

# Legislative Services Agency

## Fiscal Services Division

### Fiscal Note

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SF 2029 - Child Restraint (LSB 5740 SS)

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Fiscal Note Version — New

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#### **Description**

Senate File 2029 relates to the requirements for securing children who are transported in certain motor vehicles. Senate File 2029 also provides that a violation of this Bill would be a simple misdemeanor punishable by a scheduled fine of \$25.

#### **Assumptions**

1. Senate File 2029 amends Section 321.446(1), (2), and (4), Code of Iowa, by establishing that a child under the age of one year and weighing less than 20 pounds will be transported in a rear-facing child restraint system, a child under six years of age would be secured in a child restraint system, and a child between the ages of six to eleven years of age would be secured in a child restraint system, seat belt, or safety harness.
2. In FY 2003, there were 2,153 convictions for violations of Section 321.446, Code of Iowa. This is a decrease of 266 convictions compared to FY 2002.
3. The law will fully take effect July 1, 2004. For a 12-month period beginning July 1, 2004, and ending June 30, 2005, peace officers will issue warning citations for violations of subsections 1 and 2 as long as the operator is at least in compliance with the current law. If the operator is not in compliance with the current law as well as the proposed law, the peace officer would be able to issue a citation. This provision of the Bill would be repealed July 1, 2005.

#### **Correctional Impact**

The correctional impact of SF 2029 may result in increased convictions. A portion of the violations are currently cited as seat belt law violations. There is no readily available information to predict how many additional convictions would occur. Since the penalty is only a fine, no significant correctional impact is anticipated.

#### **Fiscal Impact**

The fiscal impact of SF 2029 cannot be determined since there is no readily available information to predict how many additional convictions would occur. The cost for the State Public Defender to represent one simple misdemeanor case is \$250. The average cost for court and clerk time is \$15 per case for a simple misdemeanor. Since some of these violations are cited under current law and based on the amounts listed above, the fiscal impact of this Bill is anticipated to be minimal.

**Sources**

Department of Human Rights, Criminal and Juvenile Justice Planning  
Department of Public Safety  
Judicial Branch

Dennis C Prouty

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January 26, 2004

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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.

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