



THOMAS J. VILSACK
GOVERNOR

OFFICE OF THE GOVERNOR

SALLY J. PEDERSON
LT. GOVERNOR

May 11, 2004

The Honorable Chester Culver
Secretary of State
State Capitol Building
LOCAL

Dear Mr. Secretary:

I hereby transmit:

Senate File 443, an Act relating to criteria for community-based seed capital funds and providing retroactive applicability dates.

Senate File 2270, an Act relating to county records, including the fees for recorded and electronic transactions and the confidentiality of veterans' military records maintained by the county recorder and providing an effective date.

Senate File 2275, an Act relating to criminal sentencing practice and procedure.

The above Senate Files are hereby approved this date.

Sincerely,

A handwritten signature in black ink, appearing to read "T. Vilsack".

Thomas J. Vilsack
Governor

TJV:jmc
cc: Secretary of the Senate
Chief Clerk of the House





SENATE FILE 2275

AN ACT

RELATING TO CRIMINAL SENTENCING PRACTICE AND PROCEDURE.

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

Section 1. Section 902.12, unnumbered paragraph 1, Code Supplement 2003, is amended to read as follows:

A person serving a sentence for conviction of the following felonies, including a person serving a sentence for conviction of the following felonies prior to July 1, 2003, shall be denied parole or work release unless the person has served at least seven-tenths of the maximum term of the person's sentence:

Sec. 2. Section 906.15, unnumbered paragraph 1, Code 2003, is amended to read as follows:

Unless sooner discharged, a person released on parole shall be discharged when the person's term of parole equals the period of imprisonment specified in the person's sentence, less all time served in confinement. Discharge from parole may be granted prior to such time, when an early discharge is appropriate. The board shall periodically review all paroles, and when the board determines that any person on parole is able and willing to fulfill the obligations of a law-abiding citizen without further supervision, the board shall discharge the person from parole. A parole officer shall periodically review all paroles assigned to the parole officer, and when the parole officer determines that any person assigned to the officer is able and willing to fulfill the obligations of a law-abiding citizen without further supervision, the officer may discharge the person from parole after notification and approval of the district director and notification of the

board of parole. In any event, discharge from parole shall terminate the person's sentence. However, a person convicted of a violation of section 709.3, 709.4 or 709.8 committed on or with a child, or a person serving a sentence under section 902.12, shall not be discharged from parole until the person's term of parole equals the period of imprisonment specified in the person's sentence, less all time served in confinement.

Sec. 3. Section 915.13, subsection 1, paragraph h, Code Supplement 2003, is amended by striking the paragraph.

Sec. 4. Section 915.14, Code Supplement 2003, is amended to read as follows:

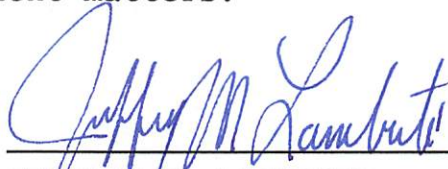
915.14 NOTIFICATION BY CLERK OF THE DISTRICT COURT.

The clerk of the district court shall notify a registered victim of all dispositional orders of the case in which the victim was involved and may advise the victim of any other orders regarding custody or confinement. ~~If a motion to reopen the sentence has been filed pursuant to section 901.5B, the clerk of the district court shall notify a registered victim of the case in which the victim was involved. The notice shall include the scheduled date, time, and place of the hearing, and the clerk shall notify the victim of a cancellation or postponement of any hearing regarding the motion to reopen.~~

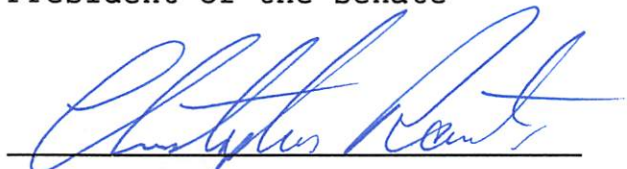
Sec. 5. Section 901.5B, Code Supplement 2003, is repealed.

Sec. 6. CONTROLLED SUBSTANCE PENALTY STUDY. The Iowa state bar association is requested to establish and lead a study committee to review the disparity of criminal penalties related to crack cocaine, cocaine, and other controlled substances, especially such criminal penalties classified as serious and aggravated misdemeanors and class "C" and "D" felonies. The members of the study committee shall include but are not limited to representatives of the Iowa state bar association, the attorney general, the county attorneys association, the state public defender, the department of corrections, the judicial district department of correctional services, and the criminal law section of the Iowa trial lawyers association. The study committee is requested to file recommendations with the general assembly by December 15, 2004.

Sec. 7. CRIMINAL CODE REVISIONS -- STUDY. The legislative council is requested to establish an interim study committee to review and propose revisions to the criminal code. In establishing the committee, the legislative council is requested to consider proposals for the study by the Iowa state bar association and other appropriate agencies or organizations. Proposals submitted to the legislative council may address committee membership, member voting, committee rules, the process to be used for reviewing and revising the criminal code and other pertinent matters.



JEFFREY M. LAMBERTI
President of the Senate



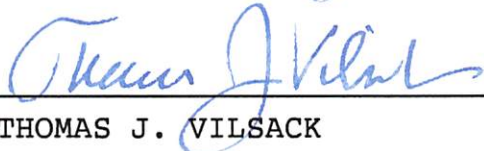
CHRISTOPHER C. RANTS
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2275, Eightieth General Assembly.



MICHAEL E. MARSHALL
Secretary of the Senate

Approved May 11, 2004



THOMAS J. VILSACK
Governor