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[HF 625](#) – Mandatory Minimum Sentences, Possession of Firearms by Felons (LSB1356HV)  
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Fiscal Note Version – New

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**Description**

[House File 625](#) modifies the penalties for and applies a mandatory minimum sentence to the control, possession, receipt, or transportation of a firearm or offensive weapon by a felon. The penalty is increased from a Class D felony to the following:

- For a first offense, a Class D felony with a mandatory minimum sentence of two years.
- For a second offense, a Class D felony with a mandatory minimum sentence of four years.
- For a third offense, a Class C felony with a mandatory minimum sentence of seven years.
- For a fourth or subsequent offense, a Class C felony with a mandatory minimum sentence of 10 years.

The Bill provides that the court may not defer judgment or sentencing, or suspend the execution of a mandatory minimum sentence, for this offense.

**Background**

Under Iowa Code section [724.26](#)(1), a person who is convicted of a felony in a State or federal court, or who is adjudicated delinquent based on conduct that would constitute a felony if committed by an adult, and who knowingly has under the person's dominion and control or possession, receives, or transports or causes to be transported a firearm or offensive weapon is guilty of a Class D felony.

A Class D felony is punishable by confinement of up to five years and a fine of at least \$1,025 but not more than \$10,245. A Class C felony is punishable by confinement of up to 10 years and a fine of at least \$1,370 but not more than \$13,660.

**Assumptions**

- The following will not change over the projection period: charge, conviction, and sentencing patterns and trends; revocation rates; plea bargaining; and other criminal justice system policies and practices.
- A lag effect 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.
- Admissions include only individuals admitted to Department of Corrections (DOC) supervision whose most serious offense is the control, possession, receipt, or transportation of a firearm or offensive weapon by a felon.
- The distribution of admissions to DOC supervision between a first, second, third, and fourth or subsequent offense cannot be estimated.
- The marginal cost per day in prison is \$23.42. The marginal cost per day on probation and parole is \$7.27.

### **Correctional Impact**

In FY 2022, there were 62 individuals admitted to prison and 204 individuals admitted to Community-Based Corrections (CBC) under Iowa Code section 724.26(1). Under the Bill, all 266 individuals would be admitted to prison and no individuals would be admitted to CBC. The distribution of these admissions across the offense categories created in the Bill cannot be estimated. The estimated length of stay (LOS) for individuals admitted to prison for this offense would increase from approximately 13.9 months to a minimum LOS ranging from 24.0 to 120.0 months, depending on whether the individual was admitted for a first, second, third, or fourth or subsequent offense. **Table 1** shows the minimum LOS for each of these offense categories. Refer to the Legislative Services Agency (LSA) memo addressed to the General Assembly, [Cost Estimates Used for Correctional Impact Statements](#), dated January 20, 2023, for information related to the correctional system.

**Table 1 — Minimum LOS Under HF 625**

<b>Offense Category</b>	<b>LOS (Months)</b>
1st Offense	24
2nd Offense	48
3rd Offense	84
4th or Subsequent Offense	120

### **Minority Impact**

House File 625 increases the penalty for the control, possession, receipt, or transportation of a firearm or offensive weapon by a felon and would likely disproportionately impact African American individuals if trends remain constant. Of the 425 convictions under Iowa Code section 724.26(1) in FY 2022, 49.4% were Caucasian, 45.6% were African American, and 5.0% were other races. Iowa's population is 84.5% Caucasian, 3.6% African American, and 11.9% other races. Refer to the LSA memo addressed to the General Assembly, [Minority Impact Statement](#), dated January 20, 2023, for information related to minorities in the criminal justice system.

### **Fiscal Impact**

House File 625 is estimated to increase costs to the DOC by at least \$2.8 million for each group of individuals annually admitted to DOC supervision for an offense under Iowa Code section 724.26(1). This cost is incurred across the entire LOS. Because the distribution of admissions between a first, second, third, and fourth or subsequent offense cannot be estimated, **Table 2** demonstrates the cost to the DOC if all individuals were admitted on a first offense. **Table 2** represents the cost of all individuals admitted to DOC supervision for this offense in one year. This cost would recur for each annual group of admissions.

**Table 2 — Minimum Cost Increase to DOC Under HF 625**

Supervision Status	Annual Admissions	Cost Per Day	LOS (Days)	Total Cost
<b>Current Penalties</b>				
Prison	62	\$23.42	422.6	\$613,632
CBC	204	\$7.27	744.8	1,104,598
<b>Total</b>	<u>266</u>			<u>\$1,718,230</u>
<b>Penalties Under HF 625</b>				
Prison (1st Offense)	266	\$23.42	729.6	\$4,545,204
<b>Total</b>	<u>266</u>			<u>\$4,545,204</u>

The DOC expects that individuals will be admitted for crimes under all new offense categories. As a result, the actual cost to the DOC is expected to be higher, but the extent of these costs cannot be estimated. The cost per individual admitted for a second, third, or fourth or subsequent offense will be higher than the cost per individual admitted for a first offense due to higher mandatory minimum sentences, as shown in **Table 3**.

**Table 3 — Total Prison Supervision Cost Per Person Under HF 625**

Offense Category	Cost Per Day	LOS (Days)	Total Cost Per Person
1st Offense	\$23.42	729.6	\$17,087
2nd Offense	\$23.42	1,459.2	\$34,174
3rd Offense	\$23.42	2,553.6	\$59,805
4th or Subsequent Offense	\$23.42	3,648.0	\$85,436

**Sources**

Department of Corrections  
 Department of Human Rights, Division of Criminal and Juvenile Justice Planning  
 Legislative Services Agency

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 /s/ Jennifer Acton

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The fiscal note for this Bill was prepared pursuant to [Joint Rule 17](#) and the Iowa Code. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.

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