



[HF 2608](#) – Unauthorized Aliens, Public Assistance and Smuggling (LSB5653HV)
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Fiscal Note Version – New

Description

[House File 2608](#) relates to state residency and citizenship requirements when determining eligibility for public assistance and creates criminal offenses for the smuggling of persons.

Division I — State Residency and Citizenship Requirements for Public Assistance

Description

House File 2608 relates to state residency and citizenship requirements when determining eligibility for public assistance and creates criminal offenses for the smuggling of persons.

Division I creates a new Iowa Code section that expands the verification process for public assistance benefits. This Bill establishes that only a noncitizen who is both a resident of Iowa and a qualified alien will be eligible for public assistance.

Background

Under current Iowa Code chapter [239](#), the Department of Health and Human Services (HHS) is required to determine income eligibility, verify the identity of an applicant, and verify the assets of an applicant in order for the applicant to receive public assistance benefits.

Assumptions

- The HHS will need to modify its interface network, which is estimated to require 239 hours of work at \$125 per hour.
- The verification required in HF 2608 will be completed through the Systematic Alien Verification for Entitlements (SAVE) Program administered by the United States Department of Homeland Security.
- The one-time costs will be paid with approximately 32.0% from State funds and 68.0% from federal funds.

Fiscal Impact

The total one-time cost of **Division I** of the Bill is \$92,000 to implement the information technology changes required under HF 2608. The one-time cost to the HHS is estimated to be approximately \$29,000 and federal funds will be used to pay approximately \$63,000. **Figure 1** shows the breakdown of the one-time costs.

Figure 1 — One-time Costs to the HHS for HF 2608

Expense Category	FY 2025	
	Total	State
Contractors	\$ 29,911	\$ 9,544
Applications/System Changes	62,500	19,943
Total Costs	\$ 92,411	\$ 29,487

Division II — Smuggling of Persons

Description

Division II of House File 2608 creates a new Iowa Code section which provides that the smuggling of persons is a Class C felony. Under the Bill, a person commits the offense of smuggling of persons when the actor knowingly does any of the following involving a noncitizen individual:

- Uses a motor vehicle, aircraft, watercraft, or other means of conveyance to transport a person with the intent to:
 - Conceal the individual from a peace officer.
 - Flee from a person the actor knows is a peace officer attempting to lawfully arrest or detain the actor.
- Encourages or induces a person to enter or remain in the United States in violation of federal law by concealing, harboring, or shielding that person from detection.
- Assists, guides, or directs two or more individuals to enter or remain on agricultural land without the effective consent of the owner.

Under the Bill, a person commits a Class B felony under any of the following circumstances:

- Commits the act of smuggling persons in a manner that creates substantial likelihood that the smuggled individual will suffer bodily injury or death.
- Smuggles an individual under 18 years of age.
- Smuggles persons with the intent to obtain a pecuniary benefit.
- During the commission of the offense, the person, another party to the offense, or an individual assisted, guided, or directed by the person knowingly possesses a firearm.

A person commits a Class A felony under any of the following circumstances:

- As a result of the smuggling, the smuggled individual becomes a victim of sexual abuse under Iowa Code section [709.2](#) or Iowa Code section [709.3](#).
- The smuggled individual suffers serious bodily injury or death.

Background

A Class A felony is punishable by confinement for life in prison without possibility for parole or probation. A Class B felony is punishable by confinement for no more than 25 years. A Class C felony is punishable by confinement for no more than 10 years and a fine of at least \$1,270, but no more than \$13,660.

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 delay 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

Division II of House File 2608 creates new criminal offenses, and the correctional impact cannot be estimated due to a lack of existing conviction data. **Figure 2** shows estimates for sentencing to State prison, parole, probation, or Community-Based Corrections (CBC) residential facilities; LOS in months under those supervisions; and supervision marginal costs per day for Class B felonies and Class C felonies. Class A felonies are punishable by a mandatory life sentence and do not include parole, probation, or CBC marginal costs. The marginal cost per day for an individual in prison is \$24.94. Refer to the Legislative Services Agency (LSA) memo addressed to the General Assembly, [Cost Estimates Used for Correctional Impact Statements](#), dated January 16, 2024, for information related to the correctional system.

Figure 2 — Sentencing Estimate and Length of Stay Under HF 2608

Conviction Offense Class	Percent Ordered to State Prison	FY 2023 Avg LOS in Prison (All Releases)	Marginal Cost Per Day Prison	Percent Ordered to Probation	FY23 Field Avg LOS on Probation	Avg Cost Per Day on Probation	Percent Sentenced to CBC Residential Facility	Marginal Cost Per Day CBC	Percent Ordered to County Jail	Marginal Cost Per Day Jail	FY23 Field Avg LOS on Parole	Marginal Cost Per Day Parole
B Felony (Persons)	95.2%	132.1	\$24.94	9.7%	53.3	\$ 7.67	2.1%	\$ 20.00	45.5%	\$ 50.00	26.7	\$ 7.67
B Felony (Non-Persons)	91.5%	42.5	\$24.94	32.5%	34.0	\$ 7.67	1.7%	\$ 20.00	39.3%	\$ 50.00	30.1	\$ 7.67
C Felony (Non-Persons)	86.0%	19.4	\$24.94	64.2%	42.2	\$ 7.67	13.0%	\$ 20.00	34.0%	\$ 50.00	21.3	\$ 7.67

Minority Impact

Division II of House File 2608 creates new offenses. As a result, Criminal and Juvenile Justice Planning (CJJP) of the Department of Management (DOM) 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 16, 2024, for information related to minorities in the criminal justice system.

Fiscal Impact

Division II of House File 2608 creates new criminal offenses, and the fiscal impact cannot be estimated due to a lack of existing data. **Figure 3** shows the average State cost per offense for a Class A felony, Class B felony, and Class C felony. 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.

Figure 3 — Average State Cost Per Offense

Offense Class	Average Cost
Class A Felony	\$198,300 to \$202,500
Class B Felony	\$16,100 to \$55,200
Class C Felony	\$14,300 to \$27,500

Sources

Department of Corrections
Criminal and Juvenile Justice Planning, Department of Management
Department of Health and Human Services
Legislative Services Agency

/s/ Jennifer Acton

March 6, 2024

Doc ID 1447082

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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