

Fiscal Services Division Legislative Services Agency Fiscal Note

SF 2101 - Precursor Substances (LSB 5206 SV)
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Fiscal Note Version — New
Requested by Senator Larry McKibben

Description

Senate File 2101 relates to receiving a precursor substance or possessing a product to be used in the unlawful manufacture of a controlled substance.

Assumptions

1. Charge, conviction, and sentencing patterns would return to trends observed prior to January 29, 2003.
2. Prisoner length of stay, revocation rates, and other corrections policies and practices will not change over the projection period.
3. A six-month lag time will result from the law's effective date (July 1, 2004) to the date of the first entry of affected offenders into the correctional system.
4. According to the January 29, 2003, Iowa District Court ruling in *State v. Pickerell*, Section 124.401(4), Code of Iowa, now only applies to cases where offenders possessing precursor substances intended to manufacture controlled substances themselves. Prior to this case, the law was applied to offenders who either intended to manufacture controlled substances themselves, or intended that someone else manufacture controlled substances with the precursor substances.
5. Since January 29, 2003, cases that have been filed as Class D felony possession of precursor substances are typically being filed as aiding/abetting or conspiracy to manufacture methamphetamines, a Class C felony.
6. In FY 2003, a Class C felony case processing time averaged six months.
7. The average cost for Class C and Class D felonies average between \$238 without a jury and \$1,300 with a jury. The average jury trial length for both Class C and Class D felonies range from three to five days.

Correctional Impact

Senate File 2101 maintains current practice prior to January 29, 2003, and therefore, has no correctional impact.

Fiscal Impact

Senate File 2101 maintains current practice prior to January 29, 2003, and therefore, has no fiscal impact.

Sources

Department of Human Rights, Criminal Juvenile Justice Planning Division
Judicial Branch

Dennis C Prouty

February 16, 2004

The fiscal note and correctional impact statement for this bill was prepared pursuant to Joint Rule 17 and pursuant to Section 2.56, Code of Iowa. Data used in developing this fiscal note and correctional impact statement are available from the Fiscal Services Division, Legislative Services Agency to members of the Legislature upon request.
