

(P. 254) 2/11/93 Motion to Rk by Drammer  
(P. 513) 3/5/93 Motion to Rk Withdraw

HOUSE FILE 151  
BY COMMITTEE ON JUDICIARY  
AND LAW ENFORCEMENT

FEB 8 1993

Place On Calendar

(SUCCESSOR TO HSB 43)

Passed House, Date <sup>(P. 249)</sup> 2-11-93 Passed Senate, Date <sup>(P. 1182)</sup> 4/15/93  
Vote: Ayes 93 Nays 4 Vote: Ayes 48 Nays 0  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to plans for release of inmates committed to the  
2 custody of the department of corrections.

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

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HOUSE FILE 151

H-3048

- 1 Amend House File 151, as follows:
- 2 1. Page 1, lines 31 and 32, by striking the
- 3 words: "an interview by a member of the board" and
- 4 inserting the following: "a review a-member-of-the
- 5 board".
- 6 2. Page 2, line 3, by striking the word
- 7 "interview" and inserting the following: "review".
- 8 3. Page 2, line 14, by striking the words "an
- 9 interview required" and inserting the following: "an
- 10 interview-required a review".

By McNEAL of Hardin  
NEUHAUSER of Johnson

H-3048 FILED FEBRUARY 9, 1993

(P. 249) *Adopted 2-11-93*

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1 Section 1. Section 904.903, Code 1993, is amended to read  
2 as follows:

3 904.903 AGREEMENT BY INMATE.

4 An inmate approved to participate in the work release  
5 program shall sign a work release agreement. The agreement  
6 shall include ~~a statement that the inmate agrees to abide by~~  
7 all terms and conditions of the particular plan adopted for  
8 the inmate by the board of parole, and shall state the name  
9 ~~and address of the proposed employer, if any, and contain~~  
10 include a statement that the inmate agrees to abide by all  
11 ~~terms and conditions the board of parole deems necessary and~~  
12 proper in the agreement. The plan agreement shall be signed  
13 by the inmate prior to participation in the program. ~~Approval~~  
14 ~~may be revoked for any reason by a member of the board of~~  
15 ~~parole at any time after being granted.~~ The agreement may be  
16 terminated by the department in accordance with rules of the  
17 department.

18 Sec. 2. Section 906.5, subsection 1, unnumbered paragraph  
19 1, Code 1993, is amended by striking the paragraph and  
20 inserting in lieu thereof the following:

21 The board shall establish and implement a plan by which the  
22 board systematically reviews the status of each person who has  
23 been committed to the custody of the director of the Iowa  
24 department of corrections and considers the person's prospects  
25 for parole or work release.

26 Sec. 3. Section 906.5, subsections 2 and 3, Code 1993, are  
27 amended to read as follows:

28 2. ~~Within six months after the commitment of a~~ A person  
29 committed to the custody of the director of the department of  
30 corrections as a result of being convicted of an offense under  
31 chapter 714, 715A, 716, or 716A, may request an interview by a  
32 member of the board shall interview the person as provided in  
33 subsection 1 which shall be held within one year of the date  
34 of commitment. ~~The board shall develop a plan for the purpose~~  
35 ~~of early release of such persons when it is determined that a~~

1 ~~person convicted of such an offense can be released without~~  
2 ~~detriment to the community or to the person.~~ The board shall  
3 not be required to grant more than one interview annually for  
4 the same inmate.

5 It is the intent of the general assembly that the board  
6 shall implement this a plan of early release in an effort to  
7 assist in controlling the prison population and assuring  
8 prison space for the confinement of offenders whose release  
9 would be detrimental to the citizens of this state. The board  
10 shall report to the legislative fiscal bureau on a monthly  
11 basis concerning the implementation of this plan and the  
12 number of inmates paroled pursuant to this plan and the  
13 average length of stay of those paroled.

14 3. At the time of an interview required conducted under  
15 this section, the board shall consider all pertinent  
16 information regarding the person, including the circumstances  
17 of the person's offense, any presentence report which is  
18 available, the previous social history and criminal record of  
19 the person, the person's conduct, work, and attitude in  
20 prison, and the reports of physical and mental examinations  
21 that have been made.

#### 22 EXPLANATION

23 Section 1 of the bill provides for revocation of an  
24 inmate's participation in a work release program based upon  
25 rules adopted by the department of corrections. Language  
26 previously requiring the name of the proposed employer to be  
27 included in a plan for work release is deleted.

28 Section 2 replaces language relating to the time frames  
29 within which an inmate is to be considered for release on  
30 parole or work release with language that requires the board  
31 of parole to establish and implement a plan for review of the  
32 status of inmates and consider each inmate's prospects for  
33 parole or work release.

