



Iowa General Assembly

2011 Legal Updates

Legislative Services Agency – Legal Services Division

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Purpose. *Legal update briefings are prepared by the nonpartisan Legal Services Division of the Legislative Services Agency. A legal update briefing is intended to inform legislators, legislative staff, and other persons interested in legislative matters of recent court decisions, Attorney General Opinions, regulatory actions, federal actions, and other occurrences of a legal nature that may be pertinent to the General Assembly's consideration of a topic. Although a briefing may identify issues for consideration by the General Assembly, a briefing should not be interpreted as advocating any particular course of action.*

CREDIT FOR TIME SERVED WHILE ON PROBATION

Filed by the Iowa Supreme Court

July 29, 2011

Anderson v. State

No. 09-0507

http://www.iowacourts.gov/Supreme_Court/Recent_Opinions/20110729/09-0507.pdf

Factual Background. Michael Anderson pled guilty to two counts of enticing a minor away, a class “D” felony. The district court granted Anderson a suspended sentence and placed him on probation for five years on each count. As part of his probation, Anderson was incarcerated at the Marshalltown Residential Facility and ordered to undergo sex offender treatment at the facility, but he was allowed to leave the facility for employment purposes. Anderson was subsequently released from the facility subject to other additional conditions of probation, including electronic monitoring and home supervision. Anderson was required to maintain employment, was allowed one hour after work to run errands, but otherwise needed permission from a probation officer to leave his residence, and was prohibited from having any contact with persons under the age of 17, but had unlimited access to television, internet, and video games at his residence. Subsequently, it was discovered Anderson had contact with a minor 16 years of age through the internet and that the minor had been at his residence numerous times. Based upon the evidence gathered the district court revoked Anderson’s probation and reinstated his prison term on the two counts of enticing a minor away. The district court granted Anderson credit on his sentence for the time served in the Marshalltown Residential Facility but did not grant Anderson credit on his sentence for the time he lived at his residence while under electronic monitoring and supervision.

Issue. Whether the defendant in this case should receive credit against his prison sentence for the time he lived at his residence while under electronic monitoring and home supervision.

Analysis. The Iowa Supreme Court (Court) held that Anderson is entitled to receive credit against his prison sentence for the time he lived at his residence while on probation and under electronic monitoring and home supervision. The state argued the General Assembly intended that credit against a sentence should apply to only the time served by a defendant in a jail-like setting under Code Section 903A.5(1). The Court concluded Code Section 907.3(3) unambiguously entitles Anderson to credit on his sentence for the time served while on probation, and under electronic monitoring and home supervision. The state further argued that under the defendant’s interpretation of Code Section 907.3(3), a defendant could be entitled to credit against a sentence for any probation sanction including unsupervised sanctions such as fines and community service. The Court concluded Code Sections 907.3(3) and 901B.1 should be read together, and noted the language in Code Section 907.3(3) restricts credit against sentences to the sentences that require supervision or services, thus a person receiving an unsupervised sanction is not entitled to receive credit against such a sentence. The state also argued it would be absurd to allow credits against a sentence while the defendant was in the process of committing further sex offenses and victimizing minors. The Court concluded the “absurd results doctrine” should be used sparingly because of the risk the judiciary will override the General Assembly on the basis of speculation that the General Assembly could not have meant what it said. The Court further emphasized it will not ignore legislative language merely because it leads to a result that seems contrary to the expectations of the Court.

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