



SF 2179 – Contraband in Prison (LSB5699SV)
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Fiscal Note Version – REVISED (revised fiscal impact)

Description

Senate File 2179 relates to the possession of contraband in or on the grounds of a community-based correctional (CBC) facility, and provides penalties. The Bill adds CBC facilities to the facilities and institutions where a person may commit the criminal offense of possessing contraband.

Background

Under current law, contraband is defined to include controlled substances, intoxicating beverages, weapons, explosives, knives or other cutting devices, and items that may be used to facilitate an escape. A person commits a Class C felony if the contraband is a weapon, a Class D felony if the contraband is a controlled substance or intoxicating beverage, and an aggravated misdemeanor if the contraband is an item that may be used to facilitate an escape. A person also commits an aggravated misdemeanor for failing to report a known violation or attempted violation involving contraband to an official or officer at a CBC facility.

The Bill, in part, is in response to the Iowa Supreme Court decision in [State v. Halverson](#), which held that a person illegally possessing a controlled substance at a CBC does not commit the criminal offense of possessing contraband because a CBC facility is not an institution under the control of the Department of Corrections (DOC).

Assumptions

- The following will not change over the projection period: charge, conviction, and sentencing patterns and trends; prisoner length of stay; 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 minimum cost for each offense shown in **Table 2** includes judicial and probation costs to the State. The maximum cost per offense includes costs to the Judicial Branch, Indigent Defense Fund, and the Department of Corrections.

Impacts

Correctional Impact

In FY 2017, there were 77 convictions of possession of contraband under Iowa Code section [719.7](#). The Bill is estimated to result in an additional 72 convictions annually. **Table 1** shows the estimated increase in prison, jail, CBC facility, and probation/parole admissions. The prison population would also increase by approximately 149 inmates annually by year two of implementation.

Table 1 – SF 2179, Increase in Orders

	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023
Prison Admissions	27	54	54	54	54
Jail Admissions	9	18	18	18	18
CBC Admissions	3	7	7	7	7
Probation/Parole	23	47	47	47	47

Refer to the 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.

Minority Impact

In FY 2017, approximately 16.0% of individuals convicted of Iowa Code section [719.7](#) offenses were African-American. In the second year of enactment, it is estimated there would be 24 more admissions to prison, 3 more admissions to jail, and 15 more admissions to probation of African-Americans. 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

[Senate File 2179](#) is estimated to have a fiscal impact of \$407,800 in FY 2019 and \$794,550 in FY 2020. This estimated impact to the State General Fund includes operating costs incurred by the Judicial Branch, Indigent Defense Fund, and the DOC as shown in **Table 2**. Under this Bill there would be:

- An estimated one additional Class C felony conviction in FY 2019 and FY 2020.
- An estimated 36 additional Class D felony convictions in FY 2019 and 71 additional Class C felony convictions in FY 2020. Of these convictions, 75.0% would be sentenced to prison.

Table 2 – SF 2179, Estimated Costs for Additional Convictions

Offense	Cost Range	Net Additional Convictions		Cost Increase Estimate	
		FY 2019	FY 2020	FY 2019	FY 2020
Class C Felony	\$9,000 - \$17,200	1	1	\$ 10,000	\$ 10,000
Class D Felony	\$7,900 - \$12,100	36	71	397,800	784,550
Aggravated Misd	\$3,300 - \$6,600	0	0	0	0
Total		37	72	\$ 407,800	\$ 794,550

Sources

Department of Human Rights, Criminal and Juvenile Justice Planning Division
Department of Corrections
Judicial Branch – Office of the State Court Administrator
Officer of the State Public Defender
Board of Parole

/s/ Holly M. Lyons

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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.
