

House File 2064 - Reprinted

HOUSE FILE 2064

BY RIZER and DAWSON

(As Amended and Passed by the House March 3, 2016)

A BILL FOR

1 An Act relating to the criminal offense of child endangerment
2 resulting in the death of a child or minor, and providing
3 penalties.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 902.12, Code 2016, is amended to read as
2 follows:

3 **902.12 Minimum sentence for certain felonies — eligibility**
4 **for parole or work release.**

5 1. A person serving a sentence for conviction of the
6 following felonies, including a person serving a sentence
7 for conviction of the following felonies prior to July 1,
8 2003, shall be denied parole or work release unless the person
9 has served at least seven-tenths of the maximum term of the
10 person's sentence:

11 ~~1.~~ a. Murder in the second degree in violation of section
12 707.3.

13 ~~2.~~ b. Attempted murder in violation of [section 707.11](#).

14 ~~3.~~ c. Sexual abuse in the second degree in violation of
15 section 709.3.

16 ~~4.~~ d. Kidnapping in the second degree in violation of
17 section 710.3.

18 ~~5.~~ e. Robbery in the first or second degree in violation of
19 section 711.2 or [711.3, except as determined in subsection 3](#).

20 ~~6.~~ f. Vehicular homicide in violation of section 707.6A,
21 subsection 1 or 2, if the person was also convicted under
22 section 321.261, subsection 4, based on the same facts or
23 event that resulted in the conviction under section 707.6A,
24 subsection 1 or 2.

25 2. a. A person serving a sentence for a conviction of
26 child endangerment as defined in section 726.6, subsection
27 1, paragraph "b", that is described and punishable under
28 section 726.6, subsection 4, shall be denied parole or work
29 release until the person has served between three-tenths and
30 seven-tenths of the maximum term of the person's sentence as
31 provided under paragraph "b".

32 b. The sentencing court shall determine when the person
33 shall become eligible for consideration of parole or work
34 release within the parameters specified under paragraph "a",
35 based upon all pertinent information including the person's

1 criminal record and whether the offense involved multiple
2 intentional acts or a series of intentional acts, or whether
3 the offense involved torture or cruelty.

4 3. a.(1) A person serving a sentence for a conviction of
5 robbery in the second degree in violation of section 711.3
6 for a conviction that occurs on or after July 1, 2016, shall
7 be denied parole or work release until the person has served
8 between three-tenths and seven-tenths of the maximum term of
9 the person's sentence as provided under subparagraph (2).

10 (2) The sentencing court shall determine when the person
11 shall become eligible for consideration of parole or work
12 release within the parameters specified under subparagraph (1),
13 based upon all pertinent information including the person's
14 criminal record and the negative impact the offense has had on
15 the victim or other persons.

16 b. (1) Effective July 1, 2018, a person who began serving
17 a sentence prior to July 1, 2016, for a conviction of robbery
18 in the second degree in violation of section 711.3, who has
19 not previously been convicted of a forcible felony, shall be
20 denied parole or work release until the person has served
21 between three-tenths and seven-tenths of the maximum term of
22 the person's sentence.

23 (2) When the board of parole considers a person for parole
24 or work release pursuant to this paragraph "b" the board shall
25 consider all pertinent information including the person's
26 criminal record and the negative impact the offense has had on
27 the victim or other persons.