

McKean  
Hammond  
Maddox

SSB - 3055  
Judiciary

Succeeded By  
SF/HF 2282  
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 relating to a criminal sentence subject to the maximum  
2 accumulation of good time credits of fifteen percent of the  
3 total sentence of confinement.

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

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71-2600

1 Section 1. Section 901.5A, Code Supplement 1999, is  
2 amended by adding the following new subsection:

3 NEW SUBSECTION. 1A. A defendant may have a judgment and  
4 sentence entered under section 901.5 reopened for resentencing  
5 if the following apply:

6 a. The sentence of the defendant is subject to a maximum  
7 accumulation of good conduct time of fifteen percent of the  
8 total sentence of confinement under section 902.12.

9 b. The board of parole and the department of corrections  
10 file a motion in the sentencing court to reopen the sentence  
11 of the defendant.

12 c. The court, upon hearing, grants the motion.

13 Sec. 2. Section 901.5A, subsections 2 and 3, Code  
14 Supplement 1999, are amended to read as follows:

15 2. Upon a finding by the court that the defendant  
16 cooperated in the prosecution of other persons or upon the  
17 court granting a motion to reopen the sentence by the board of  
18 parole and the department of corrections, the court may reduce  
19 the maximum sentence imposed under the original sentencing  
20 order.

21 3. For purposes of calculating good conduct time under  
22 section 903A.2, the sentencing date for a defendant whose  
23 sentence has been reopened under this section shall be the  
24 date of the original sentencing order. If the original  
25 sentence was subject to the maximum accumulation of good  
26 conduct time of fifteen percent of the total sentence of  
27 confinement under section 902.12, the maximum accumulation of  
28 good conduct time on the new sentence of confinement shall be  
29 fifteen percent of the new total sentence of confinement  
30 imposed by the court upon reopening.

31 EXPLANATION

32 This bill provides for the reopening of a judgment and  
33 sentence that is subject to the maximum accumulation of good  
34 conduct time of 15 percent of the total sentence of  
35 confinement which is also commonly known as an 85 percent

1 sentence.

2 Under the bill, an 85 percent sentence may be reopened upon  
3 a motion by the board of parole and the department of  
4 corrections if the original sentencing court grants the  
5 motion. If the sentence is reopened, the court may resentence  
6 the defendant and reduce the maximum sentence imposed in the  
7 original sentencing order. If a defendant is resentedenced to a  
8 new maximum sentence, the maximum accumulation of good conduct  
9 time remains at 15 percent of the new sentence.

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H. 2/6/00 Judiciary  
H. 3/15/00 Amend/00 Pass w/  
H. 3/23/00 Unfinished Business Calendar H-8364  
FILED FEB 23 2000

SENATE FILE 2282  
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 3055)

Passed Senate, <sup>(P. 511)</sup> Date 3/2/00 Passed House, Date \_\_\_\_\_  
Vote: Ayes 46 Nays 1 Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to a criminal sentence subject to the maximum  
2 accumulation of good time credits of fifteen percent of the  
3 total sentence of confinement.

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

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SF 2282

1 Section 1. Section 901.5A, Code Supplement 1999, is  
2 amended by adding the following new subsection:

3 NEW SUBSECTION. 1A. A defendant may have a judgment and  
4 sentence entered under section 901.5 reopened for resentencing  
5 if the following apply:

6 a. The sentence of the defendant is subject to a maximum  
7 accumulation of good conduct time of fifteen percent of the  
8 total sentence of confinement under section 902.12.

9 b. The board of parole and the department of corrections  
10 file a motion in the sentencing court to reopen the sentence  
11 of the defendant.

12 c. The county attorney from the county which prosecuted  
13 the defendant is served a copy of the motion to reopen by  
14 certified mail. The motion shall specify the county attorney  
15 has thirty days to consult with the victim if possible and to  
16 file a written objection.

17 d. The court, upon hearing, grants the motion.

18 Sec. 2. Section 901.5A, subsections 2 and 3, Code  
19 Supplement 1999, are amended to read as follows:

20 2. Upon a finding by the court that the defendant  
21 cooperated in the prosecution of other persons or upon the  
22 court granting a motion to reopen the sentence by the board of  
23 parole and the department of corrections, the court may reduce  
24 the maximum sentence imposed under the original sentencing  
25 order.

26 3. For purposes of calculating good conduct time under  
27 section 903A.2, the sentencing date for a defendant whose  
28 sentence has been reopened under this section shall be the  
29 date of the original sentencing order. If the original  
30 sentence was subject to the maximum accumulation of good  
31 conduct time of fifteen percent of the total sentence of  
32 confinement under section 902.12, the maximum accumulation of  
33 good conduct time on the new sentence of confinement shall be  
34 fifteen percent of the new total sentence of confinement  
35 imposed by the court upon reopening. Any good conduct time

1 accumulated on the original sentence shall be credited to the  
2 new sentence upon reopening.

