

244.1995 SANCTIONS CONFERENCE PROCEDURES.

The chief executive officer of a probation agency, with approval of the district court, must develop procedures for the sanctions conference under sections 244.197 to 244.199 and develop a sanctions conference form that includes notice to the individual on probation:

(1) of the specific court-ordered condition of probation that the individual has allegedly violated, the probation officer's authority to ask the court to revoke the individual's probation for the technical violation, and the individual's right to elect to participate in a sanctions conference to address the technical violation in lieu of the probation officer asking the court to revoke the individual's probation;

(2) that participation in the sanctions conference is in lieu of a court hearing under section 609.14 and that if the individual elects to participate in the sanctions conference, the individual must admit, or agree not to contest, the alleged technical violation and must waive the right to contest the violation at a judicial hearing, present evidence, call witnesses, cross-examine the state's witnesses, and be represented by counsel;

(3) that, if the individual chooses, the individual is entitled to a hearing before the court under section 609.14 for a determination of whether the individual committed the alleged violation, including the right to be present at the hearing, to cross-examine witnesses, to have witnesses subpoenaed for the individual, to have an attorney present or to have an attorney appointed if the individual cannot afford one, and to require the state to prove the allegations against the individual;

(4) that if, after a hearing, the court finds that the violations have been proven, the court may continue the sentence, subject to the same, modified, or additional conditions, or order a sanction that may include incarceration, additional fines, revocation of the stay of sentence, imposition of sentence, or other sanctions;

(5) that the decision to participate in the sanctions conference will not result in the probation officer recommending revocation of the individual's stay of sentence unless the individual subsequently fails to successfully complete the probation violation sanction by a specified date;

(6) that various types of probation violation sanctions may be imposed and that the probation violation sanctions imposed on the individual will depend on the nature of the individual's technical violation, criminal history, and level of supervision;

(7) that the probation violation sanctions supplement any existing conditions of probation; and

(8) that participation in the sanctions conference requires completing all probation violation sanctions imposed by the probation agency and that failing to successfully complete any imposed probation violation sanction could result in additional sanctions or initiation of revocation proceedings under section 609.14.

History: *1Sp2003 c 2 art 6 s 6; 2023 c 52 art 17 s 10*