

**House File 2433 - Introduced**

HOUSE FILE 2433

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**A BILL FOR**

1 An Act creating a life imprisonment review committee to  
2 recommend commutation or reconsideration of a sentence of  
3 a class "A" felon serving a sentence of life imprisonment  
4 without the possibility of parole.

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

1 Section 1. Section 902.1, subsection 1, Code 2020, is  
2 amended to read as follows:

3 1. Upon a plea of guilty, a verdict of guilty, or a special  
4 verdict upon which a judgment of conviction of a class "A"  
5 felony may be rendered, the court shall enter a judgment of  
6 conviction and shall commit the defendant into the custody of  
7 the director of the Iowa department of corrections for the rest  
8 of the defendant's life. ~~Nothing~~ Except as otherwise provided  
9 in section 902.4A, nothing in the Iowa corrections code  
10 pertaining to deferred judgment, deferred sentence, suspended  
11 sentence, or reconsideration of sentence applies to a class  
12 "A" felony, and a person. A defendant convicted of a class  
13 "A" felony shall not be released on parole unless, pursuant  
14 to a recommendation from the Iowa board of parole pursuant to  
15 section 902.2 or from the life imprisonment review committee  
16 created pursuant to section 902.2A, the governor commutes the  
17 defendant's sentence to a term of years or a district court  
18 reconsiders the defendant's sentence and the district court  
19 resentsences the defendant into the custody of the director of  
20 the department of corrections for the rest of the defendant's  
21 life with the possibility of parole.

22 Sec. 2. Section 902.2, Code 2020, is amended to read as  
23 follows:

24 **902.2 Commutation procedure for class "A" felons.**

25 A person who has been sentenced to life imprisonment under  
26 section 902.1 may, no more frequently than once every ten  
27 years, unless recommended by the life imprisonment review  
28 committee, make an application to the governor requesting that  
29 the person's sentence be commuted to a term of years. The  
30 director of the Iowa department of corrections may make a  
31 request to the governor that a person's sentence be commuted  
32 to a term of years at any time. Upon receipt of a request for  
33 commutation, the governor shall send a copy of the request to  
34 the Iowa board of parole for investigation and recommendations  
35 as to whether the person should be considered for commutation.

1 The board shall conduct an interview of the class "A" felon and  
2 shall make a report of its findings and recommendations to the  
3 governor.

4 Sec. 3. NEW SECTION. 902.2A Life imprisonment review  
5 committee.

6 1. For the purposes of this section, "defendant" means a  
7 person convicted of a class "A" felony and sentenced to life  
8 imprisonment without the possibility of parole.

9 2. A life imprisonment review committee is established.  
10 The purpose of the committee shall be to make commutation  
11 recommendations to the governor or reconsideration of sentence  
12 recommendations to the district court regarding class "A"  
13 felons sentenced to life imprisonment without the possibility  
14 of parole. Upon a defendant's application and upon review  
15 of the facts and circumstances of the defendant's case,  
16 the committee may first recommend to the governor that the  
17 defendant's sentence be commuted to a term of years and may,  
18 if the governor does not take action on the recommendation,  
19 subsequently recommend the defendant's sentence be reconsidered  
20 by the appropriate district court as provided in section  
21 902.4A. Notwithstanding any other provision of the law to  
22 the contrary, and after receiving the recommendation of the  
23 committee, the governor may commute the defendant's sentence  
24 to a term of years or the district court may resentence the  
25 defendant to life imprisonment with the possibility of parole.

26 3. a. The governor shall appoint members to the committee  
27 which may include but are not limited to representatives  
28 from victim advocacy groups, the Iowa state chapter of the  
29 national association for the advancement of colored people or  
30 other equivalent organizations that benefit racial or ethnic  
31 minorities, community-based organizations as defined in section  
32 7D.15, organizations focused on the reentry of incarcerated  
33 individuals, the department of workforce development, the  
34 department of public safety, the office of the attorney  
35 general, and a judicial district department of correctional

1 services. Members may also include county attorneys, law  
2 enforcement officers, retired judges, prison officials, prison  
3 counselors, and clergy.

