

**Senate File 589 - Reprinted**

SENATE FILE 589  
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SF 405)

(As Amended and Passed by the Senate April 1, 2019)

**A BILL FOR**

1 An Act relating to criminal law and procedure including certain  
2 related administrative proceedings, providing penalties, and  
3 including effective date and applicability provisions.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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DIVISION I  
EXPUNGEMENTS

Section 1. Section 123.46, subsection 6, Code 2019, is amended to read as follows:

6. Upon the expiration of two years following conviction for a violation of **this section** ~~and a violation~~ or of a similar local ordinance ~~that arose from the same transaction or occurrence~~, a person may petition the court to expunge the conviction ~~including the conviction for a violation of a local ordinance that arose from the same transaction or occurrence~~, and if the person has had no other criminal convictions, other than local traffic violations or simple misdemeanor violations of **chapter 321** during the two-year period, the conviction ~~and the conviction for a violation of a local ordinance that arose from the same transaction or occurrence~~ shall be expunged as a matter of law. The court shall enter an order that the record of the conviction ~~and the conviction for a violation of a local ordinance that arose from the same transaction or occurrence~~ be expunged by the clerk of the district court. Notwithstanding **section 692.2**, after receipt of notice from the clerk of the district court that a record of conviction ~~and the conviction for a violation of a local ordinance that arose from the same transaction or occurrence~~ has been expunged, the record of conviction ~~and the conviction for a violation of a local ordinance that arose from the same transaction or occurrence~~ shall be removed from the criminal history data files maintained by the department of public safety if such a record was maintained in the criminal history data files.

Sec. 2. NEW SECTION. **901C.3 Misdemeanor — expungement.**

1. Upon application of a defendant convicted of a misdemeanor offense in the county where the conviction occurred, the court shall enter an order expunging the record of such a criminal case, as a matter of law, if the defendant has proven all of the following:

a. More than eight years have passed since the date of the

1 conviction.

2 *b.* The defendant has no pending criminal charges.

3 *c.* The defendant has not previously been granted two  
4 deferred judgments.

5 *d.* The defendant has paid all court costs, fees, fines,  
6 restitution, and any other financial obligations ordered by the  
7 court or assessed by the clerk of the district court.

8 2. The following misdemeanors shall not be expunged:

9 *a.* A conviction under section 123.46.

10 *b.* A simple misdemeanor conviction under section 123.47,  
11 subsection 3, or similar local ordinance.

12 *c.* A conviction for dependent adult abuse under section  
13 235B.20.

14 *d.* A conviction under section 321.218, 321A.32, or 321J.21.

15 *e.* A conviction under section 321J.2.

16 *f.* A conviction for a sex offense as defined in section  
17 692A.101.

18 *g.* A conviction for involuntary manslaughter under section  
19 707.5.

20 *h.* A conviction for assault under section 708.2, subsection  
21 3.

22 *i.* A conviction under section 708.2A.

23 *j.* A conviction for harassment under section 708.7.

24 *k.* A conviction for stalking under section 708.11.

25 *l.* A conviction for removal of an officer's communication or  
26 control device under section 708.12.

27 *m.* A conviction for trespass under section 716.8, subsection  
28 3 or 4.

29 *n.* A conviction under chapter 717C.

30 *o.* A conviction under chapter 719.

31 *p.* A conviction under chapter 720.

32 *q.* A conviction under section 721.2.

33 *r.* A conviction under section 721.10.

34 *s.* A conviction under section 723.1.

35 *t.* A conviction under chapter 724.

- 1     *u.* A conviction under chapter 726.
- 2     *v.* A conviction under chapter 728.
- 3     *w.* A conviction under chapter 901A.
- 4     *x.* A conviction for a comparable offense listed in 49 C.F.R.
- 5     §383.51(b) (table 1) or 49 C.F.R. §383.51(e) (table 4).
- 6     *y.* A conviction under prior law of an offense comparable to
- 7     an offense enumerated in this subsection.

8     3. A person shall be granted an expungement of a record  
9     under this section one time in the person's lifetime.

