

**NINETIETH GENERAL ASSEMBLY
2024 REGULAR SESSION
DAILY
HOUSE CLIP SHEET**

March 7, 2024

Clip Sheet Summary

Displays all amendments, fiscal notes, and conference committee reports for previous day.

Bill	Amendment	Action	Sponsor
HF 2523	H-8163	Adopted	THOMSON of Floyd
HF 2575	H-8169	Filed	WESSEL-KROESCHELL of Story
HF 2577	H-8167	Filed	GUSTOFF of Polk
HF 2580	H-8168	Filed	LOHSE of Polk
HF 2591	H-8166	Filed	BODEN of Warren
HF 2601	H-8164	Withdrawn	B. MEYER of Polk
HF 2602	H-8170	Filed	B. MEYER of Polk
HF 2605	H-8165	Filed	LOHSE of Polk
HF 2630	H-8171	Filed	GUSTOFF of Polk

Fiscal Notes

[HF 2537](#) — [Treasurer of State, 529 Accounts and Unclaimed Property](#)
(LSB5342HV)

[HF 2560](#) — [Civil Asset Forfeiture](#) (LSB5069HV)

[HF 2575](#) — [Fetal Homicide](#) (LSB6024HV)

[HF 2577](#) — [Guardianships, Hospice and End-of-Life Care and Decisions](#)
(LSB6282HV)

[HF 2583](#) — [Postpartum Coverage, Medicaid](#) (LSB5156HV.1)

[HF 2598](#) — [Mob Looting, Criminal Offense](#) (LSB5303HV)

[HF 2608 — Unauthorized Aliens, Public Assistance and Smuggling \(LSB5653HV\)](#)

[HF 2639 — License Plates, Gadsden Flag \(LSB5535HZ\)](#)

HOUSE FILE 2523

H-8163

1 Amend the amendment, H-8136, to House File 2523, as follows:

2 1. Page 1, line 5, by striking <and do> and inserting <for

3 the primary purpose of performing>

By THOMSON of Floyd

H-8163 FILED MARCH 6, 2024

ADOPTED

HOUSE FILE 2575

H-8169

- 1 Amend House File 2575 as follows:
- 2 1. Page 3, after line 8 by inserting:
- 3 <d. The ordering, prescribing, dispensing, administering, or
- 4 use of hormonal contraceptives.
- 5 e. In vitro fertilization.>

By WESSEL-KROESCHELL of Story

H-8169 FILED MARCH 6, 2024

HOUSE FILE 2577

H-8167

1 Amend House File 2577 as follows:

2 1. By striking everything after the enacting clause and
3 inserting:

4 <Section 1. Section 633.635, subsection 2, paragraph a,
5 Code 2024, is amended to read as follows:

6 a. Making decisions regarding the care, maintenance, health,
7 education, welfare, and safety of the protected person except
8 as otherwise limited by the court. Decisions regarding a
9 protected person's health include all of the following:

10 (1) The ability to enter into hospice care if the protected
11 person is deemed to have a terminal condition defined in
12 section 144A.2 and is in palliative care.

13 (2) The power to withhold or withdraw life-sustaining
14 procedures from a patient pursuant to section 144A.7.

15 (3) (a) The power to execute, reaffirm, and revoke
16 a do-not-resuscitate order pursuant to section 144A.7A
17 provided that a do-not-resuscitate order may only be executed,
18 reaffirmed, or revoked for a protected person who is in
19 a terminal condition and who is comatose, incompetent, or
20 otherwise physically or mentally incapable of communication
21 and has not made a declaration in accordance with section
22 144A.7A, if there is consultation and written agreement for the
23 executing, reaffirming, or revoking of a do-not-resuscitate
24 order by the attending physician, the guardian, and any of the
25 following individuals, who shall be guided by the express or
26 implied intentions of the protected person, in the following
27 order of priority if no individual in a prior class is
28 reasonably available, willing, and competent to act:

29 (i) The attorney in fact designated to make treatment
30 decisions for the protected person should the protected person
31 be diagnosed as suffering from a terminal condition, if the
32 designation is in writing and complies with chapter 144B.

33 (ii) The protected person's spouse.

34 (iii) An adult child of the protected person or, if the
35 protected person has more than one adult child, a majority

1 of the adult children who are reasonably available for
2 consultation.

3 (iv) A parent of the protected person, or parents if both
4 are reasonably available.

5 (v) An adult sibling of the protected person.

6 (b) When a decision is made pursuant to this subparagraph to
7 execute, reaffirm, or revoke a do-not-resuscitate order, there
8 shall be a witness present at the time of the consultation when
9 that decision is made.

10 Sec. 2. Section 633.635, subsection 3, paragraph b,
11 subparagraph (1), Code 2024, is amended to read as follows:

12 (1) (a) The withholding or withdrawal of life-sustaining
13 procedures from the protected person in accordance with chapter
14 144A or 144D.

15 (b) The guardian may also request court approval to
16 enter the protected person into hospice care; to consent to,
17 reaffirm, or revoke an out-of-hospital do-not-resuscitate
18 order pursuant to section 144A.7A; or to execute, reaffirm,
19 change, or revoke a physician order for scope of treatment form
20 pursuant to chapter 144D at any time that all of the following
21 conditions are met:

22 (i) The protected person is eligible for hospice care, is in
23 a terminal condition as defined by section 144A.2, or meets the
24 definition of a patient as defined in section 144D.1.

25 (ii) The decision is consistent with the express or implied
26 intention of the protected person or, if such intentions
27 are unknown, the decision is in the protected person's best
28 interests given the protected person's overall medical
29 condition and prognosis.

30 (iii) The guardian has consulted with the protected
31 person's attending physician, and the attending physician has
32 provided written agreement with the decision.>

By GUSTOFF of Polk

H-8167 (Continued)

H-8167 FILED MARCH 6, 2024

H-8168

1 Amend House File 2580 as follows:

2 1. Page 2, by striking lines 1 through 7 and inserting:

3 <4. a. If a child is under the age of ten, the same person
4 may serve as the child's counsel and the child's guardian ad
5 litem. A court may appoint a separate guardian ad litem if the
6 court finds that the same person cannot adequately represent
7 the child as the child's counsel while advocating for the best
8 interests of the child as guardian ad litem in accordance with
9 section 232.2, subsection 25, paragraph "e". If a child's
10 guardian ad litem is also acting as the child's counsel, each
11 report submitted to a court by the guardian ad litem shall
12 contain a statement indicating whether a separate guardian ad
13 litem is required based on the child's age or the guardian ad
14 litem's interviews and investigations conducted up to the time
15 the report is submitted to the court.

