

McKean
Angelo
Horn

SSB-1223

Succeeded By
SF/HF 487

Judiciary

SENATE FILE _____

BY (PROPOSED COMMITTEE ON
JUDICIARY BILL BY
CHAIRPERSON MADDOX)

Passed Senate, Date _____

Passed House, Date _____

Vote: Ayes _____ Nays _____

Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act creating alternative criminal sentences.

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

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1 Section 1. NEW SECTION. 901C.1 ALTERNATIVE SENTENCING --
2 CLASS "C" AND CLASS "D" FELONIES.

3 1. Notwithstanding any other law to the contrary, when a
4 conviction of a class "C" or class "D" felony is entered
5 against a person, the court, as an alternative to the
6 indeterminate sentence of confinement as provided in section
7 902.3, may require commitment into the custody of the director
8 of the Iowa department of corrections for a determinate term
9 to be followed by a term of probation as specified in section
10 907.7. The length of the determinate term shall be at least
11 six months but not more than twelve months for a class "C"
12 felony and at least three months but not more than six months
13 for a class "D" felony.

14 a. If the court sentences the person to an alternative
15 sentence, any mandatory minimum sentence required by the
16 sentence pursuant to section 124.406, 124.413, 902.7, 902.8A,
17 or 902.11 shall be suspended by the court.

18 b. A person serving an alternative sentence shall receive
19 credit for time served against the person's sentence.
20 However, a person shall not be eligible to receive earned time
21 against the sentence under chapter 903A.

22 c. A person serving an alternative sentence is not
23 eligible for parole or work release while serving the initial
24 determinate term of confinement.

25 2. If a person who is on probation after serving the
26 initial term of confinement of an alternative sentence commits
27 a new criminal offense, violates the terms and conditions of
28 probation under chapter 907, or if the department of
29 corrections files a petition alleging a violation of rules
30 established under chapter 904, the court may revoke the
31 suspended sentence and resentence the person to the balance of
32 the indeterminate sentence authorized by law for the original
33 criminal offense committed by the person. Upon resentencing
34 the court shall sentence the person as provided in chapter
35 901.5.

1 3. If the court resentences the person to a term of
 2 confinement, the court shall commit the person into the
 3 custody of the director of the Iowa department of corrections
 4 for an indeterminate term as provided in section 902.3. Any
 5 mandatory minimum sentence previously suspended by the court
 6 in subsection 1 shall be served. A person recommitted shall
 7 be given credit for time served. Earned time shall be
 8 calculated as provided by chapter 903A upon recommitment. A
 9 person shall be eligible for parole or work release as any
 10 other person serving the same offense.

11 4. This section does not apply to an offense classified as
 12 a forcible felony, felonies listed in section 902.12, or to a
 13 person sentenced as an habitual offender.

14 Sec. 2. NEW SECTION. 901C.2 ALTERNATIVE SENTENCING --
 15 MAXIMUM ACCUMULATION OF EARNED TIME CREDITS OF FIFTEEN
 16 PERCENT.

17 When a judgment of conviction for an offense listed in
 18 section 902.12 is entered against a person, the court, when
 19 imposing the sentence of confinement, may, as an alternative
 20 to an indeterminate sentence in section 902.3, commit the
 21 person into the custody of the director of the Iowa department
 22 of corrections for a determinate term less than the maximum
 23 length as fixed by section 902.9 or as otherwise prescribed by
 24 statute. A determinate term imposed in this section shall not
 25 be less than one-third the maximum length. Earned time shall
 26 be calculated as provided in section 903A.2, subsection 1,
 27 paragraph "b".

