

House File 2436 - Introduced

HOUSE FILE 2436
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HF 2294)

A BILL FOR

1 An Act requesting the establishment of an interim study
2 committee relating to the use of intermediate criminal
3 sanctions and probation revocations.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. INTERMEDIATE SANCTIONS AND PROBATION REVOCATIONS
2 INTERIM STUDY.

3 1. As used in this section, unless the context otherwise
4 provides:

5 a. "District department" means a judicial district
6 department of correctional services, established as required
7 by section 905.2.

8 b. "Intermediate criminal sanctions" means a set
9 of integrated intervention strategies used to enhance
10 accountability for persons on probation. The term implies that
11 the penalties for delinquent activity should move from limited
12 interventions to more restrictive penalties corresponding to
13 the severity and nature of the violation or crime committed by
14 a person on probation.

15 c. "Probation revocation" means a violation of the rules or
16 conditions set forth in a probation order such that probation
17 conditions are reconsidered to include additional probation
18 time, imposition of additional fines, fees, or conditions, and
19 the potential for additional incarceration.

20 d. "Technical violation" means a violation of a condition of
21 probation that is not a new offense.

22 2. The legislative council is requested to establish an
23 interim study committee to study and report on the use of
24 probation revocations and intermediate criminal sanctions. The
25 study committee shall provide a summary and an analysis of all
26 of the following: the use of intermediate criminal sanctions
27 by each district department; the use of intermediate criminal
28 sanctions for technical and serious probation violations by
29 each district department; the use of probation revocations
30 in order to identify the causes of such revocations; serious
31 probation violations and new crimes committed by persons on
32 probation; admissions to the Iowa department of corrections by
33 type of probation revocation; and costs associated with the
34 community-based correctional system. The study committee shall
35 consider recent updates and changes to the use of intermediate

1 criminal sanctions for the previous fiscal year as well as
2 any planned changes to the use of intermediate sanctions.
3 The study committee shall also compare differences among the
4 judicial districts regarding the use of intermediate criminal
5 sanctions and probation revocations. The study committee
6 shall include recommendations relevant to the future use of
7 intermediate sanctions and policies surrounding technical and
8 serious violations with the goal of reducing recidivism and
9 admissions to prison for probation revocations, and increasing
10 transparency and accountability. The study committee shall be
11 composed of relevant legislative committee chairs or designees,
12 officials from the department of corrections, district judges,
13 relevant criminal justice stakeholders, and any other person
14 tasked with managing the policies of district departments.
15 Appointments to the committee shall be made no later than
16 August 1, 2018. Staffing for the committee shall be provided
17 by the legislative services agency. The study committee shall
18 submit a report of its findings and recommendations, including
19 any proposed legislation to the general assembly on or before
20 December 1, 2018.

21

EXPLANATION

22 The inclusion of this explanation does not constitute agreement with
23 the explanation's substance by the members of the general assembly.

24 This bill requests the legislative council to establish an
25 interim study committee relating to the use of intermediate
26 criminal sanctions and probation revocations.

27 The bill defines "district department" to mean a judicial
28 district department of correctional services, established as
29 required by Code section 905.2.

30 The bill defines "intermediate criminal sanctions" to mean
31 a set of integrated intervention strategies used to enhance
32 accountability for persons on probation. The term implies that
33 the penalties for delinquent activity should move from limited
34 interventions to more restrictive penalties corresponding to
35 the severity and nature of the violation or crime committed by

1 a person on probation.

2 The bill defines "technical violation" to mean a violation
3 of a condition of probation that is not a new offense.

4 The legislative council is requested by the bill to
5 establish an interim study committee to study and report on
6 the use of probation revocations and intermediate criminal
7 sanctions. The bill requires the study committee to provide
8 a summary and an analysis of all of the following: the use of
9 intermediate criminal sanctions by each district department;
10 the use of intermediate criminal sanctions for technical and
11 serious probation violations by each district department; the
12 use of probation revocations in order to identify the causes
13 of such revocations; serious probation violations and new
14 crimes committed by persons on probation; admissions to the
15 Iowa department of corrections by type of probation revocation;
16 and costs associated with the community-based correctional
17 system. The study committee shall consider recent updates and
18 changes to the use of intermediate criminal sanctions for the
19 previous fiscal year as well as any planned changes to the use
20 of intermediate criminal sanctions. The study committee shall
21 also compare differences among the judicial districts regarding
22 the use of intermediate criminal sanctions and probation
23 revocations. The bill requires the study committee to include
24 recommendations relevant to the future use of intermediate
25 criminal sanctions and policies surrounding technical and
26 serious violations with the goal of reducing recidivism
27 and admissions to prison for probation revocations, and
28 increasing transparency and accountability. The bill requires
29 the study committee to be composed of relevant legislative
30 committee chairs or designees, officials from the department
31 of corrections, district judges, relevant criminal justice
32 stakeholders, and any other person tasked with managing the
33 policies of district departments.

34 Under the bill, appointments to the committee shall be
35 made no later than August 1, 2018. The study committee shall

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1 submit a report of its findings and recommendations, including
2 any proposed legislation to the general assembly on or before
3 December 1, 2018.