

House Amendment 1215

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1 1 Amend House File 598 as follows:
1 2 #1. By striking everything after the enacting
1 3 clause and inserting the following:
1 4 1 5 paragraph a, unnumbered paragraph 1, Code 2003, is
1 6 amended to read as follows:
1 7 Violation of this subsection, with respect to the
1 8 following controlled substances, counterfeit
1 9 substances, or simulated controlled substances is a
1 10 class "B" felony, and notwithstanding section 902.9,
1 11 subsection 2, shall be punished by confinement for no
1 12 more than ~~fifty~~ thirty years and a fine of not more
1 13 than one million dollars:
1 14 Sec. 2. Section 124.401, subsection 1, paragraph
1 15 a, subparagraph (2), unnumbered paragraph 1, Code
1 16 2003, is amended to read as follows:
1 17 More than five ~~kilograms~~ hundred grams of a mixture
1 18 or substance containing a detectable amount of any of
1 19 the following:
1 20 Sec. 3. Section 124.401, subsection 1, paragraph
1 21 a, subparagraph (2), subparagraph subdivisions (d) and
1 22 (e), Code 2003, are amended by striking the
1 23 subparagraph subdivisions.
1 24 Sec. 4. Section 124.401, subsection 1, paragraph
1 25 a, Code 2003, is amended by adding the following new
1 26 subparagraph:
1 27 NEW SUBPARAGRAPH. (7) More than five kilograms of
1 28 a mixture or substance containing a detectable amount
1 29 of any of the following:
1 30 (a) Methamphetamine, its salts, isomers, or salts
1 31 of isomers.
1 32 (b) Amphetamine, its salts, isomers, and salts of
1 33 isomers.
1 34 (c) Any compound, mixture, or preparation which
1 35 contains any quantity of any of the substances
1 36 referred to in subparagraph subdivisions (a) and (b).
1 37 Sec. 5. Section 124.401, subsection 1, paragraph
1 38 b, subparagraph (2), unnumbered paragraph 1, Code
1 39 2003, is amended to read as follows:
1 40 More than ~~five one~~ hundred grams but not more than
1 41 five ~~kilograms~~ hundred grams of any of the following:
1 42 Sec. 6. Section 124.401, subsection 1, paragraph
1 43 b, subparagraph (3), Code 2003, is amended to read as
1 44 follows:
1 45 (3) More than ~~five ten~~ grams but not more than
1 46 fifty grams of a mixture or substance described in
1 47 subparagraph (2) which contains cocaine base.
1 48 Sec. 7. Section 124.401, subsection 1, paragraph
1 49 c, subparagraph (2), unnumbered paragraph 1, Code
1 50 2003, is amended to read as follows:
2 1 ~~Five One~~ hundred grams or less of any of the
2 2 following:
2 3 Sec. 8. Section 124.401, subsection 1, paragraph
2 4 c, subparagraph (3), Code 2003, is amended to read as
2 5 follows:
2 6 (3) ~~Five Ten~~ grams or less of a mixture or
2 7 substance described in subparagraph (2) which contains
2 8 cocaine base.
2 9 Sec. 9. Section 124.413, unnumbered paragraph 1,
2 10 Code 2003, is amended to read as follows:
2 11 A person sentenced pursuant to section 124.401,
2 12 subsection 1, paragraph "a", "b", ~~"c"~~ "e", or "f",
2 13 shall not be eligible for parole until the person has
2 14 served a minimum period of confinement of one-third of
2 15 the maximum indeterminate sentence prescribed by law.
2 16 Sec. 10. Section 692A.2A, subsection 4, Code 2003,
2 17 is amended by adding the following new paragraph:
2 18 NEW PARAGRAPH. aa. The person resides at a
2 19 hospice program as defined in section 135J.1, a
2 20 hospital as defined in section 135B.1, a health care
2 21 facility as defined in section 135C.1, a nursing
2 22 facility as defined in section 135C.1, a residential
2 23 care facility as defined in section 135C.1, or the
2 24 Iowa veterans home.
2 25 Sec. 11. Section 711.3, Code 2003, is amended to

2 26 read as follows:

2 27 711.3 ROBBERY IN THE SECOND DEGREE.

2 28 All robbery which is not robbery in the first
2 29 degree is robbery in the second degree, except as
2 30 provided in section 711.3A. Robbery in the second

2 31 degree is a class "C" felony.

