

Senate Study Bill 3144 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE
ON JUDICIARY BILL BY
CHAIRPERSON HOGG)

A BILL FOR

1 An Act modifying the parole and work release eligibility for
2 persons convicted of robbery in the first or second degree.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 902.12, Code 2014, is amended to read as
2 follows:

3 **902.12 Minimum sentence for certain felonies — eligibility**
4 **for parole or work release.**

5 1. A person serving a sentence for conviction of the
6 following felonies, including a person serving a sentence
7 for conviction of the following felonies prior to July 1,
8 2003, shall be denied parole or work release unless the person
9 has served at least seven-tenths of the maximum term of the
10 person's sentence:

11 ~~1.~~ a. Murder in the second degree in violation of section
12 707.3.

13 ~~2.~~ b. Attempted murder in violation of section 707.11.

14 ~~3.~~ c. Sexual abuse in the second degree in violation of
15 section 709.3.

16 ~~4.~~ d. Kidnapping in the second degree in violation of
17 section 710.3.

18 ~~5. Robbery in the first or second degree in violation of~~
19 ~~section 711.2 or 711.3.~~

20 ~~6.~~ e. Vehicular homicide in violation of section 707.6A,
21 subsection 1 or 2, if the person was also convicted under
22 section 321.261, subsection 4, based on the same facts or
23 event that resulted in the conviction under section 707.6A,
24 subsection 1 or 2.

25 2. a. A person serving a sentence for a conviction of
26 robbery in the first degree in violation of section 711.2 shall
27 be denied parole or work release unless the person has served
28 at least seven years of the sentence imposed by law.

29 b. A person serving a sentence for a conviction of robbery
30 in the second degree in violation of section 711.3 shall be
31 denied parole or work release unless the person has served at
32 least three years of the sentence imposed by law.

33

EXPLANATION

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

1 This bill modifies the parole and work release eligibility
2 for persons convicted of robbery in the first or second degree.

3 Under the bill, a person serving a sentence for a conviction
4 of robbery in the first degree in violation of Code section
5 711.2 shall be denied parole or work release unless the person
6 has served a minimum of seven years of confinement. A person
7 who commits robbery in the first degree commits a class "B"
8 felony which is punishable by confinement for no more than 25
9 years. Under current law, a person serving a sentence for
10 robbery in the first degree is not eligible for parole until
11 the person has served a minimum of 17.5 years of confinement.

12 Under the bill, a person serving a sentence for a conviction
13 of robbery in the second degree in violation of Code section
14 711.3 shall be denied parole or work release unless the person
15 has served a minimum of three years of confinement. A person
16 who commits robbery in the second degree commits a class "C"
17 felony. A class "C" felony is punishable by confinement for
18 no more than 10 years and a fine of at least \$1,000 but not
19 more than \$10,000. Under current law, a person serving a
20 sentence for robbery in the second degree is not eligible for
21 parole until the person has served a minimum of seven years of
22 confinement.

23 The bill does not change the formula for calculating earned
24 time for a person convicted of robbery in the first or second
25 degree pursuant to Code section 903A.2(1)(b). Under current
26 law and the bill, a person convicted of robbery in the first or
27 second degree is subject to a maximum accumulation of earned
28 time of 15 percent of the total sentence of confinement.

29 Robbery in the first degree or second degree remains
30 classified as a forcible felony under the bill which requires a
31 mandatory prison sentence.