

MAR 6 1997
JUDICIARY

HOUSE FILE 481
BY LARKIN

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

A BILL FOR

1 An Act relating to the loss of good conduct time by inmates of
2 correctional institutions who file certain frivolous lawsuits.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 481

1 Section 1. Section 903A.3, subsection 1, Code 1997, is
2 amended to read as follows:

3 1. Upon Except as otherwise provided in this section, upon
4 finding that an inmate has violated an institutional rule, or
5 has had an action or appeal dismissed under section 610A.2,
6 the independent administrative law judge may order forfeiture
7 of any or all good conduct time earned and not forfeited up to
8 the date of the violation by the inmate and may order
9 forfeiture of any or all good conduct time earned and not
10 forfeited up to the date the action or appeal is dismissed,
11 unless the court entered such an order under section 610A.3.
12 The Upon receipt of an order dismissing an action or appeal,
13 brought by an inmate against the state or the correctional
14 institution, on finding that the action or appeal is frivolous
15 or malicious in whole or in part, the independent
16 administrative law judge shall order forfeiture of good
17 conduct time earned and not forfeited up to the date on which
18 the order is received in the manner provided in subsection 1A,
19 unless the court has previously entered an order under section
20 610A.3. Except as otherwise provided in subsection 1A, the
21 independent administrative law judge has discretion within the
22 guidelines established pursuant to section 903A.4, to
23 determine the amount of time that should be forfeited based
24 upon the severity of the violation. Prior violations by the
25 inmate may be considered by the administrative law judge in
26 the decision.

27 Sec. 2. Section 903A.3, Code 1997, is amended by adding
28 the following new subsection:

29 NEW SUBSECTION. 1A. a. Unless the court has previously
30 ordered forfeiture of good conduct time under section 610A.3,
31 when the department or institution in which an inmate is
32 confined receives an order of the court under section 610A.2
33 dismissing an action or appeal by an inmate against the state,
34 the department, or the institution on a finding that the
35 action or appeal is frivolous or malicious in whole or in

1 part, the independent administrative law judge shall order the
2 forfeiture of the inmate's good conduct time as follows:

3 (1) Sixty days of an inmate's accrued good conduct time,
4 if one order has been previously received.

5 (2) One hundred twenty days of an inmate's accrued good
6 conduct time, if two orders have been previously received.

7 (3) One hundred eighty days of an inmate's accrued good
8 conduct time, if three orders have been previously received.

9 (4) If four or more orders have been previously received,
10 the inmate shall no longer be eligible for reductions in
11 section for good conduct under section 903A.2.

12 b. For purposes of determining the amount of time which
13 shall be forfeited, orders of the court forfeiting good
14 conduct time shall be considered as orders previously
15 received.

16 Sec. 3. Section 903A.3, subsection 3, Code 1997, is
17 amended to read as follows:

18 3. The Except for good conduct time forfeited pursuant to
19 subsection 1A or an order of the court under section 610A.3
20 for a frivolous or malicious action or appeal, the director of
21 the Iowa department of corrections or the director's designee,
22 may restore all or any portion of previously forfeited good
23 conduct time for acts of heroism or for meritorious actions.
24 The director shall establish by rule the requirements as to
25 which activities may warrant the restoration of good conduct
26 time and the amount of good conduct time to be restored.
27 Rules established shall provide that good conduct time
28 forfeited pursuant to subsection 1A or an order of the court
29 under section 610A.3 for a frivolous or malicious action or
30 appeal against the state, the department, or the institution
31 shall not be restored.

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EXPLANATION

33 This bill provides for the reduction of and eventual
34 elimination of eligibility for good conduct time which was
35 earned by an inmate of a department of corrections'

1 institution who files frivolous or malicious lawsuits against
2 the state, the department, or the institution. An inmate for
3 whom two orders dismissing an action or appeal on the grounds
4 that the action or appeal is frivolous or malicious will lose
5 60 days of accrued good conduct time, unless the court has
6 provided for the forfeiture of a different amount of good
7 time. If three orders have been received, unless the court
8 has otherwise provided, the inmate will lose 120 days of
9 accrued good conduct time. If four orders have been received,
10 unless the court has otherwise provided, the inmate will lose
11 180 days of accrued good conduct time. If five or more orders
12 have been received, the inmate will no longer be eligible for
13 accrual of good time. Good time which is forfeited because of
14 the filing of frivolous or malicious lawsuits cannot be
15 restored.

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