

House File 2557 - Introduced

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BY WOLFE and WESSEL-KROESCHELL

A BILL FOR

1 An Act relating to minimum sentences for certain offenders and
2 parole and work release eligibility.

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

1 Section 1. Section 901.11, Code 2020, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 6. *a.* Notwithstanding any other provision
4 of law to the contrary, at the time of sentencing, the court
5 shall determine when a person convicted of any of the criminal
6 offenses specified in section 902.12 shall first become
7 eligible for parole or work release within the parameters
8 specified in section 902.12, subsection 6, if any of the
9 following apply:

10 (1) At the time the defendant committed the offense for
11 which the defendant is being sentenced the defendant was
12 twenty-five years of age or younger.

13 (2) At the time the defendant committed the offense for
14 which the defendant is being sentenced the defendant had not
15 previously been convicted of a forcible felony as defined in
16 section 702.11.

17 *b.* In determining when a person shall first become eligible
18 for parole or work release under this subsection, the court
19 shall give consideration to all pertinent information including
20 but not limited to the person's criminal record, a validated
21 risk assessment, and the negative impact the offense has had
22 on the victim or other persons.

23 Sec. 2. Section 902.12, Code 2020, is amended to read as
24 follows:

25 **902.12 Minimum sentence for certain felonies — eligibility**
26 **for parole or work release — exception.**

27 1. A person serving a sentence for conviction of the
28 following felonies, including a person serving a sentence
29 for conviction of the following felonies prior to July 1,
30 2003, shall be denied parole or work release unless the person
31 has served at least seven-tenths of the maximum term of the
32 person's sentence:

33 *a.* Murder in the second degree in violation of section
34 707.3.

35 *b.* Attempted murder in violation of [section 707.11](#), except

1 as provided in [section 707.11, subsection 5](#).

2 *c.* Sexual abuse in the second degree in violation of section
3 709.3.

4 *d.* Kidnapping in the second degree in violation of section
5 710.3.

6 *e.* Robbery in the second degree in violation of section
7 711.3, except as determined in [subsection 4](#).

8 *f.* Vehicular homicide in violation of section 707.6A,
9 subsection 1 or 2, if the person was also convicted under
10 section 321.261, subsection 4, based on the same facts or
11 event that resulted in the conviction under section 707.6A,
12 subsection 1 or 2.

13 2. A person serving a sentence for a conviction of
14 child endangerment as defined in section 726.6, subsection
15 1, paragraph "b", that is described and punishable under
16 section 726.6, subsection 4, shall be denied parole or work
17 release until the person has served between three-tenths and
18 seven-tenths of the maximum term of the person's sentence as
19 determined under [section 901.11, subsection 2](#).

20 3. A person serving a sentence for a conviction for
21 robbery in the first degree in violation of [section 711.2](#)
22 for a conviction that occurs on or after July 1, 2018, shall
23 be denied parole or work release until the person has served
24 between one-half and seven-tenths of the maximum term of
25 the person's sentence as determined under section 901.11,
26 subsection 3.

27 4. A person serving a sentence for a conviction for
28 robbery in the second degree in violation of [section 711.3](#)
29 for a conviction that occurs on or after July 1, 2016, shall
30 be denied parole or work release until the person has served
31 between one-half and seven-tenths of the maximum term of
32 the person's sentence as determined under section 901.11,
33 subsection 4.

34 5. A person serving a sentence for a conviction for arson in
35 the first degree in violation of [section 712.2](#) that occurs on

1 or after July 1, 2019, shall be denied parole or work release
2 until the person has served between one-half and seven-tenths
3 of the maximum term of the person's sentence as determined
4 under [section 901.11, subsection 5](#).

5 6. Notwithstanding this section, a person who was
6 twenty-five years of age or younger at the time of the
7 commission of an offense specified in this section, or a person
8 who had not previously been convicted of a forcible felony as
9 defined in section 702.11 at the time of the commission of the
10 offense shall be denied parole or work release until the person
11 has served between three-tenths and seven-tenths of the maximum
12 term of the person's sentence as determined under section
13 901.11, subsection 6.

14 EXPLANATION

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

17 This bill allows a court to sentence a person to less than
18 the minimum sentence described in Code section 902.12 for
19 certain felonies if the person was either 25 years of age or
20 younger at the time of the commission of the offense or had
21 not previously been convicted of a forcible felony as defined
22 in Code section 702.11 at the time of the commission of the
23 offense. The bill makes conforming Code changes.

24 "Forcible felony" means any felonious child endangerment,
25 assault, murder, sexual abuse, kidnapping, robbery, human
26 trafficking, arson in the first degree, or burglary in the
27 first degree.