

Senate File 150
Human Resources
Crawford, Chairman
Loneragan
Caffrey

FILED FEB 19 1975

SENATE FILE 150
By COMMITTEE ON HUMAN RESOURCES

Passed House, Date 2-18-75 (1363) Passed Senate, Date 4-21-75 (1322)
Vote: Ayes 47 Nays 0 Vote: Ayes 79 Nays 8
Approved 4-28-75

A BILL FOR

1 An Act relating to the interstate probation and parole
2 compact.

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

- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

1 Section 1. Chapter two hundred forty-seven (247), Code
2 1975, is amended by adding the following new section:

3 NEW SECTION. INTERSTATE PROBATION AND PAROLE COMPACT.

4 Since the state of Iowa has been a signatory to the interstate
5 probation and parole compact since 1937 by action of the
6 governor pursuant to section two hundred forty-seven point
7 ten (247.10) of the Code, the general assembly deems it
8 advisable to enter the full text of the compact into the Code
9 for easy accessibility by the general public.

10 The interstate probation and parole compact is hereby
11 placed in the Code as entered into by this state with other
12 states legally joining therein in the form substantially as
13 follows:

14 THE INTERSTATE PROBATION AND PAROLE COMPACT

15 Entered into by and among the contracting states,
16 signatories hereto, with the consent of the congress of the
17 United States of America, granted by an act entitled "An act
18 granting the consent of congress to any two or more states
19 to enter into agreements or compacts for cooperative effort
20 and mutual assistance in the prevention of crime and for other
21 purposes."

22 "The contracting states solemnly agree:

23 1. That it shall be competent for the duly constituted
24 judicial and administrative authorities of a state party to
25 this compact, to permit any person convicted of an offense
26 within such state and placed on probation or released on
27 parole to reside in any other state party to this compact,
28 while on probation or parole, if:

29 a. Such person is in fact a resident of or has his family
30 residing within the receiving state and can obtain employment
31 there.

32 b. Though not a resident of the receiving state and not
33 having his family residing there, the receiving state consents
34 to such person being sent there. Before granting such
35 permission, opportunity shall be granted to the receiving

1 state to investigate the home and prospective employment of
2 such person.

3 A resident of the receiving state, within the meaning of
4 this section, is one who has been an actual inhabitant of
5 such state continuously for more than one year prior to his
6 coming to the sending state and has not resided within the
7 sending state more than six continuous months immediately
8 preceding the commission of the offense for which he has been
9 convicted.

10 2. That each receiving state will assume the duties of
11 visitation of and supervision over probationers or parolees
12 of any sending state and in the exercise of those duties will
13 be governed by the same standards that prevail for its own
14 probationers and parolees.

15 3. That duly accredited officers of a sending state may
16 at all times enter a receiving state and there apprehend and
17 retake any person on probation or parole. For that purpose
18 no formalities will be required other than establishing the
19 authority of the officer and the identity of the person to
20 be retaken. All legal requirements to obtain extradition
21 of fugitives from justice are hereby expressly waived on the
22 part of states party hereto, as to such persons. The decision
23 of the sending state to retake a person on probation or parole
24 shall be conclusive upon and not reviewable within the
25 receiving state. Provided, however, that if at the time when
26 a state seeks to retake a probationer or parolee there should
27 be pending against him within the receiving state any criminal
28 charge, or he should be suspected of having committed within
29 such state a criminal offense, he shall not be retaken without
30 the consent of the receiving state until discharged from
31 prosecution or from imprisonment for such offense.

32 4. That the duly accredited officers of the sending state
33 will be permitted to transport prisoners being retaken through
34 any and all states parties to this compact, without
35 interference.

SENATE FILE 150

AN ACT

RELATING TO THE INTERSTATE PROBATION AND PAROLE COMPACT.

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

Section 1. Chapter two hundred forty-seven (247), Code 1975, is amended by adding the following new section:

NEW SECTION. INTERSTATE PROBATION AND PAROLE COMPACT.

Since the state of Iowa has been a signatory to the interstate probation and parole compact since 1937 by action of the governor pursuant to section two hundred forty-seven point ten (247.10) of the Code, the general assembly deems it advisable to enter the full text of the compact into the Code for easy accessibility by the general public.

The interstate probation and parole compact is hereby placed in the Code as entered into by this state with other states legally joining therein in the form substantially as follows:

THE INTERSTATE PROBATION AND PAROLE COMPACT

Entered into by and among the contracting states, signatories hereto, with the consent of the congress of the United States of America, granted by an act entitled "An act granting the consent of congress to any two or more states to enter into agreements or compacts for cooperative effort and mutual assistance in the prevention of crime and for other purposes."

"The contracting states solemnly agree:

1. That it shall be competent for the duly constituted judicial and administrative authorities of a state party to

this compact, to permit any person convicted of an offense within such state and placed on probation or released on parole to reside in any other state party to this compact, while on probation or parole, if:

a. Such person is in fact a resident of or has his family residing within the receiving state and can obtain employment there.

b. Though not a resident of the receiving state and not having his family residing there, the receiving state consents to such person being sent there. Before granting such permission, opportunity shall be granted to the receiving state to investigate the home and prospective employment of such person.

A resident of the receiving state, within the meaning of this section, is one who has been an actual inhabitant of such state continuously for more than one year prior to his coming to the sending state and has not resided within the sending state more than six continuous months immediately preceding the commission of the offense for which he has been convicted.

2. That each receiving state will assume the duties of visitation of and supervision over probationers or parolees of any sending state and in the exercise of those duties will be governed by the same standards that prevail for its own probationers and parolees.

3. That duly accredited officers of a sending state may at all times enter a receiving state and there apprehend and retake any person on probation or parole. For that purpose no formalities will be required other than establishing the authority of the officer and the identity of the person to be retaken. All legal requirements to obtain extradition

of fugitives from justice are hereby expressly waived on the part of states party hereto, as to such persons. The decision of the sending state to retake a person on probation or parole shall be conclusive upon and not reviewable within the receiving state. Provided, however, that if at the time when a state seeks to retake a probationer or parolee there should be pending against him within the receiving state any criminal charge, or he should be suspected of having committed within such state a criminal offense, he shall not be retaken without the consent of the receiving state until discharged from prosecution or from imprisonment for such offense.

4. That the duly accredited officers of the sending state will be permitted to transport prisoners being retaken through any and all states parties to this compact, without interference.

5. That the governor of each state may designate an officer who, acting jointly with like officers of other contracting states, if and when appointed, shall promulgate such rules and regulations as may be deemed necessary to more effectively carry out the terms of this compact.

6. That this compact shall become operative immediately upon its execution by any state as between it and any other state or states so executing. When executed it shall have the full force and effect of law within such state, the form of execution to be in accordance with the laws of the executing state.

7. That this compact shall continue in force and remain binding upon each executing state until renounced by it. The duties and obligations hereunder of a renouncing state shall continue as to parolees or probationers residing therein at the time of withdrawal until retaken or finally discharged

by the sending state. Renunciation of this compact shall be by the same authority which executed it, by sending six months' notice in writing of its intention to withdraw from the compact to the other state party hereto."

ARTHUR A. NEU
President of the Senate

DALE M. COCHRAN
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 150, Sixty-sixth General Assembly.

CLARK R. RASMUSSEN
Secretary of the Senate

Approved April 28, 1975

ROBERT D. RAY
Governor