

**Senate File 2328 - Reprinted**

SENATE FILE 2328  
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SF 2226)

(As Amended and Passed by the Senate March 10, 2022)

**A BILL FOR**

1 An Act relating to criminal law including the disclosure of  
2 a defendant's privileged records in a criminal action,  
3 no-contact orders, penalties for domestic abuse assault,  
4 limitations on criminal actions involving certain sexual  
5 offenses, criminal sentencing and corrections, parole and  
6 work release, crime victim rights, discovery in criminal  
7 actions, postconviction relief procedure, certain reporting  
8 requirements, conditional guilty pleas, and making penalties  
9 applicable.  
10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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DIVISION I

COMMUNICATIONS IN PROFESSIONAL CONFIDENCE — CRIMINAL ACTIONS

Section 1. Section 622.10, subsection 4, paragraph a, subparagraph (2), Code 2022, is amended by adding the following new subparagraph division:

NEW SUBPARAGRAPH DIVISION. (e) For purposes of this subsection, "*exculpatory information*" means only information that tends to negate the guilt of the defendant, and not information that is merely impeaching or is substantially cumulative in nature.

DIVISION II

NO-CONTACT ORDERS

Sec. 2. Section 664A.8, Code 2022, is amended to read as follows:

**664A.8 Extension of no-contact order.**

~~Upon the filing of an application by the state or by the victim of any public offense referred to in section 664A.2, subsection 1 which is filed within ninety days prior to the expiration of a modified no-contact order, the~~ The court shall modify and extend the no-contact order upon the expiration of the no-contact order for an additional period of five years, unless, upon the filing of an application by the defendant within ninety days prior to the expiration of a modified no-contact order, the court finds that the defendant no longer poses a threat to the safety of the victim, persons residing with the victim, or members of the victim's family. The number of modifications extending the no-contact order permitted by this section is not limited.

DIVISION III

DOMESTIC ABUSE ASSAULT PENALTIES

Sec. 3. Section 708.2A, subsection 6, paragraph a, Code 2022, is amended by striking the paragraph.

DIVISION IV

LIMITATION OF CRIMINAL ACTIONS INVOLVING CERTAIN SEXUAL OFFENSES

1 Sec. 4. Section 802.2B, Code 2022, is amended by adding the  
2 following new subsections:

3 NEW SUBSECTION. 5A. Continuous sexual abuse of a child in  
4 violation of section 709.23.

5 NEW SUBSECTION. 5B. Kidnapping in the first degree when the  
6 person kidnapped, and as a consequence of the kidnapping, is  
7 intentionally subjected to sexual abuse in violation of section  
8 710.2.

9 NEW SUBSECTION. 5C. Burglary in the first degree in  
10 violation of section 713.3, subsection 1, paragraph "d".

11 Sec. 5. Section 802.2C, Code 2022, is amended to read as  
12 follows:

13 **802.2C Kidnapping.**

14 An information or indictment for kidnapping in the first,  
15 second, or third degree, except as provided in section 802.2B,  
16 committed on or with a person who is under the age of eighteen  
17 years shall be found within ten years after the person upon  
18 whom the offense is committed attains eighteen years of age,  
19 or if the person against whom the information or indictment  
20 is sought is identified through the use of a DNA profile, an  
21 information or indictment shall be found within three years  
22 from the date the person is identified by the person's DNA  
23 profile, whichever is later.

24 DIVISION V

25 CRIMINAL SENTENCING AND CORRECTIONS

26 Sec. 6. Section 901.4B, subsection 2, Code 2022, is amended  
27 to read as follows:

28 2. After hearing any statements presented pursuant to  
29 subsection 1, and before imposing sentence, the court shall  
30 address any victim of the crime who is physically present at  
31 the sentencing and shall allow do all of the following:

32 a. Ask any victim or representative of the victim whether  
33 the victim has been informed by the prosecuting attorney or the  
34 prosecuting attorney's designee of the status of the case and  
35 of the prosecuting attorney's recommendation for sentencing.

