

**House File 2253 - Introduced**

HOUSE FILE 2253  
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 501)

**A BILL FOR**

1 An Act relating to commission of a criminal offense involving  
2 a victim fifteen years of age or younger, and providing  
3 penalties.

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

1 Section 1. Section 710.3, Code 2014, is amended to read as  
2 follows:

3 **710.3 Kidnapping in the second degree.**

4 1. Kidnapping where the purpose is to hold the victim  
5 for ransom, or where the kidnapper is armed with a dangerous  
6 weapon, or where the victim is fifteen years of age or younger,  
7 is kidnapping in the second degree. Kidnapping in the second  
8 degree is a class "B" felony.

9 2. For purposes of determining whether the person should  
10 register as a sex offender pursuant to the provisions of  
11 chapter 692A, the fact finder shall make a determination as  
12 provided in section 692A.126.

13 Sec. 2. Section 903A.2, subsection 1, unnumbered paragraph  
14 1, Code 2014, is amended to read as follows:

15 Each inmate committed to the custody of the director of the  
16 department of corrections is eligible to earn a reduction of  
17 sentence in the manner provided in this section. For purposes  
18 of calculating the amount of time by which an inmate's sentence  
19 may be reduced, inmates shall be grouped into the following ~~two~~  
20 three sentencing categories:

21 Sec. 3. Section 903A.2, subsection 1, paragraph a,  
22 unnumbered paragraph 1, Code 2014, is amended to read as  
23 follows:

24 Category "A" sentences are those sentences which are not  
25 subject to a maximum accumulation of earned time of fifteen  
26 percent of the total sentence of confinement under section  
27 902.12 or category "C" sentences. To the extent provided  
28 in subsection 5, category "A" sentences also include life  
29 sentences imposed under section 902.1. An inmate of an  
30 institution under the control of the department of corrections  
31 who is serving a category "A" sentence is eligible for a  
32 reduction of sentence equal to one and two-tenths days for each  
33 day the inmate demonstrates good conduct and satisfactorily  
34 participates in any program or placement status identified by  
35 the director to earn the reduction. The programs include but

1 are not limited to the following:

2 Sec. 4. Section 903A.2, subsection 1, paragraph b, Code  
3 2014, is amended to read as follows:

4 b. Category "B" sentences are those sentences which are  
5 subject to a maximum accumulation of earned time of fifteen  
6 percent of the total sentence of confinement under section  
7 902.12 and are not category "C" sentences. An inmate of an  
8 institution under the control of the department of corrections  
9 who is serving a category "B" sentence is eligible for a  
10 reduction of sentence equal to fifteen eighty-fifths of a day  
11 for each day of good conduct by the inmate.

12 Sec. 5. Section 903A.2, subsection 1, Code 2014, is amended  
13 by adding the following new paragraph:

14 NEW PARAGRAPH. c. Notwithstanding paragraphs "a" and "b",  
15 an inmate serving a category "C" sentence is ineligible to  
16 earn any reduction of sentence under this section. Category  
17 "C" sentences are those sentences where the victim was fifteen  
18 years of age or younger at the time the offense was committed  
19 and is a violation of any of the following:

20 (1) Section 707.3 or 707.11.

21 (2) Section 709.2, 709.3, 709.4, or 709.8, section 709.11,  
22 subsection 1 or 2, section 709.15, subsection 4, paragraph "a",  
23 or section 709.15, subsection 5, paragraph "a".

24 (3) Section 710.3 or 710.4.

25 (4) Section 710A.2, subsection 2 or 4.

26 (5) Section 728.12, subsection 1 or 2, or section 728.12,  
27 subsection 3, if the offense is classified as a felony.

28 Sec. 6. Section 903A.7, Code 2014, is amended to read as  
29 follows:

30 **903A.7 Separate sentences.**

31 1. Consecutive multiple sentences that are within the  
32 same category under section 903A.2 shall be construed as one  
33 continuous sentence for purposes of calculating reductions of  
34 sentence for earned time.

35 2. If a person is sentenced to serve sentences of both

1 categories, category "B" sentences shall be served before  
2 category "A" sentences are served, and earned time accrued  
3 against the category "B" sentences shall not be used to reduce  
4 the category "A" sentences. If an inmate serving a category  
5 "A" sentence is sentenced to serve a category "B" sentence,  
6 the category "A" sentence shall be interrupted, and no further  
7 earned time shall accrue against that sentence until the  
8 category "B" sentence is completed.

9 3. If a person is sentenced to serve both a category "C"  
10 sentence and another category sentence, the category "C"  
11 sentence shall be served before the other category sentence  
12 is served, and no earned time shall accrue until the category  
13 "C" sentence has been served. If an inmate serving another  
14 category sentence besides a category "C" sentence is sentenced  
15 to serve a category "C" sentence, the sentence of the other  
16 category sentence shall be interrupted, and no further earned  
17 time shall accrue against that sentence until the category "C"  
18 sentence is completed.

19 EXPLANATION

20 The inclusion of this explanation does not constitute agreement with  
21 the explanation's substance by the members of the general assembly.

22 This bill relates to criminal offenses involving a victim 15  
23 years of age or younger.

24 The bill changes the definition of kidnapping in the second  
25 degree to include any kidnapping where the victim is 15 years  
26 of age or younger. A person who commits kidnapping in the  
27 second degree commits a class "B" felony. A class "B" felony  
28 is punishable by confinement for no more than 25 years.  
29 Kidnapping in the second degree is also classified as a 70  
30 percent sentence under Code section 902.12.

31 Under current law there are two sentence categories relating  
32 to the accrual of earned time. An inmate serving a category  
33 "A" sentence is eligible for a reduction of sentence equal to  
34 one and two-tenths days for each day the inmate demonstrates  
35 good conduct and satisfactorily participates in any program or

1 placement status identified by the director of the department  
2 of corrections to earn the reduction. An inmate serving a  
3 category "B" sentence under current law is eligible for a  
4 reduction of sentence equal to fifteen eighty-fifths of a day  
5 for each day of good conduct by the inmate.

6 The bill creates a category "C" sentence for the accrual  
7 of earned time by eliminating the ability of an inmate  
8 convicted of any of the following Code section felony offenses  
9 to accumulate earned time if the victim of the offense  
10 was 15 years of age or younger at the time the offense was  
11 committed: 707.3 (murder in the second degree), 707.11  
12 (attempt to commit murder), 709.2 (sexual abuse in the first  
13 degree), 709.3 (sexual abuse in the second degree), 709.4  
14 (sexual abuse in the third degree), 709.8 (lascivious acts  
15 with a child), 709.11(1) or (2) (assault with intent to  
16 commit sexual abuse), 709.15(4)(a) (sexual exploitation by a  
17 counselor, therapist, or school employee), 710.3 (kidnapping  
18 in the second degree), 710.4 (kidnapping in the third degree),  
19 710A.2(2) or (4) (human trafficking), and 728.12 (sexual  
20 exploitation of a minor).

21 Under the bill, if a person is sentenced to serve both  
22 a category "C" sentence and another category sentence, the  
23 category "C" sentence shall be served before the other category  
24 sentence is served, and no earned time shall accrue until the  
25 category "C" sentence has been served. The bill also provides  
26 that if an inmate serving another category sentence besides  
27 a category "C" sentence is sentenced to serve a category "C"  
28 sentence, the sentence of the other category sentence shall be  
29 interrupted, and no further earned time shall accrue against  
30 that sentence until the category "C" sentence is completed.