



HF 2311 – Constitutional Convention Commissioners (LSB1065HZ)
 Staff Contact: Xavier Leonard (515.725.0509) xavier.leonard@legis.iowa.gov
 Fiscal Note Version – New

Description

[House File 2311](#) relates to persons appointed to a convention called by the United States Congress to propose amendments to the Constitution of the United States. The Bill prohibits a commissioner from acting beyond the authority granted by the commission, creates penalties for violations and for interference with a commissioner’s duties, and provides definitions.

The Bill creates a Class D felony under new Iowa Code chapter [38](#) for violating provisions related to acting beyond the scope of the authority of the commissioner’s commission or subsequent instruction at a convention called by the United States Congress pursuant to [Article V](#) of the Constitution of the United States.

Background

Article V of the Constitution of the United States allows for states to propose amendments to the Constitution of the United States with the approval of two-thirds of the states.

A Class D felony is punishable by confinement for up to five years and a fine of at least \$1,025 but not 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 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 \$50 per day.

Correctional Impact

House File 2311 creates a new criminal offense, and the correctional impact cannot be estimated for the Bill 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 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	FY23 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

House File 2311 establishes a new offense. 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 2311 establishes a new criminal offense, and the fiscal impact cannot be estimated due to a lack of existing conviction data. The average State cost per offense for a Class D felony ranges from \$12,600 to \$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

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

/s/ Jennifer Acton

February 15, 2024

Doc ID 1446143

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