

House Study Bill 713

Bill Text

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1 1 Section 1. Section [704.8](#), Code 1999, is amended to read as
1 2 follows:

1 3 704.8 ESCAPE FROM PLACE OF CONFINEMENT.

1 4 A correctional officer or peace officer is justified in
1 5 using reasonable force, including deadly force, which is
1 6 necessary to prevent the escape of any person from any jail,
1 7 penal institution, correctional facility, or similar place of
1 8 confinement, or place of trial or other judicial proceeding,
1 9 or to prevent the escape from custody of any person who is
1 10 being transported from any such place of confinement, trial or
1 11 judicial proceeding to any other such place, except that
1 12 deadly force

~~may~~

- shall not be used to prevent the escape of
1 13 one who the correctional officer or peace officer knows

~~or~~

-
1 14

~~should know~~

- is confined on a charge or conviction of any class
1 15 of misdemeanor.

1 16 Sec. 2. Section [719.4](#), Code Supplement 1999, is amended by
1 17 adding the following new subsection:

1 18 NEW SUBSECTION. 5. Except for subsection 4, an offense
1 19 committed under this section includes any offense committed
1 20 wholly outside the state.

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

1 23 NEW PARAGRAPH. cc. The offense is based upon a statute
1 24 that specifically prohibits conduct wholly outside of the
1 25 state, and the conduct bears a reasonable relation to a
1 26 legitimate state interest, and the person knows or should know
1 27 that the conduct is likely to affect that interest.

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

1 31 Category "A" sentences are those sentences which are not
1 32 subject to a maximum accumulation of good conduct time of
1 33 fifteen percent of the total sentence of confinement under
1 34 section 902.12. To the extent provided in subsection 5,
1 35 category "A" sentences also include life sentences imposed
2 1 under section 902.1. An inmate of an institution under the
2 2 control of the department of corrections who is serving a
2 3 category "A" sentence is eligible for a reduction of sentence
2 4 equal to one day for each day of good conduct while committed
2 5 to one of the department's institutions. An inmate serving a
2 6 category "A" sentence may also earn additional good conduct
2 7 time under section 903A.3 for acts of heroism or for
2 8 meritorious actions. In addition, each inmate who is serving
2 9 a category "A" sentence is eligible for an additional
2 10 reduction of up to five days per month if the inmate
2 11 participates satisfactorily in any of the following
2 12 activities:

2 13 Sec. 5. Section 903A.3, Code 1999, is amended to read as
2 14 follows:
2 15 903A.3

~~LOSS OR FORFEITURE OF~~
~~GOOD CONDUCT TIME~~

2 16 AWARDING, LOSS, OR FORFEITURE.

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

2 31 2. The orders of the administrative law judge are subject
2 32 to appeal to the superintendent or warden of the institution,
2 33 or the superintendent's or warden's designee, who may either
2 34 affirm, modify, remand for correction of procedural errors, or
2 35 reverse an order. However, sanctions shall not be increased
3 1 on appeal. A decision of the superintendent, warden, or
3 2 warden's designee is subject to review by the director of the
3 3 Iowa department of corrections or the director's designee who
3 4 may either affirm, modify, remand for correction of procedural
3 5 errors, or reverse the decision. However, sanctions shall not
3 6 be increased on review.

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

3 18 4. The inmate disciplinary procedure, including but not
3 19 limited to the method of awarding or forfeiting time pursuant
3 20 to this chapter, is not a contested case subject to chapter
3 21 17A.

3 22 Sec. 6. Section 903A.5, unnumbered paragraph 2, Code
3 23 Supplement 1999, is amended to read as follows:

3 24 An inmate shall not receive credit upon the inmate's
3 25 sentence for time spent in custody in another state resisting
3 26 return to Iowa following an escape

~~, or for time served~~

3 27 However, an inmate shall receive credit upon the inmate's
3 28 sentence while incarcerated in an institution or jail of
3 29 another jurisdiction during any period of time the person is
3 30 receiving credit upon a sentence of that other jurisdiction.

3 31 EXPLANATION

3 32 This bill relates to the criminal jurisdiction of the state
3 33 and to the incarceration of inmates.

3 34 The bill amends Code section 704.8 to provide that a
3 35 correctional or peace officer may use reasonable force,
4 1 including deadly force, against an inmate attempting to escape
4 2 unless the officer knows the inmate is confined due to a
4 3 misdemeanor charge or conviction. Under existing law, the

4 4 officer is prohibited from using deadly force to prevent an
4 5 escape of an inmate if the officer knows or should know the
4 6 inmate is confined due to a misdemeanor charge or conviction.
4 7 The bill amends Code section 719.4 regarding the criminal
4 8 offense of escape or absence from custody. The bill provides
4 9 that an escape or absence from custody that occurs outside the
4 10 state may be prosecuted in this state. Existing law does not
4 11 provide for the prosecution of Iowa offenders for escape or
4 12 absence from custody if the offense occurred outside the
4 13 state.

4 14 The bill amends Code section 803.1 concerning the state's
4 15 criminal jurisdiction. The bill provides that a criminal
4 16 offense committed outside the state may be prosecuted in this
4 17 state if the following apply: a statute specifically
4 18 prohibits the conduct outside the state; there is a legitimate
4 19 state interest; and the offender knew or should know that the
4 20 offense would affect that state interest. Existing law
4 21 generally permits the state to only prosecute an offender who
4 22 committed an offense that occurred at least partly in this
4 23 state.

4 24 The bill amends Code sections 903A.2 and 903A.3 which
4 25 provide that additional good time may be awarded by the
4 26 director of the department of corrections for acts of heroism
4 27 or for meritorious actions by an inmate if the inmate has not
4 28 previously had good conduct time forfeited. The bill also
4 29 provides that an order of an administrative law judge
4 30 concerning loss of good conduct time may be reviewed by the
4 31 director of the department of correction's designee. Existing
4 32 law limits the review of loss of good conduct time to the
4 33 director.

4 34 The bill amends Code section 903A.5 to provide that an
4 35 inmate incarcerated in another jurisdiction shall receive
5 1 credit upon the inmate's Iowa sentence if the inmate is
5 2 receiving credit upon a sentence in that other jurisdiction.
5 3 Generally, an inmate would receive one day of credit on the
5 4 inmate's Iowa sentence for one day served in the other
5 5 jurisdiction. Existing law prohibits an inmate who is
5 6 incarcerated in another jurisdiction from receiving credit
5 7 upon the inmate's Iowa sentence if the inmate is also
5 8 receiving credit upon the inmate's sentence in the other
5 9 jurisdiction.

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