

# House File 391 - Introduced

HOUSE FILE \_\_\_\_\_  
BY FORD and BERRY

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act repealing sentences restricting the maximum accumulation  
2 of earned time credits to approximately fifteen percent of a  
3 criminal sentence.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
5 TLSB 2205HH 82  
6 jm/gg/14

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1 1 Section 1. Section 822.2, subsection 1, paragraph f, Code  
1 2 2007, is amended to read as follows:  
1 3 f. The person's reduction of sentence pursuant to sections  
1 4 903A.1 through ~~903A.7~~ 903A.6 has been unlawfully forfeited and  
1 5 the person has exhausted the appeal procedure of section  
1 6 903A.3, subsection 2.  
1 7 Sec. 2. Section 901.8, Code 2007, is amended to read as  
1 8 follows:  
1 9 901.8 CONSECUTIVE SENTENCES.  
1 10 If a person is sentenced for two or more separate offenses,  
1 11 the sentencing judge may order the second or further sentence  
1 12 to begin at the expiration of the first or succeeding  
1 13 sentence. If a person is sentenced for escape under section  
1 14 719.4 or for a crime committed while confined in a detention  
1 15 facility or penal institution, the sentencing judge shall  
1 16 order the sentence to begin at the expiration of any existing  
1 17 sentence. If the person is presently in the custody of the  
1 18 director of the Iowa department of corrections, the sentence  
1 19 shall be served at the facility or institution in which the  
1 20 person is already confined unless the person is transferred by  
1 21 the director. ~~Except as otherwise provided in section 903A.7,~~  
~~1 22 if~~ ~~if~~ consecutive sentences are specified in the order of  
1 23 commitment, the several terms shall be construed as one  
1 24 continuous term of imprisonment.  
1 25 Sec. 3. NEW SECTION. 902.15 APPLICATION OF  
1 26 SEVENTY=PERCENT MINIMUM SENTENCES.  
1 27 Sections 822.2, 901.8, 902.12, 903A.2, 903A.7, 905.6,  
1 28 905.11, 906.4, and 906.15, as the sections appear in the 2007  
1 29 Code, remain in effect for inmates sentenced for offenses  
1 30 committed prior to July 1, 2007.  
1 31 Sec. 4. Section 903A.2, subsection 1, Code 2007, is  
1 32 amended to read as follows:  
1 33 1. a. Each inmate committed to the custody of the  
1 34 director of the department of corrections is eligible to earn  
1 35 a reduction of sentence in the manner provided in this  
2 1 section. ~~For purposes of calculating the amount of time by~~  
~~2 2 which an inmate's sentence may be reduced, inmates shall be~~  
~~2 3 grouped into the following two sentencing categories:~~  
2 4 a. Category "A" sentences are those sentences which are  
~~2 5 not subject to a maximum accumulation of earned time of~~  
~~2 6 fifteen percent of the total sentence of confinement under~~  
~~2 7 section 902.12. To the extent provided in subsection 5,~~  
~~2 8 category "A" sentences also include life sentences imposed~~  
~~2 9 under section 902.1. An inmate of an institution under the~~  
2 10 control of the department of corrections ~~who is serving a~~  
~~2 11 category "A" sentence~~ is eligible for a reduction of sentence  
2 12 equal to one and two-tenths days for each day the inmate  
2 13 demonstrates good conduct and satisfactorily participates in  
2 14 any program or placement status identified by the director to  
2 15 earn the reduction. The programs include but are not limited  
2 16 to the following:  
2 17 (1) Employment in the institution.  
2 18 (2) Iowa state industries.  
2 19 (3) An employment program established by the director.

2 20 (4) A treatment program established by the director.

2 21 (5) An inmate educational program approved by the  
2 22 director.

2 23 ~~b. However, an An~~ inmate required to participate in a sex  
2 24 offender treatment program shall not be eligible for a  
2 25 reduction of sentence unless the inmate participates in and  
2 26 completes a sex offender treatment program established by the  
2 27 director.

