

# Senate Amendment 3073

PAG LIN

1 1 Amend Senate File 37 as follows:  
1 2 #1. Page 1, by inserting after line 4 the  
1 3 following:  
1 4 <Sec. \_\_. Section 321J.2, subsection 2, paragraph  
1 5 a, subparagraph (1), Code 2003, is amended to read as  
1 6 follows:  
1 7 (1) Imprisonment in the county jail for ~~not less~~  
~~1 8 than forty-eight hours up to one year~~, to be served as  
1 9 ordered by the court, less credit for any time the  
1 10 person was confined in a jail or detention facility  
1 11 following arrest. However, the court, in ordering  
1 12 service of the sentence and in its discretion, may  
1 13 accommodate the defendant's work schedule. In lieu of  
~~1 14 a sentence of imprisonment, the court may order the~~  
~~1 15 defendant to perform unpaid community service.~~  
1 16 Sec. \_\_. Section 321J.2, subsection 2, paragraphs  
1 17 b and c, Code 2003, are amended to read as follows:  
1 18 b. An aggravated misdemeanor for a second offense,  
1 19 and shall be imprisoned in the county jail or  
1 20 community-based correctional facility not less than  
1 21 ~~seven five days or shall be sentenced to perform~~  
~~1 22 unpaid community service for not less than thirty~~  
~~1 23 days~~, and shall be assessed a fine of not less than  
1 24 one thousand five hundred dollars nor more than five  
1 25 thousand dollars.  
1 26 c. A class "D" felony for a third offense and each  
1 27 subsequent offense, and shall be committed to the  
1 28 custody of the director of the department of  
1 29 corrections for an indeterminate term not to exceed  
1 30 five years, shall be confined for a mandatory minimum  
1 31 term of ~~thirty ten days or shall be sentenced to~~  
~~1 32 perform unpaid community service for not less than~~  
~~1 33 sixty days~~, and shall be assessed a fine of not less  
1 34 than two thousand five hundred dollars nor more than  
1 35 seven thousand five hundred dollars.  
1 36 (1) If the court does not suspend a person's  
1 37 sentence of commitment to the custody of the director  
1 38 of the department of corrections under this paragraph  
1 39 "c", the person shall be assigned to a facility  
1 40 pursuant to section 904.513.  
1 41 (2) If the court suspends a person's sentence of  
1 42 commitment to the custody of the director of the  
1 43 department of corrections under this paragraph "c",  
1 44 the court shall order the person to serve not less  
1 45 than ~~thirty ten~~ days nor more than one year in the  
1 46 county jail, and the person may be committed to  
1 47 treatment in the community under section 907.6.>  
1 48 #2. By renumbering as necessary.

1 49  
1 50  
2 1 \_\_\_\_\_  
2 2 DAVID MILLER  
2 3  
2 4  
2 5 \_\_\_\_\_  
2 6 BOB BRUNKHORST  
2 7 SF 37.304 80  
2 8 rh/cf