

REPRINTED

SENATE FILE 2114

BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 2010)

Passed Senate, ^(p. 638) Date 3/5/96 Passed House, ^(p. 1445) Date 4/8/96
 Vote: Ayes 50 Nays 0 Vote: Ayes 96 Nays 1
 Approved 4/23/96

A BILL FOR

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

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

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S.F. 2114

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

3 901.10 IMPOSITION OF MANDATORY MINIMUM SENTENCES.

4 1. A court sentencing a person for an act prohibited under
5 section 124.406 or sections 124.401 and 124.413, except an act
6 which is the manufacture or conspiracy to manufacture a
7 controlled substance, simulated controlled substance, or
8 counterfeit controlled substance, may, at its discretion,
9 waive the mandatory minimum term of confinement if the person
10 was not using or in control of a firearm and did not commit an
11 assault as defined under section 708.1 while participating in
12 the prohibited act, if mitigating circumstances exist, and if
13 the mitigating circumstances are stated specifically in the
14 record. However, the state may appeal the discretionary
15 decision on the grounds that the stated mitigating
16 circumstances do not warrant a reduction of the sentence.

17 2. A court sentencing a person for the person's first
18 conviction under section ~~124.406~~, ~~124.413~~, or 902.7 may, at
19 its discretion, sentence the person to a mandatory minimum
20 term which is less than the mandatory minimum term which is
21 provided by the statute if mitigating circumstances exist and
22 those circumstances are stated specifically in the record.
23 However, the state may appeal the discretionary decision on
24 the grounds that the stated mitigating circumstances do not
25 warrant a reduction of the sentence.

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

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

1 Sec. 3. Section 902.11, subsection 1, Code 1995, is
2 amended to read as follows:

3 1. ~~The sentence-being-served-is-for-a-felony-other-than-a~~
4 ~~forcible-felony-and-the~~ sentences for the prior forcible
5 felonies expired at least five years before the date of
6 conviction for the present felony.

7 Sec. 4. NEW SECTION. 902.12 MINIMUM SENTENCE -- ELIGI-
8 BILITY OF FORCIBLE FELONS FOR PAROLE OR WORK RELEASE.

9 1. A person serving a sentence for a conviction of a
10 forcible felony shall be denied parole or work release unless
11 the person has served at least eighty-five percent of the
12 maximum term of the person's sentence.

13 2. A person serving a sentence for a conviction of a
14 forcible felony who has a criminal record of two or more prior
15 convictions for a forcible felony or a crime of similar
16 gravity in this or any other state shall serve one hundred
17 percent of the maximum term of the person's sentence and shall
18 not be released on parole or work release.

19 Sec. 5. Section 903A.2, unnumbered paragraph 1, Code 1995,
20 is amended to read as follows:

21 Each Unless an inmate is sentenced pursuant to section
22 902.12, subsection 2, an inmate of an institution under the
23 Iowa department of corrections, is eligible for a reduction of
24 sentence of one day for each day of good conduct of the inmate
25 while committed to one of the department's institutions. In
26 Unless an inmate is sentenced pursuant to section 902.12,
27 subsection 2, in addition to the sentence reduction of one day
28 for each day of good conduct, each inmate is eligible for an
29 additional reduction of sentence of up to five days a month if
30 the inmate participates satisfactorily in employment in the
31 institution, in Iowa state industries, in an inmate employment
32 program established by the director, in a treatment program
33 established by the director, or in an inmate educational
34 program approved by the director. Inmates who are sentenced
35 pursuant to section 902.12, subsection 2, are eligible for a

1 reduction of sentence of up to one day per month for good
2 conduct while committed to one of the department's
3 institutions. Reduction of sentence pursuant to this section
4 may be subject to forfeiture pursuant to section 903A.3.
5 Computation of good conduct time is subject to the following
6 conditions:

7 Sec. 6. APPLICABILITY OF WAIVER TO CURRENT INMATES. The
8 board of parole shall identify inmates currently serving
9 mandatory minimum sentences for an offense under section 1 of
10 this Act that would have been eligible for waiver of the
11 mandatory minimum term if the inmates had been sentenced on or
12 after the effective date of this Act. For each inmate
13 identified, the board of parole shall review the inmate's
14 record and the circumstances surrounding the inmate's
15 conviction and make a determination as to whether the inmate's
16 mandatory minimum term should be waived. If the parole board
17 determines that the inmate's mandatory minimum term of
18 confinement should be waived, the inmate shall be immediately
19 eligible for parole.

20 Sec. 7. INTERIM STUDY COMMITTEE. The legislative council
21 is requested to establish an interim committee to study
22 currently available sentencing and incarceration options. The
23 study may include but shall not be limited to a review of
24 available jail, community corrections, and prison beds; the
25 potential impact of the use of split sentencing on jail,
26 community corrections, and prison bed space; security needs
27 and costs associated with the implementation of hard labor
28 requirements for persons incarcerated in corrections
29 institutions; and the nature and costs associated with other
30 sentencing options. In addition to legislative members, the
31 membership of the interim committee shall include the
32 following public members:

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

1 3. A representative from an association of sheriffs and
2 deputy sheriffs.

3 4. A representative from the department of corrections.

