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FILED APR 12 1989

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Dopress 4-14-89
(p.1462)

SENATE FILE 519
BY HUTCHINS and HULTMAN

Passed Senate, Date 4-24-89 (p.1612) Passed House, Date _____
Vote: Ayes 48 Nays 0 Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the chairperson of the board of parole and the
2 board of parole.

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

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SENATE FILE 519

S-3844

1 Amend Senate File 519, as follows:
2 1. Page 2, by striking lines 1 and 2 and
3 inserting the following: "procedures relating to the
4 board of parole's statutory authority, subject to the
5 approval".

By BOB M. CARR

S-3844 FILED APRIL 20, 1989
adopted 4-24-89 (p.1611)

519

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1 Section 1. Section 904A.1, Code 1989, is amended to read
2 as follows:

3 904A.1 BOARD OF PAROLE

4 The board of parole is created to consist of five members,
5 three members who shall devote their full time to the parole
6 and work release system and two members who shall be part-
7 time. Each member shall serve a term of four years beginning
8 and ending as provided by section 69.19, except appointments
9 to fill vacancies who shall serve for the balance of the
10 unexpired term. ~~The chairperson of the board shall be elected~~
11 ~~by the members of the board to a term of one year and may~~
12 ~~serve more than one term consecutively.~~ A majority of the
13 members of the board constitutes a quorum to transact
14 business.

15 Sec. 2. Section 904A.4, Code 1989, is amended by adding
16 the following new subsection:

17 NEW SUBSECTION. 10. The board shall provide data and
18 other appropriate information to the executive branch
19 regarding executive branch proposals relating to utilization
20 of prison space and capital projects concerning prisons.

21 Sec. 3. NEW SECTION. 904A.5A CHAIRPERSON -- DESIGNATION,
22 DUTIES, AND POWERS.

23 1. The governor shall designate one of the full-time
24 members of the board of parole as the chairperson. The
25 chairperson shall serve at the pleasure of the governor. The
26 chairperson shall be the administrator of the board of parole.

27 2. The chairperson shall:

28 a. Act as the board of parole's liaison with the governor
29 regarding executive clemency, parole, work release of inmates,
30 prison bed expansion, and utilization of prison space.

31 b. Direct, supervise, evaluate, and assign the day-to-day
32 administration of the board of parole.

33 c. Supervise and monitor parole revocations and appeals.

34 d. Supervise final work release revocation case reviews.

35 e. Supervise the development of rules, policies, and

3841 procedures relating to the supervision of executive clemency,
2 parole, and work release of inmates, subject to the approval
3 of the board of parole.

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EXPLANATION

5 This bill modifies provisions relating to the chairperson
6 of the board of parole. The bill provides that the
7 chairperson is appointed by the governor, and shall serve as
8 the administrator of the board. The chairperson is authorized
9 to perform various functions and duties.

10 The board of parole is authorized to provide information to
11 the executive branch regarding executive branch proposals
12 relating to utilization of prison space and capital projects
13 concerning prisons.

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SENATE FILE 519
FISCAL NOTE

A fiscal note for SENATE FILE 519 is hereby submitted pursuant to Joint Resolution 17. Data used in developing this fiscal note is available from the Legislative Fiscal Bureau to members of the Legislature upon request.

Senate File 519 modifies provisions relating to the Chairperson of the Board of Parole. Senate File 519 provides that the Chairperson is appointed by the Governor, and serves as the Administrator of the Board. Senate File 519 requires the Board to provide information to the Executive Branch regarding Executive Branch proposals relating to the use of prison space and capital projects concerning prisons.

There is no fiscal impact of Senate File 519.

Source: Department of Management

(LSB 4212xs, BAL)

FILED APRIL 24, 1989

BY DENNIS PROUTY, FISCAL DIRECTOR

1 Section 1. Section 904A.1, Code 1989, is amended to read
2 as follows:

3 904A.1 BOARD OF PAROLE

4-4 The board of parole is created to consist of five members,
5 three members who shall devote their full time to the parole
6 and work release system and two members who shall be part-
7 time. Each member shall serve a term of four years beginning
8 and ending as provided by section 69.19, except appointments
9 to fill vacancies who shall serve for the balance of the
10 unexpired term. ~~The chairperson of the board shall be elected~~
11 ~~by the members of the board to a term of one year and may~~
12 ~~serve more than one term consecutively.~~ A majority of the
13 members of the board constitutes a quorum to transact
14 business.

15 Sec. 2. Section 904A.4, Code 1989, is amended by adding
16 the following new subsection:

17 NEW SUBSECTION. 10. The board shall provide data and
18 other appropriate information to the executive branch
19 regarding executive branch proposals relating to utilization
20 of prison space and capital projects concerning prisons.

21 Sec. 3. NEW SECTION. 904A.5A CHAIRPERSON -- DESIGNATION,
22 DUTIES, AND POWERS.

23 1. The governor shall designate one of the full-time
24 members of the board of parole as the chairperson. The
25 chairperson shall serve at the pleasure of the governor. The
26 chairperson shall be the administrator of the board of parole.

27 2. The chairperson shall:

28 a. Act as the board of parole's liaison with the governor
29 regarding executive clemency, parole, work release of inmates,
30 prison bed expansion, and utilization of prison space.

31 b. Direct, supervise, evaluate, and assign the day-to-day
32 administration of the board of parole.

33 c. Supervise and monitor parole revocations and appeals.

34 d. Supervise final work release revocation case reviews.

35 e. Supervise the development of rules, policies, and

1 procedures relating to the board of parole's statutory
2 authority, subject to the approval of the board of parole.