28 Sec. 3. Section 903A.2, subsection 1, unnumbered paragraph
 29 1, Code 2001, is amended to read as follows:

30 Each inmate committed to the custody of the director of the
 31 department of corrections is eligible to earn a reduction of
 32 sentence in the manner provided in this section. However, an
 33 inmate serving an alternative sentence under section 901C.1 is
 34 not eligible to earn a reduction of sentence in the manner
 35 provided in this section but shall receive credit in the

1 manner as provided in section 901C.1. For purposes of
2 calculating the amount of time by which an inmate's sentence
3 may be reduced, inmates shall be grouped into the following
4 two sentencing categories:

5 Sec. 4. Section 903.4, Code 2001, is amended to read as
6 follows:

7 903.4 PROVIDING PLACE OF CONFINEMENT.

8 All persons sentenced to confinement for a period of one
9 year or less shall be confined in a place to be furnished by
10 the county where the conviction was had unless the person is
11 presently committed to the custody of the director of the Iowa
12 department of corrections, in which case the provisions of
13 section 901.8 apply, or unless the person is serving a
14 determinate term as part of an alternative sentence as
15 provided in section 902.3A. All persons sentenced to
16 confinement for a period of more than one year shall be
17 committed to the custody of the director of the Iowa
18 department of corrections to be confined in a place to be
19 designated by the director and the cost of the confinement
20 shall be borne by the state. The director may contract with
21 local governmental units for the use of detention or
22 correctional facilities maintained by the units for the
23 confinement of such persons.

24 Sec. 5. Section 907.1, subsection 3, Code 2001, is amended
25 to read as follows:

26 3. "Suspended sentence" means a sentencing option whereby
27 the court pronounces judgment and imposes a sentence and then
28 suspends execution of the sentence subject to the defendant's
29 compliance with conditions set by the court as a requirement
30 of the suspended sentence. Revocation of the suspended
31 sentence results in the execution of sentence already
32 pronounced. For purposes of an alternative sentence entered
33 under section 901C.1, a "suspended sentence" means a
34 sentencing option where the court pronounces judgment and
35 imposes a sentence and then suspends execution of the

1 sentence, except for a determinate term of confinement.
2 Revocation of the suspended sentence results in the execution
3 of the remaining balance of the sentence already pronounced.

4 Sec. 6. Section 907.3, Code 2001, is amended by adding the
5 following new subsection:

6 NEW SUBSECTION. 4. May sentence the defendant to an
7 alternative sentence under section 901C.1, if the defendant is
8 eligible, suspend the remaining balance of the sentence, and
9 place the person on probation upon such terms as it may
10 require, including commitment of the defendant to the judicial
11 district department of correctional services for supervision
12 or services under section 901B.1 at the level of sanctions
13 which the district department determines to be appropriate and
14 the payment of fees imposed under section 905.14. A person so
15 committed whose probation is revoked shall be given credit for
16 time served.

17 Sec. 7. Section 908.11, subsection 6, Code 2001, is
18 amended by adding the following new paragraph:

19 NEW PARAGRAPH. e. Revoke the probation of the defendant
20 who is on probation after serving an alternative sentence
21 under section 903C.1, and require the defendant to serve the
22 remaining balance of the sentence.

23 EXPLANATION

24 This bill creates alternative criminal sentences for a
25 person other than a habitual offender who is convicted of a
26 certain felonies.

27 The bill provides that a person sentenced to a term of
28 confinement for a class "D" or class "C" felony, other than a
29 forcible felony, or felonies requiring service of 85 percent
30 of the sentence, may be sentenced to a determinate term as
31 part of an alternative sentence. The bill provides that the
32 court may sentence the person to confinement in a correctional
33 institution for a determinate term of at least six months but
34 not more than 12 months for a class "C" felony and at least
35 three months but not more than six months for a class "D"

1 felony. The bill provides that if the court sentences the
2 person to an alternative sentence, any mandatory minimum
3 sentence shall be suspended by the court. The bill also
4 provides that a person serving a determinate term as part of
5 an alternative sentence shall receive credit for time served
6 against the person's sentence but shall not be eligible for
7 earned time credits, and shall not be paroled or placed on
8 work release while serving the determinate term.

9 The bill provides that after completion of the determinate
10 portion of the sentence the person shall be placed on
11 probation. The probation period and violations of probation
12 shall be treated in the same manner as probation under Code
13 chapter 907.

