

a. "I-SAVE program" means the Iowa-Save America's Vital Energy program operated pursuant to rules adopted by the commission.

b. "CACS program" means the Commercial Apartment Conservation Service program operated pursuant to rules adopted by the commission.

Approved April 22, 1986

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**CHAPTER 1111**  
**PUBLIC DEFENDERS**  
*S.F. 2100*

**AN ACT** relating to public defenders.

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

Section 1. Section 602.11101, subsection 6, Code Supplement 1985, is amended to read as follows:

6. The state shall assume the responsibility for ~~and~~ the costs of indigent defense on July 1, 1987. However, an attorney appointed to represent an indigent person pursuant to section 331.777 is not a court employee, as defined in section 602.1101, subsection 5, and the judicial department does not have supervisory power over personnel of public defender offices established pursuant to section 331.776.

Approved April 22, 1986

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**CHAPTER 1112**  
**PARDONS AND COMMUTATIONS**  
*S.F. 2108*

**AN ACT** relating to the reprieve, pardon, commutation of sentence, remission of fines and forfeitures, or restoration of the rights of citizenship of a person convicted of a criminal offense.

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

Section 1. Section 48.30, Code 1985, is amended to read as follows:  
48.30 NOTIFICATION OF CHANGES IN REGISTRATION.

The clerk of the district court shall promptly notify the county commissioner of registration of changes of name and of convictions of ~~infamous crimes or~~ felonies, as defined in section 701.7, of legal declarations of incompetence made after a proceeding held pursuant to section 229.27, and of diagnosis of severe or profound mental retardation of persons of voting age. The clerk of the district court shall also notify the county commissioner of registration of the restoration of citizenship of a person who has been convicted of ~~an infamous crime or a~~ felony and of the finding that a person is of good mental health. The notice will not restore voter registration. The county commissioner of registration shall notify the person whose citizenship has been restored or who has been declared to be in good mental health that the person's registration to vote was canceled and the person must register again to become a qualified elector.

Sec. 2. Section 48.31, subsection 4, Code 1985, is amended to read as follows:

4. The clerk of district court sends notification of an elector's conviction of ~~an infamous crime or a~~ felony, as defined in section 701.7.

Sec. 3. Section 57.1, subsection 2, paragraph c, Code 1985, is amended to read as follows:

c. That prior to the election the incumbent had been duly convicted of an infamous crime a felony, as defined in section 701.7, and that the judgment had not been reversed, annulled, or set aside, nor the incumbent pardoned or restored to the rights of citizenship by the governor under section 248.12 chapter 248A, at the time of the election.

Sec. 4. NEW SECTION. 248A.1 POWER OF GOVERNOR.

The power of the governor under the constitution to grant a reprieve, pardon, commutation of sentence, remission of fines and forfeitures, or restoration of the rights of citizenship shall not be impaired.

Sec. 5. NEW SECTION. 248A.2 RIGHT OF APPLICATION.

A person convicted of a criminal offense has the right to make application to the board of parole for recommendation or to the governor for a reprieve, pardon, commutation of sentence, remission of fines or forfeitures, or restoration of rights of citizenship at any time following the conviction.

Sec. 6. NEW SECTION. 248A.3 RECOMMENDATIONS BY BOARD OF PAROLE.

1. The board of parole shall periodically review all applications by persons convicted of criminal offenses and shall recommend to the governor the reprieve, pardon, commutation of sentence, remission of fines or forfeitures, or restoration of the rights of citizenship who have by their conduct given satisfactory evidence that they will become or continue to be law-abiding citizens.

2. The board of parole shall, upon request of the governor, take charge of all correspondence in reference to an application filed with the governor and shall, after careful investigation, provide the governor with the board's advice and recommendation concerning any person for whom the board has not previously issued a recommendation.

3. All recommendations and advice of the board of parole shall be entered in the proper records of the board.

Sec. 7. NEW SECTION. 248A.4 RESPONSE TO RECOMMENDATION.

