

JAN 30 1998

JUDICIARY

HOUSE FILE 2121

BY KREIMAN  
(Formerly HSB 530)

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act providing for completion of certain mandatory jail or  
2 prison time prior to imposition of a suspended sentence for a  
3 defendant convicted of an operating while intoxicated offense  
4 and providing an effective date.

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

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1 Section 1. Section 321J.2, subsection 3, paragraph a,  
2 unnumbered paragraph 1, Code Supplement 1997, is amended to  
3 read as follows:

4 Notwithstanding the provisions of sections 901.5 and 907.3,  
5 the court shall not defer judgment or sentencing, or suspend  
6 execution of any part of the mandatory minimum sentence  
7 applicable to the defendant under subsection 2 if any of the  
8 following apply:

9 Sec. 2. Section 907.3, subsection 3, paragraph c, Code  
10 Supplement 1997, is amended by striking the paragraph and  
11 inserting in lieu thereof the following:

12 c. The following minimum sentences imposed pursuant to  
13 section 321J.2, as follows:

14 (1) The minimum term of imprisonment of forty-eight hours  
15 imposed pursuant to section 321J.2, subsection 2, paragraph  
16 "a", unless the person to be sentenced is not ineligible for a  
17 deferred sentence pursuant to subsection 2, paragraph "c" of  
18 this section.

19 (2) The minimum term of imprisonment of seven days imposed  
20 pursuant to section 321J.2, subsection 2, paragraph "b".

21 (3) The minimum term of imprisonment of thirty days in  
22 jail if a jail sentence is imposed, pursuant to section  
23 321J.2, subsection 2, paragraph "c".

24 Sec. 3. EFFECTIVE DATE. This Act, being deemed of  
25 immediate importance, takes effect upon enactment.

26 EXPLANATION

27 This bill amends the operating while intoxicated (OWI)  
28 statute to provide the option of ordering a period of  
29 probation following the defendant's completion of the  
30 mandatory minimum sentence. The court may suspend the portion  
31 of the sentence in excess of the mandatory minimum, pending  
32 the defendant's successful completion of probation. Related  
33 changes are made to Code section 907.3, regarding the use of  
34 suspended sentences, and for deferred sentences for certain  
35 first-time offenders.

1 The bill takes effect upon enactment.

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