

**House File 349 - Introduced**

HOUSE FILE 349

BY COMMITTEE ON PUBLIC SAFETY

(SUCCESSOR TO HSB 55)

**A BILL FOR**

1 An Act relating to probation, including discharge credits,  
2 educational credits, and workforce credits, and including  
3 effective date provisions.

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

1 Section 1. Section 907.1, Code 2023, is amended by adding  
2 the following new subsections:

3 NEW SUBSECTION. 01. "*Adult criminal problem-solving court*"  
4 means a court program under direct supervision of a judge  
5 established to treat drug or alcohol addiction or mental  
6 illness of adults charged with criminal offenses.

7 NEW SUBSECTION. 2A. "*Discharge credit*" means a fourteen-day  
8 reduction from a defendant's term of probation for each full  
9 calendar month the defendant is in compliance with the terms  
10 of the defendant's probation.

11 NEW SUBSECTION. 2B. "*Educational credit*" means a ninety-day  
12 reduction from a defendant's term of probation when a  
13 defendant earns a high school diploma, high school equivalency  
14 certificate, or academic degree or completes a certified  
15 vocational, technical, or career education or training program.

16 NEW SUBSECTION. 6. "*Special probation program*" means a  
17 program under the supervision of a district court or a judicial  
18 district department of correctional services established to  
19 treat drug or alcohol addiction, mental illness, or domestic  
20 or sexual abuse of the parties involved in a criminal case,  
21 or to improve outcomes for persons involved in the program  
22 including an intermediate criminal sanctions program under  
23 section 901B.1.

24 NEW SUBSECTION. 7. "*Workforce credit*" means a thirty-day  
25 reduction from a defendant's term of probation for each  
26 six-month period in which a defendant maintains verifiable  
27 employment.

28 Sec. 2. Section 907.9, Code 2023, is amended by adding the  
29 following new subsections:

30 NEW SUBSECTION. 6. a. A defendant on probation shall  
31 earn a discharge credit from the defendant's term of probation  
32 for each full calendar month in which the defendant is in  
33 compliance with the terms of the defendant's probation.

34 b. A defendant shall not earn a discharge credit for a  
35 calendar month in which a violation has occurred, the defendant

1 has absconded from probation, or the defendant is incarcerated,  
2 except that a defendant shall be retroactively awarded a  
3 discharge credit for a calendar month in which a violation  
4 allegedly occurred if the violation is not sustained by the  
5 court.

6 c. A defendant shall not earn a discharge credit for a  
7 partial calendar month or the last full calendar month of  
8 probation.

9 NEW SUBSECTION. 7. A defendant on probation shall earn  
10 an educational credit from the defendant's term of probation  
11 when a defendant earns a high school diploma, high school  
12 equivalency certificate, or academic degree or completes  
13 a certified vocational, technical, or career education or  
14 training program.

15 NEW SUBSECTION. 8. A defendant on probation shall earn a  
16 workforce credit from the defendant's term of probation for  
17 each six-month period in which a defendant maintains verifiable  
18 employment for at least an average of thirty hours per week.  
19 The defendant's probation officer may verify such employment  
20 through supporting documentation, which may include but is not  
21 limited to any record, letter, pay stub, contract, or other  
22 department-approved methods of verification.

23 NEW SUBSECTION. 9. At least two times per year, the  
24 defendant's probation officer shall provide the defendant with  
25 an accounting of the defendant's discharge credits, educational  
26 credits, and workforce credits, if applicable, that have  
27 accrued under subsections 6, 7, and 8. The department of  
28 corrections shall, without leave of court, award any accrued  
29 credits under subsections 6, 7, and 8 toward the completion of  
30 the defendant's probation except that the maximum reduction of  
31 the defendant's probation term earned through the application  
32 of the credits shall not exceed forty percent of the probation  
33 period imposed and the defendant shall not be discharged from  
34 probation until the defendant's probation officer determines  
35 that fees imposed under section 905.14 and court debt collected

1 pursuant to section 602.8107 have been paid or are subject to a  
2 payment plan. The department of corrections shall adopt rules  
3 to implement the provisions of this subsection.