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SENATE FILE 519

H-4219

1 Amend Senate File 519, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. By striking page 1, line 4, through page 2,
4 line 2, and inserting the following:

5 "The board of parole is created to consist of five
6 members; ~~three members who shall devote their full~~
7 ~~time to the parole and work release system and two~~
8 ~~members who shall be part-time.~~ Each member shall be
9 compensated on a day-to-day basis. Each member shall
10 serve a term of ~~four~~ five years beginning and ending
11 ~~as provided by section 69:19~~ July 1, except
12 appointments for members appointed to fill vacancies
13 who shall serve for the balance of the unexpired term.
14 The terms shall be staggered. The chairperson of the
15 ~~board shall be elected by the members of the board to~~
16 ~~a term of one year and may serve more than one term~~
17 ~~consecutively~~ devote at least fifty percent of the
18 chairperson's time to board duties and business. A
19 majority of the members of the board constitutes a
20 quorum to transact business.

21 Sec. ____ . Section 904A.3, Code 1989, is amended to
22 read as follows:

23 904A.3 APPOINTMENT TO BOARD OF PAROLE.

24 The governor shall appoint the chairperson and
25 other members of the board of parole, subject to
26 confirmation by the senate. The chairperson shall
27 serve at the pleasure of the governor. Vacancies
28 shall be filled in the same manner as regular
29 appointments are made.

30 Sec. ____ . Section 904A.4, Code 1989, is amended by
31 striking the section and inserting in lieu thereof the
32 following:

33 904A.4 DUTIES OF THE BOARD OF PAROLE.

34 1. The board of parole shall interview and
35 consider inmates for parole and work release and a
36 majority vote of the members is required to grant a
37 parole or work release.

38 2. The board of parole shall interview inmates
39 according to administrative rules adopted by the
40 board.

41 3. The board of parole shall gather and review
42 information regarding new parole and work release
43 programs being instituted or considered nationwide and
44 determine which programs may be useful for this state.
45 The board shall review the current parole and work
46 release programs and procedures used in this state on
47 an annual basis.

48 4. The board of parole shall increase utilization
49 of data processing and computerization to assist in
50 the orderly conduct of the parole and work release

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Page 2

1 system.

2 5. The board of parole shall conduct such studies
3 of the parole and work release system as are requested
4 by the governor and the general assembly.

5 6. The board of parole shall provide technical
6 assistance and counseling related to the board's
7 purposes to public and private entities.

8 7. The board of parole shall review and make
9 recommendations to the governor regarding all
10 applications for reprieves, pardons, commutation of
11 sentences, remission of fines or forfeitures, or
12 restoration of citizenship rights as required by
13 chapter 248A.

14 8. The board of parole shall implement a risk
15 assessment program which shall provide risk assessment
16 analysis for the board.

17 Sec. ____ . NEW SECTION. 904A.4A CHAIRPERSON OF
18 THE BOARD OF PAROLE -- DUTIES.

19 The chairperson of the board of parole shall do all
20 of the following:

21 1. Act as the board's liaison with the governor
22 regarding executive clemency, parole, and work release
23 matters.

24 2. Direct, supervise, evaluate, and assign the
25 day-to-day administration of the board of parole.

26 3. Supervise and monitor parole revocations and
27 appeals.

28 4. Supervise final work release revocation case
29 reviews.

30 5. Supervise the development of rules, policies,
31 and procedures, subject to the approval of the board,
32 in cooperation with the department of corrections,
33 pertaining to the supervision of executive clemency,
34 parole, and work release.

35 6. Supervise the development of long-range parole
36 and work release planning.

37 Sec. ____ . NEW SECTION. 904A.4B EXECUTIVE
38 DIRECTOR OF THE BOARD OF PAROLE -- DUTIES.

39 The chief administrative officer of the board of
40 parole shall be the executive director. The executive
41 director shall be appointed by the chairperson,
42 subject to the approval of the board and shall serve
43 at the pleasure of the board. The executive director
44 shall do all of the following:

45 1. Advise the board on matters relating to parole,
46 work release, and executive clemency, and advise the
47 board on matters involving automation and word
48 processing.

49 2. Carry out all directives of the board.

50 3. Hire and supervise all of the board's staff

1 pursuant to the provisions of chapter 19A.

2 4. Act as the board's liaison with the general
3 assembly.

4 5. Prepare a budget for the board, subject to the
5 approval of the board, and prepare all other reports
6 required by law.

7 6. Develop long-range parole and work release
8 planning, in cooperation with the department of
9 corrections.

10 Sec. _____. Section 904A.5, Code 1989, is amended to
11 read as follows:

12 904A.5 ADMINISTRATION OF BOARD OF PAROLE.

13 The chairperson of the board of parole is
14 responsible directly to the governor. The board of
15 parole is attached to the department of corrections
16 for routine administrative and support services only.
17 ~~The board of parole shall appoint an executive~~
18 ~~secretary and employ a clerical staff sufficient to~~
19 ~~carry on the necessary duties of the board. The board~~
20 ~~shall also employ personnel to serve as liaisons~~
21 ~~between the board, inmates, and staff at the state's~~
22 ~~penal and correctional facilities and to perform other~~
23 ~~duties designated by the board. The board shall~~
24 ~~submit to the director of the department of management~~
25 ~~an estimate of the funds needed for salaries,~~
26 ~~maintenance, and supplies as provided in section 8,23.~~

27 Sec. _____. Section 904A.6, Code 1989, is amended to
28 read as follows:

29 904A.6 SALARIES AND EXPENSES.

30 Each member of the board shall be paid a salary per
31 diem as determined by the general assembly. Each
32 member of the board, ~~the executive secretary,~~ and all
33 employees are entitled to receive, in addition to
34 their per diem or salary, their necessary maintenance
35 and travel expenses while engaged in official
36 business.

37 Sec. _____. Section 908.4, unnumbered paragraph 1,
38 Code 1989, is amended to read as follows:

39 The parole revocation hearing shall be conducted by
40 a parole revocation officer who is an attorney
41 ~~appointed pursuant to section 904A.5.~~ The revocation
42 hearing shall determine the following:

43 Sec. 100. TRANSITION -- TERMS OF BOARD MEMBERS.

44 The terms of all persons serving on the board of
45 parole on June 30, 1989, expire on that date.
46 Notwithstanding the five-year term specified in
47 section 904A.1, appointments of the new members of the
48 board of parole shall be as follows:

49 1. One member to serve from July 1, 1989, to June
50 30, 1990.

