

(P.614) 3-9-94 Senate - Judiciary  
(P.825) 3-24-94 Senate - Do Pass

FEB 24 1994  
Place On Calendar

HOUSE FILE 2270  
BY COMMITTEE ON JUDICIARY  
AND LAW ENFORCEMENT

(SUCCESSOR TO HSB 598)

Passed House, Date <sup>(P.450)</sup> 3/7/94 Passed Senate, Date <sup>(P.901)</sup> 3-29-94  
Vote: Ayes 94 Nays 0 Vote: Ayes 44 Nays 0  
Approved April 8, 1994

A BILL FOR

1 An Act relating to revocations of parole and work release, by  
2 permitting reductions in credits against a parolee's sentence  
3 at a parole revocation hearing, and providing for the  
4 automatic revocation of parole for a parolee convicted and  
5 sentenced to incarceration for an aggravated misdemeanor.

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

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HF 2270

1 Section 1. Section 906.16, Code 1993, is amended by  
2 striking the section and inserting in lieu thereof the  
3 following:

4 906.16 PAROLE OR WORK RELEASE TIME APPLIED.

5 1. Except as otherwise provided in this section, the time  
6 when a prisoner is on parole or work release from the  
7 institution shall apply to the sentence against the parolee or  
8 work releasee.

9 2. If a parole revocation hearing is held, the  
10 administrative parole judge or the board of parole shall  
11 determine the amount of time on parole that shall apply to the  
12 sentence against the parolee. In making the determination,  
13 the administrative parole judge or the board of parole shall  
14 apply any time that has elapsed prior to the violation during  
15 which the parolee was in compliance with the terms of the  
16 person's parole.

17 3. If a work release is revoked, the board of parole shall  
18 determine the amount of time on work release that shall apply  
19 to the sentence against the work releasee. In making the  
20 determination, the board shall apply any time that has elapsed  
21 prior to the violation during which the work releasee was in  
22 compliance with the terms of the person's work release.

23 4. The time when a prisoner is absent from the institution  
24 by reason of an escape shall not apply upon the sentence  
25 against the prisoner.

26 Sec. 2. NEW SECTION. 908.10A CONVICTION OF AN AGGRAVATED  
27 MISDEMEANOR WHILE ON PAROLE.

28 When a person is convicted and sentenced to incarceration  
29 in a state correctional institution in this state for an  
30 aggravated misdemeanor committed while on parole, or is  
31 convicted and sentenced to incarceration under the laws of any  
32 other state of the United States or a foreign government or  
33 country for an offense committed while on parole, and which if  
34 committed in this state would be an aggravated misdemeanor,  
35 the person's parole shall be deemed revoked as of the date of

1 the commission of the new aggravated misdemeanor offense.

2 The parole officer shall inform the sentencing judge that  
3 the convicted defendant is a parole violator. The term for  
4 which the defendant shall be imprisoned as a parole violator  
5 shall be the same as that provided in cases of revocation of  
6 parole for violation of the conditions of parole. The new  
7 sentence of imprisonment for conviction of an aggravated  
8 misdemeanor shall be served consecutively with the term  
9 imposed for the parole violation, unless a concurrent term of  
10 imprisonment is ordered by the court.

11 The parolee shall be notified in writing that parole has  
12 been revoked on the basis of the new aggravated misdemeanor  
13 conviction, and a copy of the commitment order shall accompany  
14 the notification. The inmate's record shall be reviewed  
15 pursuant to the provisions of section 906.5, or as soon as  
16 practical after a final reversal of the new aggravated  
17 misdemeanor conviction.

18 An inmate may appeal the revocation of parole under this  
19 section according to the board of parole's rules relating to  
20 parole revocation appeals. Neither the administrative parole  
21 judge nor the board panel shall retry the facts underlying any  
22 conviction.

