

Sunderbruch, Chair
Kethering
Parmenter

HSB 713

JUDICIARY

Bv

SF

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT OF
CORRECTIONS BILL)

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

A BILL FOR

1 An Act relating to the jurisdiction of the state over and the
2 incarceration of criminal law offenders.

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

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1 Section 1. Section 704.8, Code 1999, is amended to read as
2 follows:

3 704.8 ESCAPE FROM PLACE OF CONFINEMENT.

4 A correctional officer or peace officer is justified in
5 using reasonable force, including deadly force, which is
6 necessary to prevent the escape of any person from any jail,
7 penal institution, correctional facility, or similar place of
8 confinement, or place of trial or other judicial proceeding,
9 or to prevent the escape from custody of any person who is
10 being transported from any such place of confinement, trial or
11 judicial proceeding to any other such place, except that
12 deadly force ~~may~~ shall not be used to prevent the escape of
13 one who the correctional officer or peace officer knows or
14 should-know is confined on a charge or conviction of any class
15 of misdemeanor.

16 Sec. 2. Section 719.4, Code Supplement 1999, is amended by
17 adding the following new subsection:

18 NEW SUBSECTION. 5. Except for subsection 4, an offense
19 committed under this section includes any offense committed
20 wholly outside the state.

21 Sec. 3. Section 803.1, subsection 1, Code 1999, is amended
22 by adding the following new paragraph after paragraph c:

23 NEW PARAGRAPH. cc. The offense is based upon a statute
24 that specifically prohibits conduct wholly outside of the
25 state, and the conduct bears a reasonable relation to a
26 legitimate state interest, and the person knows or should know
27 that the conduct is likely to affect that interest.

28 Sec. 4. Section 903A.2, subsection 1, paragraph a,
29 unnumbered paragraph 1, Code 1999, is amended to read as
30 follows:

31 Category "A" sentences are those sentences which are not
32 subject to a maximum accumulation of good conduct time of
33 fifteen percent of the total sentence of confinement under
34 section 902.12. To the extent provided in subsection 5,
35 category "A" sentences also include life sentences imposed

1 under section 902.1. An inmate of an institution under the
 2 control of the department of corrections who is serving a
 3 category "A" sentence is eligible for a reduction of sentence
 4 equal to one day for each day of good conduct while committed
 5 to one of the department's institutions. An inmate serving a
 6 category "A" sentence may also earn additional good conduct
 7 time under section 903A.3 for acts of heroism or for
 8 meritorious actions. In addition, each inmate who is serving
 9 a category "A" sentence is eligible for an additional
 10 reduction of up to five days per month if the inmate
 11 participates satisfactorily in any of the following
 12 activities:

13 Sec. 5. Section 903A.3, Code 1999, is amended to read as
 14 follows:

15 903A.3 ~~LOSS-OR-FORFEITURE-OF~~ GOOD CONDUCT TIME --
 16 AWARDING, LOSS, OR FORFEITURE.

17 1. Upon finding that an inmate has violated an
 18 institutional rule, or has had an action or appeal dismissed
 19 under section 610A.2, the independent administrative law judge
 20 may order forfeiture of any or all good conduct time earned
 21 and not forfeited up to the date of the violation by the
 22 inmate and may order forfeiture of any or all good conduct
 23 time earned and not forfeited up to the date the action or
 24 appeal is dismissed, unless the court entered such an order
 25 under section 610A.3. The independent administrative law
 26 judge has discretion within the guidelines established
 27 pursuant to section 903A.4, to determine the amount of time
 28 that should be forfeited based upon the severity of the
 29 violation. Prior violations by the inmate may be considered
 30 by the administrative law judge in the decision.

31 2. The orders of the administrative law judge are subject
 32 to appeal to the superintendent or warden of the institution,
 33 or the superintendent's or warden's designee, who may either
 34 affirm, modify, remand for correction of procedural errors, or
 35 reverse an order. However, sanctions shall not be increased

S.F. _____ H.F. _____

1 on appeal. A decision of the superintendent, warden, or
2 warden's designee is subject to review by the director of the
3 Iowa department of corrections or the director's designee who
4 may either affirm, modify, remand for correction of procedural
5 errors, or reverse the decision. However, sanctions shall not
6 be increased on review.

7 3. The director of the Iowa department of corrections or
8 the director's designee, may restore all or any portion of
9 previously forfeited good conduct time for acts of heroism or
10 for meritorious actions. The director or the director's
11 designee may also award additional good conduct time to an
12 inmate serving a category "A" sentence for acts of heroism or
13 for meritorious actions if the inmate has not had any good
14 conduct time previously forfeited. The director shall
15 establish by rule the requirements as to which activities may
16 warrant the restoration of good conduct time and the amount of
17 good conduct time to be restored.

18 4. The inmate disciplinary procedure, including but not
19 limited to the method of awarding or forfeiting time pursuant
20 to this chapter, is not a contested case subject to chapter
21 17A.

22 Sec. 6. Section 903A.5, unnumbered paragraph 2, Code
23 Supplement 1999, is amended to read as follows:

24 An inmate shall not receive credit upon the inmate's
25 sentence for time spent in custody in another state resisting
26 return to Iowa following an escape, ~~or for time served.~~
27 However, an inmate shall receive credit upon the inmate's
28 sentence while incarcerated in an institution or jail of
29 another jurisdiction during any period of time the person is
30 receiving credit upon a sentence of that other jurisdiction.