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

5 The committee shall submit findings and any recommendations
6 in a report to the general assembly by January 1, 1997.

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

23 EXPLANATION

24 This bill provides that the court, when sentencing a person
25 for certain drug offenses not involving a firearm or an
26 assault, may waive an applicable mandatory minimum sentence if
27 mitigating circumstances exist and are on record. Offenses
28 involving the manufacture of controlled substances are not
29 eligible for waiver. The waiver is appealable by the state.
30 The waiver may also be made retroactively applicable at the
31 discretion of the parole board.

32 The bill also provides that persons sentenced for a
33 forcible felony are to serve 85 percent of their sentence
34 before they are eligible for parole or work release. Persons
35 sentenced for a third or subsequent forcible felony, under the

1 bill, are to serve their entire sentence but are eligible for
2 sentence reductions of up to 12 days per year for good
3 behavior. Persons confined in an institution under the
4 control of the department of corrections are currently
5 eligible for reductions of one day for each day of good
6 behavior and an additional five days a month for participation
7 in institutional employment, an employment program, or an
8 educational or treatment program.

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

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

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SENATE FILE 2114
FISCAL NOTE

The estimate for Senate File 2114 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.

Senate File 2114 provides that the court, when sentencing a person for certain drug offenses not involving a firearm or an assault, may waive the mandatory minimum sentence given appropriate mitigating circumstances. Offenses involving the manufacture of a controlled substance are not eligible for the waiver. The waiver may be retroactively applied by the Parole Board.

The Bill requires that persons sentenced for a forcible felony serve 85.0% of their sentences before being eligible for parole or work release. Persons sentenced for a third or subsequent forcible felony must serve their entire sentences and can earn one good time day per month. Currently inmates earn one day of good time for each day of good behavior plus up to 5 days for participation in prison employment and in employment, education, or treatment programs.

ASSUMPTIONS

1. Charge, conviction, and sentencing patterns will remain stable over the projected period.
2. Prisoner length of stay, revocation rates, and other policies will remain the same, except for those changed by this Bill.
3. There will be a lag of six months after the effective date of this bill until the first affected offenders enter the correctional system.
4. It is assumed that half of the mandatory minimum sentences that would have been imposed will be waived by the courts.
5. The marginal cost for a prison inmate is \$12 per day and is used to estimate operations costs in the short term.
6. The Department of Corrections has indicated a 750-bed medium security prison is the optimum size for cost and operating efficiencies. It is assumed the Department will continue to recommend adding 750-bed prisons to the correctional system.
7. The new 750-bed medium security prison at Newton has a construction cost of approximately \$34.5 million and an estimated annual operating cost of \$13.5 million. It is assumed similar prisons will have similar costs.

CORRECTIONAL IMPACT

The prison population is projected to change in the following manner as a result of this bill.

FY 1997	A decrease of 35 inmates
FY 1998	A decrease of 62 inmates

-2-

FY 2001	An increase of 431 inmates
FY 2007	An increase of 1,100 inmates
FY 2017	An increase of 1,500 inmates

The growth rate will slow by FY 2017, adding an additional 100 inmates during the third decade after implementation of this Bill. Two prisons similar to the one under construction at Newton will be needed to house the additional inmates.

FISCAL IMPACT

The long-range costs to the General Fund to add two prisons to the correctional system will be \$69.0 million in construction costs (\$34.5 million each) and \$27.0 million annually for prison operations (\$13.5 million each). The costs are stated in real dollars and are not adjusted for inflation.

Prison operations costs are projected to change in the following manner as a result of this bill.

FY 1997	A decrease of \$153,000
FY 1998	A decrease of \$272,000
FY 2001	An increase of \$1.9 million
FY 2007	An increase of \$13.5 million for one new prison
FY 2017	An increase of \$27.0 million for two new prisons

SOURCES

Criminal and Juvenile Justice Planning Division,
Department of Human Rights
Department of Corrections

(LSB 3171SV, MDF)

FILED FEBRUARY 8, 1996

BY DENNIS PROUTY, FISCAL DIRECTOR

SENATE FILE 2114

S-5088

Amend Senate File 2114 as follows:

1. Page 3, by striking lines 20 through 33, and inserting the following:

"Sec. ____ . SENTENCING TASK FORCE. The legislative council is requested to establish a task force to study currently available sentencing and incarceration options. The task force may, but is not limited to, the review of the following: the availability of jail, community corrections, and prison beds; the potential impact of the use of split sentencing on jail, community corrections, and prison bed space; security needs and costs associated with the implementation of hard labor requirements for persons incarcerated in corrections institutions; and the nature and costs associated with other sentencing options. The legislative council may employ a consultant to assist the task force. The task force shall have the following membership:

1. Five ex officio, nonvoting members each from the senate and the house of representatives."

2. Page 4, by inserting after line 4 the following:

6. A representative from the board of parole.

7. A district director of a judicial district department of correctional services.

8. A district judge.

9. A justice of the supreme court.

The task force shall not hold any meetings prior to November 5, 1996. However, the consultant shall be employed prior to that date and operate under guidance from the acting co-chairpersons of the task force prior to the first meeting of the task force."

