

Boddicker, Ch.
Raecker
Kreiman

HSB 135

JUDICIARY

Substituted
HF 525

SENATE/HOUSE FILE _____

BY (PROPOSED GOVERNOR'S BILL)

Passed Senate, Date _____

Passed House, Date _____

Vote: Ayes _____ Nays _____

Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act relating to the imposition of an additional sentence of
2 mandatory parole or work release for persons convicted of
3 certain criminal offenses.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 709.8, unnumbered paragraph 2, Code
2 2001, is amended to read as follows:

3 Any person who violates a provision of this section shall,
4 upon conviction, be guilty of a class "D" felony. A person
5 ~~who violates a provision of this section and who is sentenced~~
6 ~~to a term of confinement shall also be sentenced to an~~
7 ~~additional term of parole or work release not to exceed two~~
8 ~~years. The board of parole shall determine whether the person~~
9 ~~should be released on parole or placed in a work release~~
10 ~~program. The sentence of an additional term of parole or work~~
11 ~~release supervision shall commence immediately upon the~~
12 ~~expiration of the preceding sentence and shall be under the~~
13 ~~terms and conditions as set out in chapter 906. Violations of~~
14 ~~parole or work release shall be subject to the procedures set~~
15 ~~out in chapter 905 or 908 or rules adopted under those~~
16 ~~chapters. The sentence of an additional term of parole or~~
17 ~~work release shall be consecutive to the original term of~~
18 ~~confinement.~~

19 Sec. 2. Section 901.5, Code 2001, is amended by adding the
20 following new subsection:

21 NEW SUBSECTION. 13. In addition to any sentence or other
22 penalty imposed against the defendant, the court shall
23 sentence the defendant to an additional term of parole or work
24 release if required under chapter 901A, or section 902.13 or
25 903.2A.

26 Sec. 3. NEW SECTION. 902.13 ADDITIONAL PAROLE OR WORK
27 RELEASE -- FELONIES.

28 A person who is convicted of a felony under chapter 709, or
29 under section 692A.7, 708.2A, 708.11, or 726.2, and who is
30 committed to the custody of the director of the department of
31 corrections to serve a term of confinement shall also be
32 sentenced to an additional term of parole or work release not
33 to exceed two years. The board of parole shall determine
34 whether the person should be released on parole or placed in a
35 work release program. The sentence of an additional term of

1 parole or work release supervision shall commence immediately
 2 upon the expiration of the preceding sentence and shall be
 3 under the terms and conditions as set out in chapter 906.
 4 Violations of parole or work release shall be subject to the
 5 procedures set out in chapter 905 or 908 or rules adopted
 6 under those chapters. The sentence of an additional term of
 7 parole or work release shall be consecutive to the original
 8 term of confinement.

9 Sec. 4. NEW SECTION. 903.2A ADDITIONAL PAROLE OR WORK
 10 RELEASE -- MISDEMEANORS.

11 A person who is convicted of an aggravated misdemeanor
 12 under chapter 709, or section 692A.7, 708.2A, or 708.11, and
 13 who is committed to the custody of the director of the
 14 department of corrections to serve a term of confinement shall
 15 also be sentenced to an additional term of parole or work
 16 release not to exceed two years. The board of parole shall
 17 determine whether the person should be released on parole or
 18 placed in a work release program. The sentence of an
 19 additional term of parole or work release supervision shall
 20 commence immediately upon the expiration of the preceding
 21 sentence and shall be under the terms and conditions as set
 22 out in chapter 906. Violations of parole or work release
 23 shall be subject to the procedures set out in chapter 905 or
 24 908 or rules adopted under those chapters. The sentence of an
 25 additional term of parole or work release shall be consecutive
 26 to the original term of confinement.

27 Sec. 5. Section 906.15, unnumbered paragraph 1, Code 2001,
 28 is amended to read as follows:

29 Unless sooner discharged, a person released on parole shall
 30 be discharged when the person's term of parole equals the
 31 period of imprisonment specified in the person's sentence,
 32 less all time served in confinement. Discharge from parole
 33 may be granted prior to such time, when an early discharge is
 34 appropriate. The board shall periodically review all paroles,
 35 and when the board determines that any person on parole is

1 able and willing to fulfill the obligations of a law-abiding
2 citizen without further supervision, the board shall discharge
3 the person from parole. A parole officer shall periodically
4 review all paroles assigned to the parole officer, and when
5 the parole officer determines that any person assigned to the
6 officer is able and willing to fulfill the obligations of a
7 law-abiding citizen without further supervision, the officer
8 may discharge the person from parole after notification and
9 approval of the district director and notification of the
10 board of parole. In any event, discharge from parole shall
11 terminate the person's sentence. However, if a person has
12 been sentenced to an additional term of parole or work release
13 under chapter 901A or section 902.13 or 903.2A, the person
14 shall not be discharged from parole or work release until the
15 additional term of parole or work release has been served.
16 However, a person convicted of a violation of section 709.3,
17 709.4 or 709.8 committed on or with a child shall not be
18 discharged from parole until the person's term of parole
19 equals the period of imprisonment specified in the person's
20 sentence, less all time served in confinement.

21

EXPLANATION

22 This bill provides for the imposition of an additional
23 sentence of mandatory parole or work release for persons
24 convicted of certain criminal offenses. The bill applies to
25 any criminal offense committed under Code chapter 709 (sexual
26 abuse), failure to register as a sex offender under Code
27 section 692A.7, domestic abuse under Code section 708.2A,
28 stalking under Code section 708.11, and incest under Code
29 section 726.2.

