**EIGHTY-FIFTH GENERAL ASSEMBLY**
**2014 REGULAR SESSION**
**DAILY**

# HOUSE CLIP SHEET

FEBRUARY 18, 2014

## HOUSE FILE 2192

**H-8014**

Amend House File 2192 as follows:

1. Page 1, line 13, by striking <this section> and inserting <this chapter>

2. Page 1, line 24, by striking <under>

3. Page 2, line 32, after <years> by inserting <of receipt of the water plan submitted under paragraph "a">

4. Page 3, line 1, after < "a".> by inserting <If the city fails to provide notice to the district or association, the district or association may provide service in accordance with this paragraph, regardless of whether the district or association has received such notice.>

5. Page 3, line 7, after < "a".> by inserting <If the district or association fails to provide notice to the city, the city may provide service in accordance with this paragraph, regardless of whether the city has received such notice.>

6. Page 3, line 12, by striking <is adequately provided.> and inserting <meets customer demand.>

**By** DEYOE of Story

**H-8014** FILED FEBRUARY 17, 2014

## SENATE FILE 220

**H-8013**

Amend the amendment, H-8002, to Senate File 220, as passed by the Senate, as follows:

1. Page 1, by striking lines 5 and 6 and inserting:

<___. Page 1, by striking lines 21 and 22 and inserting:

<Sec. ___. EFFECTIVE UPON ENACTMENT. This Act, being deemed of immediate importance, takes effect upon enactment.

Sec. ___. RETROACTIVE APPLICABILITY. This Act applies retroactively to retirement incentive programs in existence on or after July 1, 2013.>

___. Title page, line 2, after <including> by inserting <effective date and retroactive>>

**By** FRY of Clarke

**H-8013** FILED FEBRUARY 17, 2014

# Fiscal Note

*Fiscal Services Division*

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**SF 339** – School Vehicle Transportation Safety (LSB SF339.2411)
Analyst: John Parker (Phone: (515) 725-2249) (john.parker@legis.iowa.gov)
Fiscal Note Version – As Amended by House Education Committee Amendment **H-8003**

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## Description

**Senate File 339**, as amended by **H-8003**, makes changes to inspections for vehicles used to transport students.

## Background

Currently, only school buses are required to be inspected by the Department of Education (DE). This amendment expands the requirement for inspections to include all vehicles used to transport children. Amendment **H-8003** specifies all vehicles and buses, that receive an out-of-service violation, are subject to a subsequent inspection by the department within 30 days. Out-of-service violations are items (including but not limited to bald tires, cracked brake linings, stop arms not operational, burned out warning lights or headlights) that must be fixed before the vehicle can be used for student transportation. If a vehicle does not pass a subsequent inspection and receives an out-of-service violation, it is removed from service until the vehicle passes inspection. Additionally, this amendment specifies that the State Board of Education will adopt rules defining out-of-service violations and establish a procedure for returning the vehicles to service.

The amendment specifies an individual that knowingly falsifies an inspection record for a school bus or vehicle determined to have an out-of-service violation, has committed a simple misdemeanor.

## Assumptions

- The Department of Education estimates 1,200 additional vehicles will be inspected twice each year.
- Based on historical data, approximately 120 (10.0%) of the additional vehicles inspected will be found to have an out-of-service violation and be subject to a subsequent inspection twice each year.
- Based on the last full inspection year, 1,498 (10.0% of total inspections) school buses will be found to have an out-of-service violation and require a subsequent inspection.
- The DE inspection fee is $40.

## Fiscal Impact

There is no fiscal impact to the State General Fund.

The estimated statewide total cost to local school districts is estimated to be $165,520. The average cost per school district is estimated to be $478.

## Correctional Impact

Refer to the **Correctional Impact Memo** dated January 30, 2014, for information related to correctional penalties of a simple misdemeanor. This amendment will have a minimal correctional impact.

**Sources**

Department of Education
Iowa Administrative Code, **281 – 43.30**

/s/ Holly M. Lyons

February 13, 2014

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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.

