

**NINETIETH GENERAL ASSEMBLY
2024 REGULAR SESSION
DAILY
HOUSE CLIP SHEET
February 13, 2024**

Clip Sheet Summary

Displays all amendments, fiscal notes, and conference committee reports for previous day.

Bill	Amendment	Action	Sponsor
HF 2462	H-8005	Filed	COMMITTEE ON JUDICIARY, et al

Fiscal Notes

[HF 2191](#) — [Mandatory Minimum Sentences, Earned Time Accrued \(LSB5494HV\)](#)

[HF 2239](#) — [Dissemination of Obscene Materials to Minors, Penalty \(LSB5234HV\)](#)

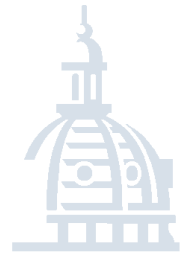
HOUSE FILE 2462

H-8005

- 1 Amend House File 2462 as follows:
- 2 1. Page 23, line 21, by striking <subsection 2> and
- 3 inserting <subsection 1>
- 4 2. Page 23, line 34, by striking <subsection 2> and
- 5 inserting <subsection 1>
- 6 3. Page 26, by striking lines 19 through 30.
- 7 4. By renumbering as necessary.

By COMMITTEE ON JUDICIARY
HOLT of Crawford, Chairperson

H-8005 FILED FEBRUARY 12, 2024



[HF 2191](#) – Mandatory Minimum Sentences, Earned Time Accrued (LSB5494HV)
Staff Contact: Molly Kilker (515.725.1286) molly.kilker@legis.iowa.gov
Fiscal Note Version – New

Description

[House File 2191](#) removes the requirement that earned time accrued be applied to reduce the mandatory minimum sentences being served under the following Iowa Code sections:

- Iowa Code section [902.7](#) (minimum sentence for forcible felony while possessing a dangerous weapon).
- Iowa Code section [902.8](#) (minimum sentence of habitual offender).
- Iowa Code section [902.11](#) (eligibility of prior forcible felon for parole or work release).

Background

Earned time allows inmates to earn a reduction in their sentence and is defined under Iowa Code section [903A.2](#). To gain earned time, inmates must demonstrate good conduct and satisfactorily participate in programs identified by the Director of the Department of Corrections (DOC) to earn the reduction.

Under Iowa Code section [903A.5](#), incarcerated individuals convicted under the following Iowa Code sections are eligible to accrue earned time that can reduce the time of a mandatory minimum sentence:

- [124.406](#) (distribution of certain controlled substances to a person under age 18).
- [124.413](#) (mandatory minimum sentence for certain controlled substance offenses).
- 902.7 (minimum sentence for forcible felony while possessing a dangerous weapon).
- 902.8 (minimum sentence of habitual offender).
- [902.8A](#) (minimum sentence for conspiring to manufacture or deliver amphetamine or methamphetamine to a minor).
- 902.11 (eligibility of prior forcible felon for parole or work release).

Under Iowa Code section 902.7, the minimum sentence for an individual convicted of a forcible felony while possessing a dangerous weapon is five years. Under Iowa Code section 902.8, the minimum sentence for habitual offenders convicted of a Class C or Class D felony is three years. Under Iowa Code section 902.11, the minimum sentence for an individual convicted of a felony who has a criminal record of one or more prior convictions for a forcible felony is at least one-half of the maximum term of the defendant's sentence. However, there are exceptions to Iowa Code section 902.11 based on the defendant's criminal history.

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 delay of six months is assumed from the effective date of this Bill to the date of first entry of affected offenders into the correctional system.

- Marginal costs for county jails cannot be estimated due to a lack of data. For purposes of this analysis, the marginal cost for county jails is assumed to be \$50 per day.
- The marginal cost per day in prison is \$24.94.

Correctional Impact

House File 2191 may increase the LOS in prison for individuals serving mandatory minimum sentences under Iowa Code sections 902.7, 902.8, and 902.11. This may increase the prison population, but the extent of the increase in LOS and prison population cannot be estimated. In FY 2023, there were 479 individuals admitted to prison on the most serious offense related to Iowa Code section 902.7, 902.8, or 902.11, who can accrue earned time to reduce their sentences under current law but who could not under the Bill. Refer to the Legislative Services Agency (LSA) memo addressed to the General Assembly, [Cost Estimates Used for Correctional Impact Statements](#), dated January 16, 2024, for information related to the correctional system.

Minority Impact

House File 2191 removes the ability to accrue earned time for certain crimes. Although the length of stay under which the group of individuals affected by the Bill would be released is unknown, HF 2191 may disproportionately impact Black individuals if trends remain constant. Of the 479 incarcerated individuals currently serving mandatory minimum sentences under Iowa Code sections 902.7, 902.8, and 902.11 for whom the LOS may increase under the Bill, 66.0% are White, 25.7% are Black, and 8.3% are other races. Iowa's population is 89.8% White, 4.4% Black, and 5.8% other races. Refer to the LSA memo addressed to the General Assembly, [Minority Impact Statement](#), dated January 16, 2024, for information related to minorities in the criminal justice system.