34 Section 3 deletes language that mandates the review of the  
35 status of certain offenders within six months of their

1 commitment to the custody of the department of corrections.  
2 The section also deletes language that mandates the  
3 implementation of a plan for early release of inmates, and  
4 also provides that certain inmates may request interviews but  
5 that the board is not required to grant more than one  
6 interview annually for any inmate.

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Senate (P. 533) 3/12/93 Judiciary  
Senate (P. 1128) 4/13/93 Amend/120 P. 1128 v/s-3481

HOUSE FILE 151  
BY COMMITTEE ON JUDICIARY  
AND LAW ENFORCEMENT

(SUCCESSOR TO HSB 43)

(As Amended and Passed by the House February 11, 1993)

Passed House, Date 4/21/93 Passed Senate, Date 4/15/93 (P. 1182)  
Vote: Ayes 96 Nays 0 Vote: Ayes 48 Nays 0  
Approved May 4, 1993

A BILL FOR

1 An Act relating to plans for release of inmates committed to the  
2 custody of the department of corrections.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HOUSE FILE 151

S-3481

1 Amend House File 151, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 1, line 15, by striking the word "The"  
4 and inserting the following: "Following the release  
5 of the inmate, the".  
6 2. Page 1, line 25, by inserting after the word  
7 "release." the following: "The board at least  
8 annually shall review the status of a person other  
9 than a class "A" felon, a class "B" felon serving a  
10 sentence of more than twenty-five years, or a felon  
11 serving a mandatory minimum sentence other than a  
12 class "A" felon, and provide the person with notice of  
13 the board's parole or work release decision."  
14 3. Page 1, by striking lines 28 through 34, and  
15 inserting the following:  
16 "~~2. Within six months after the commitment of a~~  
17 ~~person convicted of an offense under chapter 714,~~  
18 ~~715A, 716, or 716A, a member of the board shall~~  
19 ~~interview the person as provided in subsection 1. The~~  
20 ~~board shall develop a plan for the purpose~~".  
21 4. Page 2, by striking lines 2 through 4, and  
22 inserting the following: "~~detriment to the community~~  
23 ~~or to the person~~."

Adopted 4/15/93 (P. 1182)

By COMMITTEE ON JUDICIARY  
AL STURGEON, Chairperson

S-3481 FILED APRIL 13, 1993

1 Section 1. Section 904.903, Code 1993, is amended to read  
2 as follows:

3 904.903 AGREEMENT BY INMATE.

4 An inmate approved to participate in the work release  
5 program shall sign a work release agreement. The agreement  
6 shall include ~~a statement that the inmate agrees to abide by~~  
7 all terms and conditions of the particular plan adopted for  
8 the inmate by the board of parole, and shall state the name  
9 and address of the proposed employer, if any, and contain  
10 include a statement that the inmate agrees to abide by all  
11 terms and conditions the board of parole deems necessary and  
12 proper in the agreement. The plan agreement shall be signed  
13 by the inmate prior to participation in the program. Approval  
14 may be revoked for any reason by a member of the board of  
15 parole at any time after being granted. The agreement may be  
16 terminated by the department in accordance with rules of the  
17 department.

18 Sec. 2. Section 906.5, subsection 1, unnumbered paragraph  
19 1, Code 1993, is amended by striking the paragraph and  
20 inserting in lieu thereof the following:

21 The board shall establish and implement a plan by which the  
22 board systematically reviews the status of each person who has  
23 been committed to the custody of the director of the Iowa  
24 department of corrections and considers the person's prospects  
25 for parole or work release.

26 Sec. 3. Section 906.5, subsections 2 and 3, Code 1993, are  
27 amended to read as follows:

28 2. ~~Within six months after the commitment of a~~ A person  
29 committed to the custody of the director of the department of  
30 corrections as a result of being convicted of an offense under  
31 chapter 714, 715A, 716, or 716A, may request a review a member  
32 of the board shall interview the person as provided in  
33 subsection 1 which shall be held within one year of the date  
34 of commitment. ~~The board shall develop a plan for the purpose~~  
35 ~~of early release of such persons when it is determined that a~~

1 ~~person-convicted-of-such-an-offense-can-be-released-without~~  
2 ~~detriment-to-the-community-or-to-the-person.~~ The board shall  
3 not be required to grant more than one review annually for the  
4 same inmate.

5 It is the intent of the general assembly that the board  
6 shall implement this a plan of early release in an effort to  
7 assist in controlling the prison population and assuring  
8 prison space for the confinement of offenders whose release  
9 would be detrimental to the citizens of this state. The board  
10 shall report to the legislative fiscal bureau on a monthly  
11 basis concerning the implementation of this plan and the  
12 number of inmates paroled pursuant to this plan and the  
13 average length of stay of those paroled.

