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[HF 2444](#) – Disorderly Conduct (LSB5879HV)  
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Fiscal Note Version – New

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**Description**

[House File 2444](#) adds to the definition of disorderly conduct the requirement that a person intentionally or recklessly cause unreasonable distress when the person engages in loud and raucous noise in the vicinity of any residence or public building in order to be guilty of disorderly conduct. A person who violates this Bill commits a simple misdemeanor.

**Background**

Under current law, a person engages in disorderly conduct when the person makes loud and raucous noise in the vicinity of any residence or public building which causes unreasonable distress to the occupants thereof.

A simple misdemeanor is punishable by confinement for no more than 30 days or a fine of at least \$65 but no more than \$625.

**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 2444](#) adds the requirement of reckless or intentional behavior to the definition of offense of disorderly conduct. Since [HF 2444](#) would restrict the definition of disorderly conduct in a way that cannot be accounted for with current data, the correctional impact cannot be estimated. In FY 2019, there were approximately 1,415 disorderly conduct convictions. 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 2444](#) would restrict the definition of disorderly conduct in a way that cannot be accounted for with current data, and the minority impact of this legislation cannot be estimated. In FY 2019, African Americans made up 3.6% of the adult population of the State of Iowa and approximately 21.4% of disorderly conduct convictions. According to the Criminal and Juvenile Justice Planning Division, this exceeds the population proportion of the State, which would lead to a racial impact if the proportion remains constant. Due to the low numbers in 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 [HF 2444](#) is unknown due to the unknown correctional impact of the Bill. The average State cost for one simple misdemeanor conviction ranges from \$40 to \$350. The minimum cost includes court time for a magistrate or district associate judge, court reporter, judicial specialist, and clerk of court staff. The maximum cost includes court time and the costs of indigent defense. The new definition of disorderly conduct under [House File 2444](#) may also affect fine and surcharge revenue, but the impact is unknown.

**Source**

Criminal and Juvenile Justice Planning Division, Department of Human Rights

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/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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