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- 1 2. One member to serve from July 1, 1989, to June
2 30, 1991.
- 3 3. One member to serve from July 1, 1989, to June
4 30, 1992.
- 5 4. One member to serve from July 1, 1989, to June
6 30, 1993.
- 7 5. One member to serve from July 1, 1989, to June
8 30, 1994.
- 9 Thereafter, all appointments shall be for five-year
10 terms.
- 11 Sec. ____ . Section 904A.7, Code 1989, is repealed.
- 12 Sec. ____ . Section 100 of this Act takes effect
13 June 30, 1989."
- 14 2. Title page, by striking lines 1 and 2 and
15 inserting the following: "An Act restructuring the
16 board of parole and providing an effective date."
- 17 3. By renumbering as necessary.

By HALVORSON of Clayton

H-4219 FILED APRIL 25, 1989

Adopted 4-26-89 (p.1971)

HOUSE AMENDMENT TO
SENATE FILE 519

S-3983

1 Amend Senate File 519, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. By striking page 1, line 4, through page 2,
4 line 2, and inserting the following:

4663 5 "The board of parole is created to consist of five
6 members, ~~three members who shall devote their full~~
7 ~~time to the parole and work release system and two~~
8 ~~members who shall be part-time.~~ Each member shall be
9 compensated on a day-to-day basis. Each member shall
10 serve a term of ~~four~~ five years beginning and ending
11 ~~as provided by section 69-19~~ July 1, except
12 ~~appointments for members appointed to fill vacancies~~
13 who shall serve for the balance of the unexpired term.
14 The terms shall be staggered. The chairperson of the
15 ~~board shall be elected by the members of the board to~~
16 ~~a term of one year and may serve more than one term~~
17 ~~consecutively~~ devote at least fifty percent of the
18 chairperson's time to board duties and business. A
19 majority of the members of the board constitutes a
20 quorum to transact business.

21 Sec. ____ . Section 904A.3, Code 1989, is amended to
22 read as follows:

23 904A.3 APPOINTMENT TO BOARD OF PAROLE.

24 The governor shall appoint the chairperson and
25 other members of the board of parole, subject to
26 confirmation by the senate. The chairperson shall
27 serve at the pleasure of the governor. Vacancies
28 shall be filled in the same manner as regular
29 appointments are made.

30 Sec. ____ . Section 904A.4, Code 1989, is amended by
31 striking the section and inserting in lieu thereof the
32 following:

33 904A.4 DUTIES OF THE BOARD OF PAROLE.

34 1. The board of parole shall interview and
35 consider inmates for parole and work release and a
36 majority vote of the members is required to grant a
37 parole or work release.

38 2. The board of parole shall interview inmates
39 according to administrative rules adopted by the
40 board.

41 3. The board of parole shall gather and review
42 information regarding new parole and work release
43 programs being instituted or considered nationwide and
44 determine which programs may be useful for this state.
45 The board shall review the current parole and work
46 release programs and procedures used in this state on
47 an annual basis.

48 4. The board of parole shall increase utilization
49 of data processing and computerization to assist in
50 the orderly conduct of the parole and work release

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1 system.

2 5. The board of parole shall conduct such studies
3 of the parole and work release system as are requested
4 by the governor and the general assembly.

5 6. The board of parole shall provide technical
6 assistance and counseling related to the board's
7 purposes to public and private entities.

8 7. The board of parole shall review and make
9 recommendations to the governor regarding all
10 applications for reprieves, pardons, commutation of
11 sentences, remission of fines or forfeitures, or
12 restoration of citizenship rights as required by
13 chapter 248A.

14 8. The board of parole shall implement a risk
15 assessment program which shall provide risk assessment
16 analysis for the board.

17 Sec. ____ . NEW SECTION. 904A.4A CHAIRPERSON OF
18 THE BOARD OF PAROLE -- DUTIES.

19 The chairperson of the board of parole shall do all
20 of the following:

21 1. Act as the board's liaison with the governor
22 regarding executive clemency, parole, and work release
23 matters.

24 2. Direct, supervise, evaluate, and assign the
25 day-to-day administration of the board of parole.

26 3. Supervise and monitor parole revocations and
27 appeals.

28 4. Supervise final work release revocation case
29 reviews.

30 5. Supervise the development of rules, policies,
31 and procedures, subject to the approval of the board,
32 in cooperation with the department of corrections,
33 pertaining to the supervision of executive clemency,
34 parole, and work release.

35 6. Supervise the development of long-range parole
36 and work release planning.

37 Sec. ____ . NEW SECTION. 904A.4B EXECUTIVE
38 DIRECTOR OF THE BOARD OF PAROLE -- DUTIES.

39 The chief administrative officer of the board of
40 parole shall be the executive director. The executive
41 director shall be appointed by the chairperson,
42 subject to the approval of the board and shall serve
43 at the pleasure of the board. The executive director
44 shall do all of the following:

45 1. Advise the board on matters relating to parole,
46 work release, and executive clemency, and advise the
47 board on matters involving automation and word
48 processing.

49 2. Carry out all directives of the board.

50 3. Hire and supervise all of the board's staff

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Page 3

1 pursuant to the provisions of chapter 19A.

2 4. Act as the board's liaison with the general
3 assembly.

4 5. Prepare a budget for the board, subject to the
5 approval of the board, and prepare all other reports
6 required by law.

7 6. Develop long-range parole and work release
8 planning, in cooperation with the department of
9 corrections.

10 Sec. ____ . Section 904A.5, Code 1989, is amended to
11 read as follows:

12 904A.5 ADMINISTRATION OF BOARD OF PAROLE.

13 The chairperson of the board of parole is
14 responsible directly to the governor. The board of
15 parole is attached to the department of corrections
16 for routine administrative and support services only.