16 b. If a child attains ten years of age while represented by
17 a guardian ad litem pursuant to this section, the court shall
18 enter an order discharging the guardian ad litem and appoint
19 counsel for the child pursuant to the provisions of this
20 section. A court may appoint a guardian ad litem discharged
21 pursuant to this subsection as counsel for the child if the
22 person can properly represent the legal interests of the
23 child.>

24 2. Page 2, line 9, by striking <subsection:> and inserting
25 <subsections:>

26 3. Page 2, line 10, by striking <The> and inserting <If a
27 child remains in foster care after the matter which caused the
28 child to be placed in foster care has resolved, the>

29 4. By striking page 3, line 32, through page 4, line 4, and
30 inserting:

31 <NEW SUBSECTION. 4. a. If a child is under the age of
32 ten, the same person may serve as the child's counsel and the
33 child's guardian ad litem. A court may appoint a separate
34 guardian ad litem if the court finds that the same person
35 cannot adequately represent the child as the child's counsel

1 while advocating for the best interests of the child as
2 guardian ad litem in accordance with section 232.2, subsection
3 25, paragraph "e". If a child's guardian ad litem is also
4 acting as the child's counsel, each report submitted to a court
5 by the guardian ad litem shall contain a statement indicating
6 whether a separate guardian ad litem is required based on
7 the child's age or the guardian ad litem's interviews and
8 investigations conducted up to the time the report is submitted
9 to the court.

10 b. If a child attains ten years of age while represented by
11 a guardian ad litem pursuant to this section, the court shall
12 enter an order discharging the guardian ad litem and appoint
13 counsel for the child pursuant to the provisions of this
14 section. A court may appoint a guardian ad litem discharged
15 pursuant to this subsection as counsel for the child if the
16 person can properly represent the legal interests of the
17 child.>

18 5. Page 4, line 5, by striking <The> and inserting <If a
19 child remains in foster care after the matter which caused the
20 child to be placed in foster care has resolved, the>

21 6. Page 5, by striking lines 27 through 34 and inserting:
22 <NEW SUBSECTION. 4. a. If a child is under the age of
23 ten, the same person may serve as the child's counsel and the
24 child's guardian ad litem. A court may appoint a separate
25 guardian ad litem if the court finds that the same person
26 cannot adequately represent the child as the child's counsel
27 while advocating for the best interests of the child as
28 guardian ad litem in accordance with section 232.2, subsection
29 25, paragraph "e". If a child's guardian ad litem is also
30 acting as the child's counsel, each report submitted to a court
31 by the guardian ad litem shall contain a statement indicating
32 whether a separate guardian ad litem is required based on
33 the child's age or the guardian ad litem's interviews and
34 investigations conducted up to the time the report is submitted
35 to the court.

H-8168 (Continued)

1 *b.* If a child attains ten years of age while represented by
2 a guardian ad litem pursuant to this section, the court shall
3 enter an order discharging the guardian ad litem and appoint
4 counsel for the child pursuant to the provisions of this
5 section. A court may appoint a guardian ad litem discharged
6 pursuant to this subsection as counsel for the child if the
7 person can properly represent the legal interests of the
8 child.>

9 7. Page 5, line 35, by striking <The> and inserting <If a
10 child remains in foster care after the matter which caused the
11 child to be placed in foster care has resolved, the>

By LOHSE of Polk

H-8168 FILED MARCH 6, 2024

HOUSE FILE 2591

H-8166

1 Amend House File 2591 as follows:

2 1. By striking everything after the enacting clause and
3 inserting:

4 <Section 1. NEW SECTION. 135.194 **Lyme disease testing**
5 **information — immunity.**

6 1. A health care provider who orders a laboratory test for
7 the presence of Lyme disease shall provide the patient, or the
8 patient's legal representative, with the following information:
9 According to the centers for disease control and prevention,
10 as of 2011, Lyme disease is the sixth fastest growing disease
11 in the United States.

12 Your health care provider has ordered a laboratory test
13 for the presence of Lyme disease for you. Current laboratory
14 testing for Lyme disease can be problematic and standard
15 laboratory tests often result in false negative and false
16 positive results and, if performed too early, you may not have
17 produced enough antibodies to be considered positive because
18 your immune response requires time to develop antibodies. If
19 you are tested for the presence of Lyme disease and the results
20 are negative, this does not necessarily mean you do not have
21 Lyme disease. If you continue to experience symptoms, you
22 should contact your health care provider and inquire about the
23 appropriateness of retesting or additional treatment.

24 2. A health care provider shall be immune from civil
25 liability for providing written information in compliance with
26 this section, except in the case of gross negligence or willful
27 misconduct.

28 3. For the purposes of this section, "*health care provider*"
29 means a physician licensed to practice under chapter 148 or an
30 individual who orders a laboratory test for Lyme disease under
31 the authorization of the licensed physician.>

32 2. Title page, by striking lines 1 through 3 and inserting
33 <An Act relating to the provision of Lyme disease information
34 by a health care provider, and providing immunity.>

H-8166 (Continued)

By BODEN of Warren

H-8166 FILED MARCH 6, 2024

HOUSE FILE 2601

H-8164

- 1 Amend the amendment, H-8135, to House File 2601, as follows:
- 2 1. Page 1, after line 1 by inserting:
- 3 <1. Page 1, line 3, before <A> by inserting <1.>
- 4 _____. Page 1, line 8, by striking <1.> and inserting <a.>>
- 5 2. Page 1, after line 4 by inserting:
- 6 <____. Page 1, line 12, by striking <2.> and inserting <b.>>
- 7 3. Page 1, line 9, by striking <3.> and inserting <c.>
- 8 4. Page 1, after line 13 by inserting:
- 9 <2. This section applies to a city with a population of more
- 10 than twenty-five thousand but not more than twenty-six thousand
- 11 according to the 2020 federal decennial census and that is
- 12 known as the video game capital of the world by mayoral decree
- 13 issued on November 30, 1982.>>
- 14 5. By renumbering as necessary.

By B. MEYER of Polk

H-8164 FILED MARCH 6, 2024

WITHDRAWN

HOUSE FILE 2602

H-8170

- 1 Amend House File 2602 as follows:
- 2 1. Page 1, line 8, after <commit any> by inserting
- 3 <unlawful>

By B. MEYER of Polk

H-8170 FILED MARCH 6, 2024

H-8165

1 Amend House File 2605 as follows:

2 1. Page 7, after line 17 by inserting:

3 <DIVISION ____

4 STUDENT ACCESS TO BROAD-SPECTRUM CANNABIDIOL PRODUCTS

5 Sec. ____ . NEW SECTION. **280.16B Broad-spectrum cannabidiol**
6 **products.**

7 1. For purposes of this section, unless the context
8 otherwise requires:

9 a. "*Broad-spectrum cannabidiol*" means any pharmaceutical
10 grade cannabinoid found in the plant *Cannabis sativa* L. or
11 *Cannabis indica* or any other preparation thereof that contains
12 no tetrahydrocannabinol. "*Broad-spectrum cannabidiol*" does not
13 include "*medical cannabidiol*" as defined in section 124E.2.

14 b. "*Broad-spectrum cannabidiol product*" means a product
15 that contains broad-spectrum cannabidiol and contains no
16 tetrahydrocannabinol.

17 c. "*Licensed health care professional*" means the same as
18 provided in section 280.16, subsection 1.

19 d. "*School nurse*" means the same as provided in section
20 280.16A, subsection 1.

21 2. The board of directors in charge of each school district
22 and the authorities in charge of each accredited nonpublic
23 school shall establish procedures for a school nurse to
24 provide a broad-spectrum cannabidiol product to a student. The
25 policy must provide that a school nurse shall only provide a
26 broad-spectrum cannabidiol product to a student if the product
27 was provided to the school district or school by the parent
28 or guardian of the student and if the product is provided in
29 accordance with written instructions provided by the parent
30 or guardian. The policy shall provide for the broad-spectrum
31 cannabidiol product to be stored in a secure location when not
32 in use.

