



**HF 688** – Public Intoxication (LSB2153HV)

Analyst: Laura Book (515.205.9275) [laura.book@legis.iowa.gov](mailto:laura.book@legis.iowa.gov)

Fiscal Note Version – New

**Description**

[House File 688](#) relates to alcoholic beverage control violations and second and subsequent convictions and provides penalties. The Bill provides that conviction under Iowa Code section [123.46](#) (consumption or intoxication in public places) is not subject to the sentencing enhancement provisions of Iowa Code section [123.91](#) for a second or subsequent conviction. Under this Bill, a second or subsequent violation of Iowa Code section [123.46](#) would be a simple misdemeanor.

**Background**

Currently, a second violation of Iowa Code section [123.46](#) is a serious misdemeanor, and any subsequent violation is an aggravated misdemeanor. A serious misdemeanor is punishable by a fine of at least \$315 but not more than \$1,875, and the court may order imprisonment not to exceed one year. An aggravated misdemeanor carries a maximum penalty of incarceration not to exceed two years, with a fine of at least \$625 but not more than \$6,250. A simple misdemeanor is punishable by a fine of at least \$65 but not more than \$625, and the court may order imprisonment not to exceed 30 days in lieu of a fine or in addition to a fine.

**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.
- 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.
- Forty percent of all offenders convicted of a simple misdemeanor will need a public defender.

**Correctional Impact**

In FY 2018, there were 7,455 consumption/intoxication in public places convictions. Of these, 6,631 were simple misdemeanors, 296 were serious misdemeanors, and 528 were aggravated misdemeanors. Under this Bill, all convictions of this offense will be simple misdemeanors. Within two years of implementation, it is estimated there will be an annual decrease of 72 inmates in the prison population.

**Table 1 — HF 688, Decrease in Orders Beginning FY 2020**

Prison Orders	Probation Orders	CBC Residential Orders	Jail Orders
-143	-373	-14	-335

**Minority Impact**

[House File 688](#) is estimated to have a minority impact. In FY 2018, 13.0% of offenders convicted of this offense were African American. It is estimated there will be an annual decrease of nine inmates who are minorities in the prison population starting in FY 2020.

**Table 2 — HF 688, Minority Impact Beginning FY 2020**

Prison Orders	Probation Orders	CBC Residential Orders	Jail Orders
-19	-48	-2	-44

**Fiscal Impact**

[House File 688](#) is estimated to have an annual cost savings of approximately \$3.6 million to the Justice System beginning in FY 2020, as shown in **Table 3**. This estimated fiscal impact includes operating costs incurred by the Judicial Branch, the Indigent Defense Fund, and the Department of Corrections. The cost savings would be incurred across multiple fiscal years for prison and parole supervision. Under this Bill there would be:

- An estimated 824 additional simple misdemeanor convictions.
- An estimated decrease of 296 serious misdemeanor convictions.
- An estimated decrease of 528 aggravated misdemeanor convictions.

**Table 3 — HF 688, Estimated Savings Beginning FY 2020**

<u>Offense Class</u>	<u>Cost Range</u>	<u>Conviction Adjustment</u>	<u>Estimated Savings</u>
Simple Misdemeanor	\$30 - \$330	824	\$ 120,720
Serious Misdemeanor	\$390 - \$5,000	-296	-880,700
Aggravated Misdemeanor	\$4,700 - \$7,500	-528	-2,865,200
<b>Total</b>			<u>\$ -3,625,180</u>

Due to the shift in convictions from serious and aggravated misdemeanors to simple misdemeanors, there may be a decrease in fine revenue, but the impact is unknown.

**Sources**

Criminal and Juvenile Justice Division, Department of Human Rights

/s/ Holly M. Lyons

March 19, 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.

---