

House File 729

H-1264

1 Amend House File 729 as follows:

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

4 <DIVISION I
5 EXPUNGEMENTS

6 Section 1. Section 123.46, subsection 6, Code 2019, is
7 amended to read as follows:

8 6. Upon the expiration of two years following conviction
9 for a violation of **this section** and ~~a violation or~~ of a
10 similar local ordinance ~~that arose from the same transaction~~
11 ~~or occurrence~~, a person may petition the court to expunge the
12 conviction ~~including the conviction for a violation of a local~~
13 ~~ordinance that arose from the same transaction or occurrence~~,
14 and if the person has had no other criminal convictions, other
15 than local traffic violations or simple misdemeanor violations
16 of **chapter 321** during the two-year period, the conviction and
17 ~~the conviction for a violation of a local ordinance that arose~~
18 ~~from the same transaction or occurrence~~ shall be expunged as
19 a matter of law. The court shall enter an order that the
20 record of the conviction and ~~the conviction for a violation~~
21 ~~of a local ordinance that arose from the same transaction or~~
22 ~~occurrence~~ be expunged by the clerk of the district court.
23 Notwithstanding **section 692.2**, after receipt of notice from the
24 clerk of the district court that a record of conviction and
25 ~~the conviction for a violation of a local ordinance that arose~~
26 ~~from the same transaction or occurrence~~ has been expunged,
27 the record of conviction and ~~the conviction for a violation~~
28 ~~of a local ordinance that arose from the same transaction or~~
29 ~~occurrence~~ shall be removed from the criminal history data
30 files maintained by the department of public safety if such a
31 record was maintained in the criminal history data files.

32 Sec. 2. NEW SECTION. **901C.3 Misdemeanor — expungement.**

33 1. Upon application of a defendant convicted of a
34 misdemeanor offense in the county where the conviction
35 occurred, the court shall enter an order expunging the record

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1 of such a criminal case, as a matter of law, if the defendant
2 has proven all of the following:

3 *a.* More than eight years have passed since the date of the
4 conviction.

5 *b.* The defendant has no pending criminal charges.

6 *c.* The defendant has not previously been granted two
7 deferred judgments.

8 *d.* The defendant has paid all court costs, fees, fines,
9 restitution, and any other financial obligations ordered by the
10 court or assessed by the clerk of the district court.

11 2. The following misdemeanors shall not be expunged:

12 *a.* A conviction under section 123.46.

13 *b.* A simple misdemeanor conviction under section 123.47,
14 subsection 3, or similar local ordinance.

15 *c.* A conviction for dependent adult abuse under section
16 235B.20.

17 *d.* A conviction under section 321.218, 321A.32, or 321J.21.

18 *e.* A conviction under section 321J.2.

19 *f.* A conviction for a sex offense as defined in section
20 692A.101.

21 *g.* A conviction for involuntary manslaughter under section
22 707.5.

23 *h.* A conviction for assault under section 708.2, subsection
24 3.

25 *i.* A conviction under section 708.2A.

26 *j.* A conviction for harassment under section 708.7.

27 *k.* A conviction for stalking under section 708.11.

28 *l.* A conviction for removal of an officer's communication or
29 control device under section 708.12.

30 *m.* A conviction for trespass under section 716.8, subsection
31 3 or 4.

32 *n.* A conviction under chapter 717C.

33 *o.* A conviction under chapter 719.

34 *p.* A conviction under chapter 720.

35 *q.* A conviction under section 721.2.

1 follows:

2 **711.3 Robbery in the second degree.**

3 All robbery which is not robbery in the first degree is
4 robbery in the second degree, ~~except as provided in section~~
5 ~~711.3A~~. Robbery in the second degree is a class "C" felony.

6 Sec. 4. NEW SECTION. **711.3B Aggravated theft.**

7 1. A person commits aggravated theft when the person commits
8 an assault as defined in section 708.1, subsection 2, paragraph
9 "a", that is punishable as a simple misdemeanor under section
10 708.2, subsection 6, after the person has removed or attempted
11 to remove property not exceeding three hundred dollars in
12 value which has not been purchased from a store or mercantile
13 establishment, or has concealed such property of the store or
14 mercantile establishment, either on the premises or outside the
15 premises of the store or mercantile establishment.

