

*Am. Judiciary 4/6/83*

HOUSE FILE 578 *Do Pass 4/8 (p. 1166)*

Judiciary  
Ritsema Chair  
Mann  
Smail

24 1983

HOUSE FILE 578

BY COMMITTEE ON JUDICIARY  
AND LAW ENFORCEMENT

Place On Calendar

(Formerly Study Bill 320)

Passed House, Date 4-5-83 (p. 1080) Passed Senate, Date 4-13-83 (p. 1230)

Vote: Ayes 97 Nays 2 Vote: Ayes 41 Nays 1

Approved April 29, 1983 (p. 1712)  
*motion to reconsider (p. 1251) Lost 4/14 (p. 1261)*

### A BILL FOR

1 An Act relating to certain information and documents containing  
2 certain information, involving persons convicted of crimes.

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

4  
5  
6  
7

HOUSE FILE 578

S-3563

1 Amend House File 578 as passed by the House as  
2 follows:  
3 1. Page 1, by striking lines 1 through 8.

S-3563 FILED  
APRIL 14, 1983  
RULED OUT OF ORDER

BY ROBERT M. CARR

15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

1 Section 1. Chapter 901, Code 1983, is amended by adding  
2 the following new section:

3 NEW SECTION. INFORMATION FOR PAROLE BOARD. At the time  
4 of committing a defendant to the custody of the director of  
5 the division of adult corrections for incarceration, the trial  
6 judge and prosecuting attorney shall, and the defense attorney  
7 may, furnish the board of parole with a full statement of  
8 their recommendations relating to release or parole.

9 Sec. 2. Section 901.2, Code 1983, is amended by adding  
10 the following new unnumbered paragraph:

11 NEW UNNUMBERED PARAGRAPH. The purpose of the report by  
12 the judicial district department of correctional services  
13 is to provide the court pertinent information for purposes  
14 of sentencing and to include suggestions for correctional  
15 planning for use by correctional authorities subsequent to  
16 sentencing.

17 Sec. 3. Section 901.4, Code 1983, is amended to read as  
18 follows:

19 901.4 PRESENTENCE INVESTIGATION REPORT CONFIDENTIAL.  
20 The presentence investigation report is confidential and the  
21 court shall provide safeguards to ensure its confidentiality,  
22 including but not limited to sealing the report, which may  
23 be opened only by further court order. The At least three  
24 days prior to the date set for sentencing, the court may,  
25 in-its-discretion, shall make all of the presentence  
26 investigation report or-parts-of-it available to-the-defendant,  
27 or-the-court-may-make-the-report-or-parts-of-it-available  
28 while-concealing for inspection to the defendant's attorney,  
29 and to the attorney for the state. However, the court may  
30 conceal the identity of the person who provided confidential  
31 information. The report of any medical examination or  
32 psychological or psychiatric evaluation shall be made available  
33 to the attorney for the state and to the defendant upon  
34 request. Such reports shall-be are part of the record but  
35 shall be sealed and opened only on order of the court. ~~in~~

1 ~~any-else-where~~ If the defendant is committed to the custody  
2 of the division of adult corrections and is not a class "A"  
3 felon, a copy of the presentence investigation report shall  
4 be sent forwarded to the director with the order of commitment  
5 by the clerk of the district court and to the board of parole  
6 at the time of commitment. The defendant or the defendant's  
7 attorney may file with the presentence investigation report,  
8 a denial or refutation of the allegations, or both, contained  
9 in the report. The denial or refutation shall be included  
10 in the report.

11 Sec. 4. Section 901.6, Code 1983, is amended to read as  
12 follows:

13 901.6 JUDGMENT ENTERED. If judgment is not deferred,  
14 and no sufficient cause is shown why judgment should not be  
15 pronounced and none appears to the court upon the record,  
16 judgment shall be pronounced and entered. In every case in  
17 which judgment is entered, the court shall include in the  
18 judgment entry the number of the particular section of the  
19 Code and the name of the offense under which the defendant  
20 is sentenced and a statement of the days credited pursuant  
21 to section 246.38 shall be incorporated into the sentence.

22 EXPLANATION

23 Section 1 of the bill mandates that the trial judge and  
24 prosecuting attorney furnish the parole board with their  
25 respective recommendations as to the defendant's release on  
26 parole. The defense attorney's recommendation is permissible  
27 but not mandated.

28 Section 2 explains the purpose of the presentence report.

29 Section 3 provides that the presentence investigation  
30 report is a confidential document that shall be sealed. The  
31 section also provides for the inspection of the report by  
32 the defendant's attorney and the attorney for the state, prior  
33 to the date set for sentencing.

34 Section 4 mandates that the sentencing court include in  
35 the judgment entry the name of the particular offense under

1 which the defendant is sentenced.

2     The bill takes effect July 1 following its enactment.

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31

32

33

34

35

HOUSE FILE 578

AN ACT

RELATING TO CERTAIN INFORMATION AND DOCUMENTS CONTAINING CERTAIN INFORMATION, INVOLVING PERSONS CONVICTED OF CRIMES.

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

Section 1. Chapter 901, Code 1983, is amended by adding the following new section:

NEW SECTION. INFORMATION FOR PAROLE BOARD. At the time of committing a defendant to the custody of the director of the division of adult corrections for incarceration, the trial judge and prosecuting attorney shall, and the defense attorney may, furnish the board of parole with a full statement of their recommendations relating to release or parole.

Sec. 2. Section 901.2, Code 1983, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The purpose of the report by the judicial district department of correctional services is to provide the court pertinent information for purposes of sentencing and to include suggestions for correctional planning for use by correctional authorities subsequent to sentencing.

Sec. 3. Section 901.4, Code 1983, is amended to read as follows:

901.4 PRESENTENCE INVESTIGATION REPORT CONFIDENTIAL. The presentence investigation report is confidential and the court shall provide safeguards to ensure its confidentiality, including but not limited to sealing the report, which may be opened only by further court order. The At least three days prior to the date set for sentencing, the court may, in its discretion, shall make all of the presentence investigation report or parts of it available to the defendant, or the court may make the report or parts of it available while concealing for inspection to the defendant's attorney, and to the attorney for the state. However, the court may conceal the identity of the person who provided confidential information. The report of any medical examination or psychological or psychiatric evaluation shall be made available to the attorney for the state and to the defendant upon request. Such reports shall be a part of the record but shall be sealed and opened only on order of the court. In any case where if the defendant is committed to the custody of the division of adult corrections and is not a class "A" felon, a copy of the presentence investigation report shall be sent forwarded to the director with the order of commitment by the clerk of the district court and to the board of parole at the time of commitment. The defendant or the defendant's attorney may file with the presentence investigation report, a denial or refutation of the allegations, or both, contained in the report. The denial or refutation shall be included in the report.

Sec. 4. Section 901.6, Code 1983, is amended to read as follows:

901.6 JUDGMENT ENTERED. If judgment is not deferred, and no sufficient cause is shown why judgment should not be pronounced and none appears to the court upon the record,

judgment shall be pronounced and entered. In every case in which judgment is entered, the court shall include in the judgment entry the number of the particular section of the Code and the name of the offense under which the defendant is sentenced and a statement of the days credited pursuant to section 246.38 shall be incorporated into the sentence.

---

DONALD D. AVENSON  
Speaker of the House

---

ROBERT T. ANDERSON  
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 578, Seventieth General Assembly.

---

JOSEPH O'HERN  
Chief Clerk of the House

Approved April 29, 1983

---

TERRY E. BRANSTAD  
Governor