17 ~~The board of parole shall appoint an executive
18 secretary and employ a clerical staff sufficient to
19 carry on the necessary duties of the board. The board
20 shall also employ personnel to serve as liaisons
21 between the board, inmates, and staff at the state's
22 penal and correctional facilities and to perform other
23 duties designated by the board. The board shall
24 submit to the director of the department of management
25 an estimate of the funds needed for salaries,
26 maintenance, and supplies as provided in section 8-23.~~

27 Sec. ____ . Section 904A.6, Code 1989, is amended to
28 read as follows:

29 904A.6 SALARIES AND EXPENSES.

4063 30 Each member of the board shall be paid a salary per
31 diem as determined by the general assembly. Each
32 member of the board, ~~the executive secretary,~~ and all
33 employees are entitled to receive, in addition to
34 their per diem or salary, their necessary maintenance
35 and travel expenses while engaged in official
36 business.

4058 37 Sec. ____ . Section 908.4, unnumbered paragraph 1,
38 Code 1989, is amended to read as follows:

39 The parole revocation hearing shall be conducted by
40 a parole revocation officer who is an attorney
41 ~~appointed pursuant to section 904A-5.~~ The revocation
42 hearing shall determine the following:

43 Sec. 100. TRANSITION -- TERMS OF BOARD MEMBERS.

44 The terms of all persons serving on the board of
45 parole on June 30, 1989, expire on that date.

4063 46 Notwithstanding the five-year term specified in
47 section 904A.1, appointments of the new members of the
48 board of parole shall be as follows:

49 1. One member to serve from July 1, 1989, to June
50 30, 1990.

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1 2. One member to serve from July 1, 1989, to June
2 30, 1991.

3 3. One member to serve from July 1, 1989, to June
4 30, 1992.

40605 4. One member to serve from July 1, 1989, to June
5 30, 1993.

40637 5. One member to serve from July 1, 1989, to June
8 30, 1994.

40639 Thereafter, all appointments shall be for five-year
10 terms.

11 Sec. ____ . Section 904A.7, Code 1989, is repealed.

12 Sec. ____ . Section 100 of this Act takes effect

13 June 30, 1989."

406814 2. Title page, by striking lines 1 and 2 and
15 inserting the following: "An Act restructuring the
16 board of parole and providing an effective date."

17 3. By renumbering as necessary.

RECEIVED FROM THE HOUSE

S-3983 FILED APRIL 28, 1989

Senate Concurred 5-3-89 (p1859)

SENATE FILE 519

S-4058

1 Amend the House amendment, S-3983, to Senate File
2 519, as amended, passed, and reprinted by the Senate,
3 as follows:

4 1. Page 3, by inserting after line 36 the
5 following:

6 "Sec. ____ . Section 906.5, Code 1989, is amended to
7 read as follows:

8 906.5 RECORD REVIEWED -- RULES.

9 1. Within one year after the commitment of a
10 person other than a class "A" felon, class "B" felon
11 convicted of murder in the second degree and serving a
12 sentence of more than twenty-five years, or a felon
13 serving a mandatory minimum sentence, other than a
14 class "A" felon, to the custody of the director of the
15 Iowa department of corrections, a member of the board
16 shall interview the person. Thereafter, at regular
17 intervals, not to exceed one year, the board shall
18 interview the person and consider the person's
19 prospects for parole or work release. However, if the
20 registration of a victim prohibits conducting a timely
21 interview as provided in this subsection, the
22 interview may be conducted within a reasonable period
23 of time after the one-year period or interval has
24 expired in order to provide the victim notice as
25 provided in section 910A.10, subsection 1, paragraph
26 "a".

27 Not less than twenty days prior to conducting a
28 hearing at which the board will interview the person,
29 the board shall notify the department of corrections
30 of the scheduling of the interview, and the department
31 shall make the person available to the board at the
32 person's institutional residence as scheduled in the
33 notice. However, if health, safety, or security
34 conditions require moving the person to another
35 institution or facility prior to the scheduled
36 interview, the department of corrections shall so
37 notify the board.

38 2. At the time of an interview required under this
39 section, the board shall consider all pertinent
40 information regarding the person, including the
41 circumstances of the person's offense, any presentence
42 report which is available, the previous social history
43 and criminal record of the person, the person's
44 conduct, work, and attitude in prison, and the reports
45 of physical and mental examinations that have been
46 made.

47 3. A person while on parole or work release is
48 under the supervision of the district department of
49 correctional services of the district designated by
50 the board of parole. The department of corrections

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Page 2

1 shall prescribe rules for governing persons on parole
2 or work release. The board may adopt other rules not
3 inconsistent with the rules of the department of
4 corrections as the board deems proper or necessary for
5 the performance of its functions."

6 2. Page 3, by striking lines 37 through 42 and
7 inserting the following:

8 "Sec. _____. Section 908.4, Code 1989, is amended to
9 read as follows:

10 908.4 PAROLE REVOCATION HEARING.

11 The parole revocation hearing shall be conducted by
12 a an administrative parole revocation-officer judge
13 who is an attorney appointed-pursuant-to-section
14 904A-5. The revocation hearing shall determine the
15 following:

16 1. Whether the alleged parole violation occurred.

17 2. Whether the violator's parole should be
18 revoked.

19 The administrative parole revocation-officer judge
20 shall make a verbatim record of the proceedings. The
21 alleged violator shall be informed of the evidence
22 against the violator, shall be given an opportunity to
23 be heard, shall have the right to present witnesses
24 and other evidence, and shall have the right to cross-
25 examine adverse witnesses, except if the revocation
26 officer judge finds that a witness would be subjected
27 to risk or harm if the witness' identity were
28 disclosed. The revocation hearing may be conducted
29 electronically.

30 Sec. _____. Section 908.5, Code 1989, is amended by
31 striking the section and inserting in lieu thereof the
32 following:

33 908.5 DISPOSITION.

