

REPRINTED FILED MAR 21 1978

Reprinted 4/78

SENATE FILE 2202

BY COMMITTEE ON JUDICIARY
Approved 3/22 (p 631)

Passed Senate, Date 4-4-78 (p. 721) Passed House, Date _____

Vote: Ayes 44 Nays 2 Vote: Ayes _____ Nays _____

Approved June 2, 1978

A BILL FOR

1 An Act specifying that good and honor time earned and
2 not forfeited shall apply to reduce a mandatory
3 minimum sentence.

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

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SENATE FILE 2202

S-5393

- 1 Amend Senate File 2202 as follows:
- 2 1. Page 2, line 14, by striking the words "entitled
- 3 to" and inserting in lieu thereof the words "eligible
- 4 for".

S-5393 FILED Adopted 4/4 (p. 721) BY GENE W. GLENN
MARCH 23, 1978

1 Section 1. Section two hundred forty-six point thirty-
2 eight (246.38), Code 1977, is amended to read as follows:
3 246.38 TIME TO BE SERVED--CREDIT. No ~~convict~~ inmate shall
4 be discharged from the penitentiary or the men's or women's
5 reformatory until he or she has served the full term for which
6 he the inmate was sentenced, less good time earned and not
7 forfeited, unless ~~he-be~~ the inmate is pardoned or otherwise
8 legally released. Any provision to the contrary
9 notwithstanding, good time earned and not forfeited shall
10 apply to reduce a mandatory minimum sentence being served
11 pursuant to section two hundred four point four hundred six
12 (204.406), two hundred four point four hundred thirteen
13 (204.413), nine hundred two point seven (902.7), nine hundred
14 two point eight (902.8), or nine hundred six point five (906.5)
15 of the Code Supplement. The inmate shall be deemed to be
16 -serving his or her sentence from the day on which he the
17 inmate is received into the institution, but not while in
18 solitary confinement for violation of the rules of the
19 institution; provided, however, if a-convict an inmate had
20 been confined to a county jail or other correctional or mental
21 institution at any time prior to sentencing, or after
22 sentencing but prior to his the case having been decided
23 on appeal, because of failure to furnish bail or because of
24 being charged with a nonbailable offense, he the inmate shall
25 be given credit for such days already served in jail upon
26 the term of his the sentence. The clerk of the district court
27 of the county from which the convict inmate was sentenced,
28 shall certify to the warden the number of days so served.
29 Sec. 2. Section two hundred forty-six point thirty-nine
30 (246.39), Code 1977, is amended by adding the following new
31 unnumbered paragraph:
32 NEW UNNUMBERED PARAGRAPH. Any provision to the contrary
33 notwithstanding, a person serving a mandatory minimum sen-
34 tence pursuant to section two hundred four point four hundred
35 six (204.406), two hundred four point four hundred thirteen

1 (204.413), nine hundred two point seven (902.7), nine hundred
2 two point eight (902.8), or nine hundred six point five (906.5)
3 of the Code Supplement shall be entitled to a reduction of
4 the minimum sentence under this section.

5 Sec. 3. Section two hundred forty-six point forty-three
6 (246.43), Code 1977, is amended by adding the following new
7 unnumbered paragraph:

8 NEW UNNUMBERED PARAGRAPH. Any provision to the contrary
9 notwithstanding, a person serving a mandatory minimum sen-
10 tence pursuant to section two hundred four point four hundred
11 six (204.406), two hundred four point four hundred thirteen
12 (204.413), nine hundred two point seven (902.7), nine hundred
13 two point eight (902.8), or nine hundred six point five (906.5)
14 of the Code Supplement shall be entitled to a special reduction
15 of the minimum sentence under this section.

16 Sec. 4. This Act, being deemed of immediate importance,
17 shall take effect and be in force retroactive to January 1,
18 1978 to apply to persons sentenced on or after January 1,
19 1978.

20 EXPLANATION

21 The bill amends the good and honor time sections of the
22 Code to specify that good and honor time earned and not for-
23 feited will apply to reduce a mandatory minimum sentence being
24 served pursuant to the criminal code revision.

