

4/6/95- Amend/DO Pass
w/ H- 3789

FILED MAR 16 1995

SENATE FILE 398
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 309)

Passed Senate, (p. 828) Date 3/22/95 Passed House, Date _____
Vote: Ayes 49 Nays 0 Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to commutation of sentences of persons who have
2 been sentenced to life imprisonment.

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

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SENATE FILE 398

S-3165

1 Amend Senate File 398 as follows:
2 1. Page 1, line 6, by inserting after the word
3 "may," the following: "no more frequently than".

By JOHNIE HAMMOND

3-22-95

S-3165 FILED MARCH 21, 1995 (p. 828)

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S.F. 398

1 Section 1. Section 902.2, Code 1995, is amended by
2 striking the section and inserting in lieu thereof the
3 following:

4 902.2. COMMUTATION PROCEDURE FOR CLASS "A" FELONS.

5 A person who has been sentenced to life imprisonment under
6 section 902.1, may, once every ten years, make an application
7 to the governor requesting that the person's sentence be
8 commuted to a term of years. The director of the Iowa
9 department of corrections may make a request to the governor
10 that a person's sentence be commuted to a term of years at any
11 time. Upon receipt of a request for commutation, the governor
12 shall send a copy of the request to the Iowa board of parole
13 for investigation and recommendations as to whether the person
14 should be considered for commutation. The board shall conduct
15 an interview of the class "A" felon and shall make a report of
16 its findings and recommendations to the governor.

17 EXPLANATION

18 This bill replaces the current procedure for commutation of
19 sentence of life imprisonment. The bill permits inmates to
20 make application once every 10 years to the governor for
21 commutation. The director of the department of corrections
22 may make application for commutation of a person's sentence at
23 any time. Once the governor receives the request, the request
24 is to be forwarded to the board of parole for investigation
25 and recommendations. The board is to submit the investigation
26 and recommendations to the governor.

27 Currently, a person who is sentenced to life imprisonment
28 is to be regularly interviewed by the board of parole, which
29 then may make recommendations to the governor for commutation,
30 if the board feels that a particular person should be
31 considered for release on parole.

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**SENATE FILE 398
FISCAL NOTE**

The estimate for **Senate File 398** 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 398 permits inmates sentenced to life in prison without parole for a Class A felony to apply to the Governor to have their sentences commuted to a term of years. The Department of Corrections may also request the Governor commute an inmate's life sentence. Upon receipt of an application by the Governor, the Board of Parole will conduct an interview and make a recommendation to the Governor.

Assumptions:

1. There are currently 392 inmates serving life sentences.
2. Inmates are currently reviewed more frequently than required by this Bill.

Correctional Impact:

There will not be a sufficient number of commutations and paroles to affect the prison population.

Fiscal Impact:

The change will not significantly affect the administrative costs to the Parole Board.

Source:

Parole Board

(LSB 2593sv, MDF)

FILED MARCH 27, 1995

BY DENNIS PROUTY, FISCAL DIRECTOR

H-3/24/95 Judiciary
H-4/13/95 Unfinished
Buenos Aires

SENATE FILE **348**

BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 309)

(AS AMENDED AND PASSED BY THE SENATE MARCH 22, 1995)

 - New Language by the Senate

Re-Passed Senate, Date 4/19/95(p.1303) Passed House, Date 4/18/95(p.1686)
Vote: Ayes 49 Nays 0 Vote: Ayes 93 Nays 0
Approved May 1, 1995 Repassed 4/24/95
Vote 87-8
(p.1820)

A BILL FOR

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2 been sentenced to life imprisonment.
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S.F. 398

1 Section 1. Section 902.2, Code 1995, is amended by
2 striking the section and inserting in lieu thereof the
3 following:

4 902.2. COMMUTATION PROCEDURE FOR CLASS "A" FELONS.