30 The bill provides that if an offender is sentenced to a
31 period of confinement at an institution of the department of
32 corrections, the court shall also sentence the person to an
33 additional sentence of parole or work release not to exceed
34 two years. The bill provides that the additional sentence of
35 parole or work release shall run consecutive to the first

1 sentence of confinement. The bill also provides that upon
 2 expiration of the first sentence, the board of parole shall
 3 determine whether the person shall be on parole or work
 4 release during the additional sentence. If a person violates
 5 a condition of the additional sentence of parole or work
 6 release provided for in the bill, the additional sentence of
 7 parole or work release may be revoked in the same manner as
 8 any other form of parole or work release and the person
 9 sentenced to a period of confinement in the same manner as any
 10 other person on parole or work release status.

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4/10/01 Judiciary
2/25/02 Do Pass ✓

MAR 6 2001

REPRINTED

Place On Calendar

HOUSE FILE 525
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 135)

Passed House, Date ^(p.583) 3/4/02 Passed Senate, Date _____
Vote: Ayes 97 Nays 2 Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the imposition of a sentence for an additional
2 term of years for persons convicted of certain criminal
3 offenses.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 525

1 Section 1. Section 709.8, unnumbered paragraph 2, Code
2 2001, is amended to read as follows:

3 Any person who violates a provision of this section shall,
4 upon conviction, be guilty of a class "D" felony. A person
5 ~~who violates a provision of this section and who is sentenced~~
6 ~~to a term of confinement shall also be sentenced to an~~
7 ~~additional term of parole or work release not to exceed two~~
8 ~~years. The board of parole shall determine whether the person~~
9 ~~should be released on parole or placed in a work release~~
10 ~~program. The sentence of an additional term of parole or work~~
11 ~~release supervision shall commence immediately upon the~~
12 ~~expiration of the preceding sentence and shall be under the~~
13 ~~terms and conditions as set out in chapter 906. Violations of~~
14 ~~parole or work release shall be subject to the procedures set~~
15 ~~out in chapter 905 or 908 or rules adopted under those~~
16 ~~chapters. The sentence of an additional term of parole or~~
17 ~~work release shall be consecutive to the original term of~~
18 ~~confinement.~~

19 Sec. 2. Section 901.5, Code 2001, is amended by adding the
20 following new subsection:

21 NEW SUBSECTION. 13. In addition to any sentence or other
22 penalty imposed against the defendant, the court shall
23 sentence the defendant to an additional term of years if
24 required under chapter 901A, or section 902.13 or 903.2A.

25 Sec. 3. Section 901A.2, subsection 7, Code 2001, is
26 amended to read as follows:

27 7. In addition to any other sentence imposed on a person
28 convicted of a sexually predatory offense pursuant to
29 subsection 1, 2, or 3, the person shall be sentenced to an
30 additional term of parole or work release years not to exceed
31 two years. The board of parole shall determine whether the
32 person should be released on parole or placed in a work
33 release program. ~~The sentence of parole supervision shall~~
34 ~~commence immediately upon the person's release by the board of~~
35 ~~parole and shall be under the~~ When a person commences service

1 of the additional term of years, the person shall initially be
2 released by the board of parole subject to the terms and
3 conditions as set out in chapter 906. Violations of ~~parole or~~
4 work-release terms and conditions of release shall be subject
5 to the procedures set out in chapter 905 or 908 or rules
6 adopted under those chapters. ~~For purposes of disposition of~~
7 ~~a parole violator upon revocation of parole or work release,~~
8 ~~the sentence of an additional term of parole or work release~~
9 ~~shall be considered part of the original term of commitment to~~
10 ~~the department of corrections.~~

11 Sec. 4. NEW SECTION. 902.13 ADDITIONAL TERM OF YEARS --
12 FELONIES.

13 A person who is convicted of a felony under chapter 709, or
14 under section 692A.7, 708.2A, 708.11, or 726.2, and who is
15 committed to the custody of the director of the department of
16 corrections to serve a term of confinement shall also be
17 sentenced to an additional term of years not to exceed two
18 years. The board of parole shall determine whether the person
19 should be released on parole or placed in a work release
20 program. When a person commences service of the additional
21 term of years, the person shall initially be released by the
22 board of parole subject to the terms and conditions set out in
23 chapter 906. Violations of the terms and conditions of
24 release shall be subject to the procedures set out in chapter
25 905 or 908 or rules adopted under those chapters. The
26 sentence of an additional term of years shall be consecutive
27 to the original term of confinement.

28 Sec. 5. NEW SECTION. 903.2A ADDITIONAL TERM OF YEARS --
29 MISDEMEANORS.

30 A person who is convicted of an aggravated misdemeanor
31 under chapter 709, or section 692A.7 or 708.11, and who is
32 committed to the custody of the director of the department of
33 corrections to serve a term of confinement shall also be
34 sentenced to an additional term of years not to exceed two
35 years. The board of parole shall determine whether the person

1 should be released on parole or placed in a work release
2 program. When a person commences service of the additional
3 term of years, the person shall initially be released by the
4 board of parole subject to the terms and conditions set out in
5 chapter 906. Violations of the terms and conditions of
6 release shall be subject to the procedures set out in chapter
7 905 or 908 or rules adopted under those chapters. The
8 sentence of an additional term of years shall be consecutive
9 to the original term of confinement.

