

Legislative Fiscal Bureau

Fiscal Note

SF 2098 - Computer Theft and Damages (LSB 5340 SV)

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Fiscal Note Version - New

Requested by Senator Jeff Angelo

Description

Senate File 2098 amends the definition of “criminal mischief” to include all classes of property. The Bill amends Section 716.6B, Code of Iowa, to enhance penalties for the various acts involved in unauthorized computer access. A person commits an aggravated misdemeanor for unauthorized access to data that contains certain confidential information, operational or support data of a public utility, or trade secrets. A person commits a serious misdemeanor if during the commission of unauthorized computer access, data is copied, altered, or deleted. A person commits a simple misdemeanor for any other unauthorized computer access. Current law classifies all unauthorized computer access as a simple misdemeanor. Senate File 2098 also permits civil proceedings for unauthorized computer access.

Assumptions

1. Charge, conviction, and sentencing patterns and trends will not change over the projection period.
2. Prisoner length of stay, revocation rates, and other corrections’ practices and policies will not change over the projection period.
3. The law will become effective July 1, 2002. A lag effect of six months is assumed, from the effective date of the change in the law to the date of first entry of affected offenders into the correctional system.
4. The analysis is based on information obtained from the Justice Data Warehouse, which includes statewide court information. There have been no convictions under Section 716.6B, Code of Iowa, in recent years.
5. There were 4,316 people convicted of various levels of criminal mischief during FY 2001. The majority of the convictions were for simple misdemeanors. There is no available information with which to predict the impact of the expanded definition of criminal mischief.
6. The marginal cost per day for county jails ranges from \$15 to \$25 per offender.
7. The median cost per case for indigent defense for a simple misdemeanor case is \$200; for a serious misdemeanor case, \$500; and an aggravated misdemeanor case, \$1,000.
8. The average court cost for a simple misdemeanor case ranges from \$20 to \$29. This figure includes expenses for a Magistrate or a District Associate Judge, Clerk of Court, court attendant, and court reporter.
9. The average court cost for a serious misdemeanor case ranges from \$70 to \$74. This figure includes expenses for a District Associate Judge or a District Court Judge, Clerk of Court, court attendant, and court reporter.
10. The average court cost for an aggravated misdemeanor case ranges from \$70 to \$460. This figure includes expenses for a District Associate Judge, Clerk of Court, court attendant, court reporter, plus a jury if applicable.
11. During Calendar Year 2000, there were 68,858 civil filings and 82,356 criminal filings in the Iowa District Court. To the extent that civil remedies permitted under this Bill are pursued, the demand for services from the Judicial Branch will increase. There is no readily available information with which to predict the impact.
12. The marginal cost per day for Community-Based Corrections (CBC) per probation and parole offender is \$1.55. The average length of stay under CBC supervision for an

aggravated misdemeanor offender is 12.3 months. The average length of stay under CBC supervision for a serious misdemeanor offender is 11.8 months. Simple misdemeanor offenders are rarely supervised.

13. The marginal cost per day for a CBC residential facility is \$16 per offender. The average length of stay is four months.
14. The marginal cost per day for State prisons is \$16 per inmate. Offenders whose lead offense is an aggravated or serious misdemeanor infrequently are sentenced to prison. For those that are sentenced to prison, the average length of stay is nine months for an aggravated misdemeanor offense and eight months for a serious misdemeanor offense.

Correctional Impact

There is no data with which to estimate the correctional impact of these enhanced penalties and the expanded definition of criminal mischief. However, the enhanced penalties and increased emphasis placed on cyber crime by local law enforcement may result in increased convictions under Section 716.6B, Code of Iowa. There will be a correctional impact to the extent that convictions under this statute occur.

Fiscal Impact

The fiscal impact of SF 2098 cannot be determined due to insufficient information.

The fiscal impact for one aggravated misdemeanor conviction ranges from \$1,600 to \$6,000, depending on whether a jury trial occurs and a conviction results in a prison term. The fiscal impact for one serious misdemeanor conviction ranges from \$1,100 to \$5,000, depending on whether a jury trial occurs and a conviction results in a prison term. The fiscal impact for one simple misdemeanor conviction is \$200. These figures include costs for indigent defense, Judicial Branch, CBC supervision, and prisons, if applicable.

While the fiscal impact on counties cannot be estimated, it does not appear to be significant.

Sources

Department of Human Rights, Criminal and Juvenile Justice Planning Division
Department of Corrections
State Public Defender's Office
Iowa Supreme Court

_____/s/ Dennis C Prouty_____

February 12, 2002

The fiscal note and correction impact statement for this bill was prepared pursuant to Joint Rule 17 and pursuant to Section 2.56, Code of Iowa. Data used in developing this fiscal note and correctional impact statement are available from the Legislative Fiscal Bureau to members of the Legislature upon request.
