

Senate Amendment to House Amendment to
Senate File 2345

H-8411

1 Amend the House amendment, S-5163, to Senate File
2 2345, as passed by the Senate, as follows:
3 1. Page 1, after line 42 by inserting:
4 <___. Page 4, after line 9 by inserting:
5 Sec. ___. Section 901.4, Code 2009, is amended to
6 read as follows:
7 **901.4 Presentence investigation report confidential**
8 **— access.**
9 The presentence investigation report is confidential
10 and the court shall provide safeguards to ensure its
11 confidentiality, including but not limited to sealing
12 the report, which may be opened only by further court
13 order. The defendant's attorney and the attorney
14 for the state shall have access to the presentence
15 investigation report at least three days prior to the
16 date set for sentencing. The defendant's appellate
17 attorney and the appellate attorney for the state shall
18 have access to the presentence investigation report
19 upon request and without the necessity of a court
20 order. The report shall remain confidential except
21 upon court order. However, the court may conceal
22 the identity of the person who provided confidential
23 information. The report of a medical examination
24 or psychological or psychiatric evaluation shall be
25 made available to the attorney for the state and to
26 the defendant upon request. The reports are part of
27 the record but shall be sealed and opened only on
28 order of the court. If the defendant is committed
29 to the custody of the Iowa department of corrections
30 and is not a class "A" felon, the department and the
31 board of parole shall have access to the presentence
32 investigation report. Pursuant to section 904.602, the
33 presentence investigation report may also be released
34 by ordinary or electronic mail by the department
35 of corrections or a judicial district department
36 of correctional services to another jurisdiction
37 for the purpose of providing interstate probation
38 and parole compact or interstate compact for adult
39 offender supervision services or evaluations, or to a
40 substance abuse or mental health services provider when
41 referring a defendant for services. The defendant or
42 the defendant's attorney may file with the presentence
43 investigation report, a denial or refutation of the
44 allegations, or both, contained in the report. The
45 denial or refutation shall be included in the report.>>
46 2. By renumbering as necessary.