

CHAPTER 22

DETENTION OF CRIMINAL DEFENDANTS AND INMATES

H.F. 271

AN ACT relating to criminal defendants and inmates by modifying bail restrictions placed on criminal defendants and applying credit for time served.

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

Section 1. Section 811.1, subsections 1 and 2, Code 2011, are amended to read as follows:

1. A defendant awaiting judgment of conviction and sentencing following either a plea or verdict of guilty of a class "A" felony, ~~murder, forcible felony as defined in section 702.11, any class "B" felony included in section 462A.14 or 707.6A; felonious assault; felonious child endangerment; sexual abuse in the second degree; sexual abuse in the third degree; kidnapping; robbery in the first degree; arson in the first degree; burglary in the first degree; any felony included in section 124.401, subsection 1, paragraph "a" or "b"; or a second or subsequent offense under section 124.401, subsection 1, paragraph "c"; any felony punishable under section 902.9, subsection 1; any public offense committed while detained pursuant to section 229A.5; or any public offense committed while subject to an order of commitment pursuant to chapter 229A.~~

2. A defendant appealing a conviction of a class "A" felony; ~~murder; forcible felony as defined in section 702.11; any class "B" or "C" felony included in section 462A.14 or 707.6A; felonious assault; felonious child endangerment; sexual abuse in the second degree; sexual abuse in the third degree; kidnapping; robbery in the first degree; arson in the first degree; burglary in the first degree; any felony included in section 124.401, subsection 1, paragraph "a" or "b"; or a second or subsequent conviction under section 124.401, subsection 1, paragraph "c"; any felony punishable under section 902.9, subsection 1; any public offense committed while detained pursuant to section 229A.5; or any public offense committed while subject to an order of commitment pursuant to chapter 229A.~~

Sec. 2. Section 903A.2, subsection 3, Code 2011, is amended to read as follows:

3. Time served in a jail, ~~or municipal holding facility, 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.

Sec. 3. Section 903A.5, subsection 1, Code 2011, is amended to read as follows:

1. 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 earned time and other credits earned and not forfeited, unless the inmate is pardoned or otherwise legally released. Earned time 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, municipal holding facility, 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, municipal holding facility, or other correctional or mental health facility, the person shall not be granted jail¹ credit for that offense. Unless the inmate was confined in a correctional facility, the sheriff of the county in which the inmate was confined ~~or the officer in charge of the municipal holding facility 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

¹ See chapter 131, §77, 158 herein

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.

Approved April 5, 2011