1 b. Allow any victim to be reasonably heard, including but  
2 not limited to by presenting a victim impact statement in the  
3 manner described in [section 915.21](#).

4 Sec. 7. Section 901.8, Code 2022, is amended to read as  
5 follows:

6 **901.8 Consecutive sentences.**

7 1. If a person is sentenced for two or more separate  
8 offenses, the sentencing judge may order the second or further  
9 sentence to begin at the expiration of the first or succeeding  
10 sentence.

11 2. If a person is sentenced for escape under [section 719.4](#)  
12 or for a crime committed while confined in a detention facility  
13 or penal institution, the sentencing judge shall order the  
14 sentence to begin at the expiration of any existing sentence.  
15 If the person is presently in the custody of the director  
16 of the Iowa department of corrections, the sentence shall be  
17 served at the facility or institution in which the person  
18 is already confined unless the person is transferred by the  
19 director.

20 3. If a person is sentenced for two or more separate  
21 offenses contained in section 902.12, subsection 1, and one or  
22 more of the convictions is for an offense under chapter 709  
23 or chapter 710, the sentencing judge shall require that the  
24 sentences be served consecutively.

25 4. Except as otherwise provided in [section 903A.7](#), if  
26 consecutive sentences are specified in the order of commitment,  
27 the several terms shall be construed as one continuous term of  
28 imprisonment.

29 Sec. 8. Section 901.11, subsections 2, 3, 4, and 5, Code  
30 2022, are amended to read as follows:

31 2. At the time of sentencing, the court shall determine  
32 when a person convicted of child endangerment as described in  
33 section 902.12, subsection ~~2~~ 3, shall first become eligible  
34 for parole or work release within the parameters specified  
35 in [section 902.12, subsection ~~2~~ 3](#), based upon all pertinent

1 information including the person's criminal record, a validated  
2 risk assessment, and whether the offense involved multiple  
3 intentional acts or a series of intentional acts, or whether  
4 the offense involved torture or cruelty.

5 3. At the time of sentencing, the court shall determine when  
6 a person convicted of robbery in the first degree as described  
7 in [section 902.12, subsection 3 4](#), shall first become eligible  
8 for parole or work release within the parameters specified  
9 in [section 902.12, subsection 3 4](#), based upon all pertinent  
10 information including the person's criminal record, a validated  
11 risk assessment, and the negative impact the offense has had  
12 on the victim or other persons.

13 4. At the time of sentencing, the court shall determine when  
14 a person convicted of robbery in the second degree as described  
15 in [section 902.12, subsection 4 5](#), shall first become eligible  
16 for parole or work release within the parameters specified  
17 in [section 902.12, subsection 4 5](#), based upon all pertinent  
18 information including the person's criminal record, a validated  
19 risk assessment, and the negative impact the offense has had  
20 on the victim or other persons.

21 5. At the time of sentencing, the court shall determine when  
22 a person convicted of arson in the first degree as described  
23 in [section 902.12, subsection 5 6](#), shall first become eligible  
24 for parole or work release within the parameters specified  
25 in [section 902.12, subsection 5 6](#), based upon all pertinent  
26 information including the person's criminal record, a validated  
27 risk assessment, and the negative impact the offense has had  
28 on the victim or other persons.

29 **Sec. 9. NEW SECTION. 902.9A Minimum sentence — certain**  
30 **felonies.**

31 The minimum sentence for any person convicted of a felony  
32 contained in section 902.12, and who did not receive a deferred  
33 judgment or a deferred or suspended sentence under chapter 907,  
34 shall be that prescribed by statute or, if not prescribed by  
35 statute, shall be determined as follows:

1 1. A class "B" felon shall be confined for no less than one  
2 year.

3 2. A class "C" felon shall be confined for no less than two  
4 months.

5 3. A class "D" felon shall be confined for no less than one  
6 month.

