

Senate File 325 - Reprinted

SENATE FILE _____
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 1128)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the procedures and duties of the judicial
2 branch, including sending notices and reports, and providing
3 an effective date.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 SF 325
6 jm/cc/26

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1 1 Section 1. NEW SECTION. 602.8102A NOTICES RETURNED FOR
1 2 UNKNOWN ADDRESS == RESENDING.
1 3 Notwithstanding any other provision of the Code to the
1 4 contrary, and subject to rules prescribed by the supreme
1 5 court, if the clerk of the district court sends a mailing or
1 6 notice to a person or party and the mailing or notice is
1 7 returned by the postal service to the clerk of the district
1 8 court as undeliverable, the clerk is not required to send a
1 9 repeat or subsequent mailing or notice unless the clerk
1 10 receives an updated mailing address.
1 11 Sec. 2. Section 901.4, Code 2005, is amended to read as
1 12 follows:
1 13 901.4 PRESENTENCE INVESTIGATION REPORT CONFIDENTIAL ==
1 14 DISTRIBUTION.
1 15 The presentence investigation report is confidential and
1 16 the court shall provide safeguards to ensure its
1 17 confidentiality, including but not limited to sealing the
1 18 report, which may be opened only by further court order. At
1 19 least three days prior to the date set for sentencing, the
1 20 court shall ~~serve send a copy of~~ all of the presentence
1 21 investigation report ~~upon~~ by ordinary or electronic mail, to
1 22 the defendant's attorney and the attorney for the state, and
1 23 the report shall remain confidential except upon court order.
1 24 However, the court may conceal the identity of the person who
1 25 provided confidential information. The report of a medical
1 26 examination or psychological or psychiatric evaluation shall
1 27 be made available to the attorney for the state and to the
1 28 defendant upon request. The reports are part of the record
1 29 but shall be sealed and opened only on order of the court. If
1 30 the defendant is committed to the custody of the Iowa
1 31 department of corrections and is not a class "A" felon, a copy
1 32 of the presentence investigation report shall be forwarded by
1 33 ordinary or electronic mail to the director with the order of
1 34 commitment by the clerk of the district court and to the board
1 35 of parole at the time of commitment. Pursuant to section
2 1 904.602, the presentence investigation report may also be
2 2 released by ordinary or electronic mail by the department of
2 3 corrections or a judicial district department of correctional
2 4 services to another jurisdiction for the purpose of providing
2 5 interstate probation and parole compact or interstate compact
2 6 for adult offender supervision services or evaluations, or to
2 7 a substance abuse or mental health services provider when
2 8 referring a defendant for services. The defendant or the
2 9 defendant's attorney may file with the presentence
2 10 investigation report, a denial or refutation of the
2 11 allegations, or both, contained in the report. The denial or
2 12 refutation shall be included in the report. If the person is
2 13 sentenced for an offense which requires registration under
2 14 chapter 692A, the court shall release the report by ordinary
2 15 or electronic mail to the department.
2 16 Sec. 3. ADOPTION OF COURT RULE RELATED TO TRIBAL COURTS.
2 17 The general assembly acknowledges that contact and interaction

2 18 between the Iowa court system and federally recognized tribal
2 19 courts are ever increasing and the general assembly urges the
2 20 Iowa supreme court to consider developing and prescribing
2 21 rules that recognize the tribal court system and enforces
2 22 tribal court orders, judgments, and decrees.
2 23 Sec. 4. EFFECTIVE DATE. The section of this Act enacting
2 24 section 602.8102A, being deemed of immediate importance, takes
2 25 effect upon enactment.
2 26 SF 325
2 27 jm:nh/cc/26