

2/9/95 Judiciary

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SENATE FILE 133
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BISIGNANO

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

A BILL FOR

1 An Act to prohibit the release of persons convicted of a forcible
2 felony on parole or work release.

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

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1 Section 1. Section 901.10, Code 1995, is amended to read
2 as follows:

3 901.10 IMPOSITION OF MANDATORY MINIMUM SENTENCES.

4 A court sentencing a person for the person's first
5 conviction under section 124.406, or 124.413, ~~or 902.7~~ may, at
6 its discretion, sentence the person to a term less than
7 provided by the statute if mitigating circumstances exist and
8 those circumstances are stated specifically in the record.
9 However, the state may appeal the discretionary decision on
10 the grounds that the stated mitigating circumstances do not
11 warrant a reduction of the sentence.

12 Sec. 2. NEW SECTION. 902.7A FORCIBLE FELON --
13 INELIGIBILITY FOR PAROLE OR WORK RELEASE.

14 A person who is convicted of a forcible felony shall serve
15 the sentence imposed by law and shall not be eligible for
16 parole or work release prior to discharge of the sentence.
17 This section shall not affect the ability of the inmate to
18 earn and accrue good conduct time under chapter 903A.

19 Sec. 3. Section 903A.5, unnumbered paragraph 1, Code 1995,
20 is amended to read as follows:

21 An inmate shall not be discharged from the custody of the
22 director of the Iowa department of corrections until the
23 inmate has served the full term for which the inmate was
24 sentenced, less good conduct time earned and not forfeited,
25 unless the inmate is pardoned or otherwise legally released.
26 Good conduct time earned and not forfeited shall apply to
27 reduce a mandatory minimum sentence being served pursuant to
28 section 124.406, 124.413, ~~902.77~~ or 902.87, ~~or 902.11~~. An
29 inmate shall be deemed to be serving the sentence from the day
30 on which the inmate is received into the institution.
31 However, if an inmate was confined to a county jail or other
32 correctional or mental facility at any time prior to
33 sentencing, or after sentencing but prior to the case having
34 been decided on appeal, because of failure to furnish bail or
35 because of being charged with a nonbailable offense, the

1 inmate shall be given credit for the days already served upon
2 the term of the sentence. The clerk of the district court of
3 the county from which the inmate was sentenced, shall certify
4 to the warden the number of days so served.

5 Sec. 4. REPEAL. Sections 902.7 and 902.11, Code 1995, are
6 repealed.

7 EXPLANATION

8 This bill provides that persons convicted of a forcible
9 felony are to serve their entire sentence and are not to be
10 eligible for parole. The bill does not affect the person's
11 ability to earn good conduct time under chapter 903A. Cur-
12 rently, inmates are eligible for a reduction of sentence of
13 one day for each day of good conduct while committed to one of
14 the department's institutions. The bill also repeals current
15 mandatory minimum sentence provisions which apply to persons
16 currently convicted of forcible felonies and makes related
17 technical changes. The term forcible felony is defined under
18 section 702.11 to mean any felonious child endangerment,
19 assault, murder, sexual abuse, kidnapping, robbery, arson in
20 the first degree, or burglary in the first degree. The term
21 does not include sexual abuse in the third degree committed
22 between spouses, sexual abuse in violation of section 709.4,
23 subsection 2, paragraph "c", subparagraph (4), or sexual
24 exploitation by a counselor or therapist in violation of sec-
25 tion 709.15.

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