

House File 2542 - Introduced

HOUSE FILE 2542
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 666)

A BILL FOR

1 An Act relating to habitual offenders, and providing penalties.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 902.8, Code 2026, is amended by striking
2 the section and inserting in lieu thereof the following:

3 **902.8 Habitual offender.**

4 1. As used in this section:

5 a. "*Level one offense*" means all class "A", "B", "C", and
6 "D" felonies, and all aggravated misdemeanors that involve sexual
7 abuse under chapter 709, domestic abuse assault under section
8 708.2A, assault with the intent to inflict a serious injury
9 or while using or displaying a dangerous weapon under section
10 708.2, subsections 1 and 3, organized retail theft under section
11 714.2B, subsection 3, paragraph "c", theft, and possession of
12 a controlled substance. For purposes of determining habitual
13 offender status, each conviction of a level one offense is worth
14 one point.

15 b. "*Level two offense*" means all aggravated misdemeanors that
16 are not classified as a level one offense under paragraph "a",
17 and serious misdemeanors that involve assault causing bodily
18 injury or mental illness under section 708.2, subsection 2,
19 domestic abuse assault causing bodily injury or mental illness
20 under section 708.2A, subsection 2, paragraph "b", harassment
21 under section 708.7, subsection 3, unlawful possession of a
22 controlled substance under section 124.401, subsections 3 and
23 5, theft in the fourth degree under section 714.2, and criminal
24 mischief in the third degree under section 716.4. For purposes
25 of determining habitual offender status, each conviction of a
26 level two offense is worth one-half point.

27 2. A habitual offender is a person who has been convicted in
28 a court of this state of an offense, or has been convicted of an
29 offense committed in another jurisdiction that would constitute
30 an equivalent offense, or any combination of level one or level
31 two offenses resulting in the accumulation of three or more
32 points.

33 3. Notwithstanding any other provision of law to the
34 contrary, a person sentenced as a habitual offender shall not be
35 eligible for parole or work release until the person has served

1 a minimum term of commitment of twenty years unless the current
2 level one offense the person is convicted of carries a higher
3 minimum sentence, which shall be considered the minimum sentence
4 under this section.

5 Sec. 2. Section 902.9, subsection 1, paragraph c, Code 2026,
6 is amended to read as follows:

7 c. An A habitual offender shall be ~~confined for no more than~~
8 ~~fifteen years~~ sentenced to confinement as provided in section
9 902.8.

10 EXPLANATION

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

13 This bill relates to habitual offenders.

14 The bill strikes the current law regarding habitual offenders
15 and provides that a habitual offender is a person who has been
16 convicted, in a court of this state of an offense, or has been
17 convicted of an offense committed in another jurisdiction that
18 would constitute an equivalent offense, or any combination of
19 level one or level two offenses resulting in the accumulation of
20 three or more points.

21 The bill defines "level one offense" as all class "A", "B",
22 "C", and "D" felonies, and all aggravated misdemeanors that
23 involve sexual abuse under Code chapter 709, domestic abuse
24 assault under Code section 708.2A, assault with the intent to
25 inflict a serious injury or while using or displaying a dangerous
26 weapon under Code section 708.2(1) and (3), organized retail
27 theft under Code section 714.2B(3)(c), theft, and possession of
28 a controlled substance. Each conviction of a level one offense
29 is worth one point.

30 The bill defines "level two offense" as all aggravated
31 misdemeanors that are not classified as a level one offense,
32 and serious misdemeanors that involve assault causing bodily
33 injury or mental illness under Code section 708.2(2), domestic
34 abuse assault causing bodily injury or mental illness under Code
35 section 708.2A(2)(b), harassment under Code section 708.7(3),

1 unlawful possession of a controlled substance under Code section
2 124.401(3) and (5), theft in the fourth degree under Code section
3 714.2, and criminal mischief in the third degree under Code
4 section 716.4. Each conviction of a level two offense is worth
5 one-half point.

6 The bill provides that notwithstanding any other provision of
7 law to the contrary, a person sentenced as a habitual offender
8 shall not be eligible for parole or work release until the person
9 has served a minimum term of commitment of 20 years unless the
10 current level one offense the person is convicted of carries a
11 higher minimum sentence, which shall be considered the minimum
12 sentence under the bill.

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