

McKean
Hammond
Maddox

SSB-3074
Judiciary
Succeeded By
(SA/HF 2265)

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

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

A BILL FOR

1 An Act to provide an additional sentence of parole or work
2 release for certain persons who commit the crime of lascivious
3 acts with a child.

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

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Success

1 Section 1. Section 709.8, unnumbered paragraph 2, Code
2 1999, is amended to read as follows:

3 Any person who violates a provision of this section shall,
4 upon conviction, be guilty of a class "D" felony. A person
5 who violates a provision of this section and who is sentenced
6 to a term of confinement shall also be sentenced to an
7 additional term of parole or work release not to exceed two
8 years. The board of parole shall determine whether the person
9 should be released on parole or placed in a work release
10 program. The sentence of an additional term of parole or work
11 release supervision shall commence immediately upon the
12 expiration of the succeeding sentence and shall be under the
13 terms and conditions as set out in chapter 906. Violations of
14 parole or work release shall be subject to the procedures set
15 out in chapter 905 or 908 or rules adopted under those
16 chapters. The sentence of an additional term of parole or
17 work release shall be consecutive to the original term of
18 confinement.

19 EXPLANATION

20 This bill provides for the imposition of an additional
21 sentence of mandatory parole or work release for certain
22 persons convicted of the criminal offense of lascivious acts
23 with a child in violation of Code section 709.8.

24 The bill provides that if an offender is sentenced to a
25 period of confinement, the court shall also sentence the
26 person to an additional sentence of parole or work release not
27 to exceed two years. The bill provides that the additional
28 sentence of parole or work release shall run consecutive to
29 the first sentence of confinement. The bill also provides
30 that upon the expiration of the first sentence, the board of
31 parole shall determine whether the person shall be on parole
32 or work release during the additional sentence. Under the
33 bill, if a person violates a condition of the additional
34 sentence of parole or work release, the additional sentence of
35 parole or work release may be revoked and the person sentenced

1 to a period of confinement in the same manner as any other
2 person on parole or work release status.

3 Generally, a person who commits lascivious acts with a
4 child touches, solicits, or inflicts pain on a child for the
5 purpose of arousing the sexual desires of the person or the
6 child. A person who commits lascivious acts with a child is
7 guilty of a class "D" felony. A class "D" felony is
8 punishable by confinement for no more than five years and a
9 fine of at least \$750 but not more than \$7,500.

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H. 3/6/00 Judiciary
H. 3/15/00 Do Pass
H. 3/23/00 Unfinished Business Calendar
FILED FEB 22 2000

SENATE FILE **2265**
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 3074)

Passed Senate, Date 3/2/00 (p. 512) Passed House, Date 4/26/00 (p. 1854)
Vote: Ayes 47 Nays 0 Vote: Ayes 94 Nays 2
Approved 5/4/00

A BILL FOR

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SF 2265

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12 expiration of the preceding sentence and shall be under the
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14 parole or work release shall be subject to the procedures set
15 out in chapter 905 or 908 or rules adopted under those
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17 work release shall be consecutive to the original term of
18 confinement.

19 EXPLANATION

20 This bill provides for the imposition of an additional
21 sentence of mandatory parole or work release for certain
22 persons convicted of the criminal offense of lascivious acts
23 with a child in violation of Code section 709.8.

24 The bill provides that if an offender is sentenced to a
25 period of confinement, the court shall also sentence the
26 person to an additional sentence of parole or work release not
27 to exceed two years. The bill provides that the additional
28 sentence of parole or work release shall run consecutive to
29 the first sentence of confinement. The bill also provides
30 that upon the expiration of the first sentence, the board of
31 parole shall determine whether the person shall be on parole
32 or work release during the additional sentence. Under the
33 bill, if a person violates a condition of the additional
34 sentence of parole or work release, the additional sentence of
35 parole or work release may be revoked and the person sentenced

1 to a period of confinement in the same manner as any other
2 person on parole or work release status.

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**SENATE FILE 2265
FISCAL NOTE**

The estimate for Senate File 2265 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 2265 imposes an additional mandatory sentence of up to two years of parole or work release after completion of the prison sentence for persons convicted of lascivious acts with a child.

ASSUMPTIONS

1. Charge, conviction, and sentencing patterns will not change over the projection period.
2. Prisoner length of stay, revocation rates, and other corrections policies will not change over the projection period.
3. There were 136 convictions in 1998. Sixty-two offenders were placed on probation, and the remainder were sentenced to prison.
4. With good time, a Class D felon serves approximate 2.5 years in prison.
5. Of these offenders, 87.0% currently expire their sentences and leave prison unsupervised.
6. Half of the offenders released from prison under this Bill will receive six months of intensive supervision at a cost of \$9.41 per day. The remainder will be placed on street supervision at a cost of \$1.53 per day.
7. The marginal cost for adding an inmate to prison is \$12 per day.

CORRECTIONAL IMPACT

Senate File 2265 will have no impact on the correctional system in FY 2001 and FY 2002. By FY 2005 an additional 108 offenders will be under the supervision of Community-Based Corrections (CBC). Beginning in FY 2006, the CBC population will level off with a total addition of 124 offenders. Beginning in FY 2005, an additional 47 offenders annually will spend six months under intensive supervision.

In FY 2005, there will be an additional seven prison inmates due to parole or work release violations by the previously unsupervised offenders.

FISCAL IMPACT

Senate File 2265 will not create any increased General Fund expenditures for the correctional system in FY 2001 and FY 2002. In FY 2005, the CBC Districts will incur additional costs totaling \$114,000 to supervise these offenders. In FY 2006, the CBC costs will level off at \$123,000 per year.

The prisons will incur additional annual General Fund expenditures of \$31,000 by FY 2005.

SOURCES

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

(LSB 5777SV, MDF)

FILED MARCH 1, 2000

BY DENNIS PROUTY, FISCAL DIRECTOR

work release shall be consecutive to the original term of confinement.

SENATE FILE 2265

AN ACT

TO PROVIDE AN ADDITIONAL SENTENCE OF PAROLE OR WORK RELEASE FOR CERTAIN PERSONS WHO COMMIT THE CRIME OF LASCIVIOUS ACTS WITH A CHILD.

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

Section 1. Section 709.8, unnumbered paragraph 2, Code 1999, is amended to read as follows:

Any person who violates a provision of this section shall, upon conviction, be guilty of a class "D" felony. A person who violates a provision of this section and who is sentenced to a term of confinement shall also be sentenced to an additional term of parole or work release not to exceed two years. The board of parole shall determine whether the person should be released on parole or placed in a work release program. The sentence of an additional term of parole or work release supervision shall commence immediately upon the expiration of the preceding sentence and shall be under the terms and conditions as set out in chapter 906. Violations of parole or work release shall be subject to the procedures set out in chapter 905 or 908 or rules adopted under those chapters. The sentence of an additional term of parole or

MARY E. KRAMER
President of the Senate

BRENT SIEGRIST
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2265, Seventy-eighth General Assembly.

MICHAEL E. MARSHALL
Secretary of the Senate

Approved 5/4, 2000

THOMAS J. VILSACK
Governor