10    However, the one application may request the expungement of  
11    records relating to more than one misdemeanor offense if  
12    the misdemeanor offenses arose from the same transaction or  
13    occurrence, and the application contains the misdemeanor  
14    offenses to be expunged.

15    4. The expunged record under this section is a confidential  
16    record exempt from public access under section 22.7 but shall  
17    be made available by the clerk of the district court upon court  
18    order.

19    5. Notwithstanding section 692.2, after receipt of  
20    notice from the clerk of the district court that a record of  
21    conviction has been expunged under subsection 1, the record  
22    of conviction shall be removed from the criminal history data  
23    files maintained by the department of public safety if such a  
24    record was maintained in the criminal history data files.

25    6. The supreme court may prescribe rules governing the  
26    procedures applicable to the expungement of a criminal case  
27    under this section.

28    7. This section applies to a misdemeanor conviction that  
29    occurred prior to, on, or after July 1, 2019.

30                                    DIVISION II

31                                    ROBBERY— AGGRAVATED THEFT

32    Sec. 3. Section 711.3, Code 2019, is amended to read as  
33    follows:

34    **711.3 Robbery in the second degree.**

35    All robbery which is not robbery in the first degree is

1 robbery in the second degree, ~~except as provided in section~~  
2 ~~711.3A~~. Robbery in the second degree is a class "C" felony.

3 Sec. 4. NEW SECTION. **711.3B Aggravated theft.**

4 1. A person commits aggravated theft when the person commits  
5 an assault as defined in section 708.1, subsection 2, paragraph  
6 "a", that is punishable as a simple misdemeanor under section  
7 708.2, subsection 6, after the person has removed or attempted  
8 to remove property not exceeding three hundred dollars in  
9 value which has not been purchased from a store or mercantile  
10 establishment, or has concealed such property of the store or  
11 mercantile establishment, either on the premises or outside the  
12 premises of the store or mercantile establishment.

13 2. a. A person who commits aggravated theft is guilty of an  
14 aggravated misdemeanor.

15 b. A person who commits aggravated theft, and who has  
16 previously been convicted of an aggravated theft, robbery in  
17 the first degree in violation of section 711.2, robbery in the  
18 second degree in violation of section 711.3, or extortion in  
19 violation of section 711.4, is guilty of a class "D" felony.

20 3. In determining if a violation is a class "D" felony  
21 offense the following shall apply:

22 a. A deferred judgment entered pursuant to section 907.3 for  
23 a violation of any offense specified in subsection 2 shall be  
24 counted as a previous offense.

25 b. A conviction or the equivalent of a deferred judgment for  
26 a violation in any other states under statutes substantially  
27 corresponding to an offense specified in subsection 2 shall be  
28 counted as a previous offense. The courts shall judicially  
29 notice the statutes of other states which define offenses  
30 substantially equivalent to the offenses specified in this  
31 section and can therefore be considered corresponding statutes.

32 4. Aggravated theft is not an included offense of robbery  
33 in the first or second degree.

34 Sec. 5. Section 808.12, subsections 1 and 3, Code 2019, are  
35 amended to read as follows:

1 1. Persons concealing property as set forth in section  
2 ~~714.3A~~ 711.3B or 714.5, may be detained and searched by a peace  
3 officer, person employed in a facility containing library  
4 materials, merchant, or merchant's employee, provided that  
5 the detention is for a reasonable length of time and that the  
6 search is conducted in a reasonable manner by a person of the  
7 same sex and according to subsection 2 of this section.

8 3. The detention or search under this section by a peace  
9 officer, person employed in a facility containing library  
10 materials, merchant, or merchant's employee does not render the  
11 person liable, in a criminal or civil action, for false arrest  
12 or false imprisonment provided the person conducting the search  
13 or detention had reasonable grounds to believe the person  
14 detained or searched had concealed or was attempting to conceal  
15 property as set forth in section ~~714.3A~~ 711.3B or 714.5.

16 Sec. 6. Section 901.11, Code 2019, is amended by adding the  
17 following new subsection:

18 NEW SUBSECTION. 2A. At the time of sentencing, the court  
19 shall determine when a person convicted of robbery in the first  
20 degree as described in section 902.12, subsection 2A, shall  
21 first become eligible for parole or work release within the  
22 parameters specified in section 902.12, subsection 2A, based  
23 upon all pertinent information including the person's criminal  
24 record, a validated risk assessment, and the negative impact  
25 the offense has had on the victim or other persons.