10 Sec. 6. Section 906.15, unnumbered paragraph 1, Code 2001,
11 is amended to read as follows:

12 Unless sooner discharged, a person released on parole shall
13 be discharged when the person's term of parole equals the
14 period of imprisonment specified in the person's sentence,
15 less all time served in confinement. Discharge from parole
16 may be granted prior to such time, when an early discharge is
17 appropriate. The board shall periodically review all paroles,
18 and when the board determines that any person on parole is
19 able and willing to fulfill the obligations of a law-abiding
20 citizen without further supervision, the board shall discharge
21 the person from parole. A parole officer shall periodically
22 review all paroles assigned to the parole officer, and when
23 the parole officer determines that any person assigned to the
24 officer is able and willing to fulfill the obligations of a
25 law-abiding citizen without further supervision, the officer
26 may discharge the person from parole after notification and
27 approval of the district director and notification of the
28 board of parole. In any event, discharge from parole shall
29 terminate the person's sentence. However, if a person has
30 been sentenced to an additional term of years under chapter
31 901A or section 902.13 or 903.2A, the person shall not be
32 discharged from the term until the additional term of years
33 has been served. However, a person convicted of a violation
34 of section 709.3, 709.4 or 709.8 committed on or with a child
35 shall not be discharged from parole until the person's term of

1 parole equals the period of imprisonment specified in the
2 person's sentence, less all time served in confinement.

3 Sec. 7. NEW SECTION. 906.19 APPLICABILITY OF ADDITIONAL
4 TERM OF YEARS.

5 Notwithstanding chapter 901A, or section 902.13 or 903.2A,
6 if a person is paroled prior to the expiration of the person's
7 term and prior to the commencement of the additional term of
8 years, the person shall not serve the additional term of
9 years.

10 EXPLANATION

11 This bill provides for the imposition of a sentence for an
12 additional term of years for persons convicted of certain
13 criminal offenses. The bill applies to any criminal offense
14 committed under Code chapter 709 (sexual abuse), failure to
15 register as a sex offender under Code section 692A.7, felony
16 domestic abuse under Code section 708.2A, stalking under Code
17 section 708.11, and incest under Code section 726.2.

18 The bill provides that if an offender is sentenced to a
19 period of confinement at an institution of the department of
20 corrections, the court shall also sentence the person to an
21 additional term of years not to exceed two years. The bill
22 provides that the additional term of years shall run
23 consecutively to the first sentence of confinement. The bill
24 also provides that upon expiration of the first sentence, the
25 person shall initially be released by the board of parole, and
26 the board shall determine whether the person shall be on
27 parole or work release during the additional sentence. If a
28 person violates a condition of parole or work release during
29 the additional term of years, the parole or work release may
30 be revoked in the same manner as any other form of parole or
31 work release and the person sentenced to a period of
32 confinement in the same manner as any other person on parole
33 or work release status.

34 The bill does not apply to a person who is paroled prior to
35 the commencement of the additional term of years.

HOUSE FILE 525

H-1229

- 1 Amend House File 525 as follows:
- 2 1. Page 1, line 30, by striking the words "years
- 3 not to exceed" and inserting the following: "~~not to~~
- 4 ~~exceed~~".
- 5 2. Page 2, line 17, by striking the words "years
- 6 not to exceed".
- 7 3. Page 2, line 34, by striking the words "years
- 8 not to exceed".
- 9 4. Title page, line 2, by inserting after the
- 10 words "term of" the following: "two".

By TREMMEL of Wapello

H-1229 FILED MARCH 13, 2001

W/D
3/4/02

HOUSE FILE 525

H-1273

- 1 Amend House File 525 as follows:
- 2 1. Page 1, line 30, by inserting before the word
- 3 "term" the following: "indeterminate".
- 4 2. Page 2, line 17, by inserting before the word
- 5 "term" the following: "indeterminate".
- 6 3. Page 2, line 34, by inserting before the word
- 7 "term" the following: "indeterminate".
- 8 4. Page 3, by striking lines 29 through 33 and
- 9 inserting the following: "terminate the person's
- 10 sentence. If a person has been sentenced to an
- 11 additional term of years under chapter 901A, or
- 12 section 902.13 or 903.2A, the person may be discharged
- 13 from the term in the same manner as a person on
- 14 parole. However, a person convicted of a violation".
- 15 5. Title page, line 2, by inserting before the
- 16 word "term" the following: "indeterminate".
- 17 6. Title page, line 2, by inserting after the
- 18 word "years" the following: "not to exceed two
- 19 years".

By TREMMEL of Wapello

H-1273 FILED MARCH 20, 2001

Adapted
3/4/02

H-8167

1 Amend House File 525 as follows:

2 1. Page 4, by inserting after line 9 the
3 following:

4 "Sec. ____ . ADDITIONAL TERM OF YEARS -- REPORT.

5 The department of corrections and the eight judicial
6 district departments of correctional services, in
7 cooperation with the division of criminal and juvenile
8 justice planning of the department of human rights,
9 the state public defender, and the office of the
10 prosecuting attorneys training coordinator in the
11 department of justice, shall compile and provide a
12 report regarding offenders serving an additional term
13 of years, to the general assembly, cochairpersons and
14 ranking members of the joint appropriations
15 subcommittee on the justice system, and the
16 legislative fiscal bureau on or before January 15,
17 2003. The report shall include the actual number of
18 offenders sentenced to serve an additional term of
19 years from July 1, 2002, through December 31, 2002, in
20 each judicial district, including each offender's race
21 and gender. The report shall also include the
22 anticipated number of offenders who will be serving an
23 additional term of years in each judicial district in
24 the fiscal year beginning July 1, 2002, and ending
25 June 30, 2003, and the fiscal year beginning July 1,
26 2003, and ending June 30, 2004. The report shall
27 detail the number of probation and parole officers and
28 staff needed to supervise offenders serving an
29 additional term of years and the capacity to supervise
30 such offenders in each judicial district. The report
31 shall detail actual expenditures related to
32 supervising offenders serving an additional term of
33 years for the fiscal year beginning July 1, 2002, and
34 ending June 30, 2003, and the revenue source and
35 budgeted expenditures for the fiscal year beginning
36 July 1, 2003, and ending June 30, 2004. The report
37 shall include any quantitative measures analyzing
38 persons serving an additional term of years."

