



[HF 2473](#) – Prohibition of Synthetic Urine, Misuse of Urine in Drug Testing (LSB5169HV)
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Fiscal Note Version – New

Description

[House File 2473](#) creates the criminal offense of defrauding a drug or alcohol test. The Bill prohibits a person from:

- Manufacturing, marketing, selling, distributing, using, or possessing synthetic urine or a urine additive for the purpose of defrauding a drug or alcohol test.
- Knowingly using a person's own urine expelled or withdrawn prior to the collection of urine for the purpose of defrauding a drug or alcohol test.
- Knowingly using the urine of another person for the purpose of defrauding a drug or alcohol test

A person who violates the Bill commits a simple misdemeanor for a first offense and a serious misdemeanor for all subsequent offenses. The Bill allows a person who collects a urine sample from another person for a drug or alcohol test, having knowledge or a reasonable suspicion that the other person has used synthetic urine or a urine additive in violation of the Bill, to report such information to law enforcement authorities. The Bill applies to both public and private sector workplaces.

Background

A simple misdemeanor is punishable by confinement for no more than 30 days or a fine of at least \$65 but not more than \$625 or by both. 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.

Assumptions

- The following will not change over the projection period: charge, conviction, and sentencing patterns and trends; prisoner length of stay (LOS); 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

The correctional impact of [HF 2473](#) cannot be estimated. The Bill establishes a new criminal offense, and the number of convictions cannot be estimated.

Table 1 below shows estimates for sentencing to State prison, parole, probation, or Community-Based Corrections (CBC) residential facilities; LOS under those supervisions; and supervision marginal costs per day for all convictions of serious misdemeanors. 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.

Table 1 — Sentencing Estimates

Conviction Offense Class	Percent to Prison	FY 19 Avg Length of Stay Prison (months)	FY 19 Marginal Cost/Day Prison	FY 19 Avg Length of Stay Parole (months)	FY 19 Marginal Cost/Day Parole	Percent to Probation	FY 19 Avg Length of Stay Probation (months)	FY 19 Avg Cost/Day Probation	Percent to CBC Residential Facility	FY 19 CBC Marginal Cost/Day	Percent to County Jail	Avg Length of Stay in County Jail	Marginal Cost/Day
Serious Misdemeanor	2.0%	5	\$20.38	2.4	\$6.12	56.0%	13.4	\$6.12	1.0%	\$12.58	69.0%	N/A	\$50.00

Minority Impact

[House File 2473](#) establishes a new criminal offense, and a minority impact cannot be estimated due to a lack of data. 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 [HF 2473](#) cannot be estimated due to the lack of data regarding convictions. **Table 2** contains cost estimates for the average State cost per offense class type for one simple misdemeanor or serious misdemeanor conviction. The cost estimate includes 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 — Average State Cost per Offense Class Type

Offense Class	Total Minimum Cost	Total Maximum Cost
Simple Misdemeanor	\$40	\$350
Serious Misdemeanor	\$410	\$4,900

The new offense established by [HF 2473](#) may also result in an increase in fine and surcharge revenue, but the impact is unknown.

Source

Criminal and Juvenile Justice Planning Division, Department of Human Rights

/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.
