

MAR 10 1997

JUDICIARY

HOUSE FILE

BY LARSON

518

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

A BILL FOR

1 An Act relating to the denial of federal benefits to persons  
2 convicted of drug-related offenses.

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

4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

HF 518

1 Section 1. Section 901.5, Code 1997, is amended by adding  
2 the following new subsection:

3 NEW SUBSECTION. 11. In addition to any sentence or other  
4 penalty imposed against the defendant for an offense under  
5 chapter 124, the court shall consider the provisions of 21  
6 U.S.C. § 862, regarding the denial of federal benefits to drug  
7 traffickers and possessors convicted under state or federal  
8 law, and may enter an order specifying the range and scope of  
9 benefits to be denied to the defendant, according to the  
10 provisions of 21 U.S.C. § 862. For the purposes of this  
11 subsection, "federal benefit" means the issuance of any grant,  
12 contract, loan, professional license, or commercial license  
13 provided by an agency of the United States or through the  
14 appropriation of funds of the United States, but does not  
15 include any retirement, welfare, social security, health,  
16 disability, veterans, public housing, or similar benefit for  
17 which payments or services are required for eligibility. The  
18 Iowa supreme court may adopt rules establishing sentencing  
19 guidelines consistent with this subsection and 21 U.S.C. §  
20 862. The clerk of the district court shall send a copy of any  
21 order issued pursuant to this subsection to the denial of  
22 federal benefits program of the United States department of  
23 justice, along with any other forms and information required  
24 by the department.

25 EXPLANATION

26 This bill amends Code section 901.5, to require that a  
27 judge sentencing a defendant for a drug-related offense under  
28 Code chapter 124 also consider the provisions of 21 U.S.C. §  
29 862, a federal statute which gives a court discretion to deny  
30 all or selected federal benefits to individuals convicted of  
31 any federal or state offense consisting of the distribution or  
32 possession of a controlled substance. This bill gives the  
33 necessary authority to Iowa courts to apply the federal  
34 statute because state courts are generally beyond the  
35 jurisdiction of a federal requirement.

1 The new subsection includes a definition of "federal  
2 benefit" as it is defined within the federal statute. The  
3 subsection also permits the Iowa supreme court to adopt  
4 sentencing guidelines consistent with the subsection and the  
5 federal statute, and requires that the clerk of the district  
6 court send a copy of any order issued pursuant to this  
7 subsection to the denial of federal benefits program of the  
8 United States department of justice.

9 The federal statute was enacted under the Anti-Drug Abuse  
10 Act of 1988, and the denial of federal benefits program is  
11 operated within the United States department of justice.  
12 Sentencing guidelines for federal courts in conjunction with  
13 this statute have existed since 1989. State courts were first  
14 notified of the program in 1990.

15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35