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# Fiscal Note

*Fiscal Services Division*

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**HF 2199** – Unemployment Insurance, Voluntary Shared Work (LSB 5594HV)
Analyst: Kenneth Ohms (Phone: (515) 725-2200) (kenneth.ohms@legis.iowa.gov)
Fiscal Note Version – New

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## Description

**House File 2199** amends the current Voluntary Shared Work (VSW) Program in Iowa Code section **96.40** that is part of the Iowa Employment Security Law (commonly referred to as Unemployment Insurance or Unemployment Compensation). The VSW Program allows employers to temporarily reduce employee hours, instead of laying them off, with the goal to reduce unemployment. Businesses are able to retain their employees for easy recall to full-time work, and workers keep their jobs and collect a reduced percentage of unemployment benefits to partially replace the lost wages due to decreased hours.

This Bill modifies the VSW Program in the following ways:

- Removes the restriction that the Program only applies to temporary layoffs.
- Requires the employer to estimate the number of layoffs that will happen without the Program.
- Allows part-time employees to participate.
- Defines "fringe benefits" to include pension plans as defined by the Internal Revenue Service Code.
- Requires the employer to give employees notice in advance of program participation.
- Requires participation be consistent with federal and state laws.
- Amends the Program to be available for an employer with an approved plan if work is reduced between 20.0% and 50.0% in a given week.
- Requires charges for all benefits paid under a VSW Plan to be charged as part of the regular unemployment compensation tax.
- Includes Workforce Investment Act training programs as part of the training program an employer can offer employees.

## Background

The federal **Middle Class Tax Relief and Job Creation Act of 2012** modified the current definition of "short time compensation" (the technical term for shared work). States are not required to enact a VSW Program; however, states must operate a VSW Program that conforms to federal requirements. Federal funds will cover 100.0% of the partial benefits paid out under conforming State work-sharing programs for up to three years in states that already have programs. Iowa's current work share program does not conform to federal requirements, but the State was eligible for two years of partial benefit funding. Iowa's law must conform to federal requirements by August 22, 2014, to receive one additional year of reimbursement for benefits paid through the VSW Program.

## Assumptions

The VSW Program will be utilized the same amount in 2014 as it was in 2013.

## Fiscal Impact

No impact to the General Fund.

Enacting these changes to the VSW Program will enable Iowa to receive federal reimbursement for partial benefits paid for out of the Unemployment Compensation Trust Fund for an additional year. These partial benefits are estimated at $325,000.

This legislation is necessary to conform to federal law and to maintain a state-certified unemployment compensation program. If this legislation is not enacted, it may result in Iowa losing State certification and could result in the loss of the current 5.4% federal tax credit for Iowa businesses. The loss of the tax credit may result in Iowa businesses paying an additional $500.0 million annually in federal unemployment taxes.

## Sources

Iowa Workforce Development
U.S. Department of Labor
National Conference of State Legislatures

/s/ Holly M. Lyons

February 13, 2014

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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.

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# Fiscal Note

*Fiscal Services Division*

**HF 2253** – Kidnapping, Second Degree (LSB 5252HV)
Analyst: Beth Lenstra (Phone: (515) 281-6301) (beth.lenstra@legis.iowa.gov)
Fiscal Note Version – New
Requested by Representative Chip Baltimore

## Description

Section 1 of **House File 2253** amends the definition of second degree kidnapping to include any kidnapping where the victim is 15 years old or younger. The remainder of this Bill creates a Category C sentence that applies to offenders convicted of certain offenses and the victim was 15 years old or younger. A Category C sentence eliminates earned time accrual. This Bill requires an offender with multiple sentences to serve the Category C offense first. No earned time accrual occurs until the Category C sentence is served. The table below shows the list of offenses included in the Category C sentence.