26 Sec. 7. Section 902.12, subsection 1, paragraph e, Code  
27 2019, is amended to read as follows:

28 e. Robbery in the ~~first~~ or second degree in violation of  
29 section ~~711.2~~ or 711.3, except as determined in subsection 3.

30 Sec. 8. Section 902.12, Code 2019, is amended by adding the  
31 following new subsection:

32 NEW SUBSECTION. 2A. A person serving a sentence for a  
33 conviction for robbery in the first degree in violation of  
34 section 711.2 for a conviction that occurs on or after July 1,  
35 2018, shall be denied parole or work release until the person

1 has served between one-half and seven-tenths of the maximum  
2 term of the person's sentence as determined under section  
3 901.11, subsection 2A.

4 Sec. 9. REPEAL. Sections 711.3A, 711.5, and 714.3A, Code  
5 2019, are repealed.

6 DIVISION III

7 PROPERTY CRIMES — VALUE

8 Sec. 10. Section 712.3, Code 2019, is amended to read as  
9 follows:

10 **712.3 Arson in the second degree.**

11 Arson which is not arson in the first degree is arson in the  
12 second degree when the property which is the subject of the  
13 arson is a building or a structure, or real property of any  
14 kind, or standing crops, or is personal property the value of  
15 which exceeds five seven hundred fifty dollars. Arson in the  
16 second degree is a class "C" felony.

17 Sec. 11. Section 714.2, Code 2019, is amended to read as  
18 follows:

19 **714.2 Degrees of theft.**

20 1. The theft of property exceeding ten thousand dollars in  
21 value, or the theft of property from the person of another, or  
22 from a building which has been destroyed or left unoccupied  
23 because of physical disaster, riot, bombing, or the proximity  
24 of battle, or the theft of property which has been removed from  
25 a building because of a physical disaster, riot, bombing, or  
26 the proximity of battle, is theft in the first degree. Theft  
27 in the first degree is a class "C" felony.

28 2. The theft of property exceeding one thousand five  
29 hundred dollars but not exceeding ten thousand dollars in value  
30 or theft of a motor vehicle as defined in [chapter 321](#) not  
31 exceeding ten thousand dollars in value, is theft in the second  
32 degree. Theft in the second degree is a class "D" felony.  
33 However, for purposes of [this subsection](#), "motor vehicle" does  
34 not include a motorized bicycle as defined in section 321.1,  
35 subsection 40, paragraph "b".

1 3. The theft of property exceeding ~~five~~ seven hundred fifty  
2 dollars but not exceeding one thousand five hundred dollars in  
3 value, or the theft of any property not exceeding five hundred  
4 dollars in value by one who has before been twice convicted of  
5 theft, is theft in the third degree. Theft in the third degree  
6 is an aggravated misdemeanor.

7 4. The theft of property exceeding ~~two~~ three hundred dollars  
8 in value but not exceeding ~~five~~ seven hundred fifty dollars  
9 in value is theft in the fourth degree. Theft in the fourth  
10 degree is a serious misdemeanor.

11 5. The theft of property not exceeding ~~two~~ three hundred  
12 dollars in value is theft in the fifth degree. Theft in the  
13 fifth degree is a simple misdemeanor.

14 Sec. 12. Section 714.7B, subsection 6, paragraphs a and b,  
15 Code 2019, are amended to read as follows:

16 a. A simple misdemeanor if the value of the goods, wares, or  
17 merchandise does not exceed ~~two~~ three hundred dollars.

18 b. A serious misdemeanor if the value of the goods, wares,  
19 or merchandise exceeds ~~two~~ three hundred dollars.

20 Sec. 13. Section 714.10, subsection 1, Code 2019, is amended  
21 to read as follows:

22 1. Fraudulent practice in the second degree is the  
23 following:

24 a. A fraudulent practice where the amount of money or value  
25 of property or services involved exceeds one thousand five  
26 hundred dollars but does not exceed ten thousand dollars.

