

FILED FEB 28 2006

SENATE FILE 2285
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 3089)

Passed Senate, Date 3-8-06 Passed House, Date 3-13-06
Vote: Ayes 50 Nays 0 Vote: Ayes 97 Nays 0
Approved March 21, 2006

A BILL FOR

1 An Act relating to the distribution of a presentence
2 investigation report in a criminal proceeding.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SF 2285

1 Section 1. Section 901.4, Code Supplement 2005, is amended
2 to read as follows:

3 901.4 PRESENTENCE INVESTIGATION REPORT CONFIDENTIAL --
4 DISTRIBUTION.

5 The presentence investigation report is confidential and
6 the court shall provide safeguards to ensure its
7 confidentiality, including but not limited to sealing the
8 report, which may be opened only by further court order. At
9 ~~least-three-days-prior-to-the-date-set-for-sentencing~~₇-the
10 ~~court-shall-send-a-copy-of-all-of-the-presentence~~
11 ~~investigation-report-by-ordinary-or-electronic-mail~~₇-to-the
12 The defendant's attorney and the attorney for the state₇-and
13 the shall have access to the presentence investigation report
14 at least three days prior to the date set for sentencing. The
15 report shall remain confidential except upon court order.
16 However, the court may conceal the identity of the person who
17 provided confidential information. The report of a medical
18 examination or psychological or psychiatric evaluation shall
19 be made available to the attorney for the state and to the
20 defendant upon request. The reports are part of the record
21 but shall be sealed and opened only on order of the court. If
22 the defendant is committed to the custody of the Iowa
23 department of corrections and is not a class "A" felon, ~~a-copy~~
24 ~~of-the-presentence-investigation-report-shall-be-forwarded-by~~
25 ~~ordinary-or-electronic-mail-to-the-director-with-the-order-of~~
26 ~~commitment-by-the-clerk-of-the-district-court-and-to~~ the
27 department and the board of parole at-the-time-of-commitment
28 shall have access to the presentence investigation report.
29 Pursuant to section 904.602, the presentence investigation
30 report may also be released by ordinary or electronic mail by
31 the department of corrections or a judicial district
32 department of correctional services to another jurisdiction
33 for the purpose of providing interstate probation and parole
34 compact or interstate compact for adult offender supervision
35 services or evaluations, or to a substance abuse or mental

1 health services provider when referring a defendant for
2 services. The defendant or the defendant's attorney may file
3 with the presentence investigation report, a denial or
4 refutation of the allegations, or both, contained in the
5 report. The denial or refutation shall be included in the
6 report. ~~If the person is sentenced for an offense which~~
7 ~~requires registration under chapter 692A, the court shall~~
8 ~~release the report by ordinary or electronic mail to the~~
9 department.

10

EXPLANATION

11 This bill relates to the distribution of a presentence
12 investigation report in a criminal proceeding. The bill
13 provides the court shall provide access to the presentence
14 investigation report to the defendant's attorney and the
15 county attorney at least three days prior to the sentencing
16 hearing. Current law provides that the court send a copy of
17 the presentence investigation report to the defendant's
18 attorney and the county attorney by ordinary mail or
19 electronic means three days prior to the sentencing hearing.

20 The bill also eliminates the requirement that the court
21 release the presentence investigation report by ordinary or
22 electronic mail to the department of corrections, if the
23 person is required to register as a sex offender. Under
24 current law and the bill, the department of corrections
25 already has access to the presentence investigation report.

26 A presentence investigation report is a report detailing a
27 criminal defendant's criminal and social history.

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Ward co-chair
Quirmbach co-chair
Zawn
Schoenjahn

SSB# 3089
Judiciary
Succeeded By
F/ HF 2285

SENATE/HOUSE FILE _____
BY (PROPOSED JUDICIAL BRANCH
BILL)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

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6 the court shall provide safeguards to ensure its
7 confidentiality, including but not limited to sealing the
8 report, which may be opened only by further court order. At
9 ~~least three days prior to the date set for sentencing, the~~
10 ~~court shall send a copy of all of the presentence~~
11 ~~investigation report by ordinary or electronic mail, to the~~
12 The defendant's attorney and the attorney for the state, and
13 the shall have access to the presentence investigation report
14 at least three days prior to the date set for sentencing. The
15 report shall remain confidential except upon court order.
16 However, the court may conceal the identity of the person who
17 provided confidential information. The report of a medical
18 examination or psychological or psychiatric evaluation shall
19 be made available to the attorney for the state and to the
20 defendant upon request. The reports are part of the record
21 but shall be sealed and opened only on order of the court. If
22 the defendant is committed to the custody of the Iowa
23 department of corrections and is not a class "A" felon, ~~a copy~~
24 ~~of the presentence investigation report shall be forwarded by~~
25 ~~ordinary or electronic mail to the director with the order of~~
26 ~~commitment by the clerk of the district court and to the~~
27 department and the board of parole at the time of commitment
28 shall have access to the presentence investigation report.
29 Pursuant to section 904.602, the presentence investigation
30 report may also be released by ordinary or electronic mail by
31 the department of corrections or a judicial district
32 department of correctional services to another jurisdiction
33 for the purpose of providing interstate probation and parole
34 compact or interstate compact for adult offender supervision
35 services or evaluations, or to a substance abuse or mental