7 Sec. 10. Section 902.12, Code 2022, is amended to read as  
8 follows:

9 **902.12 Minimum sentence for certain felonies — eligibility**  
10 **for parole or work release.**

11 1. A person serving a sentence for conviction of any of  
12 the following felonies that occur on or after July 1, 2022, if  
13 other than a class "A" felony, shall be denied parole or work  
14 release unless the person has served at least nine-tenths of  
15 the maximum term of the person's sentence:

16 a. Homicide or a related crime in violation of chapter 707.

17 b. Assault in violation of chapter 708.

18 c. Terrorism in violation of chapter 708A.

19 d. Sexual abuse in violation of chapter 709.

20 e. Kidnapping or related offenses in violation of chapter  
21 710.

22 f. Human trafficking in violation of chapter 710A, except  
23 for a violation of section 710A.2A.

24 g. Robbery, aggravated theft, or extortion in violation of  
25 chapter 711.

26 h. Arson in violation of chapter 712.

27 i. Burglary in violation of chapter 713, except for a  
28 violation of section 713.7.

29 j. Criminal gang participation or gang recruitment in  
30 violation of chapter 723A.

31 k. Sexual exploitation of a minor in violation of section  
32 728.12.

33 ~~1. 2.~~ A person serving a sentence for conviction of any of  
34 the following felonies, including a person serving a sentence  
35 for conviction of the following felonies that occur prior to

1 July 1, ~~2003~~ 2022, shall be denied parole or work release  
2 unless the person has served at least seven-tenths of the  
3 maximum term of the person's sentence:

4 a. Murder in the second degree in violation of section  
5 707.3.

6 b. Attempted murder in violation of [section 707.11](#), except  
7 as provided in [section 707.11, subsection 5](#).

8 c. Sexual abuse in the second degree in violation of section  
9 709.3.

10 d. Kidnapping in the second degree in violation of section  
11 710.3.

12 e. Robbery in the second degree in violation of section  
13 711.3, except as determined in [subsection 4 5](#).

14 f. Vehicular homicide in violation of section 707.6A,  
15 subsection 1 or 2, if the person was also convicted under  
16 section 321.261, subsection 4, based on the same facts or  
17 event that resulted in the conviction under section 707.6A,  
18 subsection 1 or 2.

19 ~~2.~~ 3. A person serving a sentence for a conviction of  
20 child endangerment as defined in section 726.6, subsection  
21 1, paragraph "b", that is described and punishable under  
22 section 726.6, subsection 5, shall be denied parole or work  
23 release until the person has served between three-tenths and  
24 seven-tenths of the maximum term of the person's sentence as  
25 determined under [section 901.11, subsection 2](#).

26 ~~3.~~ 4. A person serving a sentence for a conviction for  
27 robbery in the first degree in violation of [section 711.2](#) for  
28 a conviction that occurs ~~on or after July 1, 2018~~ prior to  
29 July 1, 2022, shall be denied parole or work release until  
30 the person has served between one-half and seven-tenths of  
31 the maximum term of the person's sentence as determined under  
32 section 901.11, subsection 3.

33 ~~4.~~ 5. A person serving a sentence for a conviction for  
34 robbery in the second degree in violation of [section 711.3](#)  
35 for a conviction that occurs ~~on or after July 1, 2016~~ prior

1 to July 1, 2022, shall be denied parole or work release until  
2 the person has served between one-half and seven-tenths of  
3 the maximum term of the person's sentence as determined under  
4 section 901.11, subsection 4.

5 ~~5.~~ 6. A person serving a sentence for a conviction for  
6 arson in the first degree in violation of [section 712.2](#) that  
7 occurs ~~on or after July 1, 2019~~ prior to July 1, 2022, shall  
8 be denied parole or work release until the person has served  
9 between one-half and seven-tenths of the maximum term of  
10 the person's sentence as determined under section 901.11,  
11 subsection 5.