Fiscal Impact

House File 2191 may have a fiscal impact to the DOC, but the extent of the increase in costs to the DOC cannot be estimated because the extent of the increase in LOS and prison population is unknown. The DOC's marginal cost per day per individual in prison is \$24.94.

Sources

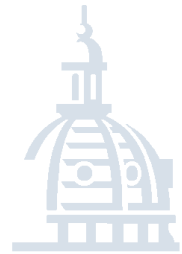
Department of Corrections
Criminal and Juvenile Justice Planning, Department of Management
Legislative Services Agency

/s/ Jennifer Acton

February 9, 2024

Doc ID 1445205

The fiscal note for this Bill was prepared pursuant to [Joint Rule 17](#) and the Iowa Code. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.



[HF 2239](#) – Dissemination of Obscene Materials to Minors, Penalty (LSB5234HV)
Staff Contact: Molly Kilker (515.725.1286) molly.kilker@legis.iowa.gov
Fiscal Note Version – New

Description

[House File 2239](#) increases the penalty for a person who disseminates or exhibits obscene material to a minor from a serious misdemeanor to an aggravated misdemeanor.

Background

Under Iowa Code section [728.2](#), the dissemination or exhibition of obscene material to a minor is a serious misdemeanor.

In FY 2023, there were nine convictions under Iowa Code section 728.2. Of these, there were no admissions to prison or probation. A violation of Iowa Code section 728.2 is a Tier I sex offense and a person convicted of the offense is required to register as a sex offender for a period of 10 years.

An aggravated misdemeanor is punishable by up to two years in confinement and a fine of at least \$855, but not more than \$8,540. A serious misdemeanor is punishable by up to one year of confinement 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 delay of six months is assumed from the effective date of this Bill to the date of first entry of affected offenders into the correctional system.
- Marginal costs for county jails cannot be estimated due to a lack of data. For purposes of this analysis, the marginal cost for county jails is assumed to be \$50 per day.

Correctional Impact

House File 2239 increases the penalty for an existing offense under Iowa Code section 728.2. The correctional impact cannot be determined due to a lack of conviction data, but is anticipated to be minimal. **Figure 1** shows estimates for sentencing to State prison, parole, probation, or community-based corrections (CBC) residential facilities; LOS in months under those supervisions; and supervision marginal costs per day for aggravated misdemeanors and serious misdemeanors. Refer to the Legislative Services Agency (LSA) memo addressed to the General Assembly, [Cost Estimates Used for Correctional Impact Statements](#), dated January 16, 2024, for information related to the correctional system.

Figure 1 — Sentencing Estimate and Length of Stay (LOS)

Conviction Offense Class	Percent Ordered to State Prison	FY 2023 Avg LOS in Prison (All Releases)	Marginal Prison Cost Per Day	Percent Ordered to Probation	FY23 Field Avg LOS on Probation	Avg Cost Per Day on Probation	Percent Sentenced to CBC Residential Facility	Marginal CBC Cost Per Day	Percent Ordered to County Jail	Avg LOS in County Jail	Marginal Cost Per Day Jail	FY23 Field Avg LOS on Parole	Marginal Cost Per Day Parole
Aggravated Misdemeanor (Sex)	80.1%	8.6	\$24.94	61.0%	25.6	\$ 7.67	7.7%	\$ 20.00	38.1%	N/A	\$ 50.00	N/A	\$ 7.67
Serious Misdemeanor	1.7%	6.6	\$24.94	53.0%	19.2	\$ 7.67	1.2%	\$ 20.00	74.2%	N/A	\$ 50.00	N/A	\$ 7.67

Minority Impact

House File 2239 increases the penalty for an existing offense under Iowa Code section 728.2. The 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 16, 2024, for information related to minorities in the criminal justice system.

Fiscal Impact

The fiscal impact cannot be determined, but is anticipated to be minimal. **Figure 2** shows the average State cost per offense for an aggravated misdemeanor and a serious misdemeanor. 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 (DOC). The cost would be incurred across multiple fiscal years for prison and parole supervision.

Figure 2 — Average State Cost Per Offense

Offense Class	Average Cost
Aggravated Misdemeanor	\$7,500 to \$10,800
Serious Misdemeanor	\$400 to \$6,900

Sources

Department of Corrections
 Criminal Juvenile Justice Planning, Department of Management
 Legislative Services Agency

/s/ Jennifer Acton

February 12, 2024

Doc ID 1445477

The fiscal note for this Bill was prepared pursuant to [Joint Rule 17](#) and the Iowa Code. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.