2 28 ~~c. An inmate serving a category "A" sentence~~ is eligible  
2 29 for an additional reduction of sentence of up to three hundred  
2 30 sixty-five days of the full term of the sentence of the inmate  
2 31 for exemplary acts. In accordance with section 903A.4, the  
2 32 director shall by policy identify what constitutes an  
2 33 exemplary act that may warrant an additional reduction of  
2 34 sentence.

~~2 35 b. Category "B" sentences are those sentences which are  
3 1 subject to a maximum accumulation of earned time of fifteen  
3 2 percent of the total sentence of confinement under section  
3 3 902.12. An inmate of an institution under the control of the  
3 4 department of corrections who is serving a category "B"  
3 5 sentence is eligible for a reduction of sentence equal to  
3 6 fifteen eighty-fifths of a day for each day of good conduct by  
3 7 the inmate.~~

3 8 Sec. 5. Section 905.6, subsection 9, Code 2007, is amended  
3 9 by striking the subsection.

3 10 Sec. 6. Section 906.4, unnumbered paragraph 2, Code 2007,  
3 11 is amended by striking the unnumbered paragraph.

3 12 Sec. 7. Section 906.15, unnumbered paragraph 1, Code 2007,  
3 13 is amended to read as follows:

3 14 Unless sooner discharged, a person released on parole shall  
3 15 be discharged when the person's term of parole equals the  
3 16 period of imprisonment specified in the person's sentence,  
3 17 less all time served in confinement. Discharge from parole  
3 18 may be granted prior to such time, when an early discharge is  
3 19 appropriate. The board shall periodically review all paroles,  
3 20 and when the board determines that any person on parole is  
3 21 able and willing to fulfill the obligations of a law-abiding  
3 22 citizen without further supervision, the board shall discharge  
3 23 the person from parole. A parole officer shall periodically  
3 24 review all paroles assigned to the parole officer, and when  
3 25 the parole officer determines that any person assigned to the  
3 26 officer is able and willing to fulfill the obligations of a  
3 27 law-abiding citizen without further supervision, the officer  
3 28 may discharge the person from parole after notification and  
3 29 approval of the district director and notification of the  
3 30 board of parole. In any event, discharge from parole shall  
3 31 terminate the person's sentence. If a person has been  
3 32 sentenced to a special sentence under section 903B.1 or  
3 33 903B.2, the person may be discharged early from the sentence  
3 34 in the same manner as any other person on parole. However, a  
3 35 person convicted of a violation of section 709.3, 709.4, or  
4 1 709.8 committed on or with a child, ~~or a person serving a  
4 2 sentence under section 902.12,~~ shall not be discharged from  
4 3 parole until the person's term of parole equals the period of  
4 4 imprisonment specified in the person's sentence, less all time  
4 5 served in confinement.

4 6 Sec. 8. Sections 902.12, 903A.7, and 905.11, Code 2007,  
4 7 are repealed.

#### 4 8 EXPLANATION

4 9 This bill repeals the statute subjecting certain criminal  
4 10 sentences to a maximum accumulation of earned time of  
4 11 approximately 15 percent of the total sentence of confinement,  
4 12 otherwise known as a 70-percent sentence and formerly known as  
4 13 an 85-percent sentence.

4 14 Under the bill, an offender sentenced for an offense  
4 15 previously subject to a 70-percent minimum sentence serves a  
4 16 sentence that is subject to the same parole eligibility  
4 17 requirements and earned time calculations as other offenders.

4 18 Current law provides that a person serving a 70-percent  
4 19 sentence for an offense listed in Code section 902.12 is only  
4 20 eligible for a reduction of sentence equal to 15/85 of a day  
4 21 for each day of good conduct by the inmate, and is not  
4 22 eligible for parole until serving 70 percent of the maximum  
4 23 term of confinement.

4 24 The sentence of an offender currently serving a 70-percent  
4 25 sentence prior to July 1, 2007, is not affected by the bill.

4 26 LSB 2205HH 82

4 27 jm:rj/gg/14