

*Ind. copy*

FILED FEB 14 1955

SENATE FILE 263

BY WALDSTEIN, SCHWENGELS,  
HOLT, VANDE HOFF and  
TAYLOR

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

### A BILL FOR

1 An Act prohibiting the use of good conduct time to reduce  
2 mandatory minimum sentences imposed by the court.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

SF 263

1 Section 1. Section 903A.2, Code 1985, is amended by adding  
2 the following new subsection:

3 NEW SUBSECTION. 6. Good conduct time earned and not  
4 forfeited shall not apply to reduce mandatory minimum sen-  
5 tences imposed by the court pursuant to section 204.406,  
6 204.413, 902.7, or 902.8.

7 Sec. 2. Section 903A.5, unnumbered paragraph 1, Code 1985,  
8 is amended to read as follows:

9 An inmate shall not be discharged from the custody of the  
10 director of the Iowa department of corrections until the  
11 inmate has served the full term for which the inmate was  
12 sentenced, less good conduct time earned and not forfeited,  
13 unless the inmate is pardoned or otherwise legally released.  
14 ~~Good-conduct-time-earned-and-not-forfeited-shall-apply-to~~  
15 ~~reduce-a-mandatory-minimum-sentence-being-served-pursuant-to~~  
16 ~~section-204:406-204:413-902:7-902:8-or-906:5.~~ An inmate  
17 shall be deemed to be serving the sentence from the day on  
18 which the inmate is received into the institution. However,  
19 if an inmate was confined to a county jail or other  
20 correctional or mental facility at any time prior to  
21 sentencing, or after sentencing but prior to the case having  
22 been decided on appeal, because of failure to furnish bail or  
23 because of being charged with a nonbailable offense, the  
24 inmate shall be given credit for the days already served upon  
25 the term of the sentence. The clerk of the district court of  
26 the county from which the inmate was sentenced, shall certify  
27 to the warden the number of days so served.

28 EXPLANATION

29 This bill prohibits the use of good conduct time to reduce  
30 mandatory minimum sentences imposed by the court.

31  
32  
33  
34  
35

SENATE 31  
MARCH 20, 1985

STATE OF IOWA  
FISCAL NOTE

LSB No. 2210S.2  
Staff ID. JMN

Filed March 19, 1985

In compliance with a written request received February 18, 1985, a fiscal note for SENATE FILE 263 - REVISED is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note are available from the Legislative Fiscal Bureau to members of the Legislature upon request.

Senate File 263 prohibits the use of good conduct time to reduce mandatory minimum sentences imposed by the Court pursuant to section 204.406, 204.413, 902.7, 902.8, or 906.5.

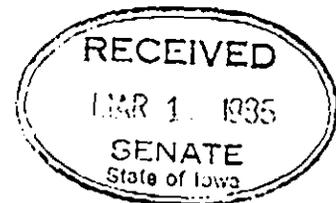
Since the mandatory minimums were established through October 31, 1984, there were 780 offenders committed to the Iowa prison system with mandatory minimum sentences. This represents 6.7% of the admissions to the prison system. Of these 780 offenders, 91 have expired their mandatory minimums and left the prison system either by expiration of sentence or parole.

If the cap on inmate population is retained, it is expected that parole board action will maintain the population at 2,645, and there would thus be no significant fiscal effect. Inmates with mandatory minimums will remain incarcerated for a longer period of time, and the parole board will be required to parole other inmates sooner in order to stay under the cap. There will not be significant increased costs to the Department of Corrections if the cap is maintained.

If the cap on inmate population is not retained, and if the parole board issues fewer paroles than the number of inmates admitted, there will be an increase in expenditures at the institutions. However, the effect will not be felt until those prisoners affected by the change in the law have served time in excess of what they might have served had the law not been changed. It is estimated that it would take thirteen years for the full effect -- 336 additional inmates -- to be felt, distributed as follows: 1st Year: 0, 2nd Year: 12, 3rd Year: 28, 4th Year: 53, 5th Year: 68, 6th Year: 59, 7th Year: 20, 8th Year: 13, 9th Year: 13, 10th Year: 20, 11th Year: 20, 12th Year: 20, 13th Year: 12. There will not be significant increased costs to the Department of Corrections during either FY 1986 or FY 1987, but there will be increased costs in future years.

Source: Statistical Analysis Center, Department of Corrections

(LSB 2210S.2, JMN)



*Lewis Prouty*  
Fiscal Director

Legislative Fiscal Bureau

Date: 3/14/85