

4/3/97 Unfinished Business Calendar
4/29/97 Referred to Judiciary Comm.

MAR 18 1997

Place On Calendar

HOUSE FILE 665
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HF 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:

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HF 665

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.

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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.

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HOUSE FILE 665

H-1490

1 Amend House File 665 as follows:
2 1. Page 1, line 10, by inserting after "21 U.S.C.
3 § 862" the following: ", except that the court shall
4 not enter any order pursuant to 21 U.S.C. § 862
5 (b)(1)(A)(i), or 21 U.S.C. § 862 (b)(1)(A)(iv),
6 regarding ineligibility for federal benefits for up to
7 one year for a first conviction under state law for
8 possession of a controlled substance".

By GRUNDBERG of Polk

H-1490 FILED APRIL 1, 1997

HOUSE FILE 665

H-1498

1 Amend House File 665 as follows:
2 1. Page 1, by striking line 3 and inserting the
3 following:
4 "NEW SUBSECTION. 11. a. In addition to any
5 sentence or other".
6 2. Page 1, line 5, by inserting after the word
7 "chapter" the following: "123 or".
8 3. Page 1, by striking lines 10 and 11 and
9 inserting the following: "provisions of 21 U.S.C. §
10 862.
11 b. For the purposes of this subsection:
12 (1) "Drug" includes any controlled substance, as
13 defined in chapter 124, as well as any alcoholic
14 beverage, as defined in chapter 123. "Drug" does not
15 mean drug as defined according to 21 U.S.C. § 802.
16 (2) "Federal benefit" means the issuance of any
17 grant,".
18 4. Page 1, by striking line 17 and inserting the
19 following: "which payments or services are required
20 for eligibility.
21 c. The".
22 5. Page 1, by striking line 20 and inserting the
23 following: "862.
24 d. The clerk of the district court shall send a
25 copy of any".
26 6. By renumbering as necessary.

By GRUNDBERG of Polk

H-1498 FILED APRIL 1, 1997