16 2. a. A person who commits aggravated theft is guilty of an
17 aggravated misdemeanor.

18 b. A person who commits aggravated theft, and who has
19 previously been convicted of an aggravated theft, robbery in
20 the first degree in violation of section 711.2, robbery in the
21 second degree in violation of section 711.3, or extortion in
22 violation of section 711.4, is guilty of a class "D" felony.

23 3. In determining if a violation is a class "D" felony
24 offense the following shall apply:

25 a. A deferred judgment entered pursuant to section 907.3 for
26 a violation of any offense specified in subsection 2 shall be
27 counted as a previous offense.

28 b. A conviction or the equivalent of a deferred judgment for
29 a violation in any other states under statutes substantially
30 corresponding to an offense specified in subsection 2 shall be
31 counted as a previous offense. The courts shall judicially
32 notice the statutes of other states which define offenses
33 substantially equivalent to the offenses specified in this
34 section and can therefore be considered corresponding statutes.

35 4. Aggravated theft is not an included offense of robbery

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1 in the first or second degree.

2 Sec. 5. Section 808.12, subsections 1 and 3, Code 2019, are
3 amended to read as follows:

4 1. Persons concealing property as set forth in section
5 ~~714.3A~~ 711.3B or 714.5, may be detained and searched by a peace
6 officer, person employed in a facility containing library
7 materials, merchant, or merchant's employee, provided that
8 the detention is for a reasonable length of time and that the
9 search is conducted in a reasonable manner by a person of the
10 same sex and according to subsection 2 of this section.

11 3. The detention or search under this section by a peace
12 officer, person employed in a facility containing library
13 materials, merchant, or merchant's employee does not render the
14 person liable, in a criminal or civil action, for false arrest
15 or false imprisonment provided the person conducting the search
16 or detention had reasonable grounds to believe the person
17 detained or searched had concealed or was attempting to conceal
18 property as set forth in section ~~714.3A~~ 711.3B or 714.5.

19 Sec. 6. Section 901.11, Code 2019, is amended by adding the
20 following new subsection:

21 NEW SUBSECTION. 2A. At the time of sentencing, the court
22 shall determine when a person convicted of robbery in the first
23 degree as described in section 902.12, subsection 2A, shall
24 first become eligible for parole or work release within the
25 parameters specified in section 902.12, subsection 2A, based
26 upon all pertinent information including the person's criminal
27 record, a validated risk assessment, and the negative impact
28 the offense has had on the victim or other persons.

29 Sec. 7. Section 902.12, subsection 1, paragraph e, Code
30 2019, is amended to read as follows:

31 e. Robbery in the ~~first or~~ second degree in violation of
32 section ~~711.2 or~~ 711.3, except as determined in subsection 3.

33 Sec. 8. Section 902.12, Code 2019, is amended by adding the
34 following new subsection:

35 NEW SUBSECTION. 2A. A person serving a sentence for a

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1 conviction for robbery in the first degree in violation of
2 section 711.2 for a conviction that occurs on or after July 1,
3 2018, shall be denied parole or work release until the person
4 has served between one-half and seven-tenths of the maximum
5 term of the person's sentence as determined under section
6 901.11, subsection 2A.

7 Sec. 9. REPEAL. Sections 711.3A, 711.5, and 714.3A, Code
8 2019, are repealed.

9 DIVISION III

10 PROPERTY CRIMES — VALUE

11 Sec. 10. Section 712.3, Code 2019, is amended to read as
12 follows:

13 **712.3 Arson in the second degree.**

14 Arson which is not arson in the first degree is arson in the
15 second degree when the property which is the subject of the
16 arson is a building or a structure, or real property of any
17 kind, or standing crops, or is personal property the value of
18 which exceeds ~~five~~ seven hundred fifty dollars. Arson in the
19 second degree is a class "C" felony.