12 Sec. 11. Section 903A.2, subsection 1, paragraph c, Code  
13 2022, is amended to read as follows:

14 c. Category "C" sentences are those sentences for attempted  
15 murder described in [section 707.11, subsection 5](#), and sentences  
16 for the offenses described in section 902.12, subsection 1.  
17 Notwithstanding ~~paragraphs~~ paragraph "a" or "b", an inmate  
18 serving a category "C" sentence is ineligible for a reduction  
19 of sentence under [this section](#).

20 DIVISION VI

21 PAROLE AND WORK RELEASE

22 Sec. 12. Section 906.4, subsection 1, Code 2022, is amended  
23 to read as follows:

24 1. A parole or work release shall be ordered only for  
25 the best interest of society, any victim of the person, and  
26 ~~the offender~~ person, not as an award of clemency. The board  
27 shall release on parole or work release any person whom it  
28 has the power to so release, only when in its opinion there  
29 is ~~reasonable~~ a significant probability that the person can  
30 be released without detriment to the community, any victim  
31 of the person, or to the person. A person's release is not  
32 a detriment to the community, any victim of the person,  
33 or the person if the person is able and willing to fulfill  
34 the obligations of a law-abiding citizen, in the board's  
35 determination.



1     Sec. 13. Section 906.5, subsection 1, paragraph a, Code  
2 2022, is amended to read as follows:

3     a. The board shall establish and implement a plan by which  
4 the board systematically reviews the status of each person who  
5 has been committed to the custody of the director of the Iowa  
6 department of corrections and considers the person's prospects  
7 for parole or work release. The board shall, at least annually  
8 ~~shall but no more frequently than every six months,~~ review  
9 the status of a person other than a class "A" felon, a class  
10 "B" felon serving a sentence of more than twenty-five years,  
11 ~~or~~ a felon serving an offense punishable under section 902.9,  
12 subsection 1, paragraph "a", or a felon serving a mandatory  
13 minimum sentence other than a class "A" felon, and provide  
14 the person with notice of the board's parole or work release  
15 decision.

16     Sec. 14. Section 906.5, subsection 1, Code 2022, is amended  
17 by adding the following new paragraph:

18     NEW PARAGRAPH. c. The board shall require that all parole  
19 hearings be recorded and maintained as public records under  
20 chapter 22 for a minimum of three years from the date of the  
21 hearing or the most recent release of an inmate on parole.

22     Sec. 15. Section 906.5, subsection 2, Code 2022, is amended  
23 to read as follows:

24     2. It is the intent of the general assembly that the board  
25 shall implement a plan of early release ~~in an effort to assist~~  
26 ~~in controlling the prison population and assuring prison~~  
27 ~~space for the confinement of offenders whose release would be~~  
28 ~~detrimental to the citizens of this state~~ to ensure that parole  
29 or work release is only ordered when in the best interest of  
30 society, any victim of the person, and the person. The board  
31 shall report to the legislative services agency on a monthly  
32 basis concerning the implementation of this plan and the number  
33 of inmates paroled pursuant to this plan and the average length  
34 of stay of those paroled.

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DIVISION VII

CRIME VICTIMS — RIGHTS

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Sec. 16. Section 915.11, subsection 1, Code 2022, is amended to read as follows:

1. a. A local police department or county sheriff's department shall advise a victim of the right to register with the county attorney, and shall provide a request-for-registration form to each victim. A local police department or county sheriff's department shall provide a telephone number and internet site to each victim to register with the automated victim notification system established pursuant to [section 915.10A](#).

b. A local police department or county sheriff's department shall provide a victim with a pamphlet explaining the victim's rights as a victim of a public offense or delinquent act.

Sec. 17. Section 915.20, Code 2022, is amended by adding the following new subsection:

NEW SUBSECTION. 1A. A local police department or county sheriff's department shall provide to the crime victim assistance division of the department of justice with the contact information for a victim of a public offense or delinquent act. A victim counselor shall contact a victim to determine whether the victim is in need of further assistance from the victim counselor or whether the victim has any questions regarding the person's rights as a victim.

