

Miscellaneous Acts – Fiscal Notes

HF 228 – Open Enrollment Equality, School District Diversity Plans (LSB1045HV.3)

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Fiscal Note Version – Final Action

Description

[House File 228](#) repeals school district voluntary diversity plans set in place in FY 2009 and disallows denial of open enrollment based on those plans; eliminates provisions directing the State Board of Education to adopt rules and guidelines for districts with voluntary diversity plans; and removes requirements for the Department of Education (DE) to provide technical assistance to the school districts with voluntary diversity plans in place. The Act further allows for open enrollment after the March 1 deadline for grades 1 through 12 during the 2021-2022 school year if a school district had a voluntary diversity plan in place during the 2020-2021 school year. The Act is effective upon enactment.

Background

Voluntary diversity plans were enacted after changes made by the U.S. Supreme Court's ruling in [*Parents Involved in Community Schools v. Seattle School District No. 1*](#), 551 U.S. 701 (2007). A voluntary diversity plan had to be adopted by the school district within a certain time frame, could only concern a limited number of factors, and could not use race as a factor.

Five Iowa school districts currently have voluntary diversity plans, with three districts (Davenport Community Schools, Des Moines Public Schools, and Waterloo Community School District) using socioeconomic status and two districts (West Liberty Community School District and Postville Community School District) using English language learner (ELL) status as their metrics for denying open enrollment. There are no districts in Iowa currently under a court-ordered desegregation plan.

Assumptions

The estimated fiscal impact is based on averages of FY 2018-FY 2019 survey data for voluntary diversity plans and FY 2018-FY 2020 data for open enrollment denials and includes the following assumptions:

- Affected school districts will allow open enrollment out of the district for students who previously had been denied open enrollment under voluntary diversity plans.
- Districts that previously adopted a voluntary diversity plan will have an increase in open enrollment out, equal to the number of the previous year's requests denied due to the voluntary diversity plan, starting in FY 2022.
- During the 2021-2022 school year only, affected school districts will also have an increase in open enrollment out for students who would have been denied under current law due to filing after the March 1 deadline.
- During the 2021-2022 school year only, receiving districts will only be able to deny open-enrolled students from the affected districts due to insufficient classroom space.
- The deadline for open enrollment for students entering kindergarten is September 1, 2021, and the changes may impact FY 2022 program costs for the students' resident districts.

Fiscal Impact

House File 228 has no fiscal impact to the State. Districts that have denied previous open enrollment requests based on the districts' voluntary diversity programs may experience a decrease in per pupil funds equal to the cost of the previous year's State cost per pupil (SCPP) and teacher leadership supplement, as well as a decrease resulting from any additional ELL weighting for the applicable pupils. The following table shows the possible fiscal impact by district based on survey information from previous school years' open enrollment survey data. The data has been averaged where applicable.

Fiscal Impact to School Districts Due to Increased Open Enrollment — HF 228

	FY 2022		FY 2023	
	Est. Number of New Open Enrollment Out of Resident District	Estimate of Total Funds Leaving Resident District	Est. Number of New Open Enrollment Out of Resident District	Estimate of Total Funds Leaving Resident District
Davenport*	94	\$ 694,566	94	\$ 712,144
Des Moines	361	2,667,429	192	1,454,592
Postville	2	14,778	2	15,152
Waterloo	75	554,175	57	431,832
West Liberty**	5	36,945	0	0

* Data not available to fully calculate FY 2022.

** No voluntary diversity open enrollment denials for the years examined.

Open enrollment funds included the previous year's SCPP and teacher leadership categorical.

It is unknown into which districts pupils may choose to open enroll; therefore, the fiscal impact to the receiving districts cannot be determined. This estimate does not include any additional enrollments due to previously denied open enrollments from prior fiscal years. Any additional pupils previously denied under the voluntary open enrollment plans from previous fiscal years who choose to open enroll may increase the fiscal impact on the resident school districts.

Effective Date

This Act is effective May 10, 2021.

Enactment Date

This Act was approved by the General Assembly on April 20, 2021, and signed by the Governor on May 10, 0221.

Sources

Iowa Association of School Boards

Iowa Department of Education

Urban Education Network of Iowa

Des Moines Independent School District

LSA calculations

HF 231 – Burglary, Sex Abuse (LSB1323HV.2)

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Fiscal Note Version – Final Action

Description

[House File 231](#) establishes that a person convicted of sexual abuse committed during a burglary is, in addition to any other punishment provided, to be sentenced to a special sentence committing the person into the lifetime custody of the Director of the Department of Corrections (DOC), with eligibility for parole as provided in Iowa Code chapter [906](#). Under current law, a person commits burglary in the first degree, a Class B felony under Iowa Code section [713.3](#), if, while perpetrating the burglary in or upon an occupied structure where one or more individuals reside, the person performs or participates in a sex act that constitutes sexual abuse under Iowa Code section [709.1](#).

A person who commits sexual abuse during a burglary is classified as a Tier III sex offender under Iowa Code section [692A.102\(1\)\(c\)\(17\)](#), and is required to register as such.

Background

Current law provides that a person convicted of a Class C felony or greater under Iowa Code chapter [709](#) (Sexual Abuse), or a Class C felony under Iowa Code section [728.12](#) (Sexual Exploitation of a Minor), is to be sentenced to a special sentence committing the person into the lifetime custody of the Director of the DOC, with eligibility for parole as provided in Iowa Code chapter 906.

A sex offender who has been sentenced to a special sentence under Iowa Code section [903B.1](#) is required to register on the Sex Offender Registry for a period equal to the term of the special sentence.

Under current law, a Class B felony is punishable by confinement of no more than 25 years.

Assumptions

- The following will not change over the projection period: charge, conviction, and sentencing patterns and trends; prisoner length of stay; 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 Act 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.
- The average daily marginal cost per offender under a special sentence is \$7.05 per day and the average daily marginal cost per offender under parole supervision is \$5.38 per day.

Correctional Impact

House File 231 increases the penalty associated with the crime of first-degree burglary by requiring an offender to be sentenced to a special sentence if, during the commission of the crime, the offender performs or participates in a sex act that constitutes sexual abuse. The DOC expects the correctional impact of HF 231 to be minimal as crimes involving burglary in the first degree and concurrent sexual abuse occur infrequently. In FY 2020, there were two convictions of sexual abuse committed during a burglary, and both of these convicted individuals had already been placed under a lifetime special sentence due to their previous sex-crime-related convictions.

Table 1 provides 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 all convictions of Class B felonies. Refer to the Legislative Services Agency (LSA) memo addressed to the General Assembly, [Cost Estimates Used for Correctional Impact Statements](#), dated January 22, 2021, for information related to the correctional system.

Table 1 — Sentencing Estimates and Length of Stay (LOS)

Conviction Offense Class	Percent to Prison	Avg Length of Stay Prison (months)	FY 20 Marginal Cost Per Day Prison	Percent Ordered to Probation	Avg LOS on Probation	Avg Cost Per Day on Probation	Percent Sentenced to CBC Residential Facility	FY 20 Marginal Cost CBC Per Day	Percent Ordered to County Jail	Avg Length of Stay in County Jail	Marginal Cost Per Day	Avg LOS on Parole	FY 20 Average Cost Per Day Parole
Class B Felony (Persons)	93.0%	85.3	\$20.33	6.6%	38.7	\$5.38	4%	\$14.78	57.9%	N/A	\$50.00	33.2	\$5.38

Minority Impact

The minority impact of HF 231 is as follows: African Americans comprised 4.1% of the adult population of the State in FY 2020 and 33.3% of the convictions under Iowa Code section 713.3 in FY 2020. This exceeds the population proportion of the State, which would lead to a racial impact if trends remain constant. Due to low numbers of other minority populations, the impact on those populations cannot be assessed. Refer to the LSA memo addressed to the General Assembly, [Minority Impact Statement](#), dated January 27, 2021, for information related to minorities in the criminal justice system.

Fiscal Impact

Although the average daily marginal cost to supervise an individual under a special sentence is approximately 31.0% higher than parole supervision, at a cost of \$7.05 daily rather than \$5.38 daily, the DOC estimates that the fiscal impact of HF 231 will be minimal. It is already current practice by the DOC to place individuals who commit crimes of this nature under special supervision. In addition, crimes involving burglary in the first degree and concurrent sexual abuse occur infrequently.

Effective Date

This Act is effective on July 1, 2021.

Enactment Date

This Act was approved by the General Assembly on February 17, 2021, and signed by the Governor on March 8, 2021.

Sources

Department of Corrections
Criminal and Juvenile Justice Planning Division, Department of Human Rights

HF 232 – Disorderly Conduct (LSB1220HV.2)

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Fiscal Note Version – Final Action

Description

[House File 232](#) adds to the definition of disorderly conduct the requirement that a person intentionally or recklessly causes unreasonable distress when the person engages in loud and raucous noise in the vicinity of any residence or public building in order to be guilty of disorderly conduct. A person who violates this Act commits a simple misdemeanor.

Background

Under current law, a person engages in disorderly conduct when the person makes loud and raucous noise in the vicinity of any residence or public building which causes unreasonable distress to the occupants thereof.

A simple misdemeanor is punishable by confinement for no more than 30 days or a fine of at least \$105 but not more than \$855, or both.

Assumptions

- The following will not change over the projection period: charge, conviction, and sentencing patterns and trends; prisoner length of stay; 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 Act 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.

Correctional Impact

House File 232 adds the requirement of reckless or intentional behavior to the definition of disorderly conduct. Since HF 232 would restrict the definition of disorderly conduct in a way that cannot be accounted for with current data, the correctional impact cannot be estimated.

In FY 2019 and FY 2020, there were a combined total of 1,948 disorderly conduct convictions. Refer to the Legislative Services Agency (LSA) memo addressed to the General Assembly, [Cost Estimates Used for Correctional Impact Statements](#), dated January 22, 2021, for information related to the correctional system.

Minority Impact

Of the 1,948 disorderly conduct convictions in FY 2019 and FY 2020, 71.6% were committed by Caucasians and 20.4% were committed by African Americans. In FY 2020, Caucasians and African Americans made up 89.9% and 4.1% of the adult population of the State of Iowa, respectively.

House File 232 would restrict the definition of disorderly conduct in a way that cannot be accounted for with current conviction data because it is unknown whether prior convictions would have met the intentional or reckless requirement outlined in this Act. As a result, the Criminal and Juvenile Justice Planning Division (CJJP) of the Department of Human Rights is unable to estimate the minority impact.

Refer to the LSA memo addressed to the General Assembly, [*Minority Impact Statement*](#), dated January 27, 2021, for information related to minorities in the criminal justice system.

Fiscal Impact

House File 232 restricts the definition of disorderly conduct, and the fiscal impact cannot be estimated due to the lack of existing conviction data. The average State cost for one simple misdemeanor conviction ranges from \$40 to \$350. The minimum cost includes court time for a magistrate or district associate judge, court reporter, judicial specialist, and clerk of court staff. The maximum includes court time and the costs of indigent defense. The new definition of disorderly conduct under HF 232 may impact fine and surcharge revenue, but the impact is unknown.

Effective Date

This Act is effective on July 1, 2021.

Enactment Date

This Act was approved by the General Assembly on February 9, 2021, and signed by the Governor on March 8, 2021.

Sources

CJJP, Department of Human Rights
Department of Corrections
Judicial Branch

HF 282 – Abuse of a Corpse (LSB1315HV.2)

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Fiscal Note Version – Final Action

Description

[House File 282](#) relates to the abuse of a human corpse and provides penalties. The Act increases the penalty for conviction of abuse of a human corpse from a Class D felony to a Class C felony.

Background

Under current law, a person commits the crime of abuse of a human corpse if the person mutilates, disfigures, or dismembers a human corpse with the intent to conceal a crime or hides or buries a human corpse with the intent to conceal a crime. A Class D felony is punishable by confinement for no more than five years and a fine of at least \$1,025 but not more than \$10,245. A Class C felony is punishable by confinement for no more than 10 years and a fine of at least \$1,370 but not more than \$13,660.

Assumptions

- The following will not change over the projection period: charge, conviction, and sentencing patterns and trends, 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 Act 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.

Correctional Impact

House File 282 enhances the penalty for a person convicted of abuse of a corpse and is estimated to increase the LOS for those convicted of the offense. House File 282 is not estimated to change the number of convictions. **Table 1** provides estimates for sentencing to State prison, parole, probation, or Community-Based Corrections (CBC) residential facilities; LOS under those supervisions; and supervision marginal costs per day for all convictions of Class C and Class D felonies.

Table 1 — LOS and Sentencing Estimates

Conviction Offense Class	Percent to Prison	Avg Length of Stay Prison (months)	FY 20 Marginal Cost/Day Prison	Percent Ordered to Probation	Avg LOS on Probation (months)	Avg Cost Per Day on Probation	Percent Sentenced to CBC Residential Facility	FY 20 Marginal Cost CBC Per Day	Percent Ordered to County Jail	Avg Length of Stay in County Jail	Marginal Cost Per Day	Avg LOS on Parole (months)	FY 20 Average Cost Per Day Parole
Class C Felony (Persons)	89.0%	38.6	\$20.33	27.9%	34.1	\$5.38	6%	\$14.78	49.1%	N/A	\$50.00	21.5	\$5.38
Class D Felony (Persons)	77.0%	16.0	\$20.33	47.8%	30.5	\$5.38	11%	\$14.78	38.6%	N/A	\$50.00	11.5	\$5.38

In FY 2020, there was one conviction of abuse of a corpse. As a result, HF 282 is estimated to have a minimal correctional impact. Refer to the Legislative Services Agency (LSA) memo addressed to the General Assembly, [Cost Estimates Used for Correctional Impact Statements](#), dated January 22, 2021, for information related to the correctional system.

Minority Impact

The Criminal and Juvenile Justice Planning Division (CJJP), Department of Human Rights, estimates HF 282 will have minimal to no minority impact. Refer to the LSA memo addressed to the General Assembly, [Minority Impact Statement](#), dated January 27, 2021, for information related to minorities in the criminal justice system.

Fiscal Impact

House File 282 is estimated to have a minimal fiscal impact. The enhanced penalty is estimated to result in an increased cost of \$2,200 to \$5,700 per conviction, but the impact is estimated to be minimal due to the small number of convictions of this offense. **Table 2** shows the cost estimate differences for the average State cost per offense class type for one Class D felony and one Class C felony. The cost estimate includes operating costs incurred by the Judicial Branch, the State Public Defender, and the Department of Corrections for one conviction. The cost would be incurred across multiple fiscal years for prison and parole supervision.

Table 2 — Cost Increase Per Conviction

Offense Class	Total Cost	
	Minimum	Maximum
Class C Felony	\$ 9,900	\$ 19,200
Class D Felony	7,700	13,500
Cost Increase Estimate	\$ 2,200	\$ 5,700

Effective Date

This Act is effective on July 1, 2021.

Enactment Date

This Act was approved by the General Assembly on April 21, 2021, and signed by the Governor on May 10, 2021.

Sources

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

HF 283 – Synthetic Urine Prohibition (LSB1216HV.2)

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Fiscal Note Version – Final Action

Description

[House File 283](#) creates the criminal offense of defrauding a drug or alcohol test given in a private-sector workplace or by a public employer.

The Act prohibits a person from:

- Manufacturing, marketing, selling, distributing, using, or possessing synthetic urine or a urine additive for the purpose of defrauding a drug or alcohol test.
- Knowingly using a person's own urine expelled or withdrawn prior to the collection of urine for the purpose of defrauding a drug or alcohol test.
- Knowingly using the urine of another person for the purpose of defrauding a drug or alcohol test.

A person who violates the provisions of the Act commits a simple misdemeanor for a first offense and a serious misdemeanor for all subsequent offenses. The court may require a substance abuse evaluation and treatment through a program licensed by the Iowa Department of Public Health in lieu of or in addition to other penalties.

The Act allows a person who collects a urine sample from another person for a drug or alcohol test, having knowledge or a reasonable suspicion that the other person has used synthetic urine or a urine additive in violation of the Act, to report such information to law enforcement authorities. The Act applies to both public and private-sector workplaces.

Background

A simple misdemeanor is punishable by confinement for no more than 30 days or a fine of at least \$105 but not more than \$855 or both. A serious misdemeanor is punishable by confinement for no more than one year and a fine of at least \$130 but not more than \$2,560.

Assumptions

- The following will not change over the projection period: charge, conviction, and sentencing patterns and trends; 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 Act 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.

Correctional Impact

House File 283 establishes a new criminal offense, and the correctional impact cannot be estimated due to a lack of existing conviction data. In addition, it is unknown how many drug tests are currently defrauded through synthetic urine.

Table 1 provides estimates for sentencing to State prison, parole, probation, or Community-Based Corrections (CBC) residential facilities; LOS under those supervisions; and supervision marginal costs per day for all convictions of serious misdemeanors. The LOS data is not applicable to simple or serious misdemeanors. Refer to the Legislative Services Agency (LSA) memo addressed to the General Assembly, [Cost Estimates Used for Correctional Impact Statements](#), dated January 22, 2021, for information related to the correctional system.

Table 1 — LOS and Sentencing Estimates

Conviction Offense Class	Percent to Prison	Avg Length of Stay Prison (months)	FY 20 Marginal Cost/Day Prison	Percent Ordered to Probation	Avg LOS on Probation (months)	Avg Cost Per Day on Probation	Percent Sentenced to CBC Residential Facility	FY 20 Marginal Cost CBC Per Day	Percent Ordered to County Jail	Avg Length of Stay in County Jail	Marginal Cost Per Day	Avg LOS on Parole (months)	FY 20 Average Cost Per Day Parole
Serious Misdemeanor	2.0%	5.0	\$20.33	56.0%	13.4	\$5.38	1.0%	\$14.78	69.0%	N/A	\$50.00	2.4	\$5.38

Minority Impact

House File 283 establishes a new criminal offense, and it is unknown how often drug tests are defrauded through synthetic urine currently. As a result, the Criminal and Juvenile Justice Planning Division (CJJP) of the Department of Human Rights cannot use prior existing data to estimate the minority impact of HF 283. In addition, there is no data available to account for any differences between races seeking the types of employment that would require such a test. Refer to the LSA memo addressed to the General Assembly, [Minority Impact Statement](#), dated January 27, 2021, for information related to minorities in the criminal justice system.

Fiscal Impact

House File 283 establishes a new criminal offense, and the fiscal impact cannot be estimated due to the lack of existing conviction data.

Table 2 contains cost estimates for the average State cost per offense class type for one conviction. The cost estimate includes operating costs incurred by the Judicial Branch, the State Public Defender, and the Department of Corrections for one conviction. The cost would be incurred across multiple fiscal years for prison and parole supervision.

Table 2 — Average State Cost Per Offense Class Type

Offense Class	Total Cost	
	Minimum	Maximum
Simple Misdemeanor	\$ 40	\$ 350
Serious Misdemeanor	410	7,500

Effective Date

This Act is effective July 1, 2021.

Enactment Date

This Act was approved by the General Assembly on February 17, 2021, and signed by the Governor on March 8, 2021.

Sources

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

Description

[House File 302](#) creates a graduated eligibility phaseout component for the Child Care Assistance (CCA) Program in the Department of Human Services (DHS).

The Act would provide that if families were previously eligible for the CCA Program, they would be eligible for a graduated eligibility phaseout program under the following conditions:

- Their income is above 225.0% of the federal poverty level (FPL) but less than 250.0% FPL for basic care.
- Their income is above 225.0% FPL but less than 275.0% FPL for special needs care.

Families in the income ranges specified for service care needs will be responsible for the following share of the cost of child care based on the cost of care currently reimbursed by the DHS.

Table 1: Graduated Phaseout Rates

Family's Share of Cost of Care	Basic Care	Special Needs Care
33.0%	225.1% to 234.9%	225.1% to 244.9%
45.0%	235.0% to 244.9%	245.0% to 264.9%
60.0%	245.0% to 250.0%	265.0% to 275.0%

The Graduated Phaseout Program is required to be implemented no later than July 1, 2022.

Background

Table 2 below presents the FPL by family size and calculated percentages of FPL for FY 2021.

Table 2: Federal Poverty Levels (FPL)

Family Size	100.0%	145.0%	225.0%	250.0%	275.0%
Family of 2	\$ 17,420	\$ 25,259	\$ 39,195	\$ 43,550	\$ 47,905
Family of 3	21,960	31,842	49,410	54,900	60,390
Family of 4	26,500	38,425	59,625	66,250	72,875
Family of 5	31,040	45,008	69,840	77,600	85,360
Family of 6	35,580	51,591	80,055	88,950	97,845

Iowa's CCA Program currently has two main components: the CCA Program and the CCA Plus Program. Eligibility for the CCA Program is limited to families with income no more than 145.0% FPL and is limited to a 12-month eligibility segment. The CCA Plus Program has a 12-month eligibility segment and an income limit of more than 145.0% FPL up to 85.0% of the State median income (approximately \$49,800).

Final federal rules relating to the CCA Plus Program require that there be no time limit for eligibility, only an income limitation. The DHS Notice of Intended Action [ARC 4937C](#) brings the CCA Plus Program into conformance with federal law, covering families with an income not to exceed 225.0% FPL for an indefinite period of time for basic care and special needs care under the current copayment structure.

Currently, a copayment for services is required if a family's income is at or above 100.0% FPL. The copayment scale starts at 1.0% of family income and increases up to 7.0% of family income. The DHS utilizes a provider billing portal for the CCA Program for payment of services and determination of copayment amounts.

Assumptions

- The rulemaking proposed in ARC 4937C has been [adopted and filed](#) with an effective date of July 1, 2020 (FY 2021).
- A significantly new copayment schedule based on the rate that providers charge cannot be implemented until programming changes to the provider billing portal are completed.
- Programming changes will require 2,000 hours of programming time, plus part-time work from the DHS Bureau of Project Management. This will push the launch of the Graduated Phaseout Program into FY 2022.
- An estimated 120 children will be eligible for the CCA phaseout program in FY 2022, and the same number will become eligible each year thereafter.
- The current average cost of care for a child in the CCA Plus Program is \$4,368 per year.
- The exact point where eligible families will fall on the cost share table is unknown. The cost of care will also be dependent on the reimbursement rate of the child care provider type selected by the family. The estimate assumes that families will be responsible for 40.0% of the current average cost per child.

Fiscal Impact

The DHS programming and project management costs for the provider billing portal in FY 2021 are estimated at \$312,000. The following table outlines program cost increases by fiscal year after the programming changes are completed in FY 2021.

Table 3: Program Cost by Year

	Graduated	
	<u>IT Programming</u>	<u>Phaseout</u>
FY 2021	\$ 312,000	\$ 0
FY 2022	0	201,000
FY 2023	0	572,000
FY 2024	0	943,000
FY 2025	0	1,314,000

The current projected balance for the Federal Child Care Development Fund is \$47.8 million for the end of FY 2021. Based on current DHS estimated revenues and expenditures for child care, the Department anticipates a sufficient projected balance of federal funds to be carried forward at the end of FY 2021 and FY 2022 so as not to require an increase from the General Fund appropriation in FY 2022 or FY 2023 for the rate increase proposed under the Act. Current estimates indicate that federal funds would be fully expended in FY 2024, and an appropriation would be required to fully fund the program beginning in FY 2024.

Effective Date

This Act is effective July 1, 2021.

Enactment Date

This Act was approved by the General Assembly on May 17, 2021, and signed by the Governor on June 16, 2021.

Sources

Department of Human Services

U.S. Department of Health and Human Services

LSA analysis and calculations

HF 304 – Autonomous Delivery Devices (LSB1908HV.2)

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Fiscal Note Version – Final Action

Description

[**House File 304**](#) creates a new Iowa Code chapter 321O that authorizes and regulates the operation of personal delivery devices. The Act provides definitions to be used in the chapter and specifies how personal delivery devices are regulated under the chapter. The chapter defines a personal delivery device (PDD) as a device manufactured for transporting cargo and goods in a pedestrian area, equipped with automated driving technology that can be operated or supervised remotely by a live person, and the weight of which does not exceed 550 pounds without its cargo or goods. PDDs are not classified as vehicles and must operate in a manner that complies with Iowa Code provisions applicable to pedestrians. The Act allows local authorities to regulate PDDs but local regulations cannot be inconsistent with the Act. The Act also provides where a PDD may operate and provides penalties.

The Act provides for the following penalties for violations of device operation and equipment requirements.

- Excess speed as provided in Iowa Code section [805.8A](#)(5): scheduled fine ranging from \$30 to \$135 plus \$5 for each mile per hour over 20 miles per hour.
- Operators who fail to meet operation requirements: scheduled fine of \$35 for each violation.
- Operators who fail to meet identification marker and braking system specifications: fine of at least \$100, but not more than \$1,000 for each violation.
- Operators who fail to meet required lighting specifications: scheduled fine of \$45.

Background

A PDD is a battery-powered terrestrial device that can operate autonomously but has human oversight and can be controlled remotely if the need arises. These devices are able to detect obstacles, change speeds, and stop where necessary. These devices may be used by companies to provide the delivery of goods to customers who choose to use their service.

PDDs are primarily used in urban environments and are designed to be operated where a pedestrian can walk, including crosswalks.

Other states have passed similar legislation that deals with the regulation of PDDs, including: Arizona, the District of Columbia, Florida, Idaho, North Carolina, Ohio, Pennsylvania, Texas, Utah, Virginia, Washington, and Wisconsin. In addition, states that are considering similar legislation include: Colorado, Kansas, Maryland, Minnesota, Missouri, Tennessee. The State of Utah passed similar legislation in CY 2018 and has yet to have any violations.

Under Iowa Code section [602.8106\(4\)\(b\)](#), scheduled fine revenue for a State law violation is distributed as follows: 91.0% to the State and 9.0% to the county in which the violation occurred. For the State share of citations, 1.3% is distributed to the Emergency Medical Services Fund and 98.7% is distributed to the State General Fund.

In addition to the scheduled fine, a Crime Services Surcharge, equal to 15.0% of the fine, and a \$55 fee for court costs are also imposed. The Crime Services Surcharge is remitted to the State Court Administrator and is distributed as follows: 46.0% to the Juvenile Detention Home Fund; 32.0% to the Victim Compensation Fund; 20.0% to the Criminalistics Laboratory Fund; and 2.0% to the Drug Abuse Resistance Education Fund. The fee assessed for court costs is remitted to the State Court Administrator and deposited into the State General Fund.

Assumptions

It is assumed that a violation under this Act would be a State law violation and that the fine revenue would be distributed under Iowa Code section [602.8016\(4\)\(b\)](#).

Correctional Impact

House File 304 establishes several new simple misdemeanors and scheduled violation simple misdemeanors under Iowa Code sections 321O.4 and [805.8A](#). The punishments for simple misdemeanors and scheduled violations under this Act do not include the possibility of imprisonment, and as a result, this Act is not estimated to have a correctional impact. It is unknown how many citations may result from this Act. Refer to the Legislative Services Agency (LSA) memo addressed to the General Assembly, [*Cost Estimates Used for Correctional Impact Statements*](#), dated January 22, 2021, for information related to the correctional system.

Minority Impact

House File 304 establishes several new simple misdemeanors and scheduled violation simple misdemeanors, and it is unknown how many citations may result from this Act. As a result, the minority impact of HF 304 cannot be estimated. Refer to the LSA memo addressed to the General Assembly, [*Minority Impact Statement*](#), dated January 27, 2021, for information related to minorities in the criminal justice system.

Fiscal Impact

House File 304 establishes several new citations and scheduled fines under Iowa Code sections 321O.4 and 805.8A. The new citations established by HF 304 may result in an increase in fine and surcharge revenue, but the impact is unknown. **Table 1** shows the distribution of fine revenue for one citation of each scheduled violation and simple misdemeanor established under this Act.

