

**House Study Bill 18 - Introduced**

HOUSE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE  
ON JUDICIARY BILL BY  
CHAIRPERSON HOLT)

**A BILL FOR**

1 An Act relating to a special sentence for sexual abuse  
2 committed during a burglary.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 903B.1, Code 2021, is amended to read as  
2 follows:

3 **903B.1 Special sentence — class “B” or class “C” felonies.**

4 A person convicted of a class “C” felony or greater offense  
5 under chapter 709, a class “B” felony under section 713.3,  
6 subsection 1, paragraph “d”, or a class “C” felony under  
7 section 728.12, shall also be sentenced, in addition to  
8 any other punishment provided by law, to a special sentence  
9 committing the person into the custody of the director of the  
10 Iowa department of corrections for the rest of the person’s  
11 life, with eligibility for parole as provided in chapter  
12 906. The board of parole shall determine whether the person  
13 should be released on parole or placed in a work release  
14 program. The special sentence imposed under this section shall  
15 commence upon completion of the sentence imposed under any  
16 applicable criminal sentencing provisions for the underlying  
17 criminal offense and the person shall begin the sentence under  
18 supervision as if on parole or work release. The person shall  
19 be placed on the corrections continuum in chapter 901B, and  
20 the terms and conditions of the special sentence, including  
21 violations, shall be subject to the same set of procedures set  
22 out in chapters 901B, 905, 906, and chapter 908, and rules  
23 adopted under those chapters for persons on parole or work  
24 release. The revocation of release shall not be for a period  
25 greater than two years upon any first revocation, and five  
26 years upon any second or subsequent revocation. A special  
27 sentence shall be considered a category “A” sentence for  
28 purposes of calculating earned time under section 903A.2.

29

EXPLANATION

30 The inclusion of this explanation does not constitute agreement with  
31 the explanation’s substance by the members of the general assembly.

32 This bill relates to a special sentence for sexual abuse  
33 committed during a burglary.

34 The bill provides that a person convicted of sexual abuse  
35 committed during a burglary, a class “B” felony under Code

1 section 713.3(1)(d), shall also be sentenced, in addition to  
2 any other punishment provided by law, to a special sentence  
3 committing the person into the custody of the director of the  
4 Iowa department of corrections for the rest of the person's  
5 life, with eligibility for parole as provided in Code chapter  
6 906. Code section 713.3(1)(d) provides that a person commits  
7 burglary in the first degree if, while perpetrating a burglary  
8 in or upon an occupied structure in which one or more persons  
9 are present, the person performs or participates in a sex act  
10 with any person which would constitute sexual abuse under Code  
11 section 709.1.

12 Sexual abuse committed during a burglary is an "aggravated  
13 offense" under Code section 692A.101(1)(a)(6). Sexual abuse  
14 committed during a burglary is classified as a tier III sex  
15 offense under Code section 692A.102(1)(c)(17), and a person  
16 convicted is required to register as a sex offender. Under  
17 Code section 692A.106(2), a sex offender who has been sentenced  
18 to a special sentence under Code section 903B.1 shall be  
19 required to register for a period equal to the term of the  
20 special sentence.