

House File 2037 - Introduced

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BY COLLINS

A BILL FOR

1 An Act requiring an initial appearance before a magistrate
2 on new felony charges by a person on felony probation or
3 parole.

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

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
4 taken without unnecessary delay before the nearest or most
5 accessible magistrate. The officer shall at the same time
6 deliver to the magistrate the warrant with the officer's return
7 endorsed on it and subscribed by the officer with the officer's
8 official title. However, [this section](#), and [sections 804.22](#)
9 [and 804.23](#), do not preclude the release of an arrested person
10 within the period of time the person would otherwise remain
11 incarcerated while waiting to be taken before a magistrate
12 if the release is pursuant to pretrial release guidelines or
13 a bond schedule promulgated by the judicial council, unless
14 the person is charged with manufacture, delivery, possession
15 with intent to manufacture or deliver, or distribution of
16 methamphetamine, or unless the person is charged with a felony
17 and is at the time of the arrest on probation or parole, in
18 lieu of or as a result of a sentence of incarceration imposed
19 upon conviction of a felony, and subject to supervision by the
20 district department of correctional services. If, however, a
21 person is released pursuant to pretrial release guidelines, a
22 magistrate must, within twenty-four hours of the release, or as
23 soon as practicable on the next subsequent working day of the
24 court, either approve in writing of the release, or disapprove
25 of the release and issue a warrant for the person's 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
29 not affect the provisions of [chapter 805](#) authorizing the
30 release of a person on citation or bail prior to initial
31 appearance, unless the person is charged with manufacture,
32 delivery, possession with intent to manufacture or deliver,
33 or distribution of methamphetamine, or unless the person is
34 charged with a felony and is at the time of the arrest on
35 probation or parole, in lieu of or as a result of a sentence of

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

6 EXPLANATION

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

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

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

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