

(P. 694) 3-16-94 Senate - Judiciary
(P. 857) 3-28-94 Senate - Do Pass

MAR 1 1994
Place On Calendar

HOUSE FILE **2325**
BY COMMITTEE ON JUDICIARY
AND LAW ENFORCEMENT

(SUCCESSOR TO HF 2093)

Passed House, ^(P. 582) Date 3-14-94 Passed Senate, ^(P. 1063) Date 4/6/94
Vote: Ayes 79 Nays 18 Vote: Ayes 48 Nays 0
^{Approved} April 19, 1994
^{Passed 4-8-94}
^{Vote 90-7}
^(P. 1319)

A BILL FOR

- 1 An Act to limit the use of presentence investigations.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 3
- 4

HOUSE FILE 2325

S-5421

- 1 Amend House File 2325, as passed by the House, as
- 2 follows:
- 3 1. Page 1, line 21, by inserting after the word
- 4 "felony." the following: "If, however, the board of
- 5 parole determines that the Iowa medical and
- 6 classification center reception report for a class "A"
- 7 felon is inadequate, the board may request and shall
- 8 be provided with additional information from the
- 9 appropriate judicial district department of
- 10 correctional services."

Adopted 4-6-94 (P. 1319) By RANDAL J. GIANNETTO

SENATE AMENDMENT TO HOUSE FILE 2325

H-6030

- 1 Amend House File 2325, as passed by the House, as
- 2 follows:
- 3 1. Page 1, line 21, by inserting after the word
- 4 "felony." the following: "If, however, the board of
- 5 parole determines that the Iowa medical and
- 6 classification center reception report for a class "A"
- 7 felon is inadequate, the board may request and shall
- 8 be provided with additional information from the
- 9 appropriate judicial district department of
- 10 correctional services."

RECEIVED FROM THE SENATE

H-6030 FILED APRIL 6, 1994

House Concurred 4-8-94
(P. 1319)

HF 2325

1 Section 1. Section 901.2, unnumbered paragraph 1, Code
2 1993, 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 a 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 be
8 offered which is relevant to the question of sentencing. The
9 court may consider information from other sources.

10 PARAGRAPH DIVIDED. Notwithstanding section 13.10, the
11 court may determine if the defendant shall be required to
12 provide a physical specimen to be submitted for DNA profiling
13 if the defendant is to be placed on probation or work release.
14 The court shall consider the deterrent effect of DNA
15 profiling, the likelihood of repeated violations by the
16 defendant, and the seriousness of the offense. When funds
17 have been allocated from the general fund of the state, or
18 funds are provided by other public or private sources, the
19 court shall order DNA profiling.

20 The court shall not order a presentence investigation when
21 the offense is a class "A" felony. The court shall order a
22 presentence investigation when the offense is a class "B,"
23 "B", class "C," "C", or class "D" felony. A presentence
24 investigation for a class "B," "B", class "C," "C", or class
25 "D" felony shall not be waived. The court may order, with the
26 consent of the defendant, that the presentence investigation
27 begin prior to the acceptance of a plea of guilty, or prior to
28 a verdict of guilty. The court may order a presentence
29 investigation when the offense is an aggravated or
30 misdemeanor. The court may order a presentence investigation
31 when the offense is a serious misdemeanor only upon a finding
32 of exceptional circumstances warranting an investigation.
33 Notwithstanding section 901.3, a presentence investigation
34 ordered by the court for a serious misdemeanor shall include
35 information concerning only the following:

EXPLANATION

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This bill provides that presentence investigations are not to be ordered for class "A" felonies and that a presentence investigation is to be ordered in the case of serious or aggravated misdemeanors only after a finding that exceptional circumstances exist that warrant an investigation.

HOUSE FILE 2325
FISCAL NOTE

A fiscal note for House File 2325 is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note is available from the Legislative Fiscal Bureau to members of the Legislature upon request.

House File 2325 provides that presentence investigations are not to be ordered for Class "A" felonies and that a presentence investigation is to be ordered in the case of serious or aggravated misdemeanors only after a finding that exceptional circumstances exist that warrant an investigation.

Fiscal Effect:

The fiscal effect of HF 2325 on the General Fund cannot be determined.

Source: Judicial Department

(LSB 3960hv, LAM)

FILED MARCH 14, 1994

BY DENNIS PROUTY, FISCAL DIRECTOR