

Judiciary and Law Enforcement: Rosenberg, Chair; Halvorson of Clayton, McKean, Tabor and Varn.

*Passed per 3587 4/8/83*

**FILED FEB 23 1983**

SENATE FILE 302

BY COMMITTEE ON JUDICIARY  
*Approved 2/23 (p. 530)*

Passed Senate, Date 3-7-83 (p. 650)

Passed House, Date 4-20-83 (p. 1114)

Vote: Ayes 46 Nays 0

Vote: Ayes 98 Nays 0

Approved May 25 1983

*Repassed Senate as amended by House  
further amended by Senate  
4-26-83 (p. 1403)  
40-0*

*Repassed House as further amended by Senate  
5-4-83 (A. 1777)  
96-3*

# A BILL FOR

1 An Act relating to the reduction of sentences of inmates  
2 committed to the custody of the director of the division  
3 of adult corrections of the department of social ser-  
4 vices.

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

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*S.F. 302*

1 Section 1. Sections 2 through 8 of this Act are enacted  
2 as a new chapter of the Code.

3 Sec. 2. NEW SECTION. CONDUCT REVIEW. The commissioner  
4 of social services shall appoint independent hearing officers  
5 whose duties shall include but not be limited to review, as  
6 provided in section 4 of this Act, of the conduct of inmates  
7 in institutions under the department of social services,  
8 division of adult corrections.

9 Sec. 3. NEW SECTION. GOOD CONDUCT TIME. Each inmate  
10 of an institution under the department of social services,  
11 division of adult corrections, is eligible for a reduction  
12 of sentence of one day for each day of good conduct of the  
13 inmate while committed to one of the division's institutions.  
14 In addition to the sentence reduction of one day for each  
15 day of good conduct, each inmate is eligible for an additional  
16 reduction of sentence of up to five days a month if the inmate  
17 participates satisfactorily in employment in the institution,  
18 in Iowa state industries, in an inmate employment program  
19 established by the director, or in an inmate educational  
20 program approved by the director. Reduction of sentence  
21 pursuant to this section may be subject to forfeiture pursuant  
22 to section 4 of this Act. Computation of good conduct time  
23 is subject to the following conditions:

24 1. Time served in jail or other facility, credited by  
25 the clerk of court prior to actual placement in a correctional  
26 institution, shall accrue for purposes of reduction of sentence  
27 under this section.

28 2. Time spent during escape shall not accrue for purposes  
29 of reduction of sentence under this section. An inmate who  
30 intentionally escapes may forfeit all good conduct time accrued  
31 and not forfeited prior to the escape.

32 3. Time between parole violation, which violation is  
33 determined by the board of parole at the final parole viola-  
34 tion hearing, and incarceration shall not accrue for purposes  
35 of reduction of sentence under this section.

1 4. Good conduct time earned and not forfeited shall accrue  
2 to an inmate serving a life sentence. The good conduct time  
3 so accrued does not apply to reduce the life sentence, but  
4 shall be credited to the inmate on the date of commutation,  
5 if the life sentence is commuted to a term of years.

6 5. Except in life sentences, good conduct time shall be  
7 credited to the maximum sentence annually on the date of  
8 admission.

9 Sec. 4. NEW SECTION. LOSS OR FORFEITURE OF GOOD CONDUCT  
10 TIME.

11 1. Upon finding that an inmate has violated an  
12 institutional rule, the independent hearing officer may order  
13 forfeiture of any or all good conduct time earned and not  
14 forfeited up to the date of the violation by the inmate.  
15 The independent hearing officer has discretion within the  
16 guidelines established pursuant to section 5 of this Act,  
17 to determine the amount of time that should be forfeited based  
18 upon the severity of the violation. Prior violations by the  
19 inmate may be considered by the hearing officer in the  
20 decision.

21 2. The orders of the hearing officer are subject to appeal  
22 to the superintendent or warden of the institution who may  
23 either affirm, modify, remand for correction of procedural  
24 errors, or reverse an order. However, sanctions shall not  
25 be increased on appeal. A decision of the superintendent  
26 or warden is subject to review by the director of the division  
27 of adult corrections who may either affirm, modify, remand  
28 for correction of procedural errors, or reverse the decision.  
29 However, sanctions shall not be increased on review.

30 3. The director of the division of adult corrections or  
31 the director's designee, may restore all or any portion of  
32 previously forfeited good conduct time for acts of heroism  
33 or for meritorious actions. The director shall establish  
34 by rule the requirements as to which activities may warrant  
35 the restoration of good conduct time and the amount of good

1 conduct time to be restored.

2 4. The inmate disciplinary procedure, including but not  
3 limited to the method of awarding or forfeiting time pursuant  
4 to this chapter, is not a contested case subject to chapter  
5 17A.

6 Sec. 5. NEW SECTION. POLICIES AND PROCEDURES. The  
7 director of the division of adult corrections shall develop  
8 policy and procedural rules to implement sections 2 through  
9 4 of this Act. The rules may specify disciplinary offenses  
10 which may result in the loss of good conduct time, and the  
11 amount of good conduct time which may be lost as a result  
12 of each disciplinary offense. The director shall establish  
13 rules as to what constitutes "satisfactory participation"  
14 for purposes of additional reduction of sentence under section  
15 3 of this Act, for employment in the institution, in Iowa  
16 state industries, in an inmate employment program established  
17 by the director, or for participation in an educational program  
18 approved by the director, when such employment or programs  
19 are available.

20 Sec. 6. NEW SECTION. TIME TO BE SERVED--CREDIT. An  
21 inmate shall not be discharged from the custody of the director  
22 of the division of adult corrections until the inmate has  
23 served the full term for which the inmate was sentenced, less  
24 good conduct time earned and not forfeited, unless the inmate  
25 is pardoned or otherwise legally released. Good conduct time  
26 earned and not forfeited shall apply to reduce a mandatory  
27 minimum sentence being served pursuant to section 204.406,  
28 204.413, 902.7, 902.8, or 906.5. An inmate shall be deemed  
29 to be serving the sentence from the day on which the inmate  
30 is received into the institution. However, if an inmate was  
31 confined to a county jail or other correctional or mental  
32 facility at any time prior to sentencing, or after sentencing  
33 but prior to the case having been decided on appeal, because  
34 of failure to furnish bail or because of being charged with  
35 a nonbailable offense, the inmate shall be given credit for

1 the days already served upon the term of the sentence. The  
2 clerk of the district court of the county from which the  
3 inmate was sentenced, shall certify to the warden the number  
4 of days so served.

