



[HF 232](#) – Disorderly Conduct (LSB1220HV.1)
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Fiscal Note Version – Final Action

Description

[House File 232](#) adds to the definition of disorderly conduct the requirement that a person intentionally or recklessly causes unreasonable distress when the person engages in loud and raucous noise in the vicinity of any residence or public building in order to be guilty of disorderly conduct. A person who violates this Bill commits a simple misdemeanor.

Background

Under current law, a person engages in disorderly conduct when the person makes loud and raucous noise in the vicinity of any residence or public building which causes unreasonable distress to the occupants thereof.

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

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 232 adds the requirement of reckless or intentional behavior to the definition of disorderly conduct. Since HF 232 would restrict the definition of disorderly conduct in a way that cannot be accounted for with current data, the correctional impact cannot be estimated. In FY 2019 and FY 2020, there were a combined total of 1,948 disorderly conduct convictions. 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

Of the 1,948 disorderly conduct convictions in FY 2019 and FY 2020, 71.6% were committed by Caucasians and 20.4% were committed by African Americans. In FY 2020, Caucasians and African Americans made up 89.9% and 4.1% of the adult population of the State of Iowa, respectively.

House File 232 would restrict the definition of disorderly conduct in a way that cannot be accounted for with current conviction data because it is unknown whether prior convictions would have met the intentional or reckless requirement outlined in this Bill. As a result, the

Criminal and Juvenile Justice Planning Division (CJJP) of the Department of Human Rights is unable to estimate the minority impact.

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 232 restricts the definition of disorderly conduct, and the fiscal impact cannot be estimated due to the lack of existing conviction data. The average State cost for one simple misdemeanor conviction ranges from \$40 to \$350. The minimum cost includes court time for a magistrate or district associate judge, court reporter, judicial specialist, and clerk of court staff. The maximum includes court time and the costs of indigent defense. The new definition of disorderly conduct under HF 232 may impact fine and surcharge revenue, but the impact is unknown.

Sources

CJJP, Department of Human Rights
Department of Corrections
Judicial Branch

/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.

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