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**SF 342** – Medical Amnesty (LSB2252SV)

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Fiscal Note Version – New

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### **Description**

[Senate File 342](#) provides immunity from certain alcohol-related criminal offenses and prohibits certain disciplinary sanctions for certain persons who seek or require emergency assistance for alcohol overdoses or for protection from certain crimes:

- Public intoxication and consumption of alcoholic beverages in a public place (Iowa Code section [123.46](#))
- Possession/consumption of alcohol by a minor (Iowa Code section [123.47](#))
- Underage use of a driver's license to purchase alcohol (Iowa Code section [321.216B](#))
- Possession of an open container in a motor vehicle by a driver or passenger (Iowa Code sections [321.284](#) and [321.284A](#))

[Senate File 342](#) establishes Iowa Code section 701.12, which provides that a person under the age of 21 shall not be charged with the specified violations if the person in good faith sought emergency assistance for the person or another person due to an alcohol overdose, or because the person or another person is a victim of a crime prohibited by Iowa Code chapter [708](#) (assault), [709](#) (sexual abuse), or [710A](#) (human trafficking). The section also provides the requirements for the immunity to apply. In addition, the Bill directs the Board of Regents to prohibit Regents universities from imposing certain disciplinary sanctions against a student for the possession or consumption of alcohol if the student is immune from prosecution pursuant to Iowa Code section 701.12.

### **Background**

Currently, a violation of Iowa Code section [321.216B](#), [321.284](#), or [321.284A](#) is a scheduled traffic violation. The current fine for a violation of any of these Code sections is \$200. A violation of Iowa Code section [123.46](#) is a simple misdemeanor for the first offense, and a serious or aggravated misdemeanor for the second or third offense respectively. A violation of Iowa Code section [123.47](#) ranges from a scheduled traffic violation to a serious misdemeanor depending on the offense.

As a condition of receiving certain federal highway funds, states are required to comply with federal regulations in [23 U.S.C. sections 154](#) (Open Container Requirements), [158](#) (National Minimum Drinking Age), and [161](#) (Operation of Motor Vehicles by Intoxicated Minors).

### **Assumptions**

The immunity provision established in this Bill would cause the State to be out of compliance with federal regulations relating to open containers, minimum drinking age, and operation of vehicles by intoxicated minors.

### **Correctional Impact**

In FY 2018, there were 7,457 convictions for public intoxication, 177 convictions for possession of alcohol under the legal age, 29 convictions for use of a driver's license by an underage person, and 1,744 convictions for possession of an open container in a motor vehicle. [Senate File 342](#) is estimated to result in a reduction of convictions, but an estimate cannot be provided

due to a lack of available data on emergency assistance for alcohol overdoses. In addition, most of the offenses included under the immunity are either a scheduled traffic violation or a simple misdemeanor and would not have a correctional impact.

**Fiscal Impact**

The Iowa Department of Transportation (DOT) has indicated that [SF 342](#) may result in a major loss of federal highway funds because the State would no longer be in compliance with federal regulations relating to open containers, minimum drinking age, and operation of vehicles by intoxicated minors. The following table shows the relevant funding that may be eliminated or reduced due to the noncompliance, based on the [FY 2019 Federal Highway Administration apportionment tables](#).

**[SF 342](#) — Federal Highway Funding to Iowa Potential Impact**

<b>U.S. Code Section</b>	<b>Related Funding</b>
23 U.S.C. §154 — Open Container	\$12.0 million
23 U.S.C. §158 — National Minimum Drinking Age	\$37.3 million
23 U.S.C. §161 — Operation of Motor Vehicles by Intoxicated Minors	\$37.3 million

Due to a possible decrease in convictions, there may be a decrease in fine revenue on the scheduled fines and simple misdemeanors, but the impact is unknown.

**Sources**

Criminal and Juvenile Justice Planning Division, Department of Human Rights  
Department of Transportation

/s/ Holly M. Lyons

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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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