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LSB 3674S
can/rh/8A

1 Section 1. Section two hundred forty-six point thirty-
2 eight (246.38), Code 1977, is amended to read as follows:

3 246.38 TIME TO BE SERVED--CREDIT. No ~~convict~~ inmate shall
4 be discharged from the penitentiary or the men's or women's
5 reformatory until he or she has served the full term for which
6 ~~he~~ the inmate was sentenced, less good time earned and not
7 forfeited, unless ~~he~~ the inmate is pardoned or otherwise
8 legally released. ~~He~~ Any provision to the contrary
9 notwithstanding, good time earned and not forfeited shall
10 apply to reduce a mandatory minimum sentence being served
11 pursuant to section two hundred four point four hundred six
12 (204.406), two hundred four point four hundred thirteen
13 (204.413), nine hundred two point seven (902.7), nine hundred
14 two point eight (902.8), or nine hundred six point five (906.5)
15 of the Code Supplement. The inmate shall be deemed to be
16 -serving his or her sentence from the day on which he the
17 inmate is received into the institution, but not while in
18 solitary confinement for violation of the rules of the
19 institution; provided, however, if a-convict an inmate had
20 been confined to a county jail or other correctional or mental
21 institution at any time prior to sentencing, or after
22 sentencing but prior to his the case having been decided on
23 appeal, because of failure to furnish bail or because of being
24 charged with a nonbailable offense, he the inmate shall be
25 given credit for such days already served in jail upon the
26 term of his the sentence. The clerk of the district court
27 of the county from which the convict inmate was sentenced,
28 shall certify to the warden the number of days so served.

29 Sec. 2. Section two hundred forty-six point thirty-nine
30 (246.39), Code 1977, is amended by adding the following new
31 unnumbered paragraph:

32 NEW UNNUMBERED PARAGRAPH. Any provision to the contrary
33 notwithstanding, a person serving a mandatory minimum sen-
34 tence pursuant to section two hundred four point four hundred
35 six (204.406), two hundred four point four hundred thirteen

1 (204.413), nine hundred two point seven (902.7), nine hundred
2 two point eight (902.8), or nine hundred six point five (906.5)
3 of the Code Supplement shall be entitled to a reduction of
4 the minimum sentence under this section.

5 Sec. 3. Section two hundred forty-six point forty-three
6 (246.43), Code 1977, is amended by adding the following new
7 unnumbered paragraph:

8 NEW UNNUMBERED PARAGRAPH. Any provision to the contrary
9 notwithstanding, a person serving a mandatory minimum sen-
10 tence pursuant to section two hundred four point four hundred
11 six (204.406), two hundred four point four hundred thirteen
12 (204.413), nine hundred two point seven (902.7), nine hundred
13 two point eight (902.8), or nine hundred six point five (906.5)
14 of the Code Supplement shall be eligible for a special
15 reduction of the minimum sentence under this section.

16 Sec. 4. This Act, being deemed of immediate importance,
17 shall take effect and be in force retroactive to January 1,
18 1978 to apply to persons sentenced on or after January 1,
19 1978.

20 EXPLANATION

21 The bill amends the good and honor time sections of the
22 Code to specify that good and honor time earned and not for-
23 feited will apply to reduce a mandatory minimum sentence being
24 served pursuant to the criminal code revision.

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SF 2202
can/slc/26c

SENATE FILE 2202

H-6174

- 1 Amend Senate File 2202 as amended and passed by
2 the Senate as follows:
3 1. Page 2, by inserting after line 15 the follow-
4 ing section:
5 "Sec. ____ Chapter nine hundred one (901), Code
6 1977 Supplement, is amended by adding the following
7 new section:
8 NEW SECTION. CONSECUTIVE SENTENCES. If a person
9 is sentenced for two or more separate offenses, the
10 sentencing judge may order the second or further
11 sentence to begin at the expiration of the first or
12 succeeding sentence. If a person is sentenced for
13 escape under section seven hundred nineteen point
14 four (719.4) of the Code Supplement or for a crime
15 committed while confined in a detention facility or
16 penal institution, the sentencing judge shall order
17 the sentence to begin at the expiration of any existing
18 sentence. If consecutive sentences are specified
19 in the order of commitment, the several terms shall
20 be construed as one continuous term of imprisonment."
21 2. Amend the title, line 3, by inserting after
22 the word "sentence" the words "and providing for
23 consecutive sentences".
24 3. By renumbering sections as necessary.

