

**Senate File 586 - Introduced**

SENATE FILE 586  
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SF 381)

**A BILL FOR**

1 An Act establishing a criminal penalty for violent repeat  
2 offenders and providing for risk assessments.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 901.2, subsection 2, paragraph d, Code  
2 2019, is amended by adding the following new subparagraph:

3 NEW SUBPARAGRAPH. (4) A risk assessment when the offense  
4 is a domestic abuse assault in violation of section 708.2A, or  
5 harassment in violation of section 708.7.

6 Sec. 2. Section 901.3, Code 2019, is amended by adding the  
7 following new subsection:

8 NEW SUBSECTION. 1A. The performance of a risk assessment  
9 shall be required as part of a presentence investigation under  
10 subsection 1 for domestic abuse assault in violation of section  
11 708.2A, harassment in violation of section 708.7, or stalking  
12 in violation of section 708.11.

13 Sec. 3. Section 903A.2, subsection 1, paragraphs a and b,  
14 Code 2019, are amended to read as follows:

15 a. (1) Category "A" sentences are ~~those~~ sentences which  
16 are not subject to a maximum accumulation of earned time of  
17 fifteen percent of the total sentence of confinement under  
18 section 902.12 or 902.13, and sentences which are not violent  
19 repeat offender sentences under section 903A.8, and are not  
20 category "C" sentences. To the extent provided in subsection  
21 5, category "A" sentences also include life sentences imposed  
22 under section 902.1. An inmate of an institution under the  
23 control of the department of corrections who is serving a  
24 category "A" sentence is eligible for a reduction of sentence  
25 equal to one and two-tenths days for each day the inmate  
26 demonstrates good conduct and satisfactorily participates in  
27 any program or placement status identified by the director to  
28 earn the reduction. The programs include but are not limited  
29 to the following:

- 30 (a) Employment in the institution.  
31 (b) Iowa state industries.  
32 (c) An employment program established by the director.  
33 (d) A treatment program established by the director.  
34 (e) An inmate educational program approved by the director.  
35 (2) However, an inmate required to participate in a sex

1 offender treatment program shall not be eligible for any  
2 reduction of sentence until the inmate participates in and  
3 completes a sex offender treatment program established by the  
4 director.

5 (3) An inmate serving a category "A" sentence is eligible  
6 for an additional reduction of sentence of up to three hundred  
7 sixty-five days of the full term of the sentence of the inmate  
8 for exemplary acts. In accordance with [section 903A.4](#), the  
9 director shall by policy identify what constitutes an exemplary  
10 act that may warrant an additional reduction of sentence.

11 b. (1) Category "B" sentences are those sentences which  
12 are subject to a maximum accumulation of earned time of fifteen  
13 percent of the total sentence of confinement under section  
14 [902.12](#) or [902.13](#), and sentences which are not violent repeat  
15 offender sentences under section 903A.8, and are not category  
16 "C" sentences. An inmate of an institution under the control  
17 of the department of corrections who is serving a category  
18 "B" sentence is eligible for a reduction of sentence equal to  
19 fifteen eighty-fifths of a day for each day of good conduct by  
20 the inmate.

21 (2) An inmate required to participate in a domestic abuse  
22 treatment program shall not be eligible for any reduction of  
23 sentence until the inmate participates in and completes a  
24 domestic abuse treatment program established by the director.

25 Sec. 4. NEW SECTION. **903A.8 Violent repeat offender.**

26 1. A violent repeat offender is any person convicted of a  
27 felony offense under chapter 707, 708, 709, 710, or sections  
28 711.2, 711.3, 713.3, 713.4, 713.5(1)(a), or 713.6(1)(a), who  
29 has previously been convicted of any two felony violations  
30 under chapter 707, 708, 709, 710, or sections 711.2, 711.3,  
31 713.3, 713.4, 713.5(1)(a), or 713.6(1)(a).

