

*Reprinted 3/14*

FEB 28 1984

Place On Calendar

HOUSE FILE 2378

BY COMMITTEE ON JUDICIARY  
AND LAW ENFORCEMENT

(Formerly House File 2003)

Passed House, Date 3-12-84 (p. 94) Passed Senate, Date 3-26-84

Vote: Ayes 92 Nays 0 Vote: Ayes 48 Nays 0

Approved April 30, 1984

## A BILL FOR

1 An Act relating to the board of parole.

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

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HF 2378

1 Section 1. Section 906.5, unnumbered paragraph 1, Code  
2 Supplement 1983, is amended to read as follows:

3 Within one year after the commitment of a person other  
4 than a class "A" felon to the custody of the director of the  
5 Iowa department of corrections, a member of the board shall  
6 interview the person. Thereafter, at regular intervals, not  
7 to exceed one year, the board or a three member panel of the  
8 board shall interview the person and consider the person's  
9 prospects for parole. At such time, the board or three member  
10 panel of the board shall consider all pertinent information  
11 regarding this person, including the circumstances of the  
12 person's offense, any presentence report which may be  
13 available, the previous social history and criminal record  
14 of the person, the person's conduct, employment, and attitude  
15 in prison, and the reports of physical and mental examinations  
16 that have been made.

17 Sec. 2. Section 908.7, Code Supplement 1983, is amended  
18 to read as follows:

19 908.7 ACTION BY PAROLE BOARD. Upon a finding of probable  
20 cause to believe that a parole violation has occurred, the  
21 board of parole or a three member panel of the board shall  
22 proceed without unreasonable delay to hear the charge of  
23 parole violation. Upon receipt of the record prepared and  
24 forwarded by the liaison officer, the board or three member  
25 panel of the board shall fix a time and place for the hearing  
26 and shall notify in writing the alleged violator, the alleged  
27 violator's attorney of record, if any, and the Iowa department  
28 of corrections of the hearing and the claimed violation of  
29 parole. The alleged violator shall be given an opportunity  
30 to be heard by the board or three member panel of the board  
31 under rules the board shall adopt. The inquiry shall be  
32 limited to the following two matters:

- 33 1. Did the alleged parole violation actually occur?
- 34 2. If the violation did occur, should the violator's  
35 parole be revoked?

1 If the board or three member panel of the board determines  
2 that the parole should be revoked, it shall make an order  
3 revoking the parole. The board or three member panel of the  
4 board shall furnish the violator with a written statement  
5 of the facts relied upon to establish a violation and the  
6 reasons for revoking parole.

7 Sec. 3. Section 908.8, Code Supplement 1983, is amended  
8 to read as follows:

9 908.8 PROCEEDING WITHOUT ARREST OR PROBABLE CAUSE. The  
10 board of parole may receive from a parole officer a charge  
11 or complaint of parole violation against any parolee and the  
12 board or a three member panel of the board may proceed to  
13 a hearing on the charge in any case where the alleged violator  
14 has not been arrested or has been arrested and discharged  
15 by the liaison officer on a finding of no probable cause.  
16 The presence of the alleged violator at the hearing shall  
17 be secured by summons. A statement of the charge against  
18 the alleged violator shall accompany the summons, and the  
19 parole officer shall give the alleged violator assistance  
20 as needed to get to the place of the hearing. Travel expenses,  
21 if any, shall be paid by the board. If the alleged violator  
22 fails without good cause to appear as commanded by the summons,  
23 the failure shall be considered a violation of the parole,  
24 and the board or three member panel of the board may proceed  
25 to revoke parole. If the parole is revoked, the board or  
26 three member panel of the board shall issue a warrant for  
27 the person's arrest and return to the custody of the Iowa  
28 department of corrections. Upon the person's return to  
29 custody, the board or three member panel of the board, upon  
30 request, shall give the person an opportunity to present any  
31 matters in defense or mitigation of the conduct.

