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[SF 2225](#) – Theft, Third Degree (LSB5074SV)  
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Fiscal Note Version – New

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## **Description**

[Senate File 2225](#) increases the dollar limit from \$500 to \$750 for third degree theft of any property by a person who has previously been convicted of theft. In addition, the Bill revises the imposition date of legislative changes in 2019 Iowa Acts, chapter [140](#), from July 1, 2018, to July 1, 2019, for the robbery in the first degree mandatory term under Iowa Code section [902.12\(3\)](#).

## **Background**

### Theft – Third and Fourth Degree

Under current law, theft in the third degree is defined as the theft of property that is more than \$750, but not more than \$1,500, or the theft of any property not more than \$500 by a person who has previously been twice convicted of theft. Theft in the third degree is an aggravated misdemeanor punishable by confinement for no more than two years and a fine of at least \$625 but not more than \$6,250.

Theft in the fourth degree is defined as the theft of property exceeding \$300 but not exceeding \$750 in value. Theft in the fourth degree is a serious misdemeanor punishable by confinement for no more than one year and a fine of at least \$315 but not more than \$1,875.

### Robbery in the First Degree

Under current law, a person serving a sentence for a conviction of robbery in the first degree shall be denied parole or work release until the person has served between 50.0% to 70.0% of the maximum term of the person's sentence. This Bill updates the conviction date to reflect the changes made in 2019 Iowa Acts, chapter [140](#), and makes no change to the current mandatory minimum.

## **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**

### Theft

[Senate File 2225](#) will likely increase the number of third degree theft convictions, prison admissions, probationers, and jail stays, and reduce the number of fourth degree theft convictions. The full impact cannot be estimated due to a lack of data describing the dollar value of current theft convictions. In FY 2019, there were 670 convictions of third degree theft,

214 admissions to prison, 342 admissions to probation, and 456 admissions to jail. There were 1,180 convictions for fourth degree theft in FY 2019.

### Robbery

This section of the Bill is not estimated to have a correctional impact. According to the Department of Corrections (DOC), in 2019, there were three individuals incarcerated on a first-degree robbery offense whose mandatory term was modified from 70.0% to 50.0 to 70.0% mandatory term range under 2019 Iowa Acts, chapter 140. These individuals were sentenced after July 1, 2019.

Refer to the Legislative Services Agency (LSA) memo addressed to the General Assembly, [Cost Estimates Used for Correctional Impact Statements](#), dated January 16, 2020, for information related to the correctional system.

### Minority Impact

Currently, African-Americans represent 3.6% of the adult population in Iowa. In FY 2019, African-Americans represented 20.8% of convictions for third degree theft, 17.5% of convictions of fourth degree theft, and 80.0% of all convictions for robbery in the first degree. According to the Criminal and Juvenile Justice Planning Division (CJJP), these rates exceed the population proportion of the State and would lead to a racial impact if they remain consistent. Due to the low numbers of other minority categories, the impact on those populations cannot be assessed.

Refer to the LSA memo addressed to the General Assembly, [Minority Impact Statement](#), dated January 15, 2020, for information related to minorities in the criminal justice system.

### Fiscal Impact

The fiscal impact of [SF 2225](#) to the Justice System is unknown due to a lack of data describing the dollar value of current theft convictions and the potential increase in third degree theft convictions.

The average State cost for a serious misdemeanor ranges from \$410 to \$4,900, and the cost for an aggravated misdemeanor ranges from \$5,600 to \$8,000. As a result, the potential cost increase may range from \$3,100 to \$5,190 per offense. This estimate includes operating costs incurred by the Judicial Branch, the State Public Defender, and the DOC for one conviction. The cost would be incurred across multiple fiscal years for prison and parole supervision.

### Sources

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

/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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