

The Judiciary 2/16/85

D. Case 3/29/85

FILED FEB 7 1985

SENATE FILE 213
formerly SSB 73
BY COMMITTEE ON JUDICIARY
(Approved 2/7 (p. 204))

Passed Senate, Date 3-1-85 (p. 544) Passed House, Date 4-12-85 (p. 1518)
Vote: Ayes 46 Nays 1 Vote: Ayes 71 Nays 16
Approved April 25, 1985 (p. 1679)

A BILL FOR

1 An Act relating to the imposition of mandatory minimum sen-
2 tences.

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

SENATE FILE 213

H-3735

1 Amend Senate File 213 as passed by the Senate as
2 follows:
3 1. Page 1, by inserting after line 10, the
4 following:
5 "Sec. 2. Section 903A.2, unnumbered paragraph 1,
6 Code 1985, is amended, to read as follows:
7 Each An inmate of an institution under the Iowa
8 department of corrections, is eligible for a reduction
9 of sentence of one day for each day of good conduct of
10 the inmate while committed to one of the department's
11 institutions. In addition to the sentence reduction
12 of one day for each day of good conduct, each an
13 inmate is eligible for an additional reduction of
14 sentence of up to five days a month if the inmate
15 participates satisfactorily in employment in the
16 institution, in Iowa state industries, in an inmate
17 employment program established by the director, or in
18 an inmate educational program approved by the
19 director. Good conduct time earned and not forfeited
20 does not apply to reduce a mandatory minimum sentence
21 imposed by the court pursuant to section 204.406,
22 204.413, 902.7, or 902.8. Reduction of sentence
23 pursuant to this section may be subject to forfeiture
24 pursuant to section 903A.3. Computation of good
25 conduct time is subject to the following conditions:".
26 2. Title page, line 1, by striking the words "the
27 imposition of".

SF 213

H-3735 FILED APRIL 10, 1985
Ruled not germane 4/12 (p. 1518)

BY JAY of Appanoose
McINTEE of Black Hawk

1 Section 1. NEW SECTION. 901.10 IMPOSITION OF MANDATORY
2 MINIMUM SENTENCES.

3 A court sentencing a person for the person's first
4 conviction under section 204.406, 204.413, or 902.7 may, at
5 its discretion, sentence the person to a term less than
6 provided by the statute if mitigating circumstances exist and
7 those circumstances are stated specifically in the record.
8 However, the state may appeal the discretionary decision on
9 the grounds that the stated mitigating circumstances do not
10 warrant a reduction of the sentence.

11 EXPLANATION

12 This bill allows a sentencing court to use mitigating
13 factors to avoid the imposition of a mandatory minimum term.

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SSB 73

Judiciary

SENATE/HOUSE FILE 213

BY (PREPARED BY THE LEGISLATIVE SERVICE BUREAU FOR THE PAROLE BOARD STUDY COMMITTEE)

New SF 213

Passed Senate, Date _____ Passed House, Date _____

Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act relating to the imposition of mandatory minimum sentences.

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SENATE FILE 213
AMENDMENT H-3735
FISCAL NOTE

REQUESTED BY REPRESENTATIVE ROSENBERG

In compliance with a written request received April 11, 1985, a fiscal note for AMENDMENT H-3735 TO SENATE FILE 213 is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note are available from the Legislative Fiscal Bureau to members of the Legislature upon request.

Amendment H-3735 to Senate File 213 prohibits the use of good conduct time to reduce mandatory minimum sentences imposed by the Court pursuant to section 204.406, 204.413, 902.7, 902.8, or 906.5.

Since the mandatory minimums were established through October 31, 1984, there were 780 offenders committed to the Iowa prison system with mandatory minimum sentences. This represents 6.7% of the admissions to the prison system. Of these 780 offenders, 91 have expired their mandatory minimums and left the prison system either by expiration of sentence or parole.

If the cap on inmate population is retained, it is expected that parole board action will maintain the population at 2,645, and there would thus be no significant fiscal effect. Inmates with mandatory minimums will remain incarcerated for a longer period of time, and the parole board will be required to parole other inmates sooner in order to stay under the cap. There will not be significant increased costs to the Department of Corrections if the cap is maintained.

If the cap on inmate population is not retained, and if the parole board issues fewer paroles than the number of inmates admitted, there will be an increase in expenditures at the institutions. However, the effect will not be felt until those prisoners affected by the change in the law have served time in excess of what they might have served had the law not been changed. It is estimated that it would take thirteen years for the full effect -- 336 additional inmates -- to be felt, distributed as follows: 1st Year: 0, 2nd Year: 12, 3rd Year: 28, 4th Year: 53, 5th Year: 68, 6th Year: 59, 7th Year: 20, 8th Year: 13, 9th Year: 13, 10th Year: 20, 11th Year: 20, 12th Year: 20, 13th Year: 12. There will not be significant increased costs to the Department of Corrections during either FY 1986 or FY 1987, but there will be increased costs in future years.

Source: Statistical Analysis Center, Department of Corrections

(LSB 1497S, JMN)

FILED APRIL 12, 1985

BY DENNIS PROUTY, FISCAL DIRECTOR

the grounds that the stated mitigating circumstances do not warrant a reduction of the sentence.

ROBERT T. ANDERSON
President of the Senate

DONALD D. AVENSON
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 213, Seventy-first General Assembly.

K. MARIE THAYER
Secretary of the Senate

Approved April 25, 1985

TERRY E. BRANSTAD
Governor

SENATE FILE 213

AN ACT

RELATING TO THE IMPOSITION OF MANDATORY MINIMUM SENTENCES.

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

Section 1. NEW SECTION. 901.10 IMPOSITION OF MANDATORY MINIMUM SENTENCES.

A court sentencing a person for the person's first conviction under section 204.406, 204.413, or 902.7 may, at its discretion, sentence the person to a term less than provided by the statute if mitigating circumstances exist and those circumstances are stated specifically in the record. However, the state may appeal the discretionary decision on