**Offenses Impacted by House File 2253**

| Crime Code | Year Of Code | Offense Class | Offense Description |
|---|---|---|---|
| 707.3 | 1996 | B Felony | Murder Second Degree 85.0% |
| 707.11 | 1998 | B Felony | Attempted Murder 85.0% |
| 709.2 | 2005 | A Felony | Sex Abuse First Degree - Life Special Sentence |
| 709.3 | 2005 | B Felony | Sex Abuse Second Degree (85%) - Life Special Sentence |
| 709.4 | 2005 | C Felony | Sex Abuse Third Degree - Life Special Sentence |
| 709.4(1) | 2005 | C Felony | Sex Abuse Third Degree - Spouse or Cohabitant - Life Special Sentence |
| 709.4(2)(a) | 2010 | C Felony | Sex Abuse Third Degree - Life Special Sentence |
| 709.4(2)(b) | 2005 | C Felony | Sex Abuse Third Degree/Victim 12 or 13 Years Old - Life Supervision |
| 709.4(2C,4) | 2005 | C Felony | Sex Abuse Third Degree - Life Special Sentence |
| 709.8(1) | 2005 | C Felony | Lascivious Acts With a Child - Life Special Sentence |
| 709.8(2) | 2005 | C Felony | Lascivious Acts With a Child - Life Special Sentence |
| 709.8(3) | 2005 | D Felony | Lascivious Acts With a Child - 10 Year Special Sentence |
| 709.8(4) | 2005 | D Felony | Lascivious Acts With a Child - 10 Year Special Sentence |
| 709.11,A | 2005 | C Felony | Assault to Commit Sex Abuse/Serious Injury - Life Special Sentence |
| 709.11,B | 2005 | D Felony | Assault to Commit Sex Abuse/Bodily Injury - 10 Year Special Sentence |
| 709.15(4)a | 2005 | D Felony | Sexual Exploitation by Counselor or Therapist - 10 Year Special Sentence |
| 709.15(5)(a) | 2005 | D Felony | Sexual Exploitation by School Employee - 10 Year Special Sentence |
| 710.3 | 1996 | B Felony | Kidnapping Second Degree - 85.0% |
| 710.4 | 1978 | C Felony | Kidnapping Third Degree |
| 710A.2(2) | 2006 | B Felony | Human Trafficking Under 18 - Serious Injury |
| 710A.2(4)(b) | 2006 | C Felony | Human Trafficking - Under Age 18 |
| 728.12(1) | 2005 | C Felony | Sexual Exploitation of Minor - Life Special Sentence |
| 728.12(2) | 2005 | D Felony | Sexual Exploitation of Minor - 10 Year Special Sentence |
| 728.12(3)(b) | 2005 | D Felony | Sexual Exploitation of Minor/Second Offense - 10 Year Special Sentence |

## Background

### Correctional and Fiscal Information

- All of the offenders impacted by the provisions of HF 2253 are currently sentenced to State prison. They will remain in State prison longer under the legislation's provisions.
- Eliminating earned time increases an offender's length of stay in prison. The correctional impact is realized only after the current length of stay is served and the offender would have been released. For example, a Class B felony offender convicted of a crime against a person served an average of 10.4 years in prison before being released in FY 2013. Under this Bill's provisions, they may serve up to 25 years in prison. The correctional impact is realized after 10.4 years for these offenders.
- The fiscal impact to the Judicial Branch operating budget is minimal. The offenders impacted under the provisions of HF 2253 are currently being tried and convicted of the same offense class.
- The fiscal impact on the indigent defense budget is minimal. The maximum cost of a Class C felony case is $1,800 while the maximum cost of a Class B felony case is $3,600, for a difference of $1,800.
- There may be an impact on Community-Based Corrections (CBC) supervision for offenders on parole or work release statuses that receive earned time reduction of their sentence. Also, offenders on parole or work release may be revoked to State prison; that may increase the State prison population.
- The marginal cost per day for state prison is $18.25 in FY 2013.
- Offenders convicted of sex crimes are subject to electronic monitoring and intensive supervision when they are under the supervision of CBC. Offenders convicted of a Class C felony sex offense, or greater, are subject to a special sentence of lifetime supervision. Offenders convicted of a Class D felony sex offense, or misdemeanor, are subject to a special sentence of 10 years of supervision. The special sentence begins after the original sentence is served. Sex offenders must also comply with the provisions of the Sex Offender Registry.
- The Department of Corrections (DOC) will need to modify its earned time calculations in the Iowa Corrections Offender Network (ICON). Additional programming costs will be incurred.
- The Criminal and Juvenile Justice Planning Division published the Iowa Prison Population Forecast FY 2013 - 2023 in November 2013. If current offender behaviors and justice system trends, policies, and practices remain unchanged, the prison population will be approximately 9,243 offenders on June 30, 2023, an increase of 14.4% over the next decade.
- By FY 2023 and without any additional prison beds, overcrowding is expected to reach 126.4% of design capacity. This figure is based on the assumption that all of the additional beds authorized during the 2008 Legislative Session for Fort Madison and Mitchellville will be operating by FY 2023. Prison beds for women offenders are expected to be operating at 85.1% of capacity. The overcrowding is expected to occur for male prisoners, with the prisons operating at 131.3% of capacity (2,045 beds).