3. Page 4, line 5, by striking the word "committee" and inserting the following: "task force".

4. Title page, line 6, by striking the words "legislative interim" and inserting the following: "sentencing task force".

5. By renumbering as necessary.

By TONY BISIGNANO

adopted 3/5/96 (p.620) TOM VILSACK

S-5088 FILED FEBRUARY 20, 1996

SENATE FILE 2114

S-5114

Amend Senate File 2114 as follows:

1. Page 4, by striking line 3, and inserting the following:

"4. Three representatives from the department of corrections, two of whom shall be correctional officers who are members of a statewide employee organization."

adopted 3/5/96 (p.620)

By TONY BISIGNANO

S-5114 FILED FEBRUARY 22, 1996

SENATE FILE 2114

S-5192

1 Amend Senate File 2114 as follows:

2 1. Page 2, by striking lines 9 through 16 and
3 inserting the following:

4 "Except as otherwise provided in section 903A.2, a
5 person serving a sentence for conviction of a forcible
6 felony shall serve one hundred".

7 2. Page 2, line 22, by striking the word and
8 figure "subsection 2,".

9 3. Page 2, line 27, by striking the word and
10 figure "subsection 2,".

11 4. By striking page 2, line 34, through page 3,
12 line 3, and inserting the following: "program
13 approved by the director. However, if an inmate is
14 sentenced under section 902.12, the total number of
15 days which may be accumulated by the inmate to reduce
16 the inmate's sentence shall not exceed fifteen percent
17 of the inmate's total sentence of confinement.
18 Reduction of sentence pursuant to this section".

By MAGGIE TINSMAN

EUGENE S. FRAISE

ANDY McKEAN

TOM VILSACK

RANDAL J. GIANNETTO

(P. 638)

S-5192 FILED MARCH 5, 1996

ADOPTED

(P. 638)

3-11-96 Referred to Judiciary
3-25-96 Amended/Do Pass w/
H-5538

SENATE FILE 2114
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 2010)

(AS AMENDED AND PASSED BY THE SENATE MARCH 5, 1996)

_____ - New Language by the Senate

* - Language Stricken by the Senate

Passed Senate, ^(P.1347) Date 4-11-96 Passed House, ^(P.1445) Date 4/8/96
Vote: Ayes 50 Nays 0 Vote: Ayes 96 Nays 1
Approved 4/23/96

A BILL FOR

1 An Act relating to the amount of prison time served by persons
2 convicted of an aggravated misdemeanor or greater offense, by
3 providing for changes in the mandatory minimum terms of
4 sentences to be served, providing for a reduction in the
5 amount of good and honor time that may be earned by forcible
6 felons, providing for a sentencing task force and a
7 departmental study, and making other related changes.

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

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S.F. 2114

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

3 901.10 IMPOSITION OF MANDATORY MINIMUM SENTENCES.

4 1. A court sentencing a person for an act prohibited under
5 section 124.406 or sections 124.401 and 124.413, except an act
6 which is the manufacture or conspiracy to manufacture a
7 controlled substance, simulated controlled substance, or
8 counterfeit controlled substance, may, at its discretion,
9 waive the mandatory minimum term of confinement if the person
10 was not using or in control of a firearm and did not commit an
11 assault as defined under section 708.1 while participating in
12 the prohibited act, if mitigating circumstances exist, and if
13 the mitigating circumstances are stated specifically in the
14 record. However, the state may appeal the discretionary
15 decision on the grounds that the stated mitigating
16 circumstances do not warrant a reduction of the sentence.

17 2. A court sentencing a person for the person's first
18 conviction under section ~~124.406, 124.413,~~ or 902.7 may, at
19 its discretion, sentence the person to a mandatory minimum
20 term which is less than the mandatory minimum term which is
21 provided by the statute if mitigating circumstances exist and
22 those circumstances are stated specifically in the record.
23 However, the state may appeal the discretionary decision on
24 the grounds that the stated mitigating circumstances do not
25 warrant a reduction of the sentence.

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

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

1 Sec. 3. Section 902.11, subsection 1, Code 1995, is
2 amended to read as follows:

3 1. ~~The sentence-being-served-is-for-a-felony-other-than-a~~
4 ~~forcible-felony-and-the~~ sentences for the prior forcible
5 felonies expired at least five years before the date of
6 conviction for the present felony.

7 Sec. 4. NEW SECTION. 902.12 MINIMUM SENTENCE -- ELIGI-
8 BILITY OF FORCIBLE FELONS FOR PAROLE OR WORK RELEASE.

9 Except as otherwise provided in section 903A.2, a person
10 serving a sentence for conviction of a forcible felony shall
11 serve one hundred percent of the maximum term of the person's
12 sentence and shall not be released on parole or work release.

13 Sec. 5. Section 903A.2, unnumbered paragraph 1, Code 1995,
14 is amended to read as follows:

15 Each Unless an inmate is sentenced pursuant to section
*16 902.12, an inmate of an institution under the Iowa department
17 of corrections, is eligible for a reduction of sentence of one
18 day for each day of good conduct of the inmate while committed
19 to one of the department's institutions. ~~In~~ Unless an inmate
*20 is sentenced pursuant to section 902.12, in addition to the
21 sentence reduction of one day for each day of good conduct,
22 each inmate is eligible for an additional reduction of
23 sentence of up to five days a month if the inmate participates
24 satisfactorily in employment in the institution, in Iowa state
25 industries, in an inmate employment program established by the
26 director, in a treatment program established by the director,
27 or in an inmate educational program approved by the director.
28 However, if an inmate is sentenced under section 902.12, the
29 total number of days which may be accumulated by the inmate to
30 reduce the inmate's sentence shall not exceed fifteen percent
31 of the inmate's total sentence of confinement. Reduction of
32 sentence pursuant to this section may be subject to forfeiture
33 pursuant to section 903A.3. Computation of good conduct time
34 is subject to the following conditions:

35 Sec. 6. APPLICABILITY OF WAIVER TO CURRENT INMATES. The

1 board of parole shall identify inmates currently serving
2 mandatory minimum sentences for an offense under section 1 of
3 this Act that would have been eligible for waiver of the
4 mandatory minimum term if the inmates had been sentenced on or
5 after the effective date of this Act. For each inmate
6 identified, the board of parole shall review the inmate's
7 record and the circumstances surrounding the inmate's
8 conviction and make a determination as to whether the inmate's
9 mandatory minimum term should be waived. If the parole board
10 determines that the inmate's mandatory minimum term of
11 confinement should be waived, the inmate shall be immediately
12 eligible for parole.

