

FILED FEB 12 '01

SENATE FILE

150

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and DELUHERY

Passed Senate, Date _____ Passed House, Date _____

Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act relating to the imposition of an additional sentence of
2 mandatory parole or work release for persons convicted of
3 certain criminal offenses.

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

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SF 150 JUDICIARY

1 Section 1. Section 709.8, unnumbered paragraph 2, Code
2 2001, is amended to read as follows:

3 Any person who violates a provision of this section shall,
4 upon conviction, be guilty of a class "D" felony. A person
5 ~~who violates a provision of this section and who is sentenced~~
6 ~~to a term of confinement shall also be sentenced to an~~
7 ~~additional term of parole or work release not to exceed two~~
8 ~~years. The board of parole shall determine whether the person~~
9 ~~should be released on parole or placed in a work release~~
10 ~~program. The sentence of an additional term of parole or work~~
11 ~~release supervision shall commence immediately upon the~~
12 ~~expiration of the preceding sentence and shall be under the~~
13 ~~terms and conditions as set out in chapter 986. Violations of~~
14 ~~parole or work release shall be subject to the procedures set~~
15 ~~out in chapter 985 or 988 or rules adopted under those~~
16 ~~chapters. The sentence of an additional term of parole or~~
17 ~~work release shall be consecutive to the original term of~~
18 ~~confinement.~~

19 Sec. 2. Section 901.5, Code 2001, is amended by adding the
20 following new subsection:

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

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

28 A person who is convicted of a felony under chapter 709, or
29 under section 692A.7, 708.2A, 708.11, or 726.2, and who is
30 committed to the custody of the director of the department of
31 corrections to serve a term of confinement shall also be
32 sentenced to an additional term of parole or work release not
33 to exceed two years. The board of parole shall determine
34 whether the person should be released on parole or placed in a
35 work release program. The sentence of an additional term of

1 parole or work release supervision shall commence immediately
2 upon the expiration of the preceding sentence and shall be
3 under the terms and conditions as set out in chapter 906.
4 Violations of parole or work release shall be subject to the
5 procedures set out in chapter 905 or 908 or rules adopted
6 under those chapters. The sentence of an additional term of
7 parole or work release shall be consecutive to the original
8 term of confinement.

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

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

27 Sec. 5. Section 906.15, unnumbered paragraph 1, Code 2001,
28 is amended to read as follows:

29 Unless sooner discharged, a person released on parole shall
30 be discharged when the person's term of parole equals the
31 period of imprisonment specified in the person's sentence,
32 less all time served in confinement. Discharge from parole
33 may be granted prior to such time, when an early discharge is
34 appropriate. The board shall periodically review all paroles,
35 and when the board determines that any person on parole is

1 able and willing to fulfill the obligations of a law-abiding
2 citizen without further supervision, the board shall discharge
3 the person from parole. A parole officer shall periodically
4 review all paroles assigned to the parole officer, and when
5 the parole officer determines that any person assigned to the
6 officer is able and willing to fulfill the obligations of a
7 law-abiding citizen without further supervision, the officer
8 may discharge the person from parole after notification and
9 approval of the district director and notification of the
10 board of parole. In any event, discharge from parole shall
11 terminate the person's sentence. However, if a person has
12 been sentenced to an additional term of parole or work release
13 under chapter 901A or section 902.13 or 903.2A, the person
14 shall not be discharged from parole or work release until the
15 additional term of parole or work release has been served.
16 However, a person convicted of a violation of section 709.3,
17 709.4 or 709.8 committed on or with a child shall not be
18 discharged from parole until the person's term of parole
19 equals the period of imprisonment specified in the person's
20 sentence, less all time served in confinement.

21 EXPLANATION

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

30 The bill provides that if an offender is sentenced to a
31 period of confinement at an institution of the department of
32 corrections, the court shall also sentence the person to an
33 additional sentence of parole or work release not to exceed
34 two years. The bill provides that the additional sentence of
35 parole or work release shall run consecutive to the first

1 sentence of confinement. The bill also provides that upon
2 expiration of the first sentence, the board of parole shall
3 determine whether the person shall be on parole or work
4 release during the additional sentence. If a person violates
5 a condition of the additional sentence of parole or work
6 release provided for in the bill, the additional sentence of
7 parole or work release may be revoked in the same manner as
8 any other form of parole or work release and the person
9 sentenced to a period of confinement in the same manner as any
10 other person on parole or work release status.

