

#. 3/13/98 Judiciary
H-3/20/98 Do Pass

FILED MAR 2 1998
H-3/26/98 UNFINISHED BUSINESS CALENDAR

SENATE FILE 2385
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 2205)

Passed Senate, Date ^(p.642) 3-11-98
Vote: Ayes 48 Nays 0
Approved May 14, 1998

Passed House, Date ^(p.1923) 4/22/98
Vote: Ayes 97 Nays 1

A BILL FOR

1 An Act relating to the mandatory minimum term of incarceration
2 for felony domestic abuse assault.

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

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S.F. 2385

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1 Section 1. Section 708.2A, subsection 6, paragraph b, Code
2 Supplement 1997, is amended to read as follows:

3 b. A person convicted of violating subsection 4 shall be
4 sentenced as provided under section 902.9, subsection 4,
5 committed to the custody of the director of the department of
6 corrections, ~~shall-serve-a-minimum-of-one-year-of-the-sentence~~
7 imposed, and shall be assessed a fine of at least seven
8 hundred fifty dollars. The person shall be denied parole or
9 work release until the person has served a minimum of one year
10 of the person's sentence. Notwithstanding section 901.5,
11 subsection 3, and section 907.3, subsection 3, the ~~sentence~~
12 person cannot be receive a suspended or deferred sentence or a
13 deferred judgment; however, the person sentenced shall receive
14 credit for any time the person was confined in a jail or
15 detention facility following arrest.

16 EXPLANATION

17 This bill makes changes relating to the imposition of
18 sentences for felony domestic abuse assault.

19 The felony domestic abuse assault sentencing language in
20 Code section 708.2A is amended to specify that the person is
21 to be sentenced to an indeterminate term of five years, but
22 that the person may not be released on parole or work release
23 unless the person has served a minimum of one year of the
24 person's sentence and that the person also may not receive a
25 deferred judgment or deferred sentence. Such a person also
26 cannot be given a suspended sentence under the current
27 provision in Code sections 708.2A and 907.3.

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SENATE FILE 2385
FISCAL NOTE

The estimate for Senate File 2385 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 2385 amends Section 708.2A, Code of Iowa to require an offender serving time for felony domestic abuse be denied parole or work release until he or she has been incarcerated at least one year. The Bill also prohibits the offender from receiving a deferred judgment or deferred sentence. Under current law, he or she may not receive a suspended sentence.

ASSUMPTIONS

1. Current charge, conviction, and sentencing patterns will remain constant.
2. Inmate length of stay and other policies will remain constant.
3. There will be a six month lag between implementation of these changes and when the first offender enters the prison system.
4. FY 1997 information shows that one offender received a sentence of less than one year and would be affected by this change. Four offenders received probation. This estimate assumes five offenders annually will be affected by this change.
5. The average daily cost for inmate support is \$12.

CORRECTIONAL IMPACT

Senate File 2385 is expected to add two inmates to the prison population in FY 1999. In FY 2000, the inmate population will increase by seven inmates, and in FY 2003, the inmate population will increase by nine inmates.

FISCAL IMPACT

Senate File 2385 is expected to increase operations costs for the Department of Corrections by \$9,000 in FY 1999, by \$31,000 in FY 2000, and by \$39,000 in FY 2003.

SOURCES

Criminal and Juvenile Justice Planning Division,
Department of Human Rights
Department of Corrections

(LSB 4368SV, MDF)

FILED MARCH 11, 1998

BY DENNIS PROUTY, FISCAL DIRECTOR

Angelo
Halverson
Redfern

SSB-2205

Judiciary
Succeeded By
SF/HF 2385

SENATE FILE
BY (PROPOSED COMMITTEE ON
JUDICIARY BILL BY
CHAIRPERSON MCKEAN)

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

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SENATE FILE 2385

AN ACT
RELATING TO THE MANDATORY MINIMUM TERM OF INCARCERATION FOR
FELONY DOMESTIC ABUSE ASSAULT.

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

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b. A person convicted of violating subsection 4 shall be sentenced as provided under section 902.9, subsection 4, committed to the custody of the director of the department of corrections, shall-serve-a-minimum-of-one-year-of-the-sentence imposed; and shall be assessed a fine of at least seven hundred fifty dollars. The person shall be denied parole or work release until the person has served a minimum of one year of the person's sentence. Notwithstanding section 901.5, subsection 3, and section 907.3, subsection 3, the sentence person cannot be receive a suspended or deferred sentence or a deferred judgment; however, the person sentenced shall receive

MARY E. KRAMER
President of the Senate

RON J. CORBETT
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2385, Seventy-seventh General Assembly.

Approved May 14, 1998

MARY PAT GUNDERSON
Secretary of the Senate

TERRY E. BRANSTAD
Governor