

House File 712 - Introduced

HOUSE FILE 712
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HF 408)

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. The department of corrections shall be
22 responsible for the costs and expenses of housing a person
23 ordered to serve an indeterminate term in the county jail
24 pursuant to this subsection and shall reimburse the county for
25 the costs and expenses incurred for housing the person in the
26 county jail.

27

EXPLANATION

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

30 This bill provides that when a judgment of conviction of a
31 class "D" felony is entered against a person, the court, in
32 imposing a sentence of confinement may, except as otherwise
33 provided in Code section 321J.2(5)(a), commit the person to the
34 custody of the director of the Iowa department of corrections
35 for an indeterminate term not to exceed five years and suspend

1 the sentence subject to the person's compliance with conditions
2 set by the court as a requirement of the suspended sentence;
3 commit the person to the custody of the director of the Iowa
4 department of corrections for an indeterminate term not to
5 exceed five years without suspending the sentence; or except
6 as otherwise provided in Code section 321J.2(5)(a), commit the
7 person to the custody of the director of the Iowa department of
8 corrections for an indeterminate term not to exceed five years
9 and order the person to serve a jail sentence with a mandatory
10 minimum term of between 30 days and one year in the county
11 jail. The department of corrections is responsible for the
12 costs and expenses of housing a person committed to the county
13 jail and shall reimburse the county for the costs and expenses
14 incurred for housing the person in the county jail.

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