14 The bill provides that if a person who is on probation
15 after serving an alternative sentence commits a new criminal
16 offense, violates the terms and conditions of probation under
17 Code chapter 907, or upon petition by the department of
18 corrections for a violation of rules established under Code
19 chapter 904, the person may be resentenced by the court to the
20 balance of the indeterminate sentence authorized by law for
21 the original criminal offense. The bill provides that if a
22 person's probation is revoked and the person is confined to a
23 correctional institution, the court shall require the person
24 to serve any mandatory minimum sentence previously suspended
25 by the court.

26 The bill also provides an alternative sentence for a person
27 sentenced for a criminal offense subject to the maximum
28 accumulation of earned time credits of 15 percent of the total
29 sentence of confinement, or more commonly referred to as 85
30 percent sentences. The bill provides that a person sentenced
31 for an offense subject to service of 85 percent of the
32 sentence may be sentenced to a term less than the maximum
33 length fixed by Code section 902.9 or as otherwise prescribed
34 by statute. The alternative sentence shall not be for a term
35 less than one-third of the maximum length. The bill provides

1 that a person sentenced to an alternative 85 percent sentence
2 must serve 85 percent of the alternative sentence fixed by the
3 court.

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UNRECORDED

FILED MAR 19 '01

SENATE FILE 487
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 1223)

Passed Senate, ^(P. 85) Date 3-27-01 Passed House, Date _____
Vote: Ayes 49 Nays 0 Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act creating alternative criminal sentences.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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JE 487

1 Section 1. NEW SECTION. 901C.1 ALTERNATIVE SENTENCING --
2 CLASS "C" AND CLASS "D" FELONIES.

3 1. Notwithstanding any other law to the contrary, when a
4 conviction of a class "C" or class "D" felony is entered
5 against a person, the court, as an alternative to the
6 indeterminate sentence of confinement as provided in section
7 902.3, may require commitment into the custody of the director
8 of the Iowa department of corrections for a determinate term
9 to be followed by a term of probation as specified in section
10 907.7. The length of the determinate term shall be at least
11 six months but not more than twelve months for a class "C"
12 felony and at least three months but not more than six months
13 for a class "D" felony.

14 a. If the court sentences the person to an alternative
15 sentence, any mandatory minimum sentence required by the
16 sentence pursuant to section 124.406, 124.413, 902.7, 902.8A,
17 or 902.11 shall be suspended by the court.

18 b. A person serving an alternative sentence shall receive
19 credit for time served against the person's sentence.
20 However, a person shall not be eligible to receive earned time
21 against the sentence under chapter 903A.

22 c. A person serving an alternative sentence is not
23 eligible for parole or work release while serving the initial
24 determinate term of confinement.

25 2. If a person who is on probation after serving the
26 initial term of confinement of an alternative sentence commits
27 a new criminal offense, violates the terms and conditions of
28 probation under chapter 907, or if the department of
29 corrections files a petition alleging a violation of rules
30 established under chapter 904, the court may revoke the
31 suspended sentence and resentence the person to the balance of
32 the indeterminate sentence authorized by law for the original
33 criminal offense committed by the person. Upon resentencing
34 the court shall sentence the person as provided in chapter
35 901.5.

1 3. If the court resentences the person to a term of
2 confinement, the court shall commit the person into the
3 custody of the director of the Iowa department of corrections
4 for an indeterminate term as provided in section 902.3. Any
5 mandatory minimum sentence previously suspended by the court
6 in subsection 1 shall be served. A person recommitted shall
7 be given credit for time served. Earned time shall be
8 calculated as provided by chapter 903A upon recommitment. A
9 person shall be eligible for parole or work release as any
10 other person serving the same offense.

11 4. This section does not apply to an offense classified as
12 a forcible felony, a felony under section 321J.2, felonies
13 listed in section 902.12, or to a person sentenced as an
14 habitual offender.

