

House File 408 - Introduced

HOUSE FILE 408

BY JONES

A BILL FOR

1 An Act relating to indeterminate sentences for class "D"
2 felonies.

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

1 Section 1. NEW SECTION. 902.3B Indeterminate sentencing
2 options — class "D" felonies.

3 Notwithstanding section 902.3, when a judgment of conviction
4 for a class "D" felony is entered against a person, the court,
5 in imposing a sentence of confinement, may do any of the
6 following:

7 1. Except as otherwise provided in section 321J.2,
8 subsection 5, paragraph "a", commit the person into the custody
9 of the director of the Iowa department of corrections for an
10 indeterminate term not to exceed five years and suspend the
11 sentence subject to the person's compliance with the conditions
12 set by the court as a requirement of the suspended sentence.

13 2. Commit the person into the custody of the director of the
14 Iowa department of corrections for an indeterminate term not to
15 exceed five years without suspending the sentence.

16 3. Except as otherwise provided in section 321J.2,
17 subsection 5, paragraph "a", commit the person into the custody
18 of the director of the Iowa department of corrections for an
19 indeterminate term not to exceed five years, with a mandatory
20 minimum term of between thirty days and one year, to be served
21 in the county jail.

22 EXPLANATION

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

25 This bill provides that when a judgment of conviction of a
26 class "D" felony is entered against a person, the court, in
27 imposing a sentence of confinement may, except as otherwise
28 provided in Code section 321J.2(5)(a), commit the person to the
29 custody of the director of the Iowa department of corrections
30 for an indeterminate term not to exceed five years and suspend
31 the sentence subject to the person's compliance with conditions
32 set by the court as a requirement of the suspended sentence;
33 commit the person to the custody of the director of the Iowa
34 department of corrections for an indeterminate term not to
35 exceed five years without suspending the sentence; or except

1 as otherwise provided in Code section 321J.2(5)(a), commit the
2 person to the custody of the director of the Iowa department of
3 corrections for an indeterminate term not to exceed five years
4 and order the person to serve a jail sentence with a mandatory
5 minimum term of between 30 days and one year in the county
6 jail.

7 A person convicted under Code section 321J.2(5)(a) for a
8 third operating-while-intoxicated offense shall be committed to
9 the custody of the director of the department of corrections
10 for an indeterminate term not to exceed five years, with a
11 mandatory minimum term of 30 days.