20 Sec. 11. Section 714.2, Code 2019, is amended to read as
21 follows:

22 **714.2 Degrees of theft.**

23 1. The theft of property exceeding ten thousand dollars in
24 value, or the theft of property from the person of another, or
25 from a building which has been destroyed or left unoccupied
26 because of physical disaster, riot, bombing, or the proximity
27 of battle, or the theft of property which has been removed from
28 a building because of a physical disaster, riot, bombing, or
29 the proximity of battle, is theft in the first degree. Theft
30 in the first degree is a class "C" felony.

31 2. The theft of property exceeding one thousand five
32 hundred dollars but not exceeding ten thousand dollars in value
33 or theft of a motor vehicle as defined in [chapter 321](#) not
34 exceeding ten thousand dollars in value, is theft in the second
35 degree. Theft in the second degree is a class "D" felony.

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1 However, for purposes of this subsection, "motor vehicle" does
2 not include a motorized bicycle as defined in section 321.1,
3 subsection 40, paragraph "b".

4 3. The theft of property exceeding ~~five~~ seven hundred fifty
5 dollars but not exceeding one thousand five hundred dollars in
6 value, or the theft of any property not exceeding five hundred
7 dollars in value by one who has before been twice convicted of
8 theft, is theft in the third degree. Theft in the third degree
9 is an aggravated misdemeanor.

10 4. The theft of property exceeding ~~two~~ three hundred dollars
11 in value but not exceeding ~~five~~ seven hundred fifty dollars
12 in value is theft in the fourth degree. Theft in the fourth
13 degree is a serious misdemeanor.

14 5. The theft of property not exceeding ~~two~~ three hundred
15 dollars in value is theft in the fifth degree. Theft in the
16 fifth degree is a simple misdemeanor.

17 Sec. 12. Section 714.7B, subsection 6, paragraphs a and b,
18 Code 2019, are amended to read as follows:

19 a. A simple misdemeanor if the value of the goods, wares, or
20 merchandise does not exceed ~~two~~ three hundred dollars.

21 b. A serious misdemeanor if the value of the goods, wares,
22 or merchandise exceeds ~~two~~ three hundred dollars.

23 Sec. 13. Section 714.10, subsection 1, Code 2019, is amended
24 to read as follows:

25 1. Fraudulent practice in the second degree is the
26 following:

27 a. A fraudulent practice where the amount of money or value
28 of property or services involved exceeds one thousand five
29 hundred dollars but does not exceed ten thousand dollars.

30 b. A fraudulent practice where the amount of money or
31 value of property or services involved does not exceed one
32 thousand five hundred dollars by one who has been convicted of
33 a fraudulent practice twice before.

34 Sec. 14. Section 714.11, subsection 1, paragraph a, Code
35 2019, is amended to read as follows:

1 *a.* A fraudulent practice where the amount of money or value
2 of property or services involved exceeds ~~five~~ seven hundred
3 fifty dollars but does not exceed one thousand five hundred
4 dollars.

5 Sec. 15. Section 714.12, Code 2019, is amended to read as
6 follows:

7 **714.12 Fraudulent practice in the fourth degree.**

8 1. Fraudulent practice in the fourth degree is a fraudulent
9 practice where the amount of money or value of property or
10 services involved exceeds ~~two~~ three hundred dollars but does
11 not exceed ~~five~~ seven hundred fifty dollars.

12 2. Fraudulent practice in the fourth degree is a serious
13 misdemeanor.

14 Sec. 16. Section 714.13, Code 2019, is amended to read as
15 follows:

16 **714.13 Fraudulent practice in the fifth degree.**

17 1. Fraudulent practice in the fifth degree is a fraudulent
18 practice where the amount of money or value of property or
19 services involved does not exceed ~~two~~ three hundred dollars.

20 2. Fraudulent practice in the fifth degree is a simple
21 misdemeanor.

22 Sec. 17. Section 715A.6, subsection 2, paragraphs b and c,
23 Code 2019, are amended to read as follows:

24 *b.* If the value of the property or services secured or
25 sought to be secured by means of the credit card is greater
26 than one thousand five hundred dollars but not more than ten
27 thousand dollars, an offense under [this section](#) is a class "D"
28 felony.