32 2. Notwithstanding subsection 1, a person shall not be  
33 considered to be a violent repeat offender if the conviction  
34 that would otherwise make the offender a violent repeat  
35 offender is a conviction for murder in the second degree in

1 violation of section 707.3, attempted murder in violation of  
2 section 707.11, sexual abuse in the second degree in violation  
3 of section 709.3, kidnapping in the second degree in violation  
4 of section 710.3, or robbery in the second degree in violation  
5 of section 711.3. However, a prior conviction for murder in  
6 the second degree in violation of section 707.3, attempted  
7 murder in violation of section 707.11, sexual abuse in the  
8 second degree in violation of section 709.3, kidnapping in the  
9 second degree in violation of section 710.3, or robbery in the  
10 second degree in violation of section 711.3 shall be counted  
11 as a previous conviction in determining whether a person is a  
12 violent repeat offender due to the most recent conviction.

13 3. An offense is a felony if, by the law under which the  
14 person is convicted, it is so classified at the time of the  
15 person's conviction.

16 4. For purposes of this section, felony conviction  
17 includes any felony conviction in another jurisdiction that is  
18 comparable to a felony listed in subsection 1 or any conviction  
19 under the prior laws of this state or another jurisdiction,  
20 that is comparable to a felony conviction listed in subsection  
21 1.

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 establishes a criminal penalty for a violent  
26 repeat offender and provides for risk assessments.

27 If a presentence investigation is required prior  
28 to sentencing, the bill requires that the presentence  
29 investigation include a risk assessment of the offender, if the  
30 offender was convicted of domestic abuse assault in violation  
31 of Code section 708.2A, harassment in violation of Code section  
32 708.7, or stalking in violation of Code section 708.11.

33 Under the bill, a violent repeat offender is any  
34 person convicted of a felony offense under Code chapter  
35 707 (homicide), 708 (assault), 709 (sexual abuse), 710

1 (kidnapping), or sections 711.2 (robbery in the first degree),  
2 711.3 (robbery in the second degree), 713.3 (burglary in the  
3 first degree), 713.4 (attempted burglary in the first degree),  
4 713.5(1)(a) (burglary in the second degree), or 713.6(1)(a)  
5 (attempted burglary in the second degree) who has twice  
6 before been convicted of any felony violation under those Code  
7 chapters or sections.

8 An offender who is serving a violent repeat offender  
9 sentence under the bill is only eligible for a reduction of  
10 sentence equal to fifteen eighty-fifths of a day for each  
11 day of good conduct by the offender. Most other offenders  
12 are eligible for a reduction of sentence equal to one and  
13 two-tenths days for each day the inmate demonstrates good  
14 conduct. The fifteen eighty-fifths of a day for each day of  
15 good conduct by a repeat violent offender equals the same rate  
16 of reduction of sentence for an offender who is serving a 70  
17 percent sentence under Code section 902.12 or 902.13. However,  
18 an offender serving a violent repeat offender sentence is not  
19 required to serve seven-tenths of the maximum term of the  
20 sentence prior to being eligible for parole or work release as  
21 an offender serving a 70 percent sentence is required to serve.

22 In order to preserve the service of a 70 percent sentence by  
23 an offender, a person shall not be a violent repeat offender  
24 if the most recent conviction that would otherwise make the  
25 offender a violent repeat offender is a conviction for murder  
26 in the second degree in violation of Code section 707.3,  
27 attempted murder in violation of Code section 707.11, sexual  
28 abuse in the second degree in violation of Code section 709.3,  
29 kidnapping in the second degree in violation of Code section  
30 710.3, or robbery in the second degree in violation of Code  
31 section 711.3. However, a prior conviction for murder in the  
32 second degree, attempted murder, sexual abuse in the second  
33 degree, kidnapping in the second degree, or robbery in the  
34 second degree shall be counted as a previous conviction in  
35 determining whether a person is a violent repeat offender.