

Sec. 11. NEW SECTION. 514I.9 COST SHARING.

1. Cost sharing for eligible children whose family adjusted gross income is at or below one hundred fifty percent of the federal poverty level shall not exceed the standards permitted under 42 U.S.C. § 1396(o)(a)(3) or § 1396(o)(b)(1).

2. Cost sharing for eligible children whose family adjusted gross income is between one hundred fifty percent and one hundred eighty-five percent of the federal poverty level shall include a premium or copayment amount which is at least a minimum amount but which does not exceed five percent of the annual family adjusted gross income. The amount of the premium or the copayment amount shall be based on a sliding fee scale established by rule which is based on family adjusted gross income and the size of the family.

Sec. 12. APPOINTMENT OF MEMBERS OF THE HAWK-I BOARD. The members of the HAWK-I board shall be appointed within thirty days of enactment of this Act and may begin performing board duties prior to the beginning of the official commencement of the terms of the appointed board members as provided under this Act.

Sec. 13. OUTREACH. Notwithstanding any provision to the contrary, including section 8.33, any moneys remaining in the Iowa healthy kids trust fund pursuant to chapter 514H and any moneys remaining from grants, contributions, or other sources which were designated for the purposes of the healthy kids program shall be transferred to the department of human services and used to implement outreach activities for the HAWK-I program immediately upon enactment of this Act.

Sec. 14. EMERGENCY RULES. The department of human services may adopt emergency rules to implement changes in the medical assistance program by July 1, 1998, and the department of human services and the board may each adopt emergency rules only to the extent necessary to implement the HAWK-I program by January 1, 1999. Any rules adopted in accordance with this section shall also be published as notice of intended action as provided in section 17A.4.

Sec. 15. Chapter 514H is repealed.

Sec. 16. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved May 14, 1998

CHAPTER 1197

PROBATION PROCEDURES — SIXTH JUDICIAL DISTRICT

S.F. 2377

AN ACT relating to the sixth judicial district pilot probation revocation project and providing for effective dates and for repeal of the pilot project provisions.

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

DIVISION I

Section 1. Section 907.8A, subsection 1, Code Supplement 1997, is amended by striking the subsection and inserting in lieu thereof the following:

1. Except as otherwise provided, the probation violation sanctioning jurisdiction of the court in the sixth judicial district shall be transferred to an administrative parole and probation judge upon entry of the sentencing order for each person who is sentenced to the custody of the director of the department of corrections and whose sentence is suspended. The court shall retain jurisdiction to establish the amount of restitution, approve the plan of restitution, and for reconsideration of the original sentence. The court shall also retain jurisdiction for arrest warrants, initial appearances, preliminary probation violation informations, bond proceedings, violations of restitution plans, and appointment of counsel. If a person is not sentenced to the custody of the director of the department of corrections the court shall retain the jurisdiction over matters relating to those cases.

Sec. 2. Section 908.11, subsections 4 and 5, Code Supplement 1997, are amended to read as follows:

4. If the person who is believed to have violated the conditions of probation was sentenced and placed on probation in the sixth judicial district under section 907.8A, or jurisdiction over the person was transferred to the sixth judicial district as a result of transfer of the person's probation supervision, the functions of the liaison officer and the board of parole shall may be performed by the administrative parole and probation judge as provided in section 907.8A.

5. If the probation officer proceeds by arrest and section 907.8A applies, the administrative parole and probation judge may ~~receive the complaint, issue an arrest warrant, or conduct the initial appearance and~~ probable cause hearing and probation revocation hearing. ~~The initial appearance, probable cause hearing, and probation revocation hearing, or any of them,~~ may, at the discretion of the administrative parole and probation judge, be merged into a single hearing when it appears that the alleged violator will not be prejudiced by the merger. An administrative parole and probation judge may conduct any or all appearances or hearings electronically or by telephone. An administrative parole and probation judge may reconsider a person's sentence in the manner provided in sections 902.4 and 903.2 if reconsideration is deemed appropriate and the person's probation was revoked by an administrative parole and probation judge in the sixth judicial district. The sheriff shall coordinate and provide transportation and security for probation hearings conducted by an administrative parole and probation judge.

Sec. 3. Section 908.11, subsection 6, Code Supplement 1997, is amended by striking the subsection and inserting in lieu thereof the following:

6. If the violation is established, the court or the administrative parole and probation judge may take any of the following actions:

- a. Continue the probation with or without an alteration of the conditions of probation.
- b. Sentence the defendant to a jail term while continuing the probation.
- c. Order the defendant to be placed in a violator facility established pursuant to section 904.207 while continuing the probation.
- d. Revoke the probation and require the defendant to serve the sentence imposed or any lesser sentence.

