

House File 2037 - Introduced

HOUSE FILE 2037
BY COLLINS

A BILL FOR

1 An Act requiring an initial appearance before a magistrate on new
2 felony charges by a person on felony probation or parole.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

unofficial

1 Section 1. Section 804.21, subsection 1, Code 2026, is
2 amended to read as follows:

3 1. A person arrested in obedience to a warrant shall be taken
4 without unnecessary delay before the nearest or most accessible
5 magistrate. The officer shall at the same time deliver to the
6 magistrate the warrant with the officer's return endorsed on it
7 and subscribed by the officer with the officer's official title.
8 However, this section, and sections 804.22 and 804.23, do not
9 preclude the release of an arrested person within the period of
10 time the person would otherwise remain incarcerated while waiting
11 to be taken before a magistrate if the release is pursuant
12 to pretrial release guidelines or a bond schedule promulgated
13 by the judicial council, unless the person is charged with
14 manufacture, delivery, possession with intent to manufacture or
15 deliver, or distribution of methamphetamine, or unless the person
16 is charged with a felony and is at the time of the arrest on
17 probation or parole, in lieu of or as a result of a sentence of
18 incarceration imposed upon conviction of a felony, and subject to
19 supervision by the district department of correctional services.
20 If, however, a person is released pursuant to pretrial release
21 guidelines, a magistrate must, within twenty-four hours of the
22 release, or as soon as practicable on the next subsequent working
23 day of the court, either approve in writing of the release, or
24 disapprove of the release and issue a warrant for the person's
25 arrest.

26 Sec. 2. Section 804.22, subsection 2, Code 2026, is amended
27 to read as follows:

28 2. This section and the rules of criminal procedure do not
29 affect the provisions of chapter 805 authorizing the release of a
30 person on citation or bail prior to initial appearance, unless
31 the person is charged with manufacture, delivery, possession
32 with intent to manufacture or deliver, or distribution of
33 methamphetamine, or unless the person is charged with a felony
34 and is at the time of the arrest on probation or parole, in
35 lieu of or as a result of a sentence of incarceration imposed

1 upon conviction of a felony, and subject to supervision by
2 the district department of correctional services. The initial
3 appearance of a person so released shall be scheduled for a time
4 not more than thirty days after the date of release.

5 EXPLANATION

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

8 This bill requires an initial appearance before a magistrate
9 on new felony charges by a person on felony probation or parole.

10 Current law allows a person arrested with or without a
11 warrant to be released within the period of time the person
12 would otherwise remain incarcerated while waiting to be taken
13 before a magistrate if the release is pursuant to pretrial
14 release guidelines or a bond schedule promulgated by the judicial
15 council, unless the person is charged with manufacture, delivery,
16 possession with intent to manufacture or deliver, or distribution
17 of methamphetamine.

18 The bill requires a person arrested with or without a warrant
19 and charged with a felony who is at the time of the arrest on
20 probation or parole, in lieu of or as a result of a sentence
21 of incarceration imposed upon conviction of a felony, and
22 subject to supervision by the district department of correctional
23 services to have an initial appearance before a magistrate prior
24 to release pursuant to pretrial release guidelines or a bond
25 schedule promulgated by the judicial council.