

House File 2191 - Introduced

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A BILL FOR

1 An Act relating to the commutation of sentence procedure for
2 class "A" felons.

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

1 Section 1. Section 902.2, Code 2022, is amended to read as
2 follows:

3 **902.2 Commutation procedure for class "A" felons.**

4 1. a. Except as otherwise provided in paragraphs "b"
5 and "c", a person who has been sentenced to life imprisonment
6 under section 902.1 may, no more frequently than once every ten
7 years, make an application to the governor requesting that the
8 person's sentence be commuted to a term of years. ~~The director~~
9 ~~of the Iowa department of corrections may make a request to~~
10 ~~the governor that a person's sentence be commuted to a term of~~
11 ~~years at any time.~~

12 b. A person who has been sentenced to life imprisonment
13 under section 902.1 who has served thirty-five years of a
14 life sentence may make an application to the governor every
15 five years requesting that the person's sentence be commuted
16 to a term of years if the person is, at the time of each
17 application, classified at the minimum security custody level.

18 c. The director of the Iowa department of corrections may
19 make a request to the governor that a person's sentence be
20 commuted to a term of years at any time.

21 2. Upon receipt of a request for commutation, the governor
22 shall send a copy of the request to the Iowa board of parole
23 for investigation and recommendations as to whether the person
24 should be considered for commutation. The board shall conduct
25 an interview of the class "A" felon and shall make a written
26 report of its findings and recommendations to the governor
27 within twelve months of the person's submission of a request
28 for commutation. A decision to recommend commutation shall be
29 by a majority vote of the board.

30 3. In determining whether to recommend commutation
31 of an applicant's sentence, the board shall consider all
32 circumstances including but not limited to all of the following
33 factors for inclusion in the board's written report:

34 a. Whether the applicant has engaged in activities that
35 indicate rehabilitation including but not limited to any of the

1 following:

2 (1) Participation in rehabilitative, educational,
3 or vocational programs if available at the applicant's
4 classification level and facility.

5 (2) Utilization of available materials for
6 self-improvement.

7 (3) Participation in other programs designed to promote
8 behavior change and to prepare offenders for successful reentry
9 into the community.

10 b. The length of time the applicant has exhibited good
11 behavior at the facility.

12 c. The impact of the applicant's crime on each victim
13 through the use of victim impact statements as defined in
14 section 915.10.

15 d. The details of all criminal convictions of the applicant.

16 e. Whether the applicant has expressed remorse and accepted
17 responsibility for the applicant's crimes.

18 f. Reports of the department of corrections including
19 disciplinary records, whether the applicant has engaged in
20 community service projects, and whether the applicant has been
21 a positive influence on others.

22 g. Whether the applicant was convicted of murder under
23 felony murder law or for aiding and abetting a felony murder
24 but the applicant did not intend for a murder to occur during
25 the commission of the offense.

26 h. Whether the applicant's sentence of life without parole
27 was entered following a plea signed and accepted by all parties
28 which recommended a different sentence including a sentence
29 that is excessive compared to other sentences for the same
30 crime.

31 i. Whether a meaningful plan for housing and support is in
32 place including letters of recommendation indicating that the
33 applicant can be a contributing and positive member of society.

34 j. The impact of the crime on the community including
35 evidence that circumstances have changed since the applicant's

1 original sentencing indicating the applicant's continued
2 incarceration is no longer in the interest of justice due to
3 sufficient punishment and rehabilitation.

4 EXPLANATION

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

7 This bill relates to the commutation of sentence procedure
8 for class "A" felons.

9 Current law provides that a person who has been sentenced to
10 life imprisonment may, no more frequently than once every 10
11 years, make an application to the governor requesting that the
12 person's sentence be commuted to a term of years. The director
13 of the Iowa department of corrections may make a request to the
14 governor requesting that the person's sentence be commuted to a
15 term of years at any time.

16 The bill provides that in addition to the current
17 commutation procedure allowed under current law, a person who
18 has been sentenced to life imprisonment who has served 35
19 years may make an application to the governor every 5 years
20 requesting that the person's sentence be commuted to a term
21 of years if the person is, at the time of each application,
22 classified at the minimum security custody level.

23 The bill provides that a decision by the Iowa board of
24 parole to recommend commutation by the governor shall be by
25 a majority vote of the board. In determining whether to
26 recommend commutation of the applicant's sentence, the board
27 must consider all circumstances including but not limited to
28 the following factors for inclusion in the board's written
29 report: whether the applicant has engaged in activities
30 that indicate rehabilitation including participation in
31 rehabilitative, educational, or vocational programs, the
32 utilization of available materials for self-improvement, and
33 participation in other programs designed to promote behavior
34 change and to prepare offenders for successful reentry into the
35 community; the length of time the applicant has exhibited good

1 behavior at the facility; the impact of the applicant's crime
2 on each victim through the use of victim impact statements; the
3 details of all criminal convictions of the applicant; whether
4 the applicant has expressed remorse and accepted responsibility
5 for the applicant's crimes; reports of the department of
6 corrections including disciplinary records, whether the
7 applicant has engaged in community service projects, and
8 whether the applicant has been a positive influence on others;
9 whether the applicant was convicted of murder under felony
10 murder law or for aiding and abetting a felony murder but the
11 applicant did not intend for a murder to occur during the
12 commission of the offense; whether the applicant's sentence of
13 life without parole was entered following a plea signed and
14 accepted by all parties which recommended a different sentence;
15 whether a meaningful plan for housing and support is in place
16 including letters of recommendation indicating the applicant
17 can be a contributing and positive member of society; and
18 the impact of the crime on the community including evidence
19 that circumstances have changed since the sentencing of the
20 applicant indicating the applicant's continued incarceration
21 is no longer in the interest of justice due to sufficient
22 punishment and rehabilitation.