Sec. 18. Section 915.38, Code 2022, is amended by adding the following new subsection:

NEW SUBSECTION. 3A. a. It is the public policy of the state that statements made by children to forensic interviewers at child advocacy centers and child protection centers are presumptively reliable and should be admitted into evidence in the courts.

b. Notwithstanding any other provision of law, the court shall upon motion of a party admit a recorded statement of a child as defined in section 702.5, if all of the following apply:

1 (1) The recorded statement describes conduct that  
2 constitutes a public offense committed against or involving a  
3 child, or describes circumstances relevant to such conduct.

4 (2) The recorded statement was obtained by a forensic  
5 interviewer employed by an accredited child advocacy center or  
6 child protection center.

7 (3) The interview was conducted substantially in accordance  
8 with a nationally recognized protocol for interviewing  
9 children.

10 (4) The recorded statement is offered in a criminal  
11 proceeding, the opposing party was given at least ten days'  
12 notice prior to the trial commencing of the intention to admit  
13 the recorded statement, and any of the following apply:

14 (a) The child testifies at trial.

15 (b) The child has been questioned by the defendant or the  
16 defendant's attorney at a deposition or at any substantially  
17 similar setting.

18 (c) The child is unavailable as a witness as provided in  
19 rule of evidence 5.804(a).

20 (d) The court finds by a preponderance of the evidence that  
21 the child would suffer significant emotional or psychological  
22 trauma from testifying in the personal presence of the  
23 defendant at the time of the criminal proceeding.

24 *c.* A court may deny the admission of a recorded statement  
25 under this section only if the party opposing the admission  
26 proves by clear and convincing evidence that the recorded  
27 statement is unreliable.

28 *d.* Portions of a recorded interview admitted pursuant to  
29 this section may be redacted under the following circumstances:

30 (1) By agreement of the parties.

31 (2) By order of the court, if the court finds by a  
32 preponderance of the evidence that redaction is necessary to  
33 either:

34 (a) Minimize embarrassment or trauma to the child.

35 (b) Effectuate a provision of the rules of evidence other

1 than the rules against hearsay.

2 Sec. 19. NEW SECTION. 915.44A **Limitation of evidence in**  
3 **sexual abuse cases.**

4 A defendant charged with a criminal offense under chapter  
5 709 who has filed an application for postconviction relief  
6 upon conviction for a criminal offense under chapter 709 shall  
7 be precluded from questioning any victim or any other person  
8 regarding evidence which is inadmissible under rule of evidence  
9 5.412 or any other successor provision. Prohibited evidence  
10 includes all of the following:

11 1. Reputation or opinion evidence of a victim offered to  
12 prove that a victim engaged in other sexual behavior.

13 2. Evidence of a victim's other sexual behavior other than  
14 reputation or opinion evidence.

15 3. Evidence of a victim's sexual predisposition.

16 Sec. 20. COMMISSION ON CONTINUING LEGAL EDUCATION —  
17 CONTINUING LEGAL EDUCATION REQUIREMENTS. The supreme court  
18 shall amend Iowa court rule 42.2 to require all attorneys  
19 licensed in this state to complete a minimum of one hour,  
20 annually, of continuing legal education that focuses on crime  
21 victims and how to improve a crime victim's experience within  
22 the criminal justice system.

23 DIVISION VIII

24 DISCOVERY

25 Sec. 21. NEW SECTION. 821A.1 **Subpoenas in criminal actions.**

26 1. A criminal defendant or counsel acting on the defendant's  
27 behalf shall not issue any subpoena for documents or other  
28 evidence except upon application to the court. Such an  
29 application shall not be granted unless a defendant proves by a  
30 preponderance of the evidence all of the following:

31 a. The evidence is material and necessary to prepare a  
32 defense.

33 b. The defendant has made reasonable efforts to obtain the  
34 evidence without invoking compulsory process.

