

House File 2282 - Introduced

HOUSE FILE _____
BY KELLEY, REICHERT, STAED,
and WENTHE

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

A BILL FOR

1 An Act relating to the sentencing of a person convicted of a
2 sexually predatory offense.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 5719YH 82
5 jm/nh/5

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1 1 Section 1. Section 901A.2, subsections 1, 2, and 3, Code
1 2 2007, are amended to read as follows:
1 3 1. A person convicted of a sexually predatory offense
1 4 which is a serious or aggravated misdemeanor, who has a prior
1 5 conviction for a sexually predatory offense, shall be
1 6 sentenced to and shall serve ~~twice~~ three times the maximum
1 7 period of incarceration for the offense, notwithstanding any
1 8 other provision of the Code to the contrary, prior to being
1 9 eligible for parole or work release. However, a person
1 10 sentenced under this subsection shall not have the person's
1 11 sentence reduced under chapter 903A or otherwise by more than
1 12 fifteen percent.

1 13 2. A person convicted of a sexually predatory offense
1 14 which is a serious or aggravated misdemeanor, who has two or
1 15 more prior convictions for sexually predatory offenses, shall
1 16 be sentenced to and shall serve a period of incarceration of
1 17 ~~ten~~ twenty years, notwithstanding any other provision of the
1 18 Code to the contrary. A person sentenced under this
1 19 subsection shall not have the person's sentence reduced under
1 20 chapter 903A or otherwise by more than fifteen percent.

1 21 3. ~~Except as otherwise provided in subsection 5, a~~ A
1 22 person convicted of a sexually predatory offense which is a
1 23 felony, who has a prior conviction for a sexually predatory
1 24 offense, shall be sentenced to ~~and shall serve twice the~~
~~1 25 maximum period of incarceration for the offense, or~~
~~1 26 twenty-five years, whichever is greater, notwithstanding any~~
~~1 27 other provision of the Code to the contrary. A person~~
~~1 28 sentenced under this subsection shall not have the person's~~
~~1 29 sentence reduced under chapter 903A or otherwise by more than~~
~~1 30 fifteen percent life in prison on the same terms as a class~~
~~1 31 "A" felon under section 902.1, notwithstanding any other~~
1 32 provision of the Code to the contrary. In order for a person
1 33 to be sentenced under this subsection, the prosecuting
1 34 attorney shall allege and prove that this section is
1 35 applicable to the person.

2 1 Sec. 2. Section 901A.2, subsections 4 and 5, Code 2007,
2 2 are amended by striking the subsections.

2 3 Sec. 3. Section 901A.2, subsection 8, Code 2007, is
2 4 amended to read as follows:

2 5 8. In addition to any other sentence imposed on a person
2 6 convicted of a sexually predatory offense pursuant to
2 7 subsection ~~1, 2,~~ or ~~3~~ 2, the person shall be sentenced to an
2 8 additional term of parole or work release not to exceed two
2 9 years. The board of parole shall determine whether the person
2 10 should be released on parole or placed in a work release
2 11 program. The sentence of parole supervision shall commence
2 12 immediately upon the person's release by the board of parole
2 13 and shall be under the terms and conditions as set out in
2 14 chapter 906. Violations of parole or work release shall be
2 15 subject to the procedures set out in chapter 905 or 908 or
2 16 rules adopted under those chapters. For purposes of
2 17 disposition of a parole violator upon revocation of parole or
2 18 work release, the sentence of an additional term of parole or
2 19 work release shall be considered part of the original term of

2 20 commitment to the department of corrections.

2 21 EXPLANATION

2 22 This bill relates to the sentencing of a person convicted
2 23 of a sexually predatory offense. A sexually predatory offense
2 24 is defined in Code section 901A.1.

2 25 Under the bill, a person who is convicted of a sexually
2 26 predatory offense that is classified as a serious or
2 27 aggravated misdemeanor, and has a prior conviction for a
2 28 sexually predatory offense, shall serve three times the
2 29 maximum period of incarceration for the offense. Current law
2 30 provides that a person shall serve twice the maximum period of
2 31 incarceration for the offense. In addition, under current law
2 32 and the bill, a person shall not have the person's sentence
2 33 reduced by more than 15 percent by earned time under Code
2 34 chapter 903A.

2 35 Under the bill, a person who is convicted of a sexually
3 1 predatory offense that is classified as a serious or
3 2 aggravated misdemeanor, and who has two or more prior
3 3 convictions for sexually predatory offenses, shall be
3 4 sentenced to 20 years of incarceration. Current law provides
3 5 that the person shall be sentenced to 10 years of
3 6 incarceration. In addition, under current law and the bill, a
3 7 person shall not have the person's sentence reduced by more
3 8 than 15 percent by earned time under Code chapter 903A.

3 9 Under the bill, a person convicted of a sexually predatory
3 10 offense which is classified as a felony, and who has a prior
3 11 conviction for a sexually predatory offense, shall be
3 12 sentenced to life in prison. Current law provides the person
3 13 shall serve the maximum period of incarceration for the
3 14 offense or 25 years, whichever is longer.

3 15 The bill strikes Code section 901A.1(4) and (5) because the
3 16 penalties are included in Code section 901A.1(3) as amended
3 17 under the bill.

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