The order of an administrative parole and probation judge shall become a final decision, unless the defendant appeals the decision to the board of parole within the time provided in rules adopted by the board. The appeal shall be conducted pursuant to rules adopted by the board and the record on appeal shall be the record made at the hearing conducted by the administrative parole and probation judge.

DIVISION II

Sec. 4. Section 907.2, unnumbered paragraph 2, Code Supplement 1997, is amended to read as follows:

Probation officers employed by the judicial district department of correctional services, while performing the duties prescribed by that department, are peace officers. Probation

officers shall investigate all persons referred to them for investigation by the director of the judicial district department of correctional services which employs them. They shall furnish to each person released under their supervision or committed to a community corrections residential facility operated by the judicial district department of correctional services, a written statement of the conditions of probation or commitment. They shall keep informed of each person's conduct and condition and shall use all suitable methods prescribed by the judicial district department of correctional services to aid and encourage the person to bring about improvements in the person's conduct and condition. Probation officers shall keep records of their work and, ~~unless section 907.8A applies,~~ shall make reports to the court when alleged violations occur and within no less than thirty days before the period of probation will expire. ~~If section 907.8A applies, the probation officers shall make the reports of alleged violations to the administrative parole and probation judge within no less than thirty days before the period of probation will expire.~~ Probation officers shall coordinate their work with other social welfare agencies which offer services of a corrective nature operating in the area to which they are assigned.

Sec. 5. Section 907.7, unnumbered paragraph 2, Code Supplement 1997, is amended to read as follows:

The length of the probation shall not be less than one year if the offense is a misdemeanor and shall not be less than two years if the offense is a felony. However, the court ~~or the administrative parole and probation judge,~~ if section 907.8A applies, may subsequently reduce the length of the probation if the court ~~or the administrative parole and probation judge~~ determines that the purposes of probation have been fulfilled and the fees imposed under section 905.14 have been paid to or waived by the judicial district department of correctional services. The purposes of probation are to provide maximum opportunity for the rehabilitation of the defendant and to protect the community from further offenses by the defendant and others.

Sec. 6. Section 907.8, unnumbered paragraph 3, Code Supplement 1997, is amended to read as follows:

~~Except as otherwise provided in section 907.8A, the court shall retain jurisdiction~~ Jurisdiction over these persons ~~shall remain with the sentencing court.~~ Jurisdiction may be transferred to a court in another jurisdiction, or to the administrative parole and probation judge under section 907.8A, if a person's probation supervision is transferred to a judicial district department of correctional services in a district other than the district in which the person was sentenced.

Sec. 7. Section 907.9, subsections 1 through 4, Code Supplement 1997, are amended to read as follows:

1. ~~Except as otherwise provided in section 907.8A, at~~ At any time that the court determines that the purposes of probation have been fulfilled and the fees imposed under section 905.14 have been paid to or waived by the judicial district department of correctional services, the court may order the discharge of a person from probation.

2. At any time that a probation officer determines that the purposes of probation have been fulfilled and the fees imposed under section 905.14 have been paid to or waived by the judicial district department of correctional services, the officer may order the discharge of a person from probation after approval of the district director and notification of the sentencing court, ~~the administrative parole and probation judge if section 907.8A applies,~~ and the county attorney who prosecuted the case.

3. The sentencing judge ~~or, if section 907.8A applies, the administrative parole and probation judge,~~ may order a hearing on its own motion, or shall order a hearing upon the request of the county attorney, for review of such discharge. If the sentencing judge is no longer serving or unable to order such hearing, the chief judge of the district or the chief judge's designee shall order any hearing pursuant to this section, ~~if section 907.8A does not apply.~~ Following the hearing, the court ~~or the administrative parole and probation judge~~ shall

approve or rescind such discharge. If a hearing is not ordered within thirty days after notification by the probation officer, the person shall be discharged and the probation officer shall notify the state court administrator of such discharge.

4. At the expiration of the period of probation and if the fees imposed under section 905.14 have been paid to or waived by the judicial district department of correctional services, the court ~~or, if section 907.8A applies, the administrative parole and probation judge~~, shall order the discharge of the person from probation, and the court ~~or administrative parole and probation judge~~ shall forward to the governor a recommendation for or against restoration of citizenship rights to that person. A person who has been discharged from probation shall no longer be held to answer for the person's offense. Upon discharge from probation, if judgment has been deferred under section 907.3, the court's criminal record with reference to the deferred judgment shall be expunged. The record maintained by the state court administrator as required by section 907.4 shall not be expunged. The court's record shall not be expunged in any other circumstances.

