

Senate File 2011 - Introduced

SENATE FILE 2011
BY LOFGREN

A BILL FOR

1 An Act relating to mandatory minimum sentences for certain
2 criminal offenses, and making penalties applicable.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

unofficial

1 Section 1. Section 902.7, Code 2026, is amended to read as
2 follows:

3 **902.7 Minimum sentence — use of a dangerous weapon.**

4 At the trial of a person charged with participating in a
5 forcible felony, if the trier of fact finds beyond a reasonable
6 doubt that the person is guilty of a forcible felony and that
7 the person represented that the person was in the immediate
8 possession and control of a dangerous weapon, displayed a
9 dangerous weapon in a threatening manner, or was armed with a
10 dangerous weapon while participating in the forcible felony the
11 convicted person shall serve a minimum of ~~five years~~ one-half
12 of the sentence imposed by law. A person sentenced pursuant to
13 this section shall not be eligible for parole until the person
14 has served the minimum sentence of confinement imposed by this
15 section.

16 Sec. 2. Section 902.8, Code 2026, is amended to read as
17 follows:

18 **902.8 Minimum sentence — habitual offender.**

19 ~~An~~ A habitual offender is any person convicted of a class "C"
20 or a class "D" felony, who has twice before been convicted of
21 any felony in a court of this or any other state, or of the
22 United States. An offense is a felony if, by the law under
23 which the person is convicted, it is so classified at the time
24 of the person's conviction. A person sentenced as ~~an~~ a habitual
25 offender shall not be eligible for parole until the person has
26 served ~~the a minimum sentence of confinement of three years~~
27 one-half of the sentence imposed by law.

28 Sec. 3. Section 902.8A, Code 2026, is amended to read as
29 follows:

30 **902.8A Minimum sentence for conspiring to manufacture**
31 **amphetamine or methamphetamine for delivery, or delivery of,**
32 **amphetamine or methamphetamine, to a minor.**

33 A person who has been convicted for a first violation under
34 section 124.401D shall not be eligible for parole until the
35 person has served a minimum ~~term of confinement of ten years~~ of

1 one-half of the sentence imposed by law.

2 Sec. 4. Section 902.12, subsection 2, Code 2026, is amended
3 to read as follows:

4 2. A person serving a sentence for a conviction of child
5 endangerment as defined in section 726.6, subsection 1, paragraph
6 "b", that is described and punishable under section 726.6,
7 subsection 5, shall be denied parole or work release until the
8 person has served between ~~three-tenths~~ one-half and seven-tenths
9 of the maximum term of the person's sentence as determined under
10 section 901.11, subsection 2.

11 Sec. 5. Section 902.13, subsection 1, Code 2026, is amended
12 to read as follows:

13 1. A person who has been convicted of a third or subsequent
14 offense of domestic abuse assault under section 708.2A,
15 subsection 4, shall be denied parole or work release until the
16 person has served between ~~one-fifth~~ one-half of the maximum term
17 and the maximum term of the person's sentence as provided in
18 subsection 2.

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 mandatory minimum sentences for certain
23 criminal offenses.

24 The bill provides that a person found guilty of a forcible
25 felony who was in the immediate possession and control of a
26 dangerous weapon, displayed a dangerous weapon in a threatening
27 manner, or was armed with a dangerous weapon while participating
28 in the forcible felony shall serve a minimum of one-half of the
29 sentence imposed by law. Current law requires the person to
30 serve five years prior to eligibility for parole.

31 The bill provides that a person sentenced as a habitual
32 offender shall not be eligible for parole until the person has
33 served a minimum of one-half of the sentence imposed by law.
34 Code section 902.8 defines a habitual offender as any person
35 convicted of a class "C" or a class "D" felony, who has twice

1 before been convicted of any felony in a court of this or any
2 other state, or of the United States.

3 The bill provides that a person who has been convicted of
4 a first violation of conspiring to manufacture amphetamine or
5 methamphetamine for delivery, or delivery of amphetamine or
6 methamphetamine, to a minor under Code section 124.401D shall not
7 be eligible for parole until the person has served a minimum of
8 one-half of the sentence imposed by law rather than a minimum of
9 10 years as provided by current law.

10 The bill provides that a person serving a sentence for a
11 conviction of child endangerment as defined in Code section
12 726.6(1)(b), that is described and punishable under Code section
13 726.6(5), shall be denied parole or work release until the person
14 has served between one-half and seven-tenths of the maximum term
15 of the person's sentence. Current law requires the person to
16 serve between three-tenths and seven-tenths of the maximum term.

17 The bill provides that a person who has been convicted of
18 a third or subsequent offense of domestic abuse assault shall
19 be denied parole or work release until the person has served
20 between one-half of the maximum term and the maximum term of
21 the person's sentence. Current law requires the person to serve
22 between one-fifth of the maximum term and the maximum term of the
23 person's sentence.