

# Senate File 2285 - Enrolled

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SENATE FILE 2285

AN ACT

RELATING TO THE DISTRIBUTION OF A PRESENTENCE INVESTIGATION  
REPORT IN A CRIMINAL PROCEEDING.

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

Section 1. Section 901.4, Code Supplement 2005, is amended  
to read as follows:

901.4 PRESENTENCE INVESTIGATION REPORT CONFIDENTIAL ==  
DISTRIBUTION.

The presentence investigation report is confidential and  
the court shall provide safeguards to ensure its  
confidentiality, including but not limited to sealing the  
report, which may be opened only by further court order. ~~At~~

~~least three days prior to the date set for sentencing, the  
court shall send a copy of all of the presentence  
investigation report by ordinary or electronic mail, to the  
The defendant's attorney and the attorney for the state, and  
the shall have access to the presentence investigation report  
at least three days prior to the date set for sentencing. The~~  
report shall remain confidential except upon court order.

However, the court may conceal the identity of the person who  
provided confidential information. The report of a medical  
examination or psychological or psychiatric evaluation shall  
be made available to the attorney for the state and to the  
defendant upon request. The reports are part of the record  
but shall be sealed and opened only on order of the court. If  
the defendant is committed to the custody of the Iowa  
department of corrections and is not a class "A" felon, ~~a copy~~  
~~of the presentence investigation report shall be forwarded by~~  
~~ordinary or electronic mail to the director with the order of~~  
~~commitment by the clerk of the district court and to the~~  
~~department and the board of parole at the time of commitment~~  
~~shall have access to the presentence investigation report.~~

Pursuant to section 904.602, the presentence investigation  
report may also be released by ordinary or electronic mail by  
the department of corrections or a judicial district  
department of correctional services to another jurisdiction  
for the purpose of providing interstate probation and parole  
compact or interstate compact for adult offender supervision  
services or evaluations, or to a substance abuse or mental  
health services provider when referring a defendant for  
services. The defendant or the defendant's attorney may file  
with the presentence investigation report, a denial or  
refutation of the allegations, or both, contained in the  
report. The denial or refutation shall be included in the  
report. ~~If the person is sentenced for an offense which~~  
~~requires registration under chapter 692A, the court shall~~  
~~release the report by ordinary or electronic mail to the~~  
~~department.~~

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JOHN P. KIBBIE  
President of the Senate

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CHRISTOPHER C. RANTS  
Speaker of the House

I hereby certify that this bill originated in the Senate and  
is known as Senate File 2285, Eighty-first General Assembly.

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MICHAEL E. MARSHALL  
Secretary of the Senate

Approved \_\_\_\_\_, 2006

3 4 \_\_\_\_\_  
3 5 THOMAS J. VILSACK  
3 6 Governor