



## **BILL AND AMENDMENT SUMMARY**

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# **HF 2064 Mandatory Minimums**

Status of Bill: Floor  
Committee: Judiciary Committee (19-2)  
Lead Democrats: Rep. Dawson  
Floor Manager: Rep. Rizer  
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### **Summary**

House File 2064 changes mandatory minimum sentences for certain felony crimes.

The bill creates a mandatory minimum for a conviction of child endangerment (Iowa Code Section 726.6) for intentional acts that use unreasonable force, torture, or cruelty that results in the death of a child. Child endangerment resulting in death is a special class “B” felony, often referred to as a “Super B”, under current Iowa law. This mandatory minimum would require anyone convicted of this offense to spend at least 3/10 of the maximum sentence, which would be 15 years out of a 50 year maximum term of incarceration. The sentencing court may determine when the person becomes eligible for consideration of parole, with a possible maximum sentence before parole is considered of 7/10 of the maximum sentence, which would be 35 years out of a maximum term of confinement of 50 years.

HF 2064 changes the mandatory minimum for robbery. A person convicted of robbery in the 2nd degree after July 1, 2016, must serve at least 3/10 of the maximum term of confinement before being considered for parole. Current law requires at least 7/10 of the sentence to be served before an offender can be considered for parole. Robbery in the 2nd degree is a class “C” felony that is punishable by up to 10 years in prison. A sentencing court may require the offender to spend up to 7/10 of the maximum term of confinement before being considered for parole based on the offender’s criminal record and impact the offense had on the victim or others. The bill also included a procedure for offenders convicted already convicted of robbery in the 2nd degree to be considered for parole after 3/10 of the offender’s sentence was served.

Robbery in the 2nd degree is a robbery that does NOT involve a dangerous weapon or where the person purposely inflicts or attempts to inflict serious injury. Generally speaking, robbery is when a person has the intent to commit a theft and commits an assault, or threatens to commit a similar offense while committing a theft.

### **Amendment Summary**

#### **H-8196 by Senate**

Substantial changes from House File 2064:

- Removes the reduced mandatory minimums for robbery offenses.
- Allows the board of parole to place a person on parole if the person is sentenced for certain violations of 124.401 related to manufacturing, delivering, possessing, or a controlled substance if the person is not classified as a high risk to offend and the person has served at least 1/2 of the minimum required confinement. The current mandatory minimum for these offenses is 1/3 of the minimum required confinement, so this bill would effectively give the board of parole discretion to parole an offender after serving 1/6 of the maximum term of confinement.

- Extends the statute of limitations for child endangerment resulting in injury or death to 10 years after the person against whom the offense was committed attains 18 years old or if DNA is used within 3 years, whichever is later. The current statute of limitations for child endangerment is 3 years after the commission of the offense.
- Expands the considerations for a sentencing court to determine the length of a mandatory minimum for child endangerment resulting in death to include a validated risk assessment. This is in addition to the considerations already in the bill for the offender's criminal record and whether the incident involved multiple intentional acts.

### **H-8301 by Baltimore**

Substantial changes from H-8196:

- Removes the requirement that the reduced mandatory minimum for certain drug offenses is only for non-high risk offenders
- Creates a new criminal offense of Robbery in the 3rd degree. Robbery in the 3rd degree is a robbery that involves at most a simple misdemeanor assault.
- Makes the mandatory minimum for Robbery in the 2nd degree 1/2 of the maximum term of confinement, or in other words an offender would have to serve 5 years of a 10 year maximum sentence for Robbery in the 2nd degree before being considered for parole.

## **Compromise Summary**

Included Provisions:

- Creates a mandatory minimum of 3/10 of the maximum term for Child Endangerment resulting in death. Child endangerment resulting in death is a special class "B" felony, often referred to as a "Super B", under current Iowa law. This mandatory minimum would require anyone convicted of this offense to spend at least 3/10 of the maximum sentence, which would be 15 years out of a 50 year maximum term of incarceration.
- Reduces the mandatory minimum for robbery. A person convicted of robbery in the 2nd degree after July 1, 2016, must serve at least 1/2 of the maximum term of confinement before being considered for parole. Current law requires at least 7/10 of the sentence to be served before an offender can be considered for parole. Robbery in the 2nd degree is a class "C" felony that is punishable by up to 10 years in prison. This effectively reduces the mandatory minimum for Robbery in the 2nd degree from 7 years to 5 years.
- Reduces the mandatory minimum for certain drug offenses from 1/3 to 1/6 of the maximum sentence, but allows the imposition of a maximum mandatory minimum before eligible for parole of the maximum sentence for these drug crimes. This effectively reduces the mandatory minimum on a 25 year class "B" offense from 8 and 1/3 years to 4 and 1/6 years and for a class "C" 10 year sentence from 3 and 1/3 years to 1 and 2/3 years. The amendment also includes retroactive reductions of mandatory minimums for certain drug offenses.
- Creates a new crime for Robbery in the 3rd degree that is a robbery that involves a theft with a simple misdemeanor assault. The bill specifically notes that a robbery involving only a simple misdemeanor assault is not Robbery in the 2nd degree. Robbery in the 3rd degree is an aggravated misdemeanor that is punishable by up to 2 years in prison with no mandatory minimum. Robbery in the 2nd degree is a class "C" felony punishable by up to 10 years in prison with a mandatory minimum sentence of 7 years before an offender is eligible for parole.
- Extends the statute of limitations for child endangerment to 10 years after the person against whom the offense was committed attains 18 years old or if DNA is used within 3 years, whichever is later. The current statute of limitations for child endangerment is 3 years after the commission of the offense.
- Requires a court to consider all pertinent information when setting parole eligible for certain drug, child endangerment, and robbery offenses.
- Clarifies that drug offenses are eligible for parole, as is current law, are also eligible for work release.