5 An inmate shall not receive credit upon the inmate's  
6 sentence for time spent in custody in another state resisting  
7 return to Iowa following an escape, or for time served in  
8 an institution or jail of another jurisdiction during any  
9 period of time the person is receiving credit upon a sentence  
10 of that other jurisdiction.

11 Sec. 7. NEW SECTION. GOOD AND HONOR TIME APPLICATION.  
12 Sections 246.38, 246.39, 246.41, 246.42, 246.43, and 246.45,  
13 as the sections appear in the 1983 Code, remain in effect  
14 for inmates sentenced for offenses committed prior to July  
15 1, 1983.

16 Sec. 8. NEW SECTION. SEPARATE SENTENCES. When an inmate  
17 is committed under several convictions with consecutive  
18 sentences, they shall be construed as one continuous sentence  
19 in the granting or forfeiting of good conduct time.

20 Sec. 9. Section 331.702, subsection 45, Code 1983, is  
21 amended to read as follows:

22 45. Certify to the ~~warden-of-the-penitentiary-or-men's~~  
23 ~~reformatory~~ receiving institution the number of days that  
24 an inmate has been credited toward completion of the inmate's  
25 sentence as provided in section ~~246-38~~ 6 of this Act.

26 Sec. 10. Section 663A.2, subsection 6, Code 1983, is  
27 amended by striking the subsection and inserting in lieu  
28 thereof the following:

29 6. The person's reduction of sentence pursuant to sections  
30 2 through 8 of this Act has been unlawfully forfeited and  
31 the person has exhausted the appeal procedure of section 4,  
32 subsection 2 of this Act; or

33 Sec. 11. Section 901.6, Code 1983, is amended to read  
34 as follows:

35 901.6 JUDGMENT ENTERED. If judgment is not deferred,

1 and no sufficient cause is shown why judgment should not be  
2 pronounced and none appears to the court upon the record,  
3 judgment shall be pronounced and entered. In every case in  
4 which judgment is entered, the court shall include in the  
5 judgment entry the number of the particular section of the  
6 Code under which the defendant is sentenced and a statement  
7 of the days credited pursuant to section 246-38 6 of this  
8 Act shall be incorporated into the sentence.

9 Sec. 12. Sections 246.38, 246.39, 246.41, 246.42, 246.43,  
10 and 246.45, Code 1983, are repealed except they remain in  
11 effect for persons sentenced for offenses committed prior  
12 to July 1, 1983.

13 Sec. 13. Sections 2 through 6 and sections 8 through 12  
14 of this Act apply only to inmates sentenced for offenses  
15 committed after July 1, 1983.

16 EXPLANATION

17 This bill replaces the present "good and honor time" sec-  
18 tions of the Code which reduce the length of sentences of  
19 inmates sentenced to the custody of the director of the  
20 division of adult corrections, with another system that rewards  
21 good conduct of inmates. An attorney general's opinion (dated  
22 November 29, 1977) indicates that the current good and honor  
23 time sections of the Code, 246.39, 246.41, and 246.43, are  
24 presently not being correctly followed with the possible ex-  
25 ception of section 246.43, the honor time section (special  
26 reduction section).

27 The bill takes effect July 1 following its enactment.

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SENATE FILE 302

H-3755

1 Amend Senate File 302, as passed by the Senate,  
2 as follows:

3 1. Page 4, by inserting after line 32 the  
4 following:

5 "Sec. \_\_\_\_ Chapter 684, Code 1983, is amended  
6 by adding the following new section:

7 NEW SECTION. RULES OF SENTENCING.

8 1. The supreme court may prescribe advisory rules  
9 to the district court which establish:

10 a. The circumstances under which imprisonment  
11 of an offender is proper.

12 b. Appropriate sanctions for offenders for whom  
13 imprisonment is not proper, including but not limited  
14 to noninstitutional sanctions such as fines,  
15 restitution, work release, community service  
16 sentencing, community-based correctional programs,  
17 probation, deferred judgment, deferred sentence, and  
18 suspended sentence.

19 2. In establishing the rules of sentencing, the  
20 court may take into consideration current sentencing  
21 and release practices and correctional resources,  
22 including but not limited to the capacities of local  
23 and state correctional facilities."

24 2. Page 5, line 6, by inserting after the word  
25 "Code" the words "and the name of the offense".

26 3. Page 5, by inserting after line 8 the following:

27 "Sec. \_\_\_\_ Section 906.3, Code 1983, is amended  
28 to read as follows:

29 906.3 AUTHORITY OF PAROLE BOARD.

30 1. The board of parole shall ~~promulgate-regulations~~  
31 adopt rules regarding a system of paroles from  
32 correctional institutions, and shall direct, control,  
33 and supervise the administration of ~~such~~ the system  
34 of paroles. The board shall determine which of those  
35 persons who have been committed to the custody of  
36 the director of the division of adult corrections,  
37 by reason of their conviction of a public offense,  
38 shall be released on parole. The grant or denial  
39 of parole shall not be deemed a contested case as  
40 defined in section 17A.2.

41 2. The board of parole shall adopt rules pursuant  
42 to chapter 17A of the Code, as to the timing and  
43 frequency of parole interviews and paroles, as to  
44 the shortest possible time of incarceration which  
45 an offender shall serve prior to eligibility for  
46 release on parole, and as to the length and conditions  
47 of paroles. These rules shall take into consideration  
48 the offender's past conviction record including the  
49 number of prior forcible felonies, nonforcible  
50 felonies, and aggravated misdemeanors, the length

1 of time since conviction for the prior offenses, use  
2 of a firearm in the commission of the offense, and  
3 other relevant factors.

4 Sec. \_\_\_\_ . Section 906.5, unnumbered paragraph  
5 1, Code 1983, is amended to read as follows:

6 Within one year after the commitment of any a  
7 person ~~other-than-a-class-"A"-felon~~ to the custody  
8 of the director of the division of adult corrections,  
9 a ~~member~~ designee of the board shall interview the  
10 person. Thereafter, at regular intervals, not to  
11 exceed ~~one-year~~, the time provided for by rules adopted  
12 pursuant to section 906.3, subsection 2, the board  
13 shall interview the person and shall consider his  
14 or-her the person's prospects for parole. At ~~such~~  
15 ~~time the interview~~, the board shall consider all  
16 pertinent information regarding this person, including  
17 the circumstances of the person's offense, any  
18 presentence report which may be available, the previous  
19 social history and criminal record of ~~such~~ the person,  
20 the person's conduct, employment and attitude in  
21 prison, and the reports of ~~such~~ physical and mental  
22 examinations as which have been made.

