



[SF 534](#) – Public Safety Omnibus (LSB2506SV)
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Fiscal Note Version – New

Description

[Senate File 534](#) relates to law enforcement and certain criminal offenses.

Section 1 of SF 534 provides that an officer who has suffered any injury, physical or otherwise, during the performance of official duties or duties directly related to the officer's status as an officer, including knowingly filing a false complaint, has the right to pursue civil remedies against any person, group of persons, or organization for damages including but not limited to actual damages, court costs, and reasonable attorney costs.

Section 2 relates to immunity from civil liability for certain vehicle operators. The Bill provides that a driver of a vehicle who is exercising due care and who injures another person who is participating in a protest, demonstration, riot, or unlawful assembly or who is engaging in disorderly conduct and is blocking traffic on a public roadway is immune from civil liability for the caused injury. This provision does not apply if the injured person was participating in a protest or demonstration with a valid permit allowing persons to do so on a public roadway.

Section 3 requires county recorders to implement and maintain a process for redacting the names of any law enforcement officer, State or judicial officer, or State or federal prosecutor contained in electronic documents that are accessible to the public. This Section allows the county recorders to charge an additional \$1 fee for each recorded transaction for which a fee is currently charged under Iowa Code section [331.604](#)(1) to offset the cost resulting from implementing and maintaining a process for name redaction.

Section 4 provides that a peer support group counselor who obtains information from an officer or civilian employee of a law enforcement agency or fire department is prohibited from disclosing confidential information as entrusted to the counselor during times of peer support counseling.

Sections 5 through 12 relate to numerous criminal offenses. 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.

The Bill also adds a civilian employee of a law enforcement agency or fire department to the list of persons engaged in certain occupations against whom an assault is subject to an increased criminal penalty. A person who commits assault against a person engaged in these

occupations with intent to inflict serious injury or who uses or displays a dangerous weapon in connection with an assault against a person engaged in these occupations is guilty of a Class C felony, and a person who commits an assault against a person engaged in these occupations which causes bodily injury or mental illness is guilty of a Class D felony, with a mandatory minimum term of imprisonment of one year. Individuals who commit any other type of assault against a person engaged in these occupations are guilty of an aggravated misdemeanor.

Senate File 534 expands the definition of harassment in the first degree to provide that a person commits harassment in the first degree when the person commits harassment against another individual who is lawfully in a place of public accommodation. A person who commits harassment in the first degree is guilty of an aggravated misdemeanor. The Bill also expands the definition of criminal mischief in the second degree to include acts that damage, deface, alter, or destroy any publicly owned property, including monuments and statues. A person who commits criminal mischief in the second degree is guilty of a Class D felony. Additionally, the Bill increases the penalty for a riot crime, as defined in Iowa Code section [723.1](#), from an aggravated misdemeanor to a Class D felony, and increases the penalty for unlawful assembly, as defined in Iowa Code section [723.2](#), from a simple to an aggravated misdemeanor. The Bill provides that a defendant arrested for criminal mischief in the second degree shall not be released within 24 hours of the time of arrest unless a court finds the defendant is not likely to immediately resume criminal behavior.

Senate File 534 defines the act of disorderly conduct under Iowa Code section [723.4](#) to include the following:

- Engaging in fighting or violent behavior in any public place.
- Making loud and raucous noises in the vicinity of any residence or public building which causes unreasonable distress to the occupants thereof.
- Directing abuse epithets or threatening gestures which a person knows or reasonably should know are likely to provoke a violent reaction.
- Disturbing any lawful assembly or meeting by conduct intended to disrupt such events, without lawful authority.
- Initiating, through word or action, a false report when it is known that such a report is baseless.
- Knowingly and publicly defacing, defiling, mutilating, showing disrespect for, trampling, or using the American flag with the intent or reasonable expectation that doing so will provoke or encourage another to trespass or commit assault.

In committing any of those actions, a person commits a simple misdemeanor.

