

Reprint 3/9

HOUSE FILE 2267

FEB 9 1984

BY COMMITTEE ON JUDICIARY AND  
LAW ENFORCEMENT

Place On Calendar

(Formerly Study Bill 517)

Passed House, Date 3-6-84 (p. 742) Passed Senate, Date 3-26-84 (p. 1034)  
Vote: Ayes 97 Nays 0 Vote: Ayes 49 Nays 0  
Approved \_\_\_\_\_

# A BILL FOR

1 An Act relating to the waiver of presentence investigations  
2 for class "B", "C", and "D" felonies.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HOUSE FILE 2267  
FISCAL NOTE  
REQUESTED BY REPRESENTATIVE ROSENBERG

In compliance with a written request received February 3, 1984, there is hereby submitted a Fiscal Note for HOUSE FILE 2267 pursuant to Joint Rule 17. Background information used in developing this Fiscal Note is available from the Legislative Fiscal Bureau, to members of the General Assembly upon request.

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House File 2267 requires that judicial district departments of correctional services provide a presentence investigation on all persons convicted of Class "B", "C", and "D" felonies. Currently, the judge has the option to waive the presentence investigations.

FISCAL IMPACT: The increase in the number of presentence investigations prepared by the judicial district departments of correctional services will require the addition of an employee in one judicial district. The estimated impact on the state general fund is \$24,000.

The change in the number of persons about whom a presentence investigation report is written is not expected to impact the state corrections institution population. (3382H, 84-122A, DAW)

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Source: Department of Corrections  
FILED FEBRUARY 14, 1984 BY DENNIS PROUTY, FISCAL DIRECTOR  
HOUSE FILE 2267

H-5251

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1 Amend House File 2267 as follows:  
2 1. Page 1, by striking lines 13 through 17, and  
3 inserting in lieu thereof the following: "shall not  
4 be waived. The court may order, with the consent  
5 of the defendant, that the presentence investiga-  
6 tion begin prior to the acceptance of a plea of guilty,  
7 or prior to a verdict of guilty. The court".

H-5251 FILED FEB. 23, 1984 BY ROSENBERG of Story  
*Adopted 3/6 (p. 742)*

HF 2267

1 Section 1. Section 901.2, unnumbered paragraph 1, Code  
2 Supplement 1983, is amended to read as follows:

3 Upon a plea of guilty, a verdict of guilty, or a special  
4 verdict upon which a judgment of conviction of any public  
5 offense may be rendered, the court shall receive from the  
6 state, from the judicial district department of correctional  
7 services, and from the defendant any information which may  
8 be offered which is relevant to the question of sentencing.  
9 The court may consider information from other sources. The  
10 court shall order a presentence investigation when the offense  
11 is a class "B," class "C," or class "D" felony. A presentence  
12 investigation for a class "B", class "C", or class "D" felony  
5251 13 shall not be waived unless, with the permission of the court,  
14 the defendant waives a presentence investigation, or the court  
15 finds that there is in the record information sufficient to  
16 enable the meaningful exercise of sentencing discretion, and  
17 the court explains this finding on the record. The court  
18 may order a presentence investigation when the offense is  
19 an aggravated or serious misdemeanor.

20 EXPLANATION

21 This bill provides that presentence investigations for  
22 class "B", "C", and "D" felonies shall not be waived.

23 This bill takes effect July 1 following its enactment.

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Sen. Judiciary 3/12 Do Pass 3/20 (p. 934)  
HOUSE FILE 2267

Judiciary  
Mann. Chair  
Ritsema  
Small

HOUSE FILE 2267

BY COMMITTEE ON JUDICIARY AND  
LAW ENFORCEMENT

(As Amended and Passed by the House)

~~S.F. 2188 substituted 3/23~~

Passed House, Date 3-6-84 (p. 742) Passed Senate, Date 3-26-84 (p. 1034)  
Vote: Ayes 97 Nays 0 Vote: Ayes 49 Nays 0  
Approved April 20, 1984 (p. 2500)

## A BILL FOR

1 An Act relating to the waiver of presentence investigations  
2 for class "B", "C", and "D" felonies.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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House Amendments \_\_\_\_\_

1 Section 1. Section 901.2, unnumbered paragraph 1, Code  
2 Supplement 1983, is amended to read as follows:

3 Upon a plea of guilty, a verdict of guilty, or a special  
4 verdict upon which a judgment of conviction of any public  
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11 is a class "B," class "C," or class "D" felony. A presentence  
12 investigation for a class "B", class "C", or class "D" felony  
13 shall not be waived. The court may order, with the consent  
14 of the defendant, that the presentence investigation begin  
15 prior to the acceptance of a plea of guilty, or prior to a  
16 verdict of guilty. The court may order a presentence  
17 investigation when the offense is an aggravated or serious  
18 misdemeanor.

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investigation when the offense is an aggravated or serious misdemeanor.

HOUSE FILE 2267

AN ACT

RELATING TO THE WAIVER OF PRESENTENCE INVESTIGATIONS FOR CLASS "B", "C", AND "D" FELONIES.

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

Section 1. Section 901.2, unnumbered paragraph 1, Code Supplement 1983, is amended to read as follows:

Upon a plea of guilty, a verdict of guilty, or a special verdict upon which a judgment of conviction of any public offense may be rendered, the court shall receive from the state, from the judicial district department of correctional services, and from the defendant any information which may be offered which is relevant to the question of sentencing. The court may consider information from other sources. The court shall order a presentence investigation when the offense is a class "B," class "C," or class "D" felony. A presentence investigation for a class "B", class "C", or class "D" felony shall not be waived. The court may order, with the consent of the defendant, that the presentence investigation begin prior to the acceptance of a plea of guilty, or prior to a verdict of guilty. The court may order a presentence

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DONALD D. AVENSON  
Speaker of the House

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ROBERT T. ANDERSON  
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2267, Seventieth General Assembly.

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JOSEPH O'HERN  
Chief Clerk of the House

Approved 4/20, 1984

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TERRY E. BRANSTAD  
Governor

H.F. 2267