of the alleged violation conducts the probable cause  
9 hearing and must return the probationer to the court of  
10 original jurisdiction if probable cause is found.

11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35