15 Sec. 2. Section 903A.2, subsection 1, unnumbered paragraph
16 1, Code 2001, is amended to read as follows:

17 Each inmate committed to the custody of the director of the
18 department of corrections is eligible to earn a reduction of
19 sentence in the manner provided in this section. However, an
20 inmate serving an alternative sentence under section 901C.1 is
21 not eligible to earn a reduction of sentence in the manner
22 provided in this section but shall receive credit in the
23 manner as provided in section 901C.1. For purposes of
24 calculating the amount of time by which an inmate's sentence
25 may be reduced, inmates shall be grouped into the following
26 two sentencing categories:

27 Sec. 3. Section 903.4, Code 2001, is amended to read as
28 follows:

29 903.4 PROVIDING PLACE OF CONFINEMENT.

30 All persons sentenced to confinement for a period of one
31 year or less shall be confined in a place to be furnished by
32 the county where the conviction was had unless the person is
33 presently committed to the custody of the director of the Iowa
34 department of corrections, in which case the provisions of
35 section 901.8 apply, or unless the person is serving a

1 determinate term as part of an alternative sentence as
2 provided in section 901C.1. All persons sentenced to
3 confinement for a period of more than one year shall be
4 committed to the custody of the director of the Iowa
5 department of corrections to be confined in a place to be
6 designated by the director and the cost of the confinement
7 shall be borne by the state. The director may contract with
8 local governmental units for the use of detention or
9 correctional facilities maintained by the units for the
10 confinement of such persons.

11 Sec. 4. Section 907.1, subsection 3, Code 2001, is amended
12 to read as follows:

13 3. "Suspended sentence" means a sentencing option whereby
14 the court pronounces judgment and imposes a sentence and then
15 suspends execution of the sentence subject to the defendant's
16 compliance with conditions set by the court as a requirement
17 of the suspended sentence. Revocation of the suspended
18 sentence results in the execution of sentence already
19 pronounced. For purposes of an alternative sentence entered
20 under section 901C.1, a "suspended sentence" means a
21 sentencing option where the court pronounces judgment and
22 imposes a sentence and then suspends execution of the
23 sentence, except for a determinate term of confinement.

24 Revocation of the suspended sentence results in the execution
25 of the remaining balance of the sentence already pronounced.

26 Sec. 5. Section 907.3, Code 2001, is amended by adding the
27 following new subsection:

28 NEW SUBSECTION. 4. May sentence the defendant to an
29 alternative sentence under section 901C.1, if the defendant is
30 eligible, suspend the remaining balance of the sentence, and
31 place the person on probation upon such terms as it may
32 require, including commitment of the defendant to the judicial
33 district department of correctional services for supervision
34 or services under section 901B.1 at the level of sanctions
35 which the district department determines to be appropriate and

1 the payment of fees imposed under section 905.14. A person so
2 committed whose probation is revoked shall be given credit for
3 time served.

4 Sec. 6. Section 908.11, subsection 6, Code 2001, is
5 amended by adding the following new paragraph:

6 NEW PARAGRAPH. e. Revoke the probation of the defendant
7 who is on probation after serving an alternative sentence
8 under section 903C.1, and require the defendant to serve the
9 remaining balance of the sentence.

10 EXPLANATION

11 This bill creates alternative criminal sentences for a
12 person other than a habitual offender who is convicted of
13 certain felonies.

14 The bill provides that a person sentenced to a term of
15 confinement for a class "D" or class "C" felony, may be
16 sentenced to an alternative sentence. The alternative
17 sentence option does not apply to forcible felonies, third or
18 subsequent offenses of operating while intoxicated or drugged,
19 or felonies requiring service of 85 percent of sentence. The
20 bill provides that the court may sentence the person to
21 confinement in a correctional institution for a determinate
22 term of at least six months but not more than 12 months for a
23 class "C" felony and at least three months but not more than
24 six months for a class "D" felony. The bill provides that if
25 the court sentences the person to an alternative sentence, any
26 mandatory minimum sentence shall be suspended by the court.
27 The bill also provides that a person serving a determinate
28 term as part of an alternative sentence shall receive credit
29 for time served against the person's sentence but shall not be
30 eligible for earned time credits, and shall not be paroled or
31 placed on work release while serving the determinate term.

