

CORRECTIONS DEPARTMENT[201]

Notice of Intended Action

**Proposing rule making related to parole
and providing an opportunity for public comment**

The Corrections Department hereby proposes to amend Chapter 45, “Parole,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code section 904.108.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code section 906.3.

Purpose and Summary

This proposed amendment eliminates a rule that is inconsistent with, and is more efficiently handled by, the Board of Parole. The proposed amendments to Chapter 45 remove a rule pertaining to conditions of parole and remove cross-references to the rule.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

This rule making is not subject to waiver, since the subject matter of rule 201—45.2(906) is handled by the Board.

Public Comment

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Department no later than 4:30 p.m. on March 14, 2023. Comments should be directed to:

Michael Savala
Department of Corrections
Jessie Parker Building
510 East 12th Street
Des Moines, Iowa 50319
Email: michael.savala@iowa.gov

Public Hearing

If requested, a public hearing to hear oral presentations will be held as follows:

March 14, 2023
9 to 10 a.m.

Via conference call

Persons who wish to participate in the conference call should contact Michael Savala by 8 a.m. on March 14, 2023, to facilitate an orderly hearing. A conference call number will be provided to participants prior to the hearing. The public hearing will be canceled without further notice if no public hearing is requested by March 14, 2023.

Persons who wish to make oral comments at a public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rule making. Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing impairments, should contact the Department and advise of specific needs.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

ITEM 1. Amend subrules 45.1(1) and 45.1(2) as follows:

45.1(1) *Supervision.* Persons committed to the director of the department of corrections and granted parole by the Iowa board of parole shall be supervised by the judicial district departments of correctional services. The district departments shall impose conditions of parole as ~~contained in rule 201—45.2(906)~~ established and approved by the board of parole.

45.1(2) *Effective date/parole agreement.*

a. Parole is effective only upon the acceptance of the terms of parole as evidenced by the signing of the standard parole agreement form by the parolee before a district department employee. The parole agreement shall be issued only upon the written order of the board of parole and shall not be issued prior to the establishment of an approved parole plan. The parolee may not be released on parole prior to the execution of the parole agreement. The parole agreement shall contain the conditions of parole ~~pursuant to rule 201—45.2(906)~~ and shall contain the parolee's reporting instructions.

b. and c. No change.

ITEM 2. Rescind and reserve rule **201—45.2(906)**.