32 Sec. 4. Section 904.3, Code 1983, is repealed.

33 EXPLANATION

34 Chapter 904 of the Code provides that the board of parole  
35 shall be divided into hearing panels of three or more members

1 to interview and consider inmates for parole and to conduct  
2 parole revocation hearings. Sections 1 through 3 of the bill  
3 amend sections 906.5, 908.7, and 908.8 as they relate to the  
4 panels of the board of parole.

5 Section 4 of the bill repeals section 904.3 of the Code  
6 which provided a now inoperative transition section as to  
7 the length of the initial terms of the additional members  
8 of the board of parole.

9 The bill takes effect July 1 following its enactment.

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HOUSE FILE 2378

H-5592

Amend House File 2378 as follows:

1. Page 1, by striking lines 1 through 16.
2. Page 1, line 21, by striking the words "three member panel" and inserting in lieu thereof the words "panel of three or more members".
3. Page 1, line 24, by striking the words "three member" and inserting in lieu thereof the words "panel of three or more members".
4. Page 1, line 25, by striking the word "panel".
5. Page 1, line 30, by striking the words "three member panel" and inserting in lieu thereof the words "panel of three or more members".
6. Page 2, line 1, by striking the words "three member panel" and inserting in lieu thereof the words "panel of three or more members".
7. Page 2, line 3, by striking the words "three member panel" and inserting in lieu thereof the words "panel of three or more members".
8. Page 2, line 12, by striking the words "three member panel" and inserting in lieu thereof the words "panel of three or more members".
9. Page 2, line 24, by striking the words "three member panel" and inserting in lieu thereof the words "panel of three or more members".
10. Page 2, line 26, by striking the words "three member panel" and inserting in lieu thereof the words "panel of three or more members".
11. Page 2, line 29, by striking the words "three member panel" and inserting in lieu thereof the words "panel of three or more members".

H-5592 FILED MARCH 9, 1984 BY SPEAR of Lee

*Adopted 3/12 (p. 940)*

HOUSE FILE 2378

H-5461

Amend House File 2378 as follows:

1. Page 1, by striking lines 6 and 7, and inserting in lieu thereof the following: "interview the person. Thereafter, at ~~regular intervals, not to exceed one~~ year intervals of not more than twenty-four months, the board or a three member panel of the".

H-5461 FILED MARCH 7, 1984 BY SPEAR of Lee

*H/D 3/9 (p. 940)*

HOUSE FILE 2378

BY COMMITTEE ON JUDICIARY  
AND LAW ENFORCEMENT

(As Amended and Passed by the House)

Passed House, Date 3-12-84 (p. 741) Passed Senate, Date 3-26-84 (p. 1030)

Vote: Ayes 92 Nays 0 Vote: Ayes 48 Nays 0

Approved April 30, 1984

## A BILL FOR

1 An Act relating to the board of parole.

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

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

Language Deleted \*

\*1 Section 1. Section 908.7, Code Supplement 1983, is amended  
2 to read as follows:

3 908.7 ACTION BY PAROLE BOARD. Upon a finding of probable  
4 cause to believe that a parole violation has occurred, the  
5 board of parole or a panel of three or more members of the  
6 board shall proceed without unreasonable delay to hear the  
7 charge of parole violation. Upon receipt of the record  
8 prepared and forwarded by the liaison officer, the board or  
9 panel of three or more members of the board shall fix a time  
10 and place for the hearing and shall notify in writing the  
11 alleged violator, the alleged violator's attorney of record,  
12 if any, and the Iowa department of corrections of the hearing  
13 and the claimed violation of parole. The alleged violator  
14 shall be given an opportunity to be heard by the board or  
15 panel of three or more members of the board under rules the  
16 board shall adopt. The inquiry shall be limited to the  
17 following two matters:

- 18 1. Did the alleged parole violation actually occur?  
19 2. If the violation did occur, should the violator's  
20 parole be revoked?

21 If the board or panel of three or more members of the board  
22 determines that the parole should be revoked, it shall make  
23 an order revoking the parole. The board or panel of three  
24 or more members of the board shall furnish the violator with  
25 a written statement of the facts relied upon to establish  
26 a violation and the reasons for revoking parole.

