



[HF 2576](#) – Fentanyl-Related Deaths, Murder (LSB6317HV)
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Fiscal Note Version – New

Description

[House File 2576](#) provides that a person who unlawfully delivers, dispenses, or otherwise provides fentanyl or a fentanyl-related substance to another person that results in the death of that person commits murder in the first degree. The Bill also establishes that it may not be used as a defense that the other person contributed to the person’s own death by the purposeful, knowing, reckless, or negligent injection, inhalation, absorption, or ingestion of the controlled substance, or by consenting to the administration of the controlled substance by another person.

Background

Under Iowa Code section [707.2](#), a person commits murder in the first degree under the following circumstances:

- The person willfully, deliberately, and with premeditation kills another person.
- The person kills another person while participating in a forcible felony.
- The person kills another person while escaping or attempting to escape from lawful custody.
- The person intentionally kills a peace officer, correctional officer, public employee, or hostage while the person is imprisoned in a correctional institution of the Iowa Department of Corrections (DOC) or a city or county jail.
- The person kills a child while committing child endangerment under Iowa Code section [726.6](#)(1)(b), or while committing assault under Iowa Code section [708.1](#) upon the child, and the death occurs under circumstances manifesting an extreme indifference to human life.
- The person kills another person while participating in an act of terrorism as defined in Iowa Code section [708A.1](#)(3).

As it relates to the Bill, fentanyl includes the substances listed under Iowa Code section [124.204](#)(2)(“at” – “cl”), and “fentanyl substance” is defined under Iowa Code section [124.204](#)(9)(a).

2023 Iowa Acts, chapter [86](#) (Controlled Substances, Penalty Enhancements and Fentanyl Penalties Act), established that, under Iowa Code section [124.401](#)(1)(c), a person who causes the death of another person while manufacturing, delivering, or possessing certain controlled substances, counterfeit substances, simulated controlled substances, or imitation controlled substances will be sentenced to three times the term otherwise imposed by law, and no such judgement, sentence, or part thereof can be deferred or suspended. The same Act also added a mixture or substance containing a detectable amount of fentanyl or any fentanyl-related substance as a punishable substance under Iowa Code section [124.401](#)(1)(c).

In FY 2023, there were no convictions under Iowa Code section [124.401](#)(1) for the manufacture, delivery, or possession of fentanyl. In the same fiscal year, there were 27 convictions for murder in the first degree under Iowa Code section [707.2](#).

A Class A felony is punishable by confinement for life in prison without the possibility for parole or probation.

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 2576 creates new penalties for delivering, dispensing, or providing fentanyl or fentanyl-related substances that result in the death of another person. Bills that create penalties cannot be assessed for a correctional impact due to a lack of conviction data. Class A felonies are punishable by a mandatory life sentence and do not include parole, probation, or Community-Based Corrections (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.

Minority Impact

House File 2576 creates new penalties, and as a result, Criminal Juvenile Justice Planning (CJJP) of the Department of Management (DOM) cannot use existing data to determine a minority impact. 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 House File 2576 cannot be determined due to a lack of data. The average State cost per Class A felony is between \$198,300 and \$202,500. This 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 supervision.

Sources

Department of Corrections
Criminal 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.