Table 1 — Fine and Surcharge Revenue Distribution

Code Section	Scheduled Fine	15.0% Crime Services Surcharge	Fine Distribution		15.0% Crime Services Surcharge Distribution				Court Costs
			91.0% to State General Fund/EMS* Fund	9.0% to County	32.0% to Victim Comp. Fund	20.0% to Criminalistics Lab Fund	2.0% to DARE** Fund	46.0% to Juvenile Home Detention Fund	
805.8A(5)(a)	\$35	\$5.25	\$31.85	\$3.15	\$1.68	\$1.05	\$0.11	\$2.42	\$55.00
3210.4(6)	\$35	\$5.25	\$31.85	\$3.15	\$1.68	\$1.05	\$0.11	\$2.42	\$55.00
3210.6(3)	\$100	\$15.00	\$91.00	\$9.00	\$4.80	\$3.00	\$0.30	\$6.90	\$55.00
3210.6(3)	\$1,000	\$150.00	\$910.00	\$90.00	\$48.00	\$30.00	\$3.00	\$69.00	\$55.00
3210.6(4)	\$45	\$6.75	\$40.95	\$4.05	\$2.16	\$1.35	\$0.14	\$3.11	\$55.00

*Emergency Medical Services Fund (EMS) ** Drug Abuse Resistance Education (DARE)

Effective Date

This Act is effective July 1, 2021.

Enactment Date

This Act was approved by the General Assembly on April 27, 2021, and signed by the Governor on May 20, 2021.

Source

LSA calculations and analysis

HF 309 – Tax-Exempt Organizations, Public Disclosure of Information (LSB1731HV.4)

Staff Contact: Maria Wagenhofer (515.281.5270) maria.wagenhofer@legis.iowa.gov

Fiscal Note Version – Final Action

Description

[House File 309](#) prohibits a public agency from seeking the disclosure of, or publishing, personal information from a tax-exempt organization under Section 501(c) of the federal Internal Revenue Code that would reveal the identity of a member, supporter, volunteer, or donor of a tax-exempt organization without permission, or from requesting from a contractor a list of tax-exempt organizations that the contractor has supported. This Act also requires any court-ordered inspection of corporate records containing personal information to be made under seal from public disclosure and prohibits corporate disclosure from being used to obtain personal information. House File 309 makes the following exceptions:

- Lawful warrants or discovery requests in which the requestor shows a compelling need for the information and obtains a protective order barring unnecessary disclosure.
- Agreements between a tax-exempt organization and a public agency.
- Information that must be reported to the Secretary of State pursuant to Iowa Code chapter [504](#) or the Attorney General or State Auditor pursuant to Iowa Code chapter 504, chapter [537](#), or section [714.16](#).
- Personal information disclosed in public judicial proceedings.

The Act does not affect any provision of Iowa Code chapter [68A](#), which relates to campaign finance.

A person who violates a provision of this Act is subject to a civil penalty, and a person who knowingly violates a provision of this Act commits a serious misdemeanor. This Act allows a court to award to the complainant an amount equal to all or a portion of the costs of litigation.

Background

A civil penalty includes a fine of no less than \$2,500 per violation and no more than \$7,500 per intentional violation. A serious misdemeanor is punishable by imprisonment for not more than 90 days or a fine of not more than \$1,000 or both.

Assumptions

- The following will not change over the projection period: charge, conviction, and sentencing patterns and trends; 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 Act 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.

Correctional Impact

The correctional impact of HF 309 cannot be determined. This Act establishes a new criminal offense, and no historical data exists to make a reliable estimate.

Table 1 shows estimates for sentencing to State prison, parole, probation, or Community-Based Corrections (CBC) residential facilities; LOS under those supervisions; and supervision marginal costs per day for all convictions of serious misdemeanors. Refer to the Legislative Services Agency (LSA) memo addressed to the General Assembly, [*Cost Estimates Used for Correctional Impact Statements*](#), dated January 22, 2021, for information related to the correctional system.

Table 1 — Sentencing Estimates and LOS

Conviction Offense Class	Percent to Prison	Avg Length of Stay Prison (months)	FY 20 Marginal Cost/Day Prison	Percent Ordered to Probation	Avg LOS on Probation (months)	Avg Cost Per Day on Probation	Percent Sentenced to CBC Residential Facility	FY 20 Marginal Cost CBC Per Day	Percent Ordered to County Jail	Marginal Cost Per Day	Avg LOS on Parole (months)	FY 20 Average Cost Per Day Parole
Serious Misdemeanor	2.0%	5.0	\$20.33	56.0%	13.4	\$5.38	1.0%	\$14.78	69.0%	\$50.00	2.4	\$5.38

Minority Impact

House File 309 establishes a new criminal offense, and a minority impact cannot be estimated due to a lack of data. Refer to the LSA memo addressed to the General Assembly, [*Minority Impact Statement*](#), dated January 27, 2021, for information related to minorities in the criminal justice system.

Fiscal Impact — Correctional System

The fiscal impact of House File 309 to the correctional system cannot be determined as this Act establishes a new criminal offense, and the resulting cost to the justice system cannot be determined. The Department of Corrections (DOC) estimates that public agencies are likely to comply with this Act. **Table 2** shows estimates for the average State cost for one serious misdemeanor conviction. The cost estimates include operating costs incurred by the Judicial Branch, the State Public Defender, and the DOC for one conviction.

Table 2 — Average State Cost Per Offense Class Type

Offense Class	Total Minimum Cost	Total Maximum Cost
Serious Misdemeanor	\$410	\$7,500

The new offense established by HF 309 may also result in an increase in civil penalty revenue, but the impact is unknown.

Fiscal Impact — Department of Revenue

According to the Department of Revenue, this Act would not alter tax liability but would impact the Department's capacities in enforcing tax obligations. For this reason, the impacts are not estimated but may be substantial and increase over time. The following were provided as areas where the administration and collection of taxes may be impacted:

- Requiring nonprofit organizations' responsible officials to identify themselves on tax returns and other documentation, impairing collection of withholding tax.
- Auditing returns to identify ineligible deductions.
- Obtaining information sought in discovery in litigation.
- Administering some aspects of the tax code under current law, such as the School Tuition Organization Tax Credit.

NOTE: Division III of [SF 608](#) (Taxation, Penalties Act) amended HF 309 to include a section on the applicability of HF 309 to the Department of Revenue with specific provisions that address the fiscal impacts outlined above and provides that certain actions taken by the Department are not to be construed as a violation of the Act. Senate File 608 was passed by the General Assembly on May 7, 2021, and signed by the Governor on June 8, 2021.

Effective Date

This Act is effective July 1, 2021.

Enactment Date

This Act was approved by the General Assembly on April 13, 2021, and signed by the Governor on May 20, 2021.

Sources

Legislative Services Agency

Criminal and Juvenile Justice Planning Division, Department of Human Rights

Department of Corrections

Department of Revenue

HF 426 – Crime Victim Assistance (LSB1208HV.2)

Staff Contact: Laura Book (515.725.0509) laura.book@legis.iowa.gov

Fiscal Note Version – Final Action

Description

[House File 426](#) relates to the collection of evidence in sexual abuse cases. The Act establishes an automated sexual abuse evidence collection kit tracking system within the Crime Victim Assistance Division under the Attorney General's Office. The purpose of the kit tracking system is to allow victims, county attorneys, and entities with custody of sexual abuse evidence collection kits to track the status and location of a kit. The Act requires the State Criminalistics Laboratory to provide health care providers with such kits and requires that health care providers use these kits when conducting forensic medical examinations of victims of sexual abuse. Additionally, the Act provides that costs for the medical examination of the victim will be covered by the Victim Compensation Fund as established under Iowa Code section [915.94](#).

House File 426 also establishes requirements regarding the storage and disposal of kits, and requires that health care providers, laboratories, and law enforcement agencies document the location and status of the kit within 48 hours of receipt of the kit. The Act outlines victim consent and notification provisions regarding the collection, testing, and analysis of the evidence in the kit, and prohibits the kit from containing personally identifiable information should a victim choose to remain anonymous. Victims may anonymously track and choose to receive notifications regarding the status and location of the kit by utilizing an Internet platform. Additionally, law enforcement must notify a victim of the results of the evidence analysis collected from the victim's medical information if the victim requests it.

House File 426 also amends the definition of "survivor of a deceased victim" to include certain persons in relation to the victim specifically at the time of the crime.

Background

The Office of the Attorney General established the automated sexual abuse evidence collection kit tracking system in fall 2020. Start-up costs for the initial establishment of the system were paid by a federal discretionary grant, which will cover costs of administering the system through FY 2022.

Assumptions

- Costs of administering the kit system for FY 2023 and beyond will be the responsibility of the State.
- Fiscal impact is based on the cost of administering the kit tracking system under the terms of the contract with the vendor. The current contract is valid through FY 2027.
- For FY 2023 and beyond, the Attorney General's Office estimates an annual increase of 2.0% in the cost of administering the system.

Fiscal Impact

Beginning in FY 2023, the cost for administering the automated sexual abuse evidence collection kit tracking system will be funded by the [Victim Compensation Fund](#). Receipts to the Victim Compensation Fund include criminal fines and penalties, victim restitution, a percentage of wages earned by inmates employed in the private sector, and federal funds. The year-end balance in the Fund carries forward to the next fiscal year. The table below displays the estimated cost of administering the automated sexual abuse evidence collection kit tracking system from FY 2023 to FY 2027.

**Annual Costs, Automated Sexual Abuse Evidence
Collection Kit Tracking System, FY 2023 – FY 2027**

Administration Costs	FY 2023	FY 2024	FY 2025	FY 2026	FY 2027
	\$157,700	\$160,800	\$164,000	\$167,300	\$170,700

As HF 426 requires local law enforcement entities such as police and sheriff departments to utilize the tracking kit system, these entities may incur a fiscal and operational impact as a result of the kit documentation requirements. Exact fiscal impact cannot be calculated at this time, but it is estimated to be minimal.

Effective Date

This Act is effective on July 1, 2021.

Enactment Date

This Act was approved by the General Assembly on April 7, 2021, and signed by the Governor on May 19, 2021.

Sources

Department of Justice
Legislative Services Agency

[HF 429](#) – Lottery Security (LSB1345HV.1)

Staff Contact: Maria Wagenhofer (515.281.5270) maria.wagenhofer@legis.iowa.gov

Fiscal Note Version – Final Action

Description

[House File 429](#) amends the definition of “retailer” to mean a person who sells lottery tickets or shares pursuant to a license, and not just a contract, issued by the Iowa Lottery Authority. This Act provides that the Lottery Authority shall only pay prizes for tickets or shares that were legally purchased, possessed, and presented. This Act provides that a person who knowingly or intentionally passes a lottery ticket or share to avoid the application of an offset under Iowa Code section [99G.41](#) commits the following offenses:

- Class C felony if the amount avoided exceeds \$10,000.
- Class D felony if the amount avoided exceeds \$1,500 but is less than \$10,000.
- Aggravated misdemeanor if the amount avoided exceeds \$750 but is less than \$1,500.
- Serious misdemeanor if the amount avoided exceeds \$300 but is less than \$750.
- Simple misdemeanor if the amount avoided does not exceed \$300.

This Act also provides that a person who knowingly or intentionally passes a lottery ticket or share to circumvent prohibited player provisions found in Iowa Code section [99G.31](#) or applicable game specific rules commits a Class D felony.

Background

A simple misdemeanor is punishable by confinement of no more than 30 days and a fine of at least \$105 but not more than \$855. A serious misdemeanor is punishable by confinement for no more than one year and a fine of at least \$430 but not more than \$2,560. An aggravated misdemeanor is punishable by confinement for no more than two years and a fine of at least \$855 but no more than \$8,540. A Class D felony is punishable by confinement for no more than five years and a fine of at least \$1,025 but not more than \$10,245. A Class C felony is punishable by confinement for no more than 10 years and a fine of at least \$1,370 but not more than \$13,660.

Assumptions

- The following will not change over the projection period: charge, conviction, and sentencing patterns and trends; 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 Act 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.

Correctional Impact

The correctional impact of HF 429 cannot be determined. This Act establishes a new Code section, and a correctional impact cannot be assessed.

Table 1 shows estimates for sentencing to State prison, parole, probation, or Community-Based Corrections (CBC) residential facilities; LOS under those supervisions; and supervision marginal costs per day for all convictions of serious misdemeanors, aggravated misdemeanors, Class D felonies, and Class C felonies. Refer to the Legislative Services Agency (LSA) memo addressed to the General Assembly, [Cost Estimates Used for Correctional Impact Statements](#), dated January 22, 2021, for information related to the correctional system.

Table 1 — Sentencing Estimates and LOS

Conviction Offense Class	Percent to Prison	Avg Length of Stay Prison (months)	FY 20 Marginal Cost/Day Prison	Percent Ordered to Probation	Avg LOS on Probation (months)	Avg Cost Per Day on Probation	Percent Sentenced to CBC Residential Facility	FY 20 Marginal Cost CBC Per Day	Percent Ordered to County Jail	Avg Length of Stay in County Jail	Marginal Cost Per Day	Avg LOS on Parole (months)	FY 20 Average Cost Per Day Parole
C Felony (Non-Persons)	77.0%	17.0	\$20.33	64.1%	36.6	\$5.38	11.7%	\$14.78	34.9%	N/A	\$50.00	18.5	\$5.38
D Felony (Non-Persons)	76.0%	11.6	\$20.33	64.5%	33.4	\$5.38	12.3%	\$14.78	34.0%	N/A	\$50.00	12.6	\$5.38
Aggravated Misdemeanor (Non-Persons)	32.0%	11.6	\$20.33	69.8%	22.3	\$5.38	9.5%	\$14.78	39.6%	N/A	\$50.00	4.4	\$5.38
Serious Misdemeanor	2.0%	5.0	\$20.33	56.0%	13.4	\$5.38	1.0%	\$14.78	69.0%	N/A	\$50.00	2.4	\$5.38

Minority Impact

House File 429 establishes a new code section, and a minority impact cannot be assessed. Refer to the LSA memo addressed to the General Assembly, [Minority Impact Statement](#), dated January 27, 2021, for information related to minorities in the criminal justice system.

Fiscal Impact

The fiscal impact of House File 429 to the correctional system cannot be determined as this Act establishes a new Code section. **Table 2** shows estimates for the average State cost for one simple misdemeanor, serious misdemeanor, aggravated misdemeanor, Class D felony, or Class C Felony conviction. The cost estimates include operating costs incurred by the Judicial Branch, the State Public Defender, and the DOC for one conviction. The cost would be incurred across multiple fiscal years for prison and parole supervision.

Table 2 — Average State Cost Per Offense Class Type

Offense Class	Total Minimum Cost	Total Maximum Cost
Simple Misdemeanor	\$ 40	\$ 350
Serious Misdemeanor	410	7,500
Aggravated Misdemeanor	3,700	7,800
Class D Felony	7,700	13,500
Class C Felony	9,900	19,200

Effective Date

This Act is effective July 1, 2021.

Enactment Date

This Act was approved by the General Assembly on April 21, 2021, and signed by the Governor on May 10, 2021.

Sources

Legislative Services Agency

Criminal and Juvenile Justice Planning Division, Department of Human Rights

Department of Corrections

HF 435 – Driver's License, Contact Information (LSB2057HV.2)

Staff Contact: Austin Brinks (515.725.2200) austin.brinks@legis.iowa.gov

Fiscal Note Version – Final Action

Description

House File 435 requires the Department of Transportation (DOT) to include emergency contact information in its electronic database for persons issued a driver's license or identification card. When a person applies for the issuance, replacement, or renewal of a driver's license or identification card, the DOT is required to request that person voluntarily submit emergency contact information to the DOT. This information would be kept confidential, and would be accessible only by DOT employees or a member of law enforcement while performing official duties.

The information submitted may include the name, address, telephone number, and relationship of up to two emergency contacts. A person who is younger than 18 years of age and is not emancipated is required to include their parent or guardian as the emergency contact. The contact information provided may be used by law enforcement when responding to an accident where someone dies, or is injured and unable to communicate, to make a good faith effort to reach that person's emergency contacts.

Background

Illinois established a similar database in 2013 that is operated by the Secretary of State. Illinois allows residents who hold an Illinois driver's license, instruction permit, or identification card to voluntarily register their contact information into a database that may be used by law enforcement when that person is incapacitated. The Illinois database also allows for a person to enter basic medical information such as medical conditions or allergies.

Assumptions

The DOT stated programming expenses would be necessary to implement the requirements in this Act.

Fiscal Impact

The DOT estimates that this Act will require approximately \$18,000 for internal programming, and up to \$108,000 paid to an external vendor to update the programming on the DOT kiosks.

The DOT has also stated there will be increased administrative workload, which will be addressed within current resources and will not require an increase in personnel.

Effective Date

This Act becomes effective on January 1, 2022.

Enactment Date

This Act was approved by the General Assembly on April 7, 2021, and signed by the Governor on May 20, 2021.

Sources

Legislative Services Agency
Department of Transportation

HF 452 – Human Trafficking, Massage Therapy Enforcement (LSB1730HV.2)

Staff Contact: Laura Book (515.725.0509) laura.book@legis.iowa.gov

Fiscal Note Version – Final Action

Description

[House File 452](#) relates to certain civil and criminal enforcement activities involving the practice of massage therapy, cosmetology, and human trafficking, and provides penalties. The Act creates several new crimes punishable as serious misdemeanors, including the following:

- Iowa Code section 152C.5B — A person licensed or who purports to be licensed who refuses to present a copy of the person's valid license and government-issued identification to a peace officer immediately upon request.
- Iowa Code section 152C.5C — A person, in an announcement to the public, is prohibited from representing that another person is licensed as a massage therapist or a cosmetologist, when the person knows or has reason to know the other person is not licensed.
- Iowa Code section 157.4B — A person is prohibited from falsely representing the person's self as being licensed as a massage therapist or a cosmetologist.

House File 452 also expands the definition of human trafficking and states that a person engages in human trafficking when:

- A person knowingly provides or facilitates the provision of a forged, altered, or fraudulent license to another person in order to force, coerce, entice, assist, facilitate, or permit the other person to perform labor or services.
- Knowingly forcing, coercing, enticing, assisting, facilitating, or permitting another person in possession of a fraudulent license to produce such license to a peace officer upon request.

Violation of these provisions is an aggravated misdemeanor. If the victim is under 18, the person is guilty of a Class D felony.

House File 452 establishes a crime relating to the premises used for human trafficking. A person who has possession of a building where there is reason to suspect human trafficking occurs is guilty of a Class D felony. A person who fails to fully cooperate with an investigation on their premises commits a serious misdemeanor.

House File 452 establishes an affirmative defense for the offenses provided in this Act if the violation directly resulted from the defendant's status as a victim of any human trafficking crime under Iowa Code chapter [710A](#). The Act also provides that a court may order restorative expenses for a period of three years as part of a human trafficking victim's restitution and defines restorative expenses. The court is prohibited from considering a defendant's ability to pay in the court's decision to order restorative expenses.

Background

The penalties for human trafficking under this Act range from a serious misdemeanor to a Class D felony. Felonies and misdemeanors are punishable by the terms defined in Iowa Code chapters [902](#) and [903](#), respectively.

Assumptions

- The following will not change over the projection period: charge, conviction, and sentencing patterns and trends, prisoner length of stay, 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 Act 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.

Correctional Impact

House File 452 establishes several new offenses and expands offenses related to human trafficking. The Department of Corrections (DOC) estimates this Act will result in an increase in convictions in regard to the new licensure requirements as well as the expanded definition for human trafficking. However, a correctional impact cannot be estimated for the portions of this Act establishing new penalties relating to licensure due to the lack of existing conviction data.

In FY 2019 and FY 2020, there were no human trafficking convictions. Over the last five fiscal years, there have been zero prison admissions for an Iowa Code chapter [710A](#) offense. Similarly, over the course of the last five years, there have been zero admissions to probation for the same offense. It is unknown how many more convictions may result under the expanded definition of human trafficking in Iowa Code chapter 710A, and therefore a correctional impact cannot be estimated. It is important to note that the current correctional impact for offenders convicted of Iowa Code chapter 710A offenses is small due to the low conviction rate.

Table 1 provides 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 all convictions ranging from serious misdemeanors to Class D felonies.

Table 1 — Sentencing Estimates and LOS

Offense Class	Ordered to Prison	Prison LOS (months)	Ordered to Probation	Probation LOS (Months)
Serious Misdemeanor	2.1%	10.5	58.5%	15.1
Aggravated Misdemeanor	46.5%	8.9	71.9%	20.2
Class D Felony	86.8%	16.0	47.8%	30.5

Refer to the Legislative Services Agency (LSA) memo addressed to the General Assembly, [Cost Estimates Used for Correctional Impact Statements](#), dated January 26, 2021, for information related to the correctional system.

Minority Impact

House File 452 establishes several new offenses and expands offenses related to human trafficking. In FY 2019 and FY 2020, there were no human trafficking convictions. As a result, the Criminal and Juvenile Justice Planning Division (CJJP) of the Department of Human Rights cannot use prior existing data to estimate the minority impact of HF 452. Refer to the LSA memo addressed to the General Assembly, [Minority Impact Statement](#), dated January 26, 2021, for information related to minorities in the criminal justice system.

Fiscal Impact

House File 452 establishes several new offenses and expands offenses related to human trafficking, and the fiscal impact cannot be estimated due to the lack of existing conviction data. **Table 2** contains cost estimates for the average State cost per offense class type for one conviction. The cost estimate includes operating costs incurred by the Judicial Branch, the State Public Defender, and the Department of Corrections for one conviction. The cost would be incurred across multiple fiscal years for prison and parole supervision.

Table 2 — Average State Cost Per Offense Class Type

Offense Class	Total Cost	
	Minimum	Maximum
Serious Misdemeanor	\$ 410	\$ 7,500
Aggravated Misdemeanor	3,700	7,800
Class D Felony	7,700	13,500

The new offense established by HF 452 may also result in an increase in fine and surcharge revenue, but the impact is unknown.

Effective Date

This Act is effective on July 1, 2021.

Enactment Date

This Act was passed by the General Assembly on April 28, 2021, and signed by the Governor on May 20, 2021.

Sources

CJJP, Department of Human Rights
Department of Corrections
Judicial Branch

HF 493 – Electric Bicycles (LSB1314HV.3)

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Fiscal Note Version – Final Action

Description

[House File 493](#) defines “low-speed electric bicycle” and establishes three different classes of low-speed electric bicycles and where those bicycles may operate. The criteria for each class of low-speed electric bicycle is as follows:

- Class 1: Low-speed electric bicycle equipped with a motor that may be used to provide assistance only when the rider is pedaling and that ceases when the bicycle speed reaches 20 miles per hour or more.
- Class 2: Low-speed electric bicycle equipped with a motor that may be used to exclusively propel the bicycle and that is not capable of providing assistance when the bicycle speed reaches 20 miles per hour or more.
- Class 3: Low-speed electric bicycle equipped with a motor that may be used to provide assistance only when the rider is pedaling and that ceases when the bicycle speed reaches 28 miles per hour or more.

The Act excludes low-speed electric bicycles from the definition of “vehicle” and thereby excludes them from license and permit requirements.

The Act requires that manufacturers or distributors of these bicycles permanently affix a label to low-speed electric bicycles manufactured or distributed after January 1, 2022, stating the class number of the bicycle, the top assisted speed, and the motor wattage. The Act limits the ability to modify a low-speed electric bicycle in a way that would disqualify it from the definition stated in the Act, and if modification would move a bicycle from one classification of low-speed electric bicycle to another, the bicycle must be labeled as the new classification. The Act also provides certain manufacturing requirements and prohibits a person aged 16 or younger from operating a Class 3 low-speed electric bicycle. In addition, the Act requires low-speed electric bicycles to follow the posted speed limits of bicycle lanes and multiuse paths, or to not exceed 20 miles per hour if no speed limit is posted.

House File 493 creates two new scheduled violations within Iowa Code section [805.8A\(9A\)](#), both of which have a fine of \$25.

Background

A low-speed electric bicycle is defined in United States Code as a two or three-wheeled bicycle with both fully operable pedals and an electric motor of less than 750 watts. This definition was adopted at the federal level in 2002. Twenty-six states have a three-tiered electric bicycle classification system, while New Jersey and West Virginia have a two-tiered classification system. The 26 states that have a three-tiered classification system use very similar definitions to those included in HF 493. These states also require a label to be affixed to the bicycle stating the classification number, top assisted speed, and wattage.

Assumptions

A violation under this Act will result in a scheduled fine of \$25. The fine revenue will be distributed under Iowa Code section [602.8016\(4\)\(b\)](#).

Correctional Impact

House File 493 establishes two new scheduled violations within Iowa Code section [805.8A\(9A\)](#). The punishments for scheduled violations under this Act do not include the possibility of imprisonment, and as a result, this Act is not estimated to have a correctional impact. Refer to the Legislative Services Agency (LSA) memo addressed to the General Assembly, [Cost Estimates Used for Correctional Impact Statements](#), dated January 22, 2021, for information related to the correctional system.

Minority Impact

House File 493 establishes two new scheduled violations, but it is unknown how many citations may result from this Act. As a result, the minority impact of HF 493 cannot be estimated. Refer to the LSA memo addressed to the General Assembly, [Minority Impact Statement](#), dated January 27, 2021, for information related to minorities in the criminal justice system.

Fiscal Impact

House File 493 establishes two new citations within Iowa Code section 805.8A(9A). The new citations established by HF 493 may result in an increase in fine and surcharge revenue, but the impact is unknown. **Table 1** shows the distribution of fine revenue for one citation of each scheduled violation established under this Act.

Table 1 — Fine and Surcharge Revenue Distribution Under HF 493

Code Section	Scheduled Fine	15.0% Crime Services Surcharge	Fine Distribution		15.0% Crime Services Surcharge Distribution				Court Costs
			91.0% to State General Fund/EMS* Fund	9.0% to County	32.0% to Victim Comp. Fund	20.0% to Criminalistics Lab Fund	2.0% to DARE** Fund	46.0% to Juvenile Home Detention Fund	
805.8A(9A)(a)	\$25	\$3.75	\$22.75	\$2.25	\$1.20	\$0.75	\$0.08	\$1.73	\$55.00
805.8A(9A)(b)	\$25	\$3.75	\$22.75	\$2.25	\$1.20	\$0.75	\$0.08	\$1.73	\$55.00

*Emergency Medical Services Fund (EMS) ** Drug Abuse Resistance Education (DARE)

A small percentage of the new Class 3 bicycles may have previously qualified as a motorized bicycle and therefore been subject to license or registration requirements. The Road Use Tax Fund will experience a reduction in revenue due to this change, but the reduction is expected to be minimal.

Effective Date

This Act is effective July 1, 2021.

Enactment Date

This Act was approved by the General Assembly on April 20, 2021, and signed by the Governor on May 20, 2021.

Sources

Legislative Services Agency
National Conference of State Legislatures

[HF 524](#) – Motor Vehicle Accidents, Leaving the Scene (LSB1269HV.2)
Staff Contact: Laura Book (515.725.0509) laura.book@legis.iowa.gov
Fiscal Note Version – Final Action

Description

[House File 524](#) applies the mandatory license revocation provision under Iowa Code section [321.209](#) to a driver who knows or has reason to believe that the driver's vehicle was involved in an accident resulting in injury to or death of a person.

House File 524 provides that if a driver knows or has reason to believe that the driver's vehicle was involved in an accident resulting in an injury to or death of a person, the driver is required to immediately stop the driver's vehicle at the scene. If the driver leaves the scene and later discovers the driver's vehicle was involved in such an accident, the driver is required to make a good-faith effort to immediately contact emergency services.

House File 524 expands the penalties applicable under Iowa Code section [321.261](#) to include:

- Any person failing to stop or to comply with the requirements to stop under this section, who causes an accident resulting in a serious injury to any person, is guilty of a Class D felony.
- A person failing to stop or to comply with the requirements of this section, who causes an accident resulting in the death of a person, is guilty of a Class C felony.

Background

Currently, the following penalties exist under Iowa Code section 321.261:

- Any person failing to stop or to comply with the requirements in this section, in the event of an accident resulting in an injury to any person, is guilty of a serious misdemeanor.
- Any person failing to stop or to comply with the requirements in this section, in the event of an accident resulting in a serious injury to any person, is guilty of an aggravated misdemeanor.
- A person failing to stop or to comply with the requirements in this section, in the event of an accident resulting in the death of a person, is guilty of a Class D felony.