The governor shall respond to all recommendations made by the board of parole within ninety days of the receipt of the recommendation. The response shall state whether or not the recommendation will be granted and shall specifically set out the reasons for such action. If the governor does not grant the recommendation, the recommendation shall be returned to the board of parole and may be refiled with the governor at any time. Any recommendation may be withdrawn by the board of parole at any time prior to its being granted. However, if the board withdraws a recommendation, a statement of the withdrawal, and the reasons upon which it was based, shall be entered in the proper records of the board.

Sec. 8. NEW SECTION. 248A.5 EVIDENCE - PUBLICATION - TESTIMONY.

1. When an application or recommendation is made to the governor for a reprieve, pardon, commutation of sentence, remission of fines and forfeitures, or restoration of rights of citizenship, the governor may require the judge or clerk of the appropriate court, or the county attorney or attorney general by whom the action was prosecuted, to furnish the governor without delay a copy of the minutes of evidence taken on the trial, and any other facts having reference to the propriety of the governor's exercise of the governor's powers in the premises.

2. The governor may take testimony as the governor deems advisable relating to any application or recommendation. A person who provides written or oral testimony pursuant to this subsection is subject to chapter 720.

3. With regard to an application for the restoration of the rights of citizenship, the warden or superintendent, upon request of the governor, shall furnish the governor with a statement of the person's deportment during the period of imprisonment and a recommendation as to the propriety of restoration.

Sec. 9. NEW SECTION. 248A.6 CARRYING OUT OF INSTRUMENT – FILING.

1. Pardons, commutations of sentences, remissions of fines and forfeitures, and restorations of rights of citizenship shall be issued in duplicate. Reprieves shall be issued in triplicate.

2. In the case of a pardon, commutation of sentence, or reprieve, if the person is in custody, the executive instruments shall be forwarded to the officer having custody of the person. The officer, upon receipt of the instruments, shall do the following:

- a. Retain one copy of the instrument.
- b. Enter the appropriate notations on the records of the office.
- c. Carry out the orders of the instrument.
- d. On one copy, make a written return as required by the order and forward the copy to the clerk of court where the judgment is of record.
- e. In the case of reprieves, deliver the third copy to the person whose sentence is reprieved.

3. In the case of a remission of fines and forfeitures, restoration of rights of citizenship, or a pardon, commutation of sentence, or reprieve, if the person is not in custody, one copy of the executive instrument shall be delivered to the person and one copy to the clerk of court where the judgment is of record.

4. The clerk of court shall, upon receipt of the copy of the executive instrument, immediately file and preserve the copy in the clerk's office and note the filing on the judgment docket of the case, except that remissions of fines and forfeitures shall be spread at length on the record books of the court, and indexed in the same manner as the original case.

Sec. 10. Section 277.29, Code 1985, is amended to read as follows:

277.29 VACANCIES.

Failure to elect at the proper election or to appoint within the time fixed by law or the failure of the officer elected or appointed to qualify within the time prescribed by law; the incumbent ceasing for any reason to be a resident of the district or removing residence from the subdistrict; the resignation or death of incumbent or of the officer-elect; the removal of the incumbent from, or forfeiture of, the office, or the decision of a competent tribunal declaring the office vacant; the conviction of incumbent of an infamous crime a felony, as defined in section 701.7, or of any public offense involving the violation of the incumbent's oath of office, shall constitute a vacancy.

Sec. 11. Section 331.756, subsection 52, Code Supplement 1985, is amended to read as follows:

52. Furnish, upon request of the governor, a copy of the minutes of evidence and other pertinent facts relating to an application for a pardon, reprieve, commutation, or remission of a fine or forfeiture as provided in section 248.9 248A.5.

Sec. 12. Section 602.8102, subsection 46, Code Supplement 1985, is amended to read as follows:

46. Carry out duties relating to the pardons, commutations, remission of fines and forfeitures, and restoration of citizenship as provided in sections 248.9 248A.5 and 248.17 248A.6.

Sec. 13. Chapter 248, Code 1985, is repealed.

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