34 If a violation of parole is established, the
35 administrative parole judge may continue the parole
36 with or without any modification of the conditions of
37 parole. The administrative parole judge may revoke
38 the parole and require the parolee to serve the
39 sentence originally imposed, or may revoke the parole
40 and reinstate the parolee's work release status. The
41 order of the administrative parole judge shall contain
42 findings of fact, conclusions of law, and a
43 disposition of the matter.

44 Sec. _____. Section 908.6, Code 1989, is amended to
45 read as follows:

46 908.6 APPEAL OR REVIEW.

47 The order of the administrative parole revocation
48 officer judge shall become the final decision of the
49 board of parole unless, within the time provided by
50 rule, the parole violator appeals the decision or a

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1 panel of the board reviews the decision on its own
2 motion. On appeal or review of the administrative
3 parole revocation-officer's judge's decision, the
4 board panel has all the power which it would have in
5 initially making the revocation hearing decision. The
6 appeal or review shall be conducted pursuant to rules
7 adopted by the board of parole. The record on appeal
8 or review shall be the record made at the parole
9 revocation hearing conducted by the administrative
10 parole revocation-officer judge.

11 Sec. ____ . Section 908.7, Code 1989, is amended to
12 read as follows:

13 908.7 WAIVER OF PAROLE REVOCATION HEARING.

14 The alleged parole violator may waive the parole
15 revocation hearing, in which event the administrative
16 parole revocation-officer judge shall proceed to
17 determine the disposition of the matter. The
18 administrative parole revocation-officer judge shall
19 dispose of the case as provided in section 908.4. The
20 administrative parole revocation-officer judge shall
21 make a verbatim record of the proceedings. The waiver
22 proceeding may be conducted electronically.

23 Sec. ____ . Section 908.10, Code 1989, is amended by
24 striking the section and inserting in lieu thereof the
25 following:

26 908.10 CONVICTION OF A FELONY WHILE ON PAROLE.

27 When a person is convicted and sentenced to
28 incarceration in this state for a felony committed
29 while on parole, or is convicted and sentenced to
30 incarceration under the laws of any other state of the
31 United States or a foreign government or country for
32 an offense committed while on parole, and which if
33 committed in this state would be a felony, the
34 person's parole shall be deemed revoked as of the date
35 of the commission of the new felony offense.

36 The parole officer shall inform the sentencing
37 judge that the convicted defendant is a parole
38 violator. The term for which the defendant shall be
39 imprisoned as a parole violator shall be the same as
40 that provided in cases of revocation of parole for
41 violation of the conditions of parole. The new
42 sentence of imprisonment for conviction of a felony
43 shall be served consecutively with the term imposed
44 for the parole violation, unless a concurrent term of
45 imprisonment is ordered by the court.

46 The parolee shall be notified in writing that
47 parole has been revoked on the basis of the new felony
48 conviction, and a copy of the commitment order shall
49 accompany the notification. The inmate's record shall
50 be reviewed pursuant to the provisions of section

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1 906.5, or as soon as practical after a final reversal
2 of the new felony conviction.

3 An inmate may appeal the revocation of parole under
4 this section according to the board of parole's rules
5 relating to parole revocation appeals. Neither the
6 administrative parole judge nor the board panel shall
7 retry the facts underlying any conviction."

8 3. Page 4, line 15, by inserting after the word
9 "Act" the following: "relating to the administration
10 of criminal justice, by providing for review of an
11 offender's record, revocation of an offender's
12 parole,".

13 4. Page 4, line 16, by striking the word "parole"
14 and inserting the following: "parole,".

15 5. By renumbering as necessary.

By DONALD V. DOYLE
EUGENE PRAISE

BOB CARR
MICHAEL E. GRONSTAL

S-4058 FILED MAY 2, 1989

Adopted 5-3-89 (p.1859)

SENATE FILE 519

S-4063

- 1 Amend the House amendment, S-3983, to Senate File
2 519, as amended, passed, and reprinted by the Senate,
3 as follows:
4 1. Page 1, line 8, by inserting after the word
5 "member" the following: "except the chairperson,".
6 2. Page 1, by striking line 10 and inserting the
7 following: "serve a term of four years beginning and
8 ending".
9 3. Page 1, by striking lines 17 and 18 and
10 inserting the following: "consecutively be a full-
11 time, salaried member of the board. A".
12 4. Page 3, line 30, by inserting after the word
13 "member" the following: "except the chairperson,".
14 5. Page 3, line 31, by inserting after the word
15 "assembly." the following: "The chairperson of the
16 board shall be paid a salary as determined by the
17 general assembly."
18 6. Page 3, line 46, by striking the word "five-
19 year" and inserting the following: "four-year".
20 7. Page 4, line 5, by striking the words "One
21 member" and inserting the following: "Two members".
22 8. Page 4, by striking lines 7 and 8.
23 9. Page 4, line 9, by striking the word "five-
24 year" and inserting the following: "four-year".
25 10. By renumbering as necessary.

By TOM MANN
DONALD V. DOYLE
BOB CARR

S-4063 FILED MAY 2, 1989

Adopted 5/3/89 (p. 1859)

SENATE AMENDMENT TO HOUSE AMENDMENT TO SENATE FILE 519
H-4396

1 Amend the House amendment, S-3983, to Senate File
2 519, as amended, passed, and reprinted by the Senate,
3 as follows:

4 1. Page 1, line 8, by inserting after the word
5 "member" the following: ", except the chairperson,".

6 2. Page 1, by striking line 10 and inserting the
7 following: "serve a term of four years beginning and
8 ending".

9 3. Page 1, by striking lines 17 and 18 and
10 inserting the following: "consecutively be a full-
11 time, salaried member of the board. A".

12 4. Page 3, line 30, by inserting after the word
13 "member" the following: ", except the chairperson,".

14 5. Page 3, line 31, by inserting after the word
15 "assembly." the following: "The chairperson of the
16 board shall be paid a salary as determined by the
17 general assembly."

18 6. Page 3, by inserting after line 36 the
19 following:

20 "Sec. ____ . Section 906.5, Code 1989, is amended to
21 read as follows:

22 906.5 RECORD REVIEWED -- RULES.

