

**House File 389 - Introduced**

HOUSE FILE 389

BY FISHER

**A BILL FOR**

1 An Act relating to an habitual offender, and providing  
2 penalties.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 902.8, Code 2017, is amended to read as  
2 follows:

3 **902.8 Minimum sentence — habitual offender.**

4 An habitual offender is any person convicted of a class "B",  
5 class "C", or a class "D" felony, who has twice before been  
6 convicted of any felony in a court of this or any other state,  
7 or of the United States. An offense is a felony if, by the law  
8 under which the person is convicted, it is so classified at  
9 the time of the person's conviction. ~~A person sentenced as an~~  
10 ~~habitual offender shall not be eligible for parole until the~~  
11 ~~person has served the minimum sentence of confinement of three~~  
12 ~~years.~~

13 Sec. 2. Section 902.9, subsection 1, paragraph c, Code 2017,  
14 is amended to read as follows:

15 c. An habitual offender shall be confined for no more than  
16 ~~fifteen years~~ twice the maximum sentence as determined by this  
17 section or as otherwise prescribed by statute.

18 Sec. 3. Section 902.12, Code 2017, is amended by adding the  
19 following new subsection:

20 NEW SUBSECTION. 4. A person serving a sentence for a  
21 conviction as an habitual offender under section 902.8 shall  
22 be denied parole or work release until the person has served  
23 at least seven-tenths of the maximum term of the person's  
24 sentence.

25 EXPLANATION

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

28 This bill relates to an habitual offender, and provides  
29 penalties.

30 Currently, an habitual offender is any person convicted of  
31 a class "C" or a class "D" felony, who has twice before been  
32 convicted of any felony in a court of this or any other state,  
33 or of the United States. In addition, current law provides  
34 that the maximum sentence for an habitual offender is 15 years  
35 of confinement upon conviction of a class "C" or class "D"

1 felony, which results in five more years of confinement for a  
2 class "C" felony conviction and 10 more years of confinement  
3 for a class "D" felony conviction.

4 The bill expands the persons eligible for an habitual  
5 offender sentence to include a person who commits a class "B"  
6 felony if that person has twice before been convicted of any  
7 felony in a court of this or any other state, or of the United  
8 States.

9 The bill replaces the maximum habitual offender sentence  
10 of 15 years of confinement with a sentence that is twice the  
11 maximum sentence for the felony committed as determined by  
12 Code section 902.9 or twice the maximum sentence as otherwise  
13 prescribed by the statute violated.

14 A person convicted as an habitual offender under the bill  
15 shall also be denied parole or work release until the person  
16 has served at least seven-tenths of the maximum term of the  
17 person's sentence.