



[SF 275](#) – Threat of Targeted Attack (LSB1348SV)
Analyst: Laura Book (515.205.9275) laura.book@legis.iowa.gov
Fiscal Note Version – New

Description

[Senate File 275](#) establishes the criminal offenses of assault by threat of a targeted attack and cyberharassment, and provides penalties. The Bill provides that a person commits assault by threat of a targeted attack when the person threatens to cause serious injury or death to persons assembled in a public place, school building, or any occupied structure, which thereby places such persons in reasonable apprehension of serious injury or death, or threatens to commit such an act under circumstances raising a reasonable expectation that the threat will be carried out. The Bill provides that the criminal offense of assault by threat of a targeted attack is a Class D felony.

[Senate File 275](#) provides that a person commits cyberharassment when, while making an online communication using an electronic device or through a social networking site, with the intent to threaten, intimidate, or alarm another person, the person knowingly sends or posts comments, requests, suggestions, or threats of physical harm to or about the other person or the other person's property without legitimate purpose and in a manner that a reasonable person under the same circumstances would interpret to cause fear of physical or emotional harm to the person or the person's property. The Bill provides that cyberharassment is harassment in the second degree and is a serious misdemeanor.

Background

A Class D felony is punishable by confinement for no more than five years and a fine of at least \$750 but not more than \$7,500. A serious misdemeanor is punishable by confinement for no more than one year and a fine of at least \$15 but not more than \$1,875.

Assumptions

- The following will not change over the projection period: charge, conviction, and sentencing patterns and trends; prisoner length of stay; 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.

Correctional Impact

The correctional impact of [SF 275](#) cannot be determined. The Bill establishes two new offenses, and the number of convictions cannot be estimated.

Table 1 below shows estimates for sentencing to State prison, parole, probation, or Community-Based Corrections (CBC) residential facilities; length of stay (LOS) under those supervisions; and supervision marginal costs per day for all convictions of Class D felonies 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 8, 2019, for information related to the correctional system.

Table 1 — Sentencing Estimates and LOS

Conviction Offense Class	Percent to Prison	FY 18 Avg Length of Stay Prison (months)	FY 18 Marginal Cost/Day	Percent to Probation	FY 18 Avg Length of Stay Probation (months)	FY 18 Avg Cost/Day Probation	Percent to CBC	FY 18 Marginal CBC Cost/Day	FY 18 Avg Length of Stay Parole (months)	FY 18 Marginal Cost/Day Parole	Percent to County Jail	Marginal Cost/Day
Class D Felony (Persons)	80.0%	17.2	\$18.43	53.0%	29.5	\$5.38	8.0%	\$11.85	10.6	\$5.38	31.0%	\$50.00
Serious Misdemeanor	2.0%	6.4	\$18.43	60.0%	13.1	\$5.38	1.0%	\$11.85	6.8	\$5.38	70.0%	\$50.00

Minority Impact

The minority impact of [SF 275](#) is unknown. Refer to the LSA memo addressed to the General Assembly, [Minority Impact Statement](#), dated January 7, 2019, for information related to minorities in the criminal justice system.

Fiscal Impact

The fiscal impact of [SF 275](#) cannot be estimated. The Bill establishes two new criminal offenses, and the resulting cost to the Justice System cannot be estimated. **Table 2** shows estimates for the average State cost per offense class type. The estimates include operating costs incurred by the Judicial Branch, the State Public Defender, and the Department of Corrections for one conviction. The cost would be incurred across multiple fiscal years for prison and parole supervision.

Table 2 — Average State Cost Per Offense Class Type

Offense Class	Total Minimum Cost	Total Maximum Cost
Serious Misdemeanor	\$390	\$5,000
Class D Felony	\$9,200	\$14,100

Sources

Criminal and Juvenile Justice Planning Division, Department of Human Rights

/s/ Holly M. Lyons

February 18, 2019

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.