32 The bill provides that after completion of the determinate
33 portion of the sentence the person shall be placed on
34 probation. The probation period and violations of probation
35 shall be treated in the same manner as probation under Code

1 chapter 907.

2 The bill provides that if a person who is on probation
3 after serving an alternative sentence commits a new criminal
4 offense, violates the terms and conditions of probation under
5 Code chapter 907, or upon petition by the department of
6 corrections for a violation of rules established under Code
7 chapter 904, the person may be resentenced by the court to the
8 balance of the indeterminate sentence authorized by law for
9 the original criminal offense. The bill provides that if a
10 person's probation is revoked and the person is confined to a
11 correctional institution, the court shall require the person
12 to serve any mandatory minimum sentence previously suspended
13 by the court.

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SENATE FILE 487

S-3268

1 Amend Senate File 487 as follows:

2 1. Page 2, lines 13 and 14, by striking the words
3 "or to a person sentenced as an habitual offender" and
4 inserting the following: "a person sentenced as an
5 habitual offender, felonies listed in section 901A.1,
6 or a felony committed by a person on parole, work
7 release, or while in the custody of the director of
8 the department of corrections".

By **ANDY MCKEAN**

O. GENE MADDOX

S-3268 FILED MARCH 27, 2001

ADOPTED
(p. 865)

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**SENATE FILE 487
FISCAL NOTE****REQUESTED BY:
SENATOR McKEAN**

The estimate for **Senate File 487** 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.

Senate File 487 creates alternative sentences for a person other than a habitual offender who is convicted of certain felonies. The Bill provides that a person sentenced to a term of confinement for a Class D or Class C felony, may be sentenced to an alternative sentence. This option does not apply to forcible felonies, third or subsequent offenses of operating while intoxicated or drugged, or felonies requiring service of 85.0% of the sentence. Senate File 487 provides that the Court may sentence a person to confinement in a correctional institution for a determinate term of at least six months but no more than 12 months for a Class C felony and at least three months but not more than six months for a Class D felony. The Bill also provides that a person serving a determinate term as part of an alternative sentence shall receive credit for time served against the person's sentence but shall not be eligible for earned time credits. The person is not eligible for parole or work release while serving the determinate term. The person is placed on probation after serving the determinate portion of the sentence. If the person is revoked while on probation, the person may be resentenced by the Court to the balance of the indeterminate sentence authorized for the original criminal offense. If the probation is revoked and the person is confined to a correctional institution, the person is required to serve any mandatory minimum sentence previously suspended by the Court.

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, 2001. A lag effect 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 1999 and FY 2000 data.
5. There were 225 offenders released from prison during FY 2000 under current judicial reconsideration provisions (shock probation). Based on FY 1999 data for these types of releases, approximately 88.0% of such releases involve offenses for which the Bill provides a different type of

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alternative prison sentence.

6. Judges will use this new sentencing option at least as often as current shock probation. Compared to current law for shock probation, the Bill does not require another court hearing for sentence reconsideration. Additionally, offenders sentenced under Senate File 487 will serve a longer prison sentence relative to current law under shock probation (90 days).
7. Approximately 200 offenders annually would be sentenced to the alternative sentence. No information is readily available regarding whether or not this group would have otherwise been sentenced to prison. Therefore, it is assumed that 50.0% of the offenders sentenced under Senate File 487 would have been sentenced to prison under current law, while 50.0% of the offenders would have received a suspended sentence with probation.
8. Offenders sentenced under Senate File 487 will be sentenced to the average term within the range of months provided in the Bill.
9. A 17.5% revocation rate was applied, based on recent parole recidivism research.
10. The marginal cost per day for State prisons is \$16 per inmate. The marginal cost per day for probation and parole is \$1.55 per offender.