Additionally, a person commits disorderly conduct and is subject to a criminal penalty in the following circumstances:

- A person is guilty of a serious misdemeanor when the person, without lawful authority, obstructs any public roadway with the intent to prevent or hinder its lawful use by others.
- A person is guilty of an aggravated misdemeanor when the person:
 - Obstructs or attempts to fully obstruct a fully controlled access facility or public roadway with certain speed restrictions.
 - Commits property damage.
 - Is present during an unlawful assembly as defined in Iowa Code section 723.2.
- A person is guilty of a Class D felony when the person:
 - Is present during a riot as defined in Iowa Code section 723.1.
 - Causes bodily injury.
- A person is guilty of a Class C felony when the person causes serious bodily injury or death.

Background

Current law provides that all acts of disorderly conduct under Iowa Code section 723.4 are simple misdemeanors.

Additionally, under current law, a person who commits assault against a person engaged in certain occupations with intent to inflict serious injury or who uses or displays a dangerous weapon when committing assault against a person engaged in certain occupations is guilty of a Class D felony, and a person who commits an assault against a person engaged in certain occupations which causes bodily injury or mental illness is guilty of an aggravated misdemeanor. Individuals who commit any other type of assault are guilty of a serious misdemeanor.

A serious misdemeanor is punishable by confinement for no more than one year and a fine of at least \$430 but not more than \$2,560. An aggravated misdemeanor is punishable by confinement for no more than two years and a fine of at least \$855 but no more than \$8,540. A Class D felony is punishable by confinement for no more than five years and a fine of at least \$1,025 but no more than \$10,245. A Class C felony is punishable by confinement of no more than 10 years and a fine of at least \$1,370 but not more than \$13,660.

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.
- Due to the penalty increases, it is assumed that the prison population will increase and that the associated probation population will subsequently decrease.

Correctional Impact

Senate File 534 is estimated to have a correctional impact as it will likely increase the number of individuals under correctional supervision and the LOS. The impact is detailed by criminal offense below.

Assault

Senate File 534 expands the definition of assault and increases related criminal penalties.

Table 1 provides the total cost of prison and probation admissions for one cohort of assault convictions under current law.

Table 1 — Estimated Cost of Assault Prison and Probation Admissions, Current Law

Current Law					
Offense Class	Admissions	LOS (in days)	Marginal Cost (per day)	Cost	
Prison					
Class D Felony	15	486	\$ 20.33	\$	148,206
Aggravated Misdemeanor	7	271	20.33		38,566
Serious Misdemeanor	3	319	20.33		19,456
Total	25	N/A	N/A	\$	206,228
Probation					
Aggravated Misdemeanor	33	614	\$ 5.38	\$	109,010
Serious Misdemeanor	57	459	5.38		140,757
Total	90	N/A	N/A	\$	249,767
				Total Cost	\$ 455,994

Table 2 provides the estimated total cost of prison and probation admissions for one cohort of assault convictions under SF 534.

Table 2 — Estimated Cost of Assault Prison and Probation Admissions, SF 534

Proposed Law					
Offense Class	Admissions	Additional Prison Admissions	LOS (in days)	Marginal Cost (per day)	Cost
Prison					
Class C Felony	15	0	2,189	\$ 20.33	\$ 667,536
Class D Felony	7	6	486	20.33	128,445
Aggravated Misdemeanor	3	1	271	20.33	22,038
Total	25	7	N/A	N/A	\$ 818,019
Probation					
Class D Felony	27	N/A	1,094	\$ 5.38	\$ 158,914
Aggravated Misdemeanor	56	N/A	614	5.38	184,986
Total	83	N/A	N/A	N/A	\$ 343,900
				Total Cost	\$ 1,161,919

The Department of Corrections (DOC) estimates that the changes SF 534 makes to the definition of assault and the increase in related penalties will lead to an increase of \$705,925 in costs to the correctional system.

Harassment in the First Degree

Senate File 534 expands the definition of harassment in the first degree, and the correctional impact cannot be estimated due to a lack of existing data. In FY 2020, the cost to supervise one individual convicted of an offense under Iowa Code section [708.7](#) was \$5,500.

