

H. 3/1/98 34/98 Judiciary  
H. 3/8/98  
FILED FEB 25 1998 DeJesse  
UNFINISHED BUSINESS CALENDAR

SENATE FILE 2337  
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 2156)

Passed Senate, <sup>(P. 536)</sup> Date 3/3/98 Passed House, <sup>(P. 1298)</sup> Date 4-6-98  
Vote: Ayes 48 Nays 0 Vote: Ayes 100 Nays 0  
Approved 4/15/98

A BILL FOR

1 An Act to allow distribution of the presentence investigation  
2 report under certain circumstances.

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

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S.F. 2337

1 Section 1. Section 901.4, Code 1997, is amended to read as  
2 follows:

3 901.4 PRESENTENCE INVESTIGATION REPORT CONFIDENTIAL --  
4 DISTRIBUTION.

5 The presentence investigation report is confidential and  
6 the court shall provide safeguards to ensure its  
7 confidentiality, including but not limited to sealing the  
8 report, which may be opened only by further court order. At  
9 least three days prior to the date set for sentencing, the  
10 court shall serve all of the presentence investigation report  
11 upon the defendant's attorney and the attorney for the state,  
12 and the report shall remain confidential except upon court  
13 order. However, the court may conceal the identity of the  
14 person who provided confidential information. The report of a  
15 medical examination or psychological or psychiatric evaluation  
16 shall be made available to the attorney for the state and to  
17 the defendant upon request. The reports are part of the  
18 record but shall be sealed and opened only on order of the  
19 court. If the defendant is committed to the custody of the  
20 Iowa department of corrections and is not a class "A" felon, a  
21 copy of the presentence investigation report shall be  
22 forwarded to the director with the order of commitment by the  
23 clerk of the district court and to the board of parole at the  
24 time of commitment. The presentence investigation report may  
25 also be released by the department of corrections or a  
26 judicial district department of correctional services pursuant  
27 to section 904.602 to another jurisdiction for the purpose of  
28 providing interstate probation and parole compact services or  
29 evaluations. The defendant or the defendant's attorney may  
30 file with the presentence investigation report, a denial or  
31 refutation of the allegations, or both, contained in the  
32 report. The denial or refutation shall be included in the  
33 report.

34 EXPLANATION

35 This bill amends Code section 901.4 to permit distribution

1 of the presentence investigation report for purposes of  
2 providing interstate probation and parole compact services or  
3 evaluations.

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Angelo  
Maddox  
Harrison

SSB 2156  
Judiciary

Succeeded By  
SENATE FILE SP/HF 2337  
BY (PROPOSED COMMITTEE ON  
JUDICIARY BILL BY  
CHAIRPERSON MCKEAN)

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

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34 EXPLANATION

35 This bill amends Code section 901.4 to permit distribution

2156

S.F. \_\_\_\_\_ H.F. \_\_\_\_\_

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SENATE FILE 2337

AN ACT  
TO ALLOW DISTRIBUTION OF THE PRESENTENCE INVESTIGATION REPORT  
UNDER CERTAIN CIRCUMSTANCES.

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

Section 1. Section 901.4, Code 1997, is amended to read as follows:

901.4 PRESENTENCE INVESTIGATION REPORT CONFIDENTIAL --  
DISTRIBUTION.

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. At least three days prior to the date set for sentencing, the court shall serve all of the presentence investigation report upon the defendant's attorney and the attorney for the state, and the report shall remain confidential except upon court order. However, the court may conceal the identity of the person who provided confidential information. The report of a medical examination or psychological or psychiatric evaluation shall be made available to the attorney for the state and to the defendant upon request. The reports are part of the record but shall be sealed and opened only on order of the court. If the defendant is committed to the custody of the Iowa department of corrections and is not a class "A" felon, a copy of the presentence investigation report shall be 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 presentence investigation report may also be released by the department of corrections or a judicial district department of correctional services pursuant to section 904.602 to another jurisdiction for the purpose of

providing interstate probation and parole compact services or evaluations. 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.

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MARY E. KRAMER  
President of the Senate

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RON J. CORBETT  
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2337, Seventy-seventh General Assembly.

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MARY PAT GUNDERSON  
Secretary of the Senate

Approved 4/15, 1998

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TERRY E. BRANSTAD  
Governor