CORRECTIONAL IMPACT

During FY 2002, 100 offenders will be sentenced under Senate File 487 for the following offenses: 42 will be Class C nonviolent offenses, 5 will be Class C crimes against people, 45 will be Class D nonviolent offenses, and 8 will be Class D crimes against people.

During FY 2003, 200 offenders will be sentenced under Senate File 487 for the following offenses: 84 will be Class C nonviolent offenses, 10 will be Class C crimes against people, 90 will be Class D nonviolent offenses, and 16 will be Class D crimes against people.

There will be 50 people sentenced to prison during FY 2002. However, the prison population will only increase by 33 inmates since the offenders will serve a shorter prison term compared to current law. The prison population will decrease by 35 inmates during FY 2003, and 74 during FY 2006.

Admissions to Community-Based Corrections (CBC) will decrease by 17 offenders during FY 2002. Admissions to probation and parole supervision will increase by 100 offenders during FY 2003 and 200 offenders by FY 2006.

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FISCAL IMPACT

State correctional system costs are anticipated to decrease over the long term under Senate File 487. There is no impact upon county jails.

State General Fund:

	FY 2002	FY 2003	FY 2006
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State Prison Costs	\$ 111,000	\$(118,000)	\$(249,000)
CBC Costs	(10,000)	57,000	113,000
	-----	-----	-----
Total General Fund Impact	\$ 101,000	\$(61,000)	\$(136,000)
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SOURCES

Criminal and Juvenile Justice Planning Division, Department of Human Rights
 Department of Corrections
 Parole Board
 State Public Defender's Office

(LSB 3187SV, BAL)

FILED MARCH 26, 2001

BY DENNIS PROUTY, FISCAL DIRECTOR

1 Section 1. NEW SECTION. 901C.1 ALTERNATIVE SENTENCING --
2 CLASS "C" AND CLASS "D" FELONIES.

3 1. Notwithstanding any other law to the contrary, when a
4 conviction of a class "C" or class "D" felony is entered
5 against a person, the court, as an alternative to the
6 indeterminate sentence of confinement as provided in section
7 902.3, may require commitment into the custody of the director
8 of the Iowa department of corrections for a determinate term
9 to be followed by a term of probation as specified in section
10 907.7. The length of the determinate term shall be at least
11 six months but not more than twelve months for a class "C"
12 felony and at least three months but not more than six months
13 for a class "D" felony.

14 a. If the court sentences the person to an alternative
15 sentence, any mandatory minimum sentence required by the
16 sentence pursuant to section 124.406, 124.413, 902.7, 902.8A,
17 or 902.11 shall be suspended by the court.

18 b. A person serving an alternative sentence shall receive
19 credit for time served against the person's sentence.
20 However, a person shall not be eligible to receive earned time
21 against the sentence under chapter 903A.

22 c. A person serving an alternative sentence is not
23 eligible for parole or work release while serving the initial
24 determinate term of confinement.

25 2. If a person who is on probation after serving the
26 initial term of confinement of an alternative sentence commits
27 a new criminal offense, violates the terms and conditions of
28 probation under chapter 907, or if the department of
29 corrections files a petition alleging a violation of rules
30 established under chapter 904, the court may revoke the
31 suspended sentence and resentence the person to the balance of
32 the indeterminate sentence authorized by law for the original
33 criminal offense committed by the person. Upon resentencing
34 the court shall sentence the person as provided in chapter
35 901.5.

1 3. If the court resentences the person to a term of
2 confinement, the court shall commit the person into the
3 custody of the director of the Iowa department of corrections
4 for an indeterminate term as provided in section 902.3. Any
5 mandatory minimum sentence previously suspended by the court
6 in subsection 1 shall be served. A person recommitted shall
7 be given credit for time served. Earned time shall be
8 calculated as provided by chapter 903A upon recommitment. A
9 person shall be eligible for parole or work release as any
10 other person serving the same offense.

