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SUDICIARY

SENATE FILE 2203

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FINK, and BLACK of Jasper

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

**A BILL FOR**

1 An Act to provide for the imposition of a life sentence for  
2 certain repeat sexual abuse offenders.

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

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S.F. 2203

1 Section 1. Section 901A.2, subsections 3 and 4, Code 1997,  
2 are amended to read as follows:

3 3. A Except as otherwise provided in subsection 4A, a  
4 person convicted of a sexually predatory offense which is a  
5 felony, who has a prior conviction for a sexually predatory  
6 offense, shall be sentenced to and shall serve twice the  
7 maximum period of incarceration for the offense, or twenty-  
8 five years, whichever is greater, notwithstanding any other  
9 provision of the Code to the contrary. A person sentenced  
10 under this subsection shall not have the person's sentence  
11 reduced under chapter 903A or otherwise by more than fifteen  
12 percent.

13 4. A Except as otherwise provided in subsection 4A, a  
14 person convicted of a sexually predatory offense which is a  
15 felony who has previously been sentenced under subsection 3  
16 shall be sentenced to life in prison on the same terms as a  
17 class "A" felon under section 902.1, notwithstanding any other  
18 provision of the Code to the contrary. In order for a person  
19 to be sentenced under this subsection, the prosecuting  
20 attorney shall allege and prove that this section is  
21 applicable to the person.

22 Sec. 2. Section 901A.2, Code 1997, is amended by adding  
23 the following new subsection:

24 NEW SUBSECTION. 4A. A person who has been convicted of a  
25 violation of either section 709.3, subsection 2, or section  
26 709.4, subsection 2, paragraph "b" or "c", shall, upon a  
27 second conviction for a violation of either section 709.3,  
28 subsection 2, or section 709.4, subsection 2, paragraph "b" or  
29 "c", be committed to the custody of the director of the Iowa  
30 department of corrections for the rest of the person's life.  
31 The terms and conditions applicable to sentences for class "A"  
32 felons under chapters 901 through 909 shall apply to persons  
33 sentenced under this subsection.

34 EXPLANATION

35 This bill provides for the imposition of a life sentence

1 for persons who commit repeat acts of sexual abuse against  
2 children age 15 and younger.

3     Currently, a person who commits sexual abuse of a child  
4 under the age of 12 commits sexual abuse in the second degree  
5 under Code section 709.3. Sexual abuse in the second degree  
6 is a class "B" felony punishable by a sentence of imprisonment  
7 not to exceed 25 years, 85 percent of which must be served  
8 before the person can be released. Currently, a person  
9 commits sexual abuse in the third degree under Code section  
10 709.4 when the person commits sexual abuse of a child who is  
11 12 or 13 or commits sexual abuse of a child who is 14 or 15  
12 when any of the following applies: the child and the person  
13 are members of the same household, the child and the person  
14 are related within the fourth degree by blood or marriage, the  
15 person uses a position of authority to coerce the child to  
16 submit, or the person is five or more years older than the  
17 child. Sexual abuse in the third degree is a class "C" felony  
18 punishable by imprisonment not to exceed 10 years and a fine  
19 of at least \$500 but not more than \$10,000.

20     The bill provides that if a person is convicted of one of  
21 those specific violations of those sections and has previously  
22 been convicted of one of those violations of those sections,  
23 the person is to be sentenced to life imprisonment on the same  
24 terms and conditions that apply to class "A" felons.

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SENATE FILE 2203  
FISCAL NOTE

REQUESTED BY SENATOR ANGE

The estimate for Senate File 2203 is hereby submitted as a fiscal note pursuant to Joint Rule 17 and as a correctional impact statement pursuant to Section 2.56, Code of Iowa. Data used in developing this fiscal note and correctional impact statement are available from the Legislative Fiscal Bureau to members of the Legislature upon request.

Senate File 2203 provides for imposition of a life sentence for persons who commit repeat acts of sexual abuse against children age 15 and younger. Depending on the age of the victim and relationship to the offender, current law defines these offenses as Class B or Class C felonies. The Class B offense carries a 25 year sentence with a requirement that the offender serve 85.0% of the sentence before being eligible for parole. A Class C felony carries a maximum sentence of 10 years plus a fine between \$500 and \$10,000.

ASSUMPTIONS

1. In 1997, two offenders were admitted to prison under Section 901A, Code of Iowa. Neither would have qualified for life sentences under this Bill.
2. In 1997, there were four offenders admitted to prison who could have been sentenced under Section 901A but were not. If they had been sentenced under this Bill they could have qualified for life sentences.

CORRECTIONAL IMPACT

The changes in this Bill are not expected to have a significant impact on the prison population given current sentencing practices. If sentencing patterns change as a result of this Bill, then the number of persons receiving life sentences could increase.

FISCAL IMPACT

The fiscal impact of SF 2203 under current sentence practices is not expected to be significant.

SOURCES

Criminal and Juvenile Justice Planning Division,  
Department of Human Rights

(LSB 3725SS, MDF)

FILED FEBRUARY 23, 1998

BY DENNIS PROUTY, FISCAL DIRECTOR