

CHAPTER 1151

MINIMUM SENTENCE FOR CERTAIN FORCIBLE FELONS AND RELATED MATTERS

S.F. 2114

AN ACT relating to the amount of prison time served by persons convicted of certain forcible felonies, by limiting the reduction of sentence for certain forcible felons, providing for a sentencing task force and a departmental study, and making other related changes.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 902.11, unnumbered paragraph 1, Code 1995, is amended to read as follows:

A person serving a sentence for conviction of a felony, other than a forcible felony under section 902.12, who 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, shall be denied parole or work release unless the person has served at least one-half of the maximum term of the defendant's sentence. However, the mandatory sentence provided for by this section does not apply if either of the following apply:

Sec. 2. Section 902.11, subsection 1, Code 1995, is amended to read as follows:

1. ~~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. 3. **NEW SECTION.** 902.12 MINIMUM SENTENCE - ELIGIBILITY OF FORCIBLE FELONS FOR PAROLE OR WORK RELEASE.

Except as otherwise provided in section 903A.2, a person serving a sentence for conviction of the following forcible felonies shall serve one hundred percent of the maximum term of the person's sentence and shall not be released on parole or work release:

1. Murder in the second degree in violation of section 707.3.
2. Sexual abuse in the second degree in violation of section 709.3.
3. Kidnapping in the second degree in violation of section 710.3.
4. Robbery in the first or second degree in violation of section 711.2 or 711.3.

Sec. 4. Section 903A.2, unnumbered paragraph 1, Code 1995, is amended to read as follows:

~~Each~~ Unless an inmate is sentenced pursuant to section 902.12, an inmate of an institution under the Iowa department of 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 department's institutions. ~~In~~ Unless an inmate is sentenced pursuant to section 902.12, 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, in a treatment program established by the director, or in an inmate educational program approved by the director. However, if an inmate is sentenced under section 902.12, the total number of days which may be accumulated by the inmate to reduce the inmate's sentence shall not exceed fifteen percent of the inmate's total sentence of confinement. Reduction of sentence pursuant to this section may be subject to forfeiture pursuant to section 903A.3. Computation of good conduct time is subject to the following conditions:

Sec. 5. **SENTENCING TASK FORCE.** The legislative council is requested to establish a task force to study currently available sentencing and incarceration options. The task force may, but is not limited to, the review of the following: the availability of jail, community

corrections, and prison beds; the potential impact of the use of split sentencing on jail, community corrections, and prison bed space; security needs and costs associated with the implementation of hard labor requirements for persons incarcerated in corrections institutions; and the nature and costs associated with other sentencing options. The legislative council may employ a consultant to assist the task force. The task force shall have the following membership:

1. Five ex officio, nonvoting members each from the senate and the house of representatives.
2. A representative from the division of criminal and juvenile justice planning of the department of human rights.
3. A representative from an association of sheriffs and deputy sheriffs.
4. Three representatives from the department of corrections, two of whom shall be correctional officers who are members of a statewide employee organization.
5. A representative from a county board of supervisors.
6. A representative from the board of parole.
7. A district director of a judicial district department of correctional services.
8. A district judge.
9. A justice of the supreme court.

The task force shall not hold any meetings prior to November 5, 1996. However, the consultant shall be employed prior to that date and operate under guidance from the acting co-chairpersons of the task force prior to the first meeting of the task force.

The task force shall submit findings and any recommendations in a report to the general assembly by January 1, 1997.

Sec. 6. **RISK ASSESSMENT STUDY.** The department of corrections, in consultation with the board of parole and the division of criminal and juvenile justice planning of the department of human rights, shall conduct a study of the various risk assessment tools currently used in the Iowa corrections system to determine the relative risk posed by a criminal offender and the prospects for the offender's rehabilitation, and make findings and recommendations regarding the implementation and use of a risk assessment tool during or as part of the presentence investigation process. In conducting the study, the department shall also consult with faculty members with expertise in risk assessment who are from Iowa institutions of higher education which offer degree programs in criminology. The recommendations and any corresponding findings shall be submitted in a report to the general assembly by January 1, 1997.

Approved April 23, 1996

CHAPTER 1152

MOTOR VEHICLES AND AIRCRAFT - MISCELLANEOUS PROVISIONS

S.F. 2266

AN ACT making transportation-related Code changes including providing for a temporary registration permit, increasing registration fees for certain trailers, and providing an effective date.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 321.17, Code 1995, is amended to read as follows:

321.17 MISDEMEANOR TO VIOLATE REGISTRATION PROVISIONS.