H-6174 FILED *Adopted* BY COMMITTEE ON JUDICIARY AND
APRIL 21, 1978 *5/19 (p. 2013)* LAW ENFORCEMENT, JESSE of
Polk, Chair

HOUSE AMENDMENT TO SENATE FILE 2202

S-5781

- 1 Amend Senate File 2202 as amended and passed by
2 the Senate as follows:
3 1. Page 2, by inserting after line 15 the follow-
4 ing section:
5 "Sec. ____ Chapter nine hundred one (901), Code
6 1977 Supplement, is amended by adding the following
7 new section:
8 NEW SECTION. CONSECUTIVE SENTENCES. If a person
9 is sentenced for two or more separate offenses, the
10 sentencing judge may order the second or further
11 sentence to begin at the expiration of the first or
12 succeeding sentence. If a person is sentenced for
13 escape under section seven hundred nineteen point
14 four (719.4) of the Code Supplement or for a crime
15 committed while confined in a detention facility or
16 penal institution, the sentencing judge shall order
17 the sentence to begin at the expiration of any existing
18 sentence. If consecutive sentences are specified
19 in the order of commitment, the several terms shall
20 be construed as one continuous term of imprisonment."
21 2. Amend the title, line 3, by inserting after
22 the word "sentence" the words "and providing for
23 consecutive sentences".
24 3. By renumbering sections as necessary.

S-5781 FILED
MAY 3, 1978

RECEIVED FROM THE HOUSE

Senate concurred
5/9 (p. 1341)

SENATE FILE 2202

AN ACT

SPECIFYING THAT GOOD AND HONOR TIME EARNED AND NOT FORFEITED SHALL APPLY TO REDUCE A MANDATORY MINIMUM SENTENCE AND PROVIDING FOR CONSECUTIVE SENTENCES.

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

Section 1. Section two hundred forty-six point thirty-eight (246.38), Code 1977, is amended to read as follows:

246.38 TIME TO BE SERVED--CREDIT. No convict inmate shall be discharged from the penitentiary or the men's or women's reformatory until he or she has served the full term for which he the inmate was sentenced, less good time earned and not forfeited, unless he-be the inmate is pardoned or otherwise legally released. No Any provision to the contrary notwithstanding, good time earned and not forfeited shall apply to reduce a mandatory minimum sentence being served pursuant to section two hundred four point four hundred six (204.406), two hundred four point four hundred thirteen (204.413), nine hundred two point seven (902.7), nine hundred two point eight (902.8), or nine hundred six point five (906.5) of the Code Supplement. The inmate shall be deemed to be serving his or her sentence from the day on which he the inmate is received into the institution, but not while in solitary confinement for violation of the rules of the institution; provided, however, if a-convict an inmate had been confined to a county jail or other correctional or mental institution at any time prior to sentencing, or after sentencing but prior to his the case having been decided on appeal, because of failure to furnish bail or because of being charged with a nonbailable offense, he the inmate shall be given credit for such days already served in jail upon the term of his the sentence. The clerk of the district court

of the county from which the convict inmate was sentenced, shall certify to the warden the number of days so served.

Sec. 2. Section two hundred forty-six point thirty-nine (246.39), Code 1977, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Any provision to the contrary notwithstanding, a person serving a mandatory minimum sentence pursuant to section two hundred four point four hundred six (204.406), two hundred four point four hundred thirteen (204.413), nine hundred two point seven (902.7), nine hundred two point eight (902.8), or nine hundred six point five (906.5) of the Code Supplement shall be entitled to a reduction of the minimum sentence under this section.

Sec. 3. Section two hundred forty-six point forty-three (246.43), Code 1977, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Any provision to the contrary notwithstanding, a person serving a mandatory minimum sentence pursuant to section two hundred four point four hundred six (204.406), two hundred four point four hundred thirteen (204.413), nine hundred two point seven (902.7), nine hundred two point eight (902.8), or nine hundred six point five (906.5) of the Code Supplement shall be eligible for a special reduction of the minimum sentence under this section.

Sec. 4. Chapter nine hundred one (901), Code 1977 Supplement, is amended by adding the following new section:

NEW SECTION. CONSECUTIVE SENTENCES. If a person is sentenced for two or more separate offenses, the sentencing judge may order the second or further sentence to begin at the expiration of the first or succeeding sentence. If a person is sentenced for escape under section seven hundred nineteen point four (719.4) of the Code Supplement or for a crime committed while confined in a detention facility or penal institution, the sentencing judge shall order the sentence to begin at the expiration of any existing sentence.

If consecutive sentences are specified in the order of commitment, the several terms shall be construed as one continuous term of imprisonment.

Sec. 5. This Act, being deemed of immediate importance, shall take effect and be in force retroactive to January 1, 1978 to apply to persons sentenced on or after January 1, 1978.

ARTHUR A. NEU
President of the Senate

DALE M. COCHRAN
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2202, Sixty-seventh General Assembly.

KEVIN P. LIGHT
Acting Secretary of the Senate

Approved June 2, 1978

ROBERT D. RAY
Governor