29 *c.* If the value of the property or services secured
30 or sought to be secured by means of the credit card is one
31 thousand five hundred dollars or less, an offense under this
32 section is an aggravated misdemeanor.

33 Sec. 18. Section 715A.8, subsection 3, paragraphs b and c,
34 Code 2019, are amended to read as follows:

35 *b.* If the value of the credit, property, services, or other

1 benefit exceeds one thousand five hundred dollars but does not
2 exceed ten thousand dollars, the person commits a class "D"
3 felony.

4 c. If the value of the credit, property, services, or other
5 benefit does not exceed one thousand five hundred dollars, the
6 person commits an aggravated misdemeanor.

7 Sec. 19. Section 716.4, subsection 1, Code 2019, is amended
8 to read as follows:

9 1. Criminal mischief is criminal mischief in the second
10 degree if the cost of replacing, repairing, or restoring the
11 property that is damaged, defaced, altered, or destroyed
12 exceeds one thousand five hundred dollars but does not exceed
13 ten thousand dollars.

14 Sec. 20. Section 716.5, subsection 1, paragraph a, Code
15 2019, is amended to read as follows:

16 a. The cost of replacing, repairing, or restoring the
17 property that is damaged, defaced, altered, or destroyed
18 exceeds ~~five~~ seven hundred fifty dollars, but does not exceed
19 one thousand five hundred dollars.

20 Sec. 21. Section 716.6, subsection 1, paragraph a,
21 subparagraph (1), Code 2019, is amended to read as follows:

22 (1) The cost of replacing, repairing, or restoring the
23 property that is damaged, defaced, altered, or destroyed
24 exceeds ~~two~~ three hundred dollars, but does not exceed ~~five~~
25 seven hundred fifty dollars.

26 Sec. 22. Section 716.8, subsections 2 and 4, Code 2019, are
27 amended to read as follows:

28 2. Any person committing a trespass as defined in section
29 716.7, other than a trespass as defined in section 716.7,
30 subsection 2, paragraph "a", subparagraph (6), which results in
31 injury to any person or damage in an amount more than ~~two~~ three
32 hundred dollars to anything, animate or inanimate, located
33 thereon or therein commits a serious misdemeanor.

34 4. A person committing a trespass as defined in section
35 716.7 with the intent to commit a hate crime which results in

1 injury to any person or damage in an amount more than ~~two~~ three
2 hundred dollars to anything, animate or inanimate, located
3 thereon or therein commits an aggravated misdemeanor.

4 Sec. 23. Section 716.10, subsection 2, paragraphs d, e, f,
5 and g, Code 2019, are amended to read as follows:

6 *d.* A person commits railroad vandalism in the fourth degree
7 if the person intentionally commits railroad vandalism which
8 results in property damage which costs ten thousand dollars
9 or less but more than one thousand five hundred dollars to
10 replace, repair, or restore. Railroad vandalism in the fourth
11 degree is a class "D" felony.

12 *e.* A person commits railroad vandalism in the fifth degree
13 if the person intentionally commits railroad vandalism which
14 results in property damage which costs more than ~~five~~ seven
15 hundred fifty dollars but does not exceed one thousand five
16 hundred dollars to replace, repair, or restore. Railroad
17 vandalism in the fifth degree is an aggravated misdemeanor.

18 *f.* A person commits railroad vandalism in the sixth degree
19 if the person intentionally commits railroad vandalism which
20 results in property damage which costs more than ~~one~~ three
21 hundred dollars but does not exceed five seven hundred fifty
22 dollars to replace, repair, or restore. Railroad vandalism in
23 the sixth degree is a serious misdemeanor.

24 *g.* A person commits railroad vandalism in the seventh
25 degree if the person intentionally commits railroad vandalism
26 which results in property damage which costs ~~one~~ three hundred
27 dollars or less to replace, repair, or restore. Railroad
28 vandalism in the seventh degree is a simple misdemeanor.

