

Senate Study Bill 264

Conference Committee Text

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1 1 Section 1. Section [902.7](#), Code 1995, is amended to read as
1 2 follows:
1 3 902.7 MINIMUM SENTENCE ‐ USE OF A FIREARM.
1 4

~~At~~

- ~~Except as otherwise provided in section 902.12, at the~~
1 5 trial of a person charged with participating in a forcible
1 6 felony, if the trier of fact finds beyond a reasonable doubt
1 7 that the person is guilty of a forcible felony and that the
1 8 person represented that the person was in the immediate
1 9 possession and control of a firearm, displayed a firearm in a
1 10 threatening manner, or was armed with a firearm while
1 11 participating in the forcible felony the convicted person
1 12 shall serve a minimum of five years of the sentence imposed by
1 13 law. A person sentenced pursuant to this section shall not be
1 14 eligible for parole until the person has served the minimum
1 15 sentence of confinement imposed by this section.
1 16 Sec. 2. Section [902.8](#), Code 1995, is amended to read as
1 17 follows:
1 18 902.8 MINIMUM SENTENCE ‐ HABITUAL OFFENDER.
1 19

~~An~~

- ~~A~~ habitual offender is any person convicted of a class
1 20 "C" or a class "D" felony, who has twice before been convicted
1 21 of any felony in a court of this or any other state, or of the
1 22 United States. An offense is a felony if, by the law under
1 23 which the person is convicted, it is so classified at the time
1 24 of the person's conviction.

~~A~~

- ~~Except as otherwise provided in~~
1 25 ~~section 902.12, a~~ person sentenced as

~~an~~

- ~~a~~ habitual offender
1 26 shall not be eligible for parole until the person has served
1 27 the minimum sentence of confinement of three years.
1 28 Sec. 3. Section [902.11](#), Code 1995, is amended to read as
1 29 follows:
1 30 902.11 MINIMUM SENTENCE ‐ ELIGIBILITY OF PRIOR FORCIBLE
1 31 FELON FOR PAROLE OR WORK RELEASE.
1 32 A person serving a sentence for conviction of a felony who
1 33 has a criminal record of one or more prior convictions for a
1 34 forcible felony or a crime of a similar gravity in this or any
1 35 other state, shall be denied parole or work release unless the
2 1 person has served at least one-half of the maximum term of the
2 2 defendant's sentence. However, the mandatory sentence
2 3 provided for by this section does not apply if

~~either~~

- ~~any~~ of
2 4 the following apply:
2 5 1. The sentence being served is for a felony other than a
2 6 forcible felony and the sentences for the prior forcible

2 7 felonies expired at least five years before the date of
2 8 conviction for the present felony.
2 9 2. The sentence being served is on a conviction for
2 10 operating a motor vehicle while under the influence of alcohol
2 11 or a drug under chapter 321J.
2 12 3. The offense is a forcible felony enumerated under
2 13 section 902.12.
2 14 Sec. 4. NEW SECTION. 902.12 INELIGIBILITY FOR PAROLE OR
2 15 WORK RELEASE – CERTAIN FORCIBLE FELONS.
2 16 Except as otherwise provided in chapter 903A, a person who
2 17 has been convicted of the following forcible felonies shall
2 18 serve the entire term of the person's sentence and shall not
2 19 be eligible for release on parole or work release:
2 20 1. Murder in the second degree in violation of section
2 21 707.3.
2 22 2. Sexual abuse in the second degree in violation of
2 23 section 709.3.
2 24 3. Kidnapping in the second degree in violation of section
2 25 710.3.
2 26 4. Robbery in the first or second degree in violation of
2 27 section 711.2 or 711.3.
2 28 Sec. 5. Section 903A.2, unnumbered paragraph 1, Code 1995,
2 29 is amended to read as follows:
2 30

~~Each~~

- Unless an inmate is sentenced pursuant to section
2 31 902.12, an inmate of an institution under the Iowa department
2 32 of corrections, is eligible for a reduction of sentence of one
2 33 day for each day of good conduct of the inmate while committed
2 34 to one of the department's institutions. However, if an
2 35 inmate is sentenced under section 902.12, the total number of
3 1 days which may be accumulated by the inmate to reduce the
3 2 inmate's sentence may equal but shall not exceed fifteen
3 3 percent of the inmate's total sentence of confinement.

~~In~~

- 3 4 Unless an inmate is sentenced pursuant to section 902.12, in
3 5 addition to the sentence reduction of one day for each day of
3 6 good conduct, each inmate is eligible for an additional
3 7 reduction of sentence of up to five days a month if the inmate
3 8 participates satisfactorily in employment in the institution,
3 9 in Iowa state industries, in an inmate employment program
3 10 established by the director, in a treatment program
3 11 established by the director, or in an inmate educational
3 12 program approved by the director. Reduction of sentence
3 13 pursuant to this section may be subject to forfeiture pursuant
3 14 to section 903A.3. Computation of good conduct time is
3 15 subject to the following conditions:
3 16 Sec. 6. Section 906.15, unnumbered paragraph 1, Code 1995,
3 17 is amended to read as follows:
3 18 Unless sooner discharged, a person released on parole shall
3 19 be discharged when the person's term of parole equals the
3 20 period of imprisonment specified in the person's sentence,
3 21 less all time served in confinement. Discharge from parole
3 22 may be granted prior to such time, when an early discharge is
3 23 appropriate. The board shall periodically review all paroles,
3 24 and when the board determines that any person on parole is
3 25 able and willing to fulfill the obligations of a law-abiding
3 26 citizen without further supervision, the board shall discharge
3 27 the person from parole. A parole officer shall periodically
3 28 review all paroles assigned to the parole officer, and when
3 29 the parole officer determines that any person assigned to the
3 30 officer is able and willing to fulfill the obligations of a
3 31 law-abiding citizen without further supervision, the officer
3 32 may discharge the person from parole after notification and

3 33 approval of the district director and notification of the
3 34 board of parole. In any event, discharge from parole shall
3 35 terminate the person's sentence. However, a person convicted
4 1 of a violation of section

~~709.3,~~

- 709.4 or 709.8 committed on

4 2 or with a child or a person released on parole prior to the
4 3 effective date of this Act for a violation of section 709.3
4 4 committed on or with a child shall not be discharged from
4 5 parole until the person's term of parole equals the period of
4 6 imprisonment specified in the person's sentence, less all time
4 7 served in confinement.

4 8 EXPLANATION

4 9 This bill prohibits persons convicted of the following
4 10 forcible felonies from being released on parole or work
4 11 release: murder in the second degree, sexual abuse in the
4 12 second degree, kidnapping in the second degree, and robbery in
4 13 either the first or second degree. An offender will still be
4 14 eligible to earn good conduct time credits in an amount not to
4 15 exceed 15 percent of the person's total sentence of
4 16 confinement against the offender's sentence under the bill.

4 17 LSB 1598SC 76

4 18 lh/jj/8