

MAR 9 1998

JUDICIARY

HOUSE FILE 319
BY KREIMAN

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

A BILL FOR

1 An Act to permit the sentencing of persons convicted of class "D"
2 felonies to one year in jail and providing for payment of the
3 costs of confinement by the state.

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

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HF 319

1 Section 1. Section 356.15, Code 1995, is amended to read
2 as follows:

3 356.15 EXPENSES.

4 All charges and expenses for the safekeeping and
5 maintenance of prisoners shall be allowed by the board of
6 supervisors, except those committed or detained by the
7 authority of the courts of the United States, in which cases
8 the United States must pay such expenses to the county, and
9 those committed for violation of a city ordinance, in which
10 case the city shall pay expenses to the county, and those
11 committed or detained as a result of a conviction of a class
12 "D" felony and sentenced to one year in jail under section
13 902.3, in which case the state of Iowa shall pay the expenses
14 to the county at a uniform rate to be established by the
15 department of corrections.

16 Sec. 2. Section 902.3, Code 1995, is amended to read as
17 follows:

18 902.3 INDETERMINATE SENTENCE.

19 When a judgment of conviction of a felony other than a
20 class "A" felony is entered against a person, the court, in
21 imposing a sentence of confinement, shall commit the person
22 into the custody of the director of the Iowa department of
23 corrections for an indeterminate term, the maximum length of
24 which shall not exceed the limits as fixed by section 707.3 or
25 section 902.9 nor shall the term be less than the minimum term
26 imposed by law, if a minimum sentence is provided. However,
27 the court may sentence a person convicted of a class "D"
28 ~~felony for a violation of section 321J-2~~ to imprisonment for
29 up to one year in a county jail under section 902.9,
30 subsection 4, and the person shall not be under the custody of
31 the director of the Iowa department of corrections.

32 Sec. 3. Section 902.9, subsection 4, unnumbered paragraph
33 1, Code 1995, is amended to read as follows:

34 A class "D" felon, not an habitual offender, shall be
35 confined for no more than five years, and in addition may be

1 sentenced to a fine of at least five hundred dollars but not
2 more than seven thousand five hundred dollars. A class "D"
3 felon~~7-such-felony-being-for-a-violation-of-section-321j-27~~
4 may instead, however, be sentenced to imprisonment for up to
5 one year in the county jail.

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EXPLANATION

7 This bill permits a person who is adjudged guilty of an
8 offense which is punishable as a class "D" felony to be
9 sentenced, in the judge's discretion, to one year in jail.
10 The costs of confining the offender will be paid by the state
11 at a rate to be determined and established by the department
12 of corrections.

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