23 Sec. \_\_\_\_ . Section 908.6, Code 1983, is amended  
24 to read as follows:

25 908.6 DISPOSITION BY LIAISON OFFICER. If it  
26 appears from the evidence that there is no probable  
27 cause to believe that the arrested person has violated  
28 the conditions of parole, the liaison officer shall  
29 order the arrested person to be released from custody  
30 and continued on parole. If it appears that there  
31 is probable cause to believe that the arrested person  
32 has violated the conditions of parole, the liaison  
33 officer shall commit the arrested person to the custody  
34 of the ~~department-of-social-services~~ director of the  
35 division of adult corrections, and the procedure  
36 prescribed in section 901.7 shall apply to such the  
37 commitment; or the liaison officer may recommend that  
38 the arrested person be admitted to bail as provided  
39 in section 908.2. The liaison officer shall make  
40 a summary of the testimony and other evidence  
41 considered and a statement of the facts relied on  
42 as a basis for the finding of probable cause or no  
43 probable cause, and shall without delay forward them  
44 together with all documents relating to the matter  
45 to the executive secretary of the parole board. If  
46 the alleged parole violator has waived the probable  
47 cause hearing, the verbatim record of that proceeding  
48 shall be forwarded in lieu of the summary of evidence  
49 and statement of facts.

50 Sec. \_\_\_\_ . Section 908.8, Code 1983, is amended

1 to read as follows:

2 908.8 PROCEEDING WITHOUT ARREST OR PROBABLE CAUSE.  
3 The board of parole may receive from a parole officer  
4 a charge or complaint of parole violation against  
5 any parolee and may proceed to a hearing on ~~such~~ the  
6 charge in any case where the alleged violator has  
7 not been arrested or has been arrested and discharged  
8 by the liaison officer on a finding of no probable  
9 cause. The presence of the alleged violator at ~~such~~  
10 the hearing shall be secured by summons. A statement  
11 of the charge against the alleged violator shall  
12 accompany the summons, and the parole officer shall  
13 give the alleged violator such assistance as is needed  
14 to get to the place of the hearing. Travel expenses,  
15 if any, shall be paid by the ~~board~~ department of  
16 social services. If the alleged violator fails without  
17 good cause to appear as commanded by the summons,  
18 ~~such~~ the failure shall be considered a violation of  
19 the parole, and the board may proceed to revoke parole.  
20 If the parole is revoked, the board shall issue a  
21 warrant for the person's arrest and return to the  
22 custody of the department of social services. Upon  
23 ~~his-or-her~~ the person's return to custody, the board  
24 shall, upon request, give the person an opportunity  
25 to present any matters in defense or mitigation of  
26 the conduct.

27 Sec. \_\_\_\_ Section 908.9, Code 1983, is amended  
28 to read as follows:

29 908.9 DISPOSITION OF VIOLATOR. If the parole  
30 of any parole violator is revoked, the violator shall  
31 remain in the custody of the ~~department-of-social~~  
32 services director of the division of adult corrections  
33 under the terms of the parolee's original commitment.  
34 If the parole of any parole violator is not revoked,  
35 the board shall order ~~his-or-her~~ the violator's release  
36 subject to the terms of ~~his-or-her~~ parole with any  
37 modifications that the board ~~shall-determine~~ determines  
38 are proper.

39 Sec. \_\_\_\_ Rule of criminal procedure 6, subsection  
40 6, Iowa court rules, second edition, is amended to  
41 read as follows:

42 6. ALLEGATIONS OF USE OF A FIREARM. If the offense  
43 charged is one for which the defendant, if convicted,  
44 will be subject by reason of the Code to a ~~minimum~~  
45 sentence an increased penalty because of use of a  
46 firearm, the allegation of such use, if any, shall  
47 be contained in the indictment. If use of a firearm  
48 is alleged as provided by this rule, and if the  
49 allegation is supported by the evidence, the court  
50 shall submit to the jury a special interrogatory

H-3755  
Page Four

1 concerning this matter, as provided in R.Cr.P. 21(2)  
2 Ia. Ct. Rules, 2d ed.  
3 Sec. \_\_\_\_. Rule of criminal procedure 26, subsection  
4 1, Iowa court rules, second edition, is amended to  
5 read as follows:

6 1. REPRESENTATION. Every defendant who is an  
7 indigent person as defined in section 331.775,  
8 subsection 4, ~~The Code (1981 Code Sup.)~~, is entitled  
9 to have counsel appointed to represent ~~him or her~~  
10 the defendant at every stage of the proceedings from  
11 the defendant's initial appearance before the  
12 magistrate or the court through appeal, including  
13 probation and parole revocation hearings, unless the  
14 defendant waives such the appointment."

15 4. Page 5, line 15, by inserting after the number  
16 "1983." the following: "Section 906.5, as amended  
17 by this Act is effective January 1, 1984."

18 5. By renumbering to conform to this amendment.

H-3755 FILED APRIL 13, 1983 BY HALVORSON of Clayton

*A. 4/10 B. Adopted 4/20 (p. 1443)*

*C. Bill & no germane motion to suspend rule book (p. 1445)*

SENATE FILE 302

H-3747

1 Amend H-3587, to Senate File 302, as follows:

2 1. Page 1, by inserting after line 4 the following:

3 "2. Page 3, line 28, by inserting after the figure  
4 "906.5" the following: "and good conduct time earned  
5 and not forfeited may accrue during a mandatory minimum  
6 sentence, but does not apply to reduce the mandatory  
7 minimum sentence, nor does it apply to reduce the  
8 sentence to a length less than the mandatory minimum  
9 term allowing an inmate's sentence to expire before  
10 the mandatory minimum term has been served. An inmate  
11 is not eligible for release until the full mandatory  
12 minimum term has been served."

H-3747 FILED APRIL 13, 1983 BY MCKENA of Jones

*Adopted 4/20 (p. 1437)*

SENATE FILE 302

H-3758

1 Amend amendment H-3755 to Senate File 302, as  
2 passed by the Senate, as follows:

3 1. Page 2, line 9, by striking the word "member"  
4 and inserting in lieu thereof the words "member or".