35 c. The evidence is not available from any other source.

1     *d.* For evidence that is obtainable by the state only through  
2 the execution of a search warrant, the defendant must show  
3 probable cause that the information sought contains exculpatory  
4 information that is not available from any other source and  
5 that there is a compelling need for the evidence to enable the  
6 defendant to present a defense at trial.

7     2. This section is the exclusive mechanism for a criminal  
8 defendant or counsel acting on the defendant's behalf to issue  
9 a subpoena for documents or other evidence.

10    3. An application made pursuant to this section shall not  
11 be filed *ex parte*.

12    4. This section shall not apply to a subpoena issued solely  
13 to secure the presence of a witness listed in the minutes of  
14 testimony at an authorized deposition or to secure the presence  
15 of a witness listed in either the minutes of testimony or in  
16 the defendant's witness list submitted for a hearing or trial.

17    5. The prosecuting attorney shall not be required to execute  
18 or effectuate any order or subpoena issued pursuant to this  
19 section.

20    6. If any documents or evidence are obtained pursuant to  
21 this section, the criminal defendant or counsel acting on the  
22 defendant's behalf must notify the prosecuting attorney within  
23 twenty-four hours of obtaining the documents or evidence. The  
24 documents or evidence received, or copies of the same, must be  
25 provided to the prosecuting attorney as soon as possible.

26    7. Evidence or documents obtained by a subpoena that does  
27 not comply with this section shall not be admissible in any  
28 criminal action if offered by the defendant.

29    8. Any person who knowingly issues a subpoena that does not  
30 comply with this section may be declared in contempt of court.

31    9. Nothing in this section shall eliminate or reduce a  
32 criminal defendant's obligation to comply with section 622.10,  
33 subsection 4, when seeking privileged records.

34    10. Any provision of law or rule of court promulgated by the  
35 supreme court that is inconsistent with this section shall have

1 no legal effect.

2 Sec. 22. NEW SECTION. **821A.2 Discovery depositions in**  
3 **criminal actions — witness lists.**

4 1. Discovery depositions shall not be permitted in any  
5 criminal action, except upon application to the court and a  
6 showing of exceptional circumstances.

7 2. A criminal defendant must file a witness list when the  
8 defendant requests or receives any discretionary discovery, the  
9 date when any deposition is taken, or ten days before trial,  
10 whichever date is earliest. If the defendant fails to timely  
11 list a witness, the court shall prohibit the witness from  
12 testifying at trial absent good cause shown for the defendant's  
13 failure to timely list the witness.

14 3. A person who is not yet a party to a criminal action  
15 shall not be permitted to depose another person until the time  
16 the person who is not yet a party to the criminal action is  
17 charged with or indicted for the associated criminal offense.

18 DIVISION IX

19 POSTCONVICTION RELIEF AND DISCOVERY PROCEDURE

20 Sec. 23. Section 822.7, Code 2022, is amended to read as  
21 follows:

22 **822.7 Court to hear application.**

23 The application shall be heard in, and before any judge  
24 of the court in which the conviction or sentence took place.  
25 However, if the applicant is seeking relief under section  
26 822.2, subsection 1, paragraph "f", the application shall be  
27 heard in, and before any judge of the court of the county  
28 in which the applicant is being confined. A record of the  
29 proceedings shall be made and preserved. All rules and  
30 statutes applicable in civil proceedings ~~including pretrial~~  
31 ~~and discovery procedures~~ are available to the parties, subject  
32 to the restrictions contained in section 822.7A. The court  
33 may receive proof of affidavits, depositions, oral testimony,  
34 or other evidence, and may order the applicant brought before  
35 it for the hearing. If the court finds in favor of the



1 3. The privileges contained in section 622.10 shall be  
2 absolute, except that the filing of an application shall waive  
3 any privilege an applicant may claim regarding an attorney who  
4 represented the applicant in the underlying criminal action or  
5 any previous postconviction action.

