

Senate File 2064 - Introduced

SENATE FILE 2064

BY NUNN

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 2022, 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 2022, 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 2022, 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, sentences which are not violent
19 repeat offender sentences under section 903A.8, and sentences
20 which are not category "C" sentences. To the extent provided
21 in subsection 5, category "A" sentences also include life
22 sentences imposed under section 902.1. An inmate of an
23 institution under the control of the department of corrections
24 who is serving a category "A" sentence is eligible for a
25 reduction of sentence equal to one and two-tenths days for each
26 day the inmate demonstrates good conduct and satisfactorily
27 participates in any program or placement status identified by
28 the director to earn the reduction. The programs include but
29 are not limited 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](#), sentences which are not violent repeat
15 offender sentences under section 903A.8, and sentences which
16 are not category "C" sentences. An inmate of an institution
17 under the control of the department of corrections who is
18 serving a category "B" sentence is eligible for a reduction of
19 sentence equal to fifteen eighty-fifths of a day for each day
20 of good conduct by 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, or 710, section
28 711.2, 711.3, 713.3, or 713.4, section 713.5, subsection 1,
29 paragraph "a", or section 713.6, subsection 1, paragraph "a",
30 who has previously been convicted of any two felony violations
31 under chapter 707, 708, 709, or 710, or section 711.2, 711.3,
32 713.3, or 713.4, or section 713.5, subsection 1, paragraph "a",
33 or section 713.6, subsection 1, paragraph "a".

34 2. Notwithstanding subsection 1, a person shall not be
35 considered to be a violent repeat offender if the conviction

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

15 3. An offense is a felony if the law under which the person
16 is convicted was classified as a felony at the time of the
17 person's conviction.

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

23

EXPLANATION

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

26 This bill establishes a criminal penalty for violent repeat
27 offenders and provides for risk assessments.

28 If a presentence investigation is required prior
29 to sentencing, the bill requires that the presentence
30 investigation include a risk assessment of the offender, if the
31 offender was convicted of domestic abuse assault in violation
32 of Code section 708.2A, harassment in violation of Code section
33 708.7, or stalking in violation of Code section 708.11.

34 Under the bill, a violent repeat offender is any
35 person convicted of a felony offense under Code chapter

1 707 (homicide), 708 (assault), 709 (sexual abuse), 710
2 (kidnapping), or sections 711.2 (robbery in the first degree),
3 711.3 (robbery in the second degree), 713.3 (burglary in the
4 first degree), 713.4 (attempted burglary in the first degree),
5 713.5(1)(a) (burglary in the second degree), or 713.6(1)(a)
6 (attempted burglary in the second degree) who has twice
7 before been convicted of any felony violation under those Code
8 chapters or sections.

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

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

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1 determining whether a person is a violent repeat offender.