

FEB 19 2002

JUDICIARY

HOUSE FILE 2433
BY BAUDLER

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

A BILL FOR

1 An Act relating to conducting searches of persons on probation or
2 parole and providing information to local law enforcement
3 agencies and the state department of transportation.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 2433

1 Section 1. Section 906.4, Code 2001, is amended by adding
2 the following new unnumbered paragraph after unnumbered
3 paragraph 3:

4 NEW UNNUMBERED PARAGRAPH. The board as a condition of
5 parole or work release may, and if the person is released
6 pursuant to a plan of early release shall, require that the
7 person submit to a search of the person, the person's
8 property, place of residence, vehicle, or personal effects, at
9 any time, with or without a search warrant or probable cause,
10 by any peace officer. For purposes of this section, "peace
11 officer" means those officers designated under section 801.4.

12 Sec. 2. NEW SECTION. 906.5A INFORMATION PROVIDED TO
13 STATE DEPARTMENT OF TRANSPORTATION AND LAW ENFORCEMENT
14 AGENCIES.

15 The board of parole shall notify the local law enforcement
16 agency with jurisdiction over the area where a person is
17 paroled and the state department of transportation of
18 conditions of the person's release requiring the person to
19 submit to a search as provided in section 906.4 or 907.6. The
20 state department of transportation shall release such
21 information to a law enforcement agency as provided in section
22 321.11.

23 Sec. 3. Section 907.6, Code 2001, is amended to read as
24 follows:

25 907.6 CONDITIONS OF PROBATION -- REGULATIONS.

26 Probationers are subject to the conditions established by
27 the judicial district department of correctional services
28 subject to the approval of the court, and any additional
29 reasonable conditions which the court or district department
30 may impose to promote rehabilitation of the defendant or
31 protection of the community. Conditions may include but are
32 not limited to adherence to regulations generally applicable
33 to persons released on parole and including requiring unpaid
34 community service as allowed pursuant to section 907.13, or
35 being subjected to searches pursuant to section 906.4. The

1 district department assigned to supervise the probationer
2 shall notify the local law enforcement agency with
3 jurisdiction over the area where the probationer resides and
4 the state department of transportation of conditions of the
5 probationer's release requiring the probationer to submit to a
6 search as provided in this section. The state department of
7 transportation shall release such information to a law
8 enforcement agency as provided in section 321.11.

9 EXPLANATION

10 This bill relates to conducting searches of persons on
11 probation or parole.

12 The bill provides that as a condition of probation or
13 parole, a person may be subjected to searches of the person,
14 the person's property, place of residence, vehicle, or
15 personal effects, at any time, with or without a search
16 warrant or probable cause, by any peace officer. For purposes
17 of this bill, "peace officer" means those officers designated
18 under Code section 801.4.

19 The bill requires the board of parole or a judicial
20 district department to provide a local law enforcement agency
21 with jurisdiction over the area where the parolee or
22 probationer resides with information regarding the condition
23 of parole or probation. The bill also requires the board of
24 parole or the judicial district department to provide the
25 information to the state department of transportation. The
26 bill requires the department of transportation to release the
27 information as provided in Code section 321.11.

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