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[SF 55](#) – Carbon Monoxide Alarms Standards (LSB1903XS)  
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Fiscal Note Version – New

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### **Description**

[Senate File 55](#) requires the State Fire Marshal of the Department of Public Safety to adopt rules related to carbon monoxide protection standards in the construction of new buildings, additions to buildings, or rehabilitation of existing buildings and other certain public facilities that are consistent with the [International Building Code](#) and the [International Fire Code](#). The Bill also permits the State Fire Marshal to include carbon monoxide awareness as part of fire safety campaigns.

### **Background**

The State Fire Marshal currently adopts rules regarding carbon monoxide protection on a regular basis.

Current law provides that an individual who violates a rule adopted by the State Fire Marshal is guilty of a simple misdemeanor. Additionally, a person who fails to remedy a violation that constitutes a clear and present danger to life 30 days after receiving written notice of a violation is guilty of a serious misdemeanor.

A simple misdemeanor is punishable by confinement for no more than 30 days or a fine of at least \$105 but no more than \$855, or both. A serious misdemeanor is punishable by confinement of no more than one year and a fine of at least \$430 but not more than \$2,560.

### **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**

Senate File 55 establishes a new criminal offense, and the correctional impact cannot be estimated due to a lack of existing conviction data.

**Table 1** provides 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. The LOS data is not applicable to simple misdemeanors. Refer to the Legislative Services Agency (LSA) memo addressed to the General Assembly, [Cost Estimates Used for Correctional Impact Statements](#), dated January 22, 2021, for information related to the correctional system.

**Table 1 — LOS and Sentencing Estimates**

| Conviction Offense Class | Percent to Prison | Avg Length of Stay in Prison (months) | FY 20 Marginal Cost Per Day | 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 | Avg Length of Stay in County Jail | Marginal Cost Per Day | Avg LOS on Parole | FY 20 Average Cost Per Day Parole |
|--------------------------|-------------------|---------------------------------------|-----------------------------|------------------------------|----------------------|-------------------------------|---|---------------------------------|--------------------------------|-----------------------------------|-----------------------|-------------------|-----------------------------------|
| Serious Misdemeanor      | 2.0%              | 5.0                                   | \$20.33                     | 56.0%                        | 13.4                 | \$5.38                        | 1.0%  | \$14.78                         | 69.0%                          | N/A                               | \$50.00               | 2.4               | \$5.38                            |

**Minority Impact**

Senate File 55 establishes a new criminal offense, and it is unknown how many violations will occur as a result of not complying with the State Fire Marshal’s rules. 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 SF 55. Refer to the LSA memo addressed to the General Assembly, [Minority Impact Statement](#), dated January 27, 2021, for information related to minorities in the criminal justice system.

**Fiscal Impact**

The State Fire Marshal does not expect any fiscal impact resulting out of promulgating rules related to carbon monoxide protection. Any fiscal impact to local entities, including school districts, cities, and counties, cannot be determined until the rulemaking process has been completed and the proposed rules have been fully implemented.

Senate File 55 establishes a new criminal offense, 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 |

**Sources**

State Fire Marshal, Department of Public Safety  
 Department of Corrections  
 Criminal and Juvenile Justice Planning Division, Department of Human Rights  
 Legislative Services Agency

/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.