



[HF 2338](#) – Operating While Intoxicated Reform (LSB6129HV)
Analyst: Michael Guanci (515.729.7755) michael.guanci@legis.iowa.gov
Fiscal Note Version – New

Description

[House File 2338](#) strikes certain ineligibility periods for the issuance of a temporary restricted license (TRL) under Iowa Code chapter [321J](#), and require the installation of an approved ignition interlock device on any motor vehicle owned or operated by the holder of a TRL. This Bill would expand the issuance of TRLs with an approved ignition interlock device for individuals charged with having committed an operating-while-intoxicated (OWI) offense while having a Blood-Alcohol Content (BAC) between .08 and .10.

The Bill further strikes the provisions limiting the use of a TRL, allowing the holder of a TRL to operate a motor vehicle with an ignition interlock system in any manner allowed for a person issued a valid class C license.

This Bill does not strike the ineligibility periods for a person convicted under Iowa Code section [707.6A](#) (homicide or serious injury by vehicle) or amend provisions prohibiting a TRL holder from operating a commercial motor vehicle or school bus. The Bill also does not amend TRL provisions under Iowa Code section [321.215](#) for violations solely under Iowa Code chapter [321](#).

This Bill applies to persons applying for a TRL on or after July 1, 2018. Persons issued a TRL prior to July 1, 2018, may apply for a new TRL which would be subject to the conditions of this Bill.

Background

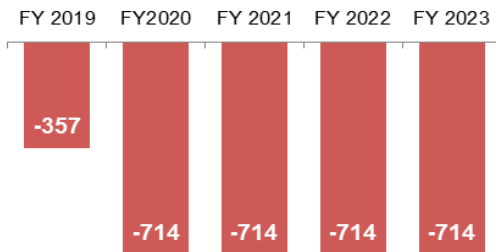
In FY 2017, the Department of Transportation (DOT) issued 15,686 OWI revocations. A driver's license may be revoked for an OWI offense when the DOT receives implied consent paperwork from a police officer demonstrating a BAC test higher than .08, or if the driver refuses to submit to a BAC test. Upon conviction in court, the DOT may revoke a license if the driver is not already under revocation for the offense. Under current law, these sanctioned drivers that have met the eligibility requirements for a TRL may only be allowed to drive from home to specified places, such as work or school, and back home again at specified times. Drivers that had a BAC test of .10 or higher are also required to install an approved ignition interlock device on all vehicles owned or operated by the sanctioned driver. In FY 2017, 580 OWI revocations did not require an ignition interlock device. Under Iowa Code chapter [321J](#), sanctioned drivers are further subject to minimum ineligibility periods before the DOT may issue a TRL. In FY 2017, the DOT issued 4,444 TRLs for OWI offenses.

Individuals found in violation of driving while barred may be found guilty of a serious misdemeanor under Iowa Code section [321J.21](#). Violations under this section shall include a fine of \$1,000 and may also be punishable by confinement of no more than one year.

Assumptions

- The following will not change over the projection period: charge, conviction, and sentencing patterns and trends of OWIs; 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.
- Revocations requiring an approved ignition interlock device for a TRL will increase.
- The DOT may experience an increase in applications for TRLs.
- Convictions for driving while barred under Iowa Code section [321J.21](#) are estimated to decrease, as shown by **Chart 1**.

Chart 1 — Estimated Reduction in Convictions of Driving While Barred Under HF 2338



Impacts

Correctional Impact

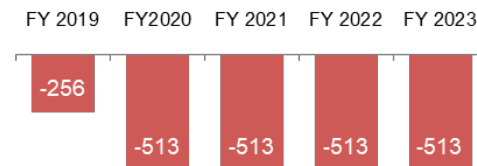
[House File 2338](#) is estimated to reduce prison orders and jail orders, and the Bill is expected to reduce probation orders and Community-Based Corrections (CBC) orders for residential admissions. See **Chart 2** for more information regarding correctional impacts.

Chart 2 — Estimated Correctional Impacts Under HF 2338

Prison Admissions



Jail Admissions

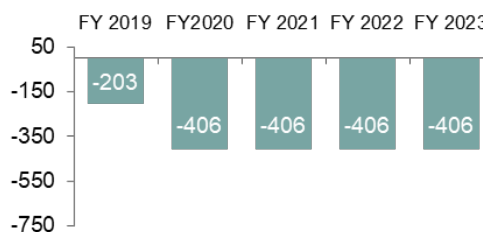


Community-Based Corrections

Residential Admissions



Probation Orders



This Bill is estimated to reduce the prison population by 10 persons annually.

Table 1 below shows estimates for sentencing to State prison, parole, probation, or CBC residential facilities; LOS under those supervisions; and supervision marginal costs per day for convictions of simple 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 8, 2018, for information related to the correctional system.

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

Minority Impact

[House File 2338](#) will have a positive minority impact. In FY 2017, approximately 13.8% of individuals convicted of driving while barred were African American. The U.S. Census estimate as of July 1, 2017, states that the Iowa population was 3.7% African American. 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

[House File 2338](#) is estimated to have a fiscal impact on the General Fund by reducing operating costs associated with the Department of Corrections, the Judicial Branch, and the Indigent Defense Fund. **Table 2** below shows the estimated reduction in correctional and judicial-related costs.

Table 2 — Estimated Fiscal Impact of HF 2338

Offense	Cost Range	Decrease in Convictions		Decrease in Correctional Costs	
		FY 2019	FY 2020	FY 2019	FY 2020
Serious Misdemeanor	\$250 - \$4,900	-357	-714	(\$919,275)	(\$1,838,550)

Any reduction in convictions under Iowa Code section [321J.21](#) may result in a reduction of fines collected.

This Bill will have no fiscal impact to the DOT. Any efficiencies in the TRL application process or increases in the number of TRLs will be funded through existing appropriations to the Motor Vehicle Division of the DOT. The Motor Vehicle Division is funded by the Road Use Tax Fund and the Primary Road Fund.

Sources

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

/s/ Holly M. Lyons

February 16, 2018

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.
