

House Study Bill 90

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
PUBLIC SAFETY BILL BY
CHAIRPERSON 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:
5 TLSB 1708HC 80
6 jm/cl/14

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1 1 Section 1. Section 906.4, Code 2003, is amended by adding
1 2 the following new unnumbered paragraph after unnumbered
1 3 paragraph 3:
1 4 NEW UNNUMBERED PARAGRAPH. The board as a condition of
1 5 parole or work release may, and if the person is released
1 6 pursuant to a plan of early release shall, require that the
1 7 person submit to a search of the person, the person's
1 8 property, place of residence, vehicle, or personal effects, at
1 9 any time, with or without a search warrant or probable cause,
1 10 by any peace officer. For purposes of this section, "peace
1 11 officer" means those officers designated under section 801.4.
1 12 Sec. 2. NEW SECTION. 906.5A INFORMATION PROVIDED TO
1 13 STATE DEPARTMENT OF TRANSPORTATION AND LAW ENFORCEMENT
1 14 AGENCIES.

1 15 The board of parole shall notify the local law enforcement
1 16 agency with jurisdiction over the area where a person is
1 17 paroled and the state department of transportation of
1 18 conditions of the person's release requiring the person to
1 19 submit to a search as provided in section 906.4 or 907.6. The
1 20 state department of transportation shall release such
1 21 information to a law enforcement agency as provided in section
1 22 321.11.

1 23 Sec. 3. Section 907.6, Code 2003, is amended to read as
1 24 follows:

1 25 907.6 CONDITIONS OF PROBATION == REGULATIONS.
1 26 Probationers are subject to the conditions established by
1 27 the judicial district department of correctional services
1 28 subject to the approval of the court, and any additional
1 29 reasonable conditions which the court or district department
1 30 may impose to promote rehabilitation of the defendant or
1 31 protection of the community. Conditions may include but are
1 32 not limited to adherence to regulations generally applicable
1 33 to persons released on parole and including requiring unpaid
1 34 community service as allowed pursuant to section 907.13, or
1 35 being subjected to searches pursuant to section 906.4. The
2 1 district department assigned to supervise the probationer
2 2 shall notify the local law enforcement agency with
2 3 jurisdiction over the area where the probationer resides and
2 4 the state department of transportation of conditions of the
2 5 probationer's release requiring the probationer to submit to a
2 6 search as provided in this section. The state department of
2 7 transportation shall release such information to a law
2 8 enforcement agency as provided in section 321.11.

EXPLANATION

2 9 This bill relates to conducting searches of persons on
2 10 probation or parole.
2 11 The bill provides that as a condition of probation or
2 12 parole, a person may be subjected to searches of the person,
2 13 the person's property, place of residence, vehicle, or
2 14 personal effects, at any time, with or without a search
2 15 warrant or probable cause, by any peace officer. For purposes
2 16 of this bill, "peace officer" means those officers designated
2 17 under Code section 801.4.
2 18 The bill requires the board of parole or a judicial
2 19 district department of correctional services to provide a
2 20 local law enforcement agency with jurisdiction over the area

2 22 where the parolee or probationer resides with information
2 23 regarding the condition of parole or probation. The bill also
2 24 requires the board of parole or the judicial district
2 25 department to provide the information to the state department
2 26 of transportation. The bill requires the department of
2 27 transportation to release the information as provided in Code
2 28 section 321.11.
2 29 LSB 1708HC 80
2 30 jm/cl/14