33 3. The policy established pursuant to subsection 2 must
34 provide for a form for a parent or guardian that shall be
35 filled out to the satisfaction of the school district or school

1 and signed before the broad-spectrum cannabidiol product is
2 provided to the student. The form must include all of the
3 following:

4 *a.* Instructions to the school district or school on the
5 use of the broad-spectrum cannabidiol product, including
6 the specific circumstances under which the product is to
7 be provided and, if applicable, the time and frequency for
8 providing the product and the expiration date of the product.

9 *b.* Authorization for the school district or school to
10 provide the broad-spectrum cannabidiol product to the student
11 in accordance with the instructions.

12 *c.* Certification that the product provided by the parent or
13 guardian is a broad-spectrum cannabidiol product.

14 *d.* Contact information for the parent or guardian and for a
15 licensed health care professional who provides medical care for
16 the student.

17 4. The parent or guardian shall include with the form
18 written documentation that the product provided by the parent
19 or guardian is a broad-spectrum cannabidiol product, which
20 shall include documentation from the manufacturer of the
21 product specifically indicating that the product contains no
22 tetrahydrocannabinol.>

23 2. Title page, line 1, by striking <hemp and hemp products,>
24 and inserting <hemp, hemp products, and student access to
25 broad-spectrum cannabidiol products,>

26 3. By renumbering as necessary.

By LOHSE of Polk

H-8165 FILED MARCH 6, 2024

HOUSE FILE 2630

H-8171

1 Amend House File 2630 as follows:

2 1. Page 1, before line 1 by inserting:

3 <Section 1. Section 97B.52A, subsection 1, paragraph c,
4 subparagraph (2), Code 2024, is amended by adding the following
5 new subparagraph division:

6 NEW SUBPARAGRAPH DIVISION. (d) For a member whose first
7 month of entitlement is July 2024 or later, but before July
8 2027, the member may return to covered employment as a teacher
9 for a covered employer after receiving one month of retirement
10 benefits. For the purposes of this subparagraph division,
11 "*teacher*" means a teacher licensed under chapter 256.>

12 2. Page 6, after line 26 by inserting:

13 <Sec. ____ . SCHOOL DISTRICT BUDGET STATEMENTS — FISCAL YEAR
14 BEGINNING JULY 1, 2024.

15 1. Notwithstanding section 24.2A, subsection 2, paragraph
16 "a", each school district shall file with the department of
17 management a report containing all necessary information for
18 the department of management to compile and calculate amounts
19 required to be included in the statements for the budget year
20 beginning July 1, 2024, mailed under section 24.2A, subsection
21 2, paragraph "b", no later than thirty calendar days after the
22 effective date of 2024 Iowa Acts, House File 2613, or successor
23 legislation, if enacted.

24 2. Notwithstanding section 24.2A, subsection 2, paragraph
25 "b", each county auditor, using information received under
26 subsection 1, shall send to each property owner or taxpayer
27 within the county by regular mail an individual statement
28 containing all of the information required by section
29 24.2A, subsection 2, paragraph "b", for each school district
30 comprising the owner's or taxpayer's taxing district no later
31 than thirty-five calendar days after the effective date of
32 2024 Iowa Acts, House File 2613, or successor legislation, if
33 enacted.

34 Sec. ____ . EFFECTIVE DATE. This Act, being deemed of
35 immediate importance, takes effect upon enactment.>

H-8171 (Continued)

- 1 3. Title page, by striking lines 1 through 3 and inserting
2 <An Act relating to teacher and education support professional
3 compensation, including teacher salary supplement cost
4 per pupil calculations, teacher minimum starting salary
5 requirements, Iowa public employees' retirement system bona
6 fide retirement requirements, and school district budget
7 statement reporting, making appropriations, and including
8 effective date provisions.>
9 4. By renumbering as necessary.

By GUSTOFF of Polk

[H-8171](#) FILED MARCH 6, 2024



[HF 2537](#) – Treasurer of State, 529 Accounts and Unclaimed Property (LSB5342HV)
Staff Contact: Joey Lovan (515.242.5925) joey.lovan@legis.iowa.gov
Fiscal Note Version – New

Description

[House File 2537](#) relates to the Treasurer of State’s (TOS’s) duties, including Iowa Educational Savings Plan Trust and Iowa ABLE Savings Plan Trust requirements and disposition of unclaimed property. The Bill is organized into two divisions.

Division I, Section 1 — 529 Contribution Increase

Description and Background

Section 1 of this Division increases the maximum contribution to a beneficiary’s 529 college savings account or Iowa ABLE savings account that may be deducted for Iowa income tax purposes to not more than \$5,500 per year. The contribution limit will adjust annually to reflect the increase in the Higher Education Price Index, rounded up to the nearest \$50 or \$100. This Division applies retroactively to January 1, 2024, for tax years beginning on or after that date.

A 529 college savings account is an investment account designed to save for qualified education expenses. College Savings Iowa is a 529 plan administered by the TOS. Currently, under Iowa Code section [12D.3](#), the maximum contribution that may be deducted for Iowa income tax purposes in tax year (TY) 2023 is \$3,785. This amount is adjusted annually to reflect increases in the Consumer Price Index. In TY 2022, the Iowa Department of Revenue (IDR) estimates there were 23,000 beneficiary accounts associated with taxpayers claiming the maximum deduction. At both the federal and State level, 529 account withdrawals that are not for a qualified purpose are subject to income tax.

Assumptions

- The estimated fiscal impact is calculated using the current number of existing 529 plans.
- 50.0% of taxpayers and associated beneficiary accounts that claimed the maximum deduction in TY 2022 will increase their contributions to the proposed new maximum.
- An average State income tax rate of 5.0% is used for TY 2024, decreasing to 4.5% in TY 2025 and to 3.9% each year thereafter.
- The Consumer Price Index is estimated to increase 2.0% between TY 2024 and TY 2029.
- The Higher Education Price Index is estimated to increase 3.0% between TY 2024 and TY 2029.
- Impact to the local income surtax is estimated to represent 2.7% of the impact to the General Fund for both the 529 contribution limit increase and the Roth Individual Retirement Account (IRA) transfer option.
- Tax year impacts will occur in the fiscal year in which the tax year ends (TY 2024 impacts will occur in FY 2025).

Fiscal Impact

Increasing the maximum contribution to a 529 college savings account or Iowa ABLE savings account to \$5,500 is estimated to reduce income tax revenue to the General Fund and local income surtax. The estimated fiscal impact of **Division 1**, Section 1 of HF 2537 is illustrated in **Figure 1**.

Figure 1 — Fiscal Impact of Increasing the Maximum Contribution to \$5,500 (in millions)

	<u>General Fund</u>		<u>Local Income Surtax</u>	
FY 2025	\$	-0.85	\$	-0.02
FY 2026		-0.82		-0.02
FY 2027		-0.74		-0.02
FY 2028		-0.80		-0.02
FY 2029		-0.83		-0.02

Division I, Section 2 — 529 to Roth Individual Retirement Account Transfer

Description and Background

Section 2 of this Division allows a transfer from a 529 educational account to a Roth IRA in accordance with the rules under federal Internal Revenue Code [§529\(c\)\(3\)\(E\)](#) to be exempt from State individual income tax. This Division applies retroactively to January 1, 2024, for tax years beginning on or after that date.

