

Senate Study Bill 3055

Bill Text

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1 1 Section 1. Section [901.5A](#), Code Supplement 1999, is
1 2 amended by adding the following new subsection:
1 3 NEW SUBSECTION. 1A. A defendant may have a judgment and
1 4 sentence entered under section 901.5 reopened for resentencing
1 5 if the following apply:
1 6 a. The sentence of the defendant is subject to a maximum
1 7 accumulation of good conduct time of fifteen percent of the
1 8 total sentence of confinement under section 902.12.
1 9 b. The board of parole and the department of corrections
1 10 file a motion in the sentencing court to reopen the sentence
1 11 of the defendant.
1 12 c. The court, upon hearing, grants the motion.
1 13 Sec. 2. Section [901.5A](#), subsections 2 and 3, Code
1 14 Supplement 1999, are amended to read as follows:
1 15 2. Upon a finding by the court that the defendant
1 16 cooperated in the prosecution of other persons or upon the
1 17 court granting a motion to reopen the sentence by the board of
1 18 parole and the department of corrections, the court may reduce
1 19 the maximum sentence imposed under the original sentencing
1 20 order.
1 21 3. For purposes of calculating good conduct time under
1 22 section 903A.2, the sentencing date for a defendant whose
1 23 sentence has been reopened under this section shall be the
1 24 date of the original sentencing order. If the original
1 25 sentence was subject to the maximum accumulation of good
1 26 conduct time of fifteen percent of the total sentence of
1 27 confinement under section 902.12, the maximum accumulation of
1 28 good conduct time on the new sentence of confinement shall be
1 29 fifteen percent of the new total sentence of confinement
1 30 imposed by the court upon reopening.

EXPLANATION

1 31 This bill provides for the reopening of a judgment and
1 32 sentence that is subject to the maximum accumulation of good
1 33 conduct time of 15 percent of the total sentence of
1 34 confinement which is also commonly known as an 85 percent
1 35 sentence.

2 1 Under the bill, an 85 percent sentence may be reopened upon
2 2 a motion by the board of parole and the department of
2 3 corrections if the original sentencing court grants the
2 4 motion. If the sentence is reopened, the court may resentence
2 5 the defendant and reduce the maximum sentence imposed in the
2 6 original sentencing order. If a defendant is resentedenced to a
2 7 new maximum sentence, the maximum accumulation of good conduct
2 8 time remains at 15 percent of the new sentence.

2 9 LSB 5769XC 78

2 10 jm/cf/24