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JUDICIARY

HOUSE FILE 2091

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Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to prison time served by persons convicted of an  
2 aggravated misdemeanor or greater offense, providing for a  
3 reduction in the amount of good and honor time that may be  
4 earned by forcible felons, providing for a legislative interim  
5 and a departmental study, providing for a pilot project, and  
6 making other related changes.

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

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1 Section 1. Section 902.11, unnumbered paragraph 1, Code  
2 1995, is amended to read as follows:

3 A person serving a sentence for conviction of a felony,  
4 other than a forcible felony, who has a criminal record of one  
5 or more prior convictions for a forcible felony or a crime of  
6 a similar gravity in this or any other state, shall be denied  
7 parole or work release unless the person has served at least  
8 one-half of the maximum term of the defendant's sentence.  
9 However, the mandatory sentence provided for by this section  
10 does not apply if either of the following apply:

11 Sec. 2. Section 902.11, subsection 1, Code 1995, is  
12 amended to read as follows:

13 1. ~~The sentence-being-served-is-for-a-felony-other-than-a~~  
14 ~~forcible-felony-and-the~~ sentences for the prior forcible  
15 felonies expired at least five years before the date of  
16 conviction for the present felony.

17 Sec. 3. NEW SECTION. 902.12 MINIMUM SENTENCE -- ELIGI-  
18 BILITY OF FORCIBLE FELONS FOR PAROLE OR WORK RELEASE.

19 1. A person serving a sentence for a conviction of a  
20 forcible felony who has a criminal record of one prior  
21 conviction for a forcible felony or a crime of similar gravity  
22 in this or any other state shall be denied parole or work  
23 release unless the person has served at least eighty-five  
24 percent of the maximum term of the person's sentence.

25 2. A person serving a sentence for a conviction of a  
26 forcible felony who has a criminal record of two or more prior  
27 convictions for a forcible felony or a crime of similar  
28 gravity in this or any other state shall serve one hundred  
29 percent of the maximum term of the person's sentence and shall  
30 not be released on parole or work release.

31 Sec. 4. Section 903A.2, unnumbered paragraph 1, Code 1995,  
32 is amended to read as follows:

33 Each Unless an inmate is sentenced pursuant to section  
34 902.12, subsection 2, an inmate of an institution under the  
35 Iowa department of corrections, is eligible for a reduction of

1 sentence of one day for each day of good conduct of the inmate  
2 while committed to one of the department's institutions. ~~In~~  
3 Unless an inmate is sentenced pursuant to section 902.12,  
4 subsection 2, in addition to the sentence reduction of one day  
5 for each day of good conduct, each inmate is eligible for an  
6 additional reduction of sentence of up to five days a month if  
7 the inmate participates satisfactorily in employment in the  
8 institution, in Iowa state industries, in an inmate employment  
9 program established by the director, in a treatment program  
10 established by the director, or in an inmate educational  
11 program approved by the director. Inmates who are sentenced  
12 pursuant to section 902.12, subsection 2, are eligible for a  
13 reduction of sentence of up to one day per month for good  
14 conduct while committed to one of the department's  
15 institutions. Reduction of sentence pursuant to this section  
16 may be subject to forfeiture pursuant to section 903A.3.  
17 Computation of good conduct time is subject to the following  
18 conditions:

19 Sec. 5. INTERIM STUDY COMMITTEE. The legislative council  
20 is requested to establish an interim committee to study  
21 currently available sentencing and incarceration options. The  
22 study may include but shall not be limited to a review of  
23 available jail, community corrections, and prison beds; the  
24 potential impact of the use of split sentencing on jail,  
25 community corrections, and prison bed space; security needs  
26 and costs associated with the implementation of hard labor  
27 requirements for persons incarcerated in corrections  
28 institutions; and the nature and costs associated with other  
29 sentencing options. In addition to legislative members, the  
30 membership of the interim committee shall include the  
31 following public members:

- 32 1. A representative from the board of parole.
- 33 2. A representative from the division of criminal and  
34 juvenile justice planning of the department of human rights.
- 35 3. A representative from an association of sheriffs and

1 deputy sheriffs.

2 4. A representative from the department of corrections.

3 5. A representative from a county board of supervisors.

4 The committee shall submit findings and any recommendations

5 in a report to the general assembly by January 1, 1997.

