

March 26, 1965.
Place on Calendar.

House File 595
By JUDICIARY COMMITTEE.

Passed House, Date 4/13 Passed Senate, Date 5/7

Vote: Ayes 100 Nays 0 Vote: Ayes 75 Nays 1

Approved May 14, 1965

*passed on file 4/13
judiciary 4/14
pass 4/26*

A BILL FOR

An Act relating to the abolition of the death penalty in Iowa.

Be It Enacted by the General Assembly of the State of Iowa:

1 Section 1. Section one (1) of House File eight (8), Acts
2 of the Sixty-First General Assembly, is hereby amended by in-
3 serting after the word "penitentiary" in line five (5) the
4 words "and the court shall enter judgment and pass sentence
5 accordingly".

1 Sec. 2. Section seven hundred six point three (706.3), Code
2 1962, as amended, is further amended by striking from the end
3 thereof the words "as determined by the jury, or the court if the
4 defendant pleads guilty." and inserting in lieu thereof the words
5 "and the court shall enter judgment and pass sentence accordingly."

1 Sec. 3. Section seven hundred sixty-three point one (763.1),
2 Code 1962, is hereby amended by striking in lines three (3) and
3 four (4) the words "offenses punishable with death under the laws
4 of the state" and inserting in lieu thereof the words "murder in
5 the first degree and kidnapping for ransom".

1 Sec. 4. Section six hundred ninety point five (690.5), Code
2 1962, is hereby repealed.

EXPLANATION OF HOUSE FILE 595

During the course of the passage of House File 8, Acts of the 61st General Assembly, many amendments were proposed from the floor of the House. One of these was to strike the alternative punishment for first degree murder which was written in the original bill as "life imprisonment" or "imprisonment for 50 years". The effect of this was to leave nothing for a jury to determine on a conviction of first degree murder or a trial to the court on a plea of guilty of first degree murder after the fact of guilt has been established. Therefore section 690.5 should be repealed. The same situation prevails as to kidnapping for ransom punishment. The latter part of section 706.3 should be stricken. The provision providing for no bail should be clarified.