6 4. Evidence that would be excluded in a criminal action  
7 pursuant to rule of evidence 5.412 shall not be discoverable or  
8 admissible in a postconviction action.

9 5. The state shall not be required to produce copies of  
10 discovery that was previously disclosed to an applicant in the  
11 underlying criminal action or a previous postconviction relief  
12 action or which the applicant was in possession of in the  
13 underlying criminal action or a previous postconviction action.

14 6. The state shall not be required to produce any discovery  
15 contained in a court file accessible to the applicant.

16 7. The state shall not be required to produce any discovery  
17 that cannot be lawfully disseminated or that is otherwise  
18 confidential by law.

19 8. An applicant shall not be permitted to conduct discovery  
20 or seek the appointment of an expert witness through ex parte  
21 communication or in camera review.

22 9. Depositions shall only be permitted upon a showing of  
23 exceptional circumstances, except that the applicant's criminal  
24 trial counsel may be deposed by the respondent upon request or  
25 by the applicant pursuant to subsection 1 and a victim may only  
26 be deposed pursuant to subsection 2.

27 DIVISION X

28 REQUIRED REPORTS TO THE GENERAL ASSEMBLY

29 Sec. 25. NEW SECTION. 602.6204 Reporting requirement.

30 The state court administrator shall submit to the governor  
31 and to the general assembly, not later than December 15 each  
32 year, an annual report which shall include, for the violent and  
33 sexual criminal offenses listed in section 902.12, all of the  
34 following:

35 1. The number of deferred judgments, deferred sentences,



1 and suspended sentences the court entered, including the  
2 criminal offenses involved, during the previous year.

3 2. The number of defendants who received deferred  
4 judgments, deferred sentences, and suspended sentences during  
5 the previous year.

6 3. The number of cases where the court pronounced judgment  
7 and imposed sentence after a defendant failed to comply with  
8 the conditions set by the court for a deferred judgment or  
9 deferred sentence.

10 4. The number of cases where the court revoked a suspended  
11 sentence after a defendant failed to comply with conditions set  
12 by the court.

13 5. The types of violations by a defendant of the conditions  
14 imposed by the court that resulted in the court pronouncing  
15 judgment and imposing sentence or revoking a suspended sentence  
16 of a defendant. The report shall include information on  
17 whether the violations were technical violations, due to the  
18 commission of a new crime, or due to any other reason.

19 Sec. 26. NEW SECTION. 904.103A **Recidivism — annual report.**

20 1. The department, in cooperation with the board of parole,  
21 shall submit to the governor and to the general assembly, not  
22 later than December 15 each year, an annual report detailing  
23 the recidivism rate in the state specifically for the violent  
24 and sexual criminal offenses contained in section 902.12.

25 2. The report shall include, at a minimum, all of the  
26 following:

27 a. The rate of recidivism, including the percentage and  
28 number of offenders who committed another crime within three  
29 years of being released from the custody of the department.

30 b. The percentage and number of offenders paroled or placed  
31 on probation who violate the conditions of the offender's  
32 release and are reincarcerated including information regarding  
33 offenders who were returned for technical violations, and those  
34 who were returned for the commission of a new crime.

35 c. Whether there were victims involved in the crimes

1 committed while an offender was paroled or on probation,  
2 and whether any of the victims were previous victims of the  
3 offender.

4 *d.* The types of offenses that caused the offender to be  
5 returned to the custody of the department.

6 *e.* The type of release that preceded the offender's return  
7 to the custody of the department.

8 *f.* The number of hearings the board of parole held before  
9 the release of an offender who subsequently violated the  
10 conditions of release and who was subsequently returned to the  
11 custody of the department.

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DIVISION XI

13

CONDITIONAL GUILTY PLEAS

14 Sec. 27. NEW SECTION. 814.30 Conditional guilty pleas not  
15 allowed.

16 A conditional guilty plea that reserves the right to  
17 appellate review of an adverse determination of a specified  
18 pretrial motion shall not be allowed.