Criminal Mischief in the Second Degree

Senate File 534 expands the definition of criminal mischief in the second degree, and the correctional impact cannot be estimated due to a lack of existing data. In FY 2020, the cost to supervise one correctional cohort of most serious offenses under Iowa Code chapter [716](#) was approximately \$1.2 million. This includes supervision in prison, probation, parole, and work release.

Riot Crimes

Senate File 534 increases the penalty for a riot crime under Iowa Code section [723.1](#) from an aggravated misdemeanor to a Class D felony. Over the last five fiscal years, FY 2016 through FY 2020, there was one prison admission for the most serious offense under Iowa Code section 723.1. The DOC notes that individuals convicted of this crime are much more likely to be admitted to supervision under Community-Based Corrections (CBC) rather than prison supervision. In FY 2020, there were 24 individuals who were admitted to CBC on a most serious offense of a riot crime. Increasing the penalty from an aggravated misdemeanor to a Class D felony will result in an increase in admissions to prison supervision. The DOC estimates that the cost of moving one cohort of admissions for a riot crime from an aggravated misdemeanor to a Class D felony will total \$40,500.

Unlawful Assembly

The Bill increases the penalty for unlawful assembly under Iowa Code section [723.2](#) from a simple misdemeanor to an aggravated misdemeanor. In FY 2020, there were two admissions to CBC for a most serious offense of unlawful assembly. Due to the minimal counts of admissions under this crime, the DOC estimates that the correctional impact of increasing the penalty for unlawful assembly from a simple to an aggravated misdemeanor will be minimal.

Disorderly Conduct

Senate File 534 increases the penalty for certain types of disorderly conduct under Iowa Code section 723.4 from a simple misdemeanor to a serious misdemeanor, aggravated misdemeanor, Class D felony, or Class C felony, depending on the circumstances and severity of the crime. The correctional impact of the section of SF 534 relating to disorderly conduct cannot be determined. The Bill changes the definition of disorderly conduct in such a way that it is difficult to determine penalty provisions due to the significant variance in individual circumstances and outcomes. In FY 2020, there were 154 admissions to CBC for a most serious offense under Iowa Code section [723.4](#). The DOC estimates that some crimes that are currently categorized under simple misdemeanors would be categorized into higher penalty classes under the Bill, but the extent of that increase cannot be calculated due to unavailability of existing data.

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.

Minority Impact

The minority impact of SF 534 varies by criminal offense and is detailed by individual section below.

Assault

Senate File 534 expands the definition of assault and the list of persons engaged in certain occupations against whom an assault is subject to an increased criminal penalty. In FY 2020, the racial breakdown of the cohort of individuals admitted to correctional supervision for assault offenses was 75.0% Caucasian and 16.0% African American. In FY 2020, Caucasians and African Americans made up 89.9% and 4.1% of the Iowa adult population, respectively. The conviction rate for African Americans exceeds the population proportion of the State, which would lead to a racial impact if trends remain constant. Due to low numbers of other minority populations, the impact on those populations cannot be assessed.

Harassment in the First Degree

Senate File 534 establishes a new crime under the definition of harassment in the first degree. In FY 2020, the racial breakdown of the cohort of individuals admitted to correctional supervision for the offense of harassment in the first degree was 73.0% Caucasian and 19.0% African American. In FY 2020, Caucasians and African Americans made up 89.9% and 4.1% of the Iowa adult population, respectively. The conviction rate for African Americans exceeds the population proportion of the State, which would lead to a racial impact if trends remain constant. Due to low numbers of other minority populations, the impact on those populations cannot be assessed.

Criminal Mischief in the Second Degree

The Bill expands the definition of criminal mischief in the second degree. In FY 2020, the racial breakdown of the cohort of individuals admitted to correctional supervision for criminal mischief in the second degree was 74.0% Caucasian and 21.0% African American. In FY 2020, Caucasians and African Americans made up 89.9% and 4.1% of the Iowa adult population, respectively. The conviction rate for African Americans exceeds the population proportion of the State, which would lead to a racial impact if trends remain constant. Due to low numbers of other minority populations, the impact on those populations cannot be assessed.