Under the federal Consolidated Appropriations Act, 2023, Pub. L. No. 117-328, transfers from a 529 educational account to a Roth IRA account beneficiary are exempt from federal taxation. The Roth contribution limits and the aggregate lifetime limit are \$35,000 if the 529 educational account has existed for at least 15 years. This federal law was effective January 1, 2024; however, as of February 1, 2024, the Internal Revenue Service (IRS) has not provided any detailed guidance on the rules for these rollovers.

Assumptions

The fiscal impact calculation is based on an [analysis](#) completed by the federal Joint Committee on Taxation on December 22, 2022. The analysis concluded that the 529 account change will reduce federal individual income tax revenues by the following amounts:

- TY 2024 = \$85.0 million
- TY 2025 = \$166.0 million
- TY 2026 = \$182.0 million
- TY 2027 = \$215.0 million
- TY 2028 = 240.0 million

The federal estimates were converted to State General Fund impacts using the following assumptions:

- The share of federal tax statistics represented by Iowa taxpayers is assumed to be 0.8%.
- The average marginal federal tax rate is assumed to be 12.5%.
- The marginal Iowa individual income tax rate is assumed to be:
 - TY 2024 = 5.00%
 - TY 2025 = 4.50%
 - TY 2026 and after = 3.90%
- Tax year impacts will occur in the fiscal year in which the tax year ends (TY 2024 impacts will occur in FY 2025).

Fiscal Impact

The estimated fiscal impact of **Division I**, Section 2 of HF 2537 for the creation of a new tax exemption for transfers from a 529 account to a Roth IRA is projected to reduce the General Fund revenue and local income surtax as shown in **Figure 2**.

Figure 2 — Fiscal Impact of 529 to Roth IRA Transfers (in millions)

	<u>General Fund</u>		<u>Local Income Surtax</u>	
FY 2025	\$	-0.27	\$	-0.01
FY 2026		-0.48		-0.01
FY 2027		-0.45		-0.01
FY 2028		-0.54		-0.01
FY 2029		-0.60		-0.02

Division II — Disposition of Unclaimed Property

Description

This Division removes the requirement for publication of public notice by the TOS for abandoned property, making it optional and at the discretion of the TOS. This Division also allows the TOS to waive the requirement of a claim form and pay or deliver property directly to a person if the person is shown to be the apparent owner. The TOS may use State tax information to identify the property owner.

Fiscal Impact

The fiscal impact for **Division II** is anticipated to be minimal.

House File 2537 Fiscal Impact

The total fiscal impact of HF 2537 is displayed in **Figure 3**.

Figure 3 — Fiscal Impact of HF 2537 (in millions)

	<u>General Fund</u>		<u>Local Income Surtax</u>	
FY 2025	\$	-1.12	\$	-0.03
FY 2026		-1.30		-0.04
FY 2027		-1.19		-0.03
FY 2028		-1.34		-0.04
FY 2029		-1.43		-0.04

Sources

Iowa Department of Revenue
Joint Committee on Taxation
Legislative Services Agency

/s/ Jennifer Acton

March 5, 2024

Doc ID 1447258

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.



[HF 2560](#) – Civil Asset Forfeiture (LSB5069HV)
Staff Contact: Justus Thompson (515.725.2249) justus.thompson@legis.iowa.gov
Fiscal Note Version – New

Description

[House File 2560](#) repeals Iowa Code chapter [809A](#) and replaces it with new Iowa Code chapter 809B. The Bill does the following:

- Prohibits civil forfeiture and provides that criminal forfeiture is only available to the seizure and forfeiture of property used in and derived from the violation of Iowa Code chapter [124](#), subchapter IV (Controlled Substances — Offenses and Penalties).
- Provides that the court that has jurisdiction in the related criminal matter will have jurisdiction over a forfeiture proceeding, and that the forfeiture is a part of the criminal trial. The forfeiture proceeding must follow a finding of the defendant's guilt or be conducted at the court's discretion. If the prosecuting authority fails to meet the burden in the criminal or forfeiture proceeding, the court must enter judgment dismissing the forfeiture proceeding. The Bill provides for appointed counsel for a defendant in a forfeiture proceeding if the person has a public defender, or court-appointed counsel, to the person in the connected criminal matter.
- Provides that in any proceeding in which a property owner's claim prevails by recovering at least half, by value, of the property or currency claimed, the court must order the seizing law enforcement agency or prosecuting authority at fault to pay all of the following:
 - Reasonable attorney fees and other litigation costs incurred by the claimant.
 - Postjudgment interest.
 - In cases involving currency, other negotiable instruments, or the proceeds of an interlocutory sale, any interest actually paid from the date of seizure.

The Bill also provides that if the forfeiture is granted, the court is required to order the sale of forfeited property. When all forfeited property is reduced to proceeds, the court may order the distribution of the proceeds to do any of the following:

- Pay restitution to the victim of the crime.
- Satisfy recorded liens, mortgages, or filed security interests in the forfeited property.
- Pay reasonable costs for the towing, storage, maintenance, repairs, advertising, sale, and other operating costs related to the forfeited property.
- Reimburse the seizing law enforcement agency for nonpersonnel operating costs, including controlled-drug buy money, related to the investigation of the crime.
- Reimburse the prosecuting authority, public defender, or court-appointed attorney for nonpersonnel court costs, including filing fees, subpoenas, court reporters, and transcripts.

After disbursements under Iowa Code section 809B.33(4), the court may reimburse actual costs of up to \$100,000 by ordering the disbursements of:

- Up to 50.0% of remaining funds to reimburse the seizing law enforcement agency for the salaries, benefits, and overtime pay of uniformed personnel expended in the seizure of the property and investigation of the crime.

- Up to 25.0% of the remaining funds to reimburse the prosecuting authority for the salaries, benefits, and overtime pay expended in the prosecution of the crime and forfeiture proceeding.
- Up to 25.0% percent of the remaining funds to reimburse the public defense or the fund to pay court-appointed counsel for the salaries, benefits, and overtime pay expended in the defense of the criminal defendant and forfeiture proceeding.

After disbursements under Iowa Code sections 809B.33(4) and 809B.33(5), the court may order the remaining funds be disbursed to any of the following:

- The General Fund of the State.
- The Department of Public Safety (DPS) to supplement existing statewide grants to law enforcement agencies for the purchases of equipment.
- The prosecuting agency for uses other than reimbursement of salaries, benefits, and overtime pay of personnel associated with the criminal prosecution of the case.
- The State Public Defender for uses other than reimbursement of salaries, benefits, and overtime pay of personnel associated with the criminal defense of the case.

A law enforcement agency is prohibited from selling forfeited property directly or indirectly to any another law enforcement agency.

Background

Asset forfeiture is a process by which contraband and proceeds or instrumentalities related to criminal activity may be seized by the State and sold. Asset forfeiture law in Iowa is governed by Iowa Code chapter 809A.

Under current law, civil forfeiture proceedings are independent of any criminal prosecution for the same conduct, and therefore, property may be forfeited even if criminal charges are not brought or if the defendant in a criminal case is acquitted. For seized property to be forfeited, the State must show, by clear and convincing evidence, that the property is subject to forfeiture under Iowa Code section [809A.4](#). There are five types of property that are subject to forfeiture: controlled substances, real and personal property, proceeds, weapons, and enterprise interests. In addition, in some circumstances, substitute assets may be subject to forfeiture.

