



[HF 2165](#) – False Reports to Public Safety Entities, Penalties (LSB5339HV)
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Fiscal Note Version – New

Description

[House File 2165](#) provides that a person who knowingly reports or is responsible for the report of false information to a fire department, law enforcement authority, or other public safety entity, or reports the alleged occurrence of a criminal act while knowing the act did not occur, commits a Class D felony if the falsely reported criminal act is any of following:

- A forcible felony under Iowa Code section [702.11](#).
- Intimidation with a dangerous weapon under Iowa Code section [708.6](#).
- An act of terrorism under Iowa Code chapter [708A](#).
- Unlawful possession of biological agents or diseases under Iowa Code chapter [708B](#).
- Any offense under Iowa Code chapter [712](#).

Under the Bill, a person who falsely reports a crime listed above that results in the serious bodily injury or death of another person commits a Class C felony.

Background

Iowa Code section [718.6](#) contains penalties for making a prank call to emergency services to prompt a response. This is commonly referred to as “swatting.” A person who knowingly makes a false report to authorities commits a simple misdemeanor. A person who knowingly makes a false report of a criminal act commits a serious or aggravated misdemeanor. In FY 2023, there were zero prison admissions for offenses under Iowa Code section 718.6. There were, however, eight individuals admitted to probation for the most serious offense under Iowa Code section 718.6 in FY 2023.

A Class C felony is punishable by confinement for up to 10 years and a fine of at least \$1,375 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 \$10,245.

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 2165 creates a new criminal offense, 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, aggravated misdemeanors, and serious 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 | Percent Ordered to Probation | FY23 Field Avg LOS on Probation | Avg Cost Per Day on Probation | Percent Sentenced to CBC Residential Facility | Marginal Cost CBC Per Day | Percent Ordered to County Jail | Avg LOS in County Jail | Marginal Cost Per Day Jail | FY23 Field Avg LOS on Parole | Marginal Cost Per Day Parole |
|--------------------------------------|---------------------------------|--|-----------------------|------------------------------|---------------------------------|-------------------------------|---|---------------------------|--------------------------------|------------------------|----------------------------|------------------------------|------------------------------|
| C Felony (Non-Persons) | 86.0% | 19.4 | \$ 24.94 | 64.2% | 42.2 | \$ 7.67 | 13.0% | \$ 20.00 | 34.0% | N/A | \$ 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% | N/A | \$ 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% | N/A | \$ 50.00 | 11.9 | \$ 7.67 |
| Serious Misdemeanor | 1.7% | 6.6 | \$ 24.94 | 53.0% | 19.2 | \$ 7.67 | 1.2% | \$ 20.00 | 74.2% | N/A | \$ 50.00 | N/A | \$ 7.67 |

Minority Impact

House File 2165 creates a new criminal offense, and a 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

House File 2165 creates a new criminal offense, and the fiscal impact cannot be estimated due to a lack of existing data. **Figure 2** shows the average State cost per offense for a Class C felony, Class D felony, aggravated misdemeanor, serious misdemeanor, and simple misdemeanor. 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 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 |
| Simple Misdemeanor | \$35 to \$400 |

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.