5 2. Page 2, line 12, by inserting after the word  
6 "board" the words "or hearing panel of the board".

7 3. Page 2, line 15, by inserting after the word  
8 "board" the words "or hearing panel of the board".

H-3758 FILED APRIL 14, 1983 BY SPEAR of Lee

*Adopted 4/20/83 (p. 1447)*

SENATE FILE 302

H-3587

- 1 Amend Senate File 302, as passed by the Senate,
- 2 as follows:
- 3 1. Page 3, line 26, by inserting after the word
- 4 "shall" the word "not".

H-3587 FILED APRIL 8, 1983

BY COMMITTEE ON JUDICIARY AND  
LAW ENFORCEMENT

*Adopted as amended by 3747 4/26/83 (p. 1437)*

SENATE FILE 302

H-3723

- 1 Amend Senate File 302, as passed by the Senate,
- 2 as follows:
- 3 1. Page 1, by striking lines 12 through 22, and
- 4 inserting in lieu thereof the following: "of sentence
- 5 pursuant to the rules of the department. The reduction
- 6 shall be not more than one day for each day of good
- 7 conduct of the inmate while committed to one of the
- 8 division's institutions. If the rules reduce the
- 9 amount of sentence reduction that may be earned for
- 10 each day of good conduct, the amount of sentence
- 11 reduction already earned by an inmate shall not be
- 12 reduced retroactively, although it may be reduced
- 13 prospectively and may be subject to forfeiture pursuant
- 14 to section 4 of this Act. Computation of good conduct
- 15 time".
- 16 2. Page 3, by striking lines 9 through 19 and
- 17 inserting in lieu thereof the following: "4 of this
- 18 Act. The director shall establish rules specifying
- 19 what constitutes a day of good conduct. The rules
- 20 may require the inmate's employment in the institution,
- 21 in Iowa state industries, or in an inmate employment
- 22 program established by the director, or may require
- 23 the inmate to participate in an educational program
- 24 approved by the director when the employment or
- 25 programs are available. The rules may specify
- 26 disciplinary offenses which may result in the loss
- 27 of good conduct time and the amount of good conduct
- 28 time which may be lost as a result of each disciplinary
- 29 offense."

H-3723 FILED APRIL 13, 1983

BY SCHROEDER of Pottawattamie

*Law 4/26 (p. 1447)*

SENATE FILE 302

3787

1 Amend H-3755 to Senate File 302 as passed by the  
2 Senate, as follows:

A 3 1. By striking page 1, line 3 through page 4,  
4 line 18 and inserting in lieu thereof the following:

5 "1. Page 4, by inserting after line 32 the  
6 following:

7 "Sec. 11. Sections 12 through 16 of this Act are  
8 enacted as chapter 900 of the Code.

9 Sec. 12. NEW SECTION. COMMISSION ESTABLISHED.

10 1. A commission of eleven members to be known  
11 as the sentencing evaluation commission is established.  
12 Members of the commission shall include the following:

13 a. The chief justice of the supreme court or the  
14 chief justice's designee.

15 b. One district court judge appointed by the  
16 majority vote of the state judicial council.

17 c. One public defender appointed by the governor.

18 d. One county attorney appointed by the governor.

19 e. Two representatives of community corrections  
20 appointed by the governor.

21 f. One practicing criminal trial defense attorney  
22 appointed by the governor.

23 g. The attorney general of the state or the  
24 attorney general's designee.

25 h. Three public members appointed by the governor  
26 who have knowledge of penology or correctional  
27 institutions.

28 2. In addition to the eleven members of the  
29 commission, there shall be four legislative members,  
30 two from each house, and two from each political  
31 party, appointed by the majority vote of the  
32 legislative council, who shall serve as nonvoting  
33 members of the commission. In addition, the director  
34 of the division of adult corrections of the department  
35 of social services, or the director's designee, shall  
36 also serve as a nonvoting member.

37 Sec. 13. NEW SECTION. LENGTH OF APPOINTMENT.

38 Each voting member of the commission shall be appointed  
39 for four years. Each nonvoting member of the

40 commission shall be appointed for two years. Each

41 member shall continue to serve during that time as

42 long as the member occupies the position which made

43 the member eligible for the appointment. Each member

44 shall continue in office until a successor is

45 appointed. Members are eligible for reappointment,

46 and appointment may be made to fill an unexpired term.

47 Sec. 14. NEW SECTION. OFFICERS--MEETINGS. The

48 commission shall elect a chairperson and other officers

49 it deems necessary from among its membership. It

50 shall meet on the call of the chairperson or a majority

1 of the members.

2 Sec. 15. NEW SECTION. DUTIES.

3 1. The commission shall study the impact of  
4 sentencing laws and practices including but not limited  
5 to noninstitutional sanctions such as fines,  
6 restitution, work release, community-based correctional  
7 programs, probation, deferred judgment, deferred  
8 sentence, and suspended sentences.

9 2. The commission shall make recommendations to  
10 the general assembly at the beginning of each session  
11 and to the governor regarding changes in the laws  
12 of sentencing, the criminal code, criminal procedures,  
13 the rules of the department of social services  
14 concerning correctional institutions, and other aspects  
15 of sentencing.

16 3. The commission shall receive recommendations  
17 from the board of parole as to changes in sentencing  
18 laws and practices. These recommendations shall also  
19 be submitted to the general assembly, accompanied  
20 by a study of the fiscal and population impacts.

21 4. The commission shall conduct a study of the  
22 fiscal and population impacts of all sentencing  
23 recommendations prior to submission to the general  
24 assembly. The commission shall project whether the  
25 implementation of its recommendations would result  
26 in exceeding the prison population capacity of two  
27 thousand seven hundred eighty, and the fiscal costs  
28 thereof. If the commission finds that this result  
29 would probably occur, then the commission shall prepare  
30 an additional list of recommendations which shall  
31 be consistent with such capacity.

32 Sec. 16. NEW SECTION. EXPENSES. Members of the  
33 commission shall receive actual and reasonable  
34 expenses, including travel at the state rate set forth  
35 in section 18.117. In addition to the reimbursement  
36 for expenses, members of the commission who are not  
37 officers or employees of state or local government  
38 shall receive a per diem of forty dollars for each  
39 day in which they are engaged in the performance of  
40 the duties of the commission."

41 2. Page 4, line 33, by striking the figure "11"  
42 and inserting in lieu thereof the figure "17".

