

**NINETIETH GENERAL ASSEMBLY
2024 REGULAR SESSION
DAILY
SENATE CLIP SHEET
February 15, 2024**

Clip Sheet Summary

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

Bill	Amendment	Action	Sponsor
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No amendments filed on February 14, 2024

Fiscal Notes

[SF 2164](#) — [Earned Time, Eligible Offenses](#) (LSB5253SV)

[SF 2186](#) — [Unauthorized Dissemination of Sexually Explicit Images](#) (LSB5533SV)

[SF 2241](#) — [Baiting Deer](#) (LSB5528SV)



[SF 2164](#) – Earned Time, Eligible Offenses (LSB5253SV)
Staff Contact: Molly Kilker (515.725.1286) molly.kilker@legis.iowa.gov
Fiscal Note Version – New

Description

[Senate File 2164](#) removes the requirement that earned time accrued be applied to reduce the mandatory minimum sentences being served under the following Iowa Code sections:

- Iowa Code section [902.7](#) (minimum sentence for forcible felony while possessing a dangerous weapon).
- Iowa Code section [902.8](#) (minimum sentence of habitual offender).
- Iowa Code section [902.11](#) (eligibility of prior forcible felon for parole or work release).

Background

Earned time allows inmates to earn a reduction in their sentence and is defined under Iowa Code section [903A.2](#). To gain earned time, inmates must demonstrate good conduct and satisfactorily participate in programs identified by the Director of the Department of Corrections (DOC) to earn the reduction.

Under Iowa Code section [903A.5](#), incarcerated individuals convicted under the following Iowa Code sections are eligible to accrue earned time that can reduce the time of a mandatory minimum sentence:

- [124.406](#) (distribution of certain controlled substances to a person under age 18).
- [124.413](#) (mandatory minimum sentence for certain controlled substance offenses).
- 902.7 (minimum sentence for forcible felony while possessing a dangerous weapon).
- 902.8 (minimum sentence of habitual offender).
- [902.8A](#) (minimum sentence for conspiring to manufacture or deliver amphetamine or methamphetamine to a minor).
- 902.11 (eligibility of prior forcible felon for parole or work release).

Under Iowa Code section 902.7, the minimum sentence for an individual convicted of a forcible felony while possessing a dangerous weapon is five years. Under Iowa Code section 902.8, the minimum sentence for habitual offenders convicted of a Class C or Class D felony is three years. Under Iowa Code section 902.11, the minimum sentence for an individual convicted of a felony who has a criminal record of one or more prior convictions for a forcible felony is at least one-half of the maximum term of the defendant's sentence. However, there are exceptions to Iowa Code section 902.11 based on the defendant's criminal history.

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 marginal cost per day in prison is \$24.94.

Correctional Impact

Senate File 2164 may increase the LOS in prison for individuals serving mandatory minimum sentences under Iowa Code sections 902.7, 902.8, and 902.11. This may increase the prison population, but the extent of the increase in LOS and prison population cannot be estimated. In FY 2023, there were 479 individuals admitted to prison on the most serious offense related to Iowa Code section 902.7, 902.8, or 902.11 who can accrue earned time to reduce their sentences under current law but who could not under the Bill. 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.

Minority Impact

Senate File 2164 removes the ability to accrue earned time for certain crimes. Although the LOS under which the group of individuals affected by the Bill would be released is unknown, SF 2164 may disproportionately impact Black individuals if trends remain constant. Of the 479 incarcerated individuals currently serving mandatory minimum sentences under Iowa Code sections 902.7, 902.8, and 902.11 for whom the LOS may increase under the Bill, 66.0% are White, 25.7% are Black, and 8.3% are other races. Iowa's population is 89.8% White, 4.4% Black, and 5.8% other races. 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

Senate File 2164 may have a fiscal impact to the DOC, but the extent of the increase in costs to the DOC cannot be estimated because the extent of the increase in LOS and prison population is unknown. The DOC's marginal cost per day per individual in prison is \$24.94.

Sources

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

/s/ Jennifer Acton

February 14, 2024

Doc ID 1446154

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.



[SF 2186](#) – Unauthorized Dissemination of Sexually Explicit Images (LSB5533SV)
Staff Contact: Molly Kilker (515.725.1286) molly.kilker@legis.iowa.gov
Fiscal Note Version – New

Description

[Senate File 2186](#) makes the following changes:

- The Bill expands the definition of “another person” as it pertains to harassment and extortion.
- Expands the definition of extortion to include a person who threatens to disseminate, publish, distribute, or post a photograph or film showing another person in a state of full or partial nudity, knowing that the other person has not consented to the dissemination, publication, distribution, or posting of the material.
- The perpetrator of extortion may be charged with involuntary manslaughter, in addition to the penalties for extortion, if the victim of extortion commits suicide as a result.
- The perpetrator of the harassment may be charged with involuntary manslaughter, in addition to the penalties for harassment, if the victim of extortion commits suicide as a result.

Background

Under Iowa Code section [711.4](#), a person commits an act of extortion when, to obtain for oneself or another anything of value, tangible or intangible, including labor or services, the person does any of the following:

- Threatens to inflict physical injury on some person, or to commit any public offense.
- Threatens to accuse another of a public offense.
- Threatens to expose another person to hatred, contempt, or ridicule.
- Threatens to harm the credit, business, or professional reputation of any person.
- Threatens to take or withhold action as a public officer or employee, or to cause some public official or employee to take or withhold action.
- Threatens to testify or provide information or to withhold testimony or information with respect to another person’s legal claim or defense.

