

MAR 28 2002

JUDICIARY

HOUSE FILE 2605
BY FORD

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

A BILL FOR

1 An Act relating to procedures for commutation of a class "A"
2 felon.

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

- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

HF 2605

1 Section 1. Section 902.2, Code 2001, is amended to read as
2 follows:

3 902.2 COMMUTATION PROCEDURE FOR CLASS "A" FELONS.

4 A person who has been sentenced to life imprisonment under
5 section 902.1 may, ~~no more frequently than once every~~ after
6 ten years, make an application to the governor board of parole
7 requesting a recommendation to the governor that the person's
8 sentence be commuted to a term of years. ~~The director of the~~
9 ~~Iowa department of corrections may make a request to the~~
10 ~~governor that a person's sentence be commuted to a term of~~
11 ~~years at any time. Upon receipt of a request for commutation,~~
12 ~~the governor shall send a copy of the request to the Iowa~~
13 ~~board of parole for investigation and recommendations as to~~
14 ~~whether the person should be considered for commutation. The~~
15 Upon receipt of a request for a recommendation, the board
16 shall conduct an interview and investigation of the class "A"
17 felon and shall make a report of its findings and
18 recommendations to the governor of the person on the person's
19 next annual review date. If the board votes against
20 submitting a recommendation for commutation to the governor,
21 the person may reapply to the board two years after filing the
22 application. If by a majority vote, the board of parole
23 recommends commutation, a report of the board's recommendation
24 shall be sent to the governor for a response pursuant to
25 section 914.4. If the governor does not grant the
26 recommendation, the person may reapply to the board one year
27 after filing the application.

28 Sec. 2. Section 914.3, subsection 1, Code 2001, is amended
29 to read as follows:

30 1. ~~Except as otherwise provided in section 902.2, the~~ The
31 board of parole shall periodically review all applications by
32 persons convicted of criminal offenses and shall recommend to
33 the governor the reprieve, pardon, commutation of sentence,
34 remission of fines or forfeitures, or restoration of the
35 rights of citizenship for persons who have by their conduct

1 given satisfactory evidence that they will become or continue
2 to be law-abiding citizens. An application by a class "A"
3 felon shall be reviewed as provided in section 902.2.

4 EXPLANATION

5 This bill relates to commutation procedures for a class "A"
6 felon.

7 The bill and current law provide that a class "A" felon
8 may, after 10 years, apply to the governor to have the
9 person's sentence commuted to a term of years. The bill
10 provides that a person must first apply to the board of parole
11 for commutation of a class "A" felony sentence. Upon
12 application the board of parole shall conduct an investigation
13 on the person's next annual review date.

14 The bill provides that if the board votes against
15 recommending commutation the person may reapply to the board
16 two years after applying.

17 The bill provides that if the board votes for recommending
18 commutation to the governor, the report of the board's
19 recommendation shall be sent to the governor and the governor
20 shall respond to the recommendation as provided in Code
21 section 914.4. The bill provides that if the governor does
22 not grant the recommendation, the person may reapply to the
23 board one year after applying.

24 Current law provides that a class "A" felon may only apply
25 to the governor every 10 years for a commutation of the
26 sentence. Current law also provides that the director of the
27 department of corrections may request to the governor that a
28 class "A" felon's sentence by commuted at any time.

29
30
31
32
33
34
35