43 3. Page 5, line 9, by striking the figure "12"  
44 and inserting in lieu thereof the figure "18".

45 4. Page 5, by striking lines 13 through 15 and  
46 inserting in lieu thereof the following:

47 "Sec. 19. Sections 2 through 6, and sections 8,  
48 9, 10, and 17 of this Act apply only to inmates  
49 sentenced for offenses committed after July 1, 1983.  
50 Sections 12 through 16 are repealed June 30, 1987."

Page Three

1 5. Title page, line 1, by striking the words  
2 "reduction of".

3 6. Title page, by striking lines 2 through 4 and  
4 inserting in lieu thereof a period."

SENATE FILE 302

H-3788

1 Amend H-3755 to Senate File 302, as passed by the  
2 Senate, as follows:  
3 1. Page 1, by striking lines 3 through 23.  
4 2. Page 2, by inserting after line 3 the following:  
5 "3. Notwithstanding the above, the board shall  
6 conduct a study of the fiscal impacts of its proposed  
7 rules, prior to their implementation. If the study  
8 indicates that the proposed rules will result in  
9 exceeding the prison population of two thousand seven  
10 hundred eighty, the rules shall not take effect.  
11 However, the rules shall still be submitted to the  
12 general assembly for consideration. The general  
13 assembly shall also be advised of all fiscal and  
14 population impacts of all rule changes proposed by  
15 the board of parole."  
16 3. By renumbering to conform to this amendment.

H-3788 FILED APRIL 18, 1983 BY ROSENBERG of Story

*A. Placed out of order 4/20/83 (p. 1444)*  
*B. Lost*

SENATE FILE 302

H-3786

1 Amend Senate File 302, as passed by the Senate,  
2 as follows:  
3 1. Page 5, by inserting after line 12, the  
4 following:  
5 "Sec. \_\_\_\_ . There shall be appropriated from the  
6 general fund of the state to the department of social  
7 services, one hundred thousand dollars for each percent  
8 of increase in the population of the department's  
9 penal and correctional facilities, which population  
10 increase is due to the enactment of this Act."

H-3786 FILED APRIL 18, 1983 BY KNAPP of Dubuque

*4/20 4/20 (p. 1447)*

SENATE FILE 302

H-3800

1 Amend Senate File 302, as passed by the Senate  
2 as follows:  
3 1. Page 5, by inserting after line 15, the follow-  
4 ing:  
5 "Sec. \_\_\_\_ . The Code editor may change any reference  
6 to the "division of corrections of the department  
7 of social services" appearing in this Act to the  
8 "department of corrections" and make other corrective  
9 changes to this Act consistent with the intent of  
10 Senate File 464, when Senate File 464 is enacted into  
11 law."

H-3800 FILED APRIL 19, 1983 BY ROSENBERG of Story

*Adopted 4/20/83 (p. 1448)*

S-3667

1 Amend House amendment S-3657 to Senate File 302,  
2 as passed by the Senate, as follows:

3 1. Page 1, by striking lines 3 through 14, and  
4 inserting in lieu thereof the following:

5 "1. Page 4, by inserting after line 32 the  
6 following:

7 "Sec. 11. Section 814.5, subsection 1, Code 1983,  
8 is amended by adding the following new paragraph:

9 NEW PARAGRAPH. A final judgment of sentence  
10 pursuant to section 15 of this Act.

11 Sec. 12. Chapter 901, Code 1983, is amended by  
12 adding the following new section after section 901.4  
13 and renumbering remaining sections of the chapter  
14 as necessary:

15 NEW SECTION. HEARING ON AGGRAVATING OR MITIGATING  
16 CIRCUMSTANCES IN MANDATORY SENTENCE CASE. Prior to  
17 imposing a mandatory minimum sentence pursuant to  
18 section 204.406, 204.413, 902.7, 902.8, or 906.5,  
19 the court shall order a hearing on aggravating or  
20 mitigating circumstances concerning the offense.  
21 The state may present evidence to show aggravating  
22 circumstances and the defendant may present evidence  
23 to show mitigating circumstances affecting the  
24 seriousness of the offense.

25 Sec. 13. Section 901.5, unnumbered paragraph 1,  
26 Code 1983, is amended to read as follows:

27 After receiving and examining all pertinent  
28 information, including the presentence investigation  
29 report, if any, and evidence presented at the hearing  
30 on aggravating or mitigating circumstances, the court  
31 shall consider the following sentencing options.  
32 The court shall determine which of them is authorized  
33 by law for the offense, and of the authorized  
34 sentences, which of them or which combination of them,  
35 in the discretion of the court, will provide maximum  
36 opportunity for the rehabilitation of the defendant,  
37 and for the protection of the community from further  
38 offenses by the defendant and others."

39 2. Page 4, line 33, by striking the number "11"  
40 and inserting in lieu thereof the number "14". "

41 2. Page 1, by inserting after line 16 the  
42 following:

43 "\_\_\_\_. Page 5, by inserting after line 8, the  
44 following:

45 "Sec. 15. Chapter 902, Code 1983, is amended by  
46 adding the following new section:

47 NEW SECTION. INCREASE OR DECREASE OF MANDATORY  
48 SENTENCE. Based upon the evidence presented at the  
49 hearing on aggravating or mitigating circumstances  
50 pursuant to section 12 of this Act, the court may

1 increase the mandatory sentence fixed by section  
2 204.406, 204.413, 902.7, 902.8, or 906.5 by a maximum  
3 of two years or may decrease any mandatory sentence  
4 imposed by law by a maximum of two years. The court  
5 shall state in the order for sentencing the reasons  
6 for the increase or decrease of the mandatory  
7 sentence."

8 \_\_\_\_\_. Page 5, line 9, by striking the number "12"  
9 and inserting in lieu thereof the number "16".

10 \_\_\_\_\_. Page 5, by striking line 13 and inserting  
11 in lieu thereof the following:

12 "Sec. 17. Sections 8, 9, 10, 14, and 16".

13 3. By renumbering to conform to this amendment.

S-3667 FILED  
APRIL 26, 1983

BY DONALD V. DOYLE  
TOM MANN, JR.