A violation of Iowa Code section 321.261 is subject to mandatory driver's license revocation under Iowa Code section 321.209, is considered an offense for purposes of habitual offender status under Iowa Code section [321.555](#), and may result in exclusion from an automobile insurance policy under Iowa Code section [515D.4](#). The penalties under this Act range from a serious misdemeanor to a Class C felony. Felonies and misdemeanors are punishable by the terms defined in Iowa Code chapters [902](#) and [903](#), respectively.

Assumptions

- The following will not change over the projection period: charge, conviction, and sentencing patterns and trends, 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 Act 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.

Correctional Impact

House File 524 expands the penalties applicable under Iowa Code section 321.261 if the person caused the accident. In FY 2019 and FY 2020 combined, there were nine Class D felony, 19 aggravated misdemeanor, and 91 serious misdemeanor convictions under Iowa Code section 321.261. Under this Act, some of those aggravated misdemeanor or Class D felony convictions may be increased to Class D and Class C felonies respectively if the person caused the accident. It is unknown how many of these convictions would have qualified under the enhanced penalties in this Act; therefore, the impact of adding this provision cannot be determined.

Table 1 provides estimates for sentencing to State prison, parole, probation, or Community-Based Corrections (CBC) residential facilities; LOS under those supervisions; and supervision marginal costs per day for all convictions ranging from serious misdemeanors to Class C felonies. Refer to the Legislative Services Agency (LSA) memo addressed to the General Assembly, [Cost Estimates Used for Correctional Impact Statements](#), dated January 22, 2021, for information related to the correctional system.

Table 1 — LOS and Sentencing

Conviction Offense Class	Percent to Prison	Avg Length of Stay Prison (months)	FY 20 Marginal Cost/Day Prison	Percent Ordered to Probation	Avg LOS on Probation (months)	Avg Cost Per Day on Probation	Percent Sentenced to CBC Residential Facility	FY 20 Marginal Cost CBC Per Day	Percent Ordered to County Jail	Avg Length of Stay in County Jail	Marginal Cost Per Day	Avg LOS on Parole (months)	FY 20 Average Cost Per Day Parole
Class C Felony (Persons)	89.0%	38.6	\$20.33	27.9%	34.1	\$5.38	5.5%	\$14.78	49.1%	N/A	\$50.00	21.5	\$5.38
Class D Felony (Persons)	77.0%	16.0	\$20.33	47.8%	30.5	\$5.38	10.5%	\$14.78	38.6%	N/A	\$50.00	11.5	\$5.38
Aggravated Misdemeanor (Persons)	43.0%	7.1	\$20.33	51.7%	20.2	\$5.38	3.3%	\$14.78	70.7%	N/A	\$50.00	6.0	\$5.38
Serious Misdemeanor	2.0%	5.0	\$20.33	56.0%	13.4	\$5.38	1.0%	\$14.78	69.0%	N/A	\$50.00	2.4	\$5.38

Minority Impact

Of the 119 convictions under Iowa Code section 321.261 in FY 2019 and FY 2020, 75.7% of the convictions involved Caucasian offenders, 16.2% involved African American offenders, and 8.1% involved offenders classified as Other. In FY 2020, Caucasians and African Americans made up 89.9% and 4.1% of the adult population of the State of Iowa, respectively.

It is unknown how many of these convictions were caused by the driver and would have qualified under the enhanced penalties in this Act; therefore, the Criminal and Juvenile Justice Planning Division (CJJP) of the Department of Human Rights cannot use existing data to estimate the minority impact. Refer to the LSA memo addressed to the General Assembly, [Minority Impact Statement](#), dated January 27, 2021, for information related to minorities in the criminal justice system.

Fiscal Impact

House File 524 expands the penalties applicable under Iowa Code section 321.261 and the fiscal impact cannot be estimated. Under this Act, some aggravated misdemeanor or Class D felony convictions may be increased to Class D and Class C felonies respectively if the person caused the accident. **Table 2** provides the potential cost increase for one conviction under Iowa Code section 321.261. The cost estimate includes operating costs incurred by the Judicial Branch, the State Public Defender, and the Department of Corrections for one conviction. The cost would be incurred across multiple fiscal years for prison and parole supervision.

Table 2 — Average Cost Difference Per Conviction

Code Section	Offense Class	Cost Per Conviction	
		Minimum	Maximum
321.261(3)	Class D Felony	\$ 7,700	\$ 13,500
	Aggravated Misdemeanor	3,700	7,800
	Total Cost Increase	<u>\$ 4,000</u>	<u>\$ 5,700</u>
321.261(4)	Class C Felony	\$ 9,900	\$ 19,200
	Class D Felony	7,700	13,500
	Total Cost Increase	<u>\$ 2,200</u>	<u>\$ 5,700</u>

Effective Date

This Act is effective on July 1, 2021.

Enactment Date

This Act was passed by the General Assembly on May 7, 2021, and signed by the Governor on June 16, 2021.

Sources

CJJP, Department of Human Rights

Department of Corrections

Judicial Branch

LSA analysis

HF 558 – Amusement Park Operator Age (LSB1485HV.2)

Staff Contact: Eric Richardson (515.281.6767) eric.richardson@legis.iowa.gov

Fiscal Note Version – Final Action

Description

[House File 558](#) relates to amusement rides. The Act provides that an attendant who controls patron restraints or the operation, starting, stopping, or speed of an amusement ride shall be at least 16 years of age. The Act requires the operator of a carnival or fair to require that a person complete training specified in the Act prior to beginning work as an attendant. The Act also defines violations of any order or rule issued by the Labor Commissioner pursuant to this legislation as serious misdemeanors, punishable by confinement for no more than one year and a fine of at least \$430 but not more than \$2,560.

Background

There is currently no minimum age requirement in statute (Iowa Code chapter [88A](#)) for the operation of amusement rides. The Division of Labor within the Iowa Department of Workforce Development (IWD) administers safety inspections of amusement rides. 875 IAC [62.2](#) specifies minimum age requirements for the operation of amusement rides and sets the minimum age at 18 to operate most amusement rides.

Assumptions

The Division of Labor will implement any statutory and rule changes using existing staff and appropriations.

Correctional Impact

The correctional impact of the Act cannot be estimated, as the Act creates a new crime with no historical data. Refer to the Legislative Services Agency (LSA) memo addressed to the General Assembly, [Cost Estimates Used for Correctional Impact Statements](#), dated January 22, 2021, for information related to the correctional system.

Minority Impact

A minority impact may not be able to be estimated, as this is a new crime with no historical data. Refer to the LSA memo addressed to the General Assembly, [Minority Impact Statement](#), dated January 27, 2021, for information related to minorities in the criminal justice system.

Fiscal Impact

The Act is expected to have no fiscal impact to the IWD. The fiscal impact to the State due to the introduction of a criminal penalty is unknown. The average State cost per offense for a serious misdemeanor ranges from \$410 to \$7,500. The estimated impact to the State General Fund includes operating costs incurred by the Judicial Branch, the Indigent Defense Fund, and the Department of Corrections.

Effective Date

This Act is effective July 1, 2021.

Enactment Date

This Act was approved by the General Assembly on April 7, 2021 and signed by the Governor on April 30, 2021.

Sources

Legislative Services Agency

Iowa Department of Workforce Development

Iowa Criminal and Juvenile Justice Planning Division, Department of Human Rights

[HF 603](#) – Sexual Assault Forensic Examiner Program (LSB1336HV.2)
Staff Contact: Laura Book (515.725.0509) laura.book@legis.iowa.gov
Fiscal Note Version – Final Action

Description

[House File 603](#) establishes the Sexual Assault Forensic Examiner Program under the administration of the Office of the Attorney General. The Program is to train, certify, and provide technical assistance to sexual assault forensic examiners and sexual assault nurse examiners. The Act also provides definitions for “sexual assault examiner,” “sexual assault nurse examiner,” “treatment facility,” and “pediatric treatment facility.” In administering the Program, the Attorney General is required to maintain a list of sexual assault examiners and sexual assault nurse examiners who have completed certain training. House File 603 provides that training must be established and made available to treatment facilities by July 1, 2022. Such training must provide didactic and clinical training, be available for online or in-person use, and include information regarding sexual abuse evidence collection kits, sexual abuse, and Iowa’s sexual assault-related laws.

The Program, in collaboration with the Iowa Department of Public Health (IDPH), the Iowa Coalition Against Sexual Assault (ICASA), and qualified medical providers, is also required to establish uniform training materials related to examination procedures, consent laws, and evidence collection that all treatment facilities and federally qualified health centers are required to provide to patients, nonoffending parents, and legal guardians. These materials must also be made available online at the Attorney General’s website. Additionally, the Program, in collaboration with the IDPH, the ICASA, and qualified medical providers, is tasked with updating protocols and best practices related to sexual assault examinations.

House File 603 requires the Attorney General to establish an advisory committee to support the Program. The Act enumerates the duties of the advisory committee, including advising on training developed specifically for the Program, and specifies the members of the Committee.

Background

Currently, the IDPH works collaboratively with the Attorney General, the IDPH, ICASA, and health care associations to provide training, protocols, and best practices related to sexual assault examinations.

Assumptions

- The Attorney General estimates that it would require 2.0 full-time equivalent (FTE) positions to administer the Program. These FTE positions would be responsible for developing and implementing sexual assault forensic examiner training; developing and maintaining lists of certified examiners; collaborating with the IDPH, ICASA, and other stakeholders to develop and distribute materials for medical facilities conducting sexual assault examinations; providing technical training; and working with the advisory committee as established in HF 603.
- The Attorney General expects that half of the costs related to the 2.0 FTE positions will be covered by federal grant funding in FY 2022.

- The IDPH assumes the implementation of HF 603 will have no impact on existing operations or staffing. Currently, the IDPH receives grant funding from the Attorney General to provide training and technical assistance to health care providers who respond to cases of sexual assault, and the IDPH assumes that this grant funding will continue with the implementation of this Act.

Fiscal Impact

House File 603 is expected to have no impact on the State General Fund. Funding for the 2.0 FTE positions, as estimated by the Attorney General to be needed in order to administer the Program, will come from the [Victim Compensation Fund](#), established in Iowa Code section [915.94](#). Receipts to the Victim Compensation Fund include criminal fines and penalties, victim restitution, a percentage of wages earned by inmates employed in the private sector, and federal funds.

Funding estimates for the 2.0 FTE positions in the Attorney General's Office are provided in the table below. Salary and benefit calculations listed in the table for FY 2022 reflect the Attorney General's expectation of receiving federal grant funding to cover half of the annual costs.

Implementation Costs by Funding Source, HF 603

Funding Source	FY 2022	FY 2023 (and subsequent years)
Victim Compensation Fund	\$ 100,000	\$ 200,000
Federal Funds	100,000	0
Total	\$ <u>200,000</u>	\$ <u>200,000</u>

Effective Date

This Act is effective on July 1, 2021.

Enactment Date

This Act was approved by the General Assembly on April 7, 2021, and signed by the Governor on May 19, 2021.

Sources

Department of Justice, Attorney General

Iowa Department of Public Health

Iowa Coalition Against Sexual Assault

Legislative Services Agency

HF 605 – English Learners Funding (LSB2077HV.2)

Staff Contact: Michael Guanci (515.725.1286) michael.guanci@legis.iowa.gov

Fiscal Note Version – Final Action

Description

[House File 605](#) divides students who are identified as limited-English proficient (LEP) into two categories and assigns a supplementary weighting to each level:

- Intensive student — 0.26 weighting (an increase of 0.04 compared to current law)
- Intermediate student — 0.21 weighting (a decrease of 0.01 compared to current law)

The Act takes effect upon enactment and would begin for the weightings reported in October 2021 during the FY 2023 school budget year.

Background

Under current law, the Department of Education describes an LEP student as a student who is in the process of acquiring English proficiency and speaks a first language other than English. Under current law, a student identified as being LEP may draw an additional weighting of 0.22 in the School Aid and Levy formula for no more than five years. In FY 2021, approximately 21,334 students were identified as being LEP and received supplementary weighting.

LEP students are assessed annually using the English Language Proficiency Assessment for the 21st Century (ELPA21). The definitions for LEP students established under the provisions of the Act align with assessment levels under the test of “emerging student” for “intensive student” and “progressing student” for “intermediate student.”

School districts may petition the School Budget Review Committee (SBRC) for a modified supplemental amount (MSA) for the costs of providing services to LEP students in addition to the supplemental amount. Requests to the SBRC for excess costs from FY 2020 totaled \$17.6 million (130 school districts). Any MSA awarded is funded with local property taxes.

Assumptions

- Changing the weighting for LEP pupils will increase the State aid appropriation from the General Fund and local property taxes.
- The fiscal estimate uses growth rates agreed on by the Legislative Services Agency (LSA) and the Department of Management (DOM) for LEP pupils for FY 2022 through FY 2026.
- The LEP weightings have already been established for FY 2022, and the increase in additional weightings will not apply until the October 2021 student count for FY 2023.
- Based on the 2019 ELPA21 testing, 21.0% of LEP students will qualify for the intensive student weighting and 79.0% of LEP students will qualify for the intermediate student weighting.
- Under current law, the State cost per pupil is set at \$7,227 for FY 2023 through FY 2026.

- Beginning in FY 2023, approximately 18,400 students identified as intermediate will generate \$72 less funding per pupil, and approximately 4,900 students identified as intensive will generate \$289 more funding per pupil.
- Individual district cost per pupil may be higher and may increase additional levy for property taxes beyond the fiscal impact calculated.

Fiscal Impact

Estimated State Aid and Property Taxes for HF 605 — FY 2022 - FY 2026

Fiscal Year	Current Law		HF 605		Differences		
	State Aid	Prop. Tax	State Aid	Prop. Tax	State Aid	Prop. Tax	Total
FY 2022	\$30,400,000	\$3,520,000	\$30,400,000	\$3,520,000	\$ 0	\$ 0	\$ 0
FY 2023	33,211,000	3,846,000	33,286,000	3,854,000	75,000	9,000	84,000
FY 2024	34,871,000	4,038,000	34,950,000	4,047,000	79,000	9,000	88,000
FY 2025	36,614,000	4,240,000	36,698,000	4,249,000	83,000	10,000	93,000
FY 2026	38,445,000	4,452,000	38,533,000	4,462,000	87,000	10,000	97,000

Totals may not add due to rounding.

The Act may increase requests to the SBRC for MSAs for costs of providing services to intermediate LEP students that exceed supplemental amounts received, and may reduce requests for MSAs for costs of providing services to intensive LEP students that exceed the supplemental amounts received. The extent of the fiscal impact is unknown.

Effective Date

This Act is effective April 30, 2021.

Enactment Date

This Act was approved by the General Assembly on April 6, 2021, and signed by the Governor on April 30, 2021.

Sources

Department of Education
LSA calculations

HF 654 – Motor Vehicles, Blue Lights (LSB2272HV.2)

Staff Contact: Austin Brinks (515.725.2200) austin.brinks@legis.iowa.gov

Fiscal Note Version – Final Action

Description

[House File 654](#) creates Iowa Code section 321.424, which outlines where authorized emergency vehicles can equip lighting equipment and authorizes the different colors and functions of those lights. A fine of \$45 is created within Iowa Code section [805.8A\(3\)](#) for violations of new Iowa Code section 321.424.

Background

Iowa law currently provides circumstances in which blue, red, white, and amber lights may be used on vehicles. Flashing lights on or in a motor vehicle are prohibited except for the following instances:

- On an authorized emergency vehicle.
- On a vehicle when used to indicate a turn, a mechanical failure, or an emergency stop.
- On a vehicle used by a rural mail carrier when stopped or stopping near a highway to deliver mail, or if the shade of the light is between white and amber and mounted as a dome light on top of the vehicle.
- On a vehicle being operated under an excess size permit.
- A blue light under Iowa Code section [321.423\(3\)](#) and a white light under Iowa Code section 321.423(7).
- Red, amber, and white lights used by school buses as described in Iowa Code sections [321.372](#) and [321.373\(7\)](#).
- An amber light on a towing or recovery vehicle; utility, municipal, or highway maintenance vehicle; construction vehicle; or certain other vehicles.
- Modulating headlamps on a motorcycle.
- On a vehicle being operated as an escort vehicle for a funeral procession under Iowa Code section [321.324A](#).

Assumptions

There will be an unknown increase in fine and surcharge revenue as a result of House File 654.

Correctional Impact

House File 654 creates a new citation under Iowa Code section 805.8A(3). Since the violation of this citation does not result in imprisonment, this Act is not estimated to have a correctional impact. Refer to the Legislative Services Agency (LSA) memo addressed to the General Assembly, [Cost Estimates Used for Correctional Impact Statements](#), dated January 22, 2021, for information related to the correctional system.

Minority Impact

House File 654 establishes a new citation under Iowa Code section 805.8A(3). Since this is a new citation, it is unknown how many violations there may be, and as a result, the minority impact is unknown. Refer to the LSA memo addressed to the General Assembly, [Minority Impact Statement](#), dated January 27, 2021, for information related to minorities in the criminal justice system.

Fiscal Impact

Since House File 654 establishes a new citation, there may be an increase in fine and surcharge revenue, but the impact is unknown.

Table 1 shows the distribution of fine revenue for one citation of the scheduled violation established under this Act.

Table 1 — Fine and Surcharge Revenue Distribution

Code Section	Scheduled Fine	15.0% Crime Services Surcharge	Fine Distribution		15.0% Crime Services Surcharge Distribution				Court Costs
			91.0% to State General Fund/EMS* Fund	9.0% to County	32.0% to Victim Comp. Fund	20.0% to Criminalistics Lab Fund	2.0% to DARE** Fund	46.0% to Juvenile Home Detention Fund	
805.8A(3)(ac)	\$45	\$6.75	\$40.95	\$4.05	\$2.16	\$1.35	\$0.14	\$3.11	\$55.00

*Emergency Medical Services Fund (EMS) ** Drug Abuse Resistance Education (DARE)

Effective Date

This Act takes effect May 10, 2021.

Enactment Date

This Act was approved by the General Assembly on April 21, 2021, and signed by the Governor on May 10, 2021.

Source

Legislative Services Agency

[HF 707](#) – Court Interpreters (LSB1372HZV.3)

Staff Contact: Laura Book (515.725.0509) laura.book@legis.iowa.gov

Fiscal Note Version – Final Action

Description

[House File 707](#) relates to interpreters and translators for limited-English-proficient (LEP) persons and sign language interpreters for deaf and hard-of-hearing persons in legal proceedings. The Act provides that the State Court Administrator is to receive, review, and pay fee claims for interpreters and translators from the Jury and Witness Revolving Fund established in Iowa Code section [602.1302\(3\)](#).

The Act also provides that costs and fees associated with interpreters and translators are not payable from the Indigent Defense Fund. The result of the Act, in part, is that the Judicial Branch is to assume responsibility for the review and payment of interpreter and translator claims formerly paid by the Indigent Defense Fund.

Funding appropriated to the Indigent Defense Fund in FY 2021 is to be used by the State Public Defender for payment of costs and fees of interpreters and translators received prior to the effective date of this Act. The Act takes effect on July 1, 2021.

Background

Currently, four State agencies may pay oral language interpreters, depending on the case type and economic status of the person needing an interpreter:

- State Public Defender — Pays interpreters who work on behalf of indigent parties who are LEP and who are represented by assigned counsel in criminal and juvenile cases.
- Local Public Defender Field Offices — Pays interpreters who work on behalf of indigent parties represented by public defenders in criminal and juvenile cases.
- Counties — Pays all sign language interpreters in court proceedings and oral language interpreters who assist LEP persons who are subjects of mental health commitment proceedings.
- State Court Administrator — Pays interpreters appointed for LEP parties in all other cases.

Assumptions

- Oral language interpreter fees for LEP indigent persons represented by public defenders or court-appointed counsel will be the same in FY 2022 as those expenses were in FY 2019, and similar to prior fiscal years. **Table 1** shows the court interpreter fees paid by the State Public Defender from the Indigent Defense Fund for the last four fiscal years.

Table 1 — Court Interpreter Fees Paid by the State Public Defender

FY 2017	FY 2018	FY 2019	FY 2020
\$ 414,096	\$ 447,989	\$ 499,876	\$ 292,196

- Since the pandemic significantly reduced the number of court proceedings and demand for interpreters during March through June 2020, the FY 2020 interpreter expenses are not indicative of future costs.
- The Indigent Defense Fund currently pays out approximately \$42,000 in interpreter fees per month.

Fiscal Impact

House File 707 is estimated to increase funding and costs to the Jury and Witness Revolving Fund by approximately \$500,000 beginning in FY 2022. Currently, the State Public Defender pays these interpreter fees from the Indigent Defense Fund. The Act will transfer those costs to the Revolving Fund. As a result, the Indigent Defense Fund will experience a savings of approximately the same amount.

Effective Date

This Act is effective on July 1, 2021.

Enactment Date

This Act was approved by the General Assembly on April 13, 2021, and signed by the Governor on April 30, 2021.

Sources

Office of the State Public Defender
Judicial Branch

HF 710 – Child Endangerment (LSB1728HV.2)

Staff Contact: Laura Book (515.725.0509) laura.book@legis.iowa.gov

Fiscal Note Version – Final Action

Description

[House File 710](#) relates to child endangerment committed by a sex offender. The Act provides that a person who is required to register as a sex offender under Iowa Code chapter 692A for a sex offense against a minor who knowingly has control of a minor, or who knowingly has unsupervised access to a minor, commits child endangerment. The Act also provides exceptions. A person who commits child endangerment in violation of this Act is guilty of a Class D felony.

Background

A Class D felony is punishable by confinement for no more than five years and a fine of at least \$1,025 but not more than \$10,245.

Assumptions

- The following will not change over the projection period: charge, conviction, and sentencing patterns and trends, 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 Act 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.

Correctional Impact

House File 710 expands Iowa Code section [726.6](#) and the definition of child endangerment to include when a sex offender has control over a minor child. Violation of this provision is a Class D felony. In FY 2019 and FY 2020, there were a total of 869 convictions of child endangerment. Since this is a new provision in the Iowa Code, it is unknown how many of these child endangerment cases would be committed by sex offenders, and an impact cannot be estimated.

Table 1 provides estimates for sentencing to State prison, parole, probation, or Community-Based Corrections (CBC) residential facilities; LOS under those supervisions; and supervision marginal costs per day for all convictions of a Class D felony. Refer to the Legislative Services Agency (LSA) memo addressed to the General Assembly, [Cost Estimates Used for Correctional Impact Statements](#), dated January 22, 2021, for information related to the correctional system.

Table 1 — LOS and Sentencing

Conviction Offense Class	Percent to Prison	Avg Length of Stay Prison (months)	FY 20 Marginal Cost/Day Prison	Percent Ordered to Probation	Avg LOS on Probation (months)	Avg Cost Per Day on Probation	Percent Sentenced to CBC Residential Facility	FY 20 Marginal Cost CBC Per Day	Percent Ordered to County Jail	Avg Length of Stay in County Jail	Marginal Cost Per Day	Avg LOS on Parole (months)	FY 20 Average Cost Per Day Parole
Class D Felony (Persons)	77.0%	16.0	\$20.33	47.8%	30.5	\$5.38	10.5%	\$14.78	38.6%	N/A	\$50.00	11.5	\$5.38

Minority Impact

Of the 869 convictions of child endangerment in FY 2019 and FY 2020, 73.6% were committed by a Caucasian offender and 18.8% were African American. In CY 2019, African Americans comprised 3.7% of the adult population of the State. The percent of convictions for this offense exceeds the population proportion of the State, which may lead to a racial impact, if convictions and sentences remained consistent. Since this is a new provision, the impact cannot be estimated at this time by the Criminal and Juvenile Justice Planning Division (CJJP) of the Department of Human Rights. Refer to the LSA memo addressed to the General Assembly, [Minority Impact Statement](#), dated January 27, 2021, for information related to minorities in the criminal justice system.

Fiscal Impact

House File 710 adds a new provision under Iowa Code section 726.6, and the fiscal impact cannot be determined due to a lack of conviction data. The average cost to the State per conviction of a Class D felony ranges from \$7,700 to \$13,500. The cost estimate includes operating costs incurred by the Judicial Branch, the State Public Defender, and the Department of Corrections for one conviction. The cost would be incurred across multiple fiscal years for prison and parole supervision.

Effective Date

This Act is effective on July 1, 2021.

Enactment Date

This Act was approved by the General Assembly on April 13, 2021, and signed by the Governor on April 30, 2021.

Sources

CJJP, Department of Human Rights
Department of Corrections
Judicial Branch
LSA analysis

HF 722 – Teach Iowa Scholar (LSB1303HZ.2)

Staff Contact: Ron Robinson (515.281.6256) ron.robinson@legis.iowa.gov

Fiscal Note Version – Final Action

Description

[House File 722](#) provides for the transfer of all funds that are available and that become available in the Teacher Shortage Forgivable Loan Repayment Fund, established in Iowa Code section [261.111](#), and the Teacher Shortage Loan Forgiveness Repayment Fund, established in Iowa Code section [261.112](#), to the Teach Iowa Scholar Fund, established in Iowa Code section [261.110](#). The Act appropriates the transferred funds to the College Student Aid Commission to be used for the purposes of the Teach Iowa Scholar Program.

Background

The Teacher Shortage Loan Forgiveness and Forgivable Loan Programs are no longer supported by State funding.

Fiscal Impact

The Iowa College Student Aid Commission estimates that as of May 10, 2021, approximately \$157,000 is available to transfer to the Teach Iowa Scholar Fund and approximately \$2,500 in additional repayments is received each month. Under the Act, approximately \$191,000 will be transferred to the Teach Iowa Scholar Fund in FY 2022.

Effective Date

This Act is effective July 1, 2021.

Enactment Date

This Act was approved by the General Assembly on May 5, 2021, and signed by the Governor on May 20, 2021.

Source

Iowa College Student Aid Commission

[HF 753](#) – Excessive Speed, Vehicular Homicide (LSB1734HV.2)
Staff Contact: Laura Book (515.725.0509) laura.book@legis.iowa.gov
Fiscal Note Version – Final Action

Description

[House File 753](#) provides that a person commits a Class C felony when the person exceeds the lawfully posted speed limit by 25 miles per hour or more and the violation is the proximate cause of death of another person. This section does not apply to a member of a public safety agency performing official duties.

Background

A Class C felony is punishable by confinement for no more than 10 years and a fine of at least \$1,370 but not more than \$13,660. By operation of law, a person who commits a violation under the Act is subject to a driver's license suspension for vehicular homicide and is disqualified from operating a commercial motor vehicle for one year. In addition, the person is prohibited from being admitted to bail during the appeal process. If the person fails to remain at the scene of the accident, the person must also be denied parole or work release until the person has served at least 70.0% of the maximum term of the person's sentence.

Assumptions

- The following will not change over the projection period: charge, conviction, and sentencing patterns and trends; 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 Act 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.

Correctional Impact

In FY 2019 and FY 2020, there were a total of 21 convictions under Iowa Code section [707.6A](#)(2). House File 753 amends Iowa Code section 707.6A to include actions not previously included in this Code section, and the correctional impact cannot be determined because it is unknown using current data how many deaths were caused by excessive speed. **Table 1** provides estimates for sentencing to State prison, parole, probation, or Community-Based Corrections (CBC) residential facilities; LOS under those supervisions; and supervision marginal costs per day for all convictions of Class C felonies. Refer to the Legislative Services Agency (LSA) memo addressed to the General Assembly, [Cost Estimates Used for Correctional Impact Statements](#), dated January 22, 2021, for information related to the correctional system.