Conduct giving rise to forfeiture is defined as an act or omission that is a public offense and is a serious or aggravated misdemeanor or felony in Iowa, or an act or omission occurring outside of Iowa that would be punishable by confinement of one year or more in the other state and would be a serious or aggravated misdemeanor or felony if it occurred in Iowa. Therefore, conduct that is a simple misdemeanor or a scheduled violation does not give rise to forfeiture.

If the value of the property to be forfeited is equal to or exceeds \$5,000, whether an act or omission is conduct giving rise to forfeiture does not depend on whether a person is arrested, prosecuted, or convicted for the act or omission, and an acquittal or dismissal in a criminal proceeding does not preclude forfeiture of property. Asset forfeiture for property valued at less than \$5,000 is prohibited unless the conduct giving rise to forfeiture results in a conviction, or one of the other exceptions related to the property owner has been met.

Once property has been forfeited to the State, the property must be delivered to the Iowa Department of Justice (DOJ) and destroyed, sold, traded, or given to any other State agency or to any other law enforcement agency within the State if, in the opinion of the Attorney General, it will enhance law enforcement within the State. Forfeited property that is not used by the DOJ in the enforcement of the law may be requisitioned by the DPS or any law enforcement agency within the State for use in enforcing the criminal laws of the State. Forfeited property not

requisitioned may be delivered to the Director of the Department of Administrative Services to be disposed.

Forfeited property that is a controlled substance or a simulated, counterfeit, or imitation controlled substance must be destroyed, but prescription drugs may be given to nonprofit hospitals. Forfeited weapons and ammunition are deposited with the DPS and disposed of in accordance with the DPS's rules. Weapons that are not illegal or offensive may be sold at auction. Proceeds from weapons sales, less expenses, are deposited in the General Fund of the State.

If the forfeited property is cash or proceeds from the sale of real property, the DOJ is prohibited from retaining more than 10.0% of the gross sale of any forfeited real property. The balance of the proceeds is distributed to the seizing agency for use by the agency or for division among law enforcement agencies and county attorneys pursuant to any agreement entered into by the seizing agency. In the event of a cash forfeiture of more than \$400,000, the distribution of forfeited cash is to be as follows:

- 45.0% is to be retained by the seizing agency.
- 45.0% is to be distributed to other law enforcement agencies within the region of the seizing agency.
- 10.0% is to be retained by the DOJ.

Refer to the **LSA Legislative Guide [Forfeiture Reform Act](#)** for more information related to Iowa's forfeiture laws.

Assumptions

- The number of forfeitures and total proceeds from forfeitures made by law enforcement may be reduced.
- The seizing agencies may incur increased costs due to additional attorney fees and litigation costs.
- The transfer of forfeiture proceedings from civil to criminal would expand the scope of representation and duties of court-appointed attorneys representing criminal defendants.
- Employees of the Office of the State Public Defender will represent clients in forfeiture proceedings, which will result in additional costs to the Indigent Defense Fund.
- The hourly rate structure for State Public Defender attorneys will remain at \$73, \$78, and \$83.
- State public defenders and contract attorneys will spend an additional two to three hours per case on average.

Figure 1 shows the total amount of proceeds from cash forfeitures in each of the last five fiscal years, including the total amount the Attorney General's Office received. The Attorney General's Office received approximately 10.0% of the total amount received by the State for cash forfeitures in each given year.

Figure 1 — Cash Forfeiture Proceeds

	Actual FY 19	Actual FY 20	Actual FY 21	Actual FY 22	Actual FY 23
Total Cash Forfeiture	\$ 2,299,480	\$ 2,221,908	\$ 1,708,575	\$ 2,372,990	\$ 1,750,007
Total Attorney General	\$ 229,948	\$ 222,191	\$ 170,858	\$ 237,299	\$ 175,001

Fiscal Impact

House File 2560 will likely have a fiscal impact on all agencies that dispose of forfeiture property or retain a portion of the proceeds from forfeitures, such as the DOJ, the DPS, local law enforcement, and county attorneys. The extent of the fiscal impact to these agencies is unknown. The fiscal impact from a property owner prevailing in a forfeiture proceeding would require the seizing law enforcement agency to pay the attorney fees is unknown and cannot be determined.

According to the Attorney General’s Office, the State has received a total of \$10.4 million in cash forfeiture proceeds over the last five fiscal years. Of this amount, the Attorney General’s Office has received approximately \$1.0 million in cash forfeiture proceeds over the past five years. The fiscal impact of the Bill to the Attorney General’s Office is unknown.

Over the past five years, the DPS has received a total of \$819,000 from State forfeiture proceeds. The fiscal impact of the Bill to the DPS is unknown.

The total cost to the Indigent Defense Fund is estimated to be approximately \$241,000 per year. Of this total, \$160,000 would result from an increase in hourly workload for the State Public Defender’s Office and \$80,000 would result in increased workload for contract attorneys.

Sources

- Department of Public Safety
- Department of Justice
- State Public Defender
- Legislative Services Agency

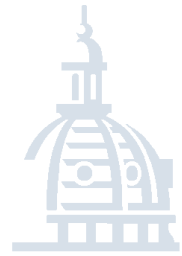
/s/ Jennifer Acton

March 6, 2024

Doc ID 1446652

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.

www.legis.iowa.gov



[HF 2575](#) – Fetal Homicide (LSB6024HV)
Staff Contact: Molly Kilker (515.725.1286) molly.kilker@legis.iowa.gov
Fiscal Note Version – New

Description

[House File 2575](#) amends Iowa Code section [707.8](#) to replace the words “terminates a human pregnancy” with “causes the death of an unborn person” and increases penalties. An “unborn person” is defined as an individual organism of the species homo sapiens from fertilization to live birth.

The Bill provides penalties as follows:

- A person who causes the death of an unborn person without the consent of the pregnant person during the commission of a forcible felony commits a Class A felony.
- A person who causes the death of an unborn person without the consent of the pregnant person during the commission of a felony or felonious assault commits a Class A felony.
- A person who intentionally causes the death of an unborn person without the knowledge and voluntary consent of the pregnant person commits a Class B felony.
- A person who attempts to intentionally cause the death of an unborn person without the knowledge and voluntary consent of the pregnant person commits a Class C felony.
- A person who unintentionally causes the death of an unborn person by any means provided pursuant to Iowa Code section [707.6A](#)(1) (homicide or serious injury by vehicle) commits a Class B felony.
- A person who by force or intimidation procures the consent of the pregnant person to cause the death of an unborn person commits a Class C felony.
- A person who unintentionally causes the death of an unborn person while drag racing in violation of Iowa Code section [321.278](#) commits a Class D felony.
- A person who unintentionally causes the death of an unborn person without the knowledge and voluntary consent of the pregnant person by the commission of an act in a manner likely to cause the death of or serious injury to an unborn person commits an aggravated misdemeanor.
- A person who intentionally causes serious injury to an unborn person by the commission of an act in a manner likely to cause the death of or serious injury to an unborn person commits an aggravated misdemeanor.
- A person who unintentionally causes serious injury to an unborn person by any of the means described in Iowa Code section 707.6A commits an aggravated misdemeanor.
- A person who unintentionally causes serious injury to an unborn person by the commission of an act in a manner likely to cause the death of or serious injury to an unborn person commits a serious misdemeanor.

