



[HF 775](#) – Open Fields, Cameras (LSB1238HV)
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Fiscal Note Version – New

Description

[House File 775](#) establishes the crime of unauthorized sampling under Iowa Code section 716.14. A person commits unauthorized sampling if the person knowingly enters private property, without consent of the owner or any other person having real or apparent authority to grant consent, and obtains samples of any materials specified in the Bill. The term “materials” is defined in the Bill. A person convicted of unauthorized sampling is guilty of an aggravated misdemeanor, or a Class D felony if the person has previously been convicted of committing unauthorized sampling.

House File 775 also amends Iowa Code section [727.8](#) to provide that any person, having no right or authority to do so, who places or uses a camera or electronic surveillance device that records images or data while the device is on the private property of another commits electronic and mechanical eavesdropping. Violation of this provision is an aggravated misdemeanor for a first offense and a Class D felony for a second or subsequent offense.

Background

An aggravated misdemeanor is punishable by confinement for no more than two years and a fine of at least \$855 but not 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 not more than \$10,245.

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

House File 775 establishes a new offense and expands the definition of electronic and mechanical eavesdropping, and a 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 aggravated misdemeanors and Class D felonies. 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 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	Avg Length of Stay in County Jail	Marginal Cost Per Day	Avg LOS on Parole	FY 20 Average Cost Per Day Parole
Class D Felony (Non-Persons)	76.0%	11.6	\$20.33	64.5%	33.4	\$5.38	12.3%	\$14.78	34.0%	N/A	\$50.00	12.6	\$5.38
Aggravated Misdemeanor (Non-Persons)	32.0%	11.6	\$20.33	69.8%	22.3	\$5.38	9.5%	\$14.78	39.6%	N/A	\$50.00	4.4	\$5.38

Minority Impact

House File 775 establishes a new offense and expands the definition of electronic and mechanical eavesdropping. 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 775. 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

House File 775 establishes a new offense and expands the definition of electronic and mechanical eavesdropping, 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 Conviction

Offense Class	Total Cost	
	Minimum	Maximum
Aggravated Misdemeanor	\$ 3,700	\$ 7,800
Class D Felony	7,700	13,500

Sources

CJJP, Department of Human Rights
 Department of Corrections
 Judicial Branch
 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.