

JAN 27 2000

JUDICIARY

HOUSE FILE 2087  
BY RICHARDSON

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

**A BILL FOR**

1 An Act relating to penalties applicable to the crimes of forgery  
2 and burglary in the third degree.

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

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*HF 2087*

1 Section 1. Section 902.3, Code Supplement 1999, is amended  
2 to read as follows:

3 902.3 INDETERMINATE SENTENCE.

4 When a judgment of conviction of a felony other than a  
5 class "A" felony is entered against a person, the court, in  
6 imposing a sentence of confinement, shall commit the person  
7 into the custody of the director of the Iowa department of  
8 corrections for an indeterminate term, the maximum length of  
9 which shall not exceed the limits as fixed by section 902.9,  
10 unless otherwise prescribed by statute, nor shall the term be  
11 less than the minimum term imposed by law, if a minimum  
12 sentence is provided. However, the court may sentence a  
13 person convicted of a class "D" felony for a violation of  
14 section 321J.2, 713.6A, or 715A.2 to imprisonment for up to  
15 one year in a county jail under section 902.9, subsection 5,  
16 and the person shall not be under the custody of the director  
17 of the Iowa department of corrections.

18 Sec. 2. Section 902.9, subsection 5, Code Supplement 1999,  
19 is amended to read as follows:

20 5. A class "D" felon, not an habitual offender, shall be  
21 confined for no more than five years, and in addition shall be  
22 sentenced to a fine of at least seven hundred fifty dollars  
23 but not more than seven thousand five hundred dollars. A  
24 class "D" felon, such felony being for a violation of section  
25 321J.2, 713.6A, or 715A.2 may be sentenced to imprisonment for  
26 up to one year in the county jail.

27 The criminal penalty surcharge required by section 911.2  
28 shall be added to a fine imposed on a class "C" or class "D"  
29 felon, as provided by that section, and is not a part of or  
30 subject to the maximums set in this section.

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#### EXPLANATION

32 This bill relates to certain felony offenders being  
33 sentenced to confinement for up to one year in a county jail.

34 The bill provides that a person convicted of either forgery  
35 or burglary in the third degree may be sentenced to a county

1 jail for up to one year. Under existing law, an offender  
2 convicted of forgery or burglary in the third degree is  
3 sentenced to confinement and committed to the custody of the  
4 director of the Iowa department of corrections, and may not be  
5 confined in a county jail as a part of the sentence of  
6 confinement.

7 An offender convicted of forgery or burglary in the third  
8 degree is guilty of a class "D" felony, and a class "D" felony  
9 is punishable by confinement for no more than five years and a  
10 fine of at least \$750 but not more than \$7,500.

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