RULED OUT OF ORDER (p. 1403)

SENATE FILE 302

S-3669

1 Amend House amendment S-3657 to Senate File 302,  
2 as passed by the Senate, as follows:

3 1. Page 1, by inserting after line 16, the  
4 following:

5 "\_\_\_\_\_. Page 5, by inserting after line 8, the  
6 following:

7 "Sec. 12. Section 906.5, unnumbered paragraph  
8 2, Code 1983, is amended to read as follows:

9 If the person who is under consideration for parole  
10 is serving a sentence for conviction of a felony and  
11 has a criminal record of one or more prior convictions  
12 for a forcible felony or a crime of a similar gravity  
13 in this or any other state, parole shall be denied  
14 unless the defendant has served at least one-half  
15 of the maximum term of ~~his-or-her~~ the defendant's  
16 sentence. However, the mandatory sentence provided  
17 for by this section shall not apply if the sentence  
18 being served is for a felony other than a forcible  
19 felony and the sentences for the prior forcible  
20 felonies expired at least five years before the date  
21 of conviction for the present felony."

22 \_\_\_\_\_. Page 5, line 9, by striking the number "12"  
23 and inserting in lieu thereof the number "13".

24 \_\_\_\_\_. Page 5, by striking line 13 and inserting  
25 in lieu thereof the following:

26 "Sec. 14. Sections 2 through 6 and sections 8,  
27 9, 10, 11, and 13".

28 \_\_\_\_\_. Page 5, line 15, by inserting after the  
29 number "1983." the following: "Section 12 of this  
30 Act takes effect July 1, 1983 but also applies  
31 retroactively to inmates who are serving or will serve  
32 mandatory sentences pursuant to section 906.5 before  
33 July 1, 1983."

S-3669 FILED & ADOPTED  
APRIL 26, 1983 (p. 1403)

BY BOB CARR

HOUSE AMENDMENT TO SENATE FILE 302

S-3657

Amend Senate File 302, as passed by the Senate,  
as follows:

1. Page 3, line 26, by inserting after the word "shall" the word "not".
2. Page 3, line 28, by inserting after the figure "906.5" the following: "and good conduct time earned and not forfeited may accrue during a mandatory minimum sentence, but does not apply to reduce the mandatory minimum sentence, nor does it apply to reduce the sentence to a length less than the mandatory minimum term allowing an inmate's sentence to expire before the mandatory minimum term has been served. An inmate is not eligible for release until the full mandatory minimum term has been served."
3. Page 5, line 6, by inserting after the word "Code" the words "and the name of the offense".
4. Page 5, by inserting after line 15, the following:  
"Sec. \_\_\_\_\_. The Code editor may change any reference to the "division of corrections of the department of social services" appearing in this Act to the "department of corrections" and make other corrective changes to this Act consistent with the intent of Senate File 464, when Senate File 464 is enacted into law."

3657 FILED  
APRIL 22, 1983

RECEIVED FROM THE HOUSE

SENATE FILE 302

S-3660

- 1 Amend House amendment S-3657 to Senate File 302,
- 2 as passed by the Senate, as follows:
- 3 1. Page 1, by striking lines 3 through 14.
- 4 2. By renumbering to conform to this amendment.

S-3660 FILED  
APRIL 25, 1983

*Adopted 4/26/83 (p 1403)*

BY DONALD V. DOYLE  
TOM MANN, JR.  
JULIA GENTLEMAN

SENATE FILE 302  
FISCAL NOTE

REQUESTED BY SENATOR DOYLE

In compliance with a written request there is hereby submitted a Fiscal Note for Senate File 302 pursuant to Joint Rule 17.

Senate File 302 eliminates the existing honor time provision of the Code, replaces the existing good time provision with a one day for one day served good conduct time provision and establishes a provision for "work time", allowing up to five days per month for inmate involvement in employment or educational activities.

Impact Analysis. The major impact of this bill on prison populations is through inmates released from prison by the discharge of their sentence. Since most inmates are released on parole prior to expiration of their sentence, the change in computation of "good conduct time" would have a slight impact on the prison population. The full extent of the impact depends on the proportion of inmates who qualify for the five day per month reduction gained through the "work time" provision. The one day for one day served provision alone would increase time served on a sentence by 1.2%. However, with the addition of the "work time" system the length of time served on a sentence would decrease up to a maximum of 2% from the current length of time served on a sentence.

Effect on Prison Populations. Senate File 302 could result in a reduction of the prison population. However, since the system deals with the upper end of time served, the impact of the change would not be evidenced for several years. (1000S, 83-284, DAW)

SOURCE: STATISTICAL ANALYSIS CENTER  
DEPARTMENT OF SOCIAL SERVICES

FILED:  
MARCH 7, 1983

BY LEGISLATIVE FISCAL BUREAU  
DENNIS C. PROUTY, DIRECTOR

SENATE FILE 302

3668

1 Amend House amendment S-3657 to Senate File 302,  
2 as passed by the Senate, as follows:

3 1. Page 1, by inserting after line 14, the  
4 following:

5 "\_\_\_\_\_. Page 4, by inserting after line 19, the  
6 following:

7 "Sec. \_\_\_\_\_. Section 204.406, subsection 1, Code  
8 1983, is amended to read as follows:

9 1. A person who is eighteen years of age or over  
10 who violates section 204.401, subsection 1, by  
11 distributing a substance listed in schedule I or II,  
12 which is a narcotic drug, to a person under eighteen  
13 years of age, is guilty of a class "B" felony; however  
14 the minimum time to be served before parole may be  
15 granted is ~~five~~ two years and six months. A person  
16 who is eighteen years of age or over who violates  
17 section 204.401, subsection 1, by distributing any  
18 other controlled substance listed in schedule I, II,  
19 or III to a person under eighteen years of age who  
20 is at least three years younger than the violator  
21 is guilty of a class "C" felony. A person who is  
22 eighteen years of age or over who violates section  
23 204.401, subsection 1 by distributing a controlled  
24 substance listed in schedule IV or V to a person under  
25 eighteen years of age who is at least three years  
26 younger than the violator is guilty of an aggravated  
27 misdemeanor.

28 Sec. \_\_\_\_\_. Section 204.413, unnumbered paragraph  
29 1, Code 1983, is amended to read as follows:

30 204.413 MANDATORY MINIMUM SENTENCE. A person  
31 sentenced pursuant to section 204.401, subsection  
32 1, paragraph "a" or "b" shall not be eligible for  
33 parole until ~~he-or-she~~ the person has served a minimum  
34 period of confinement of ~~one-third~~ one-sixth of the  
35 maximum indeterminate sentence prescribed by law."

