

Tremmel, Ch.
Baudler
Shey

HSB 233

JUDICIARY

HOUSE FILE ^{SUC.} SE 1. 5/1/23
BY (PROPOSED COMMITTEE ON
JUDICIARY BILL BY
CHAIRPERSON LARSON)

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

A BILL FOR

1 An Act relating to the imposition of a conditional discharge or a
2 deferred judgment in a criminal sentence.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 124.409, subsection 1, Code 2001, is
2 amended by striking the subsection.

3 Sec. 2. Section 321J.2, subsection 3, paragraph a,
4 subparagraph (3), Code 2001, is amended by striking the
5 subparagraph.

6 Sec. 3. Section 462A.14, subsection 3, paragraph a,
7 subparagraph (3), Code 2001, is amended by striking the
8 subparagraph.

9 Sec. 4. Section 907.3, subsection 1, paragraph c, Code
10 2001, is amended to read as follows:

11 c. Prior to the commission of the offense the defendant
12 had been granted a deferred judgment or similar relief~~7-two-or~~
13 ~~more-times~~ anywhere in the United States.

14 Sec. 5. Section 907.3, subsection 1, paragraph d, Code
15 2001, is amended by striking the paragraph.

16 Sec. 6. Section 907.3, subsection 1, paragraph g,
17 subparagraph (3), Code 2001, is amended by striking the
18 subparagraph.

19 EXPLANATION

20 This bill relates to the imposition of a conditional
21 discharge or a deferred judgment in a criminal sentence.

22 The bill eliminates the ability of a defendant to receive a
23 conditional discharge of a sentence for first offense for
24 either possession of a controlled substance pursuant to Code
25 section 124.401(5) or an accommodation offense pursuant to
26 Code section 124.410. A conditional discharge under Code
27 section 124.409(1) generally permits the court, upon a plea or
28 conviction of guilt, to defer entering judgment of guilt and
29 place the defendant on probation. If the defendant violates
30 probation, the court may enter an adjudication of guilt and
31 sentence the defendant. If the defendant fulfills the terms
32 of probation, the court shall dismiss the proceedings against
33 the defendant without an adjudication of guilt.

34 The bill provides that a defendant may only receive one
35 deferred judgment. Current law provides that a defendant

1 under certain circumstances may receive two deferred
2 judgments. The term "deferred judgment" is defined in Code
3 section 907.1(1) and refers to the situation in which the
4 court defers entry of the adjudication of guilt and the
5 imposition of sentence and places a defendant on probation.

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REPRINTED

MAR 19 2001
Place On Calendar

HOUSE FILE 653
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 233)

Passed House, Date ^(P. 1096) 4/5/01 Passed Senate, Date _____
Vote: Ayes 93 Nays 3 Vote: Ayes _____ Nays _____
Approved _____

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HF 653

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HOUSE FILE 653

H-1296

- 1 Amend House File 653 as follows:
- 2 1. Page 1, by striking lines 3 through 5.
- 3 2. Page 1, by striking lines 6 through 8.
- 4 3. Page 1, by striking lines 16 through 18.
- 5 4. By renumbering as necessary.

By TREMMEL of Wapello

H-1296 FILED MARCH 21, 2001

Adopted

4/5/01 (p. 1095)

**HOUSE FILE 653
FISCAL NOTE**

The estimate for **House File 653** 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.

House File 653 provides that a defendant may only receive one deferred judgment rather than two as provided by current law. The term "deferred judgment" is defined in Section 907.1(1), Code of Iowa, and refers to the situation in which the Court defers entry of the adjudication of guilt and the imposition of sentence and places a defendant on probation.

ASSUMPTIONS

1. Charge, conviction, and sentencing patterns and trends will not change over the projections period.
2. Prisoner length of stay, revocation rates, and other corrections policies and practices will not change over the projections period.
3. The law will become effective July 1, 2001. A lag effect of six months is assumed, from the law's effective date to the date of first entry of affected offenders into the correctional system.
4. Section 907.3, Code of Iowa, is the section of the Code that permits or prohibits deferred judgments and deferred sentences.
5. House File 653 limits deferred judgments from two to one, however, a judge would still order probation in such cases under the suspended sentence option.

CORRECTIONAL IMPACT

Because probation would still be utilized, House File 653 would have no significant correctional impact.

FISCAL IMPACT

House File 653 would have no significant fiscal impact.

SOURCES

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

(LSB 2929HV, JDD)

FILED MARCH 21, 2001

BY DENNIS PROUTY, FISCAL DIRECTOR

HOUSE FILE 653
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 233)

(As Amended and Passed by the House April 5, 2001)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
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Deleted Language *

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