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SENATE FILE 150
FISCAL NOTE

A fiscal note for **Senate File 150** is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note is available from the Legislative Fiscal Bureau to members of the Legislature upon request.

Senate File 150 imposes a mandatory two-year parole or work release for certain offenses: sexual abuse, failure to register as a sex offender, domestic abuse, stalking, and incest. The Bill provides that if a person violates a condition of the additional sentence of parole or work release, the additional sentence may be revoked and the violator sentenced to prison.

ASSUMPTIONS

1. Charge, conviction, and sentencing patterns and trends will not change over the projection period.
2. Prisoner length of stay, revocation rates, and other corrections policies and practices will not change over the projection 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. The analysis is based on information obtained from the Adult Corrections Information System, the computerized database for Iowa's prison system.
5. Senate File 150 targets people who are now expiring their sentence in prison, thereby avoiding supervised release in the community. During FY 2000, 171 offenders who would have mandatory supervision under Senate File 150, expired their sentence. This represents approximately 70.0% of prison exits for this group of offenders.
6. Of the 171 offenders who served their full prison sentence, 92 were misdemeanants whose length of stay in prison is approximately one year. Another 24 offenders were Class D felons whose length of stay in prison is approximately 2.5 years.
7. Class C felons expire their sentences in approximately five years. Inmates serving a sentence for a Class B felony will serve approximately 21.25 years.
8. Currently, there are approximately 27,000 offenders under supervision in Community-Based Corrections (CBC). Of these, approximately 900 are sex offenders. The Department of Corrections (DOC) and CBC District Departments have requested increases in the General Fund appropriations due to work load issues (\$715,000 and 15.0 FTE positions).
9. Additionally, the DOC and CBC District Departments have requested \$576,000 and 12.0 FTE positions for mandatory parole supervision at the intensive level for all sex offenders sentenced to CBC supervision. The Governor recommended a General Fund increase of \$504,000 and 12.0 FTE positions for mandatory parole of sex offenders.
10. Each CBC District Department has a Sex Offender Treatment Program that is composed of intensive supervision plus intensive group treatment, individual counseling, penile plethysmography, and polygraphy. Certain sex offenders are also placed on electronic monitoring. The DOC and CBC

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District Departments did not request additional General Fund appropriations for the treatment component of the Sex Offender Treatment Program although this Bill will increase the number of offenders eligible for the Program.

- 11. Offenders released under this Bill will be supervised at the intensive supervision level - no more than 30 offenders per Probation/Parole Officer (PPO III). The cost of a PPO III is \$48,000 (salary and benefits). Each offender will be on parole for two years.
- 12. Offenders who violate the terms of their parole or work release will be returned to prison. A recidivism rate of 20.6% was applied to the number of people estimated to be released under Senate File 150.
- 13. The marginal cost per day for State prisons is \$16 per inmate.
- 14. The marginal cost per day for county jails is \$25 per inmate.

CORRECTIONAL IMPACT

Admissions to the State prison and CBC systems will increase. There will be 24 admissions (returns to prison) during FY 2006. There will be no increases in parole admissions during FY 2002. Future admissions to parole will increase by 46 in FY 2003, 118 in FY 2004, 156 in FY 2005, 168 in FY 2006, and 193 during FY 2007.

FISCAL IMPACT

The fiscal impact of Senate File 150 is as follows:

STATE GENERAL FUND

State Prison System:	Expends
FY 2006	\$140,000

Community-Based Corrections:	Expends	FTEs
FY 2002	\$ 0	0.0
FY 2003	96,000	2.0
FY 2004	288,000	6.0
FY 2005	528,000	11.0
FY 2006	720,000	15.0

(The above estimate does not include treatment costs.)

LOCAL GOVERNMENTS

County Jails:	Expends
FY 2006	\$ 4,200

SOURCES

Department of Human Rights, Criminal and Juvenile Justice Planning Division
Department of Corrections

(LSB 1478XS, BAL)