11 4. This section does not apply to an offense classified as
12 a forcible felony, a felony under section 321J.2, felonies
13 listed in section 902.12, a person sentenced as an habitual
14 offender, felonies listed in section 901A.1, or a felony
15 committed by a person on parole, work release, or while in the
16 custody of the director of the department of corrections.

17 .Sec. 2. Section 903A.2, subsection 1, unnumbered paragraph
18 1, Code 2001, is amended to read as follows:

19 Each inmate committed to the custody of the director of the
20 department of corrections is eligible to earn a reduction of
21 sentence in the manner provided in this section. However, an
22 inmate serving an alternative sentence under section 901C.1 is
23 not eligible to earn a reduction of sentence in the manner
24 provided in this section but shall receive credit in the
25 manner as provided in section 901C.1. For purposes of
26 calculating the amount of time by which an inmate's sentence
27 may be reduced, inmates shall be grouped into the following
28 two sentencing categories:

29 Sec. 3. Section 903.4, Code 2001, is amended to read as
30 follows:

31 903.4 PROVIDING PLACE OF CONFINEMENT.

32 All persons sentenced to confinement for a period of one
33 year or less shall be confined in a place to be furnished by
34 the county where the conviction was had unless the person is
35 presently committed to the custody of the director of the Iowa

1 department of corrections, in which case the provisions of
2 section 901.8 apply, or unless the person is serving a
3 determinate term as part of an alternative sentence as
4 provided in section 901C.1. All persons sentenced to
5 confinement for a period of more than one year shall be
6 committed to the custody of the director of the Iowa
7 department of corrections to be confined in a place to be
8 designated by the director and the cost of the confinement
9 shall be borne by the state. The director may contract with
10 local governmental units for the use of detention or
11 correctional facilities maintained by the units for the
12 confinement of such persons.

13 Sec. 4. Section 907.1, subsection 3, Code 2001, is amended
14 to read as follows:

15 3. "Suspended sentence" means a sentencing option whereby
16 the court pronounces judgment and imposes a sentence and then
17 suspends execution of the sentence subject to the defendant's
18 compliance with conditions set by the court as a requirement
19 of the suspended sentence. Revocation of the suspended
20 sentence results in the execution of sentence already
21 pronounced. For purposes of an alternative sentence entered
22 under section 901C.1, a "suspended sentence" means a
23 sentencing option where the court pronounces judgment and
24 imposes a sentence and then suspends execution of the
25 sentence, except for a determinate term of confinement.
26 Revocation of the suspended sentence results in the execution
27 of the remaining balance of the sentence already pronounced.

28 Sec. 5. Section 907.3, Code 2001, is amended by adding the
29 following new subsection:

30 NEW SUBSECTION. 4. May sentence the defendant to an
31 alternative sentence under section 901C.1, if the defendant is
32 eligible, suspend the remaining balance of the sentence, and
33 place the person on probation upon such terms as it may
34 require, including commitment of the defendant to the judicial
35 district department of correctional services for supervision

1 or services under section 901B.1 at the level of sanctions
2 which the district department determines to be appropriate and
3 the payment of fees imposed under section 905.14. A person so
4 committed whose probation is revoked shall be given credit for
5 time served.

6 Sec. 6. Section 908.11, subsection 6, Code 2001, is
7 amended by adding the following new paragraph:

8 NEW PARAGRAPH. e. Revoke the probation of the defendant
9 who is on probation after serving an alternative sentence
10 under section 903C.1, and require the defendant to serve the
11 remaining balance of the sentence.

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**SENATE FILE 487
FISCAL NOTE**

The estimate for **Senate File 487 as passed by the Senate** is hereby submitted as a fiscal note pursuant to Joint Rule 17 and as a correctional impact statement pursuant to Section 2.59, 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.