36 2. Page 1, by inserting after line 16, the  
37 following:

38 "\_\_\_\_\_. Page 5, by inserting after line 8, the  
39 following:

40 "Sec. \_\_\_\_\_. Section 902.7, Code 1983, is amended  
41 to read as follows:

42 902.7 MINIMUM SENTENCE--USE OF A FIREARM. At  
43 the trial of a person charged with participating in  
44 a forcible felony, if the trier of fact finds beyond  
45 a reasonable doubt that the person is guilty of a  
46 forcible felony and that the person represented that  
47 ~~he-or-she~~ the person was in the immediate possession  
48 and control of a firearm, displayed a firearm in a  
49 threatening manner, or was armed with a firearm while  
participating in the forcible felony the convicted

S-3668

1 person shall serve a minimum of five two years and  
2 six months of the sentence imposed by law. A person  
3 sentenced pursuant to this section shall not be  
4 eligible for parole until ~~he-er-she~~ the person has  
5 served the minimum sentence of confinement imposed  
6 by this section.

7 Sec. \_\_\_\_ . Section 902.8, Code 1983, is amended  
8 to read as follows:

9 902.8 MINIMUM SENTENCE--HABITUAL OFFENDER. An  
10 habitual offender is any person convicted of a class  
11 "C" or a class "D" felony, who has twice before been  
12 convicted of any felony in a court of this or any  
13 other state, or of the United States. An offense  
14 is a felony if, by the law under which the person  
15 is convicted, it is so classified at the time of ~~his~~  
16 ~~er-her~~ conviction. A person sentenced as an habitual  
17 offender shall not be eligible for parole until he  
18 ~~er-she~~ the person has served the minimum sentence  
19 of confinement of ~~three-years~~ one year and six months.

20 Sec. \_\_\_\_ . Section 906.5, unnumbered paragraph  
21 2, Code 1983, is amended to read as follows:

22 If the person who is under consideration for parole  
23 is serving a sentence for conviction of a felony and  
24 has a criminal record of one or more prior convictions  
25 for a forcible felony or a crime of a similar gravity  
26 in this or any other state, parole shall be denied  
27 unless the defendant has served at least ~~one-half~~  
28 one-fourth of the maximum term of ~~his-er-her~~ the  
29 person's sentence. ""

30 3. By renumbering to conform to this amendment.

S-3668 FILED & WITHDRAWN

BY DOUGLAS RITSEMA

APRIL 26, 1983 (p. 1403)

SENATE AMENDMENT TO  
HOUSE AMENDMENT TO SENATE FILE 302

H-3879

1 Amend the House amendment, S-3657, to Senate File  
2 302 as passed by the Senate as follows:

3 1. Page 1, by striking lines 3 through 14.

4 2. Page 1, by inserting after line 16, the  
5 following:

6 "\_\_\_\_. Page 5, by inserting after line 8, the  
7 following:

8 "Sec. 12. Section 906.5, unnumbered paragraph  
9 2, Code 1983, is amended to read as follows:

10 If the person who is under consideration for parole  
11 is serving a sentence for conviction of a felony and  
12 has a criminal record of one or more prior convictions  
13 for a forcible felony or a crime of a similar gravity  
14 in this or any other state, parole shall be denied  
15 unless the defendant has served at least one-half  
16 of the maximum term of ~~his-or-her~~ the defendant's  
17 sentence. However, the mandatory sentence provided  
18 for by this section shall not apply if the sentence  
19 being served is for a felony other than a forcible  
20 felony and the sentences for the prior forcible  
21 felonies expired at least five years before the date  
22 of conviction for the present felony."

23 \_\_\_\_\_. Page 5, line 9, by striking the number "12"  
24 and inserting in lieu thereof the number "13".

25 \_\_\_\_\_. Page 5, by striking line 13 and inserting  
26 in lieu thereof the following:

27 "Sec. 14. Sections 2 through 6 and sections 8,  
28 9, 10, 11, and 13".

29 \_\_\_\_\_. Page 5, line 15, by inserting after the  
30 number "1983." the following: "Section 12 of this  
31 Act takes effect July 1, 1983 but also applies  
32 retroactively to inmates who are serving or will serve  
33 mandatory sentences pursuant to section 906.5 before  
34 July 1, 1983.""

35 3. Renumbering to conform to this amendment.

H-3879 FILED APRIL 28, 1983

RECEIVED FROM THE SENATE

*House concurred 5/4/83 (p. 1776)*

SENATE FILE 302

AN ACT

RELATING TO THE REDUCTION OF SENTENCES OF INMATES COMMITTED TO THE CUSTODY OF THE DIRECTOR OF THE DIVISION OF ADULT CORRECTIONS OF THE DEPARTMENT OF SOCIAL SERVICES.

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

Section 1. Sections 2 through 8 of this Act are enacted as a new chapter of the Code.

Sec. 2. NEW SECTION. CONDUCT REVIEW. The commissioner of social services shall appoint independent hearing officers whose duties shall include but not be limited to review, as provided in section 4 of this Act, of the conduct of inmates in institutions under the department of social services, division of adult corrections.

Sec. 3. NEW SECTION. GOOD CONDUCT TIME. Each inmate of an institution under the department of social services, division of adult corrections, is eligible for a reduction of sentence of one day for each day of good conduct of the inmate while committed to one of the division's institutions. In addition to the sentence reduction of one day for each day of good conduct, each inmate is eligible for an additional reduction of sentence of up to five days a month if the inmate participates satisfactorily in employment in the institution, in Iowa state industries, in an inmate employment program established by the director, or in an inmate educational program approved by the director. Reduction of sentence pursuant to this section may be subject to forfeiture pursuant to section 4 of this Act. Computation of good conduct time is subject to the following conditions:

1. Time served in jail or other facility, credited by the clerk of court prior to actual placement in a correctional institution, shall accrue for purposes of reduction of sentence under this section.

2. Time spent during escape shall not accrue for purposes of reduction of sentence under this section. An inmate who intentionally escapes may forfeit all good conduct time accrued and not forfeited prior to the escape.

3. Time between parole violation, which violation is determined by the board of parole at the final parole violation hearing, and incarceration shall not accrue for purposes of reduction of sentence under this section.

4. Good conduct time earned and not forfeited shall accrue to an inmate serving a life sentence. The good conduct time so accrued does not apply to reduce the life sentence, but shall be credited to the inmate on the date of commutation, if the life sentence is commuted to a term of years.