23 1. Within one year after the commitment of a
24 person other than a class "A" felon, class "B" felon
25 convicted of murder in the second degree and serving a
26 sentence of more than twenty-five years, or a felon
27 -serving a mandatory minimum sentence, other than a
28 class "A" felon, to the custody of the director of the
29 Iowa department of corrections, a member of the board
30 shall interview the person. Thereafter, at regular
31 intervals, not to exceed one year, the board shall
32 interview the person and consider the person's
33 prospects for parole or work release. However, if the
34 registration of a victim prohibits conducting a timely
35 interview as provided in this subsection, the
36 interview may be conducted within a reasonable period
37 of time after the one-year period or interval has
38 expired in order to provide the victim notice as
39 provided in section 910A.10, subsection 1, paragraph
40 "a".

41 Not less than twenty days prior to conducting a
42 hearing at which the board will interview the person,
43 the board shall notify the department of corrections
44 of the scheduling of the interview, and the department
45 shall make the person available to the board at the
46 person's institutional residence as scheduled in the
47 notice. However, if health, safety, or security
48 conditions require moving the person to another
49 institution or facility prior to the scheduled
50 interview, the department of corrections shall so

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1 notify the board.

2 2. At the time of an interview required under this
3 section, the board shall consider all pertinent
4 information regarding the person, including the
5 circumstances of the person's offense, any presentence
6 report which is available, the previous social history
7 and criminal record of the person, the person's
8 conduct, work, and attitude in prison, and the reports
9 of physical and mental examinations that have been
10 made.

11 3. A person while on parole or work release is
12 under the supervision of the district department of
13 correctional services of the district designated by
14 the board of parole. The department of corrections
15 shall prescribe rules for governing persons on parole
16 or work release. The board may adopt other rules not
17 inconsistent with the rules of the department of
18 corrections as the board deems proper or necessary for
19 the performance of its functions."

20 7. Page 3, by striking lines 37 through 42 and
21 inserting the following:

22 "Sec. ____ . Section 908.4, Code 1989, is amended to
23 read as follows:

24 908.4 PAROLE REVOCATION HEARING.

25 The parole revocation hearing shall be conducted by
26 a an administrative parole revocation-officer judge
27 who is an attorney appointed-pursuant-to-section
28 904A-5. The revocation hearing shall determine the
29 following:

- 30 1. Whether the alleged parole violation occurred.
- 31 2. Whether the violator's parole should be
32 revoked.

33 The administrative parole revocation-officer judge
34 shall make a verbatim record of the proceedings. The
35 alleged violator shall be informed of the evidence
36 against the violator, shall be given an opportunity to
37 be heard, shall have the right to present witnesses
38 and other evidence, and shall have the right to cross-
39 examine adverse witnesses, except if the revocation
40 officer judge finds that a witness would be subjected
41 to risk or harm if the witness' identity were
42 disclosed. The revocation hearing may be conducted
43 electronically.

44 Sec. ____ . Section 908.5, Code 1989, is amended by
45 striking the section and inserting in lieu thereof the
46 following:

47 908.5 DISPOSITION.

48 If a violation of parole is established, the
49 administrative parole judge may continue the parole
50 with or without any modification of the conditions of

1 parole. The administrative parole judge may revoke
2 the parole and require the parolee to serve the
3 sentence originally imposed, or may revoke the parole
4 and reinstate the parolee's work release status. The
5 order of the administrative parole judge shall contain
6 findings of fact, conclusions of law, and a
7 disposition of the matter.

8 Sec. _____. Section 908.6, Code 1989, is amended to
9 read as follows:

10 908.6 APPEAL OR REVIEW.

11 The order of the administrative parole revocation
12 officer judge shall become the final decision of the
13 board of parole unless, within the time provided by
14 rule, the parole violator appeals the decision or a
15 panel of the board reviews the decision on its own
16 motion. On appeal or review of the administrative
17 parole revocation-officer's judge's decision, the
18 board panel has all the power which it would have in
19 initially making the revocation hearing decision. The
20 appeal or review shall be conducted pursuant to rules
21 adopted by the board of parole. The record on appeal
22 or review shall be the record made at the parole
23 revocation hearing conducted by the administrative
24 parole revocation-officer judge.

25 Sec. _____. Section 908.7, Code 1989, is amended to
26 read as follows:

27 908.7 WAIVER OF PAROLE REVOCATION HEARING.

28 The alleged parole violator may waive the parole
29 revocation hearing, in which event the administrative
30 parole revocation-officer judge shall proceed to
31 determine the disposition of the matter. The
32 administrative parole revocation-officer judge shall
33 dispose of the case as provided in section 908.4. The
34 administrative parole revocation-officer judge shall
35 make a verbatim record of the proceedings. The waiver
36 proceeding may be conducted electronically.

37 Sec. _____. Section 908.10, Code 1989, is amended by
38 striking the section and inserting in lieu thereof the
39 following:

40 908.10 CONVICTION OF A FELONY WHILE ON PAROLE.

41 When a person is convicted and sentenced to
42 incarceration in this state for a felony committed
43 while on parole, or is convicted and sentenced to
44 incarceration under the laws of any other state of the
45 United States or a foreign government or country for
46 an offense committed while on parole, and which if
47 committed in this state would be a felony, the
48 person's parole shall be deemed revoked as of the date
49 of the commission of the new felony offense.

50 The parole officer shall inform the sentencing

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1 judge that the convicted defendant is a parole
2 violator. The term for which the defendant shall be
3 imprisoned as a parole violator shall be the same as
4 that provided in cases of revocation of parole for
5 violation of the conditions of parole. The new
6 sentence of imprisonment for conviction of a felony
7 shall be served consecutively with the term imposed
8 for the parole violation, unless a concurrent term of
9 imprisonment is ordered by the court.