27 b. A fraudulent practice where the amount of money or  
28 value of property or services involved does not exceed one  
29 thousand five hundred dollars by one who has been convicted of  
30 a fraudulent practice twice before.

31 Sec. 14. Section 714.11, subsection 1, paragraph a, Code  
32 2019, is amended to read as follows:

33 a. A fraudulent practice where the amount of money or value  
34 of property or services involved exceeds ~~five~~ seven hundred  
35 fifty dollars but does not exceed one thousand five hundred



1 dollars.

2 Sec. 15. Section 714.12, Code 2019, is amended to read as  
3 follows:

4 **714.12 Fraudulent practice in the fourth degree.**

5 1. Fraudulent practice in the fourth degree is a fraudulent  
6 practice where the amount of money or value of property or  
7 services involved exceeds ~~two~~ three hundred dollars but does  
8 not exceed ~~five~~ seven hundred fifty dollars.

9 2. Fraudulent practice in the fourth degree is a serious  
10 misdemeanor.

11 Sec. 16. Section 714.13, Code 2019, is amended to read as  
12 follows:

13 **714.13 Fraudulent practice in the fifth degree.**

14 1. Fraudulent practice in the fifth degree is a fraudulent  
15 practice where the amount of money or value of property or  
16 services involved does not exceed ~~two~~ three hundred dollars.

17 2. Fraudulent practice in the fifth degree is a simple  
18 misdemeanor.

19 Sec. 17. Section 715A.6, subsection 2, paragraphs b and c,  
20 Code 2019, are amended to read as follows:

21 *b.* If the value of the property or services secured or  
22 sought to be secured by means of the credit card is greater  
23 than one thousand five hundred dollars but not more than ten  
24 thousand dollars, an offense under [this section](#) is a class "D"  
25 felony.

26 *c.* If the value of the property or services secured  
27 or sought to be secured by means of the credit card is one  
28 thousand five hundred dollars or less, an offense under this  
29 section is an aggravated misdemeanor.

30 Sec. 18. Section 715A.8, subsection 3, paragraphs b and c,  
31 Code 2019, are amended to read as follows:

32 *b.* If the value of the credit, property, services, or other  
33 benefit exceeds one thousand five hundred dollars but does not  
34 exceed ten thousand dollars, the person commits a class "D"  
35 felony.

1     *c.* If the value of the credit, property, services, or other  
2 benefit does not exceed one thousand five hundred dollars, the  
3 person commits an aggravated misdemeanor.

4     Sec. 19. Section 716.4, subsection 1, Code 2019, is amended  
5 to read as follows:

6     1. Criminal mischief is criminal mischief in the second  
7 degree if the cost of replacing, repairing, or restoring the  
8 property that is damaged, defaced, altered, or destroyed  
9 exceeds one thousand five hundred dollars but does not exceed  
10 ten thousand dollars.

11     Sec. 20. Section 716.5, subsection 1, paragraph a, Code  
12 2019, is amended to read as follows:

13     *a.* The cost of replacing, repairing, or restoring the  
14 property that is damaged, defaced, altered, or destroyed  
15 exceeds ~~five~~ seven hundred fifty dollars, but does not exceed  
16 one thousand five hundred dollars.

17     Sec. 21. Section 716.6, subsection 1, paragraph a,  
18 subparagraph (1), Code 2019, is amended to read as follows:

19     (1) The cost of replacing, repairing, or restoring the  
20 property that is damaged, defaced, altered, or destroyed  
21 exceeds ~~two~~ three hundred dollars, but does not exceed ~~five~~  
22 seven hundred fifty dollars.

23     Sec. 22. Section 716.8, subsections 2 and 4, Code 2019, are  
24 amended to read as follows:

25     2. Any person committing a trespass as defined in section  
26 716.7, other than a trespass as defined in section 716.7,  
27 subsection 2, paragraph "a", subparagraph (6), which results in  
28 injury to any person or damage in an amount more than ~~two~~ three  
29 hundred dollars to anything, animate or inanimate, located  
30 thereon or therein commits a serious misdemeanor.

