

CHAPTER 1173**CRIMINAL SENTENCING — EARNED TIME CREDITS**

S.F. 2276

AN ACT relating to the application of earned time credits against a criminal sentence and providing an effective date.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 610A.3, subsection 1, paragraphs a and b, Code 1999, are amended to read as follows:

a. The loss of some or all of the ~~good conduct~~ earned time credits acquired by the inmate or prisoner. Previous dismissals under section 610A.2 may be considered in determining the appropriate level of penalty.

b. If the inmate or prisoner has no ~~good conduct~~ earned time credits to deduct, the order of the court or the disciplinary hearing may deduct up to fifty percent of the average balance of the inmate account under section 904.702 or of any prisoner account.

Sec. 2. Section 901.5, subsection 9, paragraph a, Code 1999, is amended to read as follows:

a. That the defendant's term of incarceration may be reduced ~~by as much as half of~~ from the maximum sentence because of statutory ~~good conduct~~ earned time, work credits, and program credits.

Sec. 3. Section 901.5A, subsection 3, Code Supplement 1999, is amended to read as follows:

3. For purposes of calculating ~~good conduct~~ earned time under section 903A.2, the sentencing date for a defendant whose sentence has been reopened under this section shall be the date of the original sentencing order.

Sec. 4. Section 903A.2, Code 1999, is amended to read as follows:

903A.2 GOOD CONDUCT TIME EARNED TIME.

1. Each inmate committed to the custody of the director of the department of corrections is eligible ~~for to earn~~ a reduction of sentence ~~for good behavior~~ in the manner provided in this section. For purposes of calculating the amount of time by which an inmate's sentence may be reduced, inmates shall be grouped into the following two sentencing categories:

a. Category "A" sentences are those sentences which are not subject to a maximum accumulation of ~~good conduct~~ earned time of fifteen percent of the total sentence of confinement under section 902.12. To the extent provided in subsection 5, category "A" sentences also include life sentences imposed under section 902.1. An inmate of an institution under the control of the department of corrections who is serving a category "A" sentence is eligible for a reduction of sentence ~~equal to one day for each day of good conduct while committed to one of the department's institutions. In addition, each inmate who is serving a category "A" sentence is eligible for an additional reduction of up to five days per month if the inmate participates satisfactorily in any of the following activities equal to one and two-tenths days for each day the inmate demonstrates good conduct and satisfactorily participates in any program or placement status identified by the director to earn the reduction. The programs include but are not limited to the following:~~

- (1) Employment in the institution.
- (2) Iowa state industries.
- (3) An employment program established by the director.
- (4) A treatment program established by the director.
- (5) An inmate educational program approved by the director.

b. Category "B" sentences are those sentences which are subject to a maximum accumulation of ~~good conduct~~ earned time of fifteen percent of the total sentence of confinement

under section 902.12. An inmate of an institution under the control of the department of corrections who is serving a category "B" sentence is eligible for a reduction of sentence equal to fifteen eighty-fifths of a day for each day of good conduct by the inmate.

2. ~~Good conduct~~ Earned time earned accrued pursuant to this section may be forfeited in the manner prescribed in section 903A.3.

3. Time served in a jail or another facility prior to actual placement in an institution under the control of the department of corrections and credited against the sentence by the court shall accrue for the purpose of reduction of sentence under this section. Time which elapses during an escape shall not accrue for purposes of reduction of sentence under this section.

4. Time which elapses between the date on which a person is incarcerated, based upon a determination of the board of parole that a violation of parole has occurred, and the date on which the violation of parole was committed shall not accrue for purposes of reduction of sentence under this section.

5. ~~Good conduct~~ Earned time accrued by inmates serving life sentences imposed under section 902.1 shall not reduce the life sentence, but shall be credited against the inmate's sentence if the life sentence is commuted to a term of years under section 902.2.

Sec. 5. Section 903A.3, subsections 1 and 3, Code 1999, are amended to read as follows:

1. Upon finding that an inmate has violated an institutional rule, or has had an action or appeal dismissed under section 610A.2, the independent administrative law judge may order forfeiture of any or all ~~good conduct earned time earned accrued~~ and not forfeited up to the date of the violation by the inmate and may order forfeiture of any or all ~~good conduct earned time earned accrued~~ and not forfeited up to the date the action or appeal is dismissed, unless the court entered such an order under section 610A.3. The independent administrative law judge has discretion within the guidelines established pursuant to section 903A.4, to determine the amount of time that should be forfeited based upon the severity of the violation. Prior violations by the inmate may be considered by the administrative law judge in the decision.

3. The director of the Iowa department of corrections or the director's designee, may restore all or any portion of previously forfeited ~~good conduct earned~~ time for acts of heroism or for meritorious actions. The director shall establish by rule the requirements as to which activities may warrant the restoration of ~~good conduct earned~~ time and the amount of ~~good conduct earned~~ time to be restored.

Sec. 6. Section 903A.4, Code 1999, is amended to read as follows:

903A.4 POLICIES AND PROCEDURES.

The director of the Iowa department of corrections shall develop policy and procedural rules to implement sections 903A.1 through 903A.3. The rules may specify disciplinary offenses which may result in the loss of ~~good conduct earned~~ time, and the amount of ~~good conduct earned~~ time which may be lost as a result of each disciplinary offense. The director shall establish rules as to what constitutes "satisfactory participation" for purposes of ~~additional a reduction of sentence under section 903A.3, for employment in the institution, in Iowa state industries, in an inmate employment program established by the director, or for participation in an educational program approved by the director, when such employment or programs are available~~ sentence under section 903A.2, for programs that are available or unavailable. The rules shall specify that earned time shall be calculated on a monthly basis as it accrues. The department shall generate an earned time report for each inmate which shall include the amount of actual time served, the number of earned time credits which have not been lost or forfeited, and the amount of time remaining on an inmate's sentence.

