

FILED FEB 6 2002

SENATE FILE 2125
BY HAMMOND

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

A BILL FOR

1 An Act permitting the court to suspend the sentence of a
2 defendant who has been convicted of a felony other than a
3 class "A" felony.

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

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SF 2125
JUDICIARY

1 Section 1. NEW SECTION. 907.3B SUSPENSION OF SENTENCE --
2 FELONY OFFENDERS.

3 Notwithstanding section 907.3 or any other provision of the
4 Code to the contrary, the court may suspend the sentence of a
5 defendant if all of the following apply:

6 1. The defendant was convicted of a felony other than a
7 class "A" felony.

8 2. The court finds that the community is sufficiently
9 protected from further offenses by the defendant.

10 3. The defendant is the custodial parent or guardian of a
11 minor child and the court finds that it would be in the minor
12 child's best interest not to confine the defendant in a
13 department of corrections institution.

14 4. The court finds there are appropriate treatment
15 programs accessible to the defendant and the minor child.

16 EXPLANATION

17 This bill permits the court, under certain circumstances,
18 to suspend a sentence of a defendant who has been convicted of
19 a felony other than a class "A" felony.

20 The bill provides that a court may suspend the sentence of
21 any defendant even if the defendant would not otherwise be
22 eligible for a suspended sentence, if all of the following
23 apply: the defendant was convicted of a felony other than a
24 class "A" felony, the community is sufficiently protected from
25 further offenses by the defendant, the defendant is the
26 custodial parent or guardian of a minor child and it would be
27 in the minor child's best interest not to confine the
28 defendant in a department of corrections institution, and
29 there are appropriate treatment programs accessible to the
30 defendant and the minor child.

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