39 2. By renumbering as necessary.

By SUKUP of Franklin
KREIMAN of Davis

H-8167 FILED MARCH 4, 2002

adopted

**HOUSE FILE 525
FISCAL NOTE**

The estimate for **House File 525** is hereby submitted as a fiscal note pursuant to Joint Rule 17 and as a correctional impact statement pursuant to Section 2.56, Code of Iowa. Data used in developing this fiscal note and correctional impact statement are available from the Legislative Fiscal Bureau to members of the Legislature upon request.

House File 525 imposes an additional term of years on community supervision, not to exceed two years, for people convicted of certain criminal offenses: sexual abuse, sexual predators, failure to register as a sex offender, felonious domestic abuse assault, stalking, and incest. The Bill provides that if a person violates a condition of the additional term of years, the additional sentence may be revoked and the violator sentenced to prison. The Bill does not apply to a person who is paroled prior to the start of the additional term of years.

ASSUMPTIONS

1. Charge, conviction, and sentencing patterns and trends will not change over the projection period.
2. Prisoner length of stay, revocation rates, and other corrections policies and practices will not change over the projection period.
3. The law will become effective July 1, 2001. A lag effect of six months is assumed, from the law's effective date to the date of first entry of affected offenders into the correctional system.
4. The analysis is based on information obtained from the Adult Corrections Information System, the computerized database for Iowa's prison system.
5. House File 525 targets people who are now expiring their sentence in prison, thereby avoiding supervised release in the community. During FY 2000, 113 offenders who would have mandatory supervision under House File 525, expired their sentence.
6. Of the 113 offenders who served their full prison sentence, 42 were misdemeanants whose length of stay in prison is approximately one year. Another 16 offenders were Class D felons whose length of stay in prison is approximately 2.5 years.
7. Class C felons expire their sentences in approximately five years. Inmates serving a sentence for a Class B felony will serve approximately 21.25 years.
8. House File 525 adds the additional term of years of community supervision for people convicted under Chapter 901A, Code of Iowa (sexual predators). Less than 10 inmates are serving a prison term for this offense at this time; most of these people will not be released from prison during the projection period.
9. Currently, there are approximately 27,000 offenders under supervision in Community-Based Corrections (CBC). Of these, approximately 900 are sex offenders. The Department of Corrections (DOC) and CBC District Departments have requested increases in the General Fund appropriations for FY 2002 due to work load issues (\$715,000 and 15.0 FTE positions).

-2-

10. Additionally, the DOC and CBC District Departments have requested \$576,000 and 12.0 FTE positions for FY 2002 for mandatory parole supervision at the intensive level for all sex offenders sentenced to CBC supervision. The Governor recommended a FY 2002 General Fund increase of \$504,000 and 12.0 FTE positions for mandatory parole of sex offenders.
11. Each CBC District Department has a Sex Offender Treatment Program that is composed of intensive supervision plus intensive group treatment, individual counseling, penile plethysmography, and polygraphy. Certain sex offenders are also placed on electronic monitoring. The DOC and CBC District Departments did not request additional General Fund appropriations for the treatment component of the Sex Offender Treatment Program although this Bill will increase the number of offenders eligible for the Program.
12. Offenders released under this Bill will be supervised at the intensive supervision level - no more than 30 offenders per Probation/Parole Officer (PPO III). The cost of a PPO III is \$48,000 (salary and benefits). Each offender will be on parole for two years.
13. Offenders who violate the terms of their parole or work release will be returned to prison. A recidivism rate of 20.6% was applied to the number of people estimated to be released under House File 525.
14. The marginal cost per day for State prisons is \$16 per inmate.
15. The marginal cost per day for county jails is \$25 per inmate.
16. House File 525 will have limited impact on the Board of Parole.
17. The Bill provides an incentive for inmates to accept parole prior to discharge of their sentence. Parole prior to discharge of sentence may result in a shorter supervision period than the additional term of years to be served on community supervision, if the full sentence is served in prison. However, it is unknown how many inmates who would have served their full prison sentence, thereby avoiding community supervision, will now accept parole prior to discharge. Therefore, an increase in parole cases due to this incentive cannot be predicted. The potential impact of this incentive is not included in the correctional impact or fiscal analysis contained within this fiscal note.

CORRECTIONAL IMPACT

Admissions to the State prison and CBC systems will increase. There will be 12 admissions (returns to prison) during FY 2006. There will be no increases in parole admissions during FY 2002. Future admissions to parole will increase by 21 in FY 2003, 68 in FY 2004, 102 in FY 2005, 110 in FY 2006, and 135 during FY 2007.

FISCAL IMPACT

The fiscal impact of House File 525 is as follows:

STATE GENERAL FUND

State Prison System:

Expenditures

FY 2006

\$ 70,000

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Community-Based Corrections:

	Cumulative Expenditures	FTEs
FY 2002	\$ 0	0.0
FY 2003	33,600	0.7
FY 2004	144,000	3.0
FY 2005	307,200	6.4
FY 2006	446,400	9.3
FY 2007	552,000	11.5

The above estimated increases in expenditures are cumulative and are in addition to the current FY 2001 appropriated budgets. The above estimates do not include treatment costs.