The penalty for extortion is a Class D felony.

Under Iowa Code section [708.7](#), a person commits an act of harassment when, with the intent to intimidate, annoy, or alarm another person, the person does any of the following:

- Communicates with another person without a legitimate purpose.
- Places a simulated explosive or incendiary device in or near a building, vehicle, airplane, railroad engine or railroad car, or boat occupied by another person.
- Orders merchandise or services in the name of another, to be delivered to another, without the other person’s knowledge or consent.
- Reports, or causes to be reported, false information to a law enforcement authority implicating another in some criminal activity, knowing that the information is false, or reports the alleged occurrence of a criminal act, knowing that the act did not occur.
- Disseminates, publishes, distributes, posts, or causes to be disseminated, published, distributed, or posted a photograph or film showing another person in a state of full or partial

nudity or engaged in a sex act, knowing that the other person has not consented to the dissemination, publication, distribution, or posting of the photograph or film.

The penalty for harassment in the first degree is an aggravated misdemeanor.

Under Iowa Code section [707.5](#), involuntary manslaughter is punishable as a Class D felony when the person unintentionally causes the death of another person by the commission of a public offense other than a forcible felony or escape.

In FY 2023, there were 28 convictions under Iowa Code section 711.4(1) and 20 convictions under Iowa Code section 708.7(1)(a)(5).

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 \$10,245. An aggravated misdemeanor is punishable by up to two years in confinement and a fine of at least \$855, but not more than \$8,540.

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

Senate File 2186 expands the definitions of extortion and harassment. The Bill also provides that individuals that commit harassment or extortion that result in a victim committing suicide may be charged with involuntary manslaughter. It is not known how many additional convictions under extortion or harassment would result from the expanded definition. It is also not known how many convictions involving harassment or extortion would result in a victim committing suicide. Therefore, the correctional impact cannot be estimated.

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 D felonies. 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
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

Minority Impact

The minority impact cannot be estimated due to a lack of existing conviction 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 existing conviction data. The average state cost per Class D felony is between \$12,600 and \$18,200. 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.

Sources

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

/s/ Jennifer Acton

February 14, 2024

Doc ID 1445947

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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[SF 2241](#) – Baiting Deer (LSB5528SV)
Staff Contact: Austin Brinks (515.725.2200) austin.brinks@legis.iowa.gov
Fiscal Note Version – New

Description

[Senate File 2241](#) does the following:

- Prohibits a person from hunting, taking, or attempting to take deer on or in a baited area.
- Requires a person who has placed feed in a baited area to remove the feed at least 10 days before the first day of the first fall deer hunting season.
- Prohibits a person from taking a deer within 200 yards of a permanently baited area.
- Specifies that if salt, minerals, or other feed that will dissolve and leach into the soil is placed in an area for agricultural purposes, that area is not considered a baited or permanently baited area.
- Prohibits a person from creating a baited area with the intent to prevent or disrupt the hunting activities of another person.

The Bill defines a “baited area” as any area where feed is placed with the intent to lure, attract, or entice wildlife to a specific location. An area is no longer considered a baited area 10 days after the removal of any feed that was placed there, but an area can be considered permanently baited if it is baited with salt, minerals, or any other type of feed that will dissolve and leach into the soil. A permanently baited area is considered a baited area until all contaminated soil is removed or there is no evidence that deer are artificially attracted to or accessing the area.

A violation of this Bill constitutes a violation of Iowa Code section [481A.125](#), which carries a penalty of a simple misdemeanor for a first offense and a serious misdemeanor for a second or subsequent offense.

Background

Iowa Code chapter [481A](#) governs wildlife conservation and contains various regulations related to hunting, fishing, and trapping. Iowa Code section 481A.125 relates to penalties for intentional interference with lawful hunting, fishing, and fur-harvesting activities. To interfere with hunting, fishing, or fur-harvesting activities generally means to change the behavior or environment of an animal to influence the ability of a hunter to take an animal, either favorably or unfavorably.

A simple misdemeanor is punishable by confinement for up to 30 days and a fine of between \$105 and \$855, while a serious misdemeanor is punishable by confinement for not more than one year and a fine of between \$430 and \$2,560.

Assumptions

- There may be an increase in simple and serious misdemeanors as a result of this Bill, but the number is unknown.
- 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

Senate File 2241 expands a criminal offense. As a result, the correctional impact cannot be estimated due to a lack of existing data. A conviction for a simple misdemeanor does not result in a prison sentence but does carry the possibility of confinement in jail for up to 30 days. 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.

Minority Impact

Senate File 2241 expands a criminal offense, and the minority impact cannot be determined due to lack of conviction 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 existing data. The average State cost per offense for one simple misdemeanor conviction ranges from \$40 to \$400, and the average state cost for one serious misdemeanor conviction ranges from \$400 to \$6,900.

Sources

Legislative Services Agency
Criminal and Juvenile Justice Planning (CJJP), Department of Management

/s/ Jennifer Acton

February 14, 2024

Doc ID 1445927

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.