Table 1 — LOS and Sentencing Estimates

Conviction Offense Class	Percent to Prison	Avg Length of Stay in Prison (months)	FY 20 Marginal Cost/Day in Prison	Percent Ordered to Probation	Avg LOS on Probation (months)	Avg Cost Per Day on Probation	Percent Sentenced to CBC Residential Facility	FY 20 Marginal Cost CBC Per Day	Percent Ordered to County Jail	Avg Length of Stay in County Jail	Marginal Cost Per Day Parole	Avg LOS on Parole (months)	FY 20 Average Cost Per Day Parole
Class C Felony (Persons)	89.0%	38.6	\$20.33	27.9%	34.1	\$5.38	5.5%	\$14.78	49.1%	N/A	\$50.00	21.5	\$5.38

Minority Impact

Of the 21 total convictions under Iowa Code section 707.6A in FY 2019 and FY 2020, 85.2% of the convictions involved a Caucasian offender and 13.1% involved an African-American offender. House File 753 amends Iowa Code section 707.6A to include new actions not previously included in this section. As a result, the Criminal and Juvenile Justice Planning Division (CJJP) of the Department of Human Rights cannot use prior existing data to estimate the minority impact of HF 753. Refer to the LSA memo addressed to the General Assembly, [Minority Impact Statement](#), dated January 27, 2021, for information related to minorities in the criminal justice system.

Fiscal Impact

House File 753 amends Iowa Code section 707.6A to include new actions, and the fiscal impact cannot be estimated due to lack of existing conviction data. The average State cost per conviction of a Class C felony ranges from \$9,900 to \$19,200. The cost estimate includes operating costs incurred by the Judicial Branch, the State Public Defender, and the Department of Corrections for one conviction. The cost would be incurred across multiple fiscal years for prison and parole supervision.

Effective Date

This Act is effective on July 1, 2021.

Enactment Date

This Act was approved by the General Assembly on May 5, 2021, and signed by the Governor on May 20, 2021.

Sources

CJJP, Department of Human Rights
Department of Corrections
Judicial Branch
LSA analysis

HF 756 – Firearms Omnibus (LSB1852HV.3)

Staff Contact: Adam Broich (515.281.8223) adam.broich@legis.iowa.gov

Fiscal Note Version – Final Action

Description

[House File 756](#) relates to the acquisition and possession of weapons, and makes numerous changes to Iowa's existing weapons laws.

Division I

Division I provides that in order to acquire a pistol or revolver from a federally licensed firearms dealer, an unlicensed individual must either have a valid permit to acquire or valid permit to carry a weapon issued in compliance with Iowa Code chapter [724](#), or must satisfactorily complete a national instant criminal background check. The following individuals are prohibited from acquiring a pistol or revolver:

- Individuals under the age of 21, except for those who acquire a pistol or revolver when the person's duty requires.
- Persons convicted of a felony in a State or federal court.
- Individuals prohibited by court order from possessing, shipping, transporting, or receiving a firearm.
- Individuals ineligible from possessing a dangerous weapon under new Iowa Code section 724.8B, including:
 - A person addicted to the use of alcohol.
 - A person for whom there exists probable cause to believe, based on documented action by the person, that the person is likely to use the weapon unlawfully or in a way to endanger oneself or others. Such action must have occurred within the last two years immediately preceding the date of the permit application.
 - Persons subject to provisions of Iowa Code section [724.26](#) pertaining to possession, receipt, transportation, or dominion and control of firearms, offensive weapons, and ammunition by felons and others.
 - A person who, within the last three years, has been convicted of any serious or aggravated misdemeanor defined in Iowa Code chapter [708](#) not involving the use of firearms.
 - A person who illegally possesses a controlled substance under Iowa Code chapter [124](#).
 - A person who is committing an indictable offense.

An individual who violates these provisions is guilty of a serious misdemeanor. An individual who is denied a license to acquire a pistol by the issuing party may appeal the denial with administrative law judge under Iowa Code section [724.21A](#).

Additionally, the Act prohibits the transfer of a firearm to another person who does not possess a permit if the person knows or reasonably should know that the recipient is prohibited from receiving or possessing a firearm; and prohibits a person from loaning or renting a firearm to another person for temporary use during lawful activities if the person loaning or renting the weapon knows or reasonably should know

that the recipient is prohibited from receiving or possessing a firearm under State or federal law, is ineligible under new Iowa Code section 724.8B, or is intoxicated. A person who violates this provision commits a Class D felony.

This Division also provides that when a court issues an order or judgment that prohibits a person from acquiring a pistol or revolver, the clerk of the court must provide only such information as is necessary to identify the person to the Department of Public Safety (DPS), which is required to forward the same information to the Federal Bureau of Investigation for inclusion in the National Instant Criminal Background Check System (NICS). Upon receiving a written request from a prohibited person to update, correct, modify, or remove the person's record, the DPS shall notify the United States Department of Justice that the basis for such a record being made available no longer applies and shall make the request available to the NICS.

Division II

Division II removes the provision that prohibits a person other than a peace officer from openly carrying a pistol or revolver in the Iowa State Capitol building, State parking lots, and parking garages unless the individual displays a valid permit to carry weapons upon request of Capitol security personnel. Division II also eliminates the existing penalty for carrying a dangerous weapon and provides that a person who goes armed with a dangerous weapon on or about the person and uses the dangerous weapon in the commission of a crime is guilty of an aggravated misdemeanor, except as provided in Iowa Code section [708.8](#). The Act also allows the following individuals, among others, to carry or transport a firearm on school property:

- A person who has been specifically authorized by the school to carry or transport a firearm for a lawful purpose.
- A peace officer, including a peace officer who has not been certified and a federal officer when the officer's employment requires going armed, regardless of whether the officer is on duty.
- A member of the U.S. Armed Forces or National Guard, when the weapon is carried in connection with the member's official duties.
- A correctional officer, as part of the officer's official duties.
- A person who for any lawful purpose carries an unloaded pistol, revolver, or other firearm inside a closed and fastened container or securely wrapped package that is too large to be concealed.

This Division provides that a person carrying a dangerous weapon whose behavior demonstrates a danger to oneself or others must fully cooperate with an investigating officer. A minor who goes armed and concealed with a dangerous weapon commits a serious misdemeanor. A minor who carries, transports, or possesses a loaded firearm within the limits of a city, or knowingly carries or transports a pistol or revolver in a vehicle, is guilty of a serious misdemeanor. Additionally, a minor who goes armed with a dangerous weapon designed to immobilize a person by directing an electric current impulse, wave, or beam that produces a high-voltage pulse, concealed or not, is guilty of a simple misdemeanor.

Section 13 of Division II allows emergency medical care providers to obtain a professional permit to carry weapons if the provider is attached to a law enforcement tactical team and undergoes training as required in the Act. An emergency medical care provider must also apply and undergo a criminal history background check prior to receiving a professional permit to carry weapons.

Division III

Division III relates to handgun safety training. House File 756 requires the DPS to adopt rules to approve organizations that may certify an individual as an instructor eligible to offer certain handgun safety training courses.

Division IV

Division IV extends to the prohibition that bars a political subdivision from enacting provisions regulating the ownership, possession, legal transfer, lawful transportation, modification, registration, or licensing of firearms and firearm attachments, or other weapons when the ownership, possession, transfer, transportation, or modification is otherwise lawful to include carrying firearms and firearm attachments, and other weapons.

Division V

Division V relates to the possession and storage of a firearm by a tenant in the context of leasing certain property. The Division provides that if a landlord receives certain federal rental assistance payments, the rental agreement subject to the tenant's lease is prohibited from including a provision or rule that requires the tenant to agree to prohibited or restricted ownership, use, or possession of a firearm, firearm component, or ammunition with the tenant's dwelling unit.

Division V also provides that except in cases of willful, reckless, or gross negligence, a landlord is not liable in a civil action for personal injury, death, property damage, or other damages resulting from or arising out of an occurrence involving a firearm, firearm component, or ammunition. Additionally, the Act states that the storage or possession of a firearm alone does not constitute a clear and present danger.

Background

Current law stipulates that any person who intends to purchase a pistol or revolver is required to first obtain an annual permit unless the person is exempt from doing so. A person who acquires ownership of a pistol or revolver without a valid permit to do so, or a person who transfers ownership of a pistol or revolver to a person who does not have a valid permit is guilty of an aggravated misdemeanor.

Under current law, rules promulgated by the Department of Administrative Services require a person to display a permit to carry upon request of State Capitol security guards, if the individual chooses to carry in the Capitol building, parking garages and parking lots. Additionally, under current law, any individual who goes armed with, carries, or transports a firearm on the grounds of a school is guilty of a Class D felony.

A simple misdemeanor is punishable by confinement of no more than 30 days and a fine of at least \$105 but not more than \$855. A serious misdemeanor is punishable by confinement for no more than one year and a fine of at least \$430 but not more than \$2,560. An aggravated misdemeanor is punishable by confinement for no more than two years and a fine of at least \$855 but not more than \$8,540. A Class D felony is punishable by confinement for no more than five years and a fine of at least \$1,025 but not more than \$10,245.

Assumptions

- The following will not change over the projection period: charge, conviction, and sentencing patterns and trends, 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 Act 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.
- Data provided by the Criminal Juvenile Justice Division (CJJP) of the Department of Human Rights related to convictions under Iowa Code section [724.4](#) includes data on the crime of carrying or acquiring a firearm without a permit and going armed with a dangerous weapon. It is not possible to parse out the data for the individual conviction rate. The data provides an aggregate total of both convictions and is not duplicative.
- For estimating purposes, it is assumed under current law that the number of convictions under Iowa Code section 724.4 will total 600 annually beginning in FY 2022.
- For estimating purposes, it is assumed under current law that the number of convictions under Iowa Code section [724.4B](#) will total four annually beginning in FY 2022.
- It is assumed that any property and employee liability insurance claims arising out of the expansion of the group of persons allowed to carry a firearm on school grounds will likely be covered by existing school liability insurance policies.
- The DPS estimates that it will lose fee revenue from the removal of the requirement to obtain a permit to acquire or carry weapons.

Correctional Impact

Divisions I and II

Except as stated below, Divisions I and II will have a positive correctional impact. This Division decriminalizes acquiring or carrying a pistol or revolver without a permit. In FY 2019, there were 631 aggravated misdemeanor convictions under Iowa Code section 724.4. It is estimated that beginning in FY 2022, there will be a reduction of 600 convictions annually. Refer to the Legislative Services Agency (LSA) memo addressed to the General Assembly, [Cost Estimates Used for Correctional Impact Statements](#), dated January 22, 2021, for information related to the correctional system.

Division I, Section 2: This section expands the list of individuals ineligible to acquire a pistol or a revolver and provides that anyone who violates this section is guilty of a serious misdemeanor. Division I, Section 2, establishes a new crime, and the resulting correctional impact cannot be estimated.

Division I, Section 3: This section provides that the penalty for the transfer of ownership of a pistol or revolver to a person that the transferor knows or should reasonably know is prohibited from acquiring ownership of a pistol or revolver remains unchanged and as a result, is not estimated to have a correctional impact.

Division II, Section 9: This section may have a positive correctional impact as it expands the group of individuals allowed to carry a firearm on school grounds. In FY 2019, there were four Class D felony convictions under Iowa Code section 724.4B. It is estimated that beginning FY 2022, there may be a reduction of four convictions annually.

Division II, Section 11: This section establishes several new crimes related to a minor carrying a dangerous weapon; carrying, transporting, or possessing a firearm; and going armed with a specific weapon such as a taser. As these are new crimes, the resulting correctional impact cannot be estimated.

Divisions III, IV, and V are not estimated to have a correctional impact.

Minority Impact

Divisions I and II

Except as stated below, Divisions I and II will have a positive minority impact. In FY 2019, of the total 631 convictions under Iowa Code section [724.4](#), 170 (26.9%) were African American. In FY 2019, Caucasian and African Americans comprised 90.2% and 3.6% of the total Iowa population, respectively. This indicates a conviction rate for African Americans that exceeds the population proportion of the State. The decriminalization of acquiring or carrying a pistol or revolver without a permit will lead to a decrease in the disproportionate minority impact. Refer to the LSA memo addressed to the General Assembly, [*Minority Impact Statement*](#), dated January 27, 2021, for information related to minorities in the criminal justice system.

Division I, Section 2: This section expands the list of individuals ineligible to acquire a pistol or a revolver under Iowa Code section [724.15](#). As a result, the CJJP cannot use prior existing data to estimate the minority impact of this section.

Division I, Section 3: This section does not change the existing penalty for the transfer of ownership of a pistol or revolver to a person who the transferor knows or should reasonably know is prohibited from acquiring ownership of a pistol or revolver. The penalty remains unchanged and as a result, is not estimated to have a minority impact.

Division II, Section 9: This section will also have a positive minority impact. In FY 2019, of the total four convictions under Iowa Code section 724.4B, two were African American. In FY 2019, Caucasian and African Americans comprised 90.2% and 3.6% of the total Iowa population, respectively. This indicates a conviction rate for African Americans that exceeds the population proportion of the State. The expansion of the group of individuals allowed to carry a firearm on school grounds may lead to a decrease in the disproportionate minority impact.

Division II, Section 11: This section establishes new crimes related to a minor carrying a dangerous weapon; carrying, transporting, or possessing a firearm; and going armed with a specific weapon such as a taser. As these are new crimes, the CJJP cannot use prior existing data to estimate the minority impact of this section.

Divisions III, IV, and V are not estimated to have a minority impact.

Fiscal Impact

Divisions I and II

Divisions I and II are estimated to have a positive fiscal impact on the correctional system. The Divisions will reduce the number of convictions under Iowa Code section 724.4 as it strikes the penalty associated with acquiring or carrying a firearm without a permit. **Table 1** provides the estimated range of costs for a single, simple, serious, and aggravated misdemeanor conviction. The estimates include operating costs incurred by the Judicial Branch, the State Public Defender, and the Department of Corrections (DOC) for one additional conviction. The cost would be incurred across multiple fiscal years for prison and parole supervision.

Table 1 — Average State Cost Per Offense Class Type

Offense Class	Total Minimum Cost	Total Maximum Cost
Simple Misdemeanor	\$ 40	\$ 350
Serious Misdemeanor	410	7,500
Aggravated Misdemeanor	3,700	7,800

The estimated cost reduction to the Justice System associated with decriminalizing, acquiring, or carrying a pistol or revolver without a permit or going armed with a dangerous weapon will range from \$2.2 million to \$4.7 million annually.

The elimination of the requirement to obtain a permit to acquire or carry a firearm will lead to a reduction in permit fee revenue. In FY 2019, the DPS approved a total of 5,980 initial and renewal permits. These permits are valid for a five-year cycle. Although the exact fiscal impact resulting from the loss of permit revenue cannot be estimated at this time, it may have a significant impact on the Department's operating budget.

Section 9 of Division II may also have a positive fiscal impact as this section will reduce the number of convictions under Iowa Code section 724.4B as it expands the group of individuals allowed to carry a firearm on school grounds. **Table 2** provides the estimated range of costs for a single Class D felony conviction. The estimates include operating costs incurred by the Judicial Branch, the State Public Defender, and the DOC for one additional conviction. The cost would be incurred across multiple fiscal years for prison and parole supervision.

Table 2 — Average State Cost Per Offense Class Type

Offense Class	Total Minimum Cost	Total Maximum Cost
Class D Felony	\$ 7,700	\$ 13,500

The estimated positive fiscal impact of expanding the group of individuals allowed to carry a firearm on school grounds may range from \$30,800 to \$54,000 annually.

The Iowa Association of School Boards notes that any property and employee liability insurance claims arising out of the expansion of the group of persons allowed to carry a firearm on school grounds will likely be covered by existing school liability insurance policies. The cost of any rate increases associated with such claims cannot be determined at this time.

Division III

Division III is not expected to have a fiscal impact.

Division IV

The fiscal impact of Division IV cannot be determined at this time. It is unknown if any political subdivisions will need to adjust existing regulations regarding carrying firearms and what costs may be associated with these adjustments.

Division V

Division V is not expected to have a fiscal impact.

Table 3 summarizes the correctional, minority, and fiscal impact of HF 756.

Table 3 — Impact Summary, HF 756 as amended and passed by the House

Division	Correctional Impact	Minority Impact	Fiscal Impact
Division I — Acquiring Pistols and Revolvers/Permits	Yes – Positive impact as estimated, reduction of 600 convictions.	Yes – Will result in a decrease in the disproportionate minority impact.	Justice System – Cost reduction range of \$2.2 to \$4.7 million annually due to fewer convictions. DPS – Loss of permit fee revenue unknown but may impact budget.
Violation of Iowa Code section 724.15	Cannot be determined.	Cannot be determined.	Justice System - Cost increase ranging from \$410 to \$7,500 per one conviction.
Division II — Possession on School Grounds	Yes – Positive impact as estimated, reduction of 4 convictions.	Yes – May lead to a decrease in the disproportionate minority impact.	Justice System – Cost reduction range of \$30,800 to \$54,000 annually due to fewer convictions.
Possession of Loaded Firearms/Dangerous Weapons by Minors	Cannot be determined.	Cannot be determined.	Justice System - Cost increase ranging from \$410 to \$7,500 per one conviction.
Possession of Taser by Minors	Cannot be determined.	Cannot be determined.	Justice System - Cost increase ranging from \$40 to \$350 per one conviction.
Division III — Handgun Safety Training	No.	No.	No.
Division IV — Firearm Regulation by Political Subdivisions	No.	No.	Cannot be determined.
Division V — Possession and Storage by a Tenant	No.	No.	No.

Effective Date

This Act is effective July 1, 2021.

Enactment Date

This Act was approved by the General Assembly on March 22, 2021, and signed by the Governor on April 2, 2021.

Sources

Legislative Services Agency

Department of Corrections

Criminal and Juvenile Justice Planning Division, Department of Human Rights

Department of Public Safety

Iowa State Association of Counties

Iowa League of Cities

Iowa State Association of School Boards

HF 775 – Open Fields, Cameras (LSB1238HV.3)

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Fiscal Note Version – Final Action

Description

[House File 775](#) establishes the crime of unauthorized sampling under Iowa Code section 716.14. A person commits unauthorized sampling if the person knowingly enters private property, without consent of the owner or any other person having real or apparent authority to grant consent, and obtains samples of any materials specified in the Act. The term “materials” is defined in the Act. A person convicted of unauthorized sampling is guilty of an aggravated misdemeanor, or a Class D felony if the person has previously been convicted of committing unauthorized sampling.

House File 775 also establishes Iowa Code section 727.8A to provide that a person committing a trespass as defined under Iowa Code section [716.7](#) and knowingly places or uses a camera or electronic surveillance device that transmits or records images or data while the device is on the trespassed property commits an aggravated misdemeanor for a first offense and a Class D felony for a second or subsequent offense.

Background

An aggravated misdemeanor is punishable by confinement for no more than two years and a fine of at least \$855 but not more than \$8,540. A Class D felony is punishable by confinement for no more than five years and a fine of at least \$1,025 but not more than \$10,245.

Assumptions

- The following will not change over the projection period: charge, conviction, and sentencing patterns and trends, 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 Act 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.

Correctional Impact

House File 775 establishes new offenses and a correctional impact cannot be estimated due to a lack of existing conviction data. **Table 1** provides estimates for sentencing to State prison, parole, probation, or Community-Based Corrections (CBC) residential facilities; LOS under those supervisions; and supervision marginal costs per day for all convictions of aggravated misdemeanors and Class D felonies. Refer to the Legislative Services Agency (LSA) memo addressed to the General Assembly, [Cost Estimates Used for Correctional Impact Statements](#), dated January 22, 2021, for information related to the correctional system.

Table 1 — LOS and Sentencing Estimates

Conviction Offense Class	Percent to Prison	Avg Length of Stay Prison (months)	FY 20 Marginal Cost/Day Prison	Percent Ordered to Probation	Avg LOS on Probation (months)	Avg Cost Per Day on Probation	Percent Sentenced to CBC Residential Facility	FY 20 Marginal Cost CBC Per Day	Percent Ordered to County Jail	Avg Length of Stay in County Jail	Marginal Cost Per Day	Avg LOS on Parole (months)	FY 20 Average Cost Per Day Parole
Class D Felony (Non-Persons)	76.0%	11.6	\$20.33	64.5%	33.4	\$5.38	12.3%	\$14.78	34.0%	N/A	\$50.00	12.6	\$5.38
Aggravated Misdemeanor (Non-Persons)	32.0%	11.6	\$20.33	69.8%	22.3	\$5.38	9.5%	\$14.78	39.6%	N/A	\$50.00	4.4	\$5.38

Minority Impact

House File 775 establishes new offenses and as a result, the Criminal and Juvenile Justice Planning Division (CJJP) of the Department of Human Rights cannot use prior existing data to estimate the minority impact of HF 775. Refer to the LSA memo addressed to the General Assembly, [Minority Impact Statement](#), dated January 27, 2021, for information related to minorities in the criminal justice system.

Fiscal Impact

House File 775 establishes new offenses, and the fiscal impact cannot be estimated due to the lack of existing conviction data. **Table 2** contains cost estimates for the average State cost per offense class type for one conviction. The cost estimate includes operating costs incurred by the Judicial Branch, the State Public Defender, and the Department of Corrections for one conviction. The cost would be incurred across multiple fiscal years for prison and parole supervision.

Table 2 — Average State Cost Per Conviction

Offense Class	Total Cost	
	Minimum	Maximum
Aggravated Misdemeanor	\$ 3,700	\$ 7,800
Class D Felony	7,700	13,500

Effective Date

This Act is effective on July 1, 2021.

Enactment Date

This Act was approved by the General Assembly on April 12, 2021, and signed by the Governor on April 30, 2021.

Sources

CJJP, Department of Human Rights

Department of Corrections

Judicial Branch

LSA analysis

HF 813 – Charter School Programs (LSB2241HV.3)

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Fiscal Note Version – Final Action

Description

House File 813 establishes Iowa Code chapter [256E](#), which creates a new charter school program and provides for two pathways to establish a charter school in the State. A charter school can be established through application by a founding group created by a local school board, thereby creating a new attendance center that would be part of a public school district. A charter school can also be established through application by a founding group not created by a local school board, thereby creating a charter school independent of a public school district and having no boundary lines within the State. The charter school's governing board is subject to open meetings in accordance with Code section [21](#), and membership requirements for the governing board of the charter school are detailed. Funding for each student attending a charter school will flow through the district of residence, similar to open enrollment, and includes the [State cost per pupil](#), the teacher leadership supplement, and additional weightings as detailed in the Act. For students attending a charter school who had not been included in the previous year's [enrollment count](#), the Act establishes a General Fund standing unlimited appropriation to the Department of Education to be paid to the charter school for the students' initial year of enrollment in the charter school.

Background

Under Iowa Code section [256F.1](#), a charter school may be established by creating a new school within an existing public school or converting an existing public school attendance center to charter school status. Storm Lake/Iowa Central/Buena Vista Early College Charter High School and West Central Charter High School are the two public charter schools in the State of Iowa.

For additional information on these charter school programs, please read the Department of Education (DE) report [Legislative Report: Charter and Innovation Zone Schools in Iowa](#).

According to a 2016-2017 school year [report](#) published by the National Alliance for Public Charter Schools, 65.0% of public charter schools nationwide are freestanding and operate independently and apart from any management organization. The remaining 35.0% of public charter schools belong to some type of management organization or education service provider. The two types of education service providers are charter management organizations (CMOs), which hold a nonprofit tax status, or education management organizations (EMOs), which are for-profit tax entities. For the 2016-2017 school year, 23.0% of public charter schools contracted with a CMO and 12.0% of charter schools contracted with an EMO. **Table 1** provides the top CMOs and **Table 2** provides the top EMOs by enrollment for the 2016-2017 school year.

Table 1
**Nationwide CMO Enrollment for
2016-2017 School Year**

	<u>Enrollment</u>
KIPP Foundation	79,040
Imagine Schools	33,745
Harmony Public Schools	32,084
IDEA Public Schools	29,335
Uncommon Schools	15,995

Table 2
**Nationwide EMO Enrollment for
2016-2017 School Year**

	<u>Enrollment</u>
K12 Inc.	93,561
Academica	75,586
Charter Schools USA	72,950
Connections Academy	60,569
National Heritage Academies	56,262

Fiscal Impact

The LSA anticipates an increase of DE administration costs and the potential need for full-time equivalent (FTE) positions to fulfill the oversight requirements in this Act, but the number of new charter school applications the State board may receive is unknown.

Federal fiscal and nonfiscal reporting requires inclusion of data for public charter schools. If a charter school is independent from a school district, determinations will be needed regarding eligibility and allocation methods used for federal funds.

There is a potential for double counting of students for State funding. For the initial year of funding for a charter school, State funding is based on an estimate of enrolled students. The potential students included in the charter school estimate may not actually attend the charter school and would in turn be funded at the school where they are actually enrolled. A reconciliation, based on actual enrollment, is to be completed during the subsequent payment to the charter school. It is unclear if the initial year of funding will be provided to the charter school through advance funding by the Department of Management, be provided through payments from the student's district of residence which through open enrollment protocols are typically paid in February and July, or be provided through some other means.

It is unknown the number of students who would be included in the General Fund standing unlimited appropriation for initial year enrollment in a charter school. Therefore, the appropriation cannot be estimated at this time. The appropriation would include funding for any student not included in the previous year's enrollment count including students attending nonpublic schools, [private instruction](#) students, or students entering kindergarten.

Effective Date

This Act is effective July 1, 2021.

Enactment Date

This Act was approved by the General Assembly on April 28, 2021, and signed by the Governor on May 19, 2021.

Sources

Iowa Department of Education

National Alliance for Public Charter Schools

HF 835 – Achieving a Better Life Experience (ABLE) Accounts (LSB1093HV.2)
Staff Contact: Jess Benson (515.281.4611) jess.benson@legis.iowa.gov
Fiscal Note Version – Final Action

Description

[House File 835](#) amends various provisions related to the Iowa Achieving a Better Life Experience (ABLE) Savings Plan Trust Accounts.

The Act allows a person other than the account owner to enter into a participation agreement and have signature authority over the ABLE Account on behalf of the account owner in accordance with the Internal Revenue Code and regulations promulgated under federal law.

The Act also allows any funds retained in a Medical Assistance Special Needs Trust or in a Supplemental Needs Trust to be transferred to the ABLE Account of the designated beneficiary.

The Act specifies that to the extent allowed under federal law, the Department of Human Services (DHS) cannot seek recovery of any account balance remaining in the designated beneficiary's ABLE Account for Medicaid, and any remaining account balance may be transferred to another eligible individual or to the estate of the designated beneficiary or to the successor.

Background

ABLE Accounts allow individuals and families to save for qualified disability expenses without losing eligibility for certain assistance programs, like Supplemental Security Income (SSI) and Medicaid. The earnings on investments are federally tax-deferred and tax-free if used for qualified disability expenses. ABLE Accounts are limited to \$100,000 without affecting Medicaid eligibility, and the annual contribution to an ABLE Account is limited to \$15,000 per year. In addition, ABLE Accounts may be canceled at will, with the account owner receiving the balance.

Assumptions

- As of January 19, 2021, there were 385 Medicaid Special Needs Trusts monitored by the DHS, with a total of \$53.2 million invested, and total funds have been increasing by 6.0% annually. This includes:
 - 207 Accounts contain less than \$100,000, for a total of \$6.7 million.
 - 107 Accounts contain more than \$100,000, of which \$100,000 may be available to move to ABLE Accounts, for a total of \$10.7 million.
 - 71 individuals have not yet reported the balance of their Account. They are required to file a report on the Account with the DHS annually.
- A maximum of \$15,000 per year may be moved from a Medicaid Special Needs Trust to an ABLE Account.
- Supplemental Needs Trusts may also be impacted. The DHS does not have data on the number of Supplemental Needs Trusts or the balances in the Trust accounts.

Fiscal Impact

The fiscal impact of HF 835 cannot be determined, but it will likely lead to a significant reduction in Medicaid recoveries over time. If all current Medicaid Special Needs Trust beneficiaries qualify for an ABLE Account, up to \$17.4 million could be transferred to an ABLE Account over a seven-year time period, in addition to the unknown impact from the Supplemental Needs Trusts. This could result in fewer potential Medicaid recoveries due to less rigid guidelines to withdraw funds from an ABLE Account and due to the prohibition on Medicaid recovering ABLE Account balances. The DHS recovered \$1.1 million from the six largest Medicaid Special Needs Trusts in calendar year 2020.

Effective Date

This Act becomes effective on July 1, 2021.

Enactment Date

This Act was approved by the General Assembly on April 21, 2021, and signed by the Governor on May 20, 2021.