LOCAL GOVERNMENTS

County Jails:

	Expenditures
FY 2006	\$ 2,100

SOURCES

Department of Human Rights, Criminal and Juvenile Justice Planning Division
 Department of Corrections
 Board of Parole

(LSB 1478hv, BAL)

FILED MARCH 12, 2001

BY DENNIS PROUTY, FISCAL DIRECTOR

Legislative Fiscal Bureau

Fiscal Note

HF 525 - Mandatory Parole (LSB 1478 HV)

Analyst: Beth Lenstra (Phone: (515) 281-6301) (beth.lenstra@legis.state.ia.us)

Fiscal Note Version – New

Requested by Representative Sukup

Description

House File 525 imposes an additional term of years on community supervision, not to exceed two years, for people convicted of certain criminal offenses: sexual abuse, sexual predators, failure to register as a sex offender, felonious domestic abuse assault, stalking, and incest. The Bill provides that if a person violates a condition of the additional term of years, the additional sentence may be revoked and the violator sentenced to prison. The Bill does not apply to a person who is paroled prior to the start of the additional term of years.

Assumptions

1. Charge, conviction, and sentencing patterns and trends will not change over the projection period.
2. Prisoner length of stay, revocation rates, and other corrections' practices and policies will not change over the projection period.
3. The law will become effective July 1, 2002. A lag of six months is assumed, from the effective date of the change in the law to the date of first entry of affected offenders into the correctional system.
4. The analysis is based on information obtained from the Adult Corrections Information System, the computerized database for Iowa's prison system. Conviction and penalty information is based on FY 2001 data.
5. Earned time credits apply to the additional term of years.
6. The law will apply only to those offenders sentenced on or after July 1, 2002.
7. House File 525 targets offenders who are now expiring their sentence in prison, thereby avoiding supervised release in the community. Based on FY 2001 data, approximately 51.0% of felons targeted under this Bill expire their prison sentence and would be subject to the mandatory parole. Of the misdemeanor offenses targeted by the Bill, 100% expire their sentence in prison and would be subject to the mandatory parole.
8. Average length of stay in prison is 12 months for aggravated misdemeanants, 30 months for Class D felons, 60 months for Class C felons, and 21.25 years for Class B felons.
9. A revocation rate of 17.5% has been applied to those offenders subject to mandatory supervision. Those offenders who are revoked to prison, will serve one year.
10. Most of the offenders subject to mandatory parole will be first sent to a Community-Based Corrections (CBC) work release facility, and then paroled from the facility if the offender successfully completes the program. However, if the offenders are directly released to community supervision, then the fiscal impact will be significantly different.

<u>Fiscal Year</u>	<u>CBC Community Supervision</u>	<u>FTE Positions</u>
2003	\$ 0	0.0
2004	84,300	1.7
2005	165,700	3.34
2006	286,000	5.77
2007	286,000	5.77

The average length of stay in a work release facility is four months. The impact on the State prison system would not change.

11. There are 1,404 CBC residential facility beds statewide. Of these, approximately 461 beds are dedicated to the work release program. On February 6, 2002, there were 399 inmates on work release in the CBC facilities with an additional 269 waiting in prison to enter the facilities.
12. Currently, there are approximately 26,600 offenders under supervision in CBC. Of these, approximately 600 are sex offenders.
13. Each CBC District Department has a Sex Offender Treatment Program that is composed of intensive supervision plus group treatment, individual counseling, penile plethysmography, and polygraphy. Certain sex offenders are also placed on electronic monitoring. This Bill will increase the number of offenders eligible for the Program.
14. Offenders released under HF 525 will be supervised at the intensive supervision level – no more than 30 offenders per Probation/Parole Officer (PPO III). The cost of a PPO III is \$49,600 (salary and benefits). Each offender will be on parole for at least one year.
15. The marginal cost per day for State prisons and CBC facilities is \$16 per offender. The marginal cost per day for community supervision is \$1.55 per offender.
16. House File 525 will have limited impact on the Board of Parole.
17. The Bill creates an incentive for inmates to accept parole prior to discharge of sentence. This parole may result in a shorter supervision period than the mandatory additional term of years to be served on community supervision under HF 525. However, it is not known how many inmates who would have served their full prison sentence, thereby avoiding community supervision, will now accept parole prior to discharge. Therefore, an increase in parole cases due to this incentive cannot be determined. The potential impact of this incentive is not included in the correctional impact or fiscal analysis contained within this fiscal note.

Correctional Impact

Admissions to the State prison and CBC systems will increase as follows:

<u>Fiscal Year</u>	<u>Prison</u>	<u>Work Release Facility</u>	<u>Community Supervision</u>
2003	0	0	0
2004	5	28	23
2005	14	55	45
2006	31	95	78
2007	31	95	78

If offenders are released directly to community supervision, then there will be no admissions to work release facilities, and total admissions to community supervision will be 51 during FY 2004, 100 during FY 2005, and 173 both FY 2006 and FY 2007.

Additionally, admissions will increase in future fiscal years as Class C felons will be released starting in FY 2008.

The prison population will increase by 5 inmates in FY 2004, 14 inmates in FY 2005, and 31 inmates in both FY 2006 and FY 2007.

The increase in admissions to CBC work release facilities will increase the number of offenders on waiting lists, held in the prison system. This will increase the need for additional work release beds.

Fiscal Impact

The fiscal impact of HF 525 is as follows (based on offenders subject to mandatory parole will be sent to a Community-Based Corrections work release facility, and then paroled if offenders successfully complete the program):

State General Fund Impact

	<u>FY 2003</u>	<u>FY 2004</u>	<u>FY 2005</u>	<u>FY 2006</u>	<u>FY 2007</u>
State Prisons	\$ 0	\$ 29,000	\$ 82,000	\$ 106,000	\$ 106,000
CBC Facilities	0	54,000	106,000	182,000	182,000
CBC Community Supervision	0	35,000	74,000	129,000	129,000
Total CBC Costs	<u>\$ 0</u>	<u>\$ 89,000</u>	<u>\$ 180,000</u>	<u>\$ 311,000</u>	<u>\$ 311,000</u>
Total General Fund	<u>\$ 0</u>	<u>\$ 118,000</u>	<u>\$ 262,000</u>	<u>\$ 417,000</u>	<u>\$ 417,000</u>
Total CBC FTEs	0.00	0.77	1.50	2.60	2.60

The costs for State prisons and CBC facilities represent support costs only and do not include staffing costs.