10 The parolee shall be notified in writing that
11 parole has been revoked on the basis of the new felony
12 conviction, and a copy of the commitment order shall
13 accompany the notification. The inmate's record shall
14 be reviewed pursuant to the provisions of section
15 906.5, or as soon as practical after a final reversal
16 of the new felony conviction.

17 An inmate may appeal the revocation of parole under
18 this section according to the board of parole's rules
19 relating to parole revocation appeals. Neither the
20 administrative parole judge nor the board panel shall
21 retry the facts underlying any conviction."

22 8. Page 3, line 46, by striking the word "five-
23 year" and inserting the following: "four-year".

24 9. Page 4, line 5, by striking the words "One
25 member" and inserting the following: "Two members".

26 10. Page 4, by striking lines 7 and 8.

27 11. Page 4, line 9, by striking the word "five-
28 year" and inserting the following: "four-year".

29 12. Page 4, line 15, by inserting after the word
30 "Act" the following: "relating to the administration
31 of criminal justice, by providing for review of an
32 offender's record, revocation of an offender's
33 parole,".

34 13. Page 4, line 16, by striking the word
35 "parole" and inserting the following: "parole,".

36 14. By renumbering, relettering, or redesignating
37 and correcting internal references as necessary.

RECEIVED FROM THE SENATE

H-4396 FILED MAY 3, 1989

House Concurred 5-4-89 (p2427)

SENATE FILE 519

AN ACT

RELATING TO THE ADMINISTRATION OF CRIMINAL JUSTICE, BY
PROVIDING FOR REVIEW OF AN OFFENDER'S RECORD, REVOCATION OF
AN OFFENDER'S PAROLE, RESTRUCTURING THE BOARD OF PAROLE,
AND PROVIDING AN EFFECTIVE DATE.

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

Section 1. Section 904A.1, Code 1989, is amended to read
as follows:

904A.1 BOARD OF PAROLE

The board of parole is created to consist of five members, ~~three members who shall devote their full time to the parole and work release system and two members who shall be part-time.~~ Each member, except the chairperson, shall be compensated on a day-to-day basis. Each member shall serve a term of four years beginning ~~and ending as provided by section 69:19 July 1,~~ except appointments for members appointed to fill vacancies who shall serve for the balance of the unexpired term. The terms shall be staggered. The chairperson of the board shall ~~be elected by the members of the board to a term of one year and may serve more than one term consecutively~~ be a full-time, salaried member of the

board. A majority of the members of the board constitutes a quorum to transact business.

Sec. 2. Section 904A.3, Code 1989, is amended to read as follows:

904A.3 APPOINTMENT TO BOARD OF PAROLE.

The governor shall appoint the chairperson and other members of the board of parole, subject to confirmation by the senate. The chairperson shall serve at the pleasure of the governor. Vacancies shall be filled in the same manner as regular appointments are made.

Sec. 3. Section 904A.4, Code 1989, is amended by striking the section and inserting in lieu thereof the following:

904A.4 DUTIES OF THE BOARD OF PAROLE.

1. The board of parole shall interview and consider inmates for parole and work release and a majority vote of the members is required to grant a parole or work release.

2. The board of parole shall interview inmates according to administrative rules adopted by the board.

3. The board of parole shall gather and review information regarding new parole and work release programs being instituted or considered nationwide and determine which programs may be useful for this state. The board shall review the current parole and work release programs and procedures used in this state on an annual basis.

4. The board of parole shall increase utilization of data processing and computerization to assist in the orderly conduct of the parole and work release system.

5. The board of parole shall conduct such studies of the parole and work release system as are requested by the governor and the general assembly.

6. The board of parole shall provide technical assistance and counseling related to the board's purposes to public and private entities.

7. The board of parole shall review and make recommendations to the governor regarding all applications for

reprieves, pardons, commutation of sentences, remission of fines or forfeitures, or restoration of citizenship rights as required by chapter 248A.

8. The board of parole shall implement a risk assessment program which shall provide risk assessment analysis for the board.

Sec. 4. NEW SECTION. 904A.4A CHAIRPERSON OF THE BOARD OF PAROLE -- DUTIES.

The chairperson of the board of parole shall do all of the following:

1. Act as the board's liaison with the governor regarding executive clemency, parole, and work release matters.
2. Direct, supervise, evaluate, and assign the day-to-day administration of the board of parole.
3. Supervise and monitor parole revocations and appeals.
4. Supervise final work release revocation case reviews.
5. Supervise the development of rules, policies, and procedures, subject to the approval of the board, in cooperation with the department of corrections, pertaining to the supervision of executive clemency, parole, and work release.
6. Supervise the development of long-range parole and work release planning.

Sec. 5. NEW SECTION. 904A.4B EXECUTIVE DIRECTOR OF THE BOARD OF PAROLE -- DUTIES.

The chief administrative officer of the board of parole shall be the executive director. The executive director shall be appointed by the chairperson, subject to the approval of the board and shall serve at the pleasure of the board. The executive director shall do all of the following:

1. Advise the board on matters relating to parole, work release, and executive clemency, and advise the board on matters involving automation and word processing.
2. Carry out all directives of the board.

3. Hire and supervise all of the board's staff pursuant to the provisions of chapter 19A.

4. Act as the board's liaison with the general assembly.

5. Prepare a budget for the board, subject to the approval of the board, and prepare all other reports required by law.

6. Develop long-range parole and work release planning, in cooperation with the department of corrections.

Sec. 6. Section 904A.5, Code 1989, is amended to read as follows:

904A.5 ADMINISTRATION OF BOARD OF PAROLE.

The chairperson of the board of parole is responsible directly to the governor. The board of parole is attached to the department of corrections for routine administrative and support services only. ~~The board of parole shall appoint an executive secretary and employ a clerical staff sufficient to carry on the necessary duties of the board. The board shall also employ personnel to serve as liaisons between the board, inmates, and staff at the state's penitentiary and correctional facilities and to perform other duties designated by the board. The board shall submit to the director of the department of management an estimate of the funds needed for salaries, maintenance, and supplies as provided in section 0-23.~~

Sec. 7. Section 904A.6, Code 1989, is amended to read as follows:

904A.6 SALARIES AND EXPENSES.

