

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:

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

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

1 served a minimum term of commitment of twenty years unless the
2 current level one offense the person is convicted of carries a
3 higher minimum sentence, which shall be considered the minimum
4 sentence 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
15 offenders and provides that a habitual offender is a person who
16 has been convicted, in a court of this state of an offense,
17 or has been convicted of an offense committed in another
18 jurisdiction that would constitute an equivalent offense, or
19 any combination of level one or level two offenses resulting in
20 the accumulation of 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
25 to inflict a serious injury or while using or displaying a
26 dangerous weapon under Code section 708.2(1) and (3), organized
27 retail theft under Code section 714.2B(3)(c), theft, and
28 possession of a controlled substance. Each conviction of a
29 level one offense 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
35 Code section 708.2A(2)(b), harassment under Code section

1 708.7(3), unlawful possession of a controlled substance under
2 Code section 124.401(3) and (5), theft in the fourth degree
3 under Code section 714.2, and criminal mischief in the third
4 degree under Code section 716.4. Each conviction of a level
5 two offense is worth one-half point.

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