29 Sec. 24. Section 716A.2, subsection 2, paragraph b, Code
30 2019, is amended to read as follows:

31 *b.* The revenue generated from a specific unsolicited bulk
32 electronic mail transmission exceeds one thousand five hundred
33 dollars or the total revenue generated from all unsolicited
34 bulk electronic mail transmitted to any electronic mail service
35 provider by the person exceeds fifty thousand dollars.

DIVISION IV

FRAUD AND FORGERY REVISIONS

1
2
3 Sec. 25. Section 715A.2, subsection 2, paragraph a, Code
4 2019, is amended by adding the following new subparagraph:

5 NEW SUBPARAGRAPH. (5) A driver's license, nonoperator's
6 identification card, birth certificate, or occupational license
7 or certificate in support of an occupational license issued by
8 a department, agency, board, or commission in this state.

9 Sec. 26. Section 715A.2A, subsection 1, paragraphs a and b,
10 Code 2019, are amended to read as follows:

11 a. Hires a person when the employer or an agent or employee
12 of the employer knows that the document evidencing the person's
13 authorized stay or employment in the United States is in
14 violation of [section 715A.2, subsection 2](#), paragraph "a",
15 subparagraph (4) or (5), or knows that the person is not
16 authorized to be employed in the United States.

17 b. Continues to employ a person when the employer or an
18 agent or employee of the employer knows that the document
19 evidencing the person's authorized stay or employment in the
20 United States is in violation of [section 715A.2, subsection 2](#),
21 paragraph "a", subparagraph (4) or (5), or knows that the person
22 is not authorized to be employed in the United States.

23 Sec. 27. Section 802.5, Code 2019, is amended to read as
24 follows:

25 **802.5 Extension for fraud, fiduciary breach.**

26 1. If the periods prescribed in [sections 802.3](#) and [802.4](#)
27 have expired, prosecution may nevertheless be commenced for any
28 offense a material element of which is either fraud or a breach
29 of fiduciary obligation within one year after discovery of the
30 offense by an aggrieved party or by a person who has a legal
31 duty to represent an aggrieved party and who is not a party to
32 the offense, but in no case shall this provision extend the
33 period of limitation otherwise applicable by more than ~~three~~
34 five years.

35 2. A prosecution may be commenced under this section as

1 long as the appropriate law enforcement agency has not delayed
2 the investigation in bad faith. This subsection shall not be
3 construed to require a law enforcement agency to pursue an
4 unknown offender with due diligence.

5 DIVISION V

6 CRIMINAL PROCEEDINGS

7 Sec. 28. Section 814.6, subsection 1, paragraph a, Code
8 2019, is amended to read as follows:

9 a. A final judgment of sentence, except in ~~case of~~ the
10 following cases:

11 (1) A simple misdemeanor and ordinance violation
12 convictions conviction.

13 (2) An ordinance violation.

14 (3) A conviction where the defendant has pled guilty. This
15 subparagraph does not apply to a guilty plea for a class "A"
16 felony.

17 Sec. 29. Section 814.6, subsection 2, Code 2019, is amended
18 by adding the following new paragraph:

19 NEW PARAGRAPH. f. An order denying a motion in arrest of
20 judgment on grounds other than an ineffective assistance of
21 counsel claim.

22 Sec. 30. NEW SECTION. 814.6A **Pro se filings by defendant**
23 **currently represented by counsel.**

24 1. A defendant who is currently represented by counsel shall
25 not file any pro se document, including a brief, reply brief,
26 or motion, in any Iowa court. The court shall not consider,
27 and opposing counsel shall not respond to, such pro se filings.

28 2. This section does not prohibit a defendant from
29 proceeding without the assistance of counsel.

30 3. A defendant currently represented by counsel may file a
31 pro se motion seeking disqualification of the counsel, which a
32 court may grant upon a showing of good cause.

33 Sec. 31. Section 814.7, Code 2019, is amended to read as
34 follows:

35 **814.7 Ineffective assistance claim on appeal in a criminal**

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1 **case.**

2 ~~1.~~ An ineffective assistance of counsel claim in a
3 criminal case shall be determined by filing an application
4 for postconviction relief pursuant to [chapter 822](#), ~~except as~~
5 ~~otherwise provided in [this section](#).~~ The claim need not be
6 raised on direct appeal from the criminal proceedings in order
7 to preserve the claim for postconviction relief purposes,
8 and the claim shall not be decided on direct appeal from the
9 criminal proceedings.