13 Sec. 7. SENTENCING TASK FORCE. The legislative council is
14 requested to establish a task force to study currently
15 available sentencing and incarceration options. The task
16 force may, but is not limited to, the review of the following:
17 the availability of jail, community corrections, and prison
18 beds; the potential impact of the use of split sentencing on
19 jail, community corrections, and prison bed space; security
20 needs and costs associated with the implementation of hard
21 labor requirements for persons incarcerated in corrections
22 institutions; and the nature and costs associated with other
23 sentencing options. The legislative council may employ a
24 consultant to assist the task force. The task force shall
25 have the following membership:

26 1. Five ex officio, nonvoting members each from the senate
27 and the house of representatives.

28 2. A representative from the division of criminal and
29 juvenile justice planning of the department of human rights.

30 3. A representative from an association of sheriffs and
31 deputy sheriffs.

32 4. Three representatives from the department of
33 corrections, two of whom shall be correctional officers who
34 are members of a statewide employee organization.

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

1 6. A representative from the board of parole.

2 7. A district director of a judicial district department
3 of correctional services.

4 8. A district judge.

5 9. A justice of the supreme court.

6 The task force shall not hold any meetings prior to
7 November 5, 1996. However, the consultant shall be employed
8 prior to that date and operate under guidance from the acting
9 co-chairpersons of the task force prior to the first meeting
10 of the task force.

11 The task force shall submit findings and any
12 recommendations in a report to the general assembly by January
13 1, 1997.

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

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HOUSE AMENDMENT TO
SENATE FILE 2114

S-5690

1 Amend Senate File 2114, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, by striking lines 1 through 25.

4 2. Page 1, line 29, by inserting after the word
5 "felony" the following: "under section 902.12".

6 3. Page 2, line 10, by striking the words "a
7 forcible felony" and inserting the following: "the
8 following forcible felonies".

9 4. Page 2, line 12 by striking the word
10 "release." and inserting the following: "release:".

11 5. Page 2, by inserting after line 12 the
12 following:

13 "1. Murder in the second degree in violation of
14 section 707.3.

15 2. Sexual abuse in the second degree in violation
16 of section 709.3.

17 3. Kidnapping in the second degree in violation of
18 section 710.3.

19 4. Robbery in the first or second degree in
20 violation of section 711.2 or 711.3."

21 6. By striking page 2, line 35, through page 3,
22 line 12.

23 7. Title page, by striking lines 2 through 5, and
24 inserting the following: "convicted of certain
25 forcible felonies, by limiting the reduction of
26 sentence for certain forcible".

27 8. By renumbering as necessary.

Senate Concurred 4-11-96 RECEIVED FROM THE HOUSE

S-5690 FILED APRIL 9, 1996 (P.1347)

SENATE FILE 2114
FISCAL NOTE

The estimate for Senate File 2114, as passed by the Senate, 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.

Senate File 2114, as passed by the Senate, provides that the court, when sentencing a person for certain drug offenses not involving a firearm or an assault, may waive the mandatory minimum sentence given appropriate mitigating circumstances. Offenses involving the manufacture of a controlled substance are not eligible for the waiver. The waiver may be retroactively applied by the Parole Board.

The Bill requires persons sentenced for a forcible felony serve 100.0% of their sentences, with a maximum good time reduction of 15.0% of their sentences, before being eligible for parole or work release. Currently inmates earn one day of good time for each day of good behavior plus up to five days for participation in prison employment and in employment, education, or treatment programs.

ASSUMPTIONS

1. Charge, conviction, and sentencing patterns will remain stable over the projected period.
2. Prisoner length of stay, revocation rates, and other policies will remain the same, except for those changed by this Bill.
3. There will be a lag of six months after the effective date of this Bill until the first affected offenders enter the correctional system.
4. It is assumed that half of the mandatory minimum sentences that would have been imposed will be waived by the courts.
5. The marginal cost for a prison inmate is \$12 per day and is used to estimate operations costs in the short term.
6. The Department of Corrections has indicated a 750-bed medium security prison is the optimum size for cost and operating efficiencies. It is assumed the Department will continue to recommend adding 750-bed prisons to the correctional system.
7. The new 750-bed medium security prison at Newton has a construction cost of approximately \$34.5 million and an estimated annual operating cost of \$13.5 million. It is assumed similar prisons will have similar costs.

CORRECTIONAL IMPACT

The prison population is projected to change in the following manner as a result of this Bill.

FY 1997	A decrease of 35 inmates
FY 1998	A decrease of 62 inmates

-2-

FY 2001	An increase of 509 inmates
FY 2007	An increase of 1,914 inmates
FY 2017	An increase of 3,064 inmates

The growth rate will slow by FY 2017, adding an additional 275 inmates during the third decade after implementation of this Bill. Four prisons similar to the one under construction at Newton will be needed to house the additional inmates.

