

# House Amendment 1647

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1 1 Amend the amendment, H=1308, to Senate File 3, as  
1 2 amended, passed, and reprinted by the Senate, as  
1 3 follows:  
1 4 #1. Page 1, by inserting after line 2 the  
1 5 following:  
1 6 <#\_\_\_\_. Page 1, by inserting after line 11 the  
1 7 following:  
1 8 <Sec. \_\_\_\_\_. Section 462A.14, subsection 2,  
1 9 paragraph e, Code 2009, is amended to read as follows:  
1 10 e. A class "B" felony for any offense under this  
1 11 section resulting in the death of persons other than  
1 12 the defendant, if the court determines that the person  
1 13 who committed the offense caused the death, ~~and shall~~  
~~1 14 be imprisoned for a determinate sentence of not more~~  
~~1 15 than twenty-five years, or committed to the custody of~~  
~~1 16 the director of the department of corrections. A~~  
~~1 17 person convicted of a felony offense may be committed~~  
~~1 18 to the custody of the director of the department of~~  
~~1 19 corrections, who shall assign the person to a facility~~  
~~1 20 pursuant to section 904.513. However, a person~~  
~~1 21 sentenced for a violation classified as a class "B"~~  
~~1 22 felony pursuant to this paragraph shall not be~~  
~~1 23 eligible for parole until the person has served a~~  
~~1 24 minimum period of confinement of ten years. The court~~  
1 25 shall also order that the person not operate a  
1 26 motorboat or sailboat for six years beginning on the  
1 27 date the person is placed on parole or work release,  
1 28 or is otherwise released from a correctional facility.  
1 29 The court shall also assign the defendant to substance  
1 30 abuse evaluation and treatment pursuant to subsections  
1 31 12 and 13, and a course for drinking drivers.>>  
1 32 #2. Page 1, by inserting after line 22 the  
1 33 following:  
1 34 <Sec. \_\_\_\_\_. Section 707.6A, subsection 1,  
1 35 unnumbered paragraph 1, Code 2009, is amended to read  
1 36 as follows:  
1 37 A person commits a class "B" felony when the person  
1 38 unintentionally causes the death of another by  
1 39 operating a motor vehicle while intoxicated, as  
1 40 prohibited by section 321J.2. A person sentenced for  
1 41 a violation of this subsection shall not be eligible  
1 42 for parole until the person has served a minimum  
1 43 period of confinement of ten years. Upon a plea or  
1 44 verdict of guilty of a violation of this subsection,  
1 45 the court shall do the following:  
1 46 Sec. \_\_\_\_\_. Section 902.12, Code 2009, is amended by  
1 47 adding the following new subsection:  
1 48 NEW SUBSECTION. 7. Operating a motorboat or  
1 49 sailboat while intoxicated in violation of section  
1 50 462A.14, subsection 2, paragraph "e", if the person  
2 1 was also convicted under section 462A.7, subsection 5,  
2 2 paragraph "d", or section 462A.34B, subsection 2 or 3,  
2 3 based on the same facts or event that resulted in the  
2 4 conviction under section 462A.14, subsection 2,  
2 5 paragraph "e".  
2 6 Sec. \_\_\_\_\_. Section 903A.5, subsection 1, Code 2009,  
2 7 is amended to read as follows:  
2 8 1. An inmate shall not be discharged from the  
2 9 custody of the director of the Iowa department of  
2 10 corrections until the inmate has served the full term  
2 11 for which the inmate was sentenced, less earned time  
2 12 and other credits earned and not forfeited, unless the  
2 13 inmate is pardoned or otherwise legally released.  
2 14 Earned time accrued and not forfeited shall apply to  
2 15 reduce a mandatory minimum sentence being served  
2 16 pursuant to section 124.406, or 124.413, section  
2 17 462A.14, subsection 2, paragraph "e", section 707.6A,  
2 18 subsection 1, or section 902.7, 902.8, 902.8A, or  
2 19 902.11. An inmate shall be deemed to be serving the  
2 20 sentence from the day on which the inmate is received  
2 21 into the institution. If an inmate was confined to a  
2 22 county jail or other correctional or mental facility  
2 23 at any time prior to sentencing, or after sentencing  
2 24 but prior to the case having been decided on appeal,

2 25 because of failure to furnish bail or because of being  
2 26 charged with a nonbailable offense, the inmate shall  
2 27 be given credit for the days already served upon the  
2 28 term of the sentence. However, if a person commits  
2 29 any offense while confined in a county jail or other  
2 30 correctional or mental health facility, the person  
2 31 shall not be granted jail credit for that offense.  
2 32 Unless the inmate was confined in a correctional  
2 33 facility, the sheriff of the county in which the  
2 34 inmate was confined shall certify to the clerk of the  
2 35 district court from which the inmate was sentenced and  
2 36 to the department of corrections' records  
2 37 administrator at the Iowa medical and classification  
2 38 center the number of days so served. The department  
2 39 of corrections' records administrator, or the  
2 40 administrator's designee, shall apply jail credit as  
2 41 ordered by the court of proper jurisdiction or as  
2 42 authorized by this section and section 907.3,  
2 43 subsection 3.>>  
2 44 #3. Page 1, by inserting before line 23 the  
2 45 following:  
2 46 #\_\_\_\_\_. Title page, line 1, by striking the words <a  
2 47 .08 blood alcohol limit for>.  
2 48 #\_\_\_\_\_. Title page, line 2, by inserting after the  
2 49 word <offenses> the following: <and modifying  
2 50 penalties>.>  
3 1 #4. By renumbering as necessary.  
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3 6 ALONS of Sioux  
3 7 SF 3.504 83  
3 7 jm/nh/24405