14 3. At the time of an-interview-required a review conducted  
15 under this section, the board shall consider all pertinent  
16 information regarding the person, including the circumstances  
17 of the person's offense, any presentence report which is  
18 available, the previous social history and criminal record of  
19 the person, the person's conduct, work, and attitude in  
20 prison, and the reports of physical and mental examinations  
21 that have been made.

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SENATE AMENDMENT TO HOUSE FILE 151

H-3990

1 Amend House File 151, as amended, passed, and  
2 reprinted by the House, as follows:

3 1. Page 1, line 15, by striking the word "The"  
4 and inserting the following: "Following the release  
5 of the inmate, the".

6 2. Page 1, line 25, by inserting after the word  
7 "release." the following: "The board at least  
8 annually shall review the status of a person other  
9 than a class "A" felon, a class "B" felon serving a  
10 sentence of more than twenty-five years, or a felon  
11 serving a mandatory minimum sentence other than a  
12 class "A" felon, and provide the person with notice of  
13 the board's parole or work release decision."

14 3. Page 1, by striking lines 28 through 34, and  
15 inserting the following:

16 ~~"2. Within six months after the commitment of a~~  
17 ~~person convicted of an offense under chapter 714,~~  
18 ~~715A, 716, or 716A, a member of the board shall~~  
19 ~~interview the person as provided in subsection 1. The~~  
20 ~~board shall develop a plan for the purpose".~~

21 4. Page 2, by striking lines 2 through 4, and  
22 inserting the following: "~~detriment to the community~~  
23 ~~or to the person.~~"

RECEIVED FROM THE SENATE

H-3990 FILED APRIL 15, 1993

*House Concurred  
4-21-93  
P. 1311*



McNeal, Chair  
Larson  
Neuhauser

SENATE/HOUSE FILE 151  
BY (PROPOSED BOARD OF  
PAROLE BILL)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to plans for release of inmates committed to the  
2 custody of the department of corrections.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 904.903, Code 1993, is amended to read  
2 as follows:

3 904.903 AGREEMENT BY INMATE.

4 An inmate approved to participate in the work release  
5 program shall sign a work release agreement. The agreement  
6 shall include ~~a statement that the inmate agrees to abide by~~  
7 all terms and conditions of the particular plan adopted for  
8 the inmate by the board of parole, and shall state the name  
9 and address of the proposed employer, if any, and contain  
10 include a statement that the inmate agrees to abide by all  
11 terms and conditions ~~the board of parole deems necessary and~~  
12 proper in the agreement. The plan agreement shall be signed  
13 by the inmate prior to participation in the program. ~~Approval~~  
14 ~~may be revoked for any reason by a member of the board of~~  
15 ~~parole at any time after being granted.~~ The agreement may be  
16 terminated by the department in accordance with rules of the  
17 department.

18 Sec. 2. Section 906.5, subsection 1, unnumbered paragraph  
19 1, Code 1993, is amended by striking the paragraph and  
20 inserting in lieu thereof the following:

21 The board shall establish and implement a plan by which the  
22 board systematically reviews the status of each person who has  
23 been committed to the custody of the director of the Iowa  
24 department of corrections and considers the person's prospects  
25 for parole or work release.

26 Sec. 3. Section 906.5, subsections 2 and 3, Code 1993, are  
27 amended to read as follows:

28 2. ~~Within six months after the commitment of a person~~  
29 ~~convicted of an offense under chapter 714, 715A, 716, or 716A,~~  
30 ~~a member of the board shall interview the person as provided~~  
31 ~~in subsection 1. The board shall develop a plan for the~~  
32 ~~purpose of early release of such persons when it is determined~~  
33 ~~that a person convicted of such an offense can be released~~  
34 ~~without detriment to the community or to the person.~~

35 It is the intent of the general assembly that the board

1 shall implement ~~this~~ a plan of early release in an effort to  
2 assist in controlling the prison population and assuring  
3 prison space for the confinement of offenders whose release  
4 would be detrimental to the citizens of this state. The board  
5 shall report to the legislative fiscal bureau on a monthly  
6 basis concerning the implementation of this plan and the  
7 number of inmates paroled pursuant to this plan and the  
8 average length of stay of those paroled.

9 3. At the time of an interview ~~required~~ conducted under  
10 this section, the board shall consider all pertinent  
11 information regarding the person, including the circumstances  
12 of the person's offense, any presentence report which is  
13 available, the previous social history and criminal record of  
14 the person, the person's conduct, work, and attitude in  
15 prison, and the reports of physical and mental examinations  
16 that have been made.

17 EXPLANATION

18 Section 1 of the bill provides for revocation of an  
19 inmate's participation in a work release program based upon  
20 rules adopted by the department of corrections. Language  
21 previously requiring the name of the proposed employer to be  
22 included in a plan for work release is deleted.