Riot Crimes

The Bill increases the existing penalty for a riot crime from an aggravated misdemeanor to a Class D felony. In FY 2020, the racial breakdown of the cohort of individuals admitted to correctional supervision for riot crime offenses was 29.0% Caucasian and 71.0% African American. In FY 2020, Caucasians and African Americans made up 89.9% and 4.1% of the Iowa adult population, respectively. The conviction rate for African Americans exceeds the population proportion of the State, which would lead to a racial impact if trends remain constant. Due to low numbers of other minority populations, the impact on those populations cannot be assessed.

Unlawful Assembly

The Bill increases the penalty for unlawful assembly under Iowa Code section [723.2](#). Due to low numbers of convictions of unlawful assembly, the minority impact on those populations cannot be assessed.

Disorderly Conduct

Senate File 534 increases the penalty for certain types of disorderly conduct depending on the circumstances and severity of the crime. In FY 2020, the racial breakdown of the cohort of individuals admitted to correctional supervision for disorderly conduct was 56.0% Caucasian and 30.0% African American. In FY 2020, Caucasians and African Americans made up 89.9% and 4.1% of the Iowa adult population, respectively. The conviction rate for African Americans exceeds the population proportion of the State, which would lead to a racial impact if trends remain constant. Due to low numbers of other minority populations, the impact on those populations cannot be assessed.

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 fiscal impact of SF 534 varies by criminal offense and is detailed by individual section below.

Assault

Senate File 534 expands the definition of assault and increases related criminal penalties. The fiscal impact of this section cannot be determined due to the lack of data. **Table 3** depicts the increase in cost for the average State cost per offense class type for one conviction of assault on a civilian employee of a law enforcement agency or fire department, as well as the cost of one conviction of other types of assault. The cost estimate includes operating costs incurred by the Judicial Branch, the State Public Defender, and the DOC for one conviction. The cost would be incurred across multiple fiscal years for prison and parole supervision.

Table 3 — Average State Cost Per Offense Class Type

Offense Class	Cost Per Conviction	
	Minimum	Maximum
Class C Felony	\$ 9,900	\$ 19,200
Class D Felony	7,700	13,500
Total Cost Increase	\$ 2,200	\$ 5,700
Aggravated Misdemeanor	\$ 3,700	\$ 7,800

Harassment in the First Degree

Senate File 534 expands the definition of harassment in the first degree to include new actions previously not criminalized under Iowa Code section [708.7](#). The fiscal impact of this section cannot be determined due to the lack of data. **Table 4** contains cost estimates for the average State cost per offense class type for one conviction of harassment in the first degree. The cost estimate includes operating costs incurred by the Judicial Branch, the State Public Defender, and the DOC for one conviction. The cost would be incurred across multiple fiscal years for prison and parole supervision.

Table 4 — Average State Cost Per Offense Class Type

Offense Class	Minimum Cost	Maximum Cost
Aggravated Misdemeanor	\$ 3,700	\$ 7,800

Criminal Mischief in the Second Degree

Senate File 534 expands the definition of criminal mischief in the second degree to include new actions previously not criminalized under Iowa Code chapter [716](#). The fiscal impact of this section cannot be determined due to the lack of data. **Table 5** contains cost estimates for the average State cost per offense class type for one conviction of criminal mischief in the second degree. The cost estimate includes operating costs incurred by the Judicial Branch, the State Public Defender, and the DOC for one conviction. The cost would be incurred across multiple fiscal years for prison and parole supervision.

Table 5 — Average State Cost Per Offense Class Type

Offense Class	Minimum Cost	Maximum Cost
Class D Felony	\$ 7,700	\$ 13,500

Riot Crimes

Senate File 534 increases the penalty for a riot crime under Iowa Code section [723.1](#) from an aggravated misdemeanor to a Class D felony. The fiscal impact of this section cannot be determined due to the lack of data. **Table 6** depicts the increase in cost for the average State

cost per offense class type for one conviction of a riot crime. The cost estimate includes operating costs incurred by the Judicial Branch, the State Public Defender, and the DOC for one conviction. The cost would be incurred across multiple fiscal years for prison and parole supervision.

