



[HF 2436](#) – Theft, Enhanced Penalties (LSB5075HV)
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Fiscal Note Version – New

Description

[House File 2436](#) prohibits a sentencing court in cases involving theft from deferring the judgment or deferring the sentence if the defendant was a public employee or public official at the time of the offense and the amount of money taken by the public employee or public official in connection with the offense exceeded \$10,000.

[House File 2436](#) also prohibits a sentencing court from suspending the sentence of a defendant if the defendant was a public employee or a public official at the time of the offense, and the amount of money taken by the public employee or public official in connection with the offense exceeded \$10,000, unless the defendant establishes, by clear and convincing evidence, and the sentencing court finds and states specifically on the record that mitigating circumstances exist warranting a departure from the otherwise mandatory minimum term of incarceration.

Background

Under current law, the theft of property exceeding \$10,000 in value is defined as first degree theft. Theft in the first degree is a Class C felony. A person convicted of a Class C felony shall be confined for no more than five years, and in addition shall be sentenced to a fine of at least \$750 but not more than \$7,500.

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

[House File 2436](#) is not estimated to have a correctional impact due to the rarity of crimes involving public employees of public officials. 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

[House File 2436](#) is not estimated to have a minority impact due to the rarity of crimes of this nature. 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

[House File 2436](#) is estimated to have minimal to no fiscal impact due to the rarity of crimes of this nature. The average State cost for a Class C felony ranges from \$11,600 to \$19,400 per

offender. This estimate includes operating costs incurred by the Judicial Branch, the State Public Defender, and the Department of Corrections (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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