

CHAPTER 1047

ARREST — RECEIPT FOR DEFENDANT'S PROPERTY

H.F. 2267

AN ACT eliminating the requirement that a duplicate receipt for property taken incident to an arrest be filed with the clerk of the district court.

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

Section 1. Section 804.19, Code 1993, is amended to read as follows:
804.19 RECEIPT GIVEN.

When money or other property is taken from the defendant arrested on a charge of a public offense, the officer taking it shall, at the time, give duplicate receipts therefor, specifying particularly the amount of money and the kind of property taken; ~~one of which receipts the~~ The officer must shall deliver one of the receipts to the defendant, and ~~the other the officer must forthwith file with the clerk of the district court of the county where the depositions and statements are to be sent by the magistrate shall retain the other receipt with the defendant's file.~~

Approved April 8, 1994

CHAPTER 1048

REVOCATIONS OF PAROLE AND WORK RELEASE

H.F. 2270

AN ACT relating to revocations of parole and work release, by permitting reductions in credits against a parolee's sentence at a parole revocation hearing, and providing for the automatic revocation of parole for a parolee convicted and sentenced to incarceration for an aggravated misdemeanor.

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

Section 1. Section 906.16, Code 1993, is amended by striking the section and inserting in lieu thereof the following:

906.16 PAROLE OR WORK RELEASE TIME APPLIED.

1. Except as otherwise provided in this section, the time when a prisoner is on parole or work release from the institution shall apply to the sentence against the parolee or work releasee.

2. If a parole revocation hearing is held, the administrative parole judge or the board of parole shall determine the amount of time on parole that shall apply to the sentence against the parolee. In making the determination, the administrative parole judge or the board of parole shall apply any time that has elapsed prior to the violation during which the parolee was in compliance with the terms of the person's parole.

3. If a work release is revoked, the board of parole shall determine the amount of time on work release that shall apply to the sentence against the work releasee. In making the determination, the board shall apply any time that has elapsed prior to the violation during which the work releasee was in compliance with the terms of the person's work release.

4. The time when a prisoner is absent from the institution by reason of an escape shall not apply upon the sentence against the prisoner.

Sec. 2. NEW SECTION. 908.10A CONVICTION OF AN AGGRAVATED MISDEMEANOR WHILE ON PAROLE.

When a person is convicted and sentenced to incarceration in a state correctional institution in this state for an aggravated misdemeanor committed while on parole, or is convicted

and sentenced to incarceration under the laws of any other state of the United States or a foreign government or country for an offense committed while on parole, and which if committed in this state would be an aggravated misdemeanor, the person's parole shall be deemed revoked as of the date of the commission of the new aggravated misdemeanor offense.

The parole officer shall inform the sentencing judge that the convicted defendant is a parole violator. The term for which the defendant shall be imprisoned as a parole violator shall be the same as that provided in cases of revocation of parole for violation of the conditions of parole. The new sentence of imprisonment for conviction of an aggravated misdemeanor shall be served consecutively with the term imposed for the parole violation, unless a concurrent term of imprisonment is ordered by the court.

The parolee shall be notified in writing that parole has been revoked on the basis of the new aggravated misdemeanor conviction, and a copy of the commitment order shall accompany the notification. The inmate's record shall be reviewed pursuant to the provisions of section 906.5, or as soon as practical after a final reversal of the new aggravated misdemeanor conviction.

An inmate may appeal the revocation of parole under this section according to the board of parole's rules relating to parole revocation appeals. Neither the administrative parole judge nor the board panel shall retry the facts underlying any conviction.

Approved April 8, 1994

CHAPTER 1049

LIMITED LIABILITY PARTNERSHIPS

H.F. 2280

AN ACT establishing limited liability partnerships and providing a fee.

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

Section 1. Section 486.2, Code 1993, is amended by adding the following new subsection:
NEW SUBSECTION. 7. "Registered limited liability partnership" means a partnership formed pursuant to an agreement governed by the laws of this state, registered under section 486.44, and complying with sections 486.45 and 486.46.

Sec. 2. Section 486.6, subsection 1, Code 1993, is amended to read as follows:

1. A partnership is an association of two or more persons to carry on as co-owners a business for profit, and includes a registered limited liability partnership.

Sec. 3. Section 486.15, Code 1993, is amended to read as follows:

486.15 NATURE OF PARTNER'S LIABILITY.

1. All Except as otherwise provided in this section, all partners are liable:

1 a. Jointly and severally for everything chargeable to the partnership under sections 486.13 and 486.14.

2 b. Jointly for all other debts and obligations of the partnership; but any partner may enter into a separate obligation to perform a partnership contract.

2. A partner in a registered limited liability partnership is not liable directly or indirectly, including by way of indemnification, contribution, or otherwise, for debts, obligations, and liabilities chargeable to the partnership arising from negligence, wrongful acts, or misconduct, which occurs while the partnership is a registered limited liability partnership and which also occurs in the course of the partnership's business, by another partner or an employee, agent, or representative of the partnership. However, this section shall not affect the liability of a partner in a registered limited liability partnership for the partner's own negligence, wrongful acts, or misconduct, or for the negligence, wrongful acts, or misconduct of any person under the partner's direct supervision and control.