4 NEW SUBSECTION. 10. Subsections 6, 7, 8, and 9 shall not  
5 apply to proceedings in adult criminal problem-solving courts  
6 and special probation programs unless the problem-solving court  
7 or special probation program adopts some or all of subsections  
8 6, 7, 8, and 9.

9 NEW SUBSECTION. 11. The department of corrections shall  
10 collect information and report annually in a public report  
11 made available no later than December 1 of each year the  
12 number of defendants on probation who have earned discharge  
13 credits, educational credits, and workforce credits pursuant to  
14 subsections 6, 7, and 8 during that year, the average amount of  
15 credits earned per defendant during that year, the total number  
16 of supervision days reduced due to the awarding of credits  
17 during that year, and the number of defendants terminated from  
18 probation early that year.

19 Sec. 3. EFFECTIVE DATE. This Act takes effect July 1, 2024.

20 EXPLANATION

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

23 This bill relates to probation, including discharge credits,  
24 educational credits, and workforce credits.

25 Iowa law provides that upon a plea of guilty, a verdict  
26 of guilty, or a special verdict upon which a judgment of  
27 conviction may be rendered, the trial court may defer judgment  
28 and may place the defendant on probation upon conditions as  
29 it may require, defer the sentence and assign the defendant  
30 to a judicial district department of correctional services,  
31 or suspend the sentence and place the defendant on probation  
32 upon such terms and conditions as it may require including  
33 commitment to an alternate jail facility or a community  
34 correctional residential treatment facility to be followed by  
35 a period of probation.

1 The bill provides that a defendant on probation shall earn  
2 a discharge credit from the defendant's term of probation  
3 for each full calendar month in which the defendant is in  
4 compliance with the terms of the defendant's probation. A  
5 defendant shall not earn a discharge credit for a calendar  
6 month in which a violation has occurred, the defendant has  
7 absconded from probation, or the defendant is incarcerated,  
8 except that a defendant shall be retroactively awarded a  
9 discharge credit for a calendar month in which a violation  
10 allegedly occurred if the violation is not sustained by the  
11 court. A defendant shall not earn a discharge credit for a  
12 partial calendar month or the last full calendar month of  
13 probation.

14 The bill provides that a defendant on probation shall earn  
15 an educational credit from the defendant's term of probation  
16 when a defendant earns a high school diploma, high school  
17 equivalency certificate, or academic degree or completes  
18 a certified vocational, technical, or career education or  
19 training program.

20 The bill provides that a defendant on probation shall earn  
21 a workforce credit from the defendant's term of probation for  
22 each six-month period in which a defendant maintains verifiable  
23 employment. The defendant's probation officer may verify such  
24 employment through supporting documentation.

25 The bill provides that at least twice per year, the  
26 defendant's probation officer shall provide the defendant  
27 with an accounting of the defendant's discharge, educational,  
28 and workforce credits. The department of corrections shall,  
29 without leave of court, award any accrued credits toward the  
30 completion of the defendant's probation, except that the  
31 maximum reduction of the defendant's probation term earned  
32 through the application of credits shall not exceed 40 percent  
33 of the probation period imposed and the defendant shall not  
34 be discharged from probation until the probation officer  
35 determines that fees and court debt have been paid off or are

1 subject to a payment plan. A defendant may seek administrative  
2 review and recalculation of the defendant's credits.

3 The bill provides that discharge, educational, and workforce  
4 credits earned by a defendant on probation shall not apply  
5 to proceedings in adult criminal problem-solving courts and  
6 special probation programs unless the problem-solving court  
7 or special probation program adopts some or all of the credit  
8 provisions.

9 The bill requires the department of corrections to report  
10 certain information annually in a public report made available  
11 no later than December 1 of each year.

12 The bill provides definitions for "adult criminal  
13 problem-solving court", "discharge credit", "educational  
14 credit", "special probation program", and "workforce credit".

15 The bill takes effect July 1, 2024.