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[SF 2261](#) – Ignition Interlock Devices (LSB5491SV.2)  
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Fiscal Note Version – Final Action

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## **Description**

[Senate File 2261](#) requires the installation of an ignition interlock device (IID) on all vehicles 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 the person has had previous convictions or revocations under Iowa Code chapter [321J](#).

The Bill makes the following changes:

- Prohibits an IID provider from imposing an early termination fee.
- Establishes compliance-based removal provisions that extend the period of time a person is required to maintain an IID for multiple violations in a certain time period, as well as tampering with or removing the device.
- Amends an existing penalty for circumventing or tampering with an IID to include the removal of an IID. The penalty for this action is a serious misdemeanor.
- Requires the Department of Transportation (DOT) to develop an electronic process for an approved IID provider to identify the start date of a driver's license revocation and to provide notice of any violations and a final compliance report.
- Establishes reporting requirements for IID providers.
- Requires the DOT to establish procedures by administrative rule to waive IID requirements under Iowa Code chapter 321J for individuals with a verifiable medical condition that makes a person incapable of properly operating an IID.

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

## **Background**

Currently, a person whose driver's license is revoked for OWI or for refusing to the implied consent to test a person's blood, breath, or urine is required to install an IID before being issued a TRL by the DOT. The IID must be installed on every vehicle operated by the person if the person has no previous revocation under Iowa Code chapter 321J, and on every vehicle owned or operated by the person if the person has had a 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 section [321J.2](#) for the first time 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 \$1,250 fine. The person’s driver’s license is revoked for a period of 180 days, but the person may be eligible to be 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 (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 costs incurred by the Judicial Branch, the Indigent Defense Fund, and the Department of Corrections (DOC). 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

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/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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