Senate File 487 as passed by the Senate creates alternative sentences for offenders other than those convicted as habitual offenders; sexual predators; or a felony while on parole, work release, or while in the custody of the Director of the Department of Corrections. The Bill provides that a person sentenced to a term of confinement for a Class D or Class C felony may be sentenced to an alternative sentence. This option does not apply to forcible felonies, third or subsequent offenses of operating while intoxicated or drugged, or felonies requiring service of 85% of the sentence. Senate File 487 as passed by the Senate provides that the Court may sentence a person to confinement in a correctional institution for a determinate term of at least six months but not more than twelve months for a Class C felony and at least three months but not more than six months for a Class D felony. The Bill also provides that a person serving a determinate term as part of an alternative sentence shall receive credit for time served against the person's sentence but shall not be eligible for earned time credits. The person is not eligible for parole or work release while serving the determinate term. The person is placed on probation after serving the determinate portion of the sentence. If the person is revoked while on probation, the person may be resentenced by the Court to the balance of the indeterminate sentence authorized for the original criminal offense. If the probation is revoked and the person is confined to a correctional institution, the person is required to serve any mandatory minimum sentence previously suspended by the Court.

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, 2001. A lag effect 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 1999 and FY 2000 data.
5. There were 275 offenders released from prison during FY 2000 under current judicial reconsideration provisions (shock probation). Based on FY 1999

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- 10.1 for those types of releases, approximately 85.8% of such releases involve offenses for which the Bill provides a different type of alternative prison sentence.
6. Judges will use this new sentencing option at least as often as current shock probation. Compared to current law for shock probation, the Bill does not require another court hearing for sentence reconsideration. Additionally, offenders sentenced under Senate File 487 as passed by the Senate will serve a longer prison sentence relative to current law under shock probation (90 days).
7. Approximately 191 offenders annually would be sentenced to the new alternative sentence. No information is readily available regarding whether or not this group would have otherwise been sentenced to prison. Therefore, it is assumed that 50.0% of the offenders sentenced under Senate File 487 as passed by the Senate would have been sentenced to prison under current law, while 50.0% of the offenders would have received a suspended sentence with probation.
8. Offenders sentenced under Senate File 487 as passed by the Senate will be sentenced to the average term within the range of months provided in the Bill.
9. A 17.5% revocation rate was applied, based on recent parole recidivism research.
10. The marginal cost per day for State prisons is \$16 per inmate. The marginal cost per day for probation and parole is \$1.56 per offender.

CORRECTIONAL IMPACT

During FY 2002, 96 offenders will be sentenced under Senate File 487 as passed by the Senate for the following offenses: 42 will be Class C nonviolent offenses, 3 will be Class C crimes against people, 45 will be Class D nonviolent offenses, and 6 will be Class D crimes against people.

During FY 2003, 191 offenders will be sentenced for the following offenses: 84 will be Class C nonviolent offenses, 6 will be Class C crimes against people, 90 will be Class D nonviolent offenses, and 11 will be Class D crimes against people.

There will be 48 people sentenced to prison during FY 2002 for Class C and Class D felonies under this Bill. However, the prison population will only increase by 32 inmates since the offenders will serve a shorter prison term compared to current law. The prison population will decrease by 32 inmates during FY 2003 and 66 during FY 2006.

Admissions to Community-Based Corrections (CBC) will decrease by 16 offenders during FY 2002. Admissions to probation and parole supervision will increase by 96 offenders during FY 2003 and 192 offenders by FY 2006.

FISCAL IMPACT

State correctional system costs are anticipated to decrease over the long term under Senate File 487 as passed by the Senate. There is no impact upon county jails.

State General Fund:

	FY 2002	FY 2003	FY 2006
State Prison Costs	\$ 104,000	\$ (107,000)	\$ (220,000)
CRJ Costs	(9,000)	54,000	138,000
Total General Fund Impact	\$ 95,000	\$ (53,000)	\$ (112,000)

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SOURCES

Criminal and Juvenile Justice Planning Division, Department of Human Rights
Department of Corrections
Parole Board
State Public Defender's Office

(CSP 3197sv 2, BAL)

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BY DENNIS PROUTY, FISCAL DIRECTOR