



SF 519 – Agricultural Production Facility Trespass (LSB2749SV.1)
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Fiscal Note Version – Final Action

Description

[Senate File 519](#) creates the criminal offense of agricultural production facility trespass when a person involves the use of deception to obtain access to an agricultural production facility not open to the public with the intent to cause physical or economic harm or to injure the facility's operations, property, or persons. A person who commits agricultural production facility trespass is guilty of a serious misdemeanor for a first offense and an aggravated misdemeanor for a second or subsequent offense. The Act also expressly provides for the application of the conspiracy statute under Iowa Code section [706.1](#). The Act is effective upon enactment.

Background

The enactment of [HF 589](#) (FY 2012 Agricultural Production Facility Fraud Act) made it a crime for persons to obtain access to an agricultural production facility using false pretenses. Several groups challenged the law in court and on January 9, 2019, Senior Federal Judge James Gritzner ruled the law was unconstitutional, saying it violates the First Amendment's free speech protections.

A serious misdemeanor is punishable by confinement for no more than one year and a fine of at least \$315 but not more than \$1,875. An aggravated misdemeanor is punishable by confinement for no more than two years and a fine of at least \$625 but not more than \$6,250.

In 2018, there were no convictions related to agricultural production facilities or conspiracy. Over the past 10 years, there were four convictions related to agricultural production facilities and 66 for conspiracy.

Assumptions

Other assumptions for the Act include:

- Charge, conviction, and sentencing patterns and trends will not change over the projection period.
- Prisoner length of stay, revocation rates, plea bargaining, and other criminal justice system policies and practices will not change over the projection period.
- A lag effect of six months is assumed from the effective date of this Act to the date of first entry of affected offenders into the correctional system. Senate File 519 was signed by the Governor on March 12, 2019, and took effect upon enactment.

Correctional Impact

The correctional impact of [SF 519](#) cannot be determined. The Act establishes a new criminal offense and the number of convictions cannot be estimated.

Table 1 below shows estimates for sentencing to State prison, 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 serious misdemeanors and aggravated misdemeanors in crimes involving persons. 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 Prison	Percent to Probation	FY 18 Avg Length of Stay Probation (months)	FY 18 Avg Cost/Day Probation	Percent to CBC	FY 18 Marginal Cost/Day CBC	FY 18 Avg Length of Stay Parole (months)	FY 18 Marginal Cost/Day Parole	Percent to County Jail	Marginal Cost/Day
Aggravated Misdemeanor (Persons)	46.0%	8.5	\$19.93	71.0%	20.2	\$5.38	5.0%	\$11.85	4.8	\$5.38	53.0%	\$50.00
Serious Misdemeanor (Persons)	2.0%	6.4	\$19.93	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 519](#) 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

[Senate File 519](#) establishes a new criminal offense, 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 — Fiscal Estimate to the State Justice System

Offense	Cost Per Conviction	
	Minimum	Maximum
Serious Misdemeanor	\$ 390	\$ 5,000
Aggravated Misdemeanor	4,700	7,500
Total	<u>\$ 5,090</u>	<u>\$ 12,500</u>

Effective Date

The Act is effective upon enactment.

Enactment Date

The Act was approved by the General Assembly on March 12, 2019, and signed by the Governor on March 14, 2019.

Sources

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

/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.
