

Sen. State. June 3/16 De. June 3/23

MAR 1 1977

Place On Calendar

HOUSE FILE 331

By COMMITTEE ON STATE GOVERNMENT

(Formerly Study Bill 170)

Passed House, Date 3-11-77 (p. 771) Passed Senate, Date 3-25-77 (p. 791)

Vote: Ayes 81 Nays 0 Vote: Ayes 44 Nays 3

Approved April 15, 1977

*Approved House as amended by Senate
3-31-77 (p. 1149)
90-2*

A BILL FOR

1 An Act relating to meetings of the board of parole and
2 the grant or denial of parole.

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

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Certificate of Printing 5/16 (p. 2286)

SENATE AMENDMENT TO HOUSE FILE 331

H-3435

1 Amend House File 331 as passed by the House
2 as follows:
3 1. Page 1, by striking lines 1 through 8.

H-3435 FILED, RECEIVED FROM SENATE
MARCH 29, 1977

House concurred 2/21 (p. 1149)

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House File 331

S-3213

1 Amend House File 331 as passed by the House
2 as follows:
3 1. Page 1, by striking lines 1 through 8.

S-3213 FILED - Adopted 2/25 (p. 791)
MARCH 23, 1977

BY MINNETTE DODERER
RICHARD F. DRAKE

1 Section 1. Section twenty-eight A point six (28A.6), Code
2 1977, is amended to read as follows:

3 28A.6 EXCEPTIONS. This chapter does not apply to any
4 court, jury, or military organization. This chapter also
5 does not apply to the board of parole when it is interviewing
6 parole applicants or individuals being considered for
7 commutation of life sentences or when it is deliberating or
8 considering parole or commutation decisions.

9 Sec. 2. Section two hundred forty-seven point five (247.5),
10 unnumbered paragraph one (1), Code 1977, is amended to read
11 as follows:

12 The board of parole shall determine which of the inmates
13 of the state penal institutions qualify and thereafter shall
14 be placed upon parole. The grant or denial of parole shall
15 not be deemed a contested case as defined in section seventeen
16 A point two (17A.2) of the Code. Once an inmate is placed
17 on parole he or she shall be under the supervision of the
18 director of the division of corrections of the department
19 of social services. There shall be a sufficient number of
20 parole agents to insure proper supervision of all persons
21 placed on parole. Parole agents shall not revoke the parole
22 of any person but may recommend that the board of parole re-
23 voke such parole.

24 Sec. 3. Chapter one thousand two hundred forty-five (1245),
25 Acts of the Sixty-sixth General Assembly, 1976 Session, chapter
26 three (3), section six hundred two (602), is amended to read
27 as follows:

28 SEC. 602. NEW SECTION. AUTHORITY OF PAROLE BOARD. The
29 board of parole shall promulgate regulations regarding a
30 system of paroles from correctional institutions, and shall
31 direct, control, and supervise the administration of such
32 system of paroles. The board shall determine which of those
33 persons who have been committed to the custody of the director
34 of the division of adult corrections, by reason of their
35 conviction of a public offense, shall be released on parole.

1 The grant or denial of parole shall not be deemed a contested
2 case as defined in section seventeen A point two (17A.2) of
3 the Code.

4 Sec. 4. Sections one (1) and two (2) of this Act, being
5 deemed of immediate importance, shall take effect and be in
6 force from and after its publication in The Sioux City Journal,
7 a newspaper published in Sioux City, Iowa, and in the Telegraph
8 Herald, a newspaper published in Dubuque, Iowa.

9 Sec. 5. Section three (3) of this Act is effective on
10 the date set forth in chapter one thousand two hundred forty-
11 five (1245), Acts of the Sixty-sixth General Assembly, 1976
12 Session, chapter four (4), section five hundred twenty-nine
13 (529).

14 EXPLANATION

15 This bill exempts the board of parole from the open meet-
16 ings law set forth in chapter 28A of the Code when it is
17 meeting to decide on an inmate's parole or recommended
18 commutation of sentence. The bill also provides that the
19 grant or denial of parole is not a contested case for the
20 purpose of the Administrative Procedure Act.

21 Section 2 of this bill amends a section of the Code which
22 has been amended by chapter 1245, Acts of the Sixty-sixth
23 General Assembly, 1976 Session, chapter 4, section 525.

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HOUSE FILE 331

AN ACT

RELATING TO MEETINGS OF THE BOARD OF PAROLE AND THE GRANT
OR DENIAL OF PAROLE.

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

Section 1. Section two hundred forty-seven point five (247.5), unnumbered paragraph one (1), Code 1977, is amended to read as follows:

The board of parole shall determine which of the inmates of the state penal institutions qualify and thereafter shall be placed upon parole. The grant or denial of parole shall not be deemed a contested case as defined in section seventeen A point two (17A.2) of the Code. Once an inmate is placed on parole he or she shall be under the supervision of the director of the division of corrections of the department of social services. There shall be a sufficient number of parole agents to insure proper supervision of all persons placed on parole. Parole agents shall not revoke the parole of any person but may recommend that the board of parole revoke such parole.

Sec. 2. Chapter one thousand two hundred forty-five (1245), Acts of the Sixty-sixth General Assembly, 1976 Session, chapter three (3), section six hundred two (602), is amended to read as follows:

SEC. 602. NEW SECTION. AUTHORITY OF PAROLE BOARD. The board of parole shall promulgate regulations regarding a system of paroles from correctional institutions, and shall direct, control, and supervise the administration of such system of paroles. The board shall determine which of those persons who have been committed to the custody of the director of the division of adult corrections, by reason of their conviction of a public offense, shall be released on parole.

The grant or denial of parole shall not be deemed a contested case as defined in section seventeen A point two (17A.2) of the Code.

Sec. 3. Section one (1) of this Act, being deemed of immediate importance, shall take effect and be in force from and after its publication in The Sioux City Journal, a newspaper published in Sioux City, Iowa, and in the Telegraph Herald, a newspaper published in Dubuque, Iowa.

Sec. 4. Section two (2) of this Act is effective on the date set forth in chapter one thousand two hundred forty-five (1245), Acts of the Sixty-sixth General Assembly, 1976 Session, chapter four (4), section five hundred twenty-nine (529).

DALE M. COCHRAN
Speaker of the House

ARTHUR A. NEU
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 331, Sixty-seventh General Assembly.

DAVID L. WRAY
Chief Clerk of the House

Approved April 15, 1977

ROBERT D. RAY
Governor