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[SF 2222](#) – Highway Blocking, Intentional, Criminal Penalties (LSB2398SZ)  
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Fiscal Note Version – New

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**Description**

[Senate File 2222](#) prohibits a person from intentionally blocking motor vehicle traffic by loitering, placing, or causing to be placed any obstruction on the traveled portion of the right-of-way of a highway with a speed limit of 55 miles per hour or greater. Under this Bill, the person is subject to prosecution by the county attorney in the county the violation occurred. If the county attorney does not initiate prosecution within 30 days, the Attorney General may initiate prosecution of the individual.

Under the proposed legislation, the first violation is a serious misdemeanor, the second offense is an aggravated misdemeanor, and the third or subsequent offense is a Class D felony.

The Bill provides for exceptions for individuals blocking the highway for the purpose of obtaining law enforcement or medical assistance; highway maintenance or construction; or as persons acting within the scope of their federal, State, or local authority.

**Background**

Under current law, Iowa Code section [318.3](#) addresses the placement of physical obstructions in the highway right-of-way and a person in violation of this Code section commits an aggravated misdemeanor. Between the years of FY 2013 and FY 2017, there have been no convictions under this Code section.

**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. Additionally, reliable LOS data for county jails is not available.

**Impacts**

**Correctional Impact**

It is unknown if this Bill will have a correctional impact since the Bill creates a new crime for which the penalties are different from similar violations under current law. Therefore, a correctional impact cannot be estimated. Refer to the Legislative Services Agency (LSA) memo addressed to the General Assembly, [Cost Estimates Used for Correctional Impact Statements](#), dated January 8, 2018, for information related to the correctional system.

**Table 1** shows estimates for sentencing under the proposed legislation to State prison, parole, probation, or Community-Based Corrections (CBC) residential facilities; LOS under those

supervisions; and supervision marginal costs per day for offenders convicted of serious or aggravated misdemeanors and Class D felonies.

**Table 1 — Sentencing Estimates**

Conviction Offense Class	Percent Sentenced to State Prison	FY 2017 Avg Length of Stay in Prison (in months)	FY 2017 Prison Marginal Cost per Day	Avg Length of Stay on Parole (in months)	FY 2017 Marginal Cost per Day Parole	Percent Sentenced to Probation	Avg Length of Stay on Probation (in months)	FY 2017 Avg Cost per Day on Probation	Percent sentenced to CBC Residential Facility	FY 2017 Marginal Cost CBC per Day	Percent Sentenced to County Jail	Avg Length of Stay in County Jail (in days)	Marginal Cost per Day
Serious Misdemeanor	2.0%	7.3	\$17.52	N/A	\$4.59	57.0%	13.8	\$4.93	1.0%	\$10.56	72.0%	N/A	\$50.00
Agg. Misdemeanor Non-Persons	31.0%	6.4	\$17.52	5.7	\$4.93	53.0%	19.5	\$4.93	3.0%	\$10.56	65.0%	N/A	\$50.00
D Felony Non-Persons	74.0%	11.3	\$17.52	13.4	\$4.93	64.0%	31.6	\$4.93	11.0%	\$10.56	26.0%	N/A	\$50.00

**Minority Impact**

It is unknown if this Bill will have a minority impact. [Senate File 2222](#) creates a new crime for which the penalties are different from similar violations under current law. Therefore, a minority impact cannot be estimated. Refer to the LSA memo addressed to the General Assembly, [Minority Impact Statement](#), dated January 29, 2018, for information related to minorities in the criminal justice system.

**Fiscal Impact**

The fiscal impact of [SF 2222](#) cannot be determined, as this Bill creates a new crime for which the penalties are different from similar violations under current law. Therefore, the number of new convictions cannot be estimated. The State’s costs for one conviction are as follows:

- Serious misdemeanor — \$250 to \$4,900.
- Aggravated misdemeanor — \$3,300 to \$6,600.
- Class D felony — \$7,900 to \$12,000.

**Sources**

Department of Human Rights, Division of Criminal and Juvenile Planning  
 Department of Corrections  
 Office of State Court Administrators  
 State Public Defender  
 Department of Transportation

/s/ Holly M. Lyons

February 12, 2018

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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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