4 *b.* Members shall serve four-year terms except for the terms  
5 of the initial members, which shall be staggered so that two of  
6 the members' terms expire each calendar year.

7 4. A defendant may file an application to the life  
8 imprisonment review committee for commutation of the  
9 defendant's sentence or resentencing. A defendant shall not  
10 be eligible to have the defendant's application reviewed by  
11 the committee until the defendant has served a minimum of  
12 twenty-five years of the defendant's life sentence.

13 5. The life imprisonment review committee may conduct a  
14 hearing to determine whether to recommend the defendant for  
15 commutation of the defendant's sentence or resentencing. The  
16 committee shall consider the following factors in determining  
17 whether to recommend the defendant for commutation or  
18 resentencing:

19 *a.* The defendant must have successfully progressed to a  
20 minimum security facility or a facility with an equivalent  
21 status.

22 *b.* The defendant must have accumulated a verifiable list  
23 of accomplishments in prison, which may include education,  
24 apprenticeships, certifications, trades, prison service  
25 achievements, and participation in rehabilitative and  
26 restorative justice programs and other programs designed to  
27 promote behavior change and to prepare offenders for successful  
28 reentry into the community.

29 *c.* The defendant's case file demonstrates that the defendant  
30 shows respect for authority and has been deemed a positive  
31 influence on others.

32 *d.* The defendant's application is supported by a  
33 recommendation or recommendations for review from one or more  
34 of any of the following persons:

35 (1) The director of the department of corrections.

1 (2) The chairperson of the Iowa board of parole.

2 (3) The warden from a prison where the defendant has been  
3 incarcerated for at least three consecutive years.

4 (4) A work supervisor.

5 6. The life imprisonment review committee may deny  
6 the defendant's application or recommend the defendant to  
7 the governor for commutation of the defendant's sentence.  
8 The governor may commute the defendant's sentence of life  
9 imprisonment without parole to a sentence of life imprisonment  
10 with the possibility of parole based on information presented  
11 to the life imprisonment review committee, notwithstanding the  
12 commutation procedures in section 902.2. The governor shall  
13 notify a registered victim pursuant to section 915.18. If the  
14 life imprisonment review committee recommends a defendant to  
15 the governor, the governor may grant the commutation, deny the  
16 commutation, or take no action.

17 7. If the governor does not take action on a recommendation  
18 from the life imprisonment review committee within three  
19 months, the life imprisonment review committee shall make the  
20 recommendation to the district court for reconsideration of the  
21 defendant's sentence in the county that originally sentenced  
22 the defendant pursuant to section 902.4A.

23 8. A defendant whose life sentence has been commuted or  
24 who has been resentenced shall be placed on the corrections  
25 continuum in chapter 901B, and the terms and conditions of  
26 parole, including violations, shall be subject to the same set  
27 of procedures specified in chapters 906 and 908, and rules  
28 adopted under those chapters for persons on parole.

29 9. A defendant denied commutation and resentencing may  
30 submit a new application to the life imprisonment review  
31 committee every four years.

32 10. This section shall not preclude the Iowa board of parole  
33 from making recommendations as to whether a defendant should be  
34 considered for commutation pursuant to section 902.2.

35 Sec. 4. NEW SECTION. 902.4A Reconsideration of class "A"

1 **felon sentence.**

2 1. Upon recommendation of the life imprisonment review  
3 committee, the district court in the county that originally  
4 sentenced a defendant convicted of a class "A" felony shall set  
5 a hearing to reconsider the defendant's sentence. The district  
6 court shall provide notice to any registered victim and the  
7 county attorney of any county in this state where a conviction  
8 occurred.

9 2. Upon recommendation from the life imprisonment review  
10 committee, the court shall conduct a hearing to consider any  
11 evidence deemed appropriate by the court including but not  
12 limited to all of the following:

13 a. The circumstances of the underlying crime.

14 b. Input from a victim.

15 c. The defendant's accomplishments in prison, which may  
16 include education, apprenticeships, certifications, trades,  
17 prison service achievements, rehabilitative and restorative  
18 justice programs, and other programs designed to promote  
19 behavior change and to prepare all eligible offenders for  
20 successful reentry into the community.

21 d. The defendant's disciplinary record in prison.

