

Reprinted 3/11

FEB 1 1980

Place On Calendar

HOUSE FILE 2429

By COMMITTEE ON JUDICIARY AND
LAW ENFORCEMENT

Failed
Passed House, Date 2-18-80 (p. 563) Passed Senate, Date _____
Vote: Ayes 48 Nays 48 Vote: Ayes _____ Nays _____
Approved _____

Referred to committee
Passed House 2-29-80 (p. 721)

A BILL FOR

29-18
Referred to committee 4/18 3/6
1 An Act requiring presentence investigators to inquire into
2 mental disabilities of the defendant.

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

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2429

1 Section 1. Section nine hundred one point three (901.3),
2 Code 1979, is amended to read as follows:
3 901.3 PRESENTENCE INVESTIGATION REPORT. Whenever a
4 presentence investigation is ordered by the court, the
5 investigator shall promptly inquire into: The defendant's
6 characteristics, family and financial circumstances, needs,
7 and potentialities, including the presence of any mental
8 disability; the defendant's criminal record and social history;
9 the circumstances of the offense; the time the defendant has
10 been in detention; and the harm to the victim, the victim's
11 immediate family, and the community. All local and state
12 mental and correctional institutions, courts, and police
13 agencies shall furnish to the investigator on request the
14 defendant's criminal record and other relevant information.
15 With the approval of the court, a physical examination of
16 the defendant may be ordered, or the defendant may be committed
17 to a psychiatric facility for an evaluation of his or her
18 personality and mental health. The results of any such
19 examination shall be included in the report of the
20 investigator.

21 EXPLANATION

22 This bill requires that presentence investigators inquire
23 into the presence of any mental disabilities of a defendant.
24 It takes effect July first following its enactment.

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FISCAL NOTE
Amendment H-5246B to House File 2429
Requested by Representative Ritsema
February 18, 1980

In compliance with a written request there is hereby submitted a Fiscal Note for H-5246B to H. F. 2429 pursuant to Joint Rule 16.

Amendment H-5246B to House File 2429

Because courts can and do order psychiatric evaluations currently, it is anticipated that H-5246B would not have a fiscal effect.

No fiscal note required.

Source: Department of Social Services

FILED MARCH 3, 1980

BY GERRY D. RANKIN
Legislative Fiscal Bureau

FISCAL NOTE
Amendment H-5332 to House File 2429
Requested by Representative Shimanek
February 28, 1980

In compliance with a written request there is hereby submitted a Fiscal Note for H-5332 to H. F. 2429 pursuant to Joint Rule 16.

Amendment H-5332 to House File 2429

H.F. 2429, An Act requiring presentence investigations to inquire into mental disabilities of the defendant.

The bill requires that presentence investigators inquire into the presence of any mental disabilities of a defendant.

Because courts can and do order psychiatric evaluations currently, it is anticipated that H-5332 to H.F. 2429 would not have a fiscal effect.

No fiscal note required.

Source: Department of Social Services

FILED MARCH 3, 1980

BY GERRY D. RANKIN
Legislative Fiscal Bureau

HOUSE FILE 2429

H-5246

1 Amend House File 2429 as follows:

2 1. Page 1, line 7, by inserting after the word
3 "mental" the words "or emotional".

4 2. Page 1, line 15, by inserting after the word
5 "examination" the words "or psychiatric evaluation".

6 3. Page 1, line 19, by inserting after the word
7 "examination" the words "or evaluation".

A - Lost

B - Adopted

H-5246 FILED

By SPEAR of Lee

FEBRUARY 15, 1980

A - Lost, B - Adopted 2/18 (p. 562)

HOUSE FILE 2429

H-5332

1 Amend House File 2429 as follows:

2 1. Page 1, lines 7 and 8, by striking the words
3 "mental disability" and inserting in lieu thereof the
4 words "previously diagnosed mental disorder".

5 2. Page 1, line 17, by striking the word "a" and
6 inserting in lieu thereof the words "a an inpatient
7 or outpatient".

BY SHIMANEK of Jones
RITSEMA of Sioux
KREWSON of Polk
SPEAR of Lee

H-5332 FILED

FEBRUARY 28, 1980

Adopted 2/29 (p. 721)

S. Judiciary 2/11
Do Pass 3/14 (p. 884)

HOUSE FILE 2429

By COMMITTEE ON JUDICIARY AND
LAW ENFORCEMENT

(As Amended and Passed by the House)

Passed House, Date 2/29/80 (p. 721) Passed Senate, Date 3/27/80 (p. 1112)

Vote: Ayes 69 Nays 15 Vote: Ayes 42 Nays 1

Approved April 7, 1980

A BILL FOR

1 An Act requiring presentence investigators to inquire into
2 mental disabilities of the defendant.

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

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_____ House Amendments

1 Section 1. Section nine hundred one point three (901.3),
2 Code 1979, is amended to read as follows:
3 901.3 PRESENTENCE INVESTIGATION REPORT. Whenever a
4 presentence investigation is ordered by the court, the
5 investigator shall promptly inquire into: The defendant's
6 characteristics, family and financial circumstances, needs,
7 and potentialities, including the presence of any previously
8 diagnosed mental disorder; the defendant's criminal record
9 and social history; the circumstances of the offense; the
10 time the defendant has been in detention; and the harm to
11 the victim, the victim's immediate family, and the community.
12 All local and state mental and correctional institutions,
13 courts, and police agencies shall furnish to the investigator
14 on request the defendant's criminal record and other relevant
15 information. With the approval of the court, a physical
16 examination or psychiatric evaluation of the defendant may
17 be ordered, or the defendant may be committed to a an
18 inpatient or outpatient psychiatric facility for an evaluation
19 of his or her personality and mental health. The results
20 of any such examination or evaluation shall be included in
21 the report of the investigator.

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HOUSE FILE 2429

AN ACT
REQUIRING PRESENTENCE INVESTIGATORS TO INQUIRE INTO MENTAL
DISABILITIES OF THE DEFENDANT.

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

Section 1. Section nine hundred one point three (901.3),
Code 1979, is amended to read as follows:

901.3 PRESENTENCE INVESTIGATION REPORT. Whenever a
presentence investigation is ordered by the court, the
investigator shall promptly inquire into: The defendant's
characteristics, family and financial circumstances, needs,
and potentialities, including the presence of any previously
diagnosed mental disorder; the defendant's criminal record
and social history; the circumstances of the offense; the
time the defendant has been in detention; and the harm to
the victim, the victim's immediate family, and the community.
All local and state mental and correctional institutions,
courts, and police agencies shall furnish to the investigator
on request the defendant's criminal record and other relevant
information. With the approval of the court, a physical
examination or psychiatric evaluation of the defendant may

WILLIAM H. HARBOR
Speaker of the House

TERRY E. BRANSTAD
President of the Senate

I hereby certify that this bill originated in the House and
is known as House File 2429, Sixty-eighth General Assembly.

DAVID L. WRAY
Chief Clerk of the House

Approved April 7, 1980

ROBERT D. RAY
Governor