

Senate File 2295

H-8348

1 Amend the amendment, H-8271, to Senate File 2295, as
2 passed by the Senate, as follows:

3 1. Page 1, lines 24 and 25, by striking <an
4 employer or institution based upon vicarious liability>
5 and inserting <any party other than the individual
6 accused of perpetrating the sexual abuse>

7 2. Page 2, after line 6 by inserting:
8 <Sec. _____. Section 907.3, subsection 3, unnumbered
9 paragraph 1, Code Supplement 2011, is amended to read
10 as follows:

11 By record entry at the time of or after sentencing,
12 the court may suspend the sentence and place the
13 defendant on probation upon such terms and conditions
14 as it may require including commitment to an alternate
15 jail facility or a community correctional residential
16 treatment facility to be followed by a period of
17 probation as specified in section 907.7, or commitment
18 of the defendant to the judicial district department
19 of correctional services for supervision or services
20 under section 901B.1 at the level of sanctions which
21 the district department determines to be appropriate
22 and the payment of fees imposed under section 905.14.
23 A person so committed who has probation revoked shall
24 not be given credit for such time served. However, ~~the~~
25 a person committed to an alternate jail facility or a
26 community correctional residential treatment facility
27 who has probation revoked shall be given credit for
28 time served in the facility. The court shall not
29 suspend any of the following sentences:

30 Sec. _____. APPLICABILITY AND WAIVER OF RIGHTS. A
31 person who commits an offense prior to the effective
32 date of this Act may expressly state to the court, at
33 the time of sentencing, that the person waives any
34 rights under Anderson v. State, 801 N.W.2d 1, relating
35 to the calculation of credit for time served, and agree
36 to be sentenced using credits as calculated under
37 section 907.3 as amended by this Act. If the court
38 finds the waiver voluntary, the sentencing order shall
39 reference the person's waiver of rights under Anderson,
40 and order that credit for time served be calculated
41 under section 907.3, as amended by this Act.

42 Sec. _____. EFFECTIVE UPON ENACTMENT. The following
43 provision or provisions of this Act, being deemed of
44 immediate importance, take effect upon enactment:

45 1. The section of this Act amending section 907.3.

46 2. The section of this Act relating to the waiver
47 of rights under Anderson v. State.>

48 3. Page 2, by striking lines 7 through 15 and
49 inserting:

50 <_____. Title page, by striking lines 1 and 2 and

1 inserting <An Act pertaining to sexually related
2 crimes, penalties, the time period to bring related
3 actions, and the calculation of credit for time served,
4 and including effective date provisions.>>
5 4. By renumbering as necessary.

BALTIMORE of Boone