Source

Department of Human Services

HF 838 – Insurance Omnibus (LSB133HZ.2)

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Fiscal Note Version – Final Action

Description

[House File 838](#) provides for the following significant fiscal changes:

- Imposes a monetary penalty on and provides for the suspension or revocation of the license of a person who violates any order of the Insurance Commissioner, rather than limiting the penalty and suspension or revocation to those violating cease and desist orders.
- Allows the Insurance Commissioner to deposit fine revenue from penalties that have been collected due to insurers' failure to file a timely own risk and solvency assessment summary report into the Department of Commerce Revolving Fund and into the Insurance Division Regulatory Fund. Under current law, these penalties are to be transferred to the State General Fund.
- Clarifies that the licenses for advisory organizations are for three years and sets the fee at \$100.
- Adds a new late fee of \$5 (not to exceed \$500) for each day after April 15 that a preneed seller and preneed sales agent fails to file the preneed seller's or preneed sales agent's annual report, and establishes a late fee of \$5 for each day after April 30 that a perpetual care cemetery fails to file its annual preneed sales report.
- Eliminates the \$500,000 cap for funds that may be retained in the Insurance Division Regulatory Fund.
- Eliminates the \$50,000 cap for funds that may be retained in the Insurance Division Enforcement Fund.
- Changes the examination fee that is deposited into the Insurance Division Enforcement Fund from \$5 to \$10.
- Lowers the application fee for each motor vehicle service contract form and renewal application from \$50 to \$35.
- Requests the Legislative Council establish a study committee during the 2021 Legislative Interim to identify and analyze health insurance mandates.

Background

The monetary penalty of individuals violating cease and desist orders is a maximum of \$1,000 for each offense and an aggregate penalty of no more than \$10,000 per individual, or, if the individual committed the offense knowingly, \$5,000 for each offense and an aggregate penalty of no more than \$50,000. Under this Act, the same penalty will be imposed for an individual's violation of any order issued by the Insurance Division. To date, this penalty has not been assessed. This Act allows the Insurance Commissioner to deposit penalties that have been collected due to insurers' failure to file a timely own risk and solvency assessment summary report into the Commerce Revolving Fund instead of transferring collected funds to the General Fund. To date, this penalty has not been assessed.

Beginning in 2005, the Insurance Division Regulatory Fund has used industry fees to cover the expenses of receiverships, or arrangements for managing the finances and groundskeeping of cemeteries that have become insolvent. In 2007, the amount that could be retained in the Regulatory Fund was increased from \$200,000 to \$500,000. Approximately \$160,000 is deposited into the Regulatory Fund annually. The Division currently operates three receiverships: Springdale Cemetery in Clinton, Linwood Cemetery in Dubuque, and Joyce Funeral Home in Emmetsburg.

Cemeteries that do not sell preneed products cannot receive transfers from the Regulatory Fund and are limited to funds from the Enforcement Fund, which includes fees collected from the purchase of burial plots, to cover costs. The Enforcement Fund receives approximately \$23,000 annually in revenues.

The Insurance Division has indicated that imposing the new assessment of late filing fees specified in this Act on preneed sellers, preneed sales agents, and perpetual care cemeteries that are at least 15 days late in filing preneed sales reports could have resulted in an increase in Enforcement Fund revenue of approximately \$5,000 to \$20,000 in fiscal years 2017 to 2019 if the maximum late fee of \$500 had been assessed on the late filers for those fiscal years.

Assumptions

- The number of late filers of annual preneed sales reports has increased in recent years with 40 late filers in FY 2019, compared to 10 late filers in FY 2017. It is assumed that between 28 to 40 filers will be annually charged a late fee established by the Commissioner of \$5 per day for 100 days beginning in FY 2022. These revenues will be deposited into the Commerce Revolving Fund.
- The number of receiverships being operated by the Division has increased as more cemeteries across the State have become insolvent due to an increase in cremations. The Insurance Division will increase the examination fees from \$5 to \$10, generating an additional \$23,000 annually in revenue for deposit in the Enforcement Fund. Cemeteries that do not sell preneed products would use the additional fee revenue.
- There are 18 advisory organizations that will be annually assessed a new license fee of \$100 to receive and renew their licenses. These revenues will be deposited into the Commerce Revolving Fund.
- There are approximately 1,800 motor vehicle service contract forms submitted annually. The revenues from the application and renewal fees are deposited into the Service Company Oversight Fund.

Fiscal Impact

The overall identifiable fiscal impact of HF 838 will be as follows:

- The revenue increase of the late filing fee on preneed sellers, preneed sales agents, and perpetual care cemeteries is estimated to range between \$14,000 and \$20,000 annually, if late filers are assessed the maximum late fee of \$500. These revenues will be deposited into the Commerce Revolving Fund.
- The revenue increase associated with eliminating the \$50,000 cap for receivership examination fees and increasing the fee from \$5 to \$10 is estimated at \$23,000 annually and will be deposited into the Insurance Division Enforcement Fund.
- The revenue increase of setting license fees for advisory organizations is estimated to be \$1,800 annually.
- The revenue decrease associated with lowering the application fee for each motor vehicle service contract form and renewal application is estimated to be approximately \$27,000 annually.

The fiscal impact cannot be determined for the assessment of a monetary penalty on an individual violating any order from the Division, or for the deposit of penalties into the Department of Commerce Revolving Fund instead of the General Fund. These would include penalties assessed on insurers for failure to file a timely risk and solvency assessment report.

Effective Date

This Act is effective on July 1, 2021.

Enactment Date

This Act was approved by the General Assembly on May 19, 2021, and signed by the Governor on June 16, 2021.

Source

Insurance Division

[HF 844](#) – Model Business Corporation Act (LSB1234HZ.2)

Staff Contact: Maria Wagenhofer (515.281.5270) maria.wagenhofer@legis.iowa.gov

Fiscal Note Version – Final Action

Description

[House File 844](#) makes a variety of changes to the Iowa Code regarding corporations. A brief description by division is below.

Division I – Amends and creates new provisions under Iowa Code chapter [490](#), the Iowa Business Corporation Act (IBCA), relating to domestic or foreign for-profit corporations authorized to do business in Iowa, including the establishment of benefit corporations.

Division II – Provides for the remote participation of certain persons holding voting rights in for-profit corporations organized under Iowa Code chapter [491](#), insurers organized under Iowa Code chapters [515](#), [518](#), and [518A](#), cooperative entities organized under Iowa Code chapters [499](#), [501](#), and [501A](#), and nonprofit organizations organized under Iowa Code chapter [504](#).

Division III – Creates preclearance and expedited filing services under the Secretary of State's (SOS) Office to filers of documents.

Division IV – Amends and adds provisions related to the establishment, operation, and maintenance of a foreign-trade zone in Iowa.

Background

The IBCA governs the default requirements of for-profit corporations, including creation, organization, operations, and relationships of the corporation. The IBCA was created in 1989 based on legislation by the American Bar Association (ABA) referred to as the [Model Business Corporation Act](#) (MBCA) and has subsequently been amended to reflect changes in the MBCA. House File 844 includes amendments to the IBCA that reflect the current version of the MBCA, which was adopted by the ABA in 2016. The SOS's Office administers the IBCA.

Division I, Section 4, and Division III of this Act have been identified as having potential fiscal impacts and are outlined below.

Division I, Section 4: This Division reconfigures various SOS filing fees for business entities governed under the IBCA and increases the electronic biennial report electronic filing fee from \$45 to \$60. The changes are effective January 1, 2022.

Background

As established in Iowa Code chapter [9](#), the SOS's Office, Business Services Division, is responsible for reviewing, processing, approving, and filing, on a limited basis, statutory documents relating to domestic and foreign business entities operating within Iowa. Each domestic and foreign corporation registered to do business in the State must deliver to the SOS a biennial report containing information related to the two-year period preceding the calendar year in which the report is filed.

2017 Iowa Acts, chapter [170](#), created a Technology Modernization Fund under the control of the SOS. From each fee collected by the SOS, the amount credited to the Fund equals the difference between the fee amount collected and the amount assessed for the same fee on June 30, 2017. No more than \$2.0 million can be credited to the Fund in a fiscal year, and moneys in the Fund are appropriated to the SOS for purposes of modernizing technology used by the SOS's Office to fulfill its duties. The Fund will be repealed on July 1, 2022 (FY 2023). The Fund is codified in Iowa Code section [9.4A](#).

In 2017, the SOS set biennial report filing fees in rule [721 IAC 40.8\(3\)](#) for business entities governed under the IBCA. Fees for electronic filings were set at \$45 per biennial report, and \$60 for paper filings. Prior to 2017, biennial report filing fees were set at \$30 for electronic filings and \$45 for paper filings.

Assumptions

- Business entities governed under the IBCA file biennial reports with the SOS in even-numbered years. Limited liability corporations (LLCs) file biennial reports in odd-numbered years.
- House File 844 sets the biennial report filing fee at \$60 for business entities governed under the IBCA, regardless of filing mechanism, and the filing fee will remain at \$60 following the repeal of the Technology Modernization Fund on July 1, 2022.
- The SOS's Office will still continue to collect \$15 per biennial report as established in 2017 Iowa Acts, chapter 170, for deposit into the Technology Modernization Fund until July 1, 2022.
- The additional fee revenue collected by the SOS from the increased biennial report filing fee for electronic filings established in this Act will be deposited into the General Fund beginning January 1, 2022.
- Following the repeal of the Technology Modernization Fund on July 1, 2022, all filing fee revenue from biennial reports will be deposited into the General Fund.
- In FY 2020, the SOS processed 62,987 total biennial reports, of which 60,307 were filed electronically. While some of those filings may have included late LLC biennial reports, the majority of the filings were submitted by business entities governed under the IBCA. For estimation purposes, it is assumed that there will be 60,000 biennial reports filed electronically in FY 2022, and each even-numbered fiscal year thereafter.
- In FY 2020, biennial report filing fee revenue was \$2.9 million. The majority of that revenue was from business entities governed under the IBCA.

Fiscal Impact — Division I

House File 844 is projected to increase annual fee revenue in FY 2022, FY 2024, and subsequent even-numbered fiscal years by an estimated \$900,000. This increased fee revenue would be deposited into the General Fund. Following the repeal of the Technology Modernization Fund on July 1, 2022, the total fees collected will be deposited into the General Fund beginning in FY 2024.

House File 844 also creates a new fee for reinstatements without amended articles. However, no historical data exists to make a fiscal impact estimate for this provision.

Division III: This Act creates a Business Administration Fund under the SOS to collect surcharges from requested preclearance and expedited filing services. **Table 1** and **Table 2** include the services provided and the amount of surcharge assessed.

Table 1 — Preclearance Filing Services

Service	Surcharge
Same-Day Service	\$250
Two-Day Service	Twice the amount of the filing fee
Three-Day Service	Same amount as the filing fee

Table 2 — Expedited Filing Services

Service	Surcharge
Two-Day Service	\$50
Five-Day Service	\$15

Surcharges are to be added to the amount of the fee implemented, assessed, and collected for the actual filing of the document. All moneys are to be deposited into the Business Administration Fund, and moneys in the Fund are to be appropriated to the SOS's Office for the purpose of supporting the administration of business entities under Iowa Code [Title XII](#). The SOS's Office is to adopt rules pursuant to Iowa Code chapter [17A](#) to administer these extra services, and this Act grants the SOS's Office the authority to offer extra filing services upon request by filers, increase the amount of a surcharge, or modify the period of service.

Assumptions

- The surcharge amount does not change.
- The number of filings affected is an approximation and may change due to increases or decreases in demand.
- Surcharge revenue will be retained by the SOS's Office to ensure sufficient staffing is available to address demand in filings.

Fiscal Impact — Division III

The total revenue generated as a result of the preclearance and expedited filing services will depend on the demand for the services. The SOS's Office anticipates an annual revenue increase of between approximately \$25,000 and \$75,000 as a result of the added filing services.

Effective Date

Division I of this Act is generally effective January 1, 2022 with some provisions effective upon enactment. Division II and IV of this Act are effective June 8, 2021. Division III of this Act is effective on July 1, 2021.

Enactment Date

This Act was approved by the General Assembly on May 5, 2021, and signed by the Governor on June 8, 2021.

Sources

Secretary of State
LSA analysis

HJR 5 – Abortion, Constitutional Amendment (LSB1207HV.2)

Staff Contact: Christopher Ubben (515.725.0134) chris.ubben@legis.iowa.gov

Fiscal Note Version – Final Action

Description

[**House Joint Resolution 5**](#) proposes an amendment to the Iowa Constitution specifying that the Constitution shall not be construed to recognize, grant, or secure a right to abortion or to require the public funding of abortion.

Background

Iowa Code section [**49A.1**](#) and the Iowa Constitution require that when a proposed amendment to the Constitution has passed the General Assembly and has been referred to the next succeeding General Assembly, the General Assembly is required to cause the proposed amendment to be published in two newspapers of general circulation in each Iowa congressional district once each month for three consecutive months prior to the start of the next General Assembly. The General Assembly is also required to make the amendment available on an Internet site.

Upon passage of the same amendment by the succeeding General Assembly, Iowa Code section [**49A.2**](#) requires the amendment to be published in newspapers in all 99 counties once each month for 3 consecutive months immediately preceding the general election.

Iowa Code section [**49A.9**](#) requires that these expenses, while arranged by the General Assembly, are required to be paid for by the State Commissioner of Elections (Secretary of State).

Assumptions

- The average cost to publish an amendment in a single newspaper is \$600.
- Publication of the initial amendment would occur in eight newspapers (two in each congressional district) for a three-month period.
- Subsequent publication of the amendment would occur in 99 newspapers (one in each county) for a 3-month period if the Joint Resolution were passed by the 90th General Assembly.

Fiscal Impact

Constitutional Amendment Publication Cost. The estimated cost to publish a proposed constitutional amendment passed by the General Assembly during the 2021 Legislative Session would be \$14,400 (8 newspapers x 3 months x \$600). The costs would be incurred in the fall of 2022 (FY 2023).

Assuming the proposed amendment is passed a second time during the 90th General Assembly, the estimated cost would be \$178,200 (99 newspapers x 3 months x \$600). The costs would be incurred in the fall of 2024 (FY 2025).

These publication costs would be incurred by the Secretary of the Senate's Office and the Chief Clerk's Office in the House of Representatives and reimbursed from an appropriation to the Iowa Secretary of State's Office.

Enactment Date

This Joint Resolution was approved by the General Assembly on May 19, 2021, and signed by the Governor on May 28, 2021.

Sources

Legislative Services Agency
Office of the Secretary of State

SF 172 – Sex Act, Definition (LSB1327SV.2)

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Fiscal Note Version – Final Action

Description

[Senate File 172](#) relates to the definition of “sex act” or “sexual activity.” The Act expands the current definition of “sex act” or “sexual activity,” for purposes of the Iowa criminal code, to include contact between the mouth and anus of two or more persons; contact between the finger, hand, or other body part of one person and the genitalia or anus of another person except in the course of examination or treatment by certain licensed professionals; and the touching of a person’s own genitals or anus with a finger, hand, artificial sexual organ, or other similar device at the direction of another person.

Background

The term “sex act” or “sexual activity” is defined in Iowa Code section [702.17](#). The expansion of the definition, as proposed by SF 172, refers to the term “sex act” in matters of interpretation under the Iowa criminal code, specifically Iowa Code chapter [709](#). In order for a “sex act” or “sexual activity” to be defined as sexual abuse and as criminal in nature, the act must be performed under any of the following circumstances:

- The act is done by force or against the will of the other individual. If the consent of the other individual is obtained by threat of violence or the act is done under the influence of a sleep-inducing drug or otherwise occurs in a state of unconsciousness, the act is done against the will of the other individual.
- The other individual involved is suffering from a mental defect or incapacity which precludes giving consent, or lacks the mental capacity to know the right and wrong of conduct in sexual matters.
- The other individual involved is a child.

Assumptions

It is assumed that as a result of the expansion of the definition of “sex act” or “sexual activity,” the number of prison and Community-Based Corrections (CBC) admissions for sex-related offenses will increase.

Correctional Impact

Senate File 172 expands the definition of “sex act” or “sexual activity,” and the correctional impact cannot be estimated due to a lack of existing data.

Table 1 provides estimates for sentencing to State prison, parole, probation, or CBC residential facilities; length of stay (LOS) under those supervisions; and supervision marginal costs per day for all convictions ranging from serious misdemeanors to Class A felonies. The LOS

data is not applicable to simple misdemeanors. Refer to the Legislative Services Agency (LSA) memo addressed to the General Assembly, [Cost Estimates Used for Correctional Impact Statements](#), dated January 22, 2021, for information related to the correctional system.

Table 1 — Sentencing Estimates and LOS

Conviction Offense Class	Percent to Prison	Avg Length of Stay Prison (months)	FY 20 Marginal Cost/Day Prison	Percent Ordered to Probation	Avg LOS on Probation (months)	Avg Cost/Day on Probation	Percent Sentenced to CBC Residential Facility	FY 20 Marginal Cost CBC/Day	Percent Ordered to County Jail	Avg Length of Stay in County Jail	Marginal Cost/Day	Avg LOS on Parole (months)	FY 20 Average Cost/Day Parole
Serious Misdemeanor	2.0%	5	\$ 20.33	56.0%	13.4	\$ 5.38	1.0%	\$ 14.78	69.0%	N/A	\$ 50	2.4	\$ 5.38
Aggravated Misdemeanor (Sex)	78.0%	10.51	\$ 20.33	58.5%	15.1	\$ 5.38	1.0%	\$ 14.78	74.6%	N/A	\$ 50	2.5	\$ 5.38
Class D Felony (Sex)	85.0%	32.24	\$ 20.33	45.2%	49.7	\$ 5.38	6.8%	\$ 14.78	43.8%	N/A	\$ 50	5.1	\$ 5.38
Class C Felony (Sex)	91.0%	76	\$ 20.33	34.1%	50	\$ 5.38	5.5%	\$ 14.78	32.7%	N/A	\$ 50	7.2	\$ 5.38
Class B Felony (Sex)	95.0%	285.2	\$ 20.33	9.4%	--	\$ 5.38	3.1%	\$ 14.78	15.6%	N/A	\$ 50	29.4	\$ 5.38
Class A Felony	100.0%	510	\$ 20.33	N/A	N/A	N/A	N/A	\$ 14.78	N/A	N/A	\$ 50	N/A	N/A

Minority Impact

Senate File 172 expands the definition of “sex act” or “sexual activity” to include new actions not previously criminalized under Iowa Code chapter [709](#). As a result, the Criminal and Juvenile Justice Planning Division (CJJP) of the Department of Human Rights cannot use prior existing data to estimate the minority impact of SF 172. Refer to the LSA memo addressed to the General Assembly, [Minority Impact Statement](#), dated January 27, 2021, for information related to minorities in the criminal justice system.

Fiscal Impact

The fiscal impact of SF 172 cannot be determined. The Department of Corrections (DOC) estimates that the expansion of the definition of “sex act” or “sexual activity” and subsequent convictions will lead to an increase in the number of offenders in custody of the DOC. This will likely lead to an increase in State costs, but an estimate cannot be determined at this time, as it is not possible to estimate how many new convictions will result or at what level of crime these convictions will be charged.

Table 2 contains cost estimates for the average State cost per offense class type for one conviction. The cost estimates include operating costs incurred by the Judicial Branch, the State Public Defender, and the DOC for one conviction. The cost would be incurred across multiple fiscal years for prison and parole supervision.

Table 2 — Average State Cost Per Offense Class Type

Offense Class	Total Cost	
	Minimum	Maximum
Serious Misdemeanor	\$ 410	\$ 7,500
Aggravated Misdemeanor	3,700	7,800
Class D Felony	7,700	13,500
Class C Felony	9,900	19,200
Class B Felony	12,700	35,800
Class A Felony	183,700	188,000

The expansion of the definition of “sex act” or “sexual activity” and subsequent related convictions resulting from SF 172 may also result in an increase in fine and surcharge revenue, but the impact cannot be determined at this time.

Effective Date

This Act is effective July 1, 2021.

Enactment Date

This Act was approved by the General Assembly on February 10, 2021, and signed by the Governor on April 12, 2021.

Sources

Department of Corrections
Legislative Services Agency

SF 230 – Vehicle Salvage Title (LSB1685SV.2)

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Fiscal Note Version – Final Action

Description

[Senate File 230](#) increases the threshold for the cost of repair to a damaged vehicle in order for the vehicle to be deemed wrecked or salvage from 50.0% to 70.0% of the vehicle's fair market value.

Background

Currently, a vehicle is deemed wrecked or salvage if the cost to repair the vehicle exceeds 50.0% of the vehicle's fair market value. Before the owner of a repaired vehicle can be issued a vehicle registration to operate the vehicle on public highways, the vehicle must undergo a salvage theft examination by a peace officer certified by the Iowa Law Enforcement Academy (ILEA). Under Iowa Code section [321.52](#)(4)(d), the purpose of the examination is to determine whether the vehicle or repair components have been stolen and not whether a car is safe to operate. The current cost of an examination is \$50. The local agency performing the examination retains \$40; the remaining \$10 is split evenly between the Road Use Tax Fund (RUTF) and the General Fund. The moneys in the General Fund are to be used by the ILEA to provide for the training and certification of officers performing salvage theft examinations. County treasurers are also authorized under Iowa Code section [321.152](#)(1)(b) to retain \$2.50 for each certificate of salvage title issued. In calendar year 2019, there were 48,783 salvage vehicle titles issued. CY 2019 is used for this calculation due to the pandemic.

Assumptions

- The number of salvage theft examinations that will be completed annually beginning in FY 2022 will total 48,700, which is similar to the number completed in CY 2019.
- Sixty percent of the vehicles issued a salvage title will be valued between 50.0% and 70.0% of the fair market value, resulting in 29,000 fewer vehicles receiving salvage theft examinations and salvage titles.

Fiscal Impact

Senate File 230 would decrease State revenues by \$290,000 annually, which would be split evenly between the RUTF and the ILEA. In addition, there would be an estimated decrease in fee revenue of \$1.2 million to the local law enforcement agencies that perform the examinations, and an estimated decrease of \$73,000 to counties.

The Department of Transportation also estimates \$7,000 for labor costs associated with information technology development that would be funded with the Department's existing resources.

Effective Date

This Act is effective July 1, 2021.

Enactment Date

This Act was approved by the General Assembly on February 16, 2021, and signed by the Governor on April 2, 2021.

Sources

Iowa Department of Transportation
LSA calculations

SF 243 – Death or Incapacitating Injury, Failure to Report (LSB1031SV.3)

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Fiscal Note Version – Final Action

Description

[Senate File 243](#) relates to public safety including the crimes of failure to assist, abuse of a corpse, and interference with official acts, and provides penalties. The Act expands the crime of abuse of a corpse to include when a person fails to disclose the known location of a corpse with the intent to conceal a crime.

Senate File 243 adds medical examiners to the list of authorities relating to the crime of interference with official acts. The Act provides that a person commits interference with official acts when the person knowingly resists or obstructs anyone known by the person to be a medical examiner in the performance of any act which is within the scope of the medical examiner's lawful duty or authority.

Senate File 243 creates the crime of failure to assist. The Act provides that a person who reasonably believes another person is suffering from a risk of serious bodily injury or imminent danger of death shall, if the person is able, attempt to contact local law enforcement or emergency response authorities, if doing so does not place the person or the other person at risk of serious bodily injury or imminent danger of death. A person shall not be required to contact local law enforcement or emergency response authorities if the person knows or reasonably believes that the other person is not in need of help or assistance. A person who violates new Iowa Code section 727.12 without lawful cause commits the following:

- A simple misdemeanor if the failure to assist results in the other person suffering serious bodily injury.
- An aggravated misdemeanor if the failure to assist results in the death of the other person.

Background

Under current law, the crime of abuse of a corpse is a Class D felony punishable by confinement for no more than five years and a fine of at least \$1,025 but not more than \$10,245, and the crime of interference with official acts is a simple misdemeanor and includes a fine of not less than \$250. The crime of failure to assist, as applied in the Act, is punishable by a simple misdemeanor or an aggravated misdemeanor, which is punishable by confinement for no more than two years and a fine of at least \$855 but not more than \$8,540.

Assumptions

- The following will not change over the projection period: charge, conviction, and sentencing patterns and trends; 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 Act 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.

Correctional Impact

Senate File 243 expands the crime of abuse of a corpse and interference with official acts to include new actions, and creates the crime of failure to assist. Due to a lack of existing data for these expanded and new crimes, a correctional impact cannot be estimated. **Table 1** provides estimates for sentencing to State prison, parole, probation, or Community-Based Corrections (CBC) residential facilities; LOS under those supervisions; and supervision marginal costs per day for all convictions of aggravated misdemeanors and Class D felonies. The LOS data is not applicable to simple misdemeanors. Refer to the Legislative Services Agency (LSA) memo addressed to the General Assembly, [Cost Estimates Used for Correctional Impact Statements](#), dated January 22, 2021, for information related to the correctional system.

Table 1 — LOS and Sentencing Estimates

Conviction Offense Class	Percent to Prison	Avg Length of Stay Prison (months)	FY 20 Marginal Cost/Day Prison	Percent Ordered to Probation	Avg LOS on Probation (months)	Avg Cost Per Day on Probation	Percent Sentenced to CBC Residential Facility	FY 20 Marginal Cost CBC Per Day	Percent Ordered to County Jail	Avg Length of Stay in County Jail	Marginal Cost Per Day	Avg LOS on Parole (months)	FY 20 Average Cost Per Day Parole
Class D Felony (Persons)	77.0%	16.0	\$20.33	47.8%	30.5	\$5.38	10.5%	\$14.78	38.6%	N/A	\$50.00	11.5	\$5.38
Aggravated Misdemeanor (Persons)	43.0%	7.1	\$20.33	51.7%	20.2	\$5.38	3.3%	\$14.78	70.7%	N/A	\$50.00	6.0	\$5.38

Minority Impact

Senate File 243 expands the definition of abuse of a corpse and interference with official acts to include new actions not previously criminalized, and establishes the crime of failure to assist. As a result, the Criminal and Juvenile Justice Planning Division (CJJP) of the Department of Human Rights cannot use prior existing data to estimate the minority impact of SF 243. Refer to the LSA memo addressed to the General Assembly, [Minority Impact Statement](#), dated January 27, 2021, for information related to minorities in the criminal justice system.

Fiscal Impact

Senate File 243 expands the definition of abuse of a corpse and interference with official acts and establishes the crime of failure to assist, and the fiscal impact cannot be estimated due to the lack of existing conviction data. **Table 2** contains cost estimates for the average State cost per offense class type for one conviction. The cost estimate includes operating costs incurred by the Judicial Branch, the State Public Defender, and the Department of Corrections for one conviction. The cost would be incurred across multiple fiscal years for prison and parole supervision.

Table 2 — Average State Cost Per Offense Class Type

Offense Class	Total Cost	
	Minimum	Maximum
Simple Misdemeanor	\$ 40	\$ 350
Aggravated Misdemeanor	3,700	7,800
Class D Felony	7,700	13,500

The new and expanded offenses in SF 243 may also result in an increase in fine and surcharge revenue, but the impact is unknown.

Effective Date

This Act is effective on July 1, 2021.

Enactment Date

This Act was approved by the General Assembly on May 17, 2021, and signed by the Governor on June 9, 2021.

Sources

CJJP, Department of Human Rights
Judicial Branch
Department of Corrections

SF 253 – Sex Abuse, Second Degree, Definition (LSB1326SV.2)
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Fiscal Note Version – Final Action

Description

[Senate File 253](#) relates to sexual abuse in the second degree under Iowa Code section [709.3](#) and provides that such abuse includes sexual abuse of a child. Iowa Code section [702.5](#) defines a child as any person under the age of 14 years old. A person who commits sexual abuse in the second degree is guilty of a Class B felony.

The Act also makes conforming changes relating to the Sex Offender Registry under Iowa Code section [692A.102](#) and relating to sexual abuse in the third degree under Iowa Code section [709.4](#).

Background

Under current law, sexual abuse in the second degree occurs when such abuse includes a person under the age of 12.

