

House Study Bill 233

Bill Text

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1 1 Section 1. Section [124.409](#), subsection 1, Code 2001, is
1 2 amended by striking the subsection.

1 3 Sec. 2. Section [321J.2](#), subsection 3, paragraph a,
1 4 subparagraph (3), Code 2001, is amended by striking the
1 5 subparagraph.

1 6 Sec. 3. Section [462A.14](#), subsection 3, paragraph a,
1 7 subparagraph (3), Code 2001, is amended by striking the
1 8 subparagraph.

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

1 11 c. Prior to the commission of the offense the defendant
1 12 had been granted a deferred judgment or similar relief

~~1 13 , two or~~

~~1 14~~

1 13

~~1 14 more times~~

~~1 15 anywhere in the United States.~~

1 14 Sec. 5. Section [907.3](#), subsection 1, paragraph d, Code
1 15 2001, is amended by striking the paragraph.

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

1 19 EXPLANATION

1 20 This bill relates to the imposition of a conditional
1 21 discharge or a deferred judgment in a criminal sentence.

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

1 34 The bill provides that a defendant may only receive one
1 35 deferred judgment. Current law provides that a defendant
2 1 under certain circumstances may receive two deferred
2 2 judgments. The term "deferred judgment" is defined in Code
2 3 section 907.1(1) and refers to the situation in which the
2 4 court defers entry of the adjudication of guilt and the
2 5 imposition of sentence and places a defendant on probation.

2 6 LSB 2929HC 79

2 7 jm/cf/24