

CHAPTER 1156
BOARD OF PAROLE
H.F. 2378

AN ACT relating to the board of parole.

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

Section 1. Section 908.7, Code Supplement 1983, is amended to read as follows:

908.7 ACTION BY PAROLE BOARD. Upon a finding of probable cause to believe that a parole violation has occurred, the board of parole or a panel of three or more members of the board shall proceed without unreasonable delay to hear the charge of parole violation. Upon receipt of the record prepared and forwarded by the liaison officer, the board or panel of three or more members of the board shall fix a time and place for the hearing and shall notify in writing the alleged violator, the alleged violator's attorney of record, if any, and the Iowa department of corrections of the hearing and the claimed violation of parole. The alleged violator shall be given an opportunity to be heard by the board or panel of three or more members of the board under rules the board shall adopt. The inquiry shall be limited to the following two matters:

1. Did the alleged parole violation actually occur?
2. If the violation did occur, should the violator's parole be revoked?

If the board or panel of three or more members of the board determines that the parole should be revoked, it shall make an order revoking the parole. The board or panel of three or more members of the board shall furnish the violator with a written statement of the facts relied upon to establish a violation and the reasons for revoking parole.

Sec. 2. Section 908.8, Code Supplement 1983, is amended to read as follows:

908.8 PROCEEDING WITHOUT ARREST OR PROBABLE CAUSE. The board of parole may receive from a parole officer a charge or complaint of parole violation against any parolee and the board or a panel of three or more members of the board may proceed to a hearing on the charge in any case where the alleged violator has not been arrested or has been arrested and discharged by the liaison officer on a finding of no probable cause. The presence of the alleged violator at the hearing shall be secured by summons. A statement of the charge against the alleged violator shall accompany the summons, and the parole officer shall give the alleged violator assistance as needed to get to the place of the hearing. Travel expenses, if any, shall be paid by the board. If the alleged violator fails without good cause to appear as commanded by the summons, the failure shall be considered a violation of the parole, and the board or panel of three or more members of the board may proceed to revoke parole. If the parole is revoked, the board or panel of three or more members of the board shall issue a warrant for the person's arrest and return to the custody of the Iowa department of corrections. Upon the person's return to custody, the board or panel of three or more members of the board, upon request, shall give the person an opportunity to present any matters in defense or mitigation of the conduct.

Sec. 3. Section 904.3, Code 1983, is repealed.

Approved April 30, 1984