Background

In FY 2023, there were zero convictions under Iowa Code section 707.8. In the same fiscal year, there were no new prison admissions or probation admissions, but there was one parole admission for the most serious offense under Iowa Code section 707.8.

A Class A felony is punishable by confinement for life in prison without the possibility of parole or probation. A Class B felony is punishable by confinement for up to 25 years. A Class C felony is punishable by confinement for up to 10 years and a fine of at least \$1,370 but no more than \$13,660. A Class D felony is punishable by confinement for up to five years and a fine of at least \$1,025 but no more than \$10,045. An aggravated misdemeanor is punishable by confinement for up to two years and a fine of at least \$855 but no more than \$8,540. A serious misdemeanor is punishable by confinement for up to one year and a fine of at least \$430, but no more than \$2,560.

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

House File 2575 increases penalties and changes definitions for existing offenses under Iowa Code section 707.8. The correctional impact cannot be determined due to a lack of conviction data. **Figure 1** 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, Class C felonies, Class D felonies, aggravated misdemeanors, and serious misdemeanors. Class A felonies are punishable by a mandatory life sentence and do not include parole, probation, or CBC marginal costs. 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 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
C Felony (Persons)	89.9%	50.3	\$24.94	27.2%	41.3	\$ 7.67	4.3%	\$ 20.00	52.0%	\$ 50.00	22.3	\$ 7.67
D Felony (Persons)	82.6%	20.5	\$24.94	53.9%	35.3	\$ 7.67	9.8%	\$ 20.00	36.9%	\$ 50.00	15.6	\$ 7.67
Aggravated Misdemeanor (Persons)	47.6%	10.6	\$24.94	67.6%	25.1	\$ 7.67	5.2%	\$ 20.00	55.9%	\$ 50.00	6.7	\$ 7.67
Serious Misdemeanor	1.7%	6.6	\$24.94	53.0%	19.2	\$ 7.67	1.2%	\$ 20.00	74.2%	\$ 50.00	N/A	\$ 7.67

Minority Impact

House File 2575 increases penalties for existing offenses and changes definitions under Iowa Code section 707.8. The minority impact cannot be estimated 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 of HF 2575 cannot be determined due to a lack of existing data. **Figure 2** shows the average State cost per offense for Class A felonies, Class B felonies, Class C felonies, Class D felonies, aggravated misdemeanors, and serious misdemeanors. 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 2 — 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
Class D Felony	\$12,600 to \$18,200
Aggravated Misdemeanor	\$7,500 to \$10,800
Serious Misdemeanor	\$400 to \$6,900

Sources

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

/s/ Jennifer Acton

March 6, 2024

Doc ID 1447562

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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[HF 2577](#) – Guardianships, Hospice and End-of-Life Care and Decisions (LSB6282HV)
Staff Contact: Lindsey Ingraham (515.281.6764) lindsey.ingraham@legis.iowa.gov
Fiscal Note Version – New

Description

[House File 2577](#) relates to end-of-life care under guardianships of adults by specifying what is included as a decision regarding a protected person’s health, including end-of-life decisions, for court-ordered guardians.

Background

Established in Iowa Code chapter [231E](#), the Office of Public Guardian (OPG) may act as an individual’s guardian, conservator, or representative payee. Under current law, a court may grant a guardian the ability to make decisions regarding the care, maintenance, health, education, welfare, and safety of the protected person except as otherwise limited by the court, which the guardian may exercise thereafter without prior court approval.

Assumptions

- The OPG anticipates increased costs of approximately \$25 per client, per month, for between 110 and 220 existing clients resulting in an annual cost increase between \$33,000 and \$66,000. These fees are paid to the OPG by the Department of Health and Human Services (HHS).
- The OPG anticipates an additional one to two applications for public guardianship services per month with an average case opening fee of \$2,500 and continuing costs of \$350 per month for an estimated annual cost increase between \$53,000 and \$106,000.
- The OPG anticipates increased call volumes to Adult Protective Services, the expense of which is expected to be absorbed within current operating expenses.

Fiscal Impact

The total fiscal impact of HF 2577 would be approximately \$129,000 per year in increased case costs to the HHS.

Sources

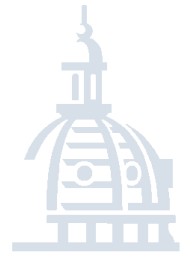
Department of Health and Human Services
Legislative Services Agency

/s/ Jennifer Acton

March 6, 2024

Doc ID 1447093

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.



[HF 2583](#) – Postpartum Coverage, Medicaid (LSB5156HV.1)
Staff Contact: Eric Richardson (515.281.6767) eric.richardson@legis.iowa.gov
Fiscal Note Version – Revised for new data (Assumptions and Fiscal Impact)

Description

[House File 2583](#) extends postpartum Medicaid coverage for women. The Bill does the following:

- Extends postpartum Medicaid coverage from 60 days to 12 months after a pregnancy ends.
- Amends the income eligibility threshold for infants and pregnant women to 215.0% of the federal poverty level (FPL) for postpartum Medicaid coverage.
- Requires the Iowa Department of Health and Human Services (HHS) to submit a Medicaid State plan amendment to the Centers for Medicare and Medicaid Services (CMS) to provide continuous Medicaid eligibility to pregnant women until 12 months after a pregnancy ends, beginning January 1, 2025.
- Requires the HHS to submit a Children’s Health Insurance Program (CHIP) State plan amendment to the CMS to update infant eligibility consistent with provisions of the Bill, beginning January 1, 2025.

The section of the Bill directing the HHS to submit a Medicaid State plan amendment to the CMS takes effect upon enactment. The eligibility measures in the Bill for infants and pregnant women take effect January 1, 2025.

Background

Iowa Code section [249A.3\(1\)\(h\)](#) provides Medicaid coverage to women who meet eligibility requirements, except for income, for 60 days after a pregnancy ends. Currently in Iowa, children under one year of age and pregnant women are eligible for postpartum coverage with income eligibility requirements up to 375.0% of the FPL (\$117,000 for a family of four in calendar year 2024). The [American Rescue Plan Act of 2021](#) allowed states to submit a Medicaid State plan amendment, effective for five years, to provide postpartum Medicaid coverage for 12 months after a pregnancy ends. Subsequently, a provision in the [Consolidated Appropriations Act of 2023](#) removed the five-year limitation period for the State plan amendment. As of January 2024, 44 states (including Washington, D.C.) have [extended postpartum coverage](#) to 12 months, with Alaska, Nevada, Utah, and Wisconsin having submitted State plan amendments to the CMS to implement a 12-month extension. Arkansas, Idaho, and Iowa have not formally submitted amendments to the CMS to increase postpartum coverage to 12 months.

Income eligibility for Medicaid for pregnant women and infants under one year of age is specified in [441 IAC 75.1\(28\)](#) at a maximum of 375.0% of the FPL. The Healthy and Well Kids in Iowa (Hawki) program has an income eligibility limit of 302.0% of the FPL. Currently, pregnant women who lose Medicaid coverage after 60 days may be eligible to enroll in the Iowa Health and Wellness Program (IHAWP), which has an income limit of up to 133.0% of the FPL. [42 C.F.R. §435.116](#) details minimum and maximum federal income eligibility requirements for pregnant women who are eligible to receive Medicaid benefits.