Sec. 7. Section 903A.5, unnumbered paragraph 1, Code Supplement 1999, is amended to read as follows:

An inmate shall not be discharged from the custody of the director of the Iowa department of corrections until the inmate has served the full term for which the inmate was sentenced, less ~~good conduct earned time and other credits~~ earned and not forfeited, unless the inmate is pardoned or otherwise legally released. ~~Good conduct~~ Earned time earned accrued and not forfeited shall apply to reduce a mandatory minimum sentence being served pursuant to section 124.406, 124.413, 902.7, 902.8, 902.8A, or 902.11. An inmate shall be deemed to be serving the sentence from the day on which the inmate is received into the institution. If an inmate was confined to a county jail or other correctional or mental facility at any time prior to sentencing, or after sentencing but prior to the case having been decided on appeal, because of failure to furnish bail or because of being charged with a nonbailable offense, the inmate shall be given credit for the days already served upon the term of the sentence. However, if a person commits any offense while confined in a county jail or other correctional or mental health facility, the person shall not be granted jail credit for that offense. Unless the inmate was confined in a correctional facility, the sheriff of the county in which the inmate was confined shall certify to the clerk of the district court from which the inmate was sentenced and to the department of corrections' records administrator at the Iowa medical and classification center the number of days so served. The department of corrections' records administrator, or the administrator's designee, shall apply jail credit as ordered by the court of proper jurisdiction or as authorized by this section and section 907.3, subsection 3, and shall forward a copy of the number of days served to the clerk of the district court from which the inmate was sentenced.

Sec. 8. Section 903A.7, Code 1999, is amended to read as follows:
903A.7 SEPARATE SENTENCES.

Consecutive multiple sentences that are within the same category under section 903A.2 shall be construed as one continuous sentence for purposes of calculating reductions of sentence for ~~good conduct earned time~~. If a person is sentenced to serve sentences of both categories, category "B" sentences shall be served before category "A" sentences are served, and ~~good conduct earned time earned accrued~~ against the category "B" sentences shall not be used to reduce the category "A" sentences. If an inmate serving a category "A" sentence is sentenced to serve a category "B" sentence, the category "A" sentence shall be interrupted, and no further ~~good conduct earned time~~ shall accrue against that sentence until the category "B" sentence is completed.

Sec. 9. CONVERSION OF GOOD CONDUCT TIME. On the effective date of this Act, the department shall convert the existing accrued good conduct time and other accrued reductions on each inmate's sentence to earned time. An inmate's sentence shall be credited with one day of earned time for every one day of reduction credited under section 903A.2 and not lost or forfeited under section 903A.3. The earned time credited to an inmate's sentence shall equal the amount of good conduct time or other reductions credited which have not been lost or forfeited prior to January 1, 2001. The department shall provide an inmate with the number of earned time credits which have been applied to the inmate's sentence as a result of the conversion by February 1, 2001.

Sec. 10. EFFECTIVE DATE. This Act takes effect on January 1, 2001.

Approved May 9, 2000

CHAPTER 1174**FINANCING OF PUBLIC IMPROVEMENTS**

S.F. 2447

AN ACT relating to public improvements and providing financial assistance to communities and school districts by creating a school infrastructure program and fund, continuing the community attraction and tourism program and fund, creating a vision Iowa board, creating a vision Iowa program and fund, providing bonding authority to the treasurer of state, and exempting certain income from taxation.

Be It Enacted by the General Assembly of the State of Iowa:

DIVISION I
SUBCHAPTER I
VISION IOWA BOARD

Section 1. NEW SECTION. 15F.101 DEFINITIONS.

As used in this chapter, unless the context otherwise requires:

1. "Board" means the vision Iowa board as created in section 15F.102.
2. "Department" means the Iowa department of economic development created in section 15.105.

Sec. 2. NEW SECTION. 15F.102 VISION IOWA BOARD.

1. The vision Iowa board is established consisting of thirteen members and is located for administrative purposes within the department. The director of the department shall provide office space, staff assistance, and necessary supplies and equipment for the board. The director shall budget funds to pay the compensation and expenses of the board. In performing its functions the board is performing a public function on behalf of the state and is a public instrumentality of the state.

2. The membership of the board shall be appointed as follows:
 - a. Three members of the general public, one member from each of the three tourism regions.
 - b. One mayor of a city with a population of less than twenty thousand.
 - c. One county supervisor from a county that has a population ranking in the bottom thirty-three counties according to the 1990 census.
 - d. Four members of the general public.
 - e. One mayor of a city with a population of twenty thousand or more.
 - f. The director of the department of economic development.
 - g. The treasurer of state or the treasurer of state's designee.
 - h. The auditor of state or the auditor of state's designee.

3. All appointments, except the director of the department of economic development, the treasurer of state, and the auditor of state, shall be made by the governor, shall comply with sections 69.16 and 69.16A, and shall be subject to confirmation by the senate. All appointed members of the board shall have demonstrable experience or expertise in the field of tourism development and promotion, public financing, architecture, engineering, or major facility development or construction.

4. All members of the board, except the director of the department of economic development, the treasurer of state, and the auditor of state, shall be residents of different counties.

5. The chairperson and vice chairperson of the board shall be designated by the governor from the board members listed in subsection 2, paragraphs "a" through "e". In case of the absence or disability of the chairperson and vice chairperson, the members of the board shall elect a temporary chairperson by a majority vote of those members who are present and voting.

6. The members, except the director of the department of economic development, the treasurer of state, and the auditor of state, shall be appointed to three-year staggered terms and