A Class B felony is punishable by confinement of no more than 25 years. A Class C felony is punishable by confinement for no more than 10 years and a fine of at least \$1,370 but not more than \$13,600.

Assumptions

- The following will not change over the projection period: charge, conviction, and sentencing patterns and trends; 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 Act 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.
- As a result of the modification of the age of a victim of sexual abuse in the second degree and subsequent conforming changes, the Department of Corrections (DOC) estimates that it is likely that the convictions of some offenders currently convicted of sexual abuse in the third degree will move to convictions of sexual abuse in the second degree. This would result in an increased length of stay for an offender.

Correctional Impact

Senate File 253 modifies the definition of an existing crime and the full correctional impact cannot be determined at this time, as it remains unknown how many existing offenders will be moved from a Class C to Class B penalty, or how many new convictions and prison admissions will occur.

Table 1 below shows estimates for sentencing to State prison, parole, probation, or Community-Based Corrections (CBC) residential facilities; LOS under those supervisions; and supervision marginal costs per day for all convictions of Class B and Class C felonies (involving sex crimes). Refer to the Legislative Services Agency (LSA) memo addressed to the General Assembly, [Cost Estimates Used for Correctional Impact Statements](#), dated January 22, 2021, for information related to the correctional system.

Table 1— Sentencing Estimates and Length of Stay (LOS)

Conviction Offense Class	Percent to Prison	Avg Length of Stay Prison (months)	FY 20 Marginal Cost Per Day Prison	Percent Ordered to Probation	Avg LOS on Probation (months)	Avg Cost Per Day on Probation	Sentenced to CBC Residential Facility	FY 20 Marginal Cost CBC Per Day	Percent Ordered to County Jail	Avg Length of Stay in County Jail	Marginal Cost Per Day	Avg LOS on Parole (months)	FY 20 Average Cost Per Day Parole
Class B Felony (Sex Offense)	95.0%	285.2	\$20.33	9.4%	--	\$5.38	3.1%	\$14.78	15.6%	N/A	\$50.00	29.4	\$5.38
Class C Felony (Sex Offense)	91.0%	76.0	\$20.33	34.1%	50.0	\$5.38	5.5%	\$14.78	32.7%	N/A	\$50.00	7.2	\$5.38

Minority Impact

The minority impact of SF 253 is as follows: In FY 2020, there were 63 individuals convicted for the crime of sexual abuse in the third degree under Iowa Code section 709.4, and 23 individuals convicted for the crime of sexual abuse in the second degree under Iowa Code section 709.3. Of the total of 86 individuals, 27 people were African American. In FY 2020, Caucasians and African Americans made up 89.9% and 4.1% of the Iowa adult population, respectively. The conviction rate for African Americans exceeds the population proportion of the State, which would lead to a racial impact if trends remain constant. Due to low numbers of other minority populations, the impact on those populations cannot be assessed. Refer to the LSA memo addressed to the General Assembly, [Minority Impact Statement](#), dated January 27, 2021, for information related to minorities in the criminal justice system.

Fiscal Impact

Senate File 253 amends the age of a victim of sexual abuse for the conviction to be classified as sexual abuse in the second degree, which would likely lead to the convictions of some existing offenders currently convicted of sexual abuse in the third degree to move to convictions of sexual abuse in the second degree. This would result in an increased length of stay for an offender and increased supervision costs for the DOC.

Under current law, sexual abuse in the third degree carries a penalty of a Class C felony, and sexual abuse in the second degree carries a penalty of a Class B felony. The average LOS for a Class C felony is 76.0 months, while the average LOS for a Class B felony is approximately 258.0 months. An increased LOS will lead to increased supervision costs for the DOC over the course of incarceration.

Table 2 displays the estimated difference of DOC supervision costs for a Class B and Class C felony for one additional offender.

Table 2 — Supervision Costs, Class B and C Felony, Sexual Abuse

Offense Class Type	Penalty	Length of Stay (in months)	Cost Per Day	Total Cost
Sexual Abuse, 2nd Degree	Class B Felony	258.0	\$20.33	\$ 176,263
Sexual Abuse, 3rd Degree	Class C Felony	76.0	\$20.33	\$ 46,970
			Difference	\$ 129,293

The Act modifies an existing criminal offense, and the resulting cost to the justice system cannot be estimated. **Table 3** shows estimates for the average State cost per offense class type. The estimates include operating costs incurred by the Judicial Branch, the State Public Defender, and the DOC for one additional conviction. The cost would be incurred across multiple fiscal years for prison and parole supervision.

Table 3 — Average State Cost Per Offense Class Type

Offense Class	Total Minimum Cost	Total Maximum Cost
Class C Felony	\$9,900	\$19,200
Class B Felony	\$12,700	\$35,800

The modification of an existing offense and subsequent conforming changes established by SF 253 may also result in an increase in fine and surcharge revenue, but the impact is unknown.

Effective Date

This Act is effective July 1, 2021.

Enactment Date

This Act was approved by the General Assembly on February 12, 2021, and signed by the Governor on April 12, 2020.

Sources

Department of Corrections
Criminal and Juvenile Justice Planning Division, Department of Human Rights
Legislative Services Agency

SF 269 – School Supplemental State Aid and Equity (LSB1501SV.3)

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Fiscal Note Version – Final Action

Description

[Senate File 269](#) modifies and establishes provisions related to the funding of school districts, including establishing a State supplemental aid (SSA) amount based on a State percent of growth rate and the categorical State percent of growth rate for the budget year beginning July 1, 2021 (FY 2022), and provides for other changes to the school aid formula.

Senate File 269 has five provisions with a fiscal impact:

- Establishes a 2.40% State percent of growth rate to be applied to the State cost per pupil (SCPP) for FY 2022 for an SSA of \$155 per pupil.
- Establishes a 2.40% State percent of growth rate to be applied to each of the State categorical cost per pupil amounts for FY 2022.
- Provides an additional increase of \$10 to the FY 2022 regular program SCPP separate from the SSA.
- Provides additional property tax replacement funding based on the per pupil increase that results from the establishment of the State percent of growth in FY 2022. The Act requires the additional levy portion of the FY 2022 SCPP amount to be frozen at \$750 per pupil, regardless of the per pupil increase for FY 2022.
- Amends the FY 2022 General Fund appropriation to the [Transportation Equity Program](#) under Iowa Code section [257.16C](#) to equal the amount necessary to make all transportation equity aid payments.

The Act takes effect upon enactment.

Background

State Cost Per Pupil. The school aid formula provides funding to school districts and Area Education Agencies (AEAs) through a mix of State aid and property taxes. In general, funding is generated on a per pupil basis, with the per pupil amounts providing an overall budget limitation (or spending authority). There are five SCPP funding levels that would be increased by a 2.40% State percent of growth for FY 2022 with the enactment of this Act.

Table 1 provides the supplemental State aid amounts (also referred to as per pupil growth amounts) and SCPP amounts for FY 2022 based on a 2.40% growth rate. The SSA amounts will be applied to all corresponding district and AEA cost per pupil amounts. In addition to a 2.40% growth rate, Section 2 of the Act, as amended, adds an additional \$10 to the SCPP separate from the SSA.

Table 1 — SF 269**FY 2022 State Cost Per Pupil Calculations**

	FY 2021 State Cost Per Pupil	FY 2022 State Percent of Growth	FY 2022 Supplemental State Aid	FY 2022 Additional SCPP Dollars	FY 2022 State Cost Per Pupil
Regular Program	\$ 7,048	2.40%	\$ 169	\$ 10	\$ 7,227
Special Education Program	7,048	2.40%	169	10	7,227
AEA Special Education Services	308.56	2.40%	7.41	-	315.97
AEA Media Services	57.53	2.40%	1.38	-	58.91
AEA Education Services	63.48	2.40%	1.52	-	65.00

In addition to the State percent of growth and SSA amounts for FY 2022, enrollments, weightings, and taxable valuations within each school district have an impact on the amount of total school aid funding, including the amount of State aid and local property tax required to generate the total funding amount.

State Categorical Supplements. The State categorical supplements are funded entirely through State aid and generate funds for each school district and AEA through the school aid formula on a per pupil basis. The FY 2022 SCPP funding levels for the teacher salary supplement (district and AEA), professional development supplement (district and AEA), early intervention supplement (district only), and Teacher Leadership and Compensation (TLC) (district only) supplement would be increased by a 2.40% State percent of growth for FY 2022. **Table 2** provides the per pupil growth amounts and SCPP amounts for FY 2022 based on this Act, as amended.

Table 2 — SF 269**FY 2022 State Categorical Cost Per Pupil Calculations**

	FY 2021 State Cost Per Pupil	FY 2022 State Percent of Growth	FY 2022 Supplemental State Aid	FY 2022 State Cost Per Pupil
Teacher Salary - Districts	\$ 605.58	2.40%	\$ 14.53	\$ 620.11
Professional Development - Districts	68.58	2.40%	1.65	70.23
Early Intervention - Districts	74.71	2.40%	1.79	76.50
Teacher Leadership and Compensation - Districts	340.89	2.40%	8.18	349.07
Teacher Salary - AEAs	31.69	2.40%	0.76	32.45
Professional Development - AEAs	3.70	2.40%	0.09	3.79

Additionally, there is a budget guarantee provision for each of the State categorical supplements, which provides each district and AEA with a minimum of the previous fiscal year's level of funding (net of the previous year's budget guarantee amount). This provision for the State categorical supplements is funded entirely through State aid.

Property Tax Replacement Payment (PTRP). The 2013 Iowa Acts, chapter [121](#) (Education Reform), included the creation of the PTRP provision to replace local property tax amounts with State aid. The provision froze the additional levy portion of the SCPP at \$750; based on the State percent of growth enacted during the intervening fiscal years, this provision created \$15 per pupil in property tax relief in FY 2014 and up to \$131 per pupil in FY 2021. The continual growth is a result of the requirement that the per pupil property tax relief of previous fiscal years carry forward into future fiscal years. Enactment of this Act, as amended, would maintain the additional levy portion of the SCPP at \$750 in FY 2022. The per pupil property tax relief amount will be based on the State percent of growth enacted for FY 2022. **Table 3** provides detail regarding the SCPP funding levels as provided by a 2.40% growth rate for FY 2022 in this Act.

Table 3 — SF 269
FY 2022 Property Tax Replacement Payment Calculation

		Increase Due to Supplemental State Aid Rate		Increase Due to Additional Dollars to the SCPP			
	FY 2021					FY 2022	
Regular Program	\$ 7,048	\$ 169	\$ 10	\$ 7,227			
Unadjusted Additional Levy	881	21	1	903			
PTRP Portion	131	20	1	153			
Fixed Additional Levy Portion	750	0	0	750			

Transportation Equity Program. Iowa Code section 257.16C establishes the Transportation Equity Program. The Program was created to provide additional funding to school districts for public school transportation costs that exceed a statewide adjusted average cost per student. Transportation equity payments may buy down transportation costs to the statewide average cost per student for providing transportation to public schools. If funding permits, school districts with transportation costs per pupil below the statewide average will receive transportation base funding payments on a per capita basis.

Assumptions

- Estimates are based on October 2020 certified enrollments and supplementary weightings for FY 2021, which were approved by the School Budget Review Committee (SBRC) in December 2020.
- A statewide taxable valuation growth rate of 3.88% for FY 2022 was previously agreed upon by the Legislative Services Agency (LSA) and the Department of Management. Based on this assumed rate, the statewide total for the uniform levy is estimated to account for \$39.0 million (+3.94%) of the school foundation property tax change in FY 2022 (including the uniform levy portion of the commercial/industrial rollback replacement payment). The estimated increase in the uniform levy amount is not affected by the establishment of the State percent of growth rate. Property tax adjustment aid amounts are based on the statewide taxable valuation growth factor applied to each school district's FY 2022 taxable valuation amount.
- Total State aid includes funding from the State General Fund and other funds appropriated or deposited in the Property Tax Equity and Relief (PTER) Fund, which is used to provide additional property tax relief through the school aid formula.
- Establishing an FY 2022 State percent of growth will also affect the amount of funding generated for the Statewide Voluntary Preschool Program. Funding for the Program is provided by State General Fund dollars and is included in the overall State aid total.

- Districts eligible for the 101.00% budget adjustment will approve use of that provision.
- Other legislation may have an impact on the amount of State aid and property tax generated through the school aid formula.
- The General Fund appropriation to the Transportation Equity Fund will increase by approximately \$768,000. Starting in FY 2023, the appropriation may grow at the same rate as the categorical SCPP rate.

Fiscal Impact

Table 4 provides the estimated fiscal impact of the six provisions of this Act, as amended. These provisions include:

- A statutory \$7.5 million reduction in State aid to the AEAs, and an additional \$15.0 million reduction in State aid to the AEAs as specified in [SF 615](#) (Standing Appropriations Act) for a total reduction of \$22.5 million in State aid to the AEAs.
- \$86.6 million in PTRP funding, an increase of \$11.6 million (15.40%) compared to FY 2021.
- \$560.5 million for the State categorical supplements for school districts and AEAs, an increase of \$7.7 million (1.39%). This includes:
 - \$317.8 million for the teacher salary supplement at the district and AEA levels.
 - \$36.1 million for the professional development supplement at the district and AEA levels.
 - \$37.1 million for the early intervention supplement.
 - \$169.6 million for the Teacher Leadership and Compensation supplement.
- \$80.9 million for preschool formula funding, a decrease of \$7.4 million (8.38%) compared to FY 2021. The preschool formula funding is included in the State aid amount but is not included in the combined district cost total.
- \$26.0 million in budget adjustment funding for 137 qualifying districts, an increase of \$17.8 million (215.45%) compared to FY 2021. The budget guarantee adjustment is calculated at the school district level so that school districts receive 101.00% of their previous year's funding. The budget guarantee adjustment is funded entirely through property taxes.
- The total property tax funds generated through the school aid formula are estimated to be \$1.660 billion, an increase of \$47.1 million (2.92%) compared to FY 2021.
- The total State aid from the General Fund (reflecting the total school aid funding level for school districts and AEAs generated through the school aid formula) is estimated to be \$3.418 billion, an increase of \$36.5 million (1.08%) compared to FY 2021. Any legislative action affecting FY 2022 school aid provisions will have an impact on school aid amounts. Additionally, any variations in the assumptions noted may result in changes in the FY 2022 estimates provided in **Table 4**.

The total General Fund appropriation in **Table 4** provides the additional fiscal impact of SF 269, as amended. This also includes:

- The additional increase in the FY 2022 SCPP of \$10 for a total of \$5.8 million, which is included in the total State aid estimate.
- The FY 2022 General Fund appropriation of \$27.5 million to the Transportation Equity Fund, which is not included in the total State aid estimate.

Effective Date

This Act is effective February 23, 2021.

Enactment Date

This Act was approved by the General Assembly on February 17, 2021, and signed by the Governor on February 23, 2021.

Sources

Iowa Department of Education, Certified Enrollment and Enrollment Projections File

Iowa Department of Management, School Aid File

Iowa Department of Revenue

LSA analysis and calculations

Table 4 — SF 269 – for a printable version, click [here](#)

Legislative Services Agency: Final FY 2022 School Aid Estimates (Statewide Dollars in Millions)

State Percent of Growth: 2.40%	Statutory AEA Reduction: \$7,500,000			
State Cost Per Pupil: \$7,227	Additional AEA Reduction: \$15,000,000			
	Total AEA Reduction: \$22,500,000			
Program Funding:				
Regular Program District Cost	FY 2021	Est. FY 2022	Est. Change	% Change
Regular Program Budget Adjustment	\$ 3,461.5	\$ 3,504.8	\$ 43.3	1.25%
Supplementary Weighting (District)	8.3	26.0	17.8	215.45%
Special Education Instruction (District)	108.2	111.1	2.9	2.64%
Teacher Salary Supplement (District)	478.6	483.6	5.0	1.04%
Professional Development Supplement (District)	296.6	300.7	4.1	1.39%
Early Intervention Supplement (District)	33.6	34.1	0.5	1.38%
Teacher Leadership Supplement (District)	167.3	169.6	2.3	1.39%
AEA Special Ed Support District Cost	172.3	174.2	2.0	1.14%
AEA Special Ed Support Adjustment	1.2	1.6	0.4	37.22%
AEA Media Services	30.1	30.4	0.3	1.11%
AEA Ed Services	33.3	33.6	0.4	1.11%
AEA Teacher Salary Supplement	16.8	17.1	0.3	1.49%
AEA Professional Development Supplement	2.0	2.0	0.0	1.51%
Dropout and Dropout Prevention	131.8	131.8	0.0	0.00%
Combined District Cost	\$ 4,955.6	\$ 5,035.3	\$ 79.7	1.61%
Statewide Voluntary Preschool Program	\$ 88.3	\$ 80.9	\$ -7.4	-8.38%
State Aid:				
Regular Program	FY 2021	Est. FY 2022	Est. Change	% Change
Supplementary Weighting	\$ 2,007.2	\$ 2,008.9	\$ 1.6	0.08%
Special Education Weighting	94.5	97.0	2.6	2.71%
Property Tax Adjustment Aid (1992)	417.8	422.4	4.6	1.10%
Property Tax Replacement Payment (PTRP)	7.4	7.1	-0.3	-3.88%
Adjusted Additional Property Tax - General Fund	75.1	86.6	11.6	15.40%
Statewide Voluntary Preschool Program	24.0	24.0	0.0	0.00%
Minimum State Aid	88.3	80.9	-7.4	-8.38%
State Aid from General Fund	\$ 3,381.3	\$ 3,402.8	\$ 21.5	0.64%
*Excess from SAVE Fund	10.4	16.2	5.8	56.13%
Total State Aid (Includes Non-General Fund)	\$ 3,391.7	\$ 3,419.0	\$ 27.3	0.81%
Local Property Tax:				
Uniform Levy Amount	FY 2021	Est. FY 2022	Est. Change	% Change
Additional Levy	\$ 990.9	\$ 1,029.9	\$ 39.0	3.94%
Total Levy to Fund Combined District Cost	\$ 621.9	\$ 630.1	\$ 8.1	1.31%
Comm/Ind - Uniform Levy Replacement	\$ 1,612.8	\$ 1,660.0	\$ 47.1	2.92%
Comm/Ind - Additional Levy Replacement	23.6	23.0	-0.6	-2.55%
	15.2	14.2	-1.0	-6.71%
Miscellaneous Information:				
Budget Enrollment	FY 2021	Est. FY 2022	Est. Change	% Change
State Cost Per Pupil	\$ 490,094	\$ 484,159	\$ -5,936	-1.21%
Number of Districts with Budget Adjustment	\$ 7,048	\$ 7,227	\$ 179	2.54%
Percent of Districts with Budget Adjustment	106	137	31	29.25%
Statewide Categoricals Total	32.42%	41.90%		
Property Tax Relief Payment Per Pupil	\$ 552.9	\$ 560.5	\$ 7.7	1.39%
Statewide AEA Funding Reduction	131	153	22	16.79%
Statewide AEA Funding	-22.5	-22.5	0.0	0.00%
Transportation Equity Fund	233.3	236.5	3.2	1.38%
	26.7	27.5	0.8	2.88%

Notes:

Totals may not sum due to data duplication and exclusion. For example, other funds are provided by State aid but are not included in the State aid section because they are represented in the Program Funding section listed above.

Senate File 269 (School Supplemental State Aid and Equity Act) increased the State cost per pupil by an additional \$10. The Transportation Equity Program is not included in State aid totals.

*Secure an Advanced Vision for Education (SAVE) Fund.

Sources: Department of Education, Department of Management (School Aid File), LSA analysis and calculations

Description

[Senate File 342](#) relates to numerous issues involving law enforcement and public safety, including public records, fraudulent filings, public safety employee benefits and workers' compensation, and eluding law enforcement, and makes changes to certain criminal offenses and sheriff salaries, officer rights, and qualified immunity.

A summary table of impacts is provided in **Table 7** at the end of this document.

Division I: Public Records — Communications in Professional Confidence

This Division expands the definition of persons eligible to participate in the [Address Confidentiality Program](#) under Iowa Code chapter [9E](#) to include an Iowa resident, adult, minor, or incapacitated person who is one of the following:

- A victim of domestic abuse, including but not limited to assault, stalking, and human trafficking.
- A currently active or retired State or local judicial officer, or a spouse or child thereof.
- A currently active or retired State or local prosecuting attorney, or a spouse or child thereof.
- A currently active or retired peace officer, or a spouse or child thereof.

This Division also describes situations in which individuals are not assessed damages when violating Open Records Law under Iowa Code chapter [22](#). The Division establishes procedures for the county assessor to redact the names of former and current police officers from electronic records available online. The Division also amends disclosure prohibitions that apply to peer support group counselors and other individuals present at crisis interventions.

Division II: Uniform Commercial Code — Fraudulent Filings

This Division amends procedures for the filing office to refuse to accept a financial statement that is out of compliance with the Uniform Commercial Code (UCC). This Division also creates a new simple misdemeanor for filing UCC records with the intent to harass or defraud.

Division III: Qualified Immunity

This Division includes provisions related to liability for monetary damages for employees and liabilities for the State and State agencies.

Division IV: Peace Officer, Public Safety, and Emergency Personnel Bill of Rights

This Division modifies the definition of complaint under Iowa Code section [80F.1](#). This Division amends procedures and rules for interviews, hearings, or other disciplinary or administrative proceedings related to complaints against individuals under Iowa Code chapter [80F](#) (Rights of Peace Officers and Public Safety and Emergency Personnel).

Division V: Officer Disciplinary Actions

This Division restricts circumstances in which an officer may be discharged, disciplined, or threatened with discharge. This Division also establishes an interim Brady-Giglio List Interim Committee.

Division VI: Peace Officers — Health Plan

This Division establishes new Iowa Code section 80.6A, related to peace officers' health insurance under the Department of Public Safety (DPS). The new provision provides that a peace officer who was covered under a collective bargaining agreement and who becomes a manager or supervisor and is no longer covered by the agreement must not lose group health insurance benefits as provided by the agreement. The provision also provides that a peace officer participating in the group health insurance plan as a manager or supervisor is required to have the option, upon retirement, to continue participation in the group health insurance plan. Any peace officer not covered under a collective bargaining agreement, employed by the DPS, who is eligible for group health insurance negotiated under Iowa Code chapter [20](#) by the State Police Officers Council (SPOC) labor union, who elects group health insurance, can only participate in the group health insurance negotiated by the SPOC labor union for peace officers.

The Division also establishes new Iowa Code section 456.13A, related to full-time officers' health insurance under the Department of Natural Resources (DNR). The provision provides that a full-time officer who was covered under a collective bargaining agreement and who becomes a manager or supervisor and is no longer covered by the agreement must not lose group health insurance benefits as provided by the agreement. The provision also provides that a full-time officer participating in the group health insurance plan as a manager or supervisor is required to have the option, upon retirement, to continue participation in the group health insurance plan. Any full-time officer of the DNR not covered under a collective bargaining agreement who is eligible for group health insurance negotiated under Iowa Code chapter 20 by the SPOC labor union, who elects group health insurance, can only participate in the group health insurance negotiated by the SPOC labor union for full-time officers of the DNR. The Division takes effect upon enactment.

Division VII: Workers' Compensation Disability Medical Benefits

This Division prohibits certain workers' compensation benefits related to medical expenses or vacation, sick, or unpaid leave from being offset under the Iowa Public Employees' Retirement System (IPERS) and the Police Officers' Retirement System (PORS). The Division requires an employer to furnish reasonable services related to health care in certain circumstances.

Division VIII: Enforcement of Laws — Peace Officers Carrying Firearms

This Division prohibits local entities from adopting or enforcing a policy or taking another action that discourages or prohibits a local entity or law enforcement department from enforcing State, local, or municipal laws. Local entities or individuals employed by a local entity are

prohibited from considering race, skin color, language, or national origin while enforcing State, local, and municipal laws except to the extent permitted by the Iowa Constitution or United States Constitution. Procedures are established for the filing of complaints concerning discrimination by individuals to the Iowa Attorney General. This Division also establishes provisions for the denial of State funds for violations of the Division.

This Division also provides that a peace officer not be prohibited from carrying a firearm while performing official duties.

This Division of the Act is effective upon enactment.

Division IX: Assaults Involving Lasers — Assault — Harassment

This Division expands the definition of assault to include intentionally pointing a laser emitting a visible light beam at another person with the intent to cause pain or injury to another. The definition does not apply to:

- A law enforcement officer who uses a laser in discharging or attempting to discharge the officer's official duties.
- A health care professional who uses a laser in providing services or to any other person who is licensed or authorized by law to use a laser or uses it in the performance of official duties.
- A person who uses a laser to play laser tag, paintball, and other similar games using light-emitting diode technology.

The Division adds civilian employees of law enforcement agencies or fire departments to the list of persons engaged in certain occupations against whom an assault is subject to an increased criminal penalty. An individual who assaults these individuals with intent to inflict serious injury or involves the use or display of a dangerous weapon is guilty of a Class D felony. An individual who assaults these individuals and causes bodily injury or mental illness is guilty of an aggravated misdemeanor, with a mandatory minimum term of imprisonment of one year.

The Division expands first degree harassment to include harassment against another person in a place of lawful public accommodation. A person who commits harassment in the first degree is guilty of an aggravated misdemeanor.

The Division expands criminal mischief in the second degree to include acts that damage, deface, alter, or destroy any publicly owned property, including monuments and statues. A person who commits criminal mischief in the second degree is guilty of a Class D felony.

This Division is effective upon enactment.

Division X: Public Disorder

This Division makes the following changes to penalties:

- Increases the penalty for a riot crime from an aggravated misdemeanor to a Class D felony (Iowa Code section [723.1](#)).
- Increases the penalty for unlawful assembly from a simple misdemeanor to an aggravated misdemeanor (Iowa Code section [723.2](#)).
- Adds the following new criteria for a crime under disorderly conduct:

- A person is guilty of a serious misdemeanor when the person, without lawful authority, obstructs any public roadway with the intent to prevent or hinder its lawful use by others.
- A person is guilty of an aggravated misdemeanor when the person:
 - Obstructs or attempts to fully obstruct a fully controlled-access facility or public roadway with certain speed restrictions.
 - Commits property damage.
 - Is present during an unlawful assembly as defined in Iowa Code section 723.2.
- A person is guilty of a Class C felony when the person causes serious bodily injury or death.
- Creates a new aggravated misdemeanor when an individual possesses a tool, instrument, or device that is intended to suppress or disrupt law enforcement from legally controlling public disorder under the provisions of Iowa Code chapter [723](#).

This Division is effective upon enactment.

Division XI: Eluding Law Enforcement — Acts on Certain Highways — Civil Liability

This Division expands eluding law enforcement to include eluding law enforcement in an unmarked vehicle or an officer who is not in uniform. Penalties for eluding law enforcement range from a serious misdemeanor to a Class C felony.

This Division prohibits operating a bicycle, skateboard, or other pedestrian conveyance on a fully controlled-access facility as defined in Iowa Code section [321.366\(2\)](#) (Acts Prohibited on Fully Controlled-Access Facilities). Fines levied under Iowa Code section 321.366 (Acts Prohibited on Fully Controlled Access Facilities) are \$135.

Immunity from civil liability is established for certain vehicle operators. The Division provides that a driver of a vehicle who is exercising due care and who injures another person who is participating in a protest, demonstration, riot, or unlawful assembly or who is engaging in disorderly conduct and is blocking traffic on a public roadway is immune from civil liability for the caused injury. This provision does not apply if the injured person was participating in a protest or demonstration with a valid permit allowing persons to do so on a public roadway.

This Division is effective upon enactment.

Division XII: Window Tinting

This Division exempts persons who operate a vehicle owned or leased by a federal, State, or local law enforcement agency from restrictions on window tinting.

Division XIII: Sheriff Salaries

This Division requires county sheriffs' salaries to be set so that they are comparable to salaries paid to professional law enforcement administrators and command officers of the State Patrol, the Division of Criminal Investigation of the Department of Public Safety, and city police chiefs employed by cities of similar population to the population of the county.

