

Senate File 360

S-3178

1 Amend Senate File 360 as follows:

2 1. By striking everything after the enacting clause
3 and inserting:

4 <Section 1. Section 811.1, subsections 1 and 2,
5 Code 2011, are amended to read as follows:

6 1. A defendant awaiting judgment of conviction
7 and sentencing following either a plea or verdict of
8 guilty of a class "A" felony, ~~murder, forcible felony~~
9 as defined in section 702.11, any class "B" felony
10 included in section 462A.14 or 707.6A; felonious
11 assault; felonious child endangerment; sexual abuse in
12 the second degree; sexual abuse in the third degree;
13 kidnapping; robbery in the first degree; arson in the
14 first degree; burglary in the first degree; any felony
15 included in section 124.401, subsection 1, paragraph
16 "a" or "b"; or a second or subsequent offense under
17 section 124.401, subsection 1, paragraph "c"; any
18 felony punishable under section 902.9, subsection 1;
19 any public offense committed while detained pursuant to
20 section 229A.5; or any public offense committed while
21 subject to an order of commitment pursuant to chapter
22 229A.

23 2. A defendant appealing a conviction of a class
24 "A" felony; ~~murder; forcible felony as defined in~~
25 section 702.11; any class "B" or "C" felony included
26 in section 462A.14 or 707.6A; felonious assault;
27 felonious child endangerment; sexual abuse in the
28 second degree; sexual abuse in the third degree;
29 kidnapping; robbery in the first degree; arson in the
30 first degree; burglary in the first degree; any felony
31 included in section 124.401, subsection 1, paragraph
32 "a" or "b"; or a second or subsequent conviction under
33 section 124.401, subsection 1, paragraph "c"; any
34 felony punishable under section 902.9, subsection 1;
35 any public offense committed while detained pursuant to
36 section 229A.5; or any public offense committed while
37 subject to an order of commitment pursuant to chapter
38 229A.

39 Sec. 2. Section 903A.2, subsection 3, Code 2011, is
40 amended to read as follows:

41 3. Time served in a jail, ~~or municipal holding~~
42 facility, or another facility prior to actual placement
43 in an institution under the control of the department
44 of corrections and credited against the sentence by
45 the court shall accrue for the purpose of reduction of
46 sentence under this section. Time which elapses during
47 an escape shall not accrue for purposes of reduction of
48 sentence under this section.

49 Sec. 3. Section 903A.5, subsection 1, Code 2011, is
50 amended to read as follows:

1 1. An inmate shall not be discharged from the
2 custody of the director of the Iowa department of
3 corrections until the inmate has served the full term
4 for which the inmate was sentenced, less earned time
5 and other credits earned and not forfeited, unless
6 the inmate is pardoned or otherwise legally released.
7 Earned time accrued and not forfeited shall apply
8 to reduce a mandatory minimum sentence being served
9 pursuant to section 124.406, 124.413, 902.7, 902.8,
10 902.8A, or 902.11. An inmate shall be deemed to be
11 serving the sentence from the day on which the inmate
12 is received into the institution. If an inmate was
13 confined to a county jail, municipal holding facility,
14 or other correctional or mental facility at any time
15 prior to sentencing, or after sentencing but prior to
16 the case having been decided on appeal, because of
17 failure to furnish bail or because of being charged
18 with a nonbailable offense, the inmate shall be given
19 credit for the days already served upon the term of the
20 sentence. However, if a person commits any offense
21 while confined in a county jail, municipal holding
22 facility, or other correctional or mental health
23 facility, the person shall not be granted jail credit
24 for that offense. Unless the inmate was confined in
25 a correctional facility, the sheriff of the county in
26 which the inmate was confined or the officer in charge
27 of the municipal holding facility in which the inmate
28 was confined shall certify to the clerk of the district
29 court from which the inmate was sentenced and to the
30 department of corrections' records administrator at the
31 Iowa medical and classification center the number of
32 days so served. The department of corrections' records
33 administrator, or the administrator's designee, shall
34 apply ~~jail~~ credit as ordered by the court of proper
35 jurisdiction or as authorized by this section and
36 section 907.3, subsection 3.>

37 2. Title page, by striking lines 1 and 2 and
38 inserting <An Act relating to criminal defendants
39 and inmates by modifying bail restrictions placed
40 on criminal defendants and applying credit for time
41 served.>

STEVEN SODDERS