

JAN 8 1996
JUDICIARY

HOUSE FILE 2006
BY MILLAGE

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the minimum sentence for habitual offenders.

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

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HF 2006

1 Section 1. Section 902.8, Code 1995, is amended to read as
2 follows:

3 902.8 MINIMUM SENTENCE -- HABITUAL OFFENDER.

4 An habitual offender is any person convicted of a class "C"
5 or a class "D" felony, who has twice before been convicted of
6 any felony in a court of this or any other state, or of the
7 United States. An offense is a felony if, by the law under
8 which the person is convicted, it is so classified at the time
9 of the person's conviction. A person sentenced as an habitual
10 offender for the commission of a class "D" felony shall not be
11 eligible for parole until the person has served the minimum
12 sentence of confinement of three years. A person sentenced as
13 an habitual offender for the commission of a class "C" felony
14 shall not be eligible for parole until the person has served
15 the minimum sentence of confinement of five years.

16 EXPLANATION

17 This bill provides that a person sentenced as an habitual
18 offender for a class "C" felony shall serve at least five
19 years in prison prior to being eligible for parole. An
20 habitual offender is a person who commits three felonies. The
21 minimum sentence for an habitual offender sentenced for a
22 class "D" felony remains three years under this bill.

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**HOUSE FILE 2006
FISCAL NOTE**

The estimate for House File 2006 is hereby submitted as a fiscal note pursuant to Joint Rule 17 and as a correctional impact statement pursuant to Section 2.56, Code of Iowa. Data used in developing this fiscal note and correctional impact statement are available from the Legislative Fiscal Bureau to members of the Legislature upon request.

House File 2006 relates to the minimum sentence for habitual offenders. The bill provides that a person sentenced as an habitual offender for a class "C" felony shall serve at least five years in prison prior to being eligible for parole. An habitual offender is a person who commits three felonies. The minimum sentence for an habitual offender sentenced for a class "D" felony remains at three years under this bill.

ASSUMPTIONS

1. The number of class "C" felony habitual offender convictions will not change over the projection period.
2. The current average length of stay in prison for habitual offenders is 39 months.

CORRECTIONAL IMPACT

House File 2006 would impose a five-year mandatory minimum term for class "C" felony habitual offenders. However, after "good time" credits have been granted, the adjusted length of the proposed mandatory minimum term would be 30 months, which is less than the average time served for this offense. It is anticipated that any impact would not be significant.

FISCAL IMPACT

The estimated fiscal impact of House File 2006 is not anticipated to be significant. The estimated State General Fund cost would be approximately \$5,000 in FY 1997 and approximately \$13,000 in FY 1998 and for future years.

SOURCES

Department of Human Services
Criminal and Juvenile Justice Planning
Department of Corrections

(LSB 3040hh, PQP)

FILED FEBRUARY 6, 1996

BY DENNIS PROUTY, FISCAL DIRECTOR