

**901.2 Presentence investigation.**

1. Upon a plea of guilty, a verdict of guilty, or a special verdict upon which a judgment of conviction of a public offense may be rendered, the court shall receive from the state, from the judicial district department of correctional services, and from the defendant any information which may be offered which is relevant to the question of sentencing. The court may consider information from other sources.

2. *a.* The court shall not order a presentence investigation when the offense is a class “A” felony. If, however, the board of parole determines that the Iowa medical and classification center reception report for a class “A” felon is inadequate, the board may request and shall be provided with additional information from the appropriate judicial district department of correctional services.

*b.* The court shall order a presentence investigation when the offense is any felony punishable under section 902.9, subsection 1, paragraph “a”, or a class “B”, class “C”, or class “D” felony. A presentence investigation for any felony punishable under section 902.9, subsection 1, paragraph “a”, or a class “B”, class “C”, or class “D” felony shall not be waived. The court may order, with the consent of the defendant, that the presentence investigation begin prior to the acceptance of a plea of guilty, or prior to a verdict of guilty.

*c.* The court may order a presentence investigation when the offense is an aggravated misdemeanor.

*d.* The court may order a presentence investigation when the offense is a serious misdemeanor only upon a finding of exceptional circumstances warranting an investigation. Notwithstanding section 901.3, a presentence investigation ordered by the court for a serious misdemeanor shall include information concerning only the following:

(1) A brief personal and social history of the defendant.

(2) The defendant’s criminal record.

(3) The harm to the victim, the victim’s immediate family, and the community, including any completed victim impact statement or statements and restitution plan.

3. The court may withhold execution of any judgment or sentence for such time as shall be reasonably necessary for an investigation with respect to deferment of judgment, deferment of sentence, or suspension of sentence and probation. The investigation shall be made by the judicial district department of correctional services.

4. The purpose of the report by the judicial district department of correctional services is to provide the court pertinent information for purposes of sentencing and to include suggestions for correctional planning for use by correctional authorities subsequent to sentencing.

[S13, §5447-a; C24, 27, 31, 35, 39, §3800; C46, 50, 54, 58, 62, 66, 71, 73, §247.20; C75, 77, §789A.3; C79, 81, §901.2]

83 Acts, ch 38, §2; 84 Acts, ch 1126, §1; 89 Acts, ch 156, §2; 90 Acts, ch 1251, §62; 94 Acts, ch 1099, §1; 99 Acts, ch 12, §12; 2000 Acts, ch 1122, §2; 2013 Acts, ch 30, §257; 2013 Acts, ch 90, §240

Referred to in §903B.10, 907.3A

[T] See Code editor’s note on simple harmonization

[T] Section amended