

**House File 358 - Introduced**

HOUSE FILE 358

BY NUNN

**A BILL FOR**

1 An Act relating to the offense of attempt to commit murder  
2 against a peace officer, and providing penalties.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 707.11, Code 2017, is amended by adding  
2 the following new subsection:

3 NEW SUBSECTION. 5. *a.* As used in this subsection, "*peace*  
4 *officer*" means the same as defined in section 801.4.

5 *b.* For purposes of determining the category of sentence  
6 under section 903A.2, the fact finder shall determine whether  
7 the attempt to commit murder was against a peace officer, with  
8 the knowledge that the person against whom the attempt to  
9 commit murder was committed was a peace officer acting in the  
10 officer's official capacity.

11 *c.* If the fact finder determines the attempt to commit  
12 murder was against a peace officer as described in paragraph  
13 "*b*", the person shall serve one hundred percent of the term of  
14 confinement imposed and shall be denied parole, work release,  
15 or other early release.

16 Sec. 2. Section 902.12, subsection 1, paragraph b, Code  
17 2017, is amended to read as follows:

18 *b.* Attempted murder in violation of [section 707.11](#), except  
19 as provided in section 707.11, subsection 5.

20 Sec. 3. Section 903A.2, subsection 1, unnumbered paragraph  
21 1, Code 2017, is amended to read as follows:

22 Each inmate committed to the custody of the director of the  
23 department of corrections is eligible to earn a reduction of  
24 sentence in the manner provided in [this section](#). For purposes  
25 of calculating the amount of time by which an inmate's sentence  
26 may be reduced, inmates shall be grouped into the following ~~two~~  
27 three sentencing categories:

28 Sec. 4. Section 903A.2, subsection 1, paragraph a,  
29 subparagraph (1), unnumbered paragraph 1, Code 2017, is amended  
30 to read as follows:

31 Category "A" sentences are those sentences which are not  
32 subject to a maximum accumulation of earned time of fifteen  
33 percent of the total sentence of confinement under section  
34 902.12 and are not category "C" sentences. To the extent  
35 provided in [subsection 5](#), category "A" sentences also include

1 life sentences imposed under [section 902.1](#). An inmate of an  
2 institution under the control of the department of corrections  
3 who is serving a category "A" sentence is eligible for a  
4 reduction of sentence equal to one and two-tenths days for each  
5 day the inmate demonstrates good conduct and satisfactorily  
6 participates in any program or placement status identified by  
7 the director to earn the reduction. The programs include but  
8 are not limited to the following:

9     Sec. 5. Section 903A.2, subsection 1, paragraph b, Code  
10 2017, is amended to read as follows:

11     **b.** Category "B" sentences are those sentences which are  
12 subject to a maximum accumulation of earned time of fifteen  
13 percent of the total sentence of confinement under section  
14 [902.12](#) and are not category "C" sentences. An inmate of an  
15 institution under the control of the department of corrections  
16 who is serving a category "B" sentence is eligible for a  
17 reduction of sentence equal to fifteen eighty-fifths of a day  
18 for each day of good conduct by the inmate.

19     Sec. 6. Section 903A.2, subsection 1, Code 2017, is amended  
20 by adding the following new paragraph:

21     NEW PARAGRAPH. **c.** Category "C" sentences are those  
22 sentences for attempted murder described in section 707.11,  
23 subsection 5. Notwithstanding paragraphs "a" or "b", an inmate  
24 serving a category "C" sentence is ineligible for a reduction  
25 of sentence under this section.

26     Sec. 7. Section 903A.7, Code 2017, is amended to read as  
27 follows:

28     **903A.7 Separate sentences.**

29     1. Consecutive multiple sentences that are within the  
30 same category under [section 903A.2](#) shall be construed as one  
31 continuous sentence for purposes of calculating reductions of  
32 sentence for earned time.

33     2. If a person is sentenced to serve both category "A"  
34 and category "B" sentences ~~of both categories~~, category  
35 "B" sentences shall be served before category "A" sentences

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

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

18 EXPLANATION

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

21 This bill relates to attempt to commit murder against a peace  
22 officer.

23 The bill defines "peace officer" to mean the same as defined  
24 in section 801.4.

25 Under the bill, a person who attempts to commit murder  
26 against a peace officer in violation of Code section 707.11,  
27 with the knowledge that the person against whom the attempt to  
28 commit murder is committed is a peace officer, and while the  
29 officer is acting within the officer's official capacity, shall  
30 serve 100 percent of the term of confinement imposed and shall  
31 be denied parole, work release, or other early release.

32 A person who commits attempt to commit murder commits a class  
33 "B" felony. A class "B" felony is punishable by confinement  
34 for no more than 25 years. Currently, except for the attempt  
35 to commit murder against a peace officer in the bill, a person

1 who commits attempt to commit murder shall serve 70 percent of  
2 the sentence under Code section 902.12.

3 After a person is sent to a correctional institution for  
4 an attempt to commit murder against a peace officer, the  
5 bill creates a new category "C" sentence which prohibits  
6 such a person from accumulating earned time that reduces the  
7 sentence of the person. If a person is sentenced to serve  
8 both a category "C" sentence and another category sentence,  
9 the category "C" sentence shall be served before the other  
10 category sentence is served, and no earned time shall accrue  
11 until the category "C" sentence has been served. The bill also  
12 provides that if an inmate serving a category sentence other  
13 than a category "C" sentence is sentenced to serve a category  
14 "C" sentence, the sentence of the other category sentence shall  
15 be interrupted, and no further earned time shall accrue against  
16 that sentence until the category "C" sentence is completed.