

*The Judiciary 3/27/87*

Senate File 422 (Reassigned)

Judiciary and Law Enforcement: Jay, Chair; Carpenter and Poncey.

FILED MAR 16 1987

SENATE FILE 422  
BY COMMITTEE ON JUDICIARY  
*(formerly SSB 91)*  
*(Approved 3/12 (p. 717))*

Passed Senate, Date 3-23-87 (p. 855) Passed House, Date \_\_\_\_\_  
Vote: Ayes 46 Nays 0 Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

A BILL FOR

1 An Act relating to presentence investigations.  
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

*SF 422*

1 Section 1. Section 901.2, unnumbered paragraph 1, Code  
2 1987, is amended to read as follows:

3 Upon a plea of guilty, a verdict of guilty, or a special  
4 verdict upon which a judgment of conviction of any public  
5 offense may be rendered, the court shall receive from the  
6 state, from the judicial district department of correctional  
7 services, and from the defendant any information which may be  
8 offered which is relevant to the question of sentencing. The  
9 court may consider information from other sources. The court  
10 shall order and shall not waive a presentence investigation  
11 when if the offense is a class "B," class "C," or class "D"  
12 felony or if the offense is a violation of section 321.561,  
13 321J.2, 708.2, subsection 1, 709.11, 709.12, 712.4, or 724.26.  
14 ~~A presentence investigation for a class "B," class "C," or~~  
15 ~~class "D" felony shall not be waived.~~ The court may order,  
16 with the consent of the defendant, that the presentence  
17 investigation begin ~~prior to the acceptance of a plea of~~  
18 ~~guilty,~~ or prior to a verdict of guilty. The court may order  
19 a presentence investigation when if the offense is an  
20 aggravated or serious misdemeanor.

21 Sec. 2. Section 901.3, Code 1987, is amended by adding the  
22 following new unnumbered paragraph:

23 NEW UNNUMBERED PARAGRAPH. The requirement for a  
24 presentence investigation report under section 901.2 for  
25 violations of section 321J.2 may be satisfied by an  
26 investigation conducted under this section, by an intake  
27 interview with the defendant upon arrest and the defendant's  
28 criminal record or by material submitted by the defendant as  
29 ordered by the court.

30 Sec. 3. The supreme court shall amend rule 9 of the rules  
31 of criminal procedure to discontinue the practice of pre-plea  
32 presentence investigations.

33 EXPLANATION

34 This bill makes presentence investigations mandatory for  
35 the crimes of operating a motor vehicle while intoxicated,

1 operating a motor vehicle while barred as an habitual  
2 offender, assault with intent to inflict serious injury,  
3 assault with intent to commit sexual abuse, indecent contact  
4 with a child, third degree arson, and possession of firearms  
5 as a felon. The bill allows a presentence investigation  
6 report for an operating a motor vehicle while intoxicated  
7 charge to be conducted by one of three alternative methods.  
8 The bill also removes the authorization for pre-plea  
9 presentence investigations.

10  
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 # 91  
Judiciary

*and*  
*SF 422*

SENATE FILE \_\_\_\_\_

BY (PROPOSED COMMITTEE ON JUDICIARY  
BILL)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_

Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Approved \_\_\_\_\_

A BILL FOR

1 An Act relating to presentence investigations.

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

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

SUB COMMITTEE ASSIGNMENTS

CHAIR: *Varn*

COMMITTEE: *Judiciary*

*2/10/87*

1 Section 1. Section 901.2, unnumbered paragraph 1, Code  
2 1987, is amended to read as follows:

3 Upon a plea of guilty, a verdict of guilty, or a special  
4 verdict upon which a judgment of conviction of any public  
5 offense may be rendered, the court shall receive from the  
6 state, from the judicial district department of correctional  
7 services, and from the defendant any information which may be  
8 offered which is relevant to the question of sentencing. The  
9 court may consider information from other sources. The court  
10 shall order and shall not waive a presentence investigation  
11 when if the offense is a class "B," class "C," or class "D"  
12 felony or if the offense is a violation of section 321.561,  
13 321J.2, 708.2, subsection 1, 709.11, 709.12, 712.4, or 724.26.  
14 ~~A-presentence-investigation-for-a-class-"B-"-class-"C-"-or~~  
15 ~~class-"D"-felony-shall-not-be-waived.~~ The court may order,  
16 with the consent of the defendant, that the presentence  
17 investigation begin ~~prior-to-the-acceptance-of-a-plea-of~~  
18 ~~guilty,~~ or prior to a verdict of guilty. The court may order  
19 a presentence investigation when if the offense is an  
20 aggravated or serious misdemeanor.

21 Sec. 2. The supreme court shall amend rule 9 of the rules  
22 of criminal procedure to discontinue the practice of pre-plea  
23 presentence investigations.

24 EXPLANATION

25 This bill makes presentence investigations mandatory for  
26 the crimes of operating a motor vehicle while intoxicated,  
27 operating a motor vehicle while barred as an habitual  
28 offender, assault with intent to inflict serious injury,  
29 assault with intent to commit sexual abuse, indecent contact  
30 with a child, third degree arson, and possession of firearms  
31 as a felon. The bill also removes the authorization for pre-  
32 plea presentence investigations.

33

34

35