

Senate Study Bill 1004 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE
ON JUDICIARY BILL BY
CHAIRPERSON ZAUN)

A BILL FOR

1 An Act relating to probation, including discharge credits,
2 educational credits, and workforce credits.
3 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 for at least an average of thirty hours per week.

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 once per quarter, 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 within thirty days of the calendar
31 month in which the credits were earned in accordance with
32 subsections 6, 7, and 8, except that the maximum reduction of
33 the defendant's probation term earned through the application
34 of the credits shall not exceed sixty percent of the probation
35 period imposed. A defendant may seek administrative review

1 and recalculation of the defendant's credits. The department
2 of corrections shall adopt rules to implement the review and
3 recalculation of all credits awarded under this section.

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 EXPLANATION

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

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

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

35 The bill provides that a defendant on probation shall earn

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

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

19 The bill provides that a defendant on probation shall earn
20 a workforce credit from the defendant's term of probation for
21 each six-month period in which a defendant maintains verifiable
22 employment for at least an average of 30 hours per week. The
23 defendant's probation officer may verify such employment
24 through supporting documentation.

25 The bill provides that at least once per quarter, 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
30 the completion of the defendant's probation within 30 days
31 of the calendar month in which the discharge, educational,
32 or workforce credits were earned, except that the maximum
33 reduction of the defendant's probation term earned through
34 the application of credits shall not exceed 60 percent of the
35 probation period imposed. A defendant may seek administrative

1 review and recalculation of the defendant's credits.

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

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

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