

Judiciary
Kudart, Chair
Rush
Small

1982

HOUSE FILE 2339

BY COMMITTEE ON JUDICIARY AND
LAW ENFORCEMENT

Place On Calendar

HOUSE FILE 2339 *appropriations 4/5 (p. 1029)*

Appropriations
Baugher, Chair
Junkins
Bisenius

4/8 (p. 1122)

(Formerly Study Bill 631)

Passed House, Date 2-16-82 (p. 423) Passed Senate, Date 4-15-82 (p. 1229)

Vote: Ayes 96 Nays 0 Vote: Ayes 46 Nays 0

Approved May 14, 1982

*Proposed House as amended by Senate & further amended by House
4-21-82 (p. 1625)*

*Proposed in Senate as further amended by House
4-23-82 (p. 1386)*
-17-1

A BILL FOR

- 1 An Act to prohibit bail following conviction of a forcible
- 2 felony.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4

HOUSE FILE 2339

S-5378

1 Amend House File 2339 as passed by the House, as
2 follows:

5453 1. Page 1, by striking lines 4 through 7 and
4 inserting in lieu thereof the following: "sentencing
5 ~~for~~ following either a plea or verdict of guilty of
6 a class "A" felony, murder, felonious assault, sexual
7 abuse in the first degree, sexual abuse in the second
8 degree, sexual abuse in the third degree in violation
9 of section 709.4, subsection 1, kidnapping, robbery
10 in the first degree, arson in the first degree, or
11 burglary in the first degree.

5452 2. A defendant appealing a conviction of a class
13 "A" felony, murder, felonious assault, sexual abuse
14 in the first degree, sexual abuse in the second degree,
15 sexual abuse in the third degree in violation of
16 section 709.4, subsection 1, kidnapping, robbery in
17 the first degree, arson in the first degree, or
18 burglary in the first degree."

S-5378 FILED

MARCH 25, 1982

*Adopted as amended by 5456
4/15 (p. 1229)*

BY COMMITTEE ON JUDICIARY
LUCAS J. DeKOSTER, CHAIR

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1 Section 1. Section 811.1, subsections 1 and 2, Code 1981,
2 are amended to read as follows:

3 1. A defendant awaiting judgment of conviction and
4 sentencing for a ~~class-"A"~~ forcible felony following either
5 a plea of guilty, or a verdict of guilty by a judge or jury.

6 2. A defendant appealing a conviction of a ~~class-"A"~~
7 forcible felony.

8 EXPLANATION

9 This bill would expand nonbailable offenses following con-
10 viction to include all forcible felonies (as defined in section
11 702.11), not just class "A" felonies. The bill would take
12 effect July 1 following its enactment.

HOUSE AMENDMENT TO SENATE AMENDMENT TO
HOUSE FILE 2339

S-5734

1 Amend the Senate amendment H-5882 to House File
2 2339 as follows:

3 1. Page 1, line 8, by striking the word and numeral
4 "subsection 1" and inserting in lieu thereof the
5 following: "subsections 1 and 3".

6 2. Page 1, line 14, by striking the word and
7 numeral "subsection 1" and inserting in lieu thereof
8 the following: "subsections 1 and 3".

9 3. Page 1, by inserting after line 16, the
10 following:

11 "3. Title page, by striking lines 1 and 2 and
12 inserting in lieu thereof the following: "An Act
13 to prohibit bail following conviction of, or a plea
14 or verdict of guilty to, certain felonies.""

S-5734 FILED
APRIL 22, 1982

RECEIVED FROM THE HOUSE
Senate concurred 4/23 (p. 1386)

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LSB 3738H 69
rn/jw/5.1

SENATE AMENDMENT TO HOUSE FILE 2339

H-5882

1 Amend House File 2339 as passed by the House, as
2 follows:

3 1. Page 1, by striking lines 4 through 7 and
4 inserting in lieu thereof the following: "sentencing
5 for following either a plea or verdict of guilty of
6 a class "A" felony, murder, felonious assault, sexual
7 abuse in the second degree, sexual abuse in the third
8 degree in violation of section 709.4, subsection 1,
9 kidnapping, robbery in the first degree, arson in
10 the first degree, or burglary in the first degree.

11 2. A defendant appealing a conviction of a class
12 "A" felony, murder, felonious assault, sexual abuse
13 in the second degree, sexual abuse in the third degree
14 in violation of section 709.4, subsection 1,
15 kidnapping, robbery in the first degree, arson in
16 the first degree, or burglary in the first degree."