FISCAL IMPACT

The long-range costs to the General Fund to add four prisons to the correctional system will be \$138.0 million in construction costs (\$34.5 million each) and \$54.0 million annually for prison operations (\$13.5 million each). Two prisons will be needed by FY 2007, and another two prisons will be needed by FY 2017. The costs are stated in real dollars and are not adjusted for inflation.

Prison operations costs are projected to change in the following manner as a result of this Bill.

FY 1997	A decrease of \$153,000
FY 1998	A decrease of \$272,000
FY 2001	An increase of \$2.2 million
FY 2007	An increase of \$27.0 million for two new prisons
FY 2017	An increase of \$54.0 million for four new prisons

SOURCES

Criminal and Juvenile Justice Planning Division,
Department of Human Rights
Department of Corrections

(LSB 3171sv.2, MDF)

FILED MARCH 25, 1996

BY DENNIS PROUTY, FISCAL DIRECTOR

**SENATE FILE 2114
FISCAL NOTE**

The estimate for Senate File 2114 as amended by S-5690 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.

Senate File 2114 as amended by House Amendment S-5690 deals with forcible felonies and requires persons convicted of second degree murder, second degree sexual abuse, second degree kidnapping, and first or second degree robbery to serve their entire sentences and would permit them to earn good time of no more than 15.0% of their sentences.

ASSUMPTIONS

1. Charge, conviction, and sentencing patterns will remain stable over the projection period, except for those changed by the Bill as amended.
2. Prisoner length of stay, revocation rates, and other policies will remain the same, except for those changed by the Bill as amended.
3. The marginal cost for a prison inmate is \$12 per day and is used to estimate operations costs in the short term.
4. The Department of Corrections has indicated a 750-bed medium security prison is the optimum size for cost and operating efficiencies. It is assumed the Department will continue to recommend adding 750-bed prisons to the correctional system.
5. The new 750-bed medium security prison at Newton has a construction cost of approximately \$34.5 million and an estimated annual operating cost of \$13.5 million. It is assumed similar prisons will have similar costs.

CORRECTIONAL IMPACT

The prison population is projected to have the following increases.

FY 1997	No change
FY 1998	An increase of 4 inmates
FY 2001	An increase of 140 inmates
FY 2007	An increase of 760 inmates
FY 2017	An increase of 1,590 inmates

The growth rate will slow by 2017, adding approximately 200 inmates during the third decade after implementation of this amended Bill. Two prisons similar to the one under construction at Newton will be needed to house the inmates added by this Bill as amended.

FISCAL IMPACT

The fiscal impact of Senate File 2114 as amended by S-5690 is provided below.

-2-

Prison operations costs are projected to change in the following manner as a result of this amended Bill.

FY 1997	No additional cost
FY 1998	An increase of \$18,000
FY 2001	An increase of \$526,000
FY 2007	An increase of \$13.5 million for one new prison
FY 2017	An increase of \$27.0 million for two new prisons

The long-range costs to the General Fund to add two prisons to the correctional system will be \$69.0 million in construction costs (\$34.5 million each) and \$27.0 million annually for prison operations (\$13.5 million each). The costs are stated in real dollars and are not adjusted for inflation. Funding from the use of Prison Infrastructure Revenue Bonds will add interest costs which can not be estimated.

SOURCES

Criminal and Juvenile Justice Planning Division, Department of Human Rights
Department of Corrections

(LSB 3171sv.3, MDF)

FILED APRIL 11, 1996

BY DENNIS PROUTY, FISCAL DIRECTOR

SENATE FILE 2114

S-5720

1 Amend the House amendment, S-5690, to Senate File
2 2114, as amended, passed, and reprinted by the Senate,
3 as follows:

4 1. Page 1, line 3, by striking the figure "25."
5 and inserting the following: "25 and inserting the
6 following:

7 "Section 1. Section 708.3A, Code Supplement 1995,
8 as amended by 1996 Iowa Acts, Senate File 2167,
9 section 1, is amended to read as follows:

10 708.3A ASSAULTS ON PEACE OFFICERS, FIRE FIGHTERS,
11 AND HEALTH CARE PROVIDERS.

12 1. A person who commits an assault, as defined in
13 section 708.1, against a peace officer, whether on-
14 duty or not, health care provider, or fire fighter,
15 whether paid or volunteer, with the knowledge that the
16 person against whom the assault is committed is a
17 peace officer, health care provider, or fire fighter
18 and with the intent to inflict a serious injury upon
19 the peace officer, health care provider, or fire
20 fighter, is guilty of a class "D" felony.

21 2. A person who commits an assault, as defined in
22 section 708.1, against a peace officer, whether on-
23 duty or not, health care provider, or fire fighter,
24 whether paid or volunteer, who knows that the person
25 against whom the assault is committed is a peace
26 officer, health care provider, or fire fighter and who
27 uses or displays a dangerous weapon in connection with
28 the assault, is guilty of a class "D" felony.

29 3. A person who commits an assault, as defined in
30 section 708.1, against a peace officer, whether on-
31 duty or not, health care provider, or fire fighter,
32 whether paid or volunteer, who knows that the person
33 against whom the assault is committed is a peace
34 officer, health care provider, or fire fighter, and
35 who causes bodily injury or disabling mental illness,
36 is guilty of an aggravated misdemeanor.

