

Fiscal Note

Fiscal Services Division



[HF 684](#) – Medical Amnesty (LSB2252HV.1)
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Fiscal Note Version – Final Action

Description

[House File 684](#) provides immunity from certain alcohol-related criminal offenses and prohibits certain disciplinary sanctions for certain persons who seek or require emergency assistance for alcohol. The Bill establishes Iowa Code section 701.12, which provides that a person under the age of 21 shall not be charged or prosecuted for public intoxication, possession of alcohol under the legal age, or use of a driver's license by an underage person to obtain alcohol, if the person in good faith sought emergency assistance for the person or another person due to an alcohol overdose. The section also provides the requirements for the immunity to apply. In addition, the Bill directs the Board of Regents to prohibit regents universities from imposing certain disciplinary sanctions against a student for the possession or consumption of alcohol if the student is immune from prosecution pursuant to Iowa Code section 701.12.

Background

Currently, a violation of Iowa Code section [321.216B](#) is a scheduled traffic violation. The current fine for a violation of any of these Code sections is \$200. A violation of Iowa Code section [123.46](#) is a simple misdemeanor for the first offense and a serious or aggravated misdemeanor for the second or third offense, respectively. A violation of Iowa Code section [123.47](#) ranges from a scheduled traffic violation to a serious misdemeanor, depending on the offense.

Correctional Impact

In FY 2018, there were 7,457 convictions for public intoxication, 177 convictions for possession of alcohol under the legal age, and 29 convictions for use of a driver's license by an underage person. [House File 684](#) is estimated to result in a reduction of convictions, but an estimate cannot be provided due to a lack of available data on emergency assistance for alcohol overdoses. In addition, most of the offenses included under the immunity are either scheduled traffic violations or simple misdemeanors and will not have a correctional impact.

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

The minority impact for [HF 684](#) cannot be determined. 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 684](#) cannot be determined due to the lack of data on the reduction of convictions resulting from this Bill. Due to this possible decrease in convictions, there may also be a decrease in fine revenue related to the scheduled traffic violations and simple misdemeanors, but the impact is unknown.

Sources

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

/s/ Holly M. Lyons

July 13, 2020

Doc ID 1138258

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.
