JAN 19 1996 JUDICIARY



BY LARKIN, O'BRIEN, WISE, MERTZ, NELSON of Pottawattamie, HARPER, JOCHUM, MYERS, BELL, DREES, MAY, COHOON, WITT, CONNORS, SCHRADER, TAYLOR, MASCHER, BURNETT, KOENIGS, WEIGEL, MUNDIE, OLLIE, MURPHY, MCCOY, MORELAND, BRAND, HOLVECK, SHOULTZ, WARNSTADT, and CATALDO

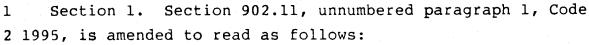
160C 1H

Passed	House,	Date	Passed	Senate,	Date	
Vote:	Ayes	Nays	Vote:	Ayes	Nays	
	A	oproved			-	

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

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

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.

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

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.

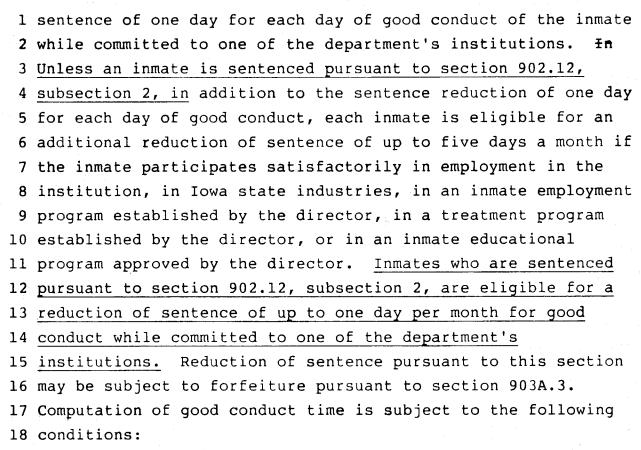
31 Sec. 4. Section 903A.2, unnumbered paragraph 1, Code 1995, 32 is amended to read as follows:

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

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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:

A representative from the board of parole.
 A representative from the division of criminal and
 juvenile justice planning of the department of human rights.
 A representative from an association of sheriffs and

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1 deputy sheriffs.

2 A representative from the department of corrections. 4. 3 5. A representative from a county board of supervisors. The committee shall submit findings and any recommendations 4 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.

SPLIT-SENTENCING PILOT PROJECT. 22 Sec. 7.

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

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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.

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By record entry at the time of or after sentencing for 6 2. 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.

EXPLANATION

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

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

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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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