27 Sec. 2. Section 908.8, Code Supplement 1983, is amended  
28 to read as follows:

29 908.8 PROCEEDING WITHOUT ARREST OR PROBABLE CAUSE. The  
30 board of parole may receive from a parole officer a charge  
31 or complaint of parole violation against any parolee and the  
32 board or a panel of three or more members of the board may  
33 proceed to a hearing on the charge in any case where the  
34 alleged violator has not been arrested or has been arrested  
35 and discharged by the liaison officer on a finding of no

1 probable cause. The presence of the alleged violator at the  
2 hearing shall be secured by summons. A statement of the  
3 charge against the alleged violator shall accompany the  
4 summons, and the parole officer shall give the alleged violator  
5 assistance as needed to get to the place of the hearing.  
6 Travel expenses, if any, shall be paid by the board. If the  
7 alleged violator fails without good cause to appear as  
8 commanded by the summons, the failure shall be considered  
9 a violation of the parole, and the board or panel of three  
10 or more members of the board may proceed to revoke parole.  
11 If the parole is revoked, the board or panel of three or more  
12 members of the board shall issue a warrant for the person's  
13 arrest and return to the custody of the Iowa department of  
14 corrections. Upon the person's return to custody, the board  
15 or panel of three or more members of the board, upon request,  
16 shall give the person an opportunity to present any matters  
17 in defense or mitigation of the conduct.

18 Sec. 3. Section 904.3, Code 1983, is repealed.

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HOUSE FILE 2378

AN ACT  
RELATING TO THE BOARD OF PAROLE.

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

Section 1. Section 908.7, Code Supplement 1983, is amended to read as follows:

908.7 ACTION BY PAROLE BOARD. Upon a finding of probable cause to believe that a parole violation has occurred, the board of parole or a panel of three or more members of the board shall proceed without unreasonable delay to hear the charge of parole violation. Upon receipt of the record prepared and forwarded by the liaison officer, the board or panel of three or more members of the board shall fix a time and place for the hearing and shall notify in writing the alleged violator, the alleged violator's attorney of record, if any, and the Iowa department of corrections of the hearing and the claimed violation of parole. The alleged violator shall be given an opportunity to be heard by the board or panel of three or more members of the board under rules the

board shall adopt. The inquiry shall be limited to the following two matters:

1. Did the alleged parole violation actually occur?
2. If the violation did occur, should the violator's parole be revoked?

If the board or panel of three or more members of the board determines that the parole should be revoked, it shall make an order revoking the parole. The board or panel of three or more members of the board shall furnish the violator with a written statement of the facts relied upon to establish a violation and the reasons for revoking parole.

Sec. 2. Section 908.8, Code Supplement 1983, is amended to read as follows:

908.8 PROCEEDING WITHOUT ARREST OR PROBABLE CAUSE. The board of parole may receive from a parole officer a charge or complaint of parole violation against any parolee and the board or a panel of three or more members of the board may proceed to a hearing on the charge in any case where the alleged violator has not been arrested or has been arrested and discharged by the liaison officer on a finding of no probable cause. The presence of the alleged violator at the hearing shall be secured by summons. A statement of the charge against the alleged violator shall accompany the summons, and the parole officer shall give the alleged violator assistance as needed to get to the place of the hearing. Travel expenses, if any, shall be paid by the board. If the alleged violator fails without good cause to appear as commanded by the summons, the failure shall be considered a violation of the parole, and the board or panel of three or more members of the board may proceed to revoke parole. If the parole is revoked, the board or panel of three or more members of the board shall issue a warrant for the person's arrest and return to the custody of the Iowa department of corrections. Upon the person's return to custody, the board or panel of three or more members of the board, upon request,

shall give the person an opportunity to present any matters in defense or mitigation of the conduct.

Sec. 3. Section 904.3, Code 1983, is repealed.

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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 2378, Seventieth General Assembly.

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JOSEPH O'HERN  
Chief Clerk of the House

Approved April 30, 1984

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TERRY E. BRANSTAD  
Governor