



[HF 627](#) – Unauthorized Placement of Global Positioning Devices (LSB1807HV)
Staff Contact: Isabel Waller (515.281.6561) isabel.waller@legis.iowa.gov
Fiscal Note Version – New

Description

[House File 627](#) modifies the penalties for unauthorized placement of a global positioning device. The Bill increases the penalty for a second or subsequent offense from a serious misdemeanor to an aggravated misdemeanor. The Bill also increases the penalty for placing an unauthorized global positioning device on a person under 18 from a serious misdemeanor to an aggravated misdemeanor for a first offense and to a Class D felony for a second or subsequent offense. This penalty does not apply if the device is placed by the parent or guardian of the individual.

The Bill provides that each individual violation is considered a separate and distinct offense.

Background

Under Iowa Code section [708.11A](#), the offense of unauthorized placement of a global positioning device consists of placing a global positioning device on another person or an object to track the movements of the other person without a legitimate purpose and without the consent of the other person. This offense is a serious misdemeanor.

A Class D felony is punishable by confinement for up to five years and a fine of at least \$1,025 but not more than \$10,245. An aggravated misdemeanor is punishable by confinement for up to two years and a fine of at least \$855 but not more than \$8,540. A serious misdemeanor is punishable by confinement of up to 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

House File 627 enhances the penalties for an existing criminal offense in certain circumstances, and the correctional impact cannot be determined. Under the Bill, some individuals may have an increased LOS on correctional supervision, but the number of individuals affected cannot be estimated. **Table 1** shows estimates for sentencing to State prison, parole, probation, or Community-Based Corrections (CBC) residential facilities; LOS in months under those supervisions; and supervision marginal costs per day for all convictions of Class D felonies, aggravated misdemeanors, and serious misdemeanors. 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 — Sentencing Estimates and LOS

Conviction Offense Class	Percent Ordered to State Prison	FY 22 Avg LOS in Prison in Months (All Releases)	FY 22 Marginal Cost Per Day Prison	Percent Ordered to Probation	FY 22 Avg LOS on Probation in Months	FY 22 Avg Cost Per Day Probation	Percent Sentenced to CBC Residential Facility	FY 22 Marginal Cost Per Day CBC	Percent Ordered to County Jail	Marginal Cost Per Day Jail	FY 22 Avg LOS on Parole in Months	FY 22 Marginal Cost Per Day Parole
D Felony (Non-Persons)	83.9%	13.9	\$23.42	68.0%	33.5	\$7.27	13.3%	\$20.67	31.4%	\$50.00	15.5	\$7.27
Aggravated Misdemeanor (Non-Persons)	31.4%	7.5	\$23.42	45.6%	20.7	\$7.27	3.3%	\$20.67	72.2%	\$50.00	8.2	\$7.27
Serious Misdemeanor	1.9%	5.5	\$23.42	51.2%	13.7	\$7.27	0.9%	\$20.67	73.3%	\$50.00	0.5	\$7.27

Minority Impact

The minority impact of House File 627 cannot be estimated due to the low number of convictions and admissions to Department of Corrections (DOC) supervision in FY 2022. However, of the eight convictions of unauthorized placement of a global positioning device in FY 2022, 87.5% involved Caucasian individuals, 0.0% involved African American individuals, and 12.5% involved individuals of 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

House File 627 enhances the penalties for an existing criminal offense in certain circumstances, and the fiscal impact cannot be determined because the number of individuals affected cannot be estimated. **Table 2** shows the average State cost per offense for a Class D felony, aggravated misdemeanor, and serious misdemeanor. The estimated impact to the State General Fund includes operating costs incurred by the Judicial Branch, the Indigent Defense Fund, and the DOC. The cost would be incurred across multiple fiscal years for prison and parole supervision.

Table 2 — Average State Cost Per Offense

Offense Class	Average Cost
Class D Felony	\$9,500 to \$17,400
Aggravated Misdemeanor	\$5,000 to \$9,600
Serious Misdemeanor	\$400 to \$5,600

Sources

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

March 14, 2023

Doc ID 1370439

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.