

House Study Bill 644 - Introduced

SENATE/HOUSE FILE _____
BY (RECOMMENDED BY
THE CRIMINAL CODE
REORGANIZATION STUDY
COMMITTEE BILL)

A BILL FOR

- 1 An Act relating to extending a period of probation and
- 2 including applicability provisions.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 907.7, subsection 1, Code 2009, is
2 amended to read as follows:

3 1. The length of the probation shall be for a ~~term~~ period as
4 the court shall fix but not to exceed five years if the offense
5 is a felony or not to exceed two years if the offense is a
6 misdemeanor. The period of probation may be extended for up
7 to one year including one year beyond the maximum period as
8 provided in section 908.11.

9 Sec. 2. Section 908.11, subsection 4, Code 2009, is amended
10 to read as follows:

11 4. If the violation is established, the court may continue
12 the probation or youthful offender status with or without
13 an alteration of the conditions of probation or a youthful
14 offender status. If the defendant is an adult or a youthful
15 offender the court may hold the defendant in contempt of court
16 and sentence the defendant to a jail term while continuing the
17 probation or youthful offender status, order the defendant
18 to be placed in a violator facility established pursuant to
19 section 904.207 while continuing the probation or youthful
20 offender status, extend the term of probation for up to one
21 year as authorized in section 907.7 while continuing the
22 probation or youthful offender status, or revoke the probation
23 or youthful offender status and require the defendant to serve
24 the sentence imposed or any lesser sentence, and, if imposition
25 of sentence was deferred, may impose any sentence which might
26 originally have been imposed.

27 Sec. 3. Section 910.4, subsection 1, paragraph b,
28 subparagraph (1), Code 2009, is amended to read as follows:

29 (1) If the court extends the period of probation, ~~it~~ the
30 period of probation shall not be for more than the maximum
31 period of probation for the offense committed except for an
32 extension of a period of probation as ~~provided~~ authorized in
33 section 907.7. After discharge from probation or after
34 the expiration of the period of probation, as extended if
35 applicable, the failure of an offender to comply with the plan

1 of restitution ordered by the court shall constitute contempt
2 of court.

3 Sec. 4. APPLICABILITY. This Act applies to criminal
4 offenses committed on or after July 1, 2010.

5 EXPLANATION

6 This bill relates to the extension of a period of
7 probation. The bill provides that a judge may extend a period
8 of probation, for up to one year including one year beyond
9 the maximum period, if a violation of probation has been
10 established.

11 The bill also requires the court to inform a defendant, at
12 the time of sentencing, that the period of probation may be
13 extended for up to one year if a violation of probation is
14 established.

15 The bill applies to criminal offenses committed on or after
16 July 1, 2010.