

House File 2390

S-5127

1 Amend House File 2390, as passed by the House, as
2 follows:

3 1. Page 4, after line 20 by inserting:
4 <Sec. _____. Section 903B.1, Code 2011, is amended to
5 read as follows:

6 **903B.1 Special sentence — class "B" or class "C"**
7 **felonies.**

8 1. A Except as provided in subsection 2, a person
9 convicted of a class "C" felony or greater offense
10 under chapter 709, or a class "C" felony under section
11 728.12, shall also be sentenced, in addition to any
12 other punishment provided by law, to a special sentence
13 committing the person into the custody of the director
14 of the Iowa department of corrections for the rest
15 of the person's life, with eligibility for parole as
16 provided in chapter 906. The board of parole shall
17 determine whether the person should be released on
18 parole or placed in a work release program. The
19 special sentence imposed under this section shall
20 commence upon completion of the sentence imposed under
21 any applicable criminal sentencing provisions for the
22 underlying criminal offense and the person shall begin
23 the sentence under supervision as if on parole or work
24 release. The person shall be placed on the corrections
25 continuum in chapter 901B, and the terms and conditions
26 of the special sentence, including violations, shall
27 be subject to the same set of procedures set out in
28 chapters 901B, 905, 906, and chapter 908, and rules
29 adopted under those chapters for persons on parole
30 or work release. The revocation of release shall
31 not be for a period greater than two years upon any
32 first revocation, and five years upon any second or
33 subsequent revocation. A special sentence shall be
34 considered a category "A" sentence for purposes of
35 calculating earned time under section 903A.2.

36 2. A person who commits a violation of section
37 709.4, subsection 2, paragraph "c", subparagraph
38 (4), shall not be subject to the special sentence in
39 subsection 1, if either of the following apply:

40 a. The other person is fourteen years of age and
41 the person is four, five, or six years older than the
42 other person.

43 b. The other person is fifteen years of age and
44 the person is four or five years older than the other
45 person.>

46 2. Page 4, after line 26 by inserting:
47 <Sec. _____. APPLICABILITY. The amendment to
48 section 903B.1 in this Act applies to any judgment of
49 conviction for a violation of section 709.4, subsection
50 2, paragraph "c", subparagraph (4), entered prior to,

1 on, or after the effective date of this Act, as that
2 conviction relates to the imposition of a special
3 sentence under section 903B.1.>

4 3. Title page, line 2, after <activity,> by
5 inserting <special sentences,>

6 4. Title page, line 3, after <applicable> by
7 inserting <and including applicability provisions>

8 5. By renumbering as necessary.

NANCY J. BOETTGER