

Sen. Judiciary 3/12
HOUSE FILE 2111 Amend per 53650
Do Pass 3/24 (p. 899)

Judiciary
Ramsey, Chair
Baughor
Murray
Doyle
Coleman

JAN 21 1982

Place On Calendar

HOUSE FILE 2111

BY COMMITTEE ON JUDICIARY AND
LAW ENFORCEMENT

(Formerly Study Bill 501)

Passed House, Date 3-9-82 (p. 711) Passed Senate, Date 4-7-82 (p. 1080)

Vote: Ayes 81 Nays 0 Vote: Ayes 48 Nays 2

Approved May 22, 1982

Proposed House as amended by Senate
4-20-82 (p. 1580)
100-0

A BILL FOR

5421 1 An Act relating to murder by amending the penalty for the
2 offense of attempted murder and murder in the second
3 degree.

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

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2111

1 Section 1. Section 707.3, unnumbered paragraph 2, Code
2 1981, is amended to read as follows:

53453 Murder in the second degree is a class "B" felony. However,
4 notwithstanding section 902.9, subsection 1, the maximum
5 sentence for a person convicted under this section shall be
6 a period of confinement from twenty-five years to ninety-nine
7 years which maximum sentence is to be determined by the
8 sentencing court based on the facts and circumstances of the
9 particular case.

10 Sec. 2. Section 707.11, unnumbered paragraph 1, Code 1981,
11 is amended to read as follows:

12 A person commits a class "~~C~~" "B" felony when, with the
13 intent to cause the death of any another person and not under
14 circumstances which would justify the person's actions, the
15 person does any act by which ~~he or she~~ the person expects
16 to set in motion a force or chain of events which will cause
17 or result in the death of ~~such~~ the other person.

5421

18 Sec. 3. Section 902.3, Code 1981, is amended to read as
19 follows:

20 902.3 INDETERMINATE SENTENCE. When a judgment of
21 conviction of a felony, other than a class "A" felony is
22 entered against any person, the court, in imposing a sentence
23 of confinement, shall commit the person into the custody of
24 the director of the division of adult corrections for an
25 indeterminate term, the maximum length of which shall not
26 exceed the limits as fixed by section 902.9 or section 707.3
27 nor shall the term be less than the minimum term imposed by
28 law, if a minimum sentence is provided.

29 EXPLANATION

30 This bill changes the maximum sentence for the offense
31 of murder in the second degree. Presently the maximum sentence
32 is confinement for no more than twenty-five years. The bill
33 grants the sentencing court the authority to set the maximum
34 sentence for the offense from twenty-five years to a sentence
35 of ninety-nine years depending on the facts and circumstances

1 in each particular case.

2 Section 2 of the bill increases the penalty for attempted
3 murder from a class "C" to a class "B" felony. The sentence
4 for a class "B" felony is confinement for no more than twenty-
5 five years. The sentence for a class "C" felony is a sentence
6 of ten years and the possibility of a fine of not more than
7 five thousand dollars.

8 The bill would take effect July 1 following its enactment.

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HOUSE FILE 2111

S-5365

- 1 Amend House File 2111 as passed by the House, as
2 follows:
3 1. Page 1, by striking lines 6 through 9 and
4 inserting in lieu thereof the following: "a period
5 of confinement of not more than fifty years."

S-5365 FILED

BY COMMITTEE ON JUDICIARY

MARCH 24, 1982

LUCAS J. DeKOSTER, CHAIR

Adopted 4/7/82 (p. 1078)

HOUSE FILE 2111

S-5421

- 1 Amend House File 2111 as passed by the House, as
2 follows:
3 1. Page 1, by inserting after line 17 the
4 following:
5 "Sec. ____ . Section 710.2, unnumbered paragraph
6 1, Code 1981, is amended to read as follows:
7 Kidnapping is kidnapping in the first degree when
8 the person kidnapped, as a consequence of the
9 kidnapping, suffers serious injury, or is intentionally
10 subjected to torture ~~ex-sexual-abuse~~."
11 2. Title Page, line 1, by striking the word
12 "murder" and inserting in lieu thereof the words
13 "criminal penalties".
14 3. Title Page, line 3, by inserting after the
15 word "degree" the words "and kidnapping when the
16 person kidnapped is subjected to sexual abuse".
17 4. By renumbering to conform to this amendment.