5. Except in life sentences, good conduct time shall be credited to the maximum sentence annually on the date of admission.

Sec. 4. NEW SECTION. LOSS OR FORFEITURE OF GOOD CONDUCT TIME.

1. Upon finding that an inmate has violated an institutional rule, the independent hearing officer may order forfeiture of any or all good conduct time earned and not forfeited up to the date of the violation by the inmate. The independent hearing officer has discretion within the guidelines established pursuant to section 5 of this Act, to determine the amount of time that should be forfeited based upon the severity of the violation. Prior violations by the inmate may be considered by the hearing officer in the decision.

2. The orders of the hearing officer are subject to appeal to the superintendent or warden of the institution who may either affirm, modify, remand for correction of procedural errors, or reverse an order. However, sanctions shall not be increased on appeal. A decision of the superintendent or warden is subject to review by the director of the division of adult corrections who may either affirm, modify, remand for correction of procedural errors, or reverse the decision. However, sanctions shall not be increased on review.

3. The director of the division of adult corrections or the director's designee, may restore all or any portion of previously forfeited good conduct time for acts of heroism or for meritorious actions. The director shall establish by rule the requirements as to which activities may warrant the restoration of good conduct time and the amount of good conduct time to be restored.

4. The inmate disciplinary procedure, including but not limited to the method of awarding or forfeiting time pursuant to this chapter, is not a contested case subject to chapter 17A.

Sec. 5. NEW SECTION. POLICIES AND PROCEDURES. The director of the division of adult corrections shall develop policy and procedural rules to implement sections 2 through 4 of this Act. The rules may specify disciplinary offenses which may result in the loss of good conduct time, and the amount of good conduct time which may be lost as a result of each disciplinary offense. The director shall establish rules as to what constitutes "satisfactory participation" for purposes of additional reduction of sentence under section 3 of this Act, for employment in the institution, in Iowa state industries, in an inmate employment program established by the director, or for participation in an educational program approved by the director, when such employment or programs are available.

Sec. 6. NEW SECTION. TIME TO BE SERVED--CREDIT. An inmate shall not be discharged from the custody of the director of the division of adult corrections until the inmate has served the full term for which the inmate was sentenced, less good conduct time earned and not forfeited, unless the inmate is pardoned or otherwise legally released. Good conduct time earned and not forfeited shall apply to reduce a mandatory minimum sentence being served pursuant to section 204.406, 204.413, 902.7, 902.8, or 906.5. An inmate shall be deemed to be serving the sentence from the day on which the inmate is received into the institution. However, if an inmate was

confined to a county jail or other correctional or mental facility at any time prior to sentencing, or after sentencing but prior to the case having been decided on appeal, because of failure to furnish bail or because of being charged with a nonbailable offense, the inmate shall be given credit for the days already served upon the term of the sentence. The clerk of the district court of the county from which the inmate was sentenced, shall certify to the warden the number of days so served.

An inmate shall not receive credit upon the inmate's sentence for time spent in custody in another state resisting return to Iowa following an escape, or for time served in an institution or jail of another jurisdiction during any period of time the person is receiving credit upon a sentence of that other jurisdiction.

Sec. 7. NEW SECTION. GOOD AND HONOR TIME APPLICATION. Sections 246.38, 246.39, 246.41, 246.42, 246.43, and 246.45, as the sections appear in the 1983 Code, remain in effect for inmates sentenced for offenses committed prior to July 1, 1983.

Sec. 8. NEW SECTION. SEPARATE SENTENCES. When an inmate is committed under several convictions with consecutive sentences, they shall be construed as one continuous sentence in the granting or forfeiting of good conduct time.

Sec. 9. Section 331.702, subsection 4b, Code 1983, is amended to read as follows:

4b. Certify to the ~~warden-of-the-penitentiary-or-men's reformatory~~ receiving institution the number of days that an inmate has been credited toward completion of the inmate's sentence as provided in section 246.38 6 of this Act.

Sec. 10. Section 663A.2, subsection 6, Code 1983, is amended by striking the subsection and inserting in lieu thereof the following:

6. The person's reduction of sentence pursuant to sections 2 through 8 of this Act has been unlawfully forfeited and the person has exhausted the appeal procedure of section 4, subsection 2 of this Act; or

Sec. 11. Section 901.6, Code 1983, is amended to read as follows:

901.6 JUDGMENT ENTERED. If judgment is not deferred, and no sufficient cause is shown why judgment should not be pronounced and none appears to the court upon the record, judgment shall be pronounced and entered. In every case in which judgment is entered, the court shall include in the judgment entry the number of the particular section of the Code and the name of the offense under which the defendant is sentenced and a statement of the days credited pursuant to section ~~246.38~~ 6 of this Act shall be incorporated into the sentence.

Sec. 12. Section 906.5, unnumbered paragraph 2, Code 1983, is amended to read as follows:

If the person who is under consideration for parole is serving a sentence for conviction of a felony and has a criminal record of one or more prior convictions for a forcible felony or a crime of a similar gravity in this or any other state, parole shall be denied unless the defendant has served at least one-half of the maximum term of ~~his or her~~ the defendant's sentence. However, the mandatory sentence provided for by this section shall not apply if the sentence being served is for a felony other than a forcible felony and the sentences for the prior forcible felonies expired at least five years before the date of conviction for the present felony.

Sec. 13. Sections 246.38, 246.39, 246.41, 246.42, 246.43, and 246.45, Code 1983, are repealed except they remain in effect for persons sentenced for offenses committed prior to July 1, 1983.

Sec. 14. Sections 2 through 6 and sections 8, 9, 10, 11, and 13 of this Act apply only to inmates sentenced for offenses committed after July 1, 1983. Section 12 of this Act takes effect July 1, 1983 but also applies retroactively to inmates who are serving or will serve mandatory sentences pursuant to section 906.5 before July 1, 1983.

Sec. 15. The Code editor may change any reference to the "division of corrections of the department of social services" appearing in this Act to the "department of corrections" and make other corrective changes to this Act consistent with the intent of Senate File 464, when Senate File 464 is enacted into law.

\_\_\_\_\_  
ROBERT T. ANDERSON  
President of the Senate

\_\_\_\_\_  
DONALD D. AVENSON  
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 302, Seventieth General Assembly.

\_\_\_\_\_  
K. MARIE THAYER  
Secretary of the Senate

Approved May 25, 1983

\_\_\_\_\_  
TERRY E. BRANSTAD  
Governor