1 health services provider when referring a defendant for
2 services. The defendant or the defendant's attorney may file
3 with the presentence investigation report, a denial or
4 refutation of the allegations, or both, contained in the
5 report. The denial or refutation shall be included in the
6 report. ~~If the person is sentenced for an offense which~~
7 ~~requires registration under chapter 692A, the court shall~~
8 ~~release the report by ordinary or electronic mail to the~~
9 ~~department.~~

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12 investigation report in a criminal proceeding. The bill
13 provides the court shall provide access to the presentence
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15 county attorney at least three days prior to the sentencing
16 hearing. Current law provides that the court send a copy of
17 the presentence investigation report to the defendant's
18 attorney and the county attorney by ordinary mail or
19 electronic means three days prior to the sentencing hearing.

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21 release the presentence investigation report by ordinary or
22 electronic mail to the department of corrections, if the
23 person is required to register as a sex offender. Under
24 current law and the bill, the department of corrections
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27 criminal defendant's criminal and social history.

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MEMORANDUM

TO: MEMBERS OF THE GENERAL ASSEMBLY

FROM: IOWA JUDICIAL BRANCH

DATE: January 26, 2006

RE: TLSB 5366DP

The population formula for district associate judges was last updated in 1994 when the limit on was raised from four judges for counties having a population of 200,000 or more, to seven judges for counties having a population of 305,000 or more. The limit needs to be raised again and adjusted to address the population growth in the state's most populous counties. In addition, the current formula ties the number of judges to which a county is entitled to a variety of population increments, which on its face appears to be inequitable. This inequity would be removed if there were fewer or no variations in the population increments. The proposal in section 1 of the bill uses population increments of 45,000 per judge except for the initial population range. This revision would not result in any counties losing a judge, but it would make some counties eligible for an additional district associate judges. However, the statute currently includes a provision that ties allocation of additional judges subject to approval of the supreme court and availability of funds.

The balance of the bill provides for a process to convert a new or vacant district associate judgeship to three magistrates. Currently, the Code contains a similar provision that allows for the conversion of three magistrate positions for a district associate judgeship. The purpose of the proposal is to provide judicial districts with more flexibility in addressing their specific case load needs as the district's case load changes over time. The current magistrate/DAJ conversion process in section 602.6302 provides a measure of flexibility, but can only be undone when there is a vacancy in the district associate judgeship specifically created by the conversion. This vacancy may not occur for decades.

SENATE FILE 2285

AN ACT

RELATING TO THE DISTRIBUTION OF A PRESENTENCE INVESTIGATION
REPORT IN A CRIMINAL PROCEEDING.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 901.4, Code Supplement 2005, is amended
to read as follows:

901.4 PRESENTENCE INVESTIGATION REPORT CONFIDENTIAL --
DISTRIBUTION.

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. ~~At
least three days prior to the date set for sentencing, the~~

~~court shall send a copy of all of the presentence
investigation report by ordinary or electronic mail, to the
The defendant's attorney and the attorney for the state, and
the shall have access to the presentence investigation report
at least three days prior to the date set for sentencing. The
report shall remain confidential except upon court order.
However, the court may conceal the identity of the person who
provided confidential information. The report of a medical
examination or psychological or psychiatric evaluation shall
be made available to the attorney for the state and to the
defendant upon request. The reports are part of the record
but shall be sealed and opened only on order of the court. If
the defendant is committed to the custody of the Iowa
department of corrections and is not a class "A" felon, a copy
of the presentence investigation report shall be forwarded by
ordinary or electronic mail to the director with the order of
commitment by the clerk of the district court and to the
department and the board of parole at the time of commitment
shall have access to the presentence investigation report.
Pursuant to section 904.602, the presentence investigation
report may also be released by ordinary or electronic mail by
the department of corrections or a judicial district
department of correctional services to another jurisdiction
for the purpose of providing interstate probation and parole
compact or interstate compact for adult offender supervision
services or evaluations, or to a substance abuse or mental
health services provider when referring a defendant for
services. 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. If the person is sentenced for an offense which
requires registration under chapter 692A, the court shall~~

~~release-the-report-by-ordinary-or-electronic-mail-to-the
department.~~

JOHN P. KIBBIE
President of the Senate

CHRISTOPHER C. RANTS
Speaker of the House

I hereby certify that this bill originated in the Senate and
is known as Senate File 2285, Eighty-first General Assembly.

MICHAEL E. MARSHALL
Secretary of the Senate

Approved _____, 2006

THOMAS J. VILSACK
Governor