Division XIV: Civil Service Commission Examinations

This Division requires civil service commissions to hire persons with expertise to prepare and administer examinations approved by the commission for entrance and promotional examinations. Under current law, commissions may choose to hire individuals with expertise.

Assumptions for Correctional Impact

- The following will not change over the projection period: charge, conviction, and sentencing patterns and trends; 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 Act 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.
- Due to the penalty increases, it is assumed that the prison population will increase and that the associated probation population will subsequently decrease.

Correctional Impact

The Act is estimated to have a correctional impact as it will likely increase the number of individuals under correctional supervision and the LOS. The impact is detailed by criminal offense below.

Records Filed with the Intent to Harass or Defraud (Division II)

This Act establishes a serious misdemeanor for filing UCC records with the intent to harass or defraud. This is a new penalty, and the correctional impact cannot be determined.

Assault (Division IX)

The Act expands the definition of assault and the list of persons engaged in certain occupations against whom an assault is subject to an increased criminal penalty. The correctional impact of this change cannot be estimated. The average State cost for one serious misdemeanor conviction ranges from \$410 to \$7,500. The average State cost for one aggravated misdemeanor conviction ranges from \$3,700 to \$7,800. The average State cost for one Class D felony conviction ranges from \$7,700 to \$13,500.

Harassment in the First Degree (Division IX)

The Act expands the definition of harassment in the first degree. The correctional impact of this change cannot be estimated due to a lack of existing data. In FY 2020, the cost to supervise one individual convicted of an offense under Iowa Code section [708.7](#) was \$5,500.

Criminal Mischief in the Second Degree (Division IX)

The Act expands the definition of criminal mischief in the second degree, and the correctional impact cannot be estimated due to a lack of existing data. In FY 2020, the cost to supervise one correctional cohort of most serious offenses under Iowa Code chapter [716](#) was approximately \$1.2 million. This includes supervision in prison, probation, parole, and work release.

Riot Crimes (Division X)

The Act increases the penalty for a riot crime under Iowa Code section [723.1](#) from an aggravated misdemeanor to a Class D felony. Over the last five fiscal years, FY 2016 through

FY 2020, there was one prison admission for the most serious offense under Iowa Code section 723.1. The Department of Corrections (DOC) notes that individuals convicted of this crime are much more likely to be admitted to supervision under community-based corrections (CBC) rather than prison supervision. In FY 2020, there were 24 individuals who were admitted to a CBC facility on a most serious offense of a riot crime. Increasing the penalty from an aggravated misdemeanor to a Class D felony will result in an increase in admissions to prison supervision. The DOC estimates that the cost of moving one cohort of admissions for a riot crime from an aggravated misdemeanor to a Class D felony will total \$40,500.

Unlawful Assembly (Division X)

The Act increases the penalty for unlawful assembly under Iowa Code section [723.2](#) from a simple misdemeanor to an aggravated misdemeanor. In FY 2020, there were two admissions to CBC for a most serious offense of unlawful assembly. Due to the minimal counts of admissions under this crime, the DOC estimates that the correctional impact of increasing the penalty for unlawful assembly from a simple to an aggravated misdemeanor will be minimal.

Disorderly Conduct (Division X)

The Act increases the penalty for certain types of disorderly conduct under Iowa Code section [723.4](#) from a simple misdemeanor to a serious misdemeanor, aggravated misdemeanor, Class D felony, or Class C felony, depending on the circumstances and severity of the crime. The correctional impact of the Division of the Act relating to disorderly conduct cannot be determined. The Act changes the definition of disorderly conduct in such a way that it is difficult to determine penalty provisions due to the significant variance in individual circumstances and outcomes. In FY 2020, there were 154 admissions to CBC facilities for a most serious offense under Iowa Code section 723.4. The DOC estimates that some crimes that are currently categorized under simple misdemeanors would be categorized into higher penalty classes under the Act, but the extent of that increase cannot be calculated due to unavailability of existing data.

Interference with Public Disorder Control (Division X)

The Act creates a new aggravated misdemeanor when an individual possesses a tool, instrument, or device that is intended to suppress or disrupt law enforcement from legally controlling public disorder under the provisions of Iowa Code chapter 723. This is a new penalty and the correctional impact cannot be determined. The average State cost for one serious misdemeanor conviction ranges from \$410 to \$7,500. The average State cost for one aggravated misdemeanor conviction ranges from \$3,700 to \$7,800.

Eluding (Division XI)

The Act expands eluding law enforcement to include eluding law enforcement in an unmarked vehicle or an officer who is not in uniform. This change may result in additional convictions for eluding law enforcement. However, the number of additional violations that may occur as a result of this change is unknown. In FY 2020, a total of 284 individuals entered into the correctional system for violations under Iowa Code section [321.279](#).

Improper Use of Median, Curb, or Access Facility (Division XI)

The Act establishes a scheduled violation for operating a bicycle, skateboard, or other pedestrian conveyance on a fully controlled-access facility. The number of additional violations that may occur as a result of this change is unknown. This portion of the Act is not estimated to have a correctional impact.

Refer to the Legislative Services Agency (LSA) memo addressed to the General Assembly, [*Cost Estimates Used for Correctional Impact Statements*](#), dated January 22, 2021, for information related to the correctional system.

Minority Impact

The minority impact of the Act varies by criminal offense and is detailed by individual division below.

UCC Filings (Division II)

The Act establishes a new crime, and the minority impact of this change is unknown.

Assault (Division IX)

The Act expands the definition of assault and the list of persons engaged in certain occupations against whom an assault is subject to an increased criminal penalty. In FY 2020, the racial breakdown of the cohort of individuals admitted to correctional supervision for assault offenses was 75.0% Caucasian and 16.0% African American. In FY 2020, Caucasians and African Americans made up 89.9% and 4.1% of the Iowa adult population, respectively. The conviction rate for African Americans exceeds the population proportion of the State, which would lead to a racial impact if trends remain constant. Due to low numbers of other minority populations, the impact on those populations cannot be assessed.

Harassment in the First Degree (Division IX)

The Act establishes a new crime under the definition of harassment in the first degree. In FY 2020, the racial breakdown of the cohort of individuals admitted to correctional supervision for the offense of harassment in the first degree was 73.0% Caucasian and 19.0% African American. In FY 2020, Caucasians and African Americans made up 89.9% and 4.1% of the Iowa adult population, respectively. The conviction rate for African Americans exceeds the population proportion of the State, which

would lead to a racial impact if trends remain constant. Due to low numbers of other minority populations, the impact on those populations cannot be assessed.

Criminal Mischief in the Second Degree (Division IX)

The Act expands the definition of criminal mischief in the second degree. In FY 2020, the racial breakdown of the cohort of individuals admitted to correctional supervision for criminal mischief in the second degree was 74.0% Caucasian and 21.0% African American. In FY 2020, Caucasians and African Americans made up 89.9% and 4.1% of the Iowa adult population, respectively. The conviction rate for African Americans exceeds the population proportion of the State, which would lead to a racial impact if trends remain constant. Due to low numbers of other minority populations, the impact on those populations cannot be assessed.

Riot Crimes (Division X)

The Act increases the existing penalty for a riot crime from an aggravated misdemeanor to a Class D felony. In FY 2020, the racial breakdown of the cohort of individuals admitted to correctional supervision for riot crime offenses was 29.0% Caucasian and 71.0% African American. In FY 2020, Caucasians and African Americans made up 89.9% and 4.1% of the Iowa adult population, respectively. The conviction rate for African Americans exceeds the population proportion of the State, which would lead to a racial impact if trends remain constant. Due to low numbers of other minority populations, the impact on those populations cannot be assessed.

Unlawful Assembly (Division X)

The Act increases the penalty for unlawful assembly under Iowa Code section 723.2. Due to low numbers of convictions of unlawful assembly, the minority impact on those populations cannot be assessed.

Disorderly Conduct (Division X)

The Act increases the penalty for certain types of disorderly conduct depending on the circumstances and severity of the crime. In FY 2020, the racial breakdown of the cohort of individuals admitted to correctional supervision for disorderly conduct was 56.0% Caucasian and 30.0% African American. In FY 2020, Caucasians and African Americans made up 89.9% and 4.1% of the Iowa adult population, respectively. The conviction rate for African Americans exceeds the population proportion of the State, which would lead to a racial impact if trends remain constant. Due to low numbers of other minority populations, the impact on those populations cannot be assessed.

Interference with Public Disorder Control (Division X)

The Act establishes a new crime, and the minority impact of this change is unknown.

Eluding (Division XI)

The Act expands eluding law enforcement to include eluding law enforcement in an unmarked vehicle or an officer who is not in uniform. This change may result in additional convictions for eluding law enforcement. Of the 284 individuals who entered the correctional system

for a violation of Iowa Code section 321.279 in FY 2020, 211 (74.2%) were Caucasian, and 54 (19.0%) were African American. In FY 2020, Caucasians and African Americans made up 89.9% and 4.1% of the Iowa adult population, respectively. The conviction rate for African Americans exceeds the population proportion of the State, which would lead to a racial impact if trends remain constant. Due to low numbers of other minority populations, the impact on those populations cannot be assessed.

Improper Use of Median, Curb, or Access Facility (Division XI)

The Act establishes a scheduled violation for operating a bicycle, skateboard, or other pedestrian conveyance on a fully controlled-access facility. In FY 2020, the racial breakdown of individuals convicted for this violation was 65.0% Caucasian and 11.1% African American. In FY 2020, Caucasians and African Americans made up 89.9% and 4.1% of the Iowa adult population, respectively. The conviction rate for African Americans exceeds the population proportion of the State, which would lead to a racial impact if trends remain constant. Due to low numbers of other minority populations, the impact on those populations cannot be assessed.

Refer to the LSA memo addressed to the General Assembly, [*Minority Impact Statement*](#), dated January 27, 2021, for information related to minorities in the criminal justice system.

Fiscal Impact

The following divisions are not expected to have a fiscal impact.

- Division I: Public Records — Communications in Professional Confidence
- Division II: Uniform Commercial Code — Fraudulent Filings
- Division III: Qualified Immunity
- Division IV: Peace Officer, Public Safety, and Emergency Personnel Bill of Rights
- Division V: Officer Disciplinary Actions
- Division XII: Window Tinting
- Division XIV: Civil Service Commission Examinations

The fiscal impact of the following divisions is unknown.

- Division VI: Peace Officers — Health Plan
- Division VII: Workers' Compensation — Disability Medical Benefits
- Division VIII: Enforcement of Laws
- Division XIII: Sheriff Salaries

The fiscal impact of new penalties established in this Act is addressed below. The establishment of new crimes and changes to existing crimes and existing criminal penalties as provided by the Act may impact criminal fine and surcharge revenue, but the impact of these changes cannot be determined at this time.

Records Filed with the Intent to Harass or Defraud (Division II)

This Act establishes a serious misdemeanor for filing UCC records with the intent to harass or defraud. This is a new penalty, and the fiscal impact cannot be determined. The average State cost for one serious misdemeanor conviction ranges from \$410 to \$7,500. The minimum cost includes court time for a district associate judge or district court judge, court reporter, judicial specialist, and clerk of court staff. The maximum cost includes court time plus costs for indigent defense, State prison, and parole supervision.

Assault (Division IX)

The Act expands the definition of assault and the list of persons engaged in certain occupations against whom an assault is subject to an increased criminal penalty. The fiscal impact of this provision cannot be determined due to the lack of data. **Table 1** shows the increase in cost for the average State cost per offense class type for one conviction of assault on a civilian employee of a law enforcement agency or fire department, as well as the cost of one conviction of other types of assault. The cost estimate includes operating costs incurred by the Judicial Branch, the State Public Defender, and the DOC for one conviction. The cost would be incurred across multiple fiscal years for prison and parole supervision.

Table 1 — Average State Cost Per Offense Class Type

Offense Class	Cost Per Conviction	
	Minimum	Maximum
Class D Felony	\$ 7,700	\$ 13,500
Aggravated Misdemeanor	3,700	7,800
Serious Misdemeanor	410	7,500

Harassment in the First Degree (Division IX)

The Act expands the definition of harassment in the first degree to include new actions previously not criminalized under Iowa Code section [708.7](#). The fiscal impact of this provision cannot be determined due to the lack of data. **Table 2** contains cost estimates for the average State cost per offense class type for one conviction of harassment in the first degree. The cost estimate includes operating costs incurred by the Judicial Branch, the State Public Defender, and the DOC for one conviction. The cost would be incurred across multiple fiscal years for prison and parole supervision.

Table 2 — Average State Cost Per Offense Class Type

Offense Class	Minimum Cost	Maximum Cost
Aggravated Misdemeanor	\$ 3,700	\$ 7,800

Criminal Mischief in the Second Degree (Division IX)

The Act expands the definition of criminal mischief in the second degree to include new actions previously not criminalized under Iowa Code chapter [716](#). The fiscal impact of this provision cannot be determined due to the lack of data. **Table 3** contains cost estimates for the average State cost per offense class type for one conviction of criminal mischief in the second degree. The cost estimate includes operating costs incurred by the Judicial Branch, the State Public Defender, and the DOC for one conviction. The cost would be incurred across multiple fiscal years for prison and parole supervision.

Table 3 — Average State Cost Per Offense Class Type

Offense Class	Minimum Cost	Maximum Cost
Class D Felony	\$ 7,700	\$ 13,500

Riot Crimes (Division X)

The Act increases the penalty for a riot crime under Iowa Code section 723.1 from an aggravated misdemeanor to a Class D felony. The fiscal impact of this provision cannot be determined due to the lack of data. **Table 4** shows the increase in cost for the average State cost per offense class type for one conviction of a riot crime. The cost estimate includes operating costs incurred by the Judicial Branch, the State Public Defender, and the DOC for one conviction. The cost would be incurred across multiple fiscal years for prison and parole supervision.

Table 4 — Average State Cost Per Offense Class Type

Offense Class	Cost Per Conviction	
	Minimum	Maximum
Class D Felony	\$ 7,700	\$ 13,500
Aggravated Misdemeanor	3,700	7,800
Total Cost Increase	\$ 4,000	\$ 5,700

Unlawful Assembly (Division X)

The Act increases the penalty for unlawful assembly under Iowa Code section 723.2 from a simple misdemeanor to an aggravated misdemeanor. The fiscal impact of this provision cannot be determined due to the lack of data. **Table 5** shows the increase in cost for the average State cost per offense class type for one conviction of unlawful assembly. The cost estimate includes operating costs incurred by the Judicial Branch, the State Public Defender, and the DOC for one conviction. The cost would be incurred across multiple fiscal years for prison and parole supervision.

Table 5 — Average State Cost Per Offense Class Type

Offense Class	Cost Per Conviction	
	Minimum	Maximum
Aggravated Misdemeanor	\$ 3,700	\$ 7,800
Simple Misdemeanor	40	350
Total Cost Increase	\$ 3,660	\$ 7,450

Disorderly Conduct (Division X)

The Act increases the penalty for certain types of disorderly conduct from a simple misdemeanor to a serious misdemeanor, aggravated misdemeanor, Class D felony, or Class C felony, depending on the circumstances and severity of the crime. The fiscal impact of this provision cannot be determined due to the lack of data. **Table 6** shows the increase in cost for the average State cost per offense class type for one conviction of disorderly conduct. The cost estimate includes operating costs incurred by the Judicial Branch, the State Public Defender, and the DOC for one conviction. The cost would be incurred across multiple fiscal years for prison and parole supervision.

Table 6 — Average State Cost Per Offense Class Type

Offense Class	Cost Per Conviction	
	Minimum	Maximum
Serious Misdemeanor	\$ 410	\$ 7,500
Simple Misdemeanor	40	350
Total Cost Increase	\$ 370	\$ 7,150
Aggravated Misdemeanor	\$ 3,700	\$ 7,800
Simple Misdemeanor	40	350
Total Cost Increase	\$ 3,660	\$ 7,450
Class D Felony	\$ 7,700	\$ 13,500
Simple Misdemeanor	40	350
Total Cost Increase	\$ 7,660	\$ 13,150
Class C Felony	\$ 9,900	\$ 19,200
Simple Misdemeanor	40	350
Total Cost Increase	\$ 9,860	\$ 18,850

Interference with Public Disorder Control (Division X)

The Act establishes a new crime, and the fiscal impact of this change is unknown.

Eluding (Division XI)

The Act expands eluding law enforcement to include eluding law enforcement in an unmarked vehicle or an officer who is not in uniform. This change may result in additional convictions for eluding law enforcement. However, the extent to which convictions may increase is unknown. In FY 2020, a total of 284 individuals entered into the correctional system for violations under Iowa Code section 321.279. The average State cost for one serious misdemeanor conviction ranges between \$410 to \$7,500. The average State cost for one aggravated misdemeanor conviction ranges from \$3,700 to \$7,800. The minimum cost includes court time for a district associate judge or a district court judge, court reporter, judicial specialist, and clerk of court staff, plus the costs of probation supervision. The average State cost for one Class D felony conviction ranges from \$7,700 to \$13,500. The minimum cost includes court time for a district court judge, court reporter, judicial specialist, and clerk of court staff, plus the costs of indigent defense and probation supervision. The average State cost for one Class C felony conviction ranges from \$9,900 to \$19,200. The minimum cost includes court time for a district court judge, court reporter, judicial specialist, and clerk of court staff, plus the costs of indigent defense and probation supervision.

Improper Use of Median, Curb, or Access Facility (Division XI)

The Act establishes a scheduled violation for operating a bicycle, skateboard, or other pedestrian conveyance on a fully controlled-access facility. The number of additional violations that may occur as a result of this change is unknown.

Table 7 provides a summary of the correctional, minority, and fiscal impacts of the Act by criminal offense.

Table 7 — Summary of Impacts of Criminal Offense Changes

Criminal Offense	Division	Correctional Impact	Minority Impact*	Fiscal Impact
UCC Records	II	Unable to determine	Unknown	Unknown
Assault	IX	Unable to determine	Yes, if trends continue	Unable to determine but likely
Harassment (1st degree)	IX	Unable to determine	Yes, if trends continue	Unable to determine but likely
Criminal Mischief (2nd degree)	IX	Unable to determine	Yes, if trends continue	Unable to determine but likely
Riot Crimes	X	Yes - Est. \$40,500	Yes, if trends continue	Unable to determine but likely
Unlawful Assembly	X	Minimal	Yes, if trends continue	Unable to determine but likely
Disorderly Conduct	X	Unable to determine but likely	Yes, if trends continue	Unable to determine but likely
Interference with Pub. Dis. Control	X	Unable to determine	Unknown	Unknown
Eluding Law Enforcement	XI	Unable to determine	Yes, if trends continue	Unknown
Improper use of median, curb, access	XI	Unable to determine	Yes, if trends continue	Unknown

*This column displays whether minorities are disproportionately convicted of established crimes. If existing trends continue and convictions increase, the Bill may result in a minority impact. The number of additional convictions that may result from the passage of the Bill is unknown.

Effective Date

This Act is effective July 1, 2021.

Enactment Date

This Act was approved by the General Assembly on May 18, 2021, and signed by the Governor on June 17, 2021.

Sources

Department of Corrections

Division of Criminal and Juvenile Justice Planning, Department of Human Rights

Iowa State Association of Counties

LSA analysis

LSA analysis

[SF 357](#) – Juvenile Defendant in Adult Court, Detention (LSB1277SV.2)

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Fiscal Note Version – Final Action

Description

[Senate File 357](#) relates to the placement of a child (a person under age 18) in detention. The Act provides that if the court has waived its jurisdiction over a child pursuant to Iowa Code section [232.45](#) or [232.45A](#), the child being tried as an adult shall not be placed in an adult detention facility while awaiting trial or other legal processes, unless the court determines that it is in the best interest of the child and the community. The Act outlines the factors to be considered by the court in making the determination. The Act also outlines several conditions that must apply if a child is detained in a facility intended for the detention of adults. The Act takes effect December 18, 2021.

Background

In December 2018, Congress passed the [Juvenile Justice Reform Act of 2018 \(JJRA\)](#), which reauthorized the [Juvenile Justice Delinquency Prevention Act \(JJDPA\)](#). A new provision of the federal law prohibits states from placing youth under 18 years old in adult jails if they are being prosecuted as an adult and awaiting trial. The federal law allows a youth to be placed in an adult jail if the court determines after a hearing that placement in an adult facility is in the best interest of the juvenile and community.

Iowa has two types of juvenile detention centers (JDCs): county-owned and regional facilities. There are four county-owned facilities (Woodbury, Polk, Linn, and Scott) and five regional facilities (North Iowa JDC, Central Iowa JDC, Northwest Iowa JDC, Southwest Iowa JDC, and South Iowa Area JDC). Over the last five years, there were an average of 409 adult court waiver holds per year. Of those holds, 255 (62.3%) were at JDCs and 154 (37.7%) at adult jails. The average length of stay at JDCs for adult court waiver youth is 28.1 days, and the average length of stay at adult jails is 57.8 days.

Currently, Polk, Linn, Pottawattamie, Johnson, Story, and Woodbury counties do not hold juveniles at their adult jails. Adult court waiver youth are already detained at JDCs or at other county jails. Those counties, along with Scott, Black Hawk, and Dubuque counties, account for many of the adult court waiver youth in the State.

Assumptions

- Noncompliance with the new requirements in the JJDPA will result in a loss of juvenile justice grant funding from the federal Office of Juvenile Justice and Delinquency Prevention (OJJDP).
- On average, 59.7% of beds would be used on a daily basis if all those under 18 are held in JDCs. Placing all youth in JDCs instead of county jails would increase the number of juveniles detained by 5.3% on average.
- The average cost to detain a youth in a JDC is about \$175 per day. The average cost to detain an individual in an adult jail is approximately \$50 to \$60 per day.

Fiscal Impact

Senate File 357 is estimated to have a positive fiscal impact to the State. The provisions in this Act would modify the Iowa Code to be consistent and in compliance with the new federal requirement, which would ensure that Iowa will maintain its annual federal award from the OJJDP. Annually, Iowa receives a minimum of \$400,000 in Title II formula funds from the OJJDP, along with discretionary grants averaging an additional \$400,000. The majority of the funds are for services provided to youth in the juvenile justice system.

The fiscal impact of this Act on counties is estimated to be minimal. For county-owned JDCs, there is no fiscal impact to the county because the facility is already funded through the county budget and the JDC does not charge a fee to the adult jail to detain adult court waiver youth. For regional facilities, which serve a group of counties, there may be an increase in juvenile detention costs for the counties placing youth at these facilities when the youth are moved from the adult jail and the JDC charges the county for the hold. However, the impact is estimated to be minimal because the majority of adult court waiver youth are currently already being held at JDCs.

Effective Date

This Act takes effect December 18, 2021.

Enactment Date

This Act was approved by the General Assembly on April 13, 2021, and signed by the Governor on April 30, 2021.

Source

Division of Criminal and Juvenile Justice Planning, Department of Human Rights

[SF 413](#) – Elections (LSB2298SV.3)

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Fiscal Note Version – Final Action

Description

[Senate File 413](#) relates to the conduct of elections, including absentee ballots and voter list maintenance activities, and makes penalties applicable. This Act takes effect upon enactment.

Election Misconduct and Applicable Penalties

Senate File 413 creates penalties for election officials who willfully fail to perform duties. Specifically, this Act changes the following offenses to apply to the individuals specified:

- *Election misconduct in the first degree* — Election officials who fail to perform duties prescribed in Iowa Code chapters [39](#) through [53](#), with the exception of voter registration maintenance; fail to follow or implement guidance issued by the Secretary of State's (SOS) Office; or perform duties in a way that hinders or disregards the object of the law.
- *Election misconduct in the second degree* — Election officials who fail to perform voter list maintenance as found through an audit by the SOS Office and investigated by the relevant county attorney and Attorney General.
- *Election misconduct in the third degree* — Election officials who interfere with a person who is allowed to be at a polling place.

This Act also applies election misconduct in the third degree to a person who returns a voted absentee ballot, including to a ballot drop box, who is not the registered voter, an individual who lives in the same household as the registered voter, an immediate family member of the registered voter, a caregiver of the registered voter, or an election official assisting a registered voter who became a patient, tenant, or resident of a hospital, assisted living program, or health facility. Election misconduct in the third degree is also applied to a person who makes a false or untrue statement that an absentee ballot was returned by a prohibited person.

Senate File 413 also requires the SOS Office to issue a fine of up to \$10,000 to county commissioners upon issuance of a technical infraction. A county commissioner who does not pay a fine that was not dismissed pursuant to Iowa Code chapter [17A](#) is to be suspended from office for a period not to exceed two years.

This Act requires the Attorney General and county attorney to investigate allegations of election misconduct for prosecution under Iowa Code chapter [721](#) and submit the results to the SOS Office. This Act also requires the SOS Office to conduct an audit of counties' voter registration maintenance activities in April of each odd-numbered year and submit any audits that identified failure to perform required voter list maintenance to the Attorney General and county attorney for investigation.

NOTE: [Senate File 568](#) (Election Omnibus Act) Section 43 strikes Senate File 413 (Elections Act) Section 65 regarding authorized returns of absentee ballots and replaces the section with amended requirements. Senate File 568 amended requirements provides that only the

following individuals can collect and return an absentee ballot: the registered voter; an individual living in the same household as the voter; an individual acting in accordance with Iowa Code section [53.22](#); or a delivery agent acting on behalf of a voter who is unable to return their own ballot due to a reason of blindness or other disability. Senate File 568 defines an immediate family member as an individual related to a registered voter within the fourth degree of consanguinity or affinity and defines a delivery agent as an individual designated to return an absentee ballot by another registered voter who is unable to return their own ballot due to a reason of blindness or other disability. Senate File 658 also provides additional requirements for delivery agents.

Other Provisions

Senate File 413 also includes the following changes:

- Establishes provisions regarding persons serving in voting units of conference boards.
- Prohibits nominations by a nonparty political organization for a person who was nominated by a political party for the same office in the same election.
- Prohibits nomination papers from being filed on behalf of a candidate if nomination papers have been filed on behalf of the candidate for the same office and election year.
- Changes the required convention or caucus size for nominees from nonparty political organizations.
- Makes certain changes to signature requirements for nomination papers and petitions.
- Allows the SOS Office to issue guidance on elections and eliminates home rule power for county commissioners.
- Requires the SOS Office to verify all voters in the statewide voter registration file annually and submit a report to the General Assembly regarding the number of registrations canceled.
- Requires the SOS Office to update voter registration information using the Electronic Registration Information Center (ERIC).
- Changes the voter registration deadline to 5:00 p.m. 15 days before each election and requires confirmation notices sent to voters who may have moved to be returned 15 days before an election.
- Requires voter identification cards to include the times during which polling places will be open on election days.
- Requires each county commissioner to participate in the United States Postal Service National Change of Address (NCOA) Program, send a notice to and mark as inactive a voter who has not participated in the most recent general election and has not reported a change of address or registered again, and report inactive records annually to the SOS Office.
- Allows oversight of county commissioners by the SOS Office during election periods.
- Requires replacement of individuals on a precinct election board following a party affiliation change.
- When there is a change to a polling place, requires notices to be mailed to all registered voters in the precinct and posted in the county commissioner's office and on the county commissioner's Internet site not less than seven days, but not more than 20 days, before the election.
- Changes polling place closing time to 8:00 p.m. for all elections.
- Until November 7, 2024, requires the Legislative Services Agency (LSA) to post on its website the opening and closing times of polling places.
- Prohibits individuals who are standing for election on the ballot from assisting voters in casting a ballot or from occupying the voting booth with the voter.

