



HF 712 – Prison Overcrowding, Class D Felonies (LSB1983HV)
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Fiscal Note Version – New

Description

[House File 712](#) relates to indeterminate sentencing options for convictions of a Class D felony. The Bill establishes that when a judgment of conviction of a Class D felony is entered against a person, the presiding court, in imposing a sentence of confinement, may do any of the following:

- Except as otherwise provided in new Iowa Code section 312J.2(5)(a), commit the person into the custody of the Director of the Department of Corrections (DOC) for an indeterminate amount of time not to exceed five years, and suspend the sentence subject to the person's compliance with conditions set forth by the court as a requirement of the suspended sentence.
- Commit the person into the custody of the Director of the DOC for an indeterminate amount of time not exceeding five years without suspending the sentence.
- Except as otherwise provided in new Iowa Code section 312J.2(5)(a), commit the person into the custody of the Director of DOC for an indeterminate amount of time not to exceed five years, with a mandatory minimum term between 30 days and one year, to be served in county jail.

[House File 712](#) also states that the DOC is responsible for the costs and expenses associated with housing an individual ordered to serve an indeterminate term in a county jail and shall reimburse the county in which such costs and expenses occurred, if applicable.

Background

Under current law, a person convicted for a third driving-while-intoxicated offense is committed to the custody of the Director of the DOC for an indeterminate term not exceeding five years, with a mandatory minimum of 30 days. Current practice allows the presiding court to utilize indeterminate sentencing but does not require the DOC to reimburse county jails for any confinement costs.

The DOC is responsible for providing medical, educational, religious, and other treatment services to individuals under the Director's custody, including transportation to treatment at the University of Iowa Hospitals and Clinics in Iowa City, as well as providing other core reentry services to individuals who have reached the end of their sentence. Individuals serving time in county jails are provided medical treatment at a local hospital. In FY 2018, the DOC closed or released 1,907 Class D felony convictions.

Additionally, prior to any sentence closure or release, the Board of Parole (BOP) requires the DOC to provide a release plan and parole recommendations to eligible individuals. Such release consideration hearings are often held with the aid of video conferencing technology through a DOC polycom unit platform that is connected to individual institutions. This video conferencing system is provided through an Iowa Communications Network (ICN) Internet connection.

Assumptions

Based on previous years’ data and analysis of current practice, it is assumed that an estimated 1,907 new individual Class D felony cases will be eligible for indeterminate sentencing options in FY 2020.

- Marginal costs for county jails cannot be estimated due to lack of data. For the purpose of this analysis, the marginal cost for county jails is \$50 per day.
- The marginal cost per day in prison is estimated to be \$18.43.
- The average length of stay (LOS) for a Class D felony conviction is 12 months.

Correctional Impact

The Criminal and Juvenile Justice Planning Division, Department of Human Rights, does not expect [HF 712](#) to have a correctional impact, as the Bill codifies what is current sentencing practice.

Fiscal Impact

Department of Corrections

Table 1 displays the estimated cost per inmate for one calendar month, based on whether the individual is in custody of the DOC or a county jail.

Table 1 — Monthly Cost Per Inmate, Based on Custodial Institution

	Marginal Cost/Day	Est. Cost/Month (Avg. 30 Days)
DOC	\$ 18.43	\$ 561
County Jail	\$ 50.00	\$ 1,521

Table 2 below depicts three different cost scenarios based on inmate intake and institutional custody arrangements. It is important to note that any costs incurred by housing inmates in county jails under any of the indeterminate sentencing options are required to be reimbursed by the DOC.

Table 2 — Average LOS Cost Scenarios Based on Custodial Institution

	Inmate Count - DOC	Inmate Count - County	Marginal Cost/Day - DOC	Marginal Cost/Day - County Jail	Avg. LOS (months)	Total Cost - DOC	Total Cost - County Jail
Scenario 1: Total Cost DOC Custody	1,907	0	\$18.43	\$50	12	\$12.8 M	\$ -
Scenario 2: Total Cost County Jail Custody	0	1,907	\$18.43	\$50	12	\$ -	\$34.8 M
Scenario 3: Total Cost Split Between DOC/County Jail	953	954	\$18.43	\$50	12	\$6.4 M	\$17.4 M

Any additional persons placed under the custody of the Director of the DOC would be eligible to receive medical, educational, religious, and other treatment services already available to persons currently under DOC custody. Depending on where individual inmates are housed, housing costs may range from \$12.8 million to \$34.8 million. The cost increase associated with providing these services to persons newly placed under DOC custody cannot be determined at this time. Additionally, the DOC estimates that recidivism rates may increase due to inmates at county jails not receiving core reentry services that are currently available to individuals in custody of the DOC. Recidivism rates and associated costs cannot be determined.

Board of Parole

Fiscal impact on the BOP cannot be determined. The BOP estimates that it would need to provide each county jail with a polycom video conferencing unit to conduct release plan and parole recommendations hearings. Individual polycom devices cost approximately \$6,000 plus the cost of an ICN Internet connection. Without knowing what infrastructure and technology options are available to each individual county jail, the BOP cannot estimate the total cost incurred by setting up video conferencing units at the county jails.

Sources

Department of Corrections
Criminal and Juvenile Justice Planning Division, Department of Human Rights
Board of Parole
LSA calculations

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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.
