

FEB 11 1999

JUDICIARY

HOUSE FILE

258

BY KREIMAN

2/15/99 Sponsor added Davis

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

A BILL FOR

1 An Act relating to the performance of community service work by
 2 criminal offenders, by providing for penalties for the
 3 falsification of records relating to community service work
 4 performed by certain offenders, and providing for the
 5 performance of a minimum number of hours of community service
 6 work by certain offenders.

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

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HF 258

1 Section 1. NEW SECTION. 715A.8 ASSISTING IN
2 FALSIFICATION OF PROBATION OR PAROLE COMMUNITY SERVICE
3 RECORDS.

4 A person shall not assist another person who has been
5 placed on probation or parole in falsifying a record
6 pertaining to the performance of community service work by the
7 probationer or parolee. A person who violates this section
8 commits a serious misdemeanor.

9 Sec. 2. Section 902.9, subsections 3 and 4, Code 1999, are
10 amended to read as follows:

11 3. A class "C" felon, not an habitual offender, shall be
12 confined for no more than ten years, and in addition may be
13 sentenced to a fine of at least five hundred dollars but not
14 more than ten thousand dollars and to perform not less than
15 six hundred forty hours of unpaid community service.

16 4. A class "D" felon, not an habitual offender, shall be
17 confined for no more than five years, and in addition may be
18 sentenced to a fine of at least five hundred dollars but not
19 more than seven thousand five hundred dollars and to perform
20 not less than three hundred twenty hours of unpaid community
21 service. A class "D" felon, such felony being for a violation
22 of section 321J.2, may be sentenced to imprisonment for up to
23 one year in the county jail.

24 Sec. 3. Section 903.1, subsection 1, paragraph b, Code
25 1999, is amended to read as follows:

26 b. For a serious misdemeanor, there shall be a fine of at
27 least two hundred fifty dollars but not to exceed one thousand
28 five hundred dollars and the court shall order the performance
29 of not less than forty hours of unpaid community service. In
30 addition, the court may also order imprisonment not to exceed
31 one year.

32 Sec. 4. Section 903.1, subsection 2, Code 1999, is amended
33 to read as follows:

34 2. When a person is convicted of an aggravated
35 misdemeanor, and a specific penalty is not provided for, the

1 maximum penalty shall be imprisonment not to exceed two years.
2 There shall be a fine of at least five hundred dollars but not
3 to exceed five thousand dollars and the court shall order the
4 performance of not less than eighty hours of unpaid community
5 service. When a judgment of conviction of an aggravated
6 misdemeanor is entered against any person and the court
7 imposes a sentence of confinement for a period of more than
8 one year the term shall be an indeterminate term.

9 Sec. 5. NEW SECTION. 908.12 FALSIFICATION OF COMMUNITY
10 SERVICE RECORDS BY PROBATIONER OR PAROLEE.

11 A person who has been placed on probation or parole and who
12 is required to perform community service work either as part
13 of the person's sentence, as a condition of release, or as
14 part of the person's restitution plan shall not submit a false
15 record of community service work performed. A violation of
16 the requirements of this section is punishable by contempt
17 proceedings.

18 EXPLANATION

19 This bill makes a variety of changes relating to the
20 performance of community service work by certain offenders. A
21 new serious misdemeanor offense is created for persons who
22 assist probationers and parolees in falsifying a record
23 pertaining to the performance of community service work by the
24 probationer or parolee. A probationer or parolee who
25 falsifies a community service work record may be punished
26 through contempt proceedings.

27 The performance of minimum numbers of hours of community
28 service work is established in the bill for class "C" and
29 class "D" felonies and for aggravated and serious
30 misdemeanors.

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