31 EXPLANATION

32 This bill relates to the criminal jurisdiction of the state
33 and to the incarceration of inmates.

34 The bill amends Code section 704.8 to provide that a
35 correctional or peace officer may use reasonable force,

1 including deadly force, against an inmate attempting to escape
 2 unless the officer knows the inmate is confined due to a
 3 misdemeanor charge or conviction. Under existing law, the
 4 officer is prohibited from using deadly force to prevent an
 5 escape of an inmate if the officer knows or should know the
 6 inmate is confined due to a misdemeanor charge or conviction.

7 The bill amends Code section 719.4 regarding the criminal
 8 offense of escape or absence from custody. The bill provides
 9 that an escape or absence from custody that occurs outside the
 10 state may be prosecuted in this state. Existing law does not
 11 provide for the prosecution of Iowa offenders for escape or
 12 absence from custody if the offense occurred outside the
 13 state.

14 The bill amends Code section 803.1 concerning the state's
 15 criminal jurisdiction. The bill provides that a criminal
 16 offense committed outside the state may be prosecuted in this
 17 state if the following apply: a statute specifically
 18 prohibits the conduct outside the state; there is a legitimate
 19 state interest; and the offender knew or should know that the
 20 offense would affect that state interest. Existing law
 21 generally permits the state to only prosecute an offender who
 22 committed an offense that occurred at least partly in this
 23 state.

24 The bill amends Code sections 903A.2 and 903A.3 which
 25 provide that additional good time may be awarded by the
 26 director of the department of corrections for acts of heroism
 27 or for meritorious actions by an inmate if the inmate has not
 28 previously had good conduct time forfeited. The bill also
 29 provides that an order of an administrative law judge
 30 concerning loss of good conduct time may be reviewed by the
 31 director of the department of correction's designee. Existing
 32 law limits the review of loss of good conduct time to the
 33 director.

34 The bill amends Code section 903A.5 to provide that an
 35 inmate incarcerated in another jurisdiction shall receive

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1 credit upon the inmate's Iowa sentence if the inmate is
2 receiving credit upon a sentence in that other jurisdiction.
3 Generally, an inmate would receive one day of credit on the
4 inmate's Iowa sentence for one day served in the other
5 jurisdiction. Existing law prohibits an inmate who is
6 incarcerated in another jurisdiction from receiving credit
7 upon the inmate's Iowa sentence if the inmate is also
8 receiving credit upon the inmate's sentence in the other
9 jurisdiction.

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3/21/00 Removed from Calendar

FEB 25 2000

Place On Calendar

HOUSE FILE 2455
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 713)

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

A BILL FOR

1 An Act relating to the awarding, loss, or forfeiture of good
2 conduct time.

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

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HF 2455

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6 fifteen percent of the total sentence of confinement under
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8 category "A" sentences also include life sentences imposed
9 under section 902.1. An inmate of an institution under the
10 control of the department of corrections who is serving a
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12 equal to one day for each day of good conduct while committed
13 to one of the department's institutions. An inmate serving a
14 category "A" sentence may also earn additional good conduct
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16 meritorious actions. In addition, each inmate who is serving
17 a category "A" sentence is eligible for an additional
18 reduction of up to five days per month if the inmate
19 participates satisfactorily in any of the following
20 activities:

21 Sec. 2. Section 903A.3, Code 1999, is amended to read as
22 follows:

23 903A.3 ~~LOSS-OR-FORFEITURE-OF~~ GOOD CONDUCT TIME --
24 AWARDING, LOSS, OR FORFEITURE.

25 1. Upon finding that an inmate has violated an
26 institutional rule, or has had an action or appeal dismissed
27 under section 610A.2, the independent administrative law judge
28 may order forfeiture of any or all good conduct time earned
29 and not forfeited up to the date of the violation by the
30 inmate and may order forfeiture of any or all good conduct
31 time earned and not forfeited up to the date the action or
32 appeal is dismissed, unless the court entered such an order
33 under section 610A.3. The independent administrative law
34 judge has discretion within the guidelines established
35 pursuant to section 903A.4, to determine the amount of time

1 that should be forfeited based upon the severity of the
2 violation. Prior violations by the inmate may be considered
3 by the administrative law judge in the decision.

4 2. The orders of the administrative law judge are subject
5 to appeal to the superintendent or warden of the institution,
6 or the superintendent's or warden's designee, who may either
7 affirm, modify, remand for correction of procedural errors, or
8 reverse an order. However, sanctions shall not be increased
9 on appeal. A decision of the superintendent, warden, or
10 warden's designee is subject to review by the director of the
11 Iowa department of corrections or the director's designee who
12 may either affirm, modify, remand for correction of procedural
13 errors, or reverse the decision. However, sanctions shall not
14 be increased on review.

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16 the director's designee, may restore all or any portion of
17 previously forfeited good conduct time for acts of heroism or
18 for meritorious actions. The director or the director's
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21 for meritorious actions if the inmate has not had any good
22 conduct time previously forfeited. The director shall
23 establish by rule the requirements as to which activities may
24 warrant the awarding or restoration of good conduct time and
25 the amount of good conduct time to be awarded or restored.

26 4. The inmate disciplinary procedure, including but not
27 limited to the method of awarding or forfeiting time pursuant
28 to this chapter, is not a contested case subject to chapter
29 17A.

30 EXPLANATION

31 This bill relates to awarding, loss, or forfeiture of good
32 conduct time.

33 The bill amends Code sections 903A.2 and 903A.3 which
34 provide that additional good conduct time may be awarded by
35 the director of the department of corrections for acts of

1 heroism or for meritorious actions by an inmate if the inmate
2 has not previously had good conduct time forfeited. The bill
3 also provides that an order of an administrative law judge or
4 superintendent or warden concerning loss or forfeiture of good
5 conduct time may be reviewed by the director of the department
6 of corrections' designee. Existing law limits the review of
7 loss or forfeiture of good conduct time to the director.

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