31     4. A person committing a trespass as defined in section  
32 716.7 with the intent to commit a hate crime which results in  
33 injury to any person or damage in an amount more than ~~two~~ three  
34 hundred dollars to anything, animate or inanimate, located  
35 thereon or therein commits an aggravated misdemeanor.



1 2019, is amended by adding the following new subparagraph:

2 NEW SUBPARAGRAPH. (5) A driver's license, nonoperator's  
3 identification card, birth certificate, or occupational license  
4 or certificate in support of an occupational license issued by  
5 a department, agency, board, or commission in this state.

6 Sec. 26. Section 715A.2A, subsection 1, paragraphs a and b,  
7 Code 2019, are amended to read as follows:

8 a. Hires a person when the employer or an agent or employee  
9 of the employer knows that the document evidencing the person's  
10 authorized stay or employment in the United States is in  
11 violation of [section 715A.2, subsection 2](#), paragraph "a",  
12 subparagraph (4) or (5), or knows that the person is not  
13 authorized to be employed in the United States.

14 b. Continues to employ a person when the employer or an  
15 agent or employee of the employer knows that the document  
16 evidencing the person's authorized stay or employment in the  
17 United States is in violation of [section 715A.2, subsection 2](#),  
18 paragraph "a", subparagraph (4) or (5), or knows that the person  
19 is not authorized to be employed in the United States.

20 Sec. 27. Section 802.5, Code 2019, is amended to read as  
21 follows:

22 **802.5 Extension for fraud, fiduciary breach.**

23 1. If the periods prescribed in [sections 802.3](#) and [802.4](#)  
24 have expired, prosecution may nevertheless be commenced for any  
25 offense a material element of which is either fraud or a breach  
26 of fiduciary obligation within one year after discovery of the  
27 offense by an aggrieved party or by a person who has a legal  
28 duty to represent an aggrieved party and who is not a party to  
29 the offense, but in no case shall this provision extend the  
30 period of limitation otherwise applicable by more than ~~three~~  
31 five years.

32 2. A prosecution may be commenced under this section as  
33 long as the appropriate law enforcement agency has not delayed  
34 the investigation in bad faith. This subsection shall not be  
35 construed to require a law enforcement agency to pursue an

1 unknown offender with due diligence.

2 DIVISION V  
3 CRIMINAL PROCEEDINGS

4 Sec. 28. Section 814.6, subsection 1, paragraph a, Code  
5 2019, is amended to read as follows:

6 a. A final judgment of sentence, except in ~~case of~~ the  
7 following cases:

8 (1) A simple misdemeanor and ordinance violation  
9 convictions conviction.

10 (2) An ordinance violation.

11 (3) A conviction where the defendant has pled guilty. This  
12 subparagraph does not apply to a guilty plea for a class "A"  
13 felony.

14 Sec. 29. Section 814.6, subsection 2, Code 2019, is amended  
15 by adding the following new paragraph:

16 NEW PARAGRAPH. f. An order denying a motion in arrest of  
17 judgment on grounds other than an ineffective assistance of  
18 counsel claim.

19 Sec. 30. NEW SECTION. 814.6A **Pro se filings by defendant**  
20 **currently represented by counsel.**

21 1. A defendant who is currently represented by counsel shall  
22 not file any pro se document, including a brief, reply brief,  
23 or motion, in any Iowa court. The court shall not consider,  
24 and opposing counsel shall not respond to, such pro se filings.

25 2. This section does not prohibit a defendant from  
26 proceeding without the assistance of counsel.

27 3. A defendant currently represented by counsel may file a  
28 pro se motion seeking disqualification of the counsel, which a  
29 court may grant upon a showing of good cause.

30 Sec. 31. Section 814.7, Code 2019, is amended to read as  
31 follows:

32 **814.7 Ineffective assistance claim on appeal in a criminal**  
33 **case.**

34 ~~±~~ An ineffective assistance of counsel claim in a  
35 criminal case shall be determined by filing an application

1 for postconviction relief pursuant to [chapter 822](#), ~~except as~~  
2 ~~otherwise provided in [this section](#)~~. The claim need not be  
3 raised on direct appeal from the criminal proceedings in order  
4 to preserve the claim for postconviction relief purposes,  
5 and the claim shall not be decided on direct appeal from the  
6 criminal proceedings.

