

CHAPTER 38
DOCUMENTS REGARDING CONVICTED PERSONS
H.F. 578

AN ACT relating to certain information and documents containing certain information, involving persons convicted of crimes.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Chapter 901, Code 1983, is amended by adding the following new section:

NEW SECTION. INFORMATION FOR PAROLE BOARD. At the time of committing a defendant to the custody of the director of the division of adult corrections for incarceration, the trial judge and prosecuting attorney shall, and the defense attorney may, furnish the board of parole with a full statement of their recommendations relating to release or parole.

Sec. 2. Section 901.2, Code 1983, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The purpose of the report by the judicial district department of correctional services is to provide the court pertinent information for purposes of sentencing and to include suggestions for correctional planning for use by correctional authorities subsequent to sentencing.

Sec. 3. Section 901.4, Code 1983, is amended to read as follows:

901.4 PRESENTENCE INVESTIGATION REPORT CONFIDENTIAL. The presentence investigation report is confidential and the court shall provide safeguards to ensure its confidentiality, including but not limited to sealing the report, which may be opened only by further court order. The At least three days prior to the date set for sentencing, the court may, in its discretion, shall make all of the presentence investigation report or parts of it available to the defendant, or the court may make the report or parts of it available while concealing for inspection to the defendant's attorney, and to the attorney for the state. However, the court may conceal the identity of the person who provided confidential information. The report of any medical examination or psychological or psychiatric evaluation shall be made available to the attorney for the state and to the defendant upon request. Such reports shall be are part of the record but shall be sealed and opened only on order of the court. In any case where If the defendant is committed to the custody of the division of adult corrections and is not a class "A" felon, a copy of the presentence investigation report shall be sent forwarded to the director with the order of commitment by the clerk of the district court and to the board of parole at the time of commitment. The defendant or the defendant's attorney may file with the presentence investigation report, a denial or refutation of the allegations, or both, contained in the report. The denial or refutation shall be included in the report.

Sec. 4. Section 901.6, Code 1983, is amended to read as follows:

901.6 JUDGMENT ENTERED. If judgment is not deferred, and no sufficient cause is shown why judgment should not be pronounced and none appears to the court upon the record, judgment shall be pronounced and entered. In every case in which judgment is entered, the court shall include in the judgment entry the number of the particular section of the Code and the name of the offense under which the defendant is sentenced and a statement of the days credited pursuant to section 246.38 shall be incorporated into the sentence.

Approved April 29, 1983