



**SF 416** – Stalker GPS Tracking Penalties (LSB1300SV)

Analyst: Beth Lenstra (Phone: (515) 281-6301) ([beth.lenstra@legis.iowa.gov](mailto:beth.lenstra@legis.iowa.gov))

Fiscal Note Version – New

Requested by Senator Steve Sodders

**Description**

**Senate File 416** creates a new crime of unauthorized placement of a global positioning device. The crime is defined as placing such a device on another person or object without that person's consent, so as to track the other person without legitimate purpose, and with the intent to intimidate, annoy, or alarm the other person.

**Background**

**Correctional and Fiscal Information**

- This is a crime against a person. According to the Justice Data Warehouse ([JDW](#)), the Criminal and Juvenile Justice Planning Division ([CJJPD](#)) of the Department of Human Rights ([DHR](#)), and the Department of Corrections ([DOC](#)), the following are estimates for sentencing length of stay under supervision and costs for serious misdemeanor convictions of a crime against a person.

**Criminal Justice System Information**

Percent Sentenced to State Prison	Avg Length of Stay in State Prison	Marginal Cost per Day for State Prison	Avg Length of Stay on Parole	Percent Sentenced to Probation	Avg Length of Stay on Probation	Ag. Daily Cost for Probation/Parole	Percent Sentenced to CBC Res. Facility	Avg Length of Stay in CBC Res. Facility	Marginal Cost per Day for CBC Res. Facility	Percent Sentenced to County Jail	Avg Length of Stay in County Jail	Marginal Cost per Day for County Jails
3.1%	6.9 months	\$ 18.92	7.5 months	52.1%	12 months	\$ 4.26	1.1%	5.8 months	\$ 11.55	59.2%	41 days	\$ 15.00

- The sentencing distribution is 115.5% because certain offenders are sentenced to county jail or a Community-Based Corrections (CBC) residential facility and then probation supervision.
- Approximately 81.2% of the marginal cost per day for CBC residential facilities is paid from local sources, such as offender rent.
- The cost per serious misdemeanor case is estimated to be \$600 from the [Indigent Defense Fund](#).
- The average cost per serious misdemeanor case to the [Judicial Branch](#) is \$213. This estimate includes the average time spent on all cases of serious misdemeanors regardless of how the cases are disposed. Most cases are disposed by plea bargaining; only a small percentage of cases are disposed by bench or jury trials. See the *Fiscal Topic*, [Jury Trials](#) published by the Legislative Services Agency (LSA) in August 2013 for background information and statistics.

**Minority Data Information**

This Bill creates a new crime. There is no historical information for this activity. Refer to the LSA memo addressed to the General Assembly, [Minority Impact Memo](#), dated January 30, 2015, for information related to minorities in the criminal justice system.

## Assumptions

### **Correctional and Fiscal Information**

- Marginal costs for county jails cannot be determined due to a lack of data. For purposes of this analysis, the marginal cost for county jails is assumed to be \$15.00 per day.
- Prisoner length of stay, revocation rates, plea bargaining, and other criminal justice policies and practices will not change over the projection period.
- Sentencing disposition and cost data for the new serious misdemeanor created in this Bill will be similar to the data for current serious misdemeanor convictions for crimes against a person.
- Some criminal cases that are dismissed under current law will result in a conviction under [SF 416](#).

**Minority Data Information:** There is no historical information for this new crime.

### Summary of Impacts

#### **Correctional Impact**

The correctional impact cannot be estimated because this Bill creates a new crime. There is no data to provide a correctional impact projection. Given current sentencing patterns for serious misdemeanor crimes against a person, convicted offenders under this Bill are likely to receive a sentence to county jail, probation, or both.

#### **Minority Impact**

There is no historical information for this new crime.

#### **Fiscal Impact**

The fiscal impact cannot be estimated because this Bill creates a new crime and the number of convictions cannot be estimated. The State's cost for one conviction under the Bill is estimated to be about \$2,000. This estimate includes the cost to the Judicial Branch and the CBC District Departments. The fiscal impact to county jail operating budgets is approximately \$1,000 per conviction.

### Sources

Department of Human Rights, Criminal and Juvenile Justice Planning Division  
Department of Corrections  
Office of the State Court Administrator  
Office of the State Public Defender

/s/ Holly M. Lyons

March 11, 2015

---

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.

---