

House Amendment to
Senate Amendment to
House File 2064

S-5179

1 Amend the Senate amendment, H-8196, to House File
2 2064, as amended, passed, and reprinted by the House,
3 as follows:

4 1. By striking page 1, line 5, through page 2, line
5 28, and inserting:

6 <Sec. _____. Section 124.413, subsection 1, Code
7 2016, is amended to read as follows:

8 1. A Except as provided in subsection 3 and
9 sections 901.11 and 901.12, a person sentenced pursuant
10 to section 124.401, subsection 1, paragraph "a", "b",
11 "c", "e", or "f", shall not be eligible for parole or
12 work release until the person has served a minimum
13 period of confinement of one-third of the maximum
14 indeterminate sentence prescribed by law.

15 Sec. _____. Section 124.413, Code 2016, is amended by
16 adding the following new subsection:

17 NEW SUBSECTION. 3. A person serving a sentence
18 pursuant to section 124.401, subsection 1, paragraph
19 "b" or "c", shall be denied parole or work release,
20 based upon all the pertinent information as determined
21 by the court under section 901.11, subsection 1, until
22 the person has served between one-half of the minimum
23 term of confinement prescribed in subsection 1 and the
24 maximum indeterminate sentence prescribed by law.

25 Sec. _____. Section 711.3, Code 2016, is amended to
26 read as follows:

27 **711.3 Robbery in the second degree.**

28 All robbery which is not robbery in the first degree
29 is robbery in the second degree, except as provided in
30 section 711.3A. Robbery in the second degree is a class
31 "C" felony.

32 Sec. _____. NEW SECTION. **711.3A Robbery in the third**
33 **degree.**

34 1. A person commits robbery in the third degree
35 when, while perpetrating a robbery, the person commits

1 an assault as described in section 708.2, subsection 6,
2 upon another person.

3 2. Robbery in the third degree is an aggravated
4 misdemeanor.

5 Sec. _____. Section 802.2B, Code 2016, is amended by
6 adding the following new subsection:

7 NEW SUBSECTION. 5A. Child endangerment in
8 violation of section 726.6, subsection 4, 5, or 6.

9 Sec. _____. NEW SECTION. **901.11 Parole eligibility**
10 **determination by court — certain drug, child**
11 **endangerment, and robbery offenses.**

12 1. At the time of sentencing, the court shall
13 determine when a person convicted under section
14 124.401, subsection 1, paragraph "b" or "c", shall
15 first become eligible for parole or work release
16 within the parameters described in section 124.413,
17 subsection 3, based upon all the pertinent information
18 including the person's criminal record, a validated
19 risk assessment, and the negative impact the offense
20 has had on the victim or other persons.

21 2. At the time of sentencing, the court shall
22 determine when a person convicted of child endangerment
23 as described in section 902.12, subsection 2, shall
24 first become eligible for parole or work release within
25 the parameters specified in section 902.12, subsection
26 2, based upon all pertinent information including the
27 person's criminal record, a validated risk assessment,
28 and whether the offense involved multiple intentional
29 acts or a series of intentional acts, or whether the
30 offense involved torture or cruelty.

31 3. At the time of sentencing, the court shall
32 determine when a person convicted of robbery in
33 the second degree as described in section 902.12,
34 subsection 3, shall first become eligible for parole
35 or work release within the parameters specified in

1 section 902.12, subsection 3, based upon all pertinent
2 information including the person's criminal record, a
3 validated risk assessment, and the negative impact the
4 offense has had on the victim or other persons.

5 Sec. _____. NEW SECTION. **901.12 Mandatory minimum**
6 **sentence — parole eligibility — certain earlier drug**
7 **offenses.**

8 1. Effective July 1, 2016, and notwithstanding
9 section 124.413, a person whose sentence commenced
10 prior to July 1, 2016, for a conviction under section
11 124.401, subsection 1, paragraph "b" or "c", who has
12 not previously been convicted of a forcible felony,
13 and who does not have a prior conviction under section
14 124.401, subsection 1, paragraph "a", "b", or "c",
15 shall first be eligible for parole or work release
16 after the person has served one-half of the minimum
17 term of confinement prescribed in section 124.413.

18 2. When the board of parole considers a person
19 for parole or work release pursuant to this section,
20 the board shall consider all pertinent information
21 including the person's criminal record, a validated
22 risk assessment, and the negative impact the offense
23 has had on the victim or other persons.

24 Sec. _____. Section 902.12, Code 2016, is amended to
25 read as follows:

26 **902.12 Minimum sentence for certain felonies —**
27 **eligibility for parole or work release.**

28 1. A person serving a sentence for conviction of
29 the following felonies, including a person serving a
30 sentence for conviction of the following felonies prior
31 to July 1, 2003, shall be denied parole or work release
32 unless the person has served at least seven-tenths of
33 the maximum term of the person's sentence:

34 ~~1.~~ a. Murder in the second degree in violation of
35 section 707.3.

1 ~~2.~~ b. Attempted murder in violation of section
2 707.11.

3 ~~3.~~ c. Sexual abuse in the second degree in
4 violation of [section 709.3](#).

5 ~~4.~~ d. Kidnapping in the second degree in violation
6 of [section 710.3](#).

7 ~~5.~~ e. Robbery in the first or second degree
8 in violation of [section 711.2](#) or [711.3](#), except as
9 determined in subsection 3.

10 ~~6.~~ f. Vehicular homicide in violation of section
11 707.6A, subsection 1 or 2, if the person was also
12 convicted under [section 321.261, subsection 4](#), based on
13 the same facts or event that resulted in the conviction
14 under [section 707.6A, subsection 1 or 2](#).

15 2. A person serving a sentence for a conviction
16 of child endangerment as defined in section 726.6,
17 subsection 1, paragraph "b", that is described and
18 punishable under section 726.6, subsection 4, shall
19 be denied parole or work release until the person has
20 served between three-tenths and seven-tenths of the
21 maximum term of the person's sentence as determined
22 under section 901.11, subsection 2.

23 3. A person serving a sentence for a conviction for
24 robbery in the second degree in violation of section
25 711.3 for a conviction that occurs on or after July 1,
26 2016, shall be denied parole or work release until the
27 person has served between one-half and seven-tenths of
28 the maximum term of the person's sentence as determined
29 under section 901.11, subsection 3.>

30 2. Title page, lines 1 and 2, by striking <offense
31 of child endangerment resulting in death of a child or
32 minor,> and inserting <offenses of child endangerment
33 and robbery and criminal drug offenses,>