5 A person who has been sentenced to life imprisonment under
6 section 902.1, may, no more frequently than once every ten
7 years, make an application to the governor requesting that the
8 person's sentence be commuted to a term of years. The
9 director of the Iowa department of corrections may make a
10 request to the governor that a person's sentence be commuted
11 to a term of years at any time. Upon receipt of a request for
12 commutation, the governor shall send a copy of the request to
13 the Iowa board of parole for investigation and recommendations
14 as to whether the person should be considered for commutation.
15 The board shall conduct an interview of the class "A" felon
16 and shall make a report of its findings and recommendations to
17 the governor.

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SENATE FILE 398

H-3789

1 Amend Senate File 398, as amended, passed, and re-
2 printed by the Senate, as follows:

3 1. Page 1, by inserting after line 17 the
4 following:

5 "Sec. ____ . Section 914.2, Code 1995, is amended to
6 read as follows:

7 914.2 RIGHT OF APPLICATION.

8 A Except as otherwise provided in section 902.2, a
9 person convicted of a criminal offense has the right
10 to make application to the board of parole for
11 recommendation or to the governor for a reprieve,
12 pardon, commutation of sentence, remission of fines or
13 forfeitures, or restoration of rights of citizenship
14 at any time following the conviction.

15 Sec. ____ . Section 914.3, subsection 1, Code 1995,
16 is amended to read as follows:

17 1. ~~The~~ Except as otherwise provided in section
18 902.2, the board of parole shall periodically review
19 all applications by persons convicted of criminal
20 offenses and shall recommend to the governor the
21 reprieve, pardon, commutation of sentence, remission
22 of fines or forfeitures, or restoration of the rights
23 of citizenship for persons who have by their conduct
24 given satisfactory evidence that they will become or
25 continue to be law-abiding citizens."

26 2. By renumbering as necessary.

By COMMITTEE ON JUDICIARY

HURLEY of Fayette, Chairperson

H-3789 FILED APRIL 6, 1995

Adopted 4/18/95 (p. 1685)

SENATE FILE 398

H-3956

1 Amend Senate File 398, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, line 6, by striking the word "ten" and
4 inserting the following: "five".

By LAMBERTI of Polk

H-3956 FILED APRIL 17, 1995

Adopted 4/18/95 (p. 1685)

SENATE AMENDMENT TO HOUSE AMENDMENT TO SENATE FILE 398

H-3988

1 Amend the House amendment, S-3479, to Senate File
2 398, as amended, passed, and reprinted by the Senate,
3 as follows:

4 1. Page 1, by striking lines 3 and 4.

5 2. By renumbering as necessary.

RECEIVED FROM THE SENATE

H-3988 FILED APRIL 20, 1995

House concurred 4/24/95 (p. 1819)

HOUSE AMENDMENT TO
SENATE FILE 398

S-3479

- 1 Amend Senate File 398, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, line 6, by striking the word "ten" and
4 inserting the following: "five".
5 2. Page 1, by inserting after line 17 the
6 following:
7 "Sec. ____ . Section 914.2, Code 1995, is amended to
8 read as follows:
9 914.2 RIGHT OF APPLICATION.
10 A Except as otherwise provided in section 902.2, a
11 person convicted of a criminal offense has the right
12 to make application to the board of parole for
13 recommendation or to the governor for a reprieve,
14 pardon, commutation of sentence, remission of fines or
15 forfeitures, or restoration of rights of citizenship
16 at any time following the conviction.
17 Sec. ____ . Section 914.3, subsection 1, Code 1995,
18 is amended to read as follows:
19 1. ~~The~~ Except as otherwise provided in section
20 902.2, the board of parole shall periodically review
21 all applications by persons convicted of criminal
22 offenses and shall recommend to the governor the
23 reprieve, pardon, commutation of sentence, remission
24 of fines or forfeitures, or restoration of the rights
25 of citizenship for persons who have by their conduct
26 given satisfactory evidence that they will become or
27 continue to be law-abiding citizens."
28 3. By renumbering, relettering, or redesignating
29 and correcting internal references as necessary.

