



[SF 2164](#) – Earned Time, Eligible Offenses (LSB5253SV)
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Fiscal Note Version – New

Description

[Senate File 2164](#) removes the requirement that earned time accrued be applied to reduce the mandatory minimum sentences being served under the following Iowa Code sections:

- Iowa Code section [902.7](#) (minimum sentence for forcible felony while possessing a dangerous weapon).
- Iowa Code section [902.8](#) (minimum sentence of habitual offender).
- Iowa Code section [902.11](#) (eligibility of prior forcible felon for parole or work release).

Background

Earned time allows inmates to earn a reduction in their sentence and is defined under Iowa Code section [903A.2](#). To gain earned time, inmates must demonstrate good conduct and satisfactorily participate in programs identified by the Director of the Department of Corrections (DOC) to earn the reduction.

Under Iowa Code section [903A.5](#), incarcerated individuals convicted under the following Iowa Code sections are eligible to accrue earned time that can reduce the time of a mandatory minimum sentence:

- [124.406](#) (distribution of certain controlled substances to a person under age 18).
- [124.413](#) (mandatory minimum sentence for certain controlled substance offenses).
- 902.7 (minimum sentence for forcible felony while possessing a dangerous weapon).
- 902.8 (minimum sentence of habitual offender).
- [902.8A](#) (minimum sentence for conspiring to manufacture or deliver amphetamine or methamphetamine to a minor).
- 902.11 (eligibility of prior forcible felon for parole or work release).

Under Iowa Code section 902.7, the minimum sentence for an individual convicted of a forcible felony while possessing a dangerous weapon is five years. Under Iowa Code section 902.8, the minimum sentence for habitual offenders convicted of a Class C or Class D felony is three years. Under Iowa Code section 902.11, the minimum sentence for an individual convicted of a felony who has a criminal record of one or more prior convictions for a forcible felony is at least one-half of the maximum term of the defendant's sentence. However, there are exceptions to Iowa Code section 902.11 based on the defendant's criminal history.

Assumptions

- The following will not change over the projection period: charge, conviction, and sentencing patterns and trends; prisoner length of stay (LOS); revocation rates; plea bargaining; and other criminal justice system policies and practices.
- A delay of six months is assumed from the effective date of this Bill to the date of first entry of affected offenders into the correctional system.

- Marginal costs for county jails cannot be estimated due to a lack of data. For purposes of this analysis, the marginal cost for county jails is assumed to be \$50 per day.
- The marginal cost per day in prison is \$24.94.

Correctional Impact

Senate File 2164 may increase the LOS in prison for individuals serving mandatory minimum sentences under Iowa Code sections 902.7, 902.8, and 902.11. This may increase the prison population, but the extent of the increase in LOS and prison population cannot be estimated. In FY 2023, there were 479 individuals admitted to prison on the most serious offense related to Iowa Code section 902.7, 902.8, or 902.11 who can accrue earned time to reduce their sentences under current law but who could not under the Bill. Refer to the Legislative Services Agency (LSA) memo addressed to the General Assembly, [Cost Estimates Used for Correctional Impact Statements](#), dated January 16, 2024, for information related to the correctional system.

Minority Impact

Senate File 2164 removes the ability to accrue earned time for certain crimes. Although the LOS under which the group of individuals affected by the Bill would be released is unknown, SF 2164 may disproportionately impact Black individuals if trends remain constant. Of the 479 incarcerated individuals currently serving mandatory minimum sentences under Iowa Code sections 902.7, 902.8, and 902.11 for whom the LOS may increase under the Bill, 66.0% are White, 25.7% are Black, and 8.3% are other races. Iowa's population is 89.8% White, 4.4% Black, and 5.8% other races. Refer to the LSA memo addressed to the General Assembly, [Minority Impact Statement](#), dated January 16, 2024, for information related to minorities in the criminal justice system.

Fiscal Impact

Senate File 2164 may have a fiscal impact to the DOC, but the extent of the increase in costs to the DOC cannot be estimated because the extent of the increase in LOS and prison population is unknown. The DOC's marginal cost per day per individual in prison is \$24.94.

Sources

Department of Corrections
Criminal and Juvenile Justice Planning, Department of Management
Legislative Services Agency

/s/ Jennifer Acton

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The fiscal note for this Bill was prepared pursuant to [Joint Rule 17](#) and the Iowa Code. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.
