

MAR 9 2005
JUDICIARY

HOUSE FILE 653
BY FORD and BERRY

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

A BILL FOR

1 An Act repealing the maximum accumulation of earned time credits
2 of approximately fifteen percent of a criminal sentence of
3 confinement.

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

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1 Section 1. Section 822.2, subsection 6, Code 2005, is
2 amended to read as follows:

3 6. The person's reduction of sentence pursuant to sections
4 903A.1 through ~~903A.7~~ 903A.6 has been unlawfully forfeited and
5 the person has exhausted the appeal procedure of section
6 903A.3, subsection 2; or

7 Sec. 2. Section 901.8, Code 2005, is amended to read as
8 follows:

9 901.8 CONSECUTIVE SENTENCES.

10 If a person is sentenced for two or more separate offenses,
11 the sentencing judge may order the second or further sentence
12 to begin at the expiration of the first or succeeding
13 sentence. If a person is sentenced for escape under section
14 719.4 or for a crime committed while confined in a detention
15 facility or penal institution, the sentencing judge shall
16 order the sentence to begin at the expiration of any existing
17 sentence. If the person is presently in the custody of the
18 director of the Iowa department of corrections, the sentence
19 shall be served at the facility or institution in which the
20 person is already confined unless the person is transferred by
21 the director. ~~Except as otherwise provided in section 903A.7,~~
22 ~~if~~ If consecutive sentences are specified in the order of
23 commitment, the several terms shall be construed as one
24 continuous term of imprisonment.

25 Sec. 3. NEW SECTION. 902.14 APPLICATION OF EIGHTY-FIVE
26 PERCENT SENTENCES.

27 Sections 822.2, 901.8, 902.12, 903A.2, 903A.7, 905.6,
28 905.11, 906.4, and 906.15, as the sections appear in the 2005
29 Code, remain in effect for inmates sentenced for offenses
30 committed prior to July 1, 2005.

31 Sec. 4. Section 903A.2, subsection 1, Code 2005, is
32 amended to read as follows:

33 1. a. Each inmate committed to the custody of the
34 director of the department of corrections is eligible to earn
35 a reduction of sentence in the manner provided in this

1 section. For purposes of calculating the amount of time by
2 which an inmate's sentence may be reduced, inmates shall be
3 grouped into the following two sentencing categories:

4 a. ---Category "A" sentences are those sentences which are
5 not subject to a maximum accumulation of earned time of
6 fifteen percent of the total sentence of confinement under
7 section 902.12. ---To the extent provided in subsection 5,
8 category "A" sentences also include life sentences imposed
9 under section 902.1. An inmate of an institution under the
10 control of the department of corrections who is serving a
11 category "A" sentence is eligible for a reduction of sentence
12 equal to one and two-tenths days for each day the inmate
13 demonstrates good conduct and satisfactorily participates in
14 any program or placement status identified by the director to
15 earn the reduction. The programs include but are not limited
16 to the following:

- 17 (1) Employment in the institution.
- 18 (2) Iowa state industries.
- 19 (3) An employment program established by the director.
- 20 (4) A treatment program established by the director.
- 21 (5) An inmate educational program approved by the
22 director.

23 b. An inmate serving a category "A" sentence is also
24 eligible for an additional reduction of sentence of up to
25 three hundred sixty-five days of the full term of the sentence
26 of the inmate for exemplary acts. In accordance with section
27 903A.4, the director shall by policy identify what constitutes
28 an exemplary act that may warrant an additional reduction of
29 sentence.

30 b. ---Category "B" sentences are those sentences which are
31 subject to a maximum accumulation of earned time of fifteen
32 percent of the total sentence of confinement under section
33 902.12. ---An inmate of an institution under the control of the
34 department of corrections who is serving a category "B"
35 sentence is eligible for a reduction of sentence equal to

1 ~~fifteen-eighty-fifths-of-a-day-for-each-day-of-good-conduct-by~~
2 ~~the-inmate.~~

3 Sec. 5. Section 905.6, subsection 9, Code 2005, is amended
4 by striking the subsection.

5 Sec. 6. Section 906.4, unnumbered paragraph 2, Code 2005,
6 is amended by striking the unnumbered paragraph.

7 Sec. 7. Section 906.15, unnumbered paragraph 1, Code 2005,
8 is amended to read as follows:

9 Unless sooner discharged, a person released on parole shall
10 be discharged when the person's term of parole equals the
11 period of imprisonment specified in the person's sentence,
12 less all time served in confinement. Discharge from parole
13 may be granted prior to such time, when an early discharge is
14 appropriate. The board shall periodically review all paroles,
15 and when the board determines that any person on parole is
16 able and willing to fulfill the obligations of a law-abiding
17 citizen without further supervision, the board shall discharge
18 the person from parole. A parole officer shall periodically
19 review all paroles assigned to the parole officer, and when
20 the parole officer determines that any person assigned to the
21 officer is able and willing to fulfill the obligations of a
22 law-abiding citizen without further supervision, the officer
23 may discharge the person from parole after notification and
24 approval of the district director and notification of the
25 board of parole. In any event, discharge from parole shall
26 terminate the person's sentence. However, a person convicted
27 of a violation of section 709.3, 709.4, or 709.8 committed on
28 or with a child~~7-or-a-person-serving-a-sentence-under-section~~
29 ~~902.12~~ shall not be discharged from parole until the person's
30 term of parole equals the period of imprisonment specified in
31 the person's sentence, less all time served in confinement.

32 Sec. 8. Sections 902.12, 903A.7, and 905.11, Code 2005,
33 are repealed.

34

EXPLANATION

35 This bill repeals the statute subjecting certain criminal

1 sentences to a maximum accumulation of earned time of
2 approximately 15 percent of the total sentence of confinement,
3 otherwise known as an 85 percent sentence.

4 Under the bill, an offender sentenced for an offense
5 previously subject to an 85 percent sentence serves a sentence
6 that is subject to the same parole eligibility requirements
7 and earned time calculations as other offenders.

8 Current law provides that a person serving an 85 percent
9 sentence for an offense listed in Code section 902.12 is only
10 eligible for a reduction of sentence equal to 15/85 of a day
11 for each day of good conduct by the inmate, and is not
12 eligible for parole until serving 70 percent of the maximum
13 term of confinement.

14 The sentence of an offender currently serving an 85 percent
15 sentence prior to July 1, 2005, is not affected by the bill.

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