23 Section 2 replaces language relating to the time frames  
24 within which an inmate is to be considered for release on  
25 parole or work release with language that requires the board  
26 of parole to establish and implement a plan for review of the  
27 status of inmates and consider each inmate's prospects for  
28 parole or work release.

29 Section 3 deletes language that mandates the review of the  
30 status of certain offenders within six months of their  
31 commitment to the custody of the department of corrections.  
32 The bill also deletes language that mandates the  
33 implementation of a plan for early release of inmates.

34 BACKGROUND STATEMENT

35 SUBMITTED BY AGENCY

1 Section 1 of the bill provides statutory language for the  
 2 department of correction's authority to revoke an inmate's  
 3 work release.

4 Increasing prison admissions and decreasing fiscal  
 5 resources require the board of parole to operate as  
 6 efficiently as possible. The bill replaces the current parole  
 7 and work release interview procedures with more flexible  
 8 requirements that permit the board to concentrate its limited  
 9 resources on the review and interview of inmates who are good  
 10 candidates for release. The information below indicates that  
 11 the board is granting substantially more paroles and work  
 12 releases from the case review process:

					Work	
14 FY 1992	Conducted	%	Paroled	%	Released	%
15 Case Reviews	3,665	51%	1,741	79%	549	71%
16 Interviews	3,474	49%	467	21%	219	29%
17 Total	7,139	100%	2,208	100%	768	100%

18 The revised statutory language would permit board members  
 19 to conduct case reviews to screen the prison population for  
 20 good release candidates. The board would interview only the  
 21 candidates that the board determines have good prospects for  
 22 parole or work release.

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HOUSE FILE 151

AN ACT

RELATING TO PLANS FOR RELEASE OF INMATES COMMITTED TO THE  
CUSTODY OF THE DEPARTMENT OF CORRECTIONS.

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

Section 1. Section 904.903, Code 1993, is amended to read  
as follows:

904.903 AGREEMENT BY INMATE.

An inmate approved to participate in the work release  
program shall sign a work release agreement. The agreement  
shall include ~~a statement that the inmate agrees to abide by~~  
all terms and conditions of the particular plan adopted for  
the inmate by the board of parole, ~~and shall state the name~~  
~~and address of the proposed employer, if any, and contain~~  
include a statement that the inmate agrees to abide by all  
terms and conditions ~~the board of parole deems necessary and~~  
~~proper in the agreement.~~ The plan agreement shall be signed  
by the inmate prior to participation in the program. ~~Approval~~  
~~may be revoked for any reason by a member of the board of~~  
~~parole at any time after being granted.~~ Following the release  
of the inmate, the agreement may be terminated by the  
department in accordance with rules of the department.

Sec. 2. Section 906.5, subsection 1, unnumbered paragraph  
1, Code 1993, is amended by striking the paragraph and  
inserting in lieu thereof the following:

The board shall establish and implement a plan by which the  
board systematically reviews the status of each person who has  
been committed to the custody of the director of the Iowa  
department of corrections and considers the person's prospects  
for parole or work release. The board at least annually shall  
review the status of a person other than a class "A" felon, a  
class "B" felon serving a sentence of more than twenty-five  
years, or a felon serving a mandatory minimum sentence other  
than a class "A" felon, and provide the person with notice of  
the board's parole or work release decision.

Sec. 3. Section 906.5, subsections 2 and 3, Code 1993, are  
amended to read as follows:

~~2. Within six months after the commitment of a person~~  
~~convicted of an offense under chapter 7147, 715A, 7167, or 716A,~~  
~~a member of the board shall interview the person as provided~~  
~~in subsection 1. The board shall develop a plan for the~~  
~~purpose of early release of such persons when it is determined~~  
~~that a person convicted of such an offense can be released~~  
~~without detriment to the community or to the person.~~

It is the intent of the general assembly that the board  
shall implement this a plan of early release in an effort to  
assist in controlling the prison population and assuring  
prison space for the confinement of offenders whose release  
would be detrimental to the citizens of this state. The board  
shall report to the legislative fiscal bureau on a monthly  
basis concerning the implementation of this plan and the  
number of inmates paroled pursuant to this plan and the  
average length of stay of those paroled.

3. At the time of an interview required a review conducted  
under this section, the board shall consider all pertinent  
information regarding the person, including the circumstances  
of the person's offense, any presentence report which is

available, the previous social history and criminal record of the person, the person's conduct, work, and attitude in prison, and the reports of physical and mental examinations that have been made.

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HAROLD VAN MAANEN  
Speaker of the House

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LEONARD L. BOSWELL  
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 151, Seventy-fifth General Assembly.

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ELIZABETH ISAACSON  
Chief Clerk of the House

Approved May 4, 1993

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TERRY E. BRANSTAD  
Governor