37 4. Any other assault, as defined in section 708.1,
38 committed against a peace officer, whether on-duty or
39 not, health care provider, or fire fighter, whether
40 paid or volunteer, by a person who knows that the
41 person against whom the assault is committed is a
42 peace officer, health care provider, or fire fighter,
43 is a serious misdemeanor.

44 5. As used in this section, "health care provider"
45 means an emergency medical care provider as defined in
46 chapter 147A or a person licensed or registered under
47 chapter 148, 148C, 148D, 150, 150A, or 152 who is
48 providing or who is attempting to provide emergency
49 medical services, as defined in section 147A.1, or who
50 is providing or who is attempting to provide health

S-5720

S-5720

Page 2

1 services as defined in section 135.61 in a hospital.
2 A person who commits an assault under this section
3 against a health care provider in a hospital, or at
4 the scene or during out-of-hospital patient
5 transportation in an ambulance, is presumed to know
6 that the person against whom the assault is committed
7 is a health care provider.""
8 2. Page 1, by inserting after line 20 the
9 following:
10 "____. Page 2, by inserting after line 34 the
11 following:
12 "Sec. ____ . REPEAL. 1996 Iowa Acts, Senate File
13 2080, section 62, is repealed.""
14 3. By renumbering as necessary.

By MICHAEL E. GRONSTAL

S-5720 FILED APRIL 11, 1996

WITHDRAWN

(P. 1347)

SENATE FILE 2114

S-5721

1 Amend the House amendment, S-5690, to Senate File
2 2114, as amended, passed, and reprinted by the Senate,
3 as follows:
4 1. Page 1, by striking lines 23 through 26 and
5 inserting the following:
6 "____. Title page, by striking lines 1 through 7
7 and inserting the following: "An Act relating to
8 criminal justice, including assaults against peace
9 officers and the amount of prison time served by
10 persons convicted of certain forcible felonies,
11 providing for a sentencing task force, and providing
12 for a departmental study.""

By MICHAEL E. GRONSTAL

S-5721 FILED APRIL 11, 1996

WITHDRAWN

(P. 1347)

SENATE FILE 2114

H-5860

- 1 Amend Senate File 2114, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, by striking lines 1 through 25.
4 2. Page 2, line 10, by striking the words "a
5 forcible felony" and inserting the following: "the
6 following forcible felonies".
7 3. Page 2, line 12 by striking the word
8 "release." and inserting the following: "release:".
9 4. Page 2, by inserting after line 12 the
10 following:
11 "1. Murder in the second degree in violation of
12 section 707.3.
13 2. Sexual abuse in the second degree in violation
14 of section 709.3.
15 3. Kidnapping in the second degree in violation of
16 section 710.3.
17 4. Robbery in the first or second degree in
18 violation of section 711.2 or 711.3."
19 5. By striking page 2, line 35, through page 3,
20 line 12.
21 6. Title page, by striking lines 2 through 5, and
22 inserting the following: "convicted of certain
23 forcible felonies, by limiting the reduction of
24 sentence for certain forcible".
25 7. By renumbering as necessary.

By GRUBBS of Polk

H-5860 FILED APRIL 3, 1996

Adopted

4-8-96 (P.1445)

SENATE FILE 2114

H-5872

1 Amend the amendment, H-5860, to Senate File 2114,
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 1, by inserting after line 3 the
5 following:
6 " ". Page 1, line 29, by inserting after the
7 word "felony" the following: "under section 902.12".
By KREIMAN of Davis

H-5872 FILED APRIL 8, 1996

Adopted
4-8-96 (P.1445)

SENATE FILE 2114

H-5538

1 Amend Senate File 2114, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, by striking lines 1 through 35.
4 2. Page 2, line 10, by striking the words "a
5 forcible felony" and inserting the following: "the
6 following forcible felonies".
7 3. Page 2, line 12 by striking the word
8 "release." and inserting the following: "release:".
9 4. Page 2, by inserting after line 12 the
10 following:
11 "1. Murder in the second degree in violation of
12 section 707.3.
13 2. Sexual abuse in the second degree in violation
14 of section 709.3.
15 3. Kidnapping in the second degree in violation of
16 section 710.3.
17 4. Robbery in the first or second degree in
18 violation of section 711.2 or 711.3."
19 5. Title page, by striking lines 2 through 5, and
20 inserting the following: "convicted of certain
21 forcible felonies, by limiting the reduction of
22 sentence for certain forcible".
23 ~~WITHDRAWN~~ renumbering as necessary.

4/8/96 (P.1444)

By COMMITTEE ON JUDICIARY
HURLEY of Fayette, Chairperson

H-5538 FILED MARCH 25, 1996

Fraiser
Giannetto
Vilsack
McKean
Redfern

SSB 2010

Succeeded By
SF/HF 2114

Judiciary

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
JUDICIARY BILL BY
CHAIRPERSON GIANNETTO)

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

A BILL FOR

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

9 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 1. A court sentencing a person for an act prohibited under
5 section 124.406 or sections 124.401 and 124.413, except an act
6 which is the manufacture or conspiracy to manufacture a
7 controlled substance, simulated controlled substance, or
8 counterfeit controlled substance, may, at its discretion,
9 waive the mandatory minimum term of confinement if the person
10 was not using or in control of a firearm and did not commit an
11 assault as defined under section 708.1 while participating in
12 the prohibited act, if mitigating circumstances exist, and if
13 the mitigating circumstances are stated specifically in the
14 record. However, the state may appeal the discretionary
15 decision on the grounds that the stated mitigating
16 circumstances do not warrant a reduction of the sentence.

