



[HF 349](#) – Probation, Early Discharge (LSB1338HV)
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Fiscal Note Version – New

Description

[House File 349](#) provides that an individual on probation may earn discharge credits, educational credits, and workforce credits that reduce the individual's term of probation. The maximum reduction of the individual's probation term earned through these credits may not exceed 40.0% of the probation period imposed. The individual may not be discharged from probation until probation fees and court debt have been paid or are subject to a payment plan.

The Bill establishes the following probation credits:

- A discharge credit of 14 days for each full calendar month in which the individual is in compliance with the terms of the individual's probation.
- An educational credit of 90 days when the individual earns a high school diploma, high school equivalency certificate, or academic degree; or completes a certified vocational, technical, or career education or training program.
- A workforce credit of 30 days for each 6-month period in which the individual maintains verifiable employment for at least an average of 30 hours per week.

The Bill also provides that at least twice a year, an individual's probation officer must provide the individual with an accounting of the individual's discharge credits, educational credits, and workforce credits that have accrued.

The Bill establishes annual reporting requirements for the Department of Corrections (DOC) related to discharge credits, educational credits, and workforce credits.

The Bill takes effect on July 1, 2024.

Background

According to Iowa Code section [907.1](#), probation is the procedure under which a defendant, against whom a judgment of conviction of a public offense has been or may be entered, is released by the court subject to supervision by a resident of the State or by the Community-Based Corrections (CBC) judicial district.

Under Iowa Code section [907.9](#), at any time that the court or the probation officer determines that the purposes of probation have been fulfilled and probation fees and court debt have been paid, the court or the probation officer may order the discharge of a person from probation. The probation officer must have the approval of the CBC district director and notify the sentencing court and the county attorney who prosecuted the case. The sentencing judge may order a hearing on its own motion, or must order a hearing upon the request of the county attorney, for the review of the discharge. Following the hearing, the court must approve or rescind the discharge. If a hearing is not ordered within 30 days, the person on probation must be discharged.

According to Iowa Code section [907.7](#), the purposes of probation are to provide maximum opportunity for the rehabilitation of the defendant and to protect the community from further offenses by the defendant and others.

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.
- The marginal cost per day of probation is \$7.27.
- The DOC will incur costs for programming the Iowa Corrections Offender Network (ICON) system to calculate and program the credit requirements and to create a report to summarize credits.
- There are approximately 32,290 individuals who are supervised on probation by the DOC each year.
- The discharge credit, educational credit, and workforce credit will require probation officer time to verify compliance with the terms of probation, verify education status, and verify employment status.
- The DOC reports that each credit will require an additional 1.0 hour of probation officer time per individual per year to perform the necessary verification, for a total of 3.0 hours per individual.
- The DOC reports that it will take approximately 0.5 hour of probation officer time per individual per year to provide each individual with an accounting of credits accrued.
- The hourly rate for a probation officer, including benefits, is \$41.65.
- The impact of HF 349 on the LOS on probation cannot be estimated.

Correctional Impact

The correctional impact of HF 349 cannot be estimated. The Division of Criminal and Juvenile Justice Planning (CJJP) of the Department of Human Rights cannot estimate the number of individuals who may be discharged from probation earlier under the Bill. According to the DOC, the Bill may increase the LOS on probation compared to the time individuals currently serve on probation because the DOC currently discharges individuals from probation when they have met the terms and conditions of supervision. **Table 1** shows the FY 2022 average LOS on probation served by individuals for all offense classes. Refer to the Legislative Services Agency (LSA) memo addressed to the General Assembly, [Cost Estimates Used for Correctional Impact Statements](#), dated January 20, 2023, for information related to the correctional system.

Table 1 — FY 2022 Average LOS on Probation

Offense Class	LOS (Months)
Class B Felony (Persons)	38.3
Class B Felony (Non-Persons)	37.7
Class B Felony (Sex)	53.9
Class C Felony (Persons)	39.0
Class C Felony (Non-Persons)	38.7
Class C Felony (Sex)	48.4
Class D Felony (Persons)	33.2
Class D Felony (Non-Persons)	33.5
Class D Felony (Sex)	47.3
Aggravated Misdemeanor (Persons)	--
Aggravated Misdemeanor (Non-Persons)	20.7
Aggravated Misdemeanor (Sex)	26.2
Serious Misdemeanor	13.7

Minority Impact

The minority impact of HF 349 cannot be estimated because the effect on the LOS of individuals on probation cannot be determined. Of the individuals on probation in FFY 2022, 72.5% were Caucasian, 18.3% were African American, and 9.2% were other races. Iowa’s population is 84.5% Caucasian, 3.6% African American, and 11.9% other races. Refer to the LSA memo addressed to the General Assembly, [Minority Impact Statement](#), dated January 20, 2023, for information related to minorities in the criminal justice system.

Fiscal Impact

According to the DOC, HF 349 will require an additional 54.0 full-time equivalent (FTE) positions that will cost \$4.7 million in FY 2025 and each year after. Additionally, the DOC estimates that it will incur approximately \$350,000 in one-time costs for ICON system programming in FY 2025. The DOC estimates that it will annually incur approximately 113,000 hours of staff time costs for probation officers to verify the discharge, educational, and workforce credits and to account for the credits to individuals on probation, as shown in **Table 2**.

Table 2 — Annual Costs to the DOC Under HF 349

	Individuals on Probation	Staff Time Per Individual (Hours)	Probation Officer Hourly Rate	Cost
Discharge Credit	32,290	1.0	\$41.65	\$1,344,879
Educational Credit	32,290	1.0	\$41.65	1,344,879
Employment Credit	32,290	1.0	\$41.65	1,344,879
Accounting of Credits	32,290	0.5	\$41.65	672,439
Total Cost				<u><u>\$4,707,076</u></u>

The fiscal impact of the change in individuals' LOS on probation under HF 349 cannot be estimated. The DOC reports that the Bill may result in increased LOS, but the extent cannot be estimated. If the Bill does increase the LOS for individuals on probation, this would increase costs to the DOC. If the Bill decreases the LOS for individuals on probation, this would decrease costs to the DOC. The marginal cost per day for an individual on probation is \$7.27.

Sources

Department of Corrections
 Division of Criminal and Juvenile Justice Planning, Department of Human Rights
 Legislative Services Agency

 /s/ Jennifer Acton

March 6, 2023

Doc ID 13695081369508

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.
