

1-15-97 Judiciary
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SENATE FILE 29
BY MADDOX

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act to provide for the revocation of work release or parole
2 for possession, consumption, or use of controlled substances,
3 and providing for consecutive sentences for new possession
4 convictions.

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

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1 Section 1. Section 901.8, Code 1997, is amended to read as
2 follows:

3 901.8 CONSECUTIVE SENTENCES.

4 If a person is sentenced for two or more separate offenses,
5 the sentencing judge may order the second or further sentence
6 to begin at the expiration of the first or succeeding
7 sentence. If a person is sentenced for escape under section
8 719.4, for possession of a controlled substance under section
9 124.401 while the person is participating in a work release
10 program, or for a crime committed while confined in a
11 detention facility or penal institution, the sentencing judge
12 shall order the sentence to begin at the expiration of any
13 existing sentence. If the person is presently in the custody
14 of the director of the Iowa department of corrections, the
15 sentence shall be served at the facility or institution in
16 which the person is already confined unless the person is
17 transferred by the director. If consecutive sentences are
18 specified in the order of commitment, the several terms shall
19 be construed as one continuous term of imprisonment.

20 Sec. 2. Section 904.903, Code 1997, is amended to read as
21 follows:

22 904.903 AGREEMENT BY INMATE.

23 An inmate approved to participate in the work release
24 program shall sign a work release agreement. The agreement
25 shall include all terms and conditions of the particular plan
26 adopted for the inmate by the board of parole and shall
27 include a statement that the inmate agrees to abide by all
28 terms and conditions in the agreement. The agreement shall be
29 signed by the inmate prior to participation in the program.
30 Following the release of the inmate, the agreement may be
31 terminated by the department in accordance with rules of the
32 department. The agreement shall be terminated in accordance
33 with the rules of the department if the inmate is found to
34 possess a controlled substance in violation of section
35 124.401, or to have consumed or used a controlled substance,

1 unless the substance is or has been prescribed, dispensed, or
2 supplied to the person by a health care practitioner
3 authorized under section 147.107.

4 Sec. 3. Section 906.4, Code 1997, is amended by adding the
5 following new unnumbered paragraph:

6 NEW UNNUMBERED PARAGRAPH. The board shall establish, as a
7 condition of a person's parole or work release, a requirement
8 that the person shall not possess a controlled substance in
9 violation of section 124.401, or consume or use a controlled
10 substance, unless the substance has been prescribed,
11 dispensed, or supplied to the person by a health care
12 practitioner authorized under section 147.107.

13 Sec. 4. NEW SECTION. 908.10B CONTROLLED SUBSTANCE
14 CONSUMPTION, USE, OR POSSESSION WHILE ON PAROLE.

15 1. When a person is found to have possessed, consumed, or
16 used a controlled substance in violation of the conditions
17 established by the board for the person's parole, the person's
18 parole shall be deemed revoked as of the date on which the
19 person was found in possession of, or to have used or
20 consumed, the controlled substance.

21 2. Except as otherwise provided under sections 908.10 and
22 908.10A, if the person is convicted of possession of a
23 controlled substance under section 124.401, the parole officer
24 shall inform the sentencing judge that the convicted defendant
25 is a parole violator. The term for which the defendant shall
26 be imprisoned as a parole violator shall be the same as that
27 provided in cases of revocation of parole for violation of the
28 conditions of parole. The new sentence of imprisonment for
29 conviction of a violation of section 124.401 shall be served
30 consecutively with the term imposed for the parole violation,
31 unless a concurrent term of imprisonment is ordered by the
32 court.

33 The parolee shall be notified in writing that parole has
34 been revoked on the basis of the violation of the conditions
35 of the person's parole and, if the person is convicted of

1 possession of a controlled substance under section 124.401,
2 the new conviction. A copy of the commitment order shall
3 accompany the notification. The inmate's record shall be
4 reviewed pursuant to the provisions of section 906.5, or as
5 soon as practical after a final reversal of a conviction for
6 possession of a controlled substance while on parole.

7 3. An inmate may appeal the revocation of parole under
8 this section according to the board of parole's rules relating
9 to parole revocation appeals. Neither the administrative
10 parole judge nor the board panel shall retry the facts
11 underlying any conviction.

12 EXPLANATION

13 This bill provides for the revocation of the parole or work
14 release of a person who is found to have used, consumed, or
15 possessed a controlled substance in violation of the
16 conditions of the person's parole. For those parolees or work
17 releasees who are convicted of possession of a controlled
18 substance that was not prescribed, dispensed, or supplied by
19 an authorized health care practitioner, the sentence for the
20 conviction shall run consecutively to the sentence for which
21 the person originally received the parole or work release.

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