

Senate File 62 - Introduced

SENATE FILE 62

BY SORENSON

A BILL FOR

1 An Act eliminating the reduction of a sentence through the
2 accrual of earned time for inmates convicted of certain
3 serious sex offenses.

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

1 Section 1. Section 902.12, subsection 3, Code 2013, is
2 amended by striking the subsection.

3 Sec. 2. Section 903A.2, subsection 1, paragraph a,
4 unnumbered paragraph 1, Code 2013, is amended to read as
5 follows:

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

20 Sec. 3. Section 903A.2, Code 2013, is amended by adding the
21 following new subsection:

22 NEW SUBSECTION. 6. Earned time accrued by inmates serving
23 a serious sex offense listed in section 903B.10 shall not
24 reduce the sentence, but shall be credited against the inmate's
25 sentence if the sentence is commuted to a term of years.

26 Sec. 4. Section 903B.10, subsection 3, Code 2013, is amended
27 to read as follows:

28 3. a. For purposes of this section, a "*serious sex offense*"
29 means any of the following offenses in which the victim was a
30 child who was, at the time the offense was committed, twelve
31 years of age or younger:

32 ~~a.~~ (1) Sexual abuse in the first degree, in violation of
33 section 709.2.

34 ~~b.~~ (2) Sexual abuse in the second degree, in violation of
35 section 709.3.

1 ~~e~~ (3) Sexual abuse in the third degree, in violation of
2 section 709.4.

3 ~~d~~ (4) Lascivious acts with a child, in violation of
4 section 709.8.

5 ~~e~~ (5) Assault with intent, in violation of section 709.11.

6 ~~f~~ (6) Indecent contact with a minor, in violation of
7 section 709.12.

8 ~~g~~ (7) Lascivious conduct with a minor, in violation of
9 section 709.14.

10 ~~h~~ (8) Sexual exploitation in violation of section 709.15.

11 ~~i~~ (9) Sexual exploitation of a minor, in violation of
12 section 728.12, subsections 1 and 2.

13 b. A person convicted of a serious sex offense shall not be
14 released on parole or work release unless the governor commutes
15 the sentence to a term of years.

16 EXPLANATION

17 Current law permits most inmates to accrue earned time at
18 a rate of one and two-tenths days for each day the inmate
19 demonstrates good conduct and satisfactorily participates in
20 any program or placement status. For an inmate serving a 70
21 percent sentence the inmate is eligible for a reduction of
22 sentence equal to fifteen eighty-fifths of a day for each day
23 of good conduct by the inmate.

24 All of the serious sex offenses defined in Code section
25 903B.10(3) are eligible under current law to accrue earned time
26 at a rate of one and two-tenths days for each day the inmate
27 demonstrates good conduct and satisfactorily participates in
28 any program or placement status, except sexual abuse in the
29 second degree which is a 70 percent sentence, and thus is
30 eligible to accrue fifteen eighty-fifths of a day for each day
31 of good conduct.

32 "Serious sex offense" is currently defined in Code section
33 903B.10(3) and includes sexual abuse in the first degree in
34 violation of Code section 709.2, sexual abuse in the second
35 degree in violation of Code section 709.3, sexual abuse in the

1 third degree in violation of Code section 709.4, lascivious
2 acts with a child in violation of Code section 709.8, assault
3 with intent to commit sexual abuse in violation of Code section
4 709.11, indecent contact with a minor in violation of Code
5 section 709.12, lascivious conduct with a minor in violation of
6 Code section 709.14, sexual exploitation in violation of Code
7 section 709.15, and sexual exploitation of a minor in violation
8 of Code section 728.12, subsections 1 and 2.

9 This bill eliminates the reduction of a sentence through the
10 accrual of earned time for inmates convicted of the serious
11 sex offenses described above. A person convicted of a serious
12 sex offense and sentenced to prison, as any other inmate, may
13 be released early if the governor exercises the power granted
14 under the Constitution of the State of Iowa to commute a
15 sentence.