7 ~~2. A party may, but is not required to, raise an ineffective~~  
8 ~~assistance claim on direct appeal from the criminal proceedings~~  
9 ~~if the party has reasonable grounds to believe that the record~~  
10 ~~is adequate to address the claim on direct appeal.~~

11 ~~3. If an ineffective assistance of counsel claim is raised~~  
12 ~~on direct appeal from the criminal proceedings, the court may~~  
13 ~~decide the record is adequate to decide the claim or may choose~~  
14 ~~to preserve the claim for determination under [chapter 822](#).~~

15 **Sec. 32. NEW SECTION. 814.28 General verdicts.**

16 When the prosecution relies on multiple or alternative  
17 theories to prove the commission of a public offense, a jury  
18 may return a general verdict. If the jury returns a general  
19 verdict, an appellate court shall not set aside or reverse such  
20 a verdict on the basis of a defective or insufficient theory  
21 if one or more of the theories presented and described in the  
22 complaint, information, indictment, or jury instruction is  
23 sufficient to sustain the verdict on at least one count.

24 **Sec. 33. NEW SECTION. 814.29 Guilty pleas — challenges.**

25 If a defendant challenges a guilty plea based on an alleged  
26 defect in the plea proceedings, the plea shall not be vacated  
27 unless the defendant demonstrates that the defendant more  
28 likely than not would not have pled guilty if the defect had  
29 not occurred. The burden applies whether the challenge is  
30 made through a motion in arrest of judgment or on appeal. Any  
31 provision in the Iowa rules of criminal procedure that are  
32 inconsistent with this section shall have no legal effect.

33 **Sec. 34.** Section 822.3, Code 2019, is amended to read as  
34 follows:

35 **822.3 How to commence proceeding — limitation.**

1 A proceeding is commenced by filing an application verified  
 2 by the applicant with the clerk of the district court in  
 3 which the conviction or sentence took place. However, if the  
 4 applicant is seeking relief under [section 822.2, subsection 1,](#)  
 5 paragraph "f", the application shall be filed with the clerk  
 6 of the district court of the county in which the applicant  
 7 is being confined within ninety days from the date the  
 8 disciplinary decision is final. All other applications must  
 9 be filed within three years from the date the conviction or  
 10 decision is final or, in the event of an appeal, from the date  
 11 the writ of procedendo is issued. However, this limitation  
 12 does not apply to a ground of fact or law that could not have  
 13 been raised within the applicable time period. An allegation  
 14 of ineffective assistance of counsel in a prior case under this  
 15 chapter shall not toll or extend the limitation periods in this  
 16 section nor shall such claim relate back to a prior filing to  
 17 avoid the application of the limitation periods. Facts within  
 18 the personal knowledge of the applicant and the authenticity  
 19 of all documents and exhibits included in or attached to the  
 20 application must be sworn to affirmatively as true and correct.  
 21 The supreme court may prescribe the form of the application and  
 22 verification. The clerk shall docket the application upon its  
 23 receipt and promptly bring it to the attention of the court and  
 24 deliver a copy to the county attorney and the attorney general.

25 **Sec. 35. NEW SECTION. 822.3B Pro se filings by applicants**  
 26 **currently represented by counsel.**

27 1. An applicant seeking relief under section 822.2 who is  
 28 currently represented by counsel shall not file any pro se  
 29 document, including an application, brief, reply brief, or  
 30 motion, in any Iowa court. The court shall not consider, and  
 31 opposing counsel shall not respond to, such pro se filings.

32 2. This section does not prohibit an applicant for  
 33 postconviction relief from proceeding without the assistance  
 34 of counsel.

35 3. A represented applicant for postconviction relief may

1 file a pro se motion seeking disqualification of counsel, which  
2 a court may grant upon a showing of good cause.