Sec. 8. Section 908.11, subsections 2 through 6, Code Supplement 1997, are amended to read as follows:

2. ~~Except as otherwise provided in sections 907.8 and 907.8A, the~~ The functions of the liaison officer and the board of parole shall be performed by the judge or magistrate who placed the alleged violator on probation if that judge or magistrate is available, otherwise by another judge or magistrate who would have had jurisdiction to try the original offense.

3. If the probation officer proceeds by arrest ~~and section 907.8A does not apply~~, any magistrate may receive the complaint, issue an arrest warrant, or conduct the initial appearance and probable cause hearing if it is not convenient for the judge who placed the alleged violator on probation to do so. The initial appearance, probable cause hearing, and probation revocation hearing, or any of them, may at the discretion of the court be merged into a single hearing when it appears that the alleged violator will not be prejudiced by the merger.

4. ~~If the person who is believed to have violated the conditions of probation was sentenced and placed on probation in the sixth judicial district under section 907.8A, or jurisdiction over the person was transferred to the sixth judicial district as a result of transfer of the person's probation supervision, the functions of the liaison officer and the board of parole shall be performed by the administrative parole and probation judge as provided in section 907.8A.~~

5. ~~If the probation officer proceeds by arrest and section 907.8A applies, the administrative parole and probation judge may receive the complaint, issue an arrest warrant, or conduct the initial appearance and probable cause hearing. The initial appearance, probable cause hearing, and probation revocation hearing, or any of them, may, at the discretion of the administrative parole and probation judge, be merged into a single hearing when it appears that the alleged violator will not be prejudiced by the merger.~~

6. If the violation is established, the court ~~or the administrative parole and probation judge~~ may continue the probation or youthful offender status with or without an alteration of the conditions of probation or a youthful offender status. If the defendant is an adult or a youthful offender the court may hold the defendant in contempt of court and sentence the defendant to a jail term while continuing the probation or youthful offender status, order the defendant to be placed in a violator facility established pursuant to section 904.207 while continuing the probation or youthful offender status, or revoke the probation or youthful offender status and require the defendant to serve the sentence imposed or any lesser sentence, and, if imposition of sentence was deferred, may impose any sentence which might originally have been imposed. ~~The administrative parole and probation judge may revoke the probation and require the defendant to serve the sentence which was originally imposed. The administrative parole and probation judge may grant credit against the sentence, for any time served while the defendant was on probation. The order of the administrative parole and probation judge shall become a final decision, unless the defendant appeals the decision to the board of parole within the time provided in rules adopted by the~~

~~board. The appeal shall be conducted pursuant to rules adopted by the board and the record on appeal shall be the record made at the hearing conducted by the administrative parole and probation judge.~~

Sec. 9. Sections 906.16, 908.4, 908.5, 908.6, 908.7, 908.10, and 908.10A, Code Supplement 1997, are amended by striking from the sections the words “administrative parole and probation judge” and “administrative parole and probation judge’s” and inserting in lieu thereof the words “administrative parole judge” and “administrative parole judge’s”, respectively.

Sec. 10. Section 907.8A, Code Supplement 1997, is repealed.

Sec. 11. PILOT PROJECT EVALUATION. The division of criminal and juvenile justice planning of the department of human rights, in cooperation with the court, prosecutors, and community corrections personnel of the sixth judicial district and representatives of the board of parole, shall conduct an evaluation of the effectiveness of the sixth judicial district probation pilot project. The evaluation shall include but shall not be limited to a comparative assessment of the effect of the use of an administrative parole and probation judge on the efficient processing of cases, sentences imposed, number of revocations, and offender compliance with sentence terms in the sixth judicial district. The evaluation shall be submitted in a report to the general assembly which convenes in January 2001.

Sec. 12. CONSTRUCTION — DIRECTIONS TO CODE EDITOR. It is the intent of the general assembly that sections 4 through 10 of this Act be construed only to remove references to the pilot probation project in the sixth judicial district and not to substantively conflict with or supersede any other or intervening amendments to those sections which do not relate to that pilot project. The Code editor is specifically directed to harmonize the removal of any references to the sixth judicial district with any intervening or other amendments to those Code sections to allow those intervening or other amendments to take effect.

DIVISION III

Sec. 13. EFFECTIVE DATES — REPEALS.

1. This division and Division I of this Act, being deemed of immediate importance, take effect upon enactment.

2. Division I of this Act is repealed June 30, 2000.

3. Division II of this Act takes effect July 1, 2000.

Approved May 18, 1998

CHAPTER 1198

PRIZES AWARDED IN RAFFLES AND GAMES

H.F. 2532

AN ACT relating to the maximum value of prizes awarded in raffles and certain games of skill and chance.

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

Section 1. Section 99B.7, subsection 1, paragraph d, Code 1997, is amended to read as follows: