



[HF 572](#) – Trespassing by Drone, Agricultural Buildings, Feedlots, and Homes (LSB2146HV.1)
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Fiscal Note Version – As amended and passed by the House

Description

[House File 572](#) establishes the following offenses, provides penalties, and provides for exceptions to the offenses:

- Intrusion by the use of a remotely piloted aircraft (RPA).
- Surveillance by the use of an RPA.

A person commits intrusion by the use of an RPA if the person knowingly controls the flight of an RPA over a homestead or a secure farmstead area, if the homestead or secure farmstead area is not owned or leased by the person, and the RPA remains over the homestead or secure farmstead area. The penalty is a simple misdemeanor, or a serious misdemeanor if the person has previously been convicted of this offense or surveillance by the use of an RPA.

A person commits surveillance by the use of an RPA if the person knowingly controls the flight of an RPA equipped with a surveillance device over a homestead or secure farmstead area, if the homestead or secure farmstead area is not owned or leased by the person, and the RPA remains over the homestead or secure farmstead area. The penalty is a serious misdemeanor, or an aggravated misdemeanor if the person has previously been convicted of this offense or intrusion by the use of an RPA.

The Bill also provides for injunctive relief for a person being harassed by another person who is controlling the flight of an RPA equipped with a surveillance device over the person's homestead or secure farmstead area.

Background

An aggravated misdemeanor is punishable by confinement for up to two years and a fine of at least \$855 but not more than \$8,540. A serious misdemeanor is punishable by confinement for up to one year and a fine of at least \$430 but not more than \$2,560. A simple misdemeanor is punishable by confinement for up to 30 days and a fine of at least \$105 but not more than \$855.

Assumptions

- The following will not change over the projection period: charge, conviction, and sentencing patterns and trends; prisoner length of stay (LOS); revocation rates; plea bargaining; and other criminal justice system policies and practices.
- A lag effect of six months is assumed from the effective date of this Bill to the date of first entry of affected offenders into the correctional system.
- Marginal costs for county jails cannot be estimated due to a lack of data. For purposes of this analysis, the marginal cost for county jails is assumed to be \$50 per day.

Correctional Impact

House File 572 creates new criminal offenses, and the correctional impact cannot be estimated for the Bill due to a lack of existing conviction data. **Table 1** shows estimates for sentencing to State prison, parole, probation, or Community-Based Corrections (CBC) residential facilities;

LOS under those supervisions; and supervision marginal costs per day for all convictions of aggravated misdemeanors and serious misdemeanors. A conviction for a simple misdemeanor does not result in a prison sentence but carries the possibility of confinement for up to 30 days. Marginal county jail costs are estimated to be \$50 per day. Refer to the Legislative Services Agency (LSA) memo addressed to the General Assembly, [Cost Estimates Used for Correctional Impact Statements](#), dated January 20, 2023, for information related to the correctional system.

Table 1 — Sentencing Estimates and LOS

Conviction Offense Class	Percent Ordered to State Prison	FY 22 Avg LOS in Prison in Months (All Releases)	FY 22 Marginal Cost Per Day Prison	Percent Ordered to Probation	FY 22 Avg LOS on Probation in Months	FY 22 Avg Cost Per Day Probation	Percent Sentenced to CBC Residential Facility	FY 22 Marginal Cost Per Day CBC	Percent Ordered to County Jail	Marginal Cost Per Day Jail	FY 22 Avg LOS on Parole in Months	FY 22 Marginal Cost Per Day Parole
Aggravated Misdemeanor (Non-Persons)	31.4%	7.5	\$23.42	45.6%	20.7	\$7.27	3.3%	\$20.67	72.2%	\$50.00	8.2	\$7.27
Serious Misdemeanor	1.9%	5.5	\$23.42	51.2%	13.7	\$7.27	0.9%	\$20.67	73.3%	\$50.00	0.5	\$7.27

Minority Impact

House File 572 establishes new offenses. As a result, the Division of Criminal and Juvenile Justice Planning (CJJP) of the Department of Human Rights cannot use existing data to estimate the minority impact of the Bill. Refer to the LSA memo addressed to the General Assembly, [Minority Impact Statement](#), dated January 20, 2023, for information related to minorities in the criminal justice system.

Fiscal Impact

House File 572 establishes new offenses, and the fiscal impact cannot be estimated due to a lack of existing conviction data. **Table 2** below shows the average State cost per offense for an aggravated misdemeanor, serious misdemeanor, and simple misdemeanor. The estimated impact to the State General Fund includes operating costs incurred by the Judicial Branch, the Indigent Defense Fund, and the Department of Corrections (DOC). The cost would be incurred across multiple fiscal years for prison and parole supervision.

Table 2 — Average State Cost Per Offense

Offense Class	Average Cost
Aggravated Misdemeanor	\$5,000 to \$9,600
Serious Misdemeanor	\$400 to \$5,600
Simple Misdemeanor	\$35 to \$375

Sources

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

/s/ Jennifer Acton

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The fiscal note for this Bill was prepared pursuant to [Joint Rule 17](#) and the Iowa Code. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.

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