10 ~~2.~~ A party may, but is not required to, raise an ineffective
11 assistance claim on direct appeal from the criminal proceedings
12 if the party has reasonable grounds to believe that the record
13 is adequate to address the claim on direct appeal.

14 ~~3.~~ If an ineffective assistance of counsel claim is raised
15 on direct appeal from the criminal proceedings, the court may
16 decide the record is adequate to decide the claim or may choose
17 to preserve the claim for determination under [chapter 822](#).

18 **Sec. 32. NEW SECTION. 814.28 General verdicts.**

19 When the prosecution relies on multiple or alternative
20 theories to prove the commission of a public offense, a jury
21 may return a general verdict. If the jury returns a general
22 verdict, an appellate court shall not set aside or reverse such
23 a verdict on the basis of a defective or insufficient theory
24 if one or more of the theories presented and described in the
25 complaint, information, indictment, or jury instruction is
26 sufficient to sustain the verdict on at least one count.

27 **Sec. 33. NEW SECTION. 814.29 Guilty pleas — challenges.**

28 If a defendant challenges a guilty plea based on an alleged
29 defect in the plea proceedings, the plea shall not be vacated
30 unless the defendant demonstrates that the defendant more
31 likely than not would not have pled guilty if the defect had
32 not occurred. The burden applies whether the challenge is
33 made through a motion in arrest of judgment or on appeal. Any
34 provision in the Iowa rules of criminal procedure that are
35 inconsistent with this section shall have no legal effect.

1 Sec. 34. Section 822.3, Code 2019, is amended to read as
2 follows:

3 **822.3 How to commence proceeding — limitation.**

4 A proceeding is commenced by filing an application verified
5 by the applicant with the clerk of the district court in
6 which the conviction or sentence took place. However, if the
7 applicant is seeking relief under [section 822.2, subsection 1,](#)
8 paragraph “f”, the application shall be filed with the clerk
9 of the district court of the county in which the applicant
10 is being confined within ninety days from the date the
11 disciplinary decision is final. All other applications must
12 be filed within three years from the date the conviction or
13 decision is final or, in the event of an appeal, from the date
14 the writ of procedendo is issued. However, this limitation
15 does not apply to a ground of fact or law that could not have
16 been raised within the applicable time period. An allegation
17 of ineffective assistance of counsel in a prior case under this
18 chapter shall not toll or extend the limitation periods in this
19 section nor shall such claim relate back to a prior filing to
20 avoid the application of the limitation periods. Facts within
21 the personal knowledge of the applicant and the authenticity
22 of all documents and exhibits included in or attached to the
23 application must be sworn to affirmatively as true and correct.
24 The supreme court may prescribe the form of the application and
25 verification. The clerk shall docket the application upon its
26 receipt and promptly bring it to the attention of the court and
27 deliver a copy to the county attorney and the attorney general.

28 Sec. 35. NEW SECTION. **822.3B Pro se filings by applicants**
29 **currently represented by counsel.**

30 1. An applicant seeking relief under section 822.2 who is
31 currently represented by counsel shall not file any pro se
32 document, including an application, brief, reply brief, or
33 motion, in any Iowa court. The court shall not consider, and
34 opposing counsel shall not respond to, such pro se filings.

35 2. This section does not prohibit an applicant for

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1 postconviction relief from proceeding without the assistance
2 of counsel.

3 3. A represented applicant for postconviction relief may
4 file a pro se motion seeking disqualification of counsel, which
5 a court may grant upon a showing of good cause.