Assumptions

- It is assumed that the State plan amendment will be approved by the CMS to begin on January 1, 2025.
- Pregnant women and infant members currently receiving postpartum coverage with an income level of 215.0% of the FPL or higher would remain continuously eligible for Medicaid after January 1, 2025. The earliest date a pregnant woman would be disenrolled is December 2025, while the latest date would be September 2026. Infant disenrollment would begin in January 2025 for infants that enrolled in Medicaid or saw renewed eligibility in January 2024, while disenrollment will not occur until December 2025 for infants that enrolled in Medicaid or saw renewed eligibility in December 2024.
- Postpartum coverage would remain without interruption for Medicaid members with an income level of 215.0% of the FPL or lower.
- According to the HHS, one-time information technology (IT) costs totaling \$1.2 million are necessary due to enrollment changes in Medicaid and the IHAWP and would be expended in FY 2025. The State will pay for approximately 25.0% of these costs, or \$297,000, out of the Family Investment Program General Fund appropriation.
 - IT costs include hiring contractors for a total cost of \$107,000 for 438 total hours at \$125 per hour to update the data warehouse, 29 total hours at \$125 per hour for project management, 97 total hours at \$125 per hour for a business analyst, and 288 total hours at \$125 per hour for enterprise architecture.
 - IT costs also include \$1.1 million to update the HHS's Eligibility Integrated Application Solution (ELIAS) system to determine Medicaid eligibility for pregnant women.
- An actuarial services contract may be necessary to determine the impact of enrollment changes on managed care organization (MCO) capitation rates and maternal and infant health care payments to the MCOs. The costs of this contract are anticipated to be absorbed within the existing Health Program Operations General Fund appropriation.
- There are currently 10,800 Medicaid members with postpartum coverage. The HHS reports that approximately 15.8%, or 1,700 members per month on average, would be ineligible for Medicaid coverage in future years under the provisions of the Bill, including approximately 1,300 women with income between 215.0% and 375.0% of the FPL and 400 infants in families with income between 302.0% and 375.0% of the FPL.
- A monthly average of approximately 1,100 infants in families with income between 215.0% and 302.0% of the FPL may have coverage shifted from Medicaid to Hawki if they are not covered by other insurance.
- A monthly average of approximately 2,300 pregnant women are anticipated to maintain Medicaid coverage beyond the current two months postpartum instead of transferring to the IHAWP, which has income eligibility up to 133.0% of the FPL. Beginning in FY 2025, the State is estimated to pay for 36.75% of expenses under Medicaid for pregnant women and 11.61% of expenses for the IHAWP, creating increased net State costs of \$86 per month for these members.
- An estimated 2,700 women with an income level of 215.0% of the FPL or lower who otherwise would have lost Medicaid coverage after 60 days may be eligible for Medicaid coverage.
- Combined with program savings due to an estimated monthly average of 1,300 pregnant women who in future years would not be eligible for Medicaid coverage, the estimated fiscal impact related to pregnant women under Medicaid is an increase in total costs of \$1.8 million in FY 2025 (\$1.2 million increase in State costs), an increase in total costs of \$7.1 million in FY 2026 (\$5.4 million increase in State costs), and a decrease in total costs of \$685,000 in FY 2027 (\$2.7 million increase in State costs). Costs are anticipated to be funded from the Medical Assistance (Medicaid) General Fund appropriation.
- An additional monthly cost of \$3.89 per infant and \$6.60 per adult was added to account for dental costs paid outside of MCO capitation rates.

- A monthly average of approximately 400 infants in future years would no longer be eligible to receive Medicaid coverage due to the Bill, causing a decrease in total infant costs under Medicaid of \$1.5 million in FY 2025 (\$540,000 decrease in State costs), \$9.0 million in FY 2026 (\$3.3 million decrease in State costs), and \$10.1 million in FY 2027 (\$3.7 million decrease in State costs). State savings equal 36.75% of total savings beginning in FY 2025, and any savings are anticipated to be applied to the Medicaid General Fund appropriation.
- Approximately 1,100 infants' coverage may shift from Medicaid to Hawki due to the Bill, causing an increase in total costs of \$801,000 in FY 2025 (\$206,000 in State costs), \$4.9 million in FY 2026 (\$1.3 million in State costs), and \$5.5 million in FY 2027 (\$1.4 million in State costs). Costs are anticipated to be funded from the CHIP General Fund appropriation.
- According to the HHS, one-time MCO recovery moneys would be available for expenses outlined in the Bill.

Fiscal Impact

House File 2583 is estimated to increase State costs by approximately \$1.1 million in FY 2025, \$3.3 million in FY 2026, and \$388,000 in FY 2027.

Figure 1 — Medicaid Postpartum Coverage Fiscal Impact

Expense Category	FY 2025		FY 2026		FY 2027	
	Total	State	Total	State	Total	State
Information Technology	\$ 1,187,000	\$ 297,000	\$ 0	\$ 0	\$ 0	\$ 0
Medicaid — Pregnant Women	1,821,000	1,182,000	7,051,000	5,375,000	-685,000	2,679,000
Medicaid — Infants	-1,470,000	-540,000	-9,032,000	-3,319,000	-10,083,000	-3,705,000
Hawki — Infants	801,000	206,000	4,923,000	1,266,000	5,496,000	1,414,000
Total Fiscal Impact	\$ 2,339,000	\$ 1,145,000	\$ 2,942,000	\$ 3,322,000	\$ -5,272,000	\$ 388,000

Beginning in FY 2028, annual State costs are expected to be \$286,000.

Sources

Iowa Department of Health and Human Services
Centers for Medicare and Medicaid Services
Legislative Services Agency analysis

/s/ Jennifer Acton

March 6, 2024

Doc ID 1447680

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.



[HF 2598](#) – Mob Looting, Criminal Offense (LSB5303HV)
Staff Contact: Molly Kilker (515.725.1286) molly.kilker@legis.iowa.gov
Fiscal Note Version – New

Description

[House File 2598](#) establishes looting as a new criminal offense and provides definitions and penalties. Under the Bill, a person commits looting when, without authorization, a person intentionally enters a dwelling, place of business, vehicle, watercraft, building, plant, or other structure, whether movable or immovable; acts in joint criminal conduct pursuant to Iowa Code section [703.2](#) with another person or group of persons; and the person obtains, exerts control over, damages, or removes the property of another person.

A person commits looting in the first degree if any of the following occur:

- The total property looted exceeds \$10,000 in value.
- The total property looted does not exceed \$10,000 in value, but the person looting has previously been convicted of looting in the first or second degree.
- The looting involves a dangerous weapon.

Looting in the first degree is a Class C felony and is punishable by the following:

- Commitment to the custody of the Director of the Department of Corrections (DOC) for a minimum of 5 years but not more than 10 years.
- Assessment of a fine of at least \$1,000 but not more than \$10,000.

A person commits looting in the second degree if any of the following occur:

- The total property looted exceeds \$1,000 in value but does not exceed \$10,000 in value.
- The total property looted does not exceed \$1,000 in value, but the person looting has been previously convicted of looting in the third degree.