23 EXPLANATION

24 This bill rewrites the provision relating to application of  
25 time spent on work release or parole against an inmate's  
26 sentence to provide for an adjustment, by either the board of  
27 parole or by an administrative parole judge, in the amount of  
28 time to be applied to a parolee's sentence at any time that a  
29 parole revocation hearing is held. Previously the section  
30 only permitted an adjustment in the amount of time to be  
31 applied against a parolee's sentence by the board of parole if  
32 the person's parole was revoked. The provision still only  
33 permits an adjustment in the amount of time that is applied  
34 against a work releasee's sentence to be made by the board of  
35 parole in the event that the person's work release is revoked.

1 The bill also provides for automatic revocation of a  
2 person's parole if the person is convicted of an offense that  
3 constitutes an aggravated misdemeanor under Iowa law while on  
4 parole and is sentenced to incarceration in a state  
5 institution. The provision is nearly identical to section  
6 908.10, which provides for automatic revocation of a person's  
7 parole if the parolee is convicted of an offense that  
8 constitutes a felony under Iowa law while on parole.

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Millage, Ch.  
Spenner  
Brammer

HSB 598

Judiciary & Law Enforcement  
SENATE/HOUSE FILE 2270  
BY (PROPOSED DEPARTMENT OF  
CORRECTIONS/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 revocations of parole and work release, by  
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9 2. If a parole revocation hearing is held, the  
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14 apply any time that has elapsed prior to the violation during  
15 which the parolee was in compliance with the terms of the  
16 person's parole.

17 3. If a work release is revoked, the board of parole shall  
18 determine the amount of time on work release that shall apply  
19 to the sentence against the work releasee. In making the  
20 determination, the board shall apply any time that has elapsed  
21 prior to the violation during which the work releasee was in  
22 compliance with the terms of the person's work release.

23 4. The time when a prisoner is absent from the institution  
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26 Sec. 2. NEW SECTION. 908.10A CONVICTION OF AN AGGRAVATED  
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29 in a state correctional institution in this state for an  
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32 other state of the United States or a foreign government or  
33 country for an offense committed while on parole, and which if  
34 committed in this state would be a aggravated misdemeanor, the  
35 person's parole shall be deemed revoked as of the date of the

1 commission of the new aggravated misdemeanor offense.

2 The parole officer shall inform the sentencing judge that  
3 the convicted defendant is a parole violator. The term for  
4 which the defendant shall be imprisoned as a parole violator  
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8 misdemeanor shall be served consecutively with the term  
9 imposed for the parole violation, unless a concurrent term of  
10 imprisonment is ordered by the court.

11 The parolee shall be notified in writing that parole has  
12 been revoked on the basis of the new aggravated misdemeanor  
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14 the notification. The inmate's record shall be reviewed  
15 pursuant to the provisions of section 906.5, or as soon as  
16 practical after a final reversal of the new aggravated  
17 misdemeanor conviction.

18 An inmate may appeal the revocation of parole under this  
19 section according to the board of parole's rules relating to  
20 parole revocation appeals. Neither the administrative parole  
21 judge nor the board panel shall retry the facts underlying any  
22 conviction.

23 EXPLANATION

24 This bill rewrites the provision relating to application of  
25 time spent on work release or parole against an inmate's  
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32 the person's parole was revoked. The provision still only  
33 permits an adjustment in the amount of time that is applied  
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35 parole in the event that the person's work release is revoked.

1 The bill also provides for automatic revocation of a  
2 person's parole if the person is convicted of an offense that  
3 constitutes an aggravated misdemeanor under Iowa law while on  
4 parole and is sentenced to incarceration in a state  
5 institution. The provision is nearly identical to section  
6 908.10, which provides for automatic revocation of a person's  
7 parole if the parolee is convicted of an offense that  
8 constitutes a felony under Iowa law while on parole.

