

January 27, 1967

Passed on File

*Judiciary 1-30-67, Pass 2-7 as amended  
Subiciary - Pass, 3-7*

Senate File 81

By ELY

Passed Senate, Date 2-17-67

Passed House, Date 3-27-67

Vote: Ayes 56 Nays 1

Vote: Ayes 109 Nays 1

*Passed as amended 4/7  
39-0*

Approved April 21, 1967

## A BILL FOR

An Act relating to judgment and sentencing.

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

1 Section 1. Chapter seven hundred eighty-nine (789), Code  
2 1966, is hereby amended by adding thereto the following new  
3 section:

4 "Whenever any person is convicted of any crime within this  
5 state and has served time in jail prior to sentencing because  
6 of failure to furnish bail for the offense of which he is  
7 convicted, the trial court in imposing sentence shall grant  
8 credit against the sentence for such time served in jail prior  
9 to sentencing."

1 Amend S. F. 81 by striking all after the enacting clause and  
2 inserting in lieu thereof the following:  
3 Section 1. Chapter seven hundred ninety-one (791), Code  
4 1966 is hereby amended by adding the following new section:  
5 "Whenever any person has been confined to jail at any time  
6 prior to sentencing because of failure to furnish bail, is sen-  
7 tenced to the county jail, the court shall back date the exe-  
8 cution of judgment or mittimus a sufficient number of days  
9 to give such person credit upon any sentence imposed for the  
10 time already spent in jail."  
11 Sec. 2. Section two hundred forty-six point thirty-  
12 eight (246.38), Code 1966, is hereby amended by striking the  
13 period (.) in line eleven (11) and inserting in lieu thereof  
14 the following:  
15 "; provided, however, if a convict had been confined to a  
16 county jail at any time prior to sentencing, or after sentencing  
17 but prior to his case having been decided on appeal, because of  
18 failure to furnish bail or because of being charged with a non-  
19 bailable offense, he shall be given credit for such days al-  
20 ready served in jail upon the term of his sentence. The  
21 clerk of the district court of the county from which the con-  
22 vict was sentenced, shall certify to the warden the number  
23 of days so served.

Filed - *Adopted 2-17*  
February 7, 1967

By SENATE JUDICIARY  
COMMITTEE AMENDMENT

1 Amend the Judiciary Committee amendment to Senate File 81 by  
2 <sup>insert-</sup>  
ing in line five (5) thereof after the word, "person" the word,  
3 "who".

Filed and adopted  
February 17, 1967

*Senate*  
By GAUDINEER

1 Amend Senate File 81, Section 2, line five (5), by  
2 inserting after the word "jail" the words "or other correc-  
3 tional or mental institutions".

Filed and adopted *Senate concurred 4/7*  
March 27, 1967

DUFFY of Dubuque.