

Fiscal Services Division
Legislative Services Agency
Fiscal Note

HF 777 – Police, Infection Through Bodily Fluids (LSB 2933 HV)
Analyst: Beth Lenstra (Phone: (515) 281-6301) (beth.lenstra@legis.state.ia.us)
Fiscal Note Version - New

Description

House File 777 requires a person in the custody of a peace officer, who commits certain assaults, to submit to the withdrawal of a bodily specimen for testing to determine if the person is infected with a contagious or infectious disease. A person who refuses to submit to the test commits a serious misdemeanor.

Background

1. House File 777 creates new crimes. There are no data with which to project the impact of the Bill.
2. In FY 2004, there were 378 convictions for assault on peace officers (serious misdemeanor); 126 convictions for assaults causing injury on a peace officer (aggravated misdemeanor); and 24 Class D felony assaults on peace officers.
3. The average State costs for one serious misdemeanor conviction ranges from \$101 (court costs) to \$4,100 (court costs, jury trial, indigent defense, prison, and parole). The maximum costs will be incurred across multiple years while the offender is supervised in the correctional system, either in prison or in the community.
4. Incarceration rates for serious misdemeanor convictions for violent offenses are 2.1% sentenced to prison while 57.3% are sentenced to jail. The average length of stay for those offenders sentenced to jail is 37 days.
5. The marginal cost for county jail operations is approximately \$15.00 per day.

Assumptions

1. It is likely that some of the convictions listed above would fall under the provisions of this Bill. However, that percentage is unknown due to a lack of data.
2. It is likely that some people will refuse the required test. However, that percentage cannot be calculated due to a lack of data.

Correctional Impact

The number of new serious misdemeanor convictions under HF 777 cannot be estimated due to a lack of data. However, it is anticipated that there will not be a significant number of new convictions.

These new convictions would be at the same level as the least serious assault charge (serious misdemeanor). Therefore, the possibility exists that more offenders would serve time in jail, but that number cannot be estimated.

Fiscal Impact

The fiscal impact of HF 777 cannot be determined due to insufficient information. The fiscal impact on county jail operations for one offender sentenced to jail is approximately \$555 (37 days x \$15.00 per day). The State's cost for one new serious misdemeanor conviction ranges from \$101 to \$4,100.

Sources

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

March 17, 2005

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.
