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**SF 2197** – Vehicle Theft and Subsequent Felony (LSB5096XS)  
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Fiscal Note Version – New

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**Description**

[Senate File 2197](#) relates to the theft of a motor vehicle that is then used in the commission of a felony. This Bill enhances the criminal penalties for motor vehicle theft if the vehicle is then used in the commission of a crime ranging from a forcible felony to a Class B felony, regardless of the value of the vehicle. Forcible felonies are defined under Iowa Code section [702.11](#) as felonious child endangerment, assault, murder, sexual abuse, kidnapping, robbery, human trafficking, arson in the first degree, or burglary in the first degree, with some exceptions.

This Bill would enhance the penalty for motor vehicle theft if the vehicle value is over \$10,000 and the vehicle is then used in the commission of a felony ranging from a Class C felony to a Class B felony. It would enhance the penalty for motor vehicle theft if the vehicle value is under \$10,000 and the vehicle is then used in the commission of a felony ranging from a Class D felony to a Class C felony.

**Background**

Under Iowa Code section [714.2\(1\)](#), motor vehicle theft is a Class C felony if the vehicle value is over \$10,000, and a Class D felony if the vehicle value is under \$10,000.

Convictions under Iowa Code section [714.2](#) cannot be broken out in the Justice Data Warehouse by property type of theft, so statewide data regarding the number of convictions for motor vehicle theft is not available.

Under Iowa Code section [714.7](#), operating a motor vehicle without consent (OMVWOC) is an aggravated misdemeanor. This Bill would enhance the penalty for OMVWOC if the vehicle is then used in the commission of a crime ranging from a forcible felony to a Class C felony. It would enhance the penalty for OMVWOC if the vehicle is then used in the commission of a crime ranging from a felony to a Class D felony.

In FY 2017, there were 642 convictions of OMVWOC. Of these, four cases involved an additional forcible felony, and 42 involved an additional felony conviction.

**Table 1** shows estimates for sentencing to State prison, parole, probation, or community-based corrections (CBC) residential facilities; length of stay (LOS) under those supervisions; and supervision marginal costs per day for offenders convicted of non-person Class B, Class C, and Class D felonies and aggravated misdemeanors.

**Table 1 – Sentencing Estimates**

	Percent to Prison	Avg LOS Prison (months)	FY 17 Marginal Cost/Day Prison	Avg LOS Parole (months)	Percent to Probation	Avg LOS Probation (months)	FY 17 Avg Cost/Day Parole & Probation	Percent to CBC	FY 17 Marginal Cost/Day CBC	Percent to County Jail	Avg LOS County Jail (days)	Marginal Cost/Day Jail
B Felony Non-Persons	86.0%	26.9	\$17.52	30.9	30.0%	42	\$4.93	4.0%	\$10.56	49.0%	N/A	\$50.00
C Felony Non-Persons	75.0%	17.4	\$17.52	18	35.0%	34.9	\$4.93	12.0%	\$10.56	22.0%	N/A	\$50.00
D Felony Non-Persons	74.0%	11.3	\$17.52	13.4	34.0%	31.6	\$4.93	11.0%	\$10.56	26.0%	N/A	\$50.00
Aggvtld Mis Non-Persons	31.0%	6.4	\$17.52	5.7	53.0%	19.5	\$4.93	3.0%	\$10.56	65.0%	N/A	\$50.00

**Assumptions**

- The following will not change over the projection period: charge, conviction, and sentencing patterns and trends; prisoner 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.
- In FY 2017, four convictions of operating a motor vehicle without the owner’s consent would have been enhanced to a Class C felony conviction, and 42 convictions would have been enhanced to a Class D felony conviction.

**Impacts**

**Minority Impact**

It is not possible to determine if the Bill has a minority impact. Refer to the Legislative Services Agency (LSA) memo addressed to the General Assembly, [Minority Impact Statement](#), dated January 29, 2018, for information related to minorities in the criminal justice system.

**Correctional Impact**

There would be no new convictions under [SF 2197](#). The correctional impact of the Bill would be to shift existing convictions because of the penalty enhancement. This would lead to higher costs of prosecution, higher percentages of convicted offenders being sentenced to prison, and longer LOS. 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.

**Fiscal Impact**

**Table 2** shows the estimated fiscal impact of enhancing penalties for offenders convicted of OMVWOC and also a felony or forcible felony.

**Table 2 – Estimate of Partial Fiscal Impact of SF 2197**

<b>Offense</b>	<b>Cost Range</b>	<b>Conviction Shift</b>		<b>Cost Increase Estimate</b>	
		<b>FY 2019</b>	<b>FY 2020</b>	<b>FY 2019</b>	<b>FY 2020</b>
C Felony	\$9,000 - \$17,200	2	4	\$ 30,300	\$ 60,600
D Felony	\$7,900 - \$12,100	21	42	231,168	462,336
Aggravated Misdemeanor	\$3,300 - \$6,600	-23	-46	(99,429)	(198,858)
Net Change		<u>0</u>	<u>0</u>	\$ 162,039	\$ 324,078

It is not possible to estimate the fiscal impact of enhancing penalties for offenders convicted of motor vehicle theft and also a felony or forcible felony. The State's cost for one additional conviction under this Bill is:

- \$9,000 to \$17,200 for a Class C felony.
- \$12,500 to \$29,600 for a Class B felony.

**Sources**

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

/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.

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