22 e. Any recommendations, including but not limited to  
23 recommendations from the director of the department of  
24 corrections, the chairperson of the Iowa board of parole, the  
25 warden from a prison where the defendant has been incarcerated  
26 for at least three consecutive years, or a work supervisor.

27 f. The defendant's prior convictions and periods of  
28 incarceration, if any.

29 g. The age of the defendant and the defendant's chances of  
30 reoffending.

31 h. The family and community supports of the defendant.

32 i. The defendant's employment background.

33 3. Upon the conclusion of the hearing, the district court  
34 may resentence the defendant to a term of years with the  
35 possibility of parole if the court finds all of the following

1 by clear and convincing evidence:

2 a. The defendant no longer poses a threat to the community.

3 b. Based on the defendant's conduct during incarceration,  
4 the defendant has proven the defendant can be a contributing  
5 member of society.

6 c. It is in the best interests of the community that  
7 the defendant be resentenced to a term of years with the  
8 possibility of parole.

9 4. The court's decision to resentence the defendant under  
10 this section is not subject to appeal.

11 EXPLANATION

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

14 Under current law, a defendant convicted of a class "A"  
15 felony is committed into the custody of the director of the  
16 Iowa department of corrections for the rest of the defendant's  
17 life without the possibility of parole, and the defendant  
18 cannot be considered for a deferred judgment, suspended  
19 sentence, or reconsideration of the defendant's sentence. This  
20 bill creates a life imprisonment review committee to recommend  
21 commutation or reconsideration of a sentence of a class "A"  
22 felon serving a sentence of life imprisonment without the  
23 possibility of parole.

24 The bill provides that the life imprisonment review  
25 committee members may include representatives from certain  
26 stakeholder groups as well as state agencies, and a member from  
27 a judicial district department of correctional services.

28 Under the bill, a defendant is eligible to file an  
29 application to the life imprisonment review committee if the  
30 defendant has served at least 25 years of the defendant's  
31 life sentence. The life imprisonment review committee has  
32 discretion to hold a hearing on the defendant's application.  
33 The bill lists numerous factors for the life imprisonment  
34 review committee to consider before recommending commutation  
35 or reconsideration of a defendant's sentence. After a review

1 of the facts and circumstances of a defendant's case, the life  
2 imprisonment review committee shall either deny the defendant's  
3 application or recommend the defendant for commutation of the  
4 defendant's sentence to the governor.

5 The life imprisonment review committee may recommend to  
6 the governor that a defendant's sentence be commuted to a  
7 sentence of life imprisonment with the possibility of parole  
8 based on information presented to the life imprisonment review  
9 committee. The bill does not change any existing commutation  
10 procedures once the recommendation to the governor is made by  
11 the committee. If the governor does not act on the committee's  
12 recommendation within three months, the life imprisonment  
13 review committee shall make the recommendation to the district  
14 court for reconsideration of the defendant's sentence in the  
15 county that originally sentenced the defendant.

16 The bill provides that the district court in the county  
17 that originally sentenced the defendant may review the court's  
18 previous action and reaffirm the sentence or resentence the  
19 defendant to a life sentence with the possibility of parole,  
20 pursuant to new Code section 902.4A. The district court shall  
21 hold a hearing relating to reconsideration of the defendant's  
22 sentence and shall provide notice to a registered victim.

23 The bill provides factors for the court to consider in  
24 deciding to resentence a defendant. The bill provides that a  
25 district court may resentence a defendant to a term of years  
26 with the possibility of parole if the court finds by clear and  
27 convincing evidence that the defendant no longer poses a threat  
28 to the community, can be a contributing member of society, and  
29 it is in the best interests of the community that the defendant  
30 be resentenced.

31 A defendant who is recommended by the life imprisonment  
32 review committee and given a commutation or resentencing is  
33 eligible for parole subject to the same set of procedures  
34 as any other defendant regarding parole. If a defendant's  
35 application to the life sentence review committee is denied,

1 the defendant may submit a new application every four years.  
2 For the purposes of the bill, "defendant" is defined as a  
3 person convicted of a class "A" felony and sentenced to life  
4 imprisonment without the possibility of parole.