

House File 2294 - Introduced

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BY HINSON

A BILL FOR

1 An Act relating to technical violations of probation.

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

1 Section 1. Section 908.11, Code 2018, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 01. As used in this section, "*technical*
4 *violation*" means a violation of probation other than a violation
5 involving an arrest, conviction, or failure to follow a
6 specific court-imposed condition of probation, or when the
7 person absconds.

8 Sec. 2. Section 908.11, subsection 4, Code 2018, is amended
9 to read as follows:

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

29 b. (1) If the violation established is a technical
30 violation, the court may sentence the defendant to a jail term
31 or order the defendant to be placed in a violator facility
32 established pursuant to section 904.207 while continuing the
33 probation or youthful offender status. The jail term or
34 placement shall not exceed the following:

35 (a) Five days for a first technical violation.