S-5421 FILED

BY TED ANDERSON

MARCH 31, 1982

Revised not germane 4/7 (p. 1079)

HOUSE FILE 2111

S-5511

- 1 Amend the Amendment S-5421 to House File 2111 as
2 passed by the House as follows:
3 1. Page 1, by inserting after line 10, the following:
4 "Sec. ____ . Section 710.3, unnumbered paragraph 1,
5 Code 1981, is amended to read as follows:
6 Kidnapping where the purpose is to hold the victim
7 for ransom, or where the victim is intentionally
8 subjected to sexual abuse, or where the kidnapper
9 is armed with a dangerous weapon is kidnapping in the
10 second degree. Kidnapping in the second degree is a
11 class "B" felony."

S-5511 FILED & ADOPTED

BY DICK RAMSEY

APRIL 7, 1982 (p. 1079)

SENATE AMENDMENT TO HOUSE FILE 2111

H-5796

- 1 Amend House File 2111 as passed by the House, as
- 2 follows:
- 3 1. Page 1, by striking lines 6 through 9 and
- 4 inserting in lieu thereof the following: "a period
- 5 of confinement of not more than fifty years."

H-5796 FILED APRIL 8, 1982

RECEIVED FROM SENATE

*House refused to concur 4/14 (p. 1470)
Motion to reconsider 4/15 prevailed 4/20
House concurred 4/20 (p. 1579)*

HOUSE FILE 2111

H-5890

- 1 Amend Senate amendment H-5796 to House File 2111,
- 2 as passed by the House, as follows:
- 3 1. Page 1, by inserting after line 2 the following:
- 4 "1. Page 1, by inserting before line 1 the
- 5 following:
- 6 "Section 1. Chapter 684, Code 1981, is amended
- 7 by adding the following new section:
- 8 NEW SECTION. RULES OF SENTENCING. The supreme
- 9 court shall have the power to prescribe advisory rules
- 10 to the district court which establishes criteria in
- 11 determining the appropriate respective indeterminate
- 12 terms for violation of section 707.3.""
- 13 2. Page 1, by striking lines 4 and 5 and inserting
- 14 in lieu thereof the following: "inserting in lieu
- 15 thereof the following: "an indeterminate term of
- 16 twenty-five years, fifty years, or seventy-five years
- 17 as determined by the sentencing court based on the
- 18 facts and circumstances of the particular case."
- 19 . By renumbering to conform to this amendment."
- 20 3. By renumbering to conform to this amendment.

H-5890 FILED APRIL 19, 1982

BY JAY of Appanoose

4/20 4/20 (p. 1579)

nor shall the term be less than the minimum term imposed by law, if a minimum sentence is provided.

HOUSE FILE 2111

AN ACT

RELATING TO MURDER BY AMENDING THE PENALTY FOR THE OFFENSE OF ATTEMPTED MURDER AND MURDER IN THE SECOND DEGREE.

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

Section 1. Section 707.3, unnumbered paragraph 2, Code 1981, is amended to read as follows:

Murder in the second degree is a class "B" felony. However, notwithstanding section 902.9, subsection 1, the maximum sentence for a person convicted under this section shall be a period of confinement of not more than fifty years.

Sec. 2. Section 707.11, unnumbered paragraph 1, Code 1981, is amended to read as follows:

A person commits a class "B" felony when, with the intent to cause the death of any another person and not under circumstances which would justify the person's actions, the person does any act by which ~~he or she~~ the person expects to set in motion a force or chain of events which will cause or result in the death of ~~such~~ the other person.

Sec. 3. Section 902.3, Code 1981, is amended to read as follows:

902.3 INDETERMINATE SENTENCE. When a judgment of conviction of a felony, other than a class "A" felony is entered against any person, the court, in imposing a sentence of confinement, shall commit the person into the custody of the director of the division of adult corrections for an indeterminate term, the maximum length of which shall not exceed the limits as fixed by section 902.9 or section 707.3

DELWYN STROMER
Speaker of the House

TERRY E. BRANSTAD
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2111, Sixty-ninth General Assembly.

ELIZABETH A. ISAACSON
Chief Clerk of the House

Approved May 22, 1982

ROBERT D. RAY
Governor

H.F. 2111