### Minority Data Information

- For FY 2013, 66.0% of offenders convicted of Third Degree Kidnapping were Caucasian and 34.0% were Black. There were three offenders convicted of Enticing a Minor (Class C felony) in FY 2013; all three offenders were Caucasian.
- Approximately 22.4% of offenders admitted to prison for convictions that will become Category C sentences under HF 2253 are minorities. The majority of the offenders may be Hispanic (12.6%) or Black (9.8%).

## Assumptions

### Correctional and Fiscal Information

- Charge, conviction, and sentencing patterns and trends will not change over the projection period.
- Plea bargaining and other criminal justice policies and practices will not change over the projection period.
- This law will become effective July 1, 2014. A lag effect of six months is assumed from the effective date of the Bill to the date of first entry of affected offenders into the State prison system.
- Admissions to the State prison system for Category C offenses will remain the same over the projection period.
- Offenders sentenced to a Category C offense will be eligible for parole or work release. However, it is likely more offenders will serve their full sentence in prison. The full impact of the elimination of earned time for certain offenses will not be realized until at least 20 years have elapsed. The maximum penalty for a Class B felony conviction is up to 25 years in State prison.

**Minority Data Information:** The impact on minorities will remain consistent with current data.

## Summary of Impacts

### Correctional Impact

There will be an estimated 115 offenders annually impacted by the provisions of HF 2253. This estimate includes the kidnapping provision in Section 1 of this Bill as well as the impact of creating Category C felony sentences.

On an annual basis, it is estimated that there will be one offender currently convicted of third degree kidnapping and three offenders convicted of Enticing a Minor (both offenses are Class C felonies) that will be convicted of Second Degree Kidnapping (Class B felony) under this Bill's provisions.

There will be an estimated 115 offenders annually admitted to State prison that will serve Category C sentences. The table below shows the offense class, current length of stay in prison before release, and maximum length of stay under the provisions of HF 2253. Approximately 84.7% of the offenders are convicted of sex crimes. Approximately 71.1% of the sex crime convictions are for Class C felony convictions.

**Annual Admissions to State Prison for Category C Offenses**

| Conviction Offense Class | Number of Offenders | Current Average Length of Stay (LOS) in Prison in Months | Maximum LOS in Prison in Months | Projected Increase in the LOS in Prison in Months |
|---|---|---|---|---|
| Class B Felony | 24 | 124.1 | 273.0 | 148.9 |
| Class C Felony | 65 | 38.0 | 83.6 | 45.6 |
| Class D Felony | 26 | 33.0 | 72.6 | 39.6 |
| Total Convicted | 115 | | | |

The State prison population will start increasing in FY 2018, with an estimated population increase of 20 offenders. In FY 2019, the State prison population will increase by 55 offenders.

There is a significant impact on the State prison population beyond the five-year reporting period. After 10 years, the State prison population is expected to be an additional 400 offenders. This is when most of the correctional impact begins to occur, when the impact on the length of stay for Class C Felony Sex Crimes happens. After 20 years, the correctional impact is expected to be an additional 631 offenders in the State prison system.

Admissions to CBC supervision for parole, work release, and special sentence offenders may decline over the long term. However, the length of stay on CBC supervision for Category C felony sentenced offenders may increase. Over the long term, HF 2253 is likely to increase the number of offenders supervised in CBC.

**Minority Impact**

The provision related to Second Degree Kidnapping is not expected to have a minority impact. The provisions related to the Category C felony sentence are expected to have a minority impact because 22.4% of offenders impacted by the elimination of earned time are Black or Hispanic. They will remain in prison longer under the Bill than they do under current law.

**Fiscal Impact**

The fiscal impact to the state is expected to be increased cost to the General Fund