



SF 61 – Earned Time, Eligible Offenses (LSB1298XS)
Staff Contact: Isabel Waller (515.281.6561) isabel.waller@legis.iowa.gov
Fiscal Note Version – New

Description

Senate File 61 removes the requirement that earned time accrued be applied to reduce the mandatory minimum sentences being served under the following Iowa Code sections:

- Iowa Code section [902.7](#), involving a forcible felony while using a dangerous weapon.
- Iowa Code section [902.8](#), involving a habitual offender.
- Iowa Code section [902.11](#), related to the eligibility of a prior forcible felon for parole or work release.

Background

Iowa Code chapter [903A](#) establishes that an incarcerated individual may earn a reduction of sentence through various means. Under Iowa Code section [903A.5](#), an inmate may not be discharged from the custody of the Department of Corrections (DOC) until the inmate has served the full term for which the inmate was sentenced, less earned time and other credits earned and not forfeited, unless the inmate is pardoned or otherwise legally released. Earned time accrued and not forfeited is applied to reduce a mandatory minimum sentence being served pursuant to Iowa Code sections [124.406](#), [124.413](#), 902.7, 902.8, [902.8A](#), or 902.11.

Under Iowa Code section 902.7, the minimum sentence for an individual convicted of a forcible felony with the use of a dangerous weapon is five years. Under Iowa Code section 902.8, the minimum sentence for a habitual offender is three years. Under Iowa Code section 902.11, the minimum sentence for an individual convicted of a felony who has a criminal record of one or more prior convictions for a forcible felony is at least one-half of the maximum term of the individual's sentence.

Assumptions

- The following will not change over the projection period: charge, conviction, and sentencing patterns and trends; revocation rates; plea bargaining; and other criminal justice system policies and practices.
- A lag effect of six months is assumed from the effective date of this Bill to the date of first entry of affected offenders into the correctional system.
- Marginal costs for county jails cannot be estimated due to a lack of data. For purposes of this analysis, the marginal cost for county jails is assumed to be \$50 per day.

Correctional Impact

Senate File 61 may increase the LOS in prison for individuals serving mandatory minimum sentences under Iowa Code sections 902.7, 902.8, and 902.11. This may increase the prison population, but the extent of the increase in LOS and prison population cannot be estimated. There are currently 871 incarcerated individuals serving mandatory minimum sentences under Iowa Code sections 902.7, 902.8, and 902.11 who can accrue earned time to reduce their sentences under current law but who could not under the Bill. Refer to the Legislative Services

Agency (LSA) memo addressed to the General Assembly, [Cost Estimates Used for Correctional Impact Statements](#), dated January 20, 2023, for information related to the correctional system.

Minority Impact

Senate File 61 may disproportionately impact African American individuals if trends remain constant. Of the 871 incarcerated individuals currently serving mandatory minimum sentences under Iowa Code sections 902.7, 902.8, and 902.11 for whom the LOS may increase under the Bill, 65.0% are Caucasian, 31.9% are African American, and 3.1% are other races. Iowa's population is 84.5% Caucasian, 3.6% African American, and 11.9% other races. Refer to the LSA memo addressed to the General Assembly, [Minority Impact Statement](#), dated January 20, 2023, for information related to minorities in the criminal justice system.

Fiscal Impact

Senate File 61 may have a fiscal impact to the DOC, but the extent of the increase in costs to the DOC cannot be estimated because the extent of the increase in LOS and prison population is unknown. The DOC's marginal cost per day per individual in prison is \$23.42.

Sources

Department of Corrections
Department of Human Rights, Division of Criminal and Juvenile Justice Planning
Legislative Services Agency

/s/ Jennifer Acton

February 7, 2023

Doc ID 1368314

The fiscal note for this Bill was prepared pursuant to [Joint Rule 17](#) and the Iowa Code. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.

www.legis.iowa.gov