



[HF 198](#) – Assault, Lasers (LSB1917HV)
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Fiscal Note Version – New

Description

[House File 198](#) relates to assault involving a laser emitting a visible light beam. The Bill expands the definition of assault under Iowa Code section [708.1](#) to include intentionally pointing a laser emitting a visible light beam at another person with the intent to cause pain or injury to another. The definition does not apply to:

- A law enforcement officer who uses a laser in discharging or attempting to discharge the officer's official duties.
- A health care professional who uses a laser in providing services or to any other person who is licensed or authorized by law to use a laser or uses it in the performance of official duties.
- A person who uses a laser to play laser tag, paintball, and other similar games using light-emitting diode technology.

Background

The penalties for assault are defined under Iowa Code section [708.2](#) and range from a simple misdemeanor to a Class C felony depending on the circumstances of the offense. Felonies and misdemeanors are punishable by the terms defined in Iowa Code chapters [902](#) and [903](#) respectively.

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 198](#) expands the definition of assault, and the correctional impact cannot be estimated due to a lack of existing data.

Table 1 provides estimates for sentencing to State prison, parole, probation, or Community-Based Corrections (CBC) residential facilities; length of stay (LOS) under those supervisions; and supervision marginal costs per day for all convictions ranging from aggravated misdemeanors to Class C felonies. The LOS data is not applicable to simple or serious misdemeanors. Refer to the Legislative Services Agency (LSA) memo addressed to the General Assembly, [Cost Estimates Used for Correctional Impact Statements](#), dated January 26, 2021, for information related to the correctional system.

Table 1 — Sentencing Estimates and LOS

| Conviction Offense Class | Percent to Prison | Avg Length of Stay Prison (months) | FY 20 Marginal Cost/Day Prison | Percent Ordered to Probation | Avg LOS on Probation | Avg Cost Per Day on Probation | Percent Sentenced to CBC Residential Facility | FY 20 Marginal Cost CBC Per Day | Percent Ordered to County Jail | Marginal Cost Per Day | Avg LOS on Parole | FY 20 Marginal Cost Per Day Parole |
|--------------------------|-------------------|------------------------------------|--------------------------------|------------------------------|----------------------|-------------------------------|---|---------------------------------|--------------------------------|-----------------------|-------------------|------------------------------------|
| Class C Felony (Persons) | 89.0% | 38.6 | \$20.33 | 27.9% | 34.1 | \$5.38 | 6% | \$14.78 | 49.1% | \$50.00 | 21.5 | \$5.38 |
| Class D Felony (Persons) | 77.0% | 16.0 | \$20.33 | 47.8% | 30.5 | \$5.38 | 11% | \$14.78 | 38.6% | \$50.00 | 11.5 | \$5.38 |
| Aggr. Misd. (Persons) | 43.0% | 7.1 | \$20.33 | 51.7% | 20.2 | \$5.38 | 3% | \$14.78 | 70.7% | \$50.00 | 6.0 | \$5.38 |

Minority Impact

[House File 198](#) expands the definition of assault to include new actions not previously criminalized under Iowa Code chapter [708](#). As a result, the Criminal and Juvenile Justice Planning Division (CJJP) of the Department of Human Rights cannot use prior existing data to estimate the minority impact of [HF 198](#). Refer to the LSA memo addressed to the General Assembly, [Minority Impact Statement](#), dated January 26, 2021, for information related to minorities in the criminal justice system.

Fiscal Impact

[House File 198](#) expands the definition of assault, and the fiscal impact cannot be estimated due to the lack of existing conviction data. **Table 2** contains cost estimates for the average State cost per offense class type for one 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 Cost | |
|------------------------|------------|---------|
| | Minimum | Maximum |
| Simple Misdemeanor | \$ 40 | \$ 350 |
| Serious Misdemeanor | 410 | 7,500 |
| Aggravated Misdemeanor | 3,700 | 7,800 |
| Class D Felony | 7,700 | 13,500 |
| Class C Felony | 9,900 | 19,200 |

The new offense established by [HF 198](#) may also result in an increase in fine and surcharge revenue, but the impact is unknown.

Sources

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

/s/ Holly M. Lyons

January 28, 2021

Doc ID 1209660

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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