

**Senate File 2034 - Introduced**

SENATE FILE 2034

BY CARLIN

**A BILL FOR**

1 An Act relating to the penalties for defendants who aid and  
2 abet the commission of murder in the first degree.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 902.1A Class "A" felony — aiding  
2 and abetting — minimum term of confinement.

3 1. *a.* Notwithstanding section 902.1, subsection 1 and 2,  
4 and except as provided in paragraph "b", a defendant convicted  
5 of murder in the first degree in violation of section 707.2,  
6 who did not directly commit the act of murder, shall be  
7 committed to the custody of the director of the department  
8 of corrections for the rest of the defendant's life with the  
9 possibility of parole after serving a mandatory minimum term  
10 of confinement of twenty-five years, if the finder of fact  
11 determines the defendant aided and abetted the commission of  
12 the offense.

13 *b.* A defendant convicted of murder in the first degree in  
14 violation of section 707.2 under the circumstances described in  
15 paragraph "a", and who was under the age of eighteen at the time  
16 the offense was committed, shall receive one of the following  
17 sentences:

18 (1) Commitment to the director of the department of  
19 corrections for the rest of the defendant's life with the  
20 possibility of parole.

21 (2) Commitment to the director of the department of  
22 corrections for the rest of the defendant's life with the  
23 possibility of parole after serving a mandatory minimum term of  
24 confinement, but in no event shall the mandatory minimum term  
25 of confinement exceed twenty-five years.

26 2. If a defendant is paroled pursuant to this subsection,  
27 the defendant shall be subject to the same set of procedures  
28 set out in chapters 901B, 905, 906, and 908, and rules adopted  
29 under those chapters for persons on parole.

30 Sec. 2. Section 903A.2, subsection 5, Code 2022, is amended  
31 to read as follows:

32 5. Earned time accrued by inmates serving life sentences  
33 imposed under section 902.1 or 902.1A shall not reduce the  
34 life sentence, or any mandatory minimum sentence imposed under  
35 section 902.1 or 902.1A, except that earned time accrued shall

1 be credited against the inmate's life sentence if the life  
2 sentence is commuted to a term of years under [section 902.2](#),  
3 but shall not reduce any mandatory minimum sentence imposed  
4 under [section 902.1](#) or [902.1A](#).

5

EXPLANATION

6

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

8

This bill relates to the penalties for defendants who aid and  
9 abet the commission of murder in the first degree.

10

Currently, a person convicted of murder in the first degree  
11 serves a life sentence without the possibility of parole,  
12 except for a juvenile who commits such an offense. The bill  
13 provides that a defendant convicted of murder in the first  
14 degree, other than a juvenile, who did not directly commit the  
15 act of murder, shall be sentenced to life in prison with the  
16 possibility of parole after serving a mandatory minimum term of  
17 confinement of 25 years, if the finder of fact determines the  
18 defendant aided and abetted the commission of the offense.

19

The bill specifies that a juvenile shall be sentenced  
20 for an offense described above as follows: life in prison  
21 with the possibility of parole; or life in prison with the  
22 possibility of parole after serving a mandatory minimum term of  
23 confinement, but in no event shall the mandatory minimum term  
24 of confinement exceed 25 years.

25

If a defendant is paroled pursuant to the bill, the defendant  
26 shall be subject to the same set of procedures and rules as  
27 other defendants on parole.

28

The bill also prohibits earned time from reducing any  
29 mandatory minimum sentence provided in the bill.