3 Sec. 36. Section 822.6, subsection 1, Code 2019, is amended  
4 to read as follows:

5 1. Within thirty days after the docketing of the  
6 application, or within any further time the court may fix,  
7 the state shall respond by answer or by motion which may  
8 be supported by affidavits. At any time prior to entry of  
9 judgment the court may grant leave to withdraw the application.  
10 The court may make appropriate orders for amendment of the  
11 application or any pleading or motion, for pleading over, for  
12 filing further pleadings or motions, or for extending the time  
13 of the filing of any pleading. In considering the application  
14 the court shall take account of substance regardless of defects  
15 of form. ~~If the application is not accompanied by the record  
16 of the proceedings challenged therein, the respondent shall  
17 file with its answer the record or portions thereof that are  
18 material to the questions raised in the application.~~

19 Sec. 37. NEW SECTION. **901.4B Presentence determinations**  
20 **and statements.**

21 1. Before imposing sentence, the court shall do all of the  
22 following:

23 a. Verify that the defendant and the defendant's attorney  
24 have read and discussed the presentence investigation report  
25 and any addendum to the report.

26 b. Provide the defendant's attorney an opportunity to speak  
27 on the defendant's behalf.

28 c. Address the defendant personally in order to permit the  
29 defendant to make a statement or present any information to  
30 mitigate the defendant's sentence.

31 d. Provide the prosecuting attorney an opportunity to speak.

32 2. After hearing any statements presented pursuant  
33 to subsection 1, and before imposing sentence, the court  
34 shall address any victim of the crime who is present at the  
35 sentencing and shall allow any victim to be reasonably heard,



1 including, but not limited to, by presenting a victim impact  
2 statement in the manner described in section 915.21.

3 3. For purposes of this section "*victim*" means the same as  
4 defined in section 915.10.

5 DIVISION VI

6 ARSON

7 Sec. 38. Section 901.11, Code 2019, is amended by adding the  
8 following new subsection:

9 NEW SUBSECTION. 4. At the time of sentencing, the court  
10 shall determine when a person convicted of arson in the first  
11 degree as described in section 902.12, subsection 4, shall  
12 first become eligible for parole or work release within the  
13 parameters specified in section 902.12, subsection 3, based  
14 upon all pertinent information including the person's criminal  
15 record, a validated risk assessment, and the negative impact  
16 the offense has had on the victim or other persons.

17 Sec. 39. Section 902.12, Code 2019, is amended by adding the  
18 following new subsection:

19 NEW SUBSECTION. 4. A person serving a sentence for a  
20 conviction for arson in the first degree in violation of  
21 section 712.2 that occurs on or after July 1, 2019, shall  
22 be denied parole or work release until the person has served  
23 between one-half and seven-tenths of the maximum term of  
24 the person's sentence as determined under section 901.11,  
25 subsection 4.

26 DIVISION VII

27 LIMITATION OF CRIMINAL ACTIONS

28 Sec. 40. Section 802.2, subsection 1, Code 2019, is amended  
29 to read as follows:

30 1. An information or indictment for sexual abuse in the  
31 first, second, or third degree committed on or with a person  
32 who is under the age of eighteen years shall be found within  
33 ~~ten~~ fifteen years after the person upon whom the offense is  
34 committed attains eighteen years of age, or if the person  
35 against whom the information or indictment is sought is

1 identified through the use of a DNA profile, an information or  
2 indictment shall be found within three years from the date the  
3 person is identified by the person's DNA profile, whichever is  
4 later.

5 Sec. 41. Section 802.2A, Code 2019, is amended to read as  
6 follows:

7 **802.2A Incest — sexual exploitation by a counselor,  
8 therapist, or school employee.**

9 1. An information or indictment for incest under section  
10 726.2 committed on or with a person who is under the age of  
11 eighteen shall be found within ~~ten~~ fifteen years after the  
12 person upon whom the offense is committed attains eighteen  
13 years of age. An information or indictment for any other  
14 incest shall be found within ten years after its commission.

15 2. An indictment or information for sexual exploitation by  
16 a counselor, therapist, or school employee under [section 709.15](#)  
17 committed on or with a person who is under the age of eighteen  
18 shall be found within ~~ten~~ fifteen years after the person upon  
19 whom the offense is committed attains eighteen years of age.  
20 An information or indictment for any other sexual exploitation  
21 shall be found within ten years of the date the victim was last  
22 treated by the counselor or therapist, or within ten years of  
23 the date the victim was enrolled in or attended the school.