2 32 Sec. 12. NEW SECTION. 711.3A ROBBERY IN THE
2 33 THIRD DEGREE.

2 34 A person commits robbery in the third degree when,
2 35 while perpetrating a theft as defined in section
2 36 714.2, subsection 5, the person commits an assault
2 37 upon another as defined in section 708.2, subsection
2 38 5. Robbery in the third degree is an aggravated
2 39 misdemeanor.

2 40 Sec. 13. Section 901.5, subsection 13, Code 2003,
2 41 is amended by striking the subsection.

2 42 Sec. 14. NEW SECTION. 901.5B REOPENING OF
2 43 SENTENCE FOR PERSONS SERVING SENTENCE SUBJECT TO
2 44 MAXIMUM ACCUMULATION OF EARNED TIME OF FIFTEEN
2 45 PERCENT.

2 46 1. A defendant serving a sentence under section
2 47 902.12 who is sentenced by the court to the custody of
2 48 the director of the department of corrections, may
2 49 have the judgment and sentence reopened for
2 50 resentencing if all of the following apply:

3 1 a. The board of parole and the department of
3 2 corrections file a joint motion in the sentencing
3 3 court to reopen the sentence of the defendant.

3 4 b. The county attorney from the county which
3 5 prosecuted the defendant is served with a copy of the
3 6 motion to reopen by certified mail. The motion shall
3 7 specify that the county attorney has thirty days from
3 8 the date of service to consult with the victim and
3 9 file a written objection.

3 10 c. The court upon hearing grants the motion.

3 11 2. Notwithstanding section 902.12, the defendant
3 12 becomes eligible for parole or work release upon the
3 13 reopening of the sentence.

3 14 3. The reopening of a sentence under this section
3 15 does not affect the accrual of earned time under
3 16 section 903A.2, and earned time shall accrue in the
3 17 same manner as it accrued prior to the reopening.

3 18 4. The filing of a motion or the reopening of a
3 19 sentence under this section shall not constitute
3 20 grounds to stay any other court proceedings, or to
3 21 toll or restart the time for filing of any posttrial
3 22 motion or any appeal.

3 23 5. The defendant may request appointment of
3 24 counsel, if eligible under section 815.10, during any
3 25 proceedings pursuant to this section.

3 26 Sec. 15. Section 903.4, Code 2003, is amended to
3 27 read as follows:

3 28 903.4 PROVIDING PLACE OF CONFINEMENT.

3 29 All persons sentenced to confinement for a period
3 30 of one year or less shall be confined in a place to be
3 31 furnished by the county where the conviction was had
3 32 unless the person is presently committed to the
3 33 custody of the director of the Iowa department of
3 34 corrections, in which case the provisions of section
3 35 901.8 apply, ~~or unless the person is serving a~~

~~3 36 determinate term of confinement of one year pursuant~~
~~3 37 to section 902.3A~~. All persons sentenced to

3 38 confinement for a period of more than one year shall
3 39 be committed to the custody of the director of the
3 40 Iowa department of corrections to be confined in a
3 41 place to be designated by the director and the cost of
3 42 the confinement shall be borne by the state. The
3 43 director may contract with local governmental units
3 44 for the use of detention or correctional facilities
3 45 maintained by the units for the confinement of such
3 46 persons.

3 47 Sec. 16. Section 907.3, subsection 1, paragraph m,
3 48 Code 2003, is amended by striking the paragraph.

3 49 Sec. 17. Section 907.3, subsection 2, paragraph g,
3 50 Code 2003, is amended by striking the paragraph.

4 1 Sec. 18. Section 907.3, subsection 3, paragraph g,
4 2 Code 2003, is amended by striking the paragraph.

4 3 Sec. 19. Section 902.3A, Code 2003, is repealed.>

4 4 #2. Title page, by striking lines 1 through 5 and
4 5 inserting the following: 4 6 sentencing and procedure by modifying the penalties
4 7 for certain offenses related to controlled substances,

4 8 changing residency restrictions for persons required
4 9 to register as a sex offender, creating a criminal
4 10 offense of robbery in the third degree, providing for
4 11 the reopening of a sentence that requires a maximum
4 12 accumulation of earned time credits of fifteen percent
4 13 of the total term of confinement, repealing certain
4 14 determinate sentences, and providing penalties.>
4 15 #3. By renumbering as necessary.
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4 19 MADDOX of Polk
4 20 HF 598.301 80
4 21 jm/cf/24