

House File 2064 - Enrolled

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AN ACT

RELATING TO THE CRIMINAL OFFENSES OF CHILD ENDANGERMENT AND
ROBBERY AND CRIMINAL DRUG OFFENSES, AND PROVIDING PENALTIES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 124.413, subsection 1, Code 2016, is amended to read as follows:

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

Sec. 2. Section 124.413, Code 2016, is amended by adding the following new subsection:

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

Sec. 3. Section 711.3, Code 2016, is amended to read as follows:

711.3 Robbery in the second degree.

All robbery which is not robbery in the first degree is robbery in the second degree, except as provided in section

711.3A. Robbery in the second degree is a class "C" felony.

Sec. 4. NEW SECTION. **711.3A Robbery in the third degree.**

1. A person commits robbery in the third degree when, while perpetrating a robbery, the person commits an assault as described in section 708.2, subsection 6, upon another person.

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

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

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

Sec. 6. NEW SECTION. **901.11 Parole eligibility determination by court — certain drug, child endangerment, and robbery offenses.**

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

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

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

Sec. 7. NEW SECTION. **901.12 Mandatory minimum sentence —**

parole eligibility — certain earlier drug offenses.

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

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

Sec. 8. Section 902.12, Code 2016, is amended to read as follows:

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

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

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

~~2.~~ b. Attempted murder in violation of [section 707.11](#).

~~3.~~ c. Sexual abuse in the second degree in violation of section 709.3.

~~4.~~ d. Kidnapping in the second degree in violation of section 710.3.

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

~~6.~~ f. Vehicular homicide in violation of section 707.6A, subsection 1 or 2, if the person was also convicted under section 321.261, subsection 4, based on the same facts or event that resulted in the conviction under section 707.6A, subsection 1 or 2.

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

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

LINDA UPMEYER
Speaker of the House

PAM JOCHUM
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2064, Eighty-sixth General Assembly.

CARMINE BOAL
Chief Clerk of the House

Approved _____, 2016

TERRY E. BRANSTAD
Governor