17 2. A court sentencing a person for the person's first
18 conviction under section ~~124.406~~~~7~~~~-124.413~~~~7~~ or 902.7 may, at
19 its discretion, sentence the person to a mandatory minimum
20 term which is less than the mandatory minimum term which is
21 provided by the statute if mitigating circumstances exist and
22 those circumstances are stated specifically in the record.
23 However, the state may appeal the discretionary decision on
24 the grounds that the stated mitigating circumstances do not
25 warrant a reduction of the sentence.

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

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

1 Sec. 3. Section 902.11, subsection 1, Code 1995, is
2 amended to read as follows:

3 1. ~~The sentence-being-served-is-for-a-felony-other-than-a~~
4 ~~forcible-felony-and-the~~ sentences for the prior forcible
5 felonies expired at least five years before the date of
6 conviction for the present felony.

7 Sec. 4. NEW SECTION. 902.12 MINIMUM SENTENCE -- ELIGI-
8 BILITY OF FORCIBLE FELONS FOR PAROLE OR WORK RELEASE.

9 1. A person serving a sentence for a conviction of a
10 forcible felony shall be denied parole or work release unless
11 the person has served at least eighty-five percent of the
12 maximum term of the person's sentence.

13 2. A person serving a sentence for a conviction of a
14 forcible felony who has a criminal record of two or more prior
15 convictions for a forcible felony or a crime of similar
16 gravity in this or any other state shall serve one hundred
17 percent of the maximum term of the person's sentence and shall
18 not be released on parole or work release.

19 Sec. 5. Section 903A.2, unnumbered paragraph 1, Code 1995,
20 is amended to read as follows:

21 Each Unless an inmate is sentenced pursuant to section
22 902.12, subsection 2, an inmate of an institution under the
23 Iowa department of corrections, is eligible for a reduction of
24 sentence of one day for each day of good conduct of the inmate
25 while committed to one of the department's institutions. In
26 Unless an inmate is sentenced pursuant to section 902.12,
27 subsection 2, in addition to the sentence reduction of one day
28 for each day of good conduct, each inmate is eligible for an
29 additional reduction of sentence of up to five days a month if
30 the inmate participates satisfactorily in employment in the
31 institution, in Iowa state industries, in an inmate employment
32 program established by the director, in a treatment program
33 established by the director, or in an inmate educational
34 program approved by the director. Inmates who are sentenced
35 pursuant to section 902.12, subsection 2, are eligible for a

1 reduction of sentence of up to one day per month for good
2 conduct while committed to one of the department's
3 institutions. Reduction of sentence pursuant to this section
4 may be subject to forfeiture pursuant to section 903A.3.
5 Computation of good conduct time is subject to the following
6 conditions:

7 Sec. 6. APPLICABILITY OF WAIVER TO CURRENT INMATES. The
8 board of parole shall identify inmates currently serving
9 mandatory minimum sentences for an offense under section 1 of
10 this Act that would have been eligible for waiver of the
11 mandatory minimum term if the inmates had been sentenced on or
12 after the effective date of this Act. For each inmate
13 identified, the board of parole shall review the inmate's
14 record and the circumstances surrounding the inmate's
15 conviction and make a determination as to whether the inmate's
16 mandatory minimum term should be waived. If the parole board
17 determines that the inmate's mandatory minimum term of
18 confinement should be waived, the inmate shall be immediately
19 eligible for parole.

20 Sec. 7. INTERIM STUDY COMMITTEE. The legislative council
21 is requested to establish an interim committee to study
22 currently available sentencing and incarceration options. The
23 study may include but shall not be limited to a review of
24 available jail, community corrections, and prison beds; the
25 potential impact of the use of split sentencing on jail,
26 community corrections, and prison bed space; security needs
27 and costs associated with the implementation of hard labor
28 requirements for persons incarcerated in corrections
29 institutions; and the nature and costs associated with other
30 sentencing options. In addition to legislative members, the
31 membership of the interim committee shall include the
32 following public members:

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

1 3. A representative from an association of sheriffs and
2 deputy sheriffs.

3 4. A representative from the department of corrections.

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

5 The committee shall submit findings and any recommendations
6 in a report to the general assembly by January 1, 1997.

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

23 Sec. 9. SPLIT-SENTENCING PILOT PROJECT.

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

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

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

22 EXPLANATION

23 This bill provides that the court, when sentencing a person
24 for certain drug offenses not involving a firearm or an
25 assault, may waive an applicable mandatory minimum sentence if
26 mitigating circumstances exist and are on record. Offenses
27 involving the manufacture of controlled substances are not
28 eligible for waiver. The waiver is appealable by the state.
29 The waiver may also be made retroactively applicable at the
30 discretion of the parole board.

31 The bill also provides that persons sentenced for a
32 forcible felony are to serve 85 percent of their sentence
33 before they are eligible for parole or work release. Persons
34 sentenced for a third or subsequent forcible felony, under the
35 bill, are to serve their entire sentence but are eligible for

1 sentence reductions of up to 12 days per year for good
2 behavior. Persons confined in an institution under the
3 control of the department of corrections are currently
4 eligible for reductions of one day for each day of good
5 behavior and an additional five days a month for participation
6 in institutional employment, an employment program, or an
7 educational or treatment program.