The fiscal impact does not include:

- The additional costs for the Sex Offender Treatment Program.
- The additional costs for increased parole cases, since inmates have an incentive under the Bill to accept parole to avoid the mandated community supervision.
- The construction costs associated with additional work release beds, if required. Additional beds may be required in FY 2006, given current waiting lists and the number of inmates released under HF 525. If additional beds are built, construction costs are estimated to be \$25,000 per bed. Two 50-bed facilities would cost approximately \$2.5 million, excluding one-time start-up costs of \$100,000 per facility.

Sources

Department of Human Rights, Criminal and Juvenile Justice Planning Division
Department of Corrections

/s/ Dennis C Prouty

February 27, 2002

The fiscal note and correctional impact statement for this bill was prepared pursuant to Joint Rule 17 and pursuant to Section 2.56, Code of Iowa. Data used in developing this fiscal note and correctional impact statement are available from the Legislative Fiscal Bureau to members of the Legislature upon request.

Legislative Fiscal Bureau

Fiscal Note

HF 525 - Mandatory Parole (LSB 1478 HV.1)
Analyst: Beth Lenstra (Phone: (515) 281-6301) (beth.lenstra@legis.state.ia.us)
Fiscal Note Version – As Passed by the House
Requested by Senator O. Gene Maddox

Description

House File 525 as passed by the House imposes an additional indeterminate term of years on community supervision, not to exceed two years, for people convicted of certain criminal offenses: sexual abuse, sexual predators, failure to register as a sex offender, felonious domestic abuse assault, stalking, and incest. The Bill provides that if a person violates a condition of the additional indeterminate term of years, the additional sentence may be revoked and the violator sentenced to prison. The Bill does not apply to a person who is paroled prior to the start of the additional indeterminate term of years. House File 525 as passed by the House requires the Department of Corrections, the eight Community-Based Corrections (CBC) District Departments, the State Public Defender's Office, the Criminal and Juvenile Justice Planning Division of the Department of Human Rights, and the Prosecuting Attorneys Training Coordinator in the Department of Justice to complete a study of the impact of mandatory parole supervision.

Assumptions

1. Charge, conviction, and sentencing patterns and trends will not change over the projection period.
2. Prisoner length of stay, revocation rates, and other corrections' practices and policies will not change over the projection period.
3. The law will become effective July 1, 2002. A lag of six months is assumed, from the effective date of the change in the law to the date of first entry of affected offenders into the correctional system.
4. The analysis is based on information obtained from the Adult Corrections Information System, the computerized database for Iowa's prison system. Conviction and penalty information is based on FY 2001 data.
5. The law will apply only to those offenders sentenced on or after July 1, 2002.
6. Earned time credits apply to the additional term of years, so the time served on mandatory supervision will not exceed one year. The indeterminate term permits the supervision period to range from one day to no more than 365 days. This provision may shorten the length of stay on mandatory supervision that would lower CBC caseloads.
7. House File 525 targets offenders who are now expiring their sentence in prison, thereby avoiding supervised release in the community. Based on FY 2001 data, approximately 51.0% of felons targeted under this Bill expire their prison sentence and would be subject to the mandatory parole. Of the misdemeanor offenses targeted by the Bill, 100% expire their sentence in prison and would be subject to the mandatory parole. During FY 2001, 79.0% of the offenders targeted under this Bill were sex offenders. These types of cases would be supervised for no more than one year in the community under HF 525.
8. Offenders released under HF 525 will be supervised at the intensive supervision level – no more than 30 offenders per Probation/Parole Officer (PPO III). The cost of a PPO III is \$49,600 (salary and benefits). The majority of the offenders will be on parole for no more than one year.
9. The marginal cost per day for State prisons and CBC facilities is \$16 per offender. The marginal cost per day for intensive supervision is \$9.49 per offender.

10. Average length of stay in prison is 12 months for aggravated misdemeanants, 30 months for Class D felons, 60 months for Class C felons, and 21.25 years for Class B felons.
11. A revocation rate of 17.5% has been applied to those offenders subject to mandatory supervision. Those offenders who are revoked to prison, will serve one year.
12. House File 525 will have limited impact on the Board of Parole.
13. Most of the offenders subject to mandatory parole will be first sent to a Community-Based Corrections (CBC) work release facility, and then paroled from the facility if the offender successfully completes the program. However, if the offenders are directly released to community supervision, then the fiscal impact will be significantly different.

<u>Fiscal Year</u>	<u>CBC Community Supervision</u>	<u>FTE Positions</u>
2003	\$ 0	0.0
2004	84,300	1.7
2005	165,700	3.34
2006	286,000	5.77
2007	286,000	5.77

The figures above indicate the maximum cost of supervision under HF 525. Due to the indeterminate term imposed, the actual costs may be less than indicated above. The average length of stay in a work release facility is four months. The impact on the State prison system would not change.

14. There are 1,404 CBC residential facility beds statewide. Of these, approximately 461 beds are dedicated to the work release program. On February 6, 2002, there were 399 inmates on work release in the CBC facilities with an additional 269 waiting in prison to enter the facilities.
15. Currently, there are approximately 26,600 offenders under supervision in CBC. Of these, approximately 600 are sex offenders.
16. Each CBC District Department has a Sex Offender Treatment Program that is composed of intensive supervision plus group treatment, individual counseling, penile plethysmography, and polygraphy. Certain sex offenders are also placed on electronic monitoring. This Bill will increase the number of offenders eligible for the Program.
17. The Bill creates an incentive for inmates to accept parole prior to discharge of sentence. This parole may result in a shorter supervision period than the mandatory additional term of years to be served on community supervision under HF 525. However, it is not known how many inmates who would have served their full prison sentence, thereby avoiding community supervision, will now accept parole prior to discharge. Therefore, an increase in parole cases due to this incentive cannot be determined. The potential impact of this incentive is not included in the correctional impact or fiscal analysis contained within this fiscal note.
18. There is no cost associated with the mandated study of the impact of HF 525.