RECEIVED FROM THE HOUSE

S-3479 FILED APRIL 18, 1995

Senate concurred in as amended 4/19/95 (p. 1303)

SENATE FILE 398

S-3492

- 1 Amend the House amendment, S-3479, to Senate File
2 398, as amended, passed, and reprinted by the Senate,
3 as follows:
4 1. Page 1, by striking lines 3 and 4.
5 2. By renumbering as necessary.

By MARY NEUHAUSER

S-3492 FILED APRIL 19, 1995

ADOPTED (p. 1303)

Neuhouser
Vilsack
Giannetto
McKean
Boettger

SSB 309
Judiciary
Succ. Dec.
SENATE FILE 398
BY (PROPOSED COMMITTEE ON
JUDICIARY BILL BY
CHAIRPERSON GIANNETTO)

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

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4 902.2. COMMUTATION PROCEDURE FOR CLASS "A" FELONS.

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6 section 902.1, may, once every ten years, make an application
7 to the governor requesting that the person's sentence be
8 commuted to a term of years. The director of the Iowa
9 department of corrections may make a request to the governor
10 that a person's sentence be commuted to a term of years at any
11 time. Upon receipt of a request for commutation, the governor
12 shall send a copy of the request to the Iowa board of parole
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14 should be considered for commutation. The board shall conduct
15 an interview of the class "A" felon and shall make a report of
16 its findings and recommendations to the governor.

17 EXPLANATION

18 This bill replaces the current procedure for commutation of
19 sentence of life imprisonment. The bill permits inmates to
20 make application once every 10 years to the governor for
21 commutation. The director of the department of corrections
22 may make application for commutation of a person's sentence at
23 any time. Once the governor receives the request, the request
24 is to be forwarded to the board of parole for investigation
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27 Currently, a person who is sentenced to life imprisonment
28 is to be regularly interviewed by the board of parole, which
29 then may make recommendations to the governor for commutation,
30 if the board feels that a particular person should be
31 considered for release on parole.

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SENATE FILE 398

AN ACT

RELATING TO COMMUTATION OF SENTENCES OF PERSONS WHO HAVE BEEN
SENTENCED TO LIFE IMPRISONMENT.

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

Section 1. Section 902.2, Code 1995, is amended by striking the section and inserting in lieu thereof the following:

902.2 COMMUTATION PROCEDURE FOR CLASS "A" FELONS.

A person who has been sentenced to life imprisonment under section 902.1, may, no more frequently than once every ten years, make an application to the governor requesting that the person's sentence be commuted to a term of years. The director of the Iowa department of corrections may make a request to the governor that a person's sentence be commuted to a term of years at any time. Upon receipt of a request for commutation, the governor shall send a copy of the request to the Iowa board of parole for investigation and recommendations as to whether the person should be considered for commutation. The board shall conduct an interview of the class "A" felon and shall make a report of its findings and recommendations to the governor.

Sec. 2. Section 914.2, Code 1995, is amended to read as follows:

914.2 RIGHT OF APPLICATION.

A Except as otherwise provided in section 902.2, a person convicted of a criminal offense has the right to make application to the board of parole for recommendation or to the governor for a reprieve, pardon, commutation of sentence, remission of fines or forfeitures, or restoration of rights of citizenship at any time following the conviction.

Sec. 3. Section 914.3, subsection 1, Code 1995, is amended to read as follows:

1. The Except as otherwise provided in section 902.2, the board of parole shall periodically review all applications by persons convicted of criminal offenses and shall recommend to the governor the reprieve, pardon, commutation of sentence, remission of fines or forfeitures, or restoration of the rights of citizenship for persons who have by their conduct given satisfactory evidence that they will become or continue to be law-abiding citizens.

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 398, Seventy-sixth General Assembly.

JOHN F. DWYER
Secretary of the Senate

Approved May 1, 1995

TERRY E. BRANSTAD
Governor