Table 6 — Average State Cost Per Offense Class Type

Offense Class	Cost Per Conviction	
	Minimum	Maximum
Class D Felony	\$ 7,700	\$ 13,500
Aggravated Misdemeanor	3,700	7,800
Total Cost Increase	\$ 4,000	\$ 5,700

Unlawful Assembly

The Bill increases the penalty for unlawful assembly under Iowa Code section [723.2](#) from a simple misdemeanor to an aggravated misdemeanor. The fiscal impact of this section cannot be determined due to the lack of data. **Table 7** depicts the increase in cost for the average State cost per offense class type for one conviction of unlawful assembly. The cost estimate includes operating costs incurred by the Judicial Branch, the State Public Defender, and the DOC for one conviction. The cost would be incurred across multiple fiscal years for prison and parole supervision.

Table 7 — Average State Cost Per Offense Class Type

Offense Class	Cost Per Conviction	
	Minimum	Maximum
Aggravated Misdemeanor	\$ 3,700	\$ 7,800
Simple Misdemeanor	40	350
Total Cost Increase	\$ 3,660	\$ 7,450

Disorderly Conduct

Senate File 534 increases the penalty for certain types of disorderly conduct from a simple misdemeanor to a serious misdemeanor, aggravated misdemeanor, Class D felony, or Class C felony, depending on the circumstances and severity of the crime. The fiscal impact of this section cannot be determined due to the lack of data. **Table 8** depicts the increase in cost for the average State cost per offense class type for one conviction of disorderly conduct. The cost estimate includes operating costs incurred by the Judicial Branch, the State Public Defender, and the DOC for one conviction. The cost would be incurred across multiple fiscal years for prison and parole supervision.

Table 8 — Average State Cost Per Offense Class Type

Offense Class	Cost Per Conviction	
	Minimum	Maximum
Serious Misdemeanor	\$ 410	\$ 7,500
Simple Misdemeanor	40	350
Total Cost Increase	\$ 370	\$ 7,150
Aggravated Misdemeanor	\$ 3,700	\$ 7,800
Simple Misdemeanor	40	350
Total Cost Increase	\$ 3,660	\$ 7,450
Class D Felony	\$ 7,700	\$ 13,500
Simple Misdemeanor	40	350
Total Cost Increase	\$ 7,660	\$ 13,150
Class C Felony	\$ 9,900	\$ 19,200
Simple Misdemeanor	40	350
Total Cost Increase	\$ 9,860	\$ 18,850

The establishment of new crimes and changes to existing crimes and existing criminal penalties as provided by SF 534 may impact criminal fine and surcharge revenue, but the impact of these changes cannot be determined at this time.

The provision of SF 534 that allows county recorders to charge an additional \$1 fee per each recorded transaction under Iowa Code section 331.604(1) may result in an increase in fee revenue that will be utilized to implement and maintain a process for redacting the names of any law enforcement officer, State or judicial officer, or State or federal prosecutor contained in electronic documents that are accessible to the public. The extent of this increase in fee revenue cannot be determined at this time.

Table 9 provides a summary of the correctional, minority, and fiscal impacts of SF 534 by criminal offense.

Table 9 — Summary of Impacts of Criminal Offense Changes, SF 534

Criminal Offense	Correctional Impact	Minority Impact	Fiscal Impact
Assault	Yes - Est. \$706,000	Yes, if trends continue	Unable to determine but likely
Harassment (1st degree)	Unable to determine	Yes, if trends continue	Unable to determine but likely
Criminal Mischief (2nd degree)	Unable to determine	Yes, if trends continue	Unable to determine but likely
Riot Crimes	Yes - Est. \$40,500	Yes, if trends continue	Unable to determine but likely
Unlawful Assembly	Minimal	Yes, if trends continue	Unable to determine but likely
Disorderly Conduct	Unable to determine but likely	Yes, if trends continue	Unable to determine but likely

Sources

Department of Corrections
 Division of Criminal and Juvenile Justice Planning Division, Department of Human Rights
 Iowa State Association of Counties
 LSA analysis

/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.