Correctional Impact

Maximum admissions to the State prison and CBC systems will increase as follows:

<u>Fiscal Year</u>	<u>Prison</u>	<u>Work Release Facility</u>	<u>Community Supervision</u>
2003	0	0	0
2004	5	28	23
2005	14	55	45
2006	31	95	78
2007	31	95	78

If offenders are released directly to community supervision, then there will be no admissions to work release facilities, and total admissions to community supervision will not exceed 51 during FY 2004, 100 during FY 2005, and 173 both FY 2006 and FY 2007.

Additionally, admissions will increase in future fiscal years as Class C felons will be released starting in FY 2008.

The prison population will increase by a maximum of 5 inmates in FY 2004, 14 inmates in FY 2005, and 31 inmates in both FY 2006 and FY 2007.

The increase in admissions to CBC work release facilities will increase the number of offenders on waiting lists, held in the prison system. This will increase the need for additional work release beds.

Fiscal Impact

The fiscal impact of HF 525 will not exceed the figures in the following table. Due to the indeterminate term imposed by the Bill, actual expenditures may be lower than indicated below. The information is based on offenders subject to mandatory parole being sent to a CBC work release facility, and then paroled if offenders successfully complete the program:

State General Fund Impact

	<u>FY 2003</u>	<u>FY 2004</u>	<u>FY 2005</u>	<u>FY 2006</u>	<u>FY 2007</u>
State Prisons	\$ 0	\$ 29,000	\$ 82,000	\$ 106,000	\$ 106,000
CBC Facilities	0	54,000	106,000	182,000	182,000
CBC Community Supervision	0	35,000	74,000	129,000	129,000
Total CBC Costs	<u>\$ 0</u>	<u>\$ 89,000</u>	<u>\$ 180,000</u>	<u>\$ 311,000</u>	<u>\$ 311,000</u>
Total General Fund	<u>\$ 0</u>	<u>\$ 118,000</u>	<u>\$ 262,000</u>	<u>\$ 417,000</u>	<u>\$ 417,000</u>
Total CBC FTEs	0.00	0.77	1.50	2.60	2.60

The costs for State prisons and CBC facilities represent support costs only and do not include staffing costs.

The fiscal impact does not include:

- The additional costs for the Sex Offender Treatment Program.
- The additional costs for increased parole cases, since inmates have an incentive under the Bill to accept parole to avoid the mandated community supervision.
- The construction costs associated with additional work release beds, if required. Additional beds may be required in FY 2006, given current waiting lists and the number of inmates released under HF 525. If additional beds are built, construction costs are estimated to be \$25,000 per bed. Two 50-bed facilities would cost approximately \$2.5 million, excluding one-time start-up costs of \$100,000 per facility.

Sources

Department of Human Rights, Criminal and Juvenile Justice Planning Division
Department of Corrections

/s/ Dennis C Prouty

March 7, 2002

The fiscal note and correctional impact statement for this bill was prepared pursuant to Joint Rule 17 and pursuant to Section 2.56, Code of Iowa. Data used in developing this fiscal note and correctional impact statement are available from the Legislative Fiscal Bureau to members of the Legislature upon request.

5/3/02 Judiciary

HOUSE FILE 525
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 135)

(As Amended and Passed by the House March 4, 2002)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the imposition of a sentence for an additional
2 indeterminate term of years not to exceed two years for
3 persons convicted of certain criminal offenses.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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House Amendments _____

1 Section 1. Section 709.8, unnumbered paragraph 2, Code
2 2001, is amended to read as follows:

3 Any person who violates a provision of this section shall,
4 upon conviction, be guilty of a class "D" felony. A person
5 ~~who violates a provision of this section and who is sentenced~~
6 ~~to a term of confinement shall also be sentenced to an~~
7 ~~additional term of parole or work release not to exceed two~~
8 ~~years. The board of parole shall determine whether the person~~
9 ~~should be released on parole or placed in a work release~~
10 ~~program. The sentence of an additional term of parole or work~~
11 ~~release supervision shall commence immediately upon the~~
12 ~~expiration of the preceding sentence and shall be under the~~
13 ~~terms and conditions as set out in chapter 906. Violations of~~
14 ~~parole or work release shall be subject to the procedures set~~
15 ~~out in chapter 905 or 908 or rules adopted under those~~
16 ~~chapters. The sentence of an additional term of parole or~~
17 ~~work release shall be consecutive to the original term of~~
18 ~~confinement.~~

19 Sec. 2. Section 901.5, Code 2001, is amended by adding the
20 following new subsection:

21 NEW SUBSECTION. 13. In addition to any sentence or other
22 penalty imposed against the defendant, the court shall
23 sentence the defendant to an additional term of years if
24 required under chapter 901A, or section 902.13 or 903.2A.

