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**HF 546** – Contraband, Community-Based Corrections (LSB1852HV)  
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Fiscal Note Version – New  
Requested by Representative Chip Baltimore

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**Description**

**House File 546** amends Iowa Code sections **719.7** and **719.7A** to include Community-Based Corrections (CBC) facilities in the crime of possessing contraband or electronic contraband.

**Background**

**Correctional and Fiscal Information**

- The Bill is the Department of Corrections (**DOC**) response to the Supreme Court decision in **State v. Halverson**, No. 13-0446 (Iowa 2015) that found CBC facilities are not Institutions under the management of the DOC.
- The Bill codifies the inclusion of CBC facilities in the contraband statutes as was the practice before the Supreme Court decision. To the extent the Bill results in new charges and convictions, there may be an impact.
- Current law provides for a graduated system of penalties for contraband, ranging from an aggravated misdemeanor to a Class C felony, depending on the circumstances of the offense.
- The total number of offenders under State correctional supervision was 39,712 offenders on March 13, 2015. These offenders were supervised in the State prison system (8,167) or CBC District Departments (31,545).
- There are currently nine State prisons with design capacity of 7,276 beds. There are 23 CBC facilities with capacity of 1,619 beds in 16 locations. See the **Factbook** published by the Legislative Services Agency (LSA) in February 2015 for additional statistics about Iowa.
- There are 98 counties that maintain jails. Three of these facilities are temporary holding facilities; they can detain an inmate for a maximum of 24 hours. The 98 county facilities have 7,033 beds, with about 832 temporary holding beds and 6,201 standard county jail beds.
- There are 10 juvenile detention centers in Iowa that are licensed for 262 detention beds per Iowa Code section **232.142**(5).
- Per the Justice Data Warehouse (**JDW**), there were 203 charges disposed in FY 2014 under Iowa Code sections **719.7** and **719.7A**. Of these, 79 charges were dismissed or acquitted, 84 were convicted, and 52 were convicted as charged. Two of the 84 convictions were for electronic contraband; the type of facility or the location where those offenses occurred is not known.
- There were 68 offenders convicted of various levels of contraband in FY 2014. Several offenders were convicted of multiple charges. The current conviction rate is 41.4% for the various offense levels of contraband.
- The DOC indicates that most contraband offenses in CBC facilities are dealt with through the disciplinary process and are not referred to the county attorney for potential prosecution.
- Most court cases are disposed by plea bargaining; only a small percentage are disposed by bench or jury trials. See the **Fiscal Topic, Jury Trials** published by the LSA in August 2013 for background information and statistics.
- The crime of contraband is considered a nonviolent crime.

## Minority Data Information

The table below shows FY 2014 offender-based convictions by percentage by race for the various levels of contraband offenses in Iowa Code sections [719.7](#) and [719.7A](#). Blacks are disproportionately convicted of the various levels of contraband offenses compared to their percentage of the Iowa population.

### Racial Characteristics of Offenders Convicted of Contraband Offenses

	White	Black	Hispanic	American Indian	Other/ Unknown	
Offenders	36	15	2	1	14	68
Percentage	52.9%	22.1%	2.9%	1.5%	20.6%	100.0%

Refer to the LSA memo addressed to the General Assembly, [Minority Impact Statements](#), dated January 30, 2015, for information related to minorities in the criminal justice system.

## Assumptions

### Correctional and Fiscal Information

- Charge, conviction, and sentencing patterns and trends will not change over the projection period.
- Prisoner length of stay, revocation rates, plea bargaining, and other criminal justice policies and practices will not change over the projection period.
- The FY 2014 data provided in this fiscal note include charges and convictions for offenses that occurred in CBC residential facilities, juvenile detention facilities, State prisons, and county jails.

**Minority Data Information:** The impact on minorities will be consistent with current data.

## Summary of Impacts

### Correctional Impact

The correctional impact is expected to be minimal under this Bill as it codifies correctional practices in effect before the January 2015 Supreme Court decision.

### Minority Impact

The minority impact of this Bill is anticipated to be minimal because the legislation is not expected to change current practice.

### Fiscal Impact

The fiscal impact of this Bill is estimated to be minimal because the legislation is expected to maintain current practice in effect before the January 2015 Supreme Court decision.

If additional convictions occur under this Bill, the State's cost for one conviction is expected to be approximately \$2,600 for an aggravated misdemeanor, \$5,700 for a Class D felony, and \$6,800 for a Class C felony. See the LSA memo addressed to the General Assembly, [Correctional Impact Statements](#), dated January 30, 2015, for cost estimates of nonviolent crimes.

**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

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/s/ Holly M. Lyons

March 16, 2015

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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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