6 Sec. 6. RISK ASSESSMENT STUDY. The department of  
7 corrections, in consultation with the board of parole and the  
8 division of criminal and juvenile justice planning of the  
9 department of human rights, shall conduct a study of the  
10 various risk assessment tools currently used in the Iowa  
11 corrections system to determine the relative risk posed by a  
12 criminal offender and the prospects for the offender's  
13 rehabilitation, and make findings and recommendations  
14 regarding the implementation and use of a risk assessment tool  
15 during or as part of the presentence investigation process.  
16 In conducting the study, the department shall also consult  
17 with faculty members with expertise in risk assessment who are  
18 from Iowa institutions of higher education which offer degree  
19 programs in criminology. The recommendations and any  
20 corresponding findings shall be submitted in a report to the  
21 general assembly by January 1, 1997.

22 Sec. 7. SPLIT-SENTENCING PILOT PROJECT.

23 1. The general assembly finds that the implementation of a  
24 split-sentencing pilot project within this state could serve  
25 as a test for a fair and flexible method of dispensing  
26 criminal justice which provides for an incremental approach to  
27 the imposition of aggravated misdemeanor and felony criminal  
28 sentences and may help to reduce the current prison  
29 overcrowding problems while protecting the public safety. A  
30 split-sentencing pilot project is therefore established in a  
31 judicial district to be determined by the supreme court. The  
32 judicial district shall be selected based on the availability  
33 of jail space within the judicial district, and whether the  
34 judicial district in consultation with the county board or  
35 boards of supervisors and the sheriff or sheriffs desires to

1 participate in the project. Notwithstanding any other  
2 contrary provision of law, subsection 2 of this section shall  
3 apply within and only within the judicial district which is  
4 selected to participate in this pilot project from the date of  
5 the enactment of this Act through June 30, 1997.

6 2. By record entry at the time of or after sentencing for  
7 an aggravated misdemeanor or a felony, other than a class "A"  
8 felony, the court may sentence the defendant to serve up to  
9 ninety days of the sentence in the county jail and suspend the  
10 balance of the term imposed. If the person is ordered to  
11 serve up to ninety days in jail, the costs of the person's  
12 confinement shall be paid by the state at the rate negotiated  
13 by the department of corrections with the judicial district  
14 under section 904.908. Payment shall be made by the  
15 department of revenue and finance upon submission of a voucher  
16 executed by the sheriff. Persons serving time in a county  
17 jail under this subsection shall be committed to the custody  
18 of the director of the department of corrections and the  
19 department shall be responsible for all prisoner medical  
20 costs.

21 EXPLANATION

22 This bill provides that persons sentenced for a second  
23 forcible felony are to serve 85 percent of their sentence  
24 before they are eligible for parole or work release. Persons  
25 sentenced for a third or subsequent forcible felony, under the  
26 bill, are to serve their entire sentence but are eligible for  
27 sentence reductions of up to 12 days per year for good  
28 behavior. Persons confined in an institution under the  
29 control of the department of corrections are currently  
30 eligible for reductions of one day for each day of good  
31 behavior and an additional five days a month for participation  
32 in institutional employment, an employment program, or an  
33 educational or treatment program.

34 This bill establishes a split sentencing pilot project  
35 under which a court in the judicial district selected for the

1 pilot project would be permitted to sentence a person  
2 convicted of a crime which is classified as an aggravated  
3 misdemeanor through a class "B" felony to up to 90 days in a  
4 county jail as part of the person's sentence and suspend the  
5 remaining term of confinement. If a person is serving a  
6 sentence of confinement in a county jail, the person is  
7 committed to the custody of the director of the department of  
8 corrections and the costs of confinement in the jail and  
9 medical care will be paid by the state.

10 The bill requests that the legislative council establish an  
11 interim committee to study currently available sentencing and  
12 incarceration options. The committee is to include  
13 representatives of the board of parole, the division of  
14 criminal and juvenile justice planning, the sheriffs  
15 association, county boards of supervisors, and the department  
16 of corrections.

17 The bill also directs the department of corrections to  
18 study the risk assessment tools currently used by the Iowa  
19 corrections system. The department is to consult with persons  
20 with expertise in criminology, the division of criminal and  
21 juvenile justice planning, and the board of parole.

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