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[SF 2261](#) – Ignition Interlock Devices (LSB5491SV.1)  
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Fiscal Note Version – As amended and passed by the Senate

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## **Description**

[Senate File 2261](#) requires the installation of an ignition interlock device (IID) on every vehicle operated by a person whose driver's license is revoked for operating while intoxicated (OWI) prior to the issuance of a temporary restricted license (TRL). This requirement applies regardless of whether or not the person has had previous convictions or revocations under Iowa Code chapter [321J](#).

The Bill makes the following changes:

- Establishes the alcohol concentration beyond which an IID will not allow the operation of the motor vehicle at 0.04.
- Establishes compliance-based removal provisions that may extend the period of time a person is required to maintain an IID for multiple violations in a certain time period. The Bill establishes reporting requirements for IID providers.
- Amends an existing penalty for circumventing or tampering with an IID to include the removal of an IID. The penalty for this act is a serious misdemeanor.
- Requires the Department of Transportation (DOT) to establish procedures by administrative rule to waive IID requirements under Iowa Code chapter 321J for individuals with a verifiable medical condition.
- Requires the DOT to develop an electronic process in which an approved IID provider is able to identify the start date of a driver's license revocation and to provide notice of any violations and a final compliance report.
- Prohibits an IID provider from imposing an early termination fee.

The Bill takes effect January 1, 2025, and is applicable to license revocations that occur after the effective date.

## **Background**

Currently, a person whose driver's license is revoked for operating while intoxicated is required to install an IID before being issued a TRL by the DOT. The IID must be installed on every vehicle owned or operated by the person, or every vehicle operated by the person if the person has had no previous conviction or revocation under Iowa Code chapter 321J.

The Department of Public Safety establishes by administrative rule the level of alcohol concentration beyond which an IID will not allow the operation of the motor vehicle. The current level is 0.025 under [661 IAC 158.6](#).

Currently, a person with a second or subsequent driver's license revocation for OWI is required to install an IID for a minimum of one year after reinstatement of a full driver's license (not a TRL). The one-year period will be reduced by any time a person had an IID installed on a person's vehicle while operating with a TRL.

Under current law, a person found guilty of violating Iowa Code chapter 321J commits a serious misdemeanor, which can result in a period of imprisonment in county jail of at least 48 hours but not more than 1 year and a fine of at least \$430 but not more than \$2,560. The person's driver's license is revoked for a period of 180 days unless the person is issued a TRL.

In FY 2023, there were 5 convictions under Iowa Code sections [321J.4\(8\)\(f\)](#) and [321J.20\(7\)](#) for tampering with or circumventing an IID, 2 convictions for failure to install pursuant to Iowa Code section 321J.4(8)(e), and 74 convictions under Iowa Code section 321J.4(8)(c) for operating a vehicle without installing an IID.

**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.
- The DOT estimates a one-time information technology (IT) programming cost.

**Correctional Impact**

Since SF 2261 amends an existing serious misdemeanor, it is unknown how many additional convictions would occur. As a result, the correctional impact of the Bill cannot be determined due to a lack of data. **Figure 1** provides 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 serious misdemeanor convictions. 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 1 — Sentencing Estimate and Length of Stay (LOS)**

| Conviction Offense Class | Percent Ordered to State Prison | FY 23 Avg LOS In Prison In Months (All Releases) | FY 23 Marginal Cost Per Day Prison | Percent Ordered to Probation | FY 23 Avg LOS on Probation In Months | FY 23 Avg Cost Per Day Probation | Percent Sentenced to CBC Residential Facility | FY 23 Marginal Cost Per Day CBC | Percent Ordered to County Jail | Avg Length of Stay in County Jail | Marginal Cost Per Day Jail | FY 23 Avg LOS on Parole In Months | FY 23 Marginal Cost Per Day Parole |
|--------------------------|---------------------------------|--|------------------------------------|------------------------------|--------------------------------------|----------------------------------|---|---------------------------------|--------------------------------|-----------------------------------|----------------------------|-----------------------------------|------------------------------------|
| Serious Misdemeanor      | 1.7%                            | 6.6  | \$24.94                            | 53.0%                        | 19.2                                 | \$7.67                           | 1.2%  | \$20.00                         | 74.2%                          | N/A                               | \$50.00                    | N/A                               | \$7.67                             |

**Minority Impact**

The minority impact cannot be determined due to a lack of data. 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**

The fiscal impact cannot be estimated due to a lack of data. The penalty for a serious misdemeanor is an average State cost of a minimum of \$400 and a maximum of \$6,859. The estimated cost 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. In addition, the DOT estimates one-time IT programming costs of approximately \$34,000 resulting from the Bill.

**Sources**

Criminal and Juvenile Justice Planning, Department of Management  
Iowa Department of Transportation

/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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