Each member, except the chairperson, of the board shall be paid a salary per diem as determined by the general assembly. The chairperson of the board shall be paid a salary as determined by the general assembly. Each member of the board, the executive secretary, and all employees are entitled to receive, in addition to their per diem or salary, their necessary maintenance and travel expenses while engaged in official business.

Sec. 8. Section 906.5, Code 1989, is amended to read as follows:

906.5 RECORD REVIEWED -- RULES.

1. Within one year after the commitment of a person other than a class "A" felon, class "B" felon convicted of murder in the second degree and serving a sentence of more than twenty-five years, or a felon serving a mandatory minimum sentence, other than a class "A" felon, to the custody of the director of the Iowa department of corrections, a member of the board shall interview the person. Thereafter, at regular intervals, not to exceed one year, the board shall interview the person and consider the person's prospects for parole or work release. However, if the registration of a victim prohibits conducting a timely interview as provided in this subsection, the interview may be conducted within a reasonable period of time after the one-year period or interval has expired in order to provide the victim notice as provided in section 910A.10, subsection 1, paragraph "a".

Not less than twenty days prior to conducting a hearing at which the board will interview the person, the board shall notify the department of corrections of the scheduling of the interview, and the department shall make the person available to the board at the person's institutional residence as scheduled in the notice. However, if health, safety, or security conditions require moving the person to another institution or facility prior to the scheduled interview, the department of corrections shall so notify the board.

2. At the time of an interview required under this section, the board shall consider all pertinent information regarding the person, including the circumstances of the person's offense, any presentence report which is available, the previous social history and criminal record of the person, the person's conduct, work, and attitude in prison, and the reports of physical and mental examinations that have been made.

1. A person while on parole or work release is under the supervision of the district department of correctional services of the district designated by the board of parole. The department of corrections shall prescribe rules for governing persons on parole or work release. The board may adopt other rules not inconsistent with the rules of the department of corrections as the board deems proper or necessary for the performance of its functions.

Sec. 9. Section 908.4, Code 1989, is amended to read as follows:

908.4 PAROLE REVOCATION HEARING.

The parole revocation hearing shall be conducted by an administrative parole revocation-officer judge who is an attorney appointed-pursuant-to-section-904A.5. The revocation hearing shall determine the following:

1. Whether the alleged parole violation occurred.
2. Whether the violator's parole should be revoked.

The administrative parole revocation-officer judge shall make a verbatim record of the proceedings. The alleged violator shall be informed of the evidence against the violator, shall be given an opportunity to be heard, shall have the right to present witnesses and other evidence, and shall have the right to cross-examine adverse witnesses, except if the revocation-officer judge finds that a witness would be subjected to risk or harm if the witness' identity were disclosed. The revocation hearing may be conducted electronically.

Sec. 10. Section 908.5, Code 1989, is amended by striking the section and inserting in lieu thereof the following:

908.5 DISPOSITION.

If a violation of parole is established, the administrative parole judge may continue the parole with or without any modification of the conditions of parole. The administrative parole judge may revoke the parole and require the parolee to serve the sentence originally imposed, or may revoke the

parole and reinstate the parolee's work release status. The order of the administrative parole judge shall contain findings of fact, conclusions of law, and a disposition of the matter.

Sec. 11. Section 908.6, Code 1989, is amended to read as follows:

908.6 APPEAL OR REVIEW.

The order of the administrative parole revocation-officer judge 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 administrative parole revocation-officer's judge'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 administrative parole revocation-officer judge.

Sec. 12. Section 908.7, Code 1989, is amended to read as follows:

908.7 WAIVER OF PAROLE REVOCATION HEARING.

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

Sec. 13. Section 908.10, Code 1989, is amended by striking the section and inserting in lieu thereof the following:

908.10 CONVICTION OF A FELONY WHILE ON PAROLE.

When a person is convicted and sentenced to incarceration in this state for a felony committed while on parole, or is

convicted and sentenced to incarceration under the laws of any other state of the United States or a foreign government or country for an offense committed while on parole, and which if committed in this state would be a felony, the person's parole shall be deemed revoked as of the date of the commission of the new felony offense.

The parole officer shall inform the sentencing judge that the convicted defendant is a parole violator. The term for which the defendant shall be imprisoned as a parole violator shall be the same as that provided in cases of revocation of parole for violation of the conditions of parole. The new sentence of imprisonment for conviction of a felony shall be served consecutively with the term imposed for the parole violation, unless a concurrent term of imprisonment is ordered by the court.

The parolee shall be notified in writing that parole has been revoked on the basis of the new felony conviction, and a copy of the commitment order shall accompany the notification. The inmate's record shall be reviewed pursuant to the provisions of section 906.5, or as soon as practical after a final reversal of the new felony conviction.

An inmate may appeal the revocation of parole under this section according to the board of parole's rules relating to parole revocation appeals. Neither the administrative parole judge nor the board panel shall retry the facts underlying any conviction.

Sec. 14. TRANSITION -- TERMS OF BOARD MEMBERS. The terms of all persons serving on the board of parole on June 30, 1989, expire on that date. Notwithstanding the four-year term specified in section 904A.1, appointments of the new members of the board of parole shall be as follows:

1. One member to serve from July 1, 1989, to June 30, 1990.
2. One member to serve from July 1, 1989, to June 30, 1991.

3. One member to serve from July 1, 1989, to June 30, 1992.

4. Two members to serve from July 1, 1989, to June 30, 1993.

Thereafter, all appointments shall be for four-year terms.

Sec. 15. Section 904A.7, Code 1989, is repealed.

Sec. 16. Section 14 of this Act takes effect June 30, 1989.

JO ANN ZIMMERMAN
President of the Senate

DONALD D. AVENSON
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 519, Seventy-third General Assembly.

Approved *June 1*, 1989

JOHN F. DWYER
Secretary of the Senate

TERRY E. BRANSTAD
Governor