6 Sec. 36. Section 822.6, subsection 1, Code 2019, is amended
7 to read as follows:

8 1. Within thirty days after the docketing of the
9 application, or within any further time the court may fix,
10 the state shall respond by answer or by motion which may
11 be supported by affidavits. At any time prior to entry of
12 judgment the court may grant leave to withdraw the application.
13 The court may make appropriate orders for amendment of the
14 application or any pleading or motion, for pleading over, for
15 filing further pleadings or motions, or for extending the time
16 of the filing of any pleading. In considering the application
17 the court shall take account of substance regardless of defects
18 of form. ~~If the application is not accompanied by the record
19 of the proceedings challenged therein, the respondent shall
20 file with its answer the record or portions thereof that are
21 material to the questions raised in the application.~~

22 Sec. 37. NEW SECTION. 901.4B **Presentence determinations**
23 **and statements.**

24 1. Before imposing sentence, the court shall do all of the
25 following:

26 a. Verify that the defendant and the defendant's attorney
27 have read and discussed the presentence investigation report
28 and any addendum to the report.

29 b. Provide the defendant's attorney an opportunity to speak
30 on the defendant's behalf.

31 c. Address the defendant personally in order to permit the
32 defendant to make a statement or present any information to
33 mitigate the defendant's sentence.

34 d. Provide the prosecuting attorney an opportunity to speak.

35 2. After hearing any statements presented pursuant

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1 to subsection 1, and before imposing sentence, the court
2 shall address any victim of the crime who is present at the
3 sentencing and shall allow any victim to be reasonably heard,
4 including, but not limited to, by presenting a victim impact
5 statement in the manner described in section 915.21.

6 3. For purposes of this section "*victim*" means the same as
7 defined in section 915.10.

8 DIVISION VI

9 ARSON

10 Sec. 38. Section 901.11, Code 2019, is amended by adding the
11 following new subsection:

12 NEW SUBSECTION. 4. At the time of sentencing, the court
13 shall determine when a person convicted of arson in the first
14 degree as described in section 902.12, subsection 4, shall
15 first become eligible for parole or work release within the
16 parameters specified in section 902.12, subsection 3, based
17 upon all pertinent information including the person's criminal
18 record, a validated risk assessment, and the negative impact
19 the offense has had on the victim or other persons.

20 Sec. 39. Section 902.12, Code 2019, is amended by adding the
21 following new subsection:

22 NEW SUBSECTION. 4. A person serving a sentence for a
23 conviction for arson in the first degree in violation of
24 section 712.2 that occurs on or after July 1, 2019, shall
25 be denied parole or work release until the person has served
26 between one-half and seven-tenths of the maximum term of
27 the person's sentence as determined under section 901.11,
28 subsection 4.

29 DIVISION VII

30 LIMITATION OF CRIMINAL ACTIONS

31 Sec. 40. Section 802.2, subsection 1, Code 2019, is amended
32 to read as follows:

33 1. An information or indictment for sexual abuse in the
34 first, second, or third degree committed on or with a person
35 who is under the age of eighteen years shall be found within

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1 ~~ten~~ fifteen years after the person upon whom the offense is
2 committed attains eighteen years of age, or if the person
3 against whom the information or indictment is sought is
4 identified through the use of a DNA profile, an information or
5 indictment shall be found within three years from the date the
6 person is identified by the person's DNA profile, whichever is
7 later.

8 Sec. 41. Section 802.2A, Code 2019, is amended to read as
9 follows:

10 **802.2A Incest — sexual exploitation by a counselor,
11 therapist, or school employee.**

12 1. An information or indictment for incest under section
13 726.2 committed on or with a person who is under the age of
14 eighteen shall be found within ~~ten~~ fifteen years after the
15 person upon whom the offense is committed attains eighteen
16 years of age. An information or indictment for any other
17 incest shall be found within ten years after its commission.

18 2. An indictment or information for sexual exploitation by
19 a counselor, therapist, or school employee under [section 709.15](#)
20 committed on or with a person who is under the age of eighteen
21 shall be found within ~~ten~~ fifteen years after the person upon
22 whom the offense is committed attains eighteen years of age.
23 An information or indictment for any other sexual exploitation
24 shall be found within ten years of the date the victim was last
25 treated by the counselor or therapist, or within ten years of
26 the date the victim was enrolled in or attended the school.>

KLEIN of Washington