- Authorizes law enforcement to take reasonable actions to prevent violation of Iowa Code chapter 50 (Canvass of Voters).
- Changes from three hours to two hours the amount of time that an employee is entitled to take off from work in order to vote.
- Changes the number of days prior to an election that any registered voter can apply for an absentee ballot from 120 days to 70 days.
- Allows county commissioners to send an absentee ballot application to a voter only at the request of the voter.
- Prohibits absentee ballot applications from being provided with any field prefilled, excluding the type and date of the election.
- Requires county commissioners to provide necessary information for the SOS Office to publish daily reports by county on the number of absentee ballot request forms received, the number of absentee ballots sent, and the number of absentee ballots received, including the method of delivery.
- Requires the county commissioner to notify a voter within 24 hours that the absentee ballot application cannot be processed if the application is received between 5:00 p.m. on the 15th day before an election and 5:00 p.m. on the seventh day before an election.
- Changes the number of days prior to an election that an absentee ballot can be mailed to a voter from 29 days to 20 days and prohibits an absentee ballot from being mailed to any person who did not apply for an absentee ballot.
- Changes the number of days before an election for in-person absentee voting at a county commissioner's office and satellite locations from 29 days to 20 days and eliminates the county commissioners' ability to establish satellite absentee voting stations at their discretion.
- Requires absentee ballots to be received by the county commissioners before polls close on election day with exceptions for uniformed citizens, overseas citizens, and program participants of the address confidentiality program.
- Limits drop boxes to one per county and establishes guidelines.
- Changes the process for a county commissioner to notify a voter that an absentee ballot is incomplete.
- Specifies that an affidavit that lacks the voter's signature is to be considered incomplete.
- Directs counties and special voters precinct boards to record absentee ballot statistics, including additional tracking requirements, and requires submission to the SOS Office on a daily basis and following an election.
- Makes certain changes to county elections.
- Until November 7, 2024, requires county treasurers to provide the hours during which polling places are open on election days to titleholders on statements of taxes due.

The fiscal impact associated with the above provisions of this Act cannot be estimated at this time. The fiscal impact discussed below relates only to the added penalties of election misconduct.

Background

- There are approximately 2.1 million active, registered voters in Iowa. During the 2020 general election, approximately 1.0 million voters cast an absentee ballot. **Table 1** provides additional voting information.

Table 1 — Secretary of State’s Office General Election Turnout Report

General Election	Election Day Voters	Absentee Voters	Total Voters	Active/Registered Voters	% Active Voter Turnout	Inactive/Registered Voters	% Total Voter Turnout
2016	934,219	647,152	1,581,371	2,000,567	79.1%	172,418	72.8%
2018	787,074	547,205	1,334,279	2,011,617	66.3%	156,297	61.6%
2020	698,557	1,001,573	1,700,130	2,094,770	81.2%	148,988	75.8%

NOTE: Numbers of active and inactive voters for 2016 are as of November 8, 2016; 2018 numbers are as of November 6, 2018; and 2020 numbers are as of November 3, 2020.

- Per Iowa Code chapter [47](#), the SOS Office is designated as the State commissioner of elections and Iowa county auditors are designated as the county commissioners of elections.
- Under current law, most violations of election law under Iowa Code chapters [39](#) through [53](#) are prosecuted under Iowa Code chapter [39A](#). According to the Criminal and Juvenile Justice Planning Division (CJJP) of the Department of Human Rights, in FY 2019 and FY 2020, there were five convictions of election misconduct in the first degree and seven convictions of election misconduct in the third degree.
- Election misconduct in the first degree is a Class D felony, which is punishable by confinement for no more than five years and a fine of at least \$1,025 but not more than \$10,245.
- Election misconduct in the second degree is an aggravated misdemeanor, which is punishable by confinement for no more than two years and a fine of at least \$855 but not more than \$8,540.
- Election misconduct in the third degree is a serious misdemeanor, which is punishable by confinement for no more than one year and a fine of at least \$430 but not more than \$2,560.

Assumptions

- The following will not change over the projection period: charge, conviction, and sentencing patterns and trends, 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 Act 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.
- The Attorney General’s Office anticipates that cases of election misconduct may be referred to its office instead of county attorneys.
- The Attorney General’s Office may need to hire 1.0 full-time equivalent (FTE) investigator experienced in election misconduct. If an experienced investigator is hired, the cost could be up to approximately \$117,000. However, the cost of an entry-level attorney position would be approximately \$72,000. For estimation purposes, a midpoint is used for the estimated cost.
- The Attorney General’s Office currently employs one Assistant Attorney General (AAG) to support elections and advise the SOS Office in a partial capacity; however, the Attorney General’s Office may need to have 1.0 AAG FTE position entirely devoted to election issues.

Correctional Impact

The correctional impact of SF 413 cannot be determined. This Act establishes new criminal provisions, and no historical data exists to make a reliable estimate.

Table 2 below shows estimates for sentencing to State prison, parole, probation, or Community-Based Corrections (CBC) residential facilities; LOS under those supervisions; and supervision marginal costs per day for all convictions ranging from serious misdemeanors to Class D felonies. Refer to the Legislative Services Agency (LSA) memo addressed to the General Assembly, [Cost Estimates Used for Correctional Impact Statements](#), dated January 22, 2021, for information related to the correctional system.

Table 2 — Sentencing Estimates and LOS

Conviction Offense Class	Percent to Prison	Avg Length of Stay Prison (months)	FY 20 Marginal Cost/Day Prison	Percent Ordered to Probation	Avg LOS on Probation (months)	Avg Cost Per Day on Probation	Percent Sentenced to CBC Residential Facility	FY 20 Marginal Cost CBC Per Day	Percent Ordered to County Jail	Avg LOS in County Jail	Marginal Cost Per Day	Avg LOS on Parole (months)	FY 20 Average Cost Per Day Parole
Class D Felony (Non-Persons)	76.0%	11.6	\$20.33	64.5%	33.4	\$5.38	12.3%	\$14.78	34.0%	N/A	\$50.00	12.6	\$5.38
Aggravated Misdemeanor (Non-Persons)	32.0%	11.6	\$20.33	69.8%	22.3	\$5.38	9.5%	\$14.78	39.6%	N/A	\$50.00	4.4	\$5.38
Serious Misdemeanor	2.0%	5.0	\$20.33	56.0%	13.4	\$5.38	1.0%	\$14.78	69.0%	N/A	\$50.00	2.4	\$5.38

Minority Impact

Of the 12 election misconduct convictions in FY 2019 and FY 2020, 83.3% were committed by Caucasian offenders and 16.7% were committed by African American offenders. In FY 2020, Caucasians and African Americans made up 89.9% and 4.1% of the adult population of the State of Iowa, respectively.

Senate File 413 establishes new criminal provisions to include actions not previously penalized under Iowa Code chapter 39A. As a result, the CJJP cannot use prior existing data to estimate the minority impact. Refer to the LSA memo addressed to the General Assembly, [Minority Impact Statement](#), dated January 27, 2021, for information related to minorities in the criminal justice system.

Fiscal Impact

Senate File 413 establishes new criminal provisions, and the resulting cost to the justice system cannot be estimated. **Table 3** shows estimates for the average State cost per offense class type. The estimates include operating costs incurred by the Judicial Branch, the State Public Defender, and the Department of Corrections (DOC) for one additional conviction. The cost would be incurred across multiple fiscal years for prison and parole supervision.

Table 3 — Average State Cost Per Offense Class Type

Offense Class	Total Minimum Cost	Total Maximum Cost
Serious Misdemeanor	\$410	\$7,500
Aggravated Misdemeanor	\$3,700	\$7,800
Class D Felony	\$7,700	\$13,500

The DOC has stated that crimes against professionals are rare and assumes that county commissioners and election officials are likely to comply with this Act. It is assumed that county commissioners will adhere to the new provisions and little revenue will be generated to the General Fund as a result of technical infraction fines.

For the Attorney General's Office to hire an investigator at the Investigator 4 position, it would cost approximately \$94,000 annually; there would be approximately \$59,000 in additional annual expenses for an AAG 3 position fully dedicated to elections. These costs include salary and benefits.

As stated previously, the fiscal impact of the various provisions outlined on pages 1 and 2 of this ***Fiscal Note*** could not be estimated.

Effective Date

This Act is effective March 8, 2021.

Enactment Date

This Act was approved by the General Assembly on February 24, 2021, and signed by the Governor on March 8, 2021.

Sources

Department of Human Rights, Division of Criminal and Juvenile Justice Planning

Department of Corrections

Office of the Attorney General

Secretary of State General Election Voter Turnout Reports

SF 450 – Dependent Adult Abuse (LSB2462SV.2)

Staff Contact: Laura Book (515.725.0509) laura.book@legis.iowa.gov

Fiscal Note Version – Final Action

Description

[Senate File 450](#) relates to dependent adult abuse and provides penalties. The Act provides that a caretaker who intentionally or recklessly commits dependent adult abuse on a dependent adult under Iowa Code chapter [235B](#), resulting in the death of the dependent adult, is guilty of second degree murder under Iowa Code section [707.3](#). This provision also applies to a caretaker who intentionally or recklessly commits dependent adult abuse resulting in death of a dependent adult in violation of Iowa Code chapter [235E](#) pursuant to Iowa Code section [235E.4](#).

Background

Murder in the second degree is a Class B felony punishable by a period of confinement of not more than 50 years. Under Iowa Code chapter 235B, a caretaker is defined as a related or nonrelated person who has the responsibility for the protection, care, or custody of a dependent adult as a result of assuming the responsibility voluntarily, by contract, through employment, or by order of the court. A “caretaker” for purposes of Iowa Code chapter 235E means a person who is a staff member of a facility or program who provides care, protection, or services to a dependent adult voluntarily, by contract, through employment, or by order of the court.

Assumptions

- The following will not change over the projection period: charge, conviction, and sentencing patterns and trends, 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 Act 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.

Correctional Impact

Senate File 450 establishes a new penalty for abuse resulting in death under Iowa Code chapters 235B and 235E. In FY 2019 and FY 2020, there were a total of 12 convictions involving injury of a dependent adult by a community caretaker under Iowa Code section [235B.20](#). No charges have been filed for dependent adult abuse at a facility under Iowa Code chapter 235E. Since SF 450 expands the charges for dependent adult abuse, the impact cannot be determined, but the impact would likely be minimal due to the small number of convictions for dependent adult abuse involving injury.

Table 1 provides estimates for sentencing to State prison and marginal costs per day for all convictions of second degree murder. Refer to the Legislative Services Agency (LSA) memo addressed to the General Assembly, [Cost Estimates Used for Correctional Impact Statements](#), dated January 22, 2021, for information related to the correctional system.

Table 1 — LOS and Sentencing

Conviction Offense Class	Percent to Prison	Avg Length of Stay Prison (months)	FY 20 Marginal Cost/Day Prison
Murder Second Degree (No Parole)	100.0%	510.0	\$20.33

Minority Impact

Of the 12 convictions for injury of a dependent adult in FY 2019 and FY 2020, 93.8% of the convictions involved Caucasian offenders, 4.2% were African American offenders, and 2.0% involved offenders classified as Other. In FY 2020, Caucasians and African Americans made up 89.9% and 4.1% of the adult population of the State of Iowa, respectively.

Since SF 450 expands the charges for dependent adult abuse and establishes a new penalty, the Criminal and Juvenile Justice Planning Division (CJJP) of the Department of Human Rights cannot use existing data to estimate the minority impact. The impact is estimated to be minimal due to the small number of convictions under the current statutes. Refer to the LSA memo addressed to the General Assembly, [Minority Impact Statement](#), dated January 27, 2021, for information related to minorities in the criminal justice system.

Fiscal Impact

Senate File 450 expands the charges for dependent adult abuse and the penalties applicable under Iowa Code chapters 235B and 235E, and the fiscal impact cannot be estimated. The average cost per conviction of second degree murder is approximately \$320,000. The cost estimate includes operating costs incurred by the Judicial Branch, the State Public Defender, and the Department of Corrections for one conviction. The cost would be incurred across multiple fiscal years for prison and parole supervision.

Effective Date

This Act is effective on July 1, 2021.

Enactment Date

This Act was approved by the General Assembly on April 14, 2021, and signed by the Governor on April 30, 2021.

Sources

CJJP, Department of Human Rights
Department of Corrections
Judicial Branch

SF 546 – Competent Private Instruction (LSB2219SV.2)

Staff Contact: Lora Vargason (515.725.2249) lora.vargason@legis.iowa.gov

Fiscal Note Version – Final Action

Description

Senate File 546 does the following:

- Eliminates the provision for the Department of Education or area education agencies to provide an online learning platform to students receiving independent private instruction.
- Provides technical corrections to clarify that both competent private instruction and independent private instruction are considered private instruction.
- Clarifies that competent private instruction can be under the supervision of a licensed instructor or can be provided by a parent, guardian, or legal custodian.
- Changes the reporting date of the annual evaluation of a student under competent private instruction from June 30 to August 1, changes the date to complete the annual assessment of a student under competent private instruction from May 1 to May 31, and aligns assessment requirements with those of the statewide assessment.
- Adds pedestrian awareness instruction to driver education courses.
- Allows all students under private instruction to be allowed to use parent-taught driver education.
- Eliminates certain time requirements for parent-taught driver education and reduces the number of hours of required driving time.
- Aligns documentation for parent-taught driver education course completion and certification with Department of Transportation (DOT) requirements.
- Allows any student of compulsory attendance age to use parent-taught driver education.

Background

Private instruction, sometimes referred to as homeschooling, can be provided in multiple ways in the State of Iowa. Students in private instruction can be supported by a certified teacher, through a school district, without a certified teacher, or through a nonaccredited school. Different opportunities and requirements apply depending on what method of private instruction is used for the student. More information on the methods of private instruction can be found [here](#).

In Iowa, the DOT requires drivers under the age of 18 seeking an intermediate driver's license to meet the following requirements:

- Be at least 16 years old.
- Complete an Iowa-approved driver education course.
- Have had an instruction permit for a total of at least one year and a clean driving record for at least six consecutive months immediately before applying for an intermediate driver's license.

- Successful completion of a driving test overseen by a driver education instructor or at the driver's license issuance site.
- Parent or guardian written consent.

Driver education courses in Iowa can be administered through public and private high schools or professional driving schools. The cost of these courses can range from \$275 to \$390. Students who are eligible to receive free or reduced-price meals may qualify for a fully waived or reduced fee. Currently, 48 companies provide driver education courses across the State to approximately 21,000 students.

2013 Iowa Acts, chapter [121](#), amended Iowa Code section [321.178A](#) to allow for a teaching parent of a homeschooled child to provide private driving instruction to the parent's child. Parent-taught driver education requires the purchase of an online classroom course, which costs from \$75 to \$260. Three of the four vendors providing online coursework are not based in Iowa.

More than 35,000 intermediate driver's licenses are issued each year, with fewer than 500 students using parent-taught driver education. The majority of students who have completed driver education through a high school or professional driving school will have completed the required driving test; therefore, limited administrative processing is required by the DOT.

Assumptions

- The DOT will issue an average of 35,000 intermediate driver's licenses per year.
- The majority of students taking driver education courses are of compulsory attendance age as defined in Iowa Code chapter [299](#). Students 17 years of age or older will not be allowed to use parent-taught driver education under this Act.
- Senate File 546 as amended will increase the number of students receiving parent-taught driver education to 50.0%.
- Administration of the approval and review process under SF 546 as amended is estimated to increase full-time equivalent (FTE) staff costs to the DOT's Motor Vehicles Division by a total of 4,375 hours, or 2.0 FTE positions, per year. The average salary of a DOT Administrative Assistant II position, the position that currently manages the parent-taught driver education program, is \$61,000, including benefits.
- Administration of driving skills testing by the DOT under SF 546 as amended is estimated to increase FTE costs to the DOT's Motor Vehicle Division by a total of 13,125 hours, or 6.0 FTE positions, per year. The average salary of a DOT Driver's License Examiner is \$53,000, including benefits. County treasurer offices may bear some of this cost as they also administer driving tests, but at a lesser rate than DOT-operated driver's license service centers.

Fiscal Impact

Senate File 546 as amended is expected to increase FTE costs to the DOT Motor Vehicle Division by an estimated \$440,000 (2.0 FTE positions x \$61,000 and 6.0 FTE positions x \$53,000). The Motor Vehicle Division is funded by the Road Use Tax Fund (RUTF) and the Primary Road Fund (PRF). The cost increases to the counties are expected to be minimal due to dispersion of costs among county licensing locations.

Effective Date

This Act is effective July 1, 2021.

Enactment Date

This Act was approved by the General Assembly on April 28, 2021, and signed by the Governor on May 10, 2021.

Source

Iowa Department of Transportation

SF 548 – Outdoor Advertising (LSB2489SV.2)

Staff Contact: Austin Brinks (515.725.2200) austin.brinks@legis.iowa.gov

Fiscal Note Version – Final Action

Description

[Senate File 548](#) amends the definition of “advertising device” by making it contingent on renumeration paid or earned in exchange for erection, display, or existence of the device. This Act also strikes various provisions in Iowa Code chapters [306B](#) and [306C](#) that are obsolete under the new definition of “advertising device.” Current Iowa statute may not be in compliance with federal law regulating outdoor advertising along federal interstates and primary highways.

Background

Under federal law, the State of Iowa must maintain effective control of outdoor advertising along interstates and primary roadways as defined in [23 CFR §750.705](#). If Iowa’s current law is out of compliance with federal regulations, the State would be subject to a 10.0% penalty to annual federal aid funding to highways pursuant to [23 U.S.C. §131](#).

Currently, outdoor advertising along interstates and primary State highways is regulated based on reading the content of a sign, such as a sign providing directions and times of special events, and then applying regulation based on the type of sign. Past court cases such as [Reed v. Town of Gilbert](#) and [Willson v. City of Bel-Nor](#) have challenged regulation of this nature as a violation of the First Amendment (Freedom of Speech), and Iowa currently regulates signs in a similar manner. If Iowa regulations are found to be unconstitutional, the State would no longer have effective control of outdoor advertising and would be subject to penalty.

Texas, Oregon, Tennessee, and Kentucky have similar forms of sign regulation and have not had constitutional challenges.

Fiscal Impact

Senate File 548 is expected to keep Iowa’s outdoor advertising regulations in compliance with federal law. Enactment of this Act would prevent the loss of approximately \$53.2 million annually in federal highway funds.

Effective Date

This Act is effective July 1, 2021.

Enactment Date

This Act was approved by the General Assembly on March 11, 2021, and signed the by Governor on April 12, 2021.

Sources

Legislative Services Agency
Department of Transportation

SF 562 – Sexual Exploitation (LSB2472SV.3)

Staff Contact: Laura Book (515.725.0509) laura.book@legis.iowa.gov

Fiscal Note Version – Final Action

Description

Senate File 562 relates to the crime of sexual exploitation. The Act amends Iowa Code section [709.15](#) to criminalize sexual exploitation by an adult providing training or instruction.

Senate File 562 also provides that an adult providing training or instruction commits sexual exploitation when either of the following occur:

- When a person engages in a pattern, practice, or scheme of conduct to engage in any sexual conduct¹ with a minor for the purpose of arousing or satisfying the sexual desire of the adult providing training or instruction.
- When a person engages in sexual conduct with a minor for the purpose of arousing or satisfying the sexual desire of the adult providing training or instruction.

A person who engages in a pattern, practice, or scheme of conduct to engage in any sexual conduct with a minor for the purpose of arousing or satisfying the sexual desire of the adult providing training or instruction is guilty of a Class D felony. A person who engages in sexual conduct with a minor for the purpose of arousing or satisfying the sexual desire of the adult providing training or instruction is guilty of an aggravated misdemeanor.

Senate File 562 relates to the statute of limitations period for certain criminal sex offenses against minors. The Act provides that an information or indictment in a criminal case for certain criminal offenses against a minor may be commenced at any time after the commission of the offense. The Act also provides that an information or indictment for any sexual abuse in the first, second, or third degree must be commenced within 10 years after commission, or identification by DNA profile, whichever is later. The provisions related to the statute of limitations are effective upon enactment.

Background

An aggravated misdemeanor is punishable by confinement for no more than two years and a fine of at least \$855 but no more than \$8,540. A Class D felony is punishable by confinement for no more than five years and a fine of at least \$1,025 but not more than \$10,245.

An individual who violates the provisions of this Act is subject to a special sentence pursuant to Iowa Code section [903B.2](#). A special sentence is defined as a punishment in addition to the punishment for the underlying criminal offense, and consists of committing the individual to the custody of the Department of Corrections (DOC) for a period of 10 years. An individual serving a special sentence begins the sentence in the same manner as if the individual were on parole or part of a work release program. The special sentence is subject to

¹ Senate File 562 defines sexual conduct to include but not be limited to kissing; touching of the clothed or unclothed inner thigh, breast, groin, buttock, anus, pubes, or genitals; or a sex act as defined in Iowa Code section [702.17](#).

revocation for up to two years for a first violation and up to five years for a second or any subsequent violation. A person who violates the provisions of SF 562 is also subject to a no-contact order upon release from jail or prison, and hormonal intervention therapy as prescribed under Iowa Code section [903B.10\(3\)\(h\)](#).

Additionally, a person who violates the provisions of this Act is designated as a Tier II sex offender pursuant to Iowa Code section [692A.102\(1\)\(b\)\(12\)](#) if the victim is 13 years of age or older, or as a Tier III sex offender pursuant to Iowa Code section [692A.102\(1\)\(c\)\(28\)](#) if the victim is under the age of 13. In either scenario, the person committing the offense must register as a sex offender pursuant to Iowa Code section [692A.103](#).

Under current law, an information or indictment for sexual abuse; human trafficking; sexual abuse or exploitation by a counselor, therapist, or school employee; and other sexual offenses under Iowa Code section [802.2B](#) must be found within 10 or 15 years of the person against whom the offense was committed attaining 18 years of age, depending on the criminal offense and circumstances. The penalties for these offenses range from a serious misdemeanor to a Class B felony.

Assumptions

- The following will not change over the projection period: charge, conviction, and sentencing patterns and trends; 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 Act 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.

Correctional Impact

Senate File 562 expands an existing criminal offense, and the number of new convictions cannot be estimated. In FY 2020, there were nine total admissions to the correctional system for a violation of Iowa Code section 709.15.

Senate File 562 also removes the statute of limitations for sexual abuse; human trafficking; sexual exploitation by a counselor, therapist, or school employee; and other sexual offenses under Iowa Code section 802.2B for victims who were minors at the time of the offense. Although it is known that sexual abuse is frequently underreported and victims often wait years to come forward, precise estimates of the correctional impact of this legislation are not available. It is estimated that additional convictions will result, but the increase cannot be determined.

Table 1 below shows estimates for sentencing to State prison, parole, probation, or Community-Based Corrections (CBC) residential facilities; LOS under those supervisions; and supervision marginal costs per day for all convictions of serious misdemeanors and Class B felonies (involving sex crimes). Refer to the Legislative Services Agency (LSA) memo addressed to the General Assembly, [Cost Estimates Used for Correctional Impact Statements](#), dated January 22, 2021, for information related to the correctional system.

Table 1 — Sentencing Estimates and Length of Stay (LOS)

Conviction Offense Class	Percent to Prison	Avg Length of Stay Prison (months)	FY 20 Marginal Cost/Day Prison	Percent Ordered to Probation	Avg LOS on Probation (months)	Avg Cost Per Day on Probation	Percent Sentenced to CBC Residential Facility	FY 20 Marginal Cost CBC Per Day	Percent Ordered to County Jail	Avg Length of Stay in County Jail	Marginal Cost Per Day	Avg LOS on Parole (months)	FY 20 Average Cost Per Day Parole
Class B Felony (Sex Offense)	95.0%	285.2	\$20.33	9.4%	--	\$5.38	3.1%	\$14.78	15.6%	N/A	\$50.00	29.4	\$5.38
Class C Felony (Sex Offense)	91.0%	76.0	\$20.33	34.1%	50.0	\$5.38	5.5%	\$14.78	32.7%	N/A	\$50.00	7.2	\$5.38
Class D Felony (Sex Offense)	85.0%	32.2	\$20.33	45.2%	49.7	\$5.38	6.8%	\$14.78	43.8%	N/A	\$50.00	5.1	\$5.38
Aggravated Misdemeanor (Sex Offense)	78.0%	10.5	\$20.33	58.5%	15.1	\$5.38	1.0%	\$14.78	74.6%	N/A	\$50.00	2.5	\$5.38
Serious Misdemeanor	2.0%	5.0	\$20.33	56.0%	13.4	\$5.38	1.0%	\$14.78	69.0%	N/A	\$50.00	2.4	\$5.38

Minority Impact

The minority impact of SF 562 is unknown. The Act removes the statute of limitations for several criminal sex offenses against minors. In FY 2019, African Americans made up 3.6% of the adult population of the State of Iowa and 22.5% of convictions for sexual abuse in the first, second, or third degree. According to the Criminal and Juvenile Justice Planning Division, this exceeds the population proportion of the State, which would lead to a racial impact if it remains constant. Due to the low numbers of other minorities, the impact on those populations cannot be estimated. Refer to the LSA memo addressed to the General Assembly, [Minority Impact Statement](#), dated January 27, 2021, for information related to minorities in the criminal justice system.

Fiscal Impact

The fiscal impact of SF 562 cannot be estimated. The Act expands an existing criminal offense, and the resulting cost to the justice system cannot be estimated. The Act also removes the statute of limitations for several offenses, and the fiscal impact cannot be estimated due to a lack of conviction data. It is estimated that additional convictions will result, but the fiscal impact cannot be determined. **Table 2** shows estimates for the average State cost per offense class type. The estimates include operating costs incurred by the Judicial Branch, the State Public Defender, and the DOC for one additional conviction. The cost would be incurred across multiple fiscal years for prison and parole supervision.

Table 2 — Average State Cost Per Conviction

Offense Class	Total Cost	
	Minimum	Maximum
Serious Misdemeanor	\$ 410	\$ 7,500
Aggravated Misdemeanor	3,700	7,800
Class D Felony	7,700	13,500
Class C Felony	9,900	19,200
Class B Felony	12,700	35,800

Effective Date

This Act is effective on July 1, 2021.

Enactment Date

This Act was approved by the General Assembly on May 7, 2021, and signed by the Governor on May 12, 2021.

Sources

Department of Corrections
Criminal and Juvenile Justice Planning Division, Department of Human Rights
Judicial Branch
LSA analysis

SJR 7 – Right to Keep and Bear Arms, Constitutional Amendment (LSB1195SV.2)

Staff Contact: Laura Book (515.725.0509) laura.book@legis.iowa.gov

Fiscal Note Version – Final Action

Description

[Senate Joint Resolution 7](#) proposes an amendment to the Iowa Constitution related to the right of the people to keep and bear arms, explicitly stating that this right shall not be infringed. The amendment states that the sovereign State of Iowa affirms and recognizes this right to be a fundamental individual right, on which any and all restrictions shall be subject to strict scrutiny.

Background

Iowa Code section [49A.1](#) and the Iowa Constitution require that when a proposed amendment to the Constitution has passed the General Assembly and has been referred to the next succeeding General Assembly, the State Commissioner of Elections (Secretary of State) is required to publish the proposed amendment in two newspapers of general circulation in each Iowa congressional district once each month for three consecutive months prior to the start of the next General Assembly. Upon passage of the same amendment by the second General Assembly, the amendment is to be published in newspapers in all 99 counties once each month for three consecutive months immediately preceding the general election.

The 88th General Assembly passed [Senate Joint Resolution 18](#), the initial version of the proposed amendment, on March 13, 2019, and subsequently referred the amendment for the consideration of the 89th General Assembly. The initial amendment was published in eight newspapers (two in each congressional district) for a three-month period in fall 2020 (FY 2021).

Assumptions

- The average cost to publish an amendment in a single newspaper is \$600.
- Publication of the amendment will occur in 99 newspapers (one in each county) for a three-month period.

Fiscal Impact

Constitutional Amendment Publication Cost. The estimated cost to publish a proposed Constitutional amendment passed by the General Assembly during the 2019 Legislative Session was \$14,400 (8 newspapers x 3 months x \$600). These costs were incurred in fall 2020 (FY 2021).

Assuming the proposed amendment is passed a second time during the 89th General Assembly, the estimated cost would be \$178,200 (99 newspapers x 3 months x \$600). The costs would be incurred in fall 2022 (FY 2023).

These publication costs would be incurred by the Secretary of the Senate's Office and the Chief Clerk's Office in the House of Representatives and reimbursed by the Iowa Secretary of State's Office.

Enactment Date

This Joint Resolution was approved by the General Assembly on January 28, 2021, and signed by the Governor on February 28, 2021.

Sources

Legislative Services Agency
Office of the Secretary of State