Looting in the second degree is a Class D felony and is punishable by the following:

- Commitment to the custody of the Director of the DOC for a minimum of one and one-half years, but not more than five years.
- Assessment of a fine of at least \$650 but not more than \$7,500.

A person commits looting in the third degree if the total property looted exceeds \$300 in value but does not exceed \$1,000 in value.

Looting in the third degree is an aggravated misdemeanor and is punishable by the following:

- Commitment to the custody of the Director of the DOC for no more than two years.
- Assessment of a fine of at least \$570 but not more than \$6,250.

The Bill also provides that a person whose business or property is injured by an act of looting may bring a civil action against any person involved in the violation. The person may also recover up to three times the actual damages sustained and costs and expenses, including reasonable attorney fees. Each person convicted of looting is jointly and severally liable for any such injury.

Background

Under current law, joint criminal conduct occurs when two or more persons act in concert and knowingly participate in a public offense. When an act of joint criminal conduct occurs, each person is responsible for the acts of the other throughout the commission of the offense or escape from the offense. Additionally, each person found guilty is charged at the same level as other persons involved in the joint criminal conduct.

In FY 2023, there were 8,479 total convictions for property theft under Iowa Code sections [714.2](#) and [714.2A](#).

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

House File 2598 creates new criminal offenses, and the correctional impact cannot be estimated due to a lack of existing conviction data. **Figure 1** 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 C felonies, Class D felonies, and aggravated misdemeanors. 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 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
C Felony (Persons)	89.9%	50.3	\$24.94	27.2%	41.3	\$ 7.67	4.3%	\$ 20.00	52.0%	\$ 50.00	22.3	\$ 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
D Felony (Non-Persons)	84.4%	13.0	\$24.94	69.8%	39.5	\$ 7.67	14.5%	\$ 20.00	32.2%	\$ 50.00	15.7	\$ 7.67
Aggravated Misdemeanor (Non-Persons)	30.4%	7.5	\$24.94	45.0%	25.1	\$ 7.67	3.6%	\$ 20.00	71.7%	\$ 50.00	11.9	\$ 7.67

Minority Impact

House File 2598 creates new criminal 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

House File 2598 creates new criminal offenses, and the fiscal impact cannot be estimated due to a lack of existing conviction data. **Figure 2** shows the average State cost per offense for a Class C felony, a Class D felony, and an aggravated misdemeanor. The estimated impact to the State General Fund includes operating costs incurred by the Judicial Branch, the Indigent Defense Fund, and the DOC. The cost would be incurred across multiple fiscal years for prison and parole supervision.

Figure 2 — Average State Cost Per Offense

Offense Class	Average Cost
Class C Felony	\$14,300 to \$27,500
Class D Felony	\$12,600 to \$18,200
Aggravated Misdemeanor	\$7,500 to \$10,800

Sources

Department of Corrections
Criminal and Juvenile Justice Planning, Department of Management
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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[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

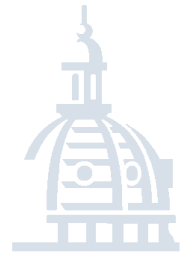
/s/ Jennifer Acton

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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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[HF 2639](#) – License Plates, Gadsden Flag (LSB5535HZ)
Staff Contact: Garry Martin (515.281.4611) garry.martin@legis.iowa.gov
Fiscal Note Version – New

Description

[House File 2639](#) creates a “Gadsden Flag” special registration plate and requires the Department of Transportation (DOT) to design and issue the plates. The Bill creates two fees, an initial special fee of \$50 and an annual fee of \$50. An applicant may obtain personalized Gadsden Flag plates upon payment of the \$25 fee and the annual registration fee of \$5 for personalized plates established under current law, which is in addition to the special Gadsden Flag plate fee. Under the Bill, a registration plate frame is no longer required to permit full view of the name of the county.

License plate fees are deposited in the Road Use Tax Fund (RUTF). The Treasurer of State is required to transfer an equal amount of the special plate fee from the Statutory Allocations Fund to the General Fund monthly. The funding transferred to the General Fund is appropriated to the Department of Public Safety (DPS) to provide education and training on the right to keep and bear arms. The Bill prohibits the DOT from conditioning the issuance of Gadsden Flag plates on the receipt of any number of orders for Gadsden Flag plates.

Background

Under current law, the DOT is allowed to issue personalized license plates for an additional fee of \$25. Personalized plates are subject to an annual renewal registration fee of \$5 on top of the regular annual registration fee.

Currently, an owner of a vehicle who places any frame around or over a registration plate that does not permit full view of all numerals and letters printed on the registration plate, including the name of the county, commits a simple misdemeanor punishable by a scheduled fine of \$30. In FY 2023, there were 1,762 convictions for failure to display plates.

The RUTF is the primary source of funding for construction, maintenance, and administration of Iowa’s highways. The RUTF consists primarily of revenues that are constitutionally protected, including revenues for all license plates. The RUTF revenue is collected by the Treasurer of State and distributed by formula to the DOT, counties, and cities. Due to the constitutional protection of certain RUTF revenues, direct transfers from the RUTF for nonroad programs cannot occur. Instead, equal amounts are transferred from the Statutory Allocation Fund (SAF) for specific programs.

The SAF consists of driver’s license fees and trailer registration fees. Truck registration fees are based on the weight of the vehicle as determined by Iowa Code section [321.122](#). After certain statutory transfers, including offsetting transfers of the special plate revenues, are made to other accounts, the remainder of the SAF balance is transferred to the RUTF at the end of the fiscal year.

Iowa Code section [312.2\(3\)](#) authorizes an annual allocation from the RUTF sufficient to pay the cost of producing license plates.

Assumptions

- Permitting a registration plate frame to cover a county name may decrease citations and result in a minimal loss of revenue.
- Demand for the Gadsden Flag plate is estimated to equal the demand for the Fallen Peace Officer plate. As of July 2023, there were 3,150 total Fallen Peace Officer plates issued, with 821 being personalized and 2,329 being nonpersonalized.
- Production of the 3,150 additional plates will cost approximately \$19,000, at a per plate production cost of \$5.88 and will be paid from the RUTF.
- Approximately \$158,000 in plate fees is estimated to be deposited into the RUTF and will be offset by a matching allocation of \$158,000 from the SAF to the DPS. This allocation will decrease the year-end balance transferred from the SAF to the RUTF.
- Any administrative costs associated with the Keep and Bear Arms Program will be absorbed within existing resources in the DPS.
- Personalized license plate sales deposited into the RUTF are estimated to be approximately \$21,000 in FY 2025 and approximately \$12,300 in FY 2026.

Fiscal Impact

Figure 1 shows the total revenue estimated to result from personalized and nonpersonalized Gadsden Flag license plates. There will also be a one-time cost of \$19,000 to the RUTF for plate production.

Figure 1 — Gadsden Flag License Plate Total Revenue

	FY 2025	FY 2026
DPS — Keep and Bear Arms Program	\$ 158,000	\$ 158,000
Road Use Tax Fund	21,000	12,300
Total Revenue	\$ 179,000	\$ 170,300

*Numbers may not be exact due to rounding.

Sources

Department of Transportation
Department of Public Safety
Legislative Services Agency calculations

/s/ Jennifer Acton

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