3 EXPLANATION

4 This bill provides for the reopening of a judgment and  
5 sentence that is subject to the maximum accumulation of good  
6 conduct time of 15 percent of the total sentence of  
7 confinement which is also commonly known as an 85 percent  
8 sentence.

9 Under the bill, an 85 percent sentence may be reopened upon  
10 a motion by the board of parole and the department of  
11 corrections if the original sentencing court grants the  
12 motion. The county attorney from the county which prosecuted  
13 the defendant may, after consulting with the victim if the  
14 victim can be found, file an objection to the motion to  
15 reopen. If the sentence is reopened, the court may resentence  
16 the defendant and reduce the maximum sentence imposed in the  
17 original sentencing order. If a defendant is resented to a  
18 new maximum sentence, the maximum accumulation of good conduct  
19 time remains at 15 percent of the new sentence.

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**SENATE FILE 2282  
FISCAL NOTE**

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The estimate for Senate File 2282 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.

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Senate File 2282 permits the Courts to reopen an "85% sentence" upon the motion of the Parole Board and the Department of Corrections. The Court may resentence the defendant and reduce the maximum sentence imposed. The defendant may accumulate a maximum of 15.0% of the new sentence in good time. The county attorney, after consulting with the victim if available, may file an objection to the motion to reopen.

**ASSUMPTIONS**

1. The inmates serving time for 85.0% Robbery Second Degree would probably be the first group to be considered for reopening their sentences. There were 127 of these inmates as of mid-year 1999. However, the actual number that would seek to have their cases reopened is unknown.
2. Based on information provided by the Judicial Branch, each case would last one to three hours and would cost between \$90 and \$260 per case for the judge, court reporter, court attendant, and clerical staff time.

**CORRECTIONAL IMPACT**

It is not known how often the option of reopening an 85% sentence will be utilized. There is a potential for some reduction in the prison population.

**FISCAL IMPACT**

The Parole Board and the Department of Corrections do not anticipate that Senate File 2282 will have a significant impact. The Judicial Branch could experience increased costs for the trials associated with reopened sentences. The actual impact to the Judicial Branch cannot be determined, but is not expected to be significant.

**SOURCES**

Criminal and Juvenile Justice Planning Division, Department of Human Rights  
Department of Corrections  
Judicial Branch  
Parole Board

(LSB 5769SV, MDF)

FILED FEBRUARY 29, 2000

BY DENNIS PROUTY, FISCAL DIRECTOR

## SENATE FILE 2282

H-8364

1 Amend Senate File 2282, as passed by the Senate as  
2 follows:

3 1. Page 1, line 8, by inserting after the figure  
4 "902.12" the following: ", subsection 6".

5 2. Page 1, line 13, by striking the word "is" and  
6 inserting the following: "and the victim if possible  
7 are".

8 3. Page 1, line 15, by striking the word "thirty"  
9 and inserting the following: "ninety".

10 4. Page 1, line 32, by inserting after the figure  
11 "902.12," the following: "subsection 6,".

12 5. Page 2, by inserting after line 2 the  
13 following:

14 "Sec. \_\_\_\_\_. Section 902.12, subsection 5, Code  
15 1999, is amended to read as follows:

16 5. Robbery in the first ~~or-second~~ degree in  
17 violation of section 711.2 ~~or-711-3~~.

18 Sec. \_\_\_\_\_. Section 902.12, Code 1999, is amended by  
19 adding the following new subsection:

20 NEW SUBSECTION. 6. Robbery in the second degree  
21 in violation of section 711.3.

22 Sec. \_\_\_\_\_. Section 906.5, subsection 1, unnumbered  
23 paragraph 1, Code Supplement 1999, is amended to read  
24 as follows:

25 The board shall establish and implement a plan by  
26 which the board systematically reviews the status of  
27 each person who has been committed to the custody of  
28 the director of the Iowa department of corrections and  
29 considers the person's prospects for parole or work  
30 release. The board at least annually shall review the  
31 status of a person other than a class "A" felon, a  
32 class "B" felon serving a sentence of more than  
33 twenty-five years, or a felon serving an offense  
34 punishable under section 902.9, subsection 1, or a  
35 felon serving a mandatory minimum sentence other than  
36 a class "A" felon, and provide the person with notice  
37 of the board's parole or work release decision.

38 However, the board shall annually review the status of  
39 a felon serving a sentence provided for in section  
40 902.12, subsection 6, after one-fifth of the maximum  
41 term of the sentence has been served."

42 6. By renumbering as necessary.

By COMMITTEE ON JUDICIARY  
LARSON of Linn, Chairperson

H-8364 FILED MARCH 15, 2000