25 Sec. 3. Section 901A.2, subsection 7, Code 2001, is
26 amended to read as follows:

27 7. In addition to any other sentence imposed on a person
28 convicted of a sexually predatory offense pursuant to
29 subsection 1, 2, or 3, the person shall be sentenced to an
30 additional indeterminate term of parole or work release years
31 not to exceed two years. The board of parole shall determine
32 whether the person should be released on parole or placed in a
33 work release program. ~~The sentence of parole supervision~~
34 ~~shall commence immediately upon the person's release by the~~
35 ~~board of parole and shall be under the~~ When a person commences

1 service of the additional term of years, the person shall
2 initially be released by the board of parole subject to the
3 terms and conditions as set out in chapter 906. Violations of
4 parole-or-work-release terms and conditions of release shall
5 be subject to the procedures set out in chapter 905 or 908 or
6 rules adopted under those chapters. ~~For purposes of~~
7 ~~disposition of a parole violator upon revocation of parole or~~
8 ~~work release, the sentence of an additional term of parole or~~
9 ~~work release shall be considered part of the original term of~~
10 ~~commitment to the department of corrections.~~

11 Sec. 4. NEW SECTION. 902.13 ADDITIONAL TERM OF YEARS --
12 FELONIES.

13 A person who is convicted of a felony under chapter 709, or
14 under section 692A.7, 708.2A, 708.11, or 726.2, and who is
15 committed to the custody of the director of the department of
16 corrections to serve a term of confinement shall also be
17 sentenced to an additional indeterminate term of years not to
18 exceed two years. The board of parole shall determine whether
19 the person should be released on parole or placed in a work
20 release program. When a person commences service of the
21 additional term of years, the person shall initially be
22 released by the board of parole subject to the terms and
23 conditions set out in chapter 906. Violations of the terms
24 and conditions of release shall be subject to the procedures
25 set out in chapter 905 or 908 or rules adopted under those
26 chapters. The sentence of an additional term of years shall
27 be consecutive to the original term of confinement.

28 Sec. 5. NEW SECTION. 903.2A ADDITIONAL TERM OF YEARS --
29 MISDEMEANORS.

30 A person who is convicted of an aggravated misdemeanor
31 under chapter 709, or section 692A.7 or 708.11, and who is
32 committed to the custody of the director of the department of
33 corrections to serve a term of confinement shall also be
34 sentenced to an additional indeterminate term of years not to
35 exceed two years. The board of parole shall determine whether

1 the person should be released on parole or placed in a work
2 release program. When a person commences service of the
3 additional term of years, the person shall initially be
4 released by the board of parole subject to the terms and
5 conditions set out in chapter 906. Violations of the terms
6 and conditions of release shall be subject to the procedures
7 set out in chapter 905 or 908 or rules adopted under those
8 chapters. The sentence of an additional term of years shall
9 be consecutive to the original term of confinement.

10 Sec. 6. Section 906.15, unnumbered paragraph 1, Code 2001,
11 is amended to read as follows:

12 Unless sooner discharged, a person released on parole shall
13 be discharged when the person's term of parole equals the
14 period of imprisonment specified in the person's sentence,
15 less all time served in confinement. Discharge from parole
16 may be granted prior to such time, when an early discharge is
17 appropriate. The board shall periodically review all paroles,
18 and when the board determines that any person on parole is
19 able and willing to fulfill the obligations of a law-abiding
20 citizen without further supervision, the board shall discharge
21 the person from parole. A parole officer shall periodically
22 review all paroles assigned to the parole officer, and when
23 the parole officer determines that any person assigned to the
24 officer is able and willing to fulfill the obligations of a
25 law-abiding citizen without further supervision, the officer
26 may discharge the person from parole after notification and
27 approval of the district director and notification of the
28 board of parole. In any event, discharge from parole shall
29 terminate the person's sentence. If a person has been
30 sentenced to an additional term of years under chapter 901A,
31 or section 902.13 or 903.2A, the person may be discharged from
32 the term in the same manner as a person on parole. However, a
33 person convicted of a violation of section 709.3, 709.4 or
34 709.8 committed on or with a child shall not be discharged
35 from parole until the person's term of parole equals the

1 period of imprisonment specified in the person's sentence,
2 less all time served in confinement.

3 Sec. 7. NEW SECTION. 906.19 APPLICABILITY OF ADDITIONAL
4 TERM OF YEARS.

5 Notwithstanding chapter 901A, or section 902.13 or 903.2A,
6 if a person is paroled prior to the expiration of the person's
7 term and prior to the commencement of the additional term of
8 years, the person shall not serve the additional term of
9 years.

10 Sec. 8. ADDITIONAL TERM OF YEARS -- REPORT. The
11 department of corrections and the eight judicial district
12 departments of correctional services, in cooperation with the
13 division of criminal and juvenile justice planning of the
14 department of human rights, the state public defender, and the
15 office of the prosecuting attorneys training coordinator in
16 the department of justice, shall compile and provide a report
17 regarding offenders serving an additional term of years, to
18 the general assembly, cochairpersons and ranking members of
19 the joint appropriations subcommittee on the justice system,
20 and the legislative fiscal bureau on or before January 15,
21 2003. The report shall include the actual number of offenders
22 sentenced to serve an additional term of years from July 1,
23 2002, through December 31, 2002, in each judicial district,
24 including each offender's race and gender. The report shall
25 also include the anticipated number of offenders who will be
26 serving an additional term of years in each judicial district
27 in the fiscal year beginning July 1, 2002, and ending June 30,
28 2003, and the fiscal year beginning July 1, 2003, and ending
29 June 30, 2004. The report shall detail the number of
30 probation and parole officers and staff needed to supervise
31 offenders serving an additional term of years and the capacity
32 to supervise such offenders in each judicial district. The
33 report shall detail actual expenditures related to supervising
34 offenders serving an additional term of years for the fiscal
35 year beginning July 1, 2002, and ending June 30, 2003, and the

1 revenue source and budgeted expenditures for the fiscal year
2 beginning July 1, 2003, and ending June 30, 2004. The report
3 shall include any quantitative measures analyzing persons
4 serving an additional term of years.

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