8 The bill establishes a split-sentencing pilot project under
9 which a court in the judicial district selected for the pilot
10 project would be permitted to sentence a person convicted of a
11 crime which is classified as an aggravated misdemeanor through
12 a class "B" felony to up to 90 days in a county jail as part
13 of the person's sentence and suspend the remaining term of
14 confinement. If a person is serving a sentence of confinement
15 in a county jail, the person is committed to the custody of
16 the director of the department of corrections and the costs of
17 confinement in the jail and medical care will be paid by the
18 state.

19 The bill requests that the legislative council establish an
20 interim committee to study currently available sentencing and
21 incarceration options. The committee is to include
22 representatives of the board of parole, the division of
23 criminal and juvenile justice planning, the sheriffs
24 association, county boards of supervisors, and the department
25 of corrections.

26 The bill also directs the department of corrections to
27 study the risk assessment tools currently used by the Iowa
28 corrections system. The department is to consult with persons
29 with expertise in criminology, the division of criminal and
30 juvenile justice planning, and the board of parole.

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SENATE FILE 2114

AN ACT

RELATING TO THE AMOUNT OF PRISON TIME SERVED BY PERSONS CONVICTED OF CERTAIN FORCIBLE FELONIES, BY LIMITING THE REDUCTION OF SENTENCE FOR CERTAIN FORCIBLE FELONS, PROVIDING FOR A SENTENCING TASK FORCE AND A DEPARTMENTAL STUDY, AND MAKING OTHER RELATED CHANGES.

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

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

A person serving a sentence for conviction of a felony, other than a forcible felony under section 902.12, 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 amended to read as follows:

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

Sec. 3. NEW SECTION. 902.12 MINIMUM SENTENCE -- ELIGIBILITY OF FORCIBLE FELONS FOR PAROLE OR WORK RELEASE.

Except as otherwise provided in section 903A.2, a person serving a sentence for conviction of the following forcible felonies shall serve one hundred percent of the maximum term of the person's sentence and shall not be released on parole or work release:

1. Murder in the second degree in violation of section 707.3.
2. Sexual abuse in the second degree in violation of section 709.3.
3. Kidnapping in the second degree in violation of section 710.3.
4. Robbery in the first or second degree in violation of section 711.2 or 711.3.

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

Each Unless an inmate is sentenced pursuant to section 902.12, an inmate of an institution under the Iowa department of corrections, is eligible for a reduction of sentence of one day for each day of good conduct of the inmate while committed to one of the department's institutions. fn Unless an inmate is sentenced pursuant to section 902.12, in addition to the sentence reduction of one day for each day of good conduct, each inmate is eligible for an additional reduction of sentence of up to five days a month if the inmate participates satisfactorily in employment in the institution, in Iowa state industries, in an inmate employment program established by the director, in a treatment program established by the director, or in an inmate educational program approved by the director. However, if an inmate is sentenced under section 902.12, the total number of days which may be accumulated by the inmate to reduce the inmate's sentence shall not exceed fifteen percent of the inmate's total sentence of confinement. Reduction of sentence pursuant to this section may be subject to forfeiture pursuant to section 903A.3. Computation of good conduct time is subject to the following conditions:

Sec. 5. SENTENCING TASK FORCE. The legislative council is requested to establish a task force to study currently available sentencing and incarceration options. The task force may, but is not limited to, the review of the following: the availability of jail, community corrections, and prison beds; the potential impact of the use of split sentencing on jail, community corrections, and prison bed space; security

needs and costs associated with the implementation of hard labor requirements for persons incarcerated in corrections institutions; and the nature and costs associated with other sentencing options. The legislative council may employ a consultant to assist the task force. The task force shall have the following membership:

1. Five ex officio, nonvoting members each from the senate and the house of representatives.
2. A representative from the division of criminal and juvenile justice planning of the department of human rights.
3. A representative from an association of sheriffs and deputy sheriffs.
4. Three representatives from the department of corrections, two of whom shall be correctional officers who are members of a statewide employee organization.
5. A representative from a county board of supervisors.
6. A representative from the board of parole.
7. A district director of a judicial district department of correctional services.
8. A district judge.
9. A justice of the supreme court.

The task force shall not hold any meetings prior to November 5, 1996. However, the consultant shall be employed prior to that date and operate under guidance from the acting co-chairpersons of the task force prior to the first meeting of the task force.

The task force shall submit findings and any recommendations in a report to the general assembly by January 1, 1997.

Sec. 6. RISK ASSESSMENT STUDY. The department of corrections, in consultation with the board of parole and the division of criminal and juvenile justice planning of the department of human rights, shall conduct a study of the various risk assessment tools currently used in the Iowa corrections system to determine the relative risk posed by a criminal offender and the prospects for the offender's rehabilitation, and make findings and recommendations

regarding the implementation and use of a risk assessment tool during or as part of the presentence investigation process. In conducting the study, the department shall also consult with faculty members with expertise in risk assessment who are from Iowa institutions of higher education which offer degree programs in criminology. The recommendations and any corresponding findings shall be submitted in a report to the general assembly by January 1, 1997.

LEONARD L. BOSWELL
President of the Senate

RON J. CORBETT
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2114, Seventy-sixth General Assembly.

JOHN F. DWYER
Secretary of the Senate

Approved 4/23, 1996

TERRY E. BRANSTAD
Governor