9 BACKGROUND STATEMENT

10 SUBMITTED BY THE AGENCY

11 Section 1 is designed to maximize the use of limited prison  
12 space. Current law requires the parole board to revoke a  
13 parole in order to adjust the amount of time applied to a  
14 parolee's sentence. The new section 906.16 allows the  
15 administrative parole judge or the parole board to adjust the  
16 amount of time applied to the parolee's sentence at a parole  
17 revocation hearing without the necessity of parole revocation.  
18 This change allows the parole judge or the parole board to  
19 impose a sanction for violation of parole in lieu of returning  
20 the parolee to prison.

21 Section 2 promotes the swift and sure processing of parole  
22 violators who commit crimes while on parole. The section  
23 provides for the automatic revocation of parole for a parolee  
24 convicted and sentenced to incarceration in a state  
25 correctional institution for an aggravated misdemeanor while  
26 on parole. The recommendation is similar to current statutory  
27 provisions for a parolee who commits a felony while on parole.  
28 The proposal would save the parole board the costs of  
29 conducting hearings on these parolees.

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HOUSE FILE 2270

AN ACT

RELATING TO REVOCATIONS OF PAROLE AND WORK RELEASE, BY PERMITTING REDUCTIONS IN CREDITS AGAINST A PAROLEE'S SENTENCE AT A PAROLE REVOCATION HEARING, AND PROVIDING FOR THE AUTOMATIC REVOCATION OF PAROLE FOR A PAROLEE CONVICTED AND SENTENCED TO INCARCERATION FOR AN AGGRAVATED MISDEMEANOR.

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

Section 1. Section 906.16, Code 1993, is amended by striking the section and inserting in lieu thereof the following:

906.16 PAROLE OR WORK RELEASE TIME APPLIED.

1. Except as otherwise provided in this section, the time when a prisoner is on parole or work release from the institution shall apply to the sentence against the parolee or work releasee.

2. If a parole revocation hearing is held, the administrative parole judge or the board of parole shall determine the amount of time on parole that shall apply to the sentence against the parolee. In making the determination, the administrative parole judge or the board of parole shall apply any time that has elapsed prior to the violation during which the parolee was in compliance with the terms of the person's parole.

3. If a work release is revoked, the board of parole shall determine the amount of time on work release that shall apply to the sentence against the work releasee. In making the determination, the board shall apply any time that has elapsed

prior to the violation during which the work releasee was in compliance with the terms of the person's work release.

4. The time when a prisoner is absent from the institution by reason of an escape shall not apply upon the sentence against the prisoner.

Sec. 2. NEW SECTION. 908.10A CONVICTION OF AN AGGRAVATED MISDEMEANOR WHILE ON PAROLE.

When a person is convicted and sentenced to incarceration in a state correctional institution in this state for an aggravated misdemeanor committed while on parole, or is convicted and sentenced to incarceration under the laws of any other state of the United States or a foreign government or country for an offense committed while on parole, and which if committed in this state would be an aggravated misdemeanor, the person's parole shall be deemed revoked as of the date of the commission of the new aggravated misdemeanor offense.

The parole officer shall inform the sentencing judge that the convicted defendant is a parole violator. The term for which the defendant shall be imprisoned as a parole violator shall be the same as that provided in cases of revocation of parole for violation of the conditions of parole. The new sentence of imprisonment for conviction of an aggravated misdemeanor shall be served consecutively with the term imposed for the parole violation, unless a concurrent term of imprisonment is ordered by the court.

The parolee shall be notified in writing that parole has been revoked on the basis of the new aggravated misdemeanor conviction, and a copy of the commitment order shall accompany the notification. The inmate's record shall be reviewed pursuant to the provisions of section 906.5, or as soon as practical after a final reversal of the new aggravated misdemeanor conviction.

An inmate may appeal the revocation of parole under this section according to the board of parole's rules relating to parole revocation appeals. Neither the administrative parole



judge nor the board panel shall retry the facts underlying any conviction.

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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 2270, Seventy-fifth General Assembly.

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ELIZABETH ISAACSON  
Chief Clerk of the House

Approved April 8, 1994

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TERRY E. BRANSTAD  
Governor