

# House Study Bill 135

## Bill Text

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1 1 Section 1. Section [709.8](#), unnumbered paragraph 2, Code  
1 2 2001, is amended to read as follows:  
1 3 Any person who violates a provision of this section shall,  
1 4 upon conviction, be guilty of a class "D" felony.

~~1 5 A person~~

~~1 6~~

~~1 7 who violates a provision of this section and who is sentenced~~

~~1 8~~

~~1 9 to a term of confinement shall also be sentenced to an~~

~~1 10~~

~~1 11 additional term of parole or work release not to exceed two~~

~~1 12~~

~~1 13 years. The board of parole shall determine whether the person~~

~~1 14~~

~~1 15 should be released on parole or placed in a work release~~

~~1 16~~

~~1 17 program. The sentence of an additional term of parole or work~~

~~1 18~~

~~1 19 release supervision shall commence immediately upon the~~

~~1 20~~

~~1 21 expiration of the preceding sentence and shall be under the~~

~~1 22~~

~~1 23 terms and conditions as set out in chapter 906. Violations of~~

~~1 24~~

~~1 25 parole or work release shall be subject to the procedures set~~

~~1 26~~

~~1 27 out in chapter 905 or 908 or rules adopted under those~~

~~1 28~~

~~1 29 chapters. The sentence of an additional term of parole or~~

~~1 30~~

~~work release shall be consecutive to the original term of~~

1 18

~~confinement.~~

1 19 Sec. 2. Section [901.5](#), Code 2001, is amended by adding the  
1 20 following new subsection:

1 21 NEW SUBSECTION. 13. In addition to any sentence or other  
1 22 penalty imposed against the defendant, the court shall  
1 23 sentence the defendant to an additional term of parole or work  
1 24 release if required under chapter 901A, or section 902.13 or  
1 25 903.2A.

1 26 Sec. 3. NEW SECTION. 902.13 ADDITIONAL PAROLE OR WORK  
1 27 RELEASE FELONIES.

1 28 A person who is convicted of a felony under chapter 709, or  
1 29 under section 692A.7, 708.2A, 708.11, or 726.2, and who is  
1 30 committed to the custody of the director of the department of  
1 31 corrections to serve a term of confinement shall also be  
1 32 sentenced to an additional term of parole or work release not  
1 33 to exceed two years. The board of parole shall determine  
1 34 whether the person should be released on parole or placed in a  
1 35 work release program. The sentence of an additional term of  
2 1 parole or work release supervision shall commence immediately  
2 2 upon the expiration of the preceding sentence and shall be  
2 3 under the terms and conditions as set out in chapter 906.  
2 4 Violations of parole or work release shall be subject to the  
2 5 procedures set out in chapter 905 or 908 or rules adopted  
2 6 under those chapters. The sentence of an additional term of  
2 7 parole or work release shall be consecutive to the original  
2 8 term of confinement.

2 9 Sec. 4. NEW SECTION. 903.2A ADDITIONAL PAROLE OR WORK  
2 10 RELEASE MISDEMEANORS.

2 11 A person who is convicted of an aggravated misdemeanor  
2 12 under chapter 709, or section 692A.7, 708.2A, or 708.11, and  
2 13 who is committed to the custody of the director of the  
2 14 department of corrections to serve a term of confinement shall  
2 15 also be sentenced to an additional term of parole or work  
2 16 release not to exceed two years. The board of parole shall  
2 17 determine whether the person should be released on parole or  
2 18 placed in a work release program. The sentence of an  
2 19 additional term of parole or work release supervision shall  
2 20 commence immediately upon the expiration of the preceding  
2 21 sentence and shall be under the terms and conditions as set  
2 22 out in chapter 906. Violations of parole or work release  
2 23 shall be subject to the procedures set out in chapter 905 or  
2 24 908 or rules adopted under those chapters. The sentence of an  
2 25 additional term of parole or work release shall be consecutive  
2 26 to the original term of confinement.

2 27 Sec. 5. Section [906.15](#), unnumbered paragraph 1, Code 2001,  
2 28 is amended to read as follows:

2 29 Unless sooner discharged, a person released on parole shall  
2 30 be discharged when the person's term of parole equals the  
2 31 period of imprisonment specified in the person's sentence,  
2 32 less all time served in confinement. Discharge from parole  
2 33 may be granted prior to such time, when an early discharge is  
2 34 appropriate. The board shall periodically review all paroles,  
2 35 and when the board determines that any person on parole is  
3 1 able and willing to fulfill the obligations of a law-abiding  
3 2 citizen without further supervision, the board shall discharge  
3 3 the person from parole. A parole officer shall periodically  
3 4 review all paroles assigned to the parole officer, and when  
3 5 the parole officer determines that any person assigned to the  
3 6 officer is able and willing to fulfill the obligations of a  
3 7 law-abiding citizen without further supervision, the officer  
3 8 may discharge the person from parole after notification and

3 9 approval of the district director and notification of the  
3 10 board of parole. In any event, discharge from parole shall  
3 11 terminate the person's sentence. However, if a person has  
3 12 been sentenced to an additional term of parole or work release  
3 13 under chapter 901A or section 902.13 or 903.2A, the person  
3 14 shall not be discharged from parole or work release until the  
3 15 additional term of parole or work release has been served.  
3 16 However, a person convicted of a violation of section 709.3,  
3 17 709.4 or 709.8 committed on or with a child shall not be  
3 18 discharged from parole until the person's term of parole  
3 19 equals the period of imprisonment specified in the person's  
3 20 sentence, less all time served in confinement.

3 21 EXPLANATION

3 22 This bill provides for the imposition of an additional  
3 23 sentence of mandatory parole or work release for persons  
3 24 convicted of certain criminal offenses. The bill applies to  
3 25 any criminal offense committed under Code chapter 709 (sexual  
3 26 abuse), failure to register as a sex offender under Code  
3 27 section 692A.7, domestic abuse under Code section 708.2A,  
3 28 stalking under Code section 708.11, and incest under Code  
3 29 section 726.2.

3 30 The bill provides that if an offender is sentenced to a  
3 31 period of confinement at an institution of the department of  
3 32 corrections, the court shall also sentence the person to an  
3 33 additional sentence of parole or work release not to exceed  
3 34 two years. The bill provides that the additional sentence of  
3 35 parole or work release shall run consecutive to the first  
4 1 sentence of confinement. The bill also provides that upon  
4 2 expiration of the first sentence, the board of parole shall  
4 3 determine whether the person shall be on parole or work  
4 4 release during the additional sentence. If a person violates  
4 5 a condition of the additional sentence of parole or work  
4 6 release provided for in the bill, the additional sentence of  
4 7 parole or work release may be revoked in the same manner as  
4 8 any other form of parole or work release and the person  
4 9 sentenced to a period of confinement in the same manner as any  
4 10 other person on parole or work release status.

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