H-5882 FILED APRIL 19, 1982

RECEIVED FROM THE SENATE

*Adopted as amended by 59098 5914
4/21 (p. 1624)*

HOUSE FILE 2339

H-5914

1 Amend H-5882, the Senate amendment to House File
2 2339, as follows:

3 1. Page 1, by inserting after line 16, the
4 following:

5 "3. Title page, by striking lines 1 and 2 and
6 inserting in lieu thereof the following: "An Act to
7 prohibit bail following conviction of, or a plea or
8 verdict of guilty to, certain felonies."

H-5914 FILED APRIL 20, 1982

BY CONLON of Muscatine

Adopted 4/21 (p. 1624)

HOUSE FILE 2339

H-5909

1 Amend the Senate amendment H-5882 to House File
2 2339 as follows:

3 1. Page 1, line 8, by striking the word and numeral
4 "subsection 1" and inserting in lieu thereof the
5 following: "subsections 1 and 3".

6 2. Page 1, line 14, by striking the word and numeral
7 "subsection 1" and inserting in lieu thereof the
8 following: "subsections 1 and 3".

H-5909 FILED APRIL 20, 1982

BY DODERER of Johnson

Adopted 4/21 (p. 1623)

S-5456

- 1 Amend the Amendment S-5378 to House File 2339 as
 2 passed by the House as follows:
 3 1. Page 1, lines 6 and 7, by striking the words
 4 "sexual abuse in the first degree,".
 5 2. Page 1, lines 13 and 14, by striking the words
 6 "sexual abuse in the first degree,".

S-5456 FILED BY A. R. BUD KUDART

APRIL 2, 1982

Adopted 4/15 (p. 1229)

HOUSE FILE 2339

FISCAL NOTE

REQUESTED BY SENATOR DeKOSTER

In compliance with a written request there is hereby submitted a Fiscal Note for House File 2339 pursuant to Joint Rule 16.

House File 2339 is an Act to prohibit bail following conviction of a forcible felony.

Fiscal Impact: It is estimated that between 20 to 25 inmates with the state correctional facilities convicted for the offenses defined in House File 2339 are out on appeal bond at any one time. Denying bail for this group would physically increase the current population by that amount.

The cost per year to handle this increase is estimated to be \$125,000.

SOURCES: OPP
 DSS
 IOWA STATE ASSOCIATION OF COUNTIES

FILED: BY GERRY RANKIN, FISCAL DIRECTOR
 APRIL 6, 1982

HOUSE FILE 2339

REQUESTED BY SENATOR DeKOSTER FISCAL NOTE-AMENDMENT S-5378

In compliance with a written request there is hereby submitted a Fiscal Note for Amendment S-5378 to House File 2339 pursuant to Joint Rule 16.

Amendment S-5378 to House File 2339 excludes robbery in the second degree from the forcible felonies affected by the bill.

Fiscal Impact: The amendment would result in a reduction of the number of people expected to be affected.

However, the fiscal impact on the state correctional institutions does not change significantly.

SOURCE: OPP
 DSS

FILED: BY GERRY RANKIN, FISCAL DIRECTOR
 APRIL 6, 1982

the first degree, arson in the first degree, or burglary in the first degree.

HOUSE FILE 2339

AN ACT

TO PROHIBIT BAIL FOLLOWING CONVICTION OF, OR A PLEA OR VERDICT OF GUILTY TO, CERTAIN FELONIES.

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

Section 1. Section 811.1, subsections 1 and 2, Code 1981, are amended to read as follows:

1. A defendant awaiting judgment of conviction and sentencing ~~for following either a plea or verdict of guilty of a class "A" felony, murder, felonious assault, sexual abuse in the second degree, sexual abuse in the third degree in violation of section 709.4, subsections 1 and 3, kidnapping, robbery in the first degree, arson in the first degree, or burglary in the first degree.~~

2. A defendant appealing a conviction of a class "A" felony, murder, felonious assault, sexual abuse in the second degree, sexual abuse in the third degree in violation of section 709.4, subsections 1 and 3, kidnapping, robbery in

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 2339, Sixty-ninth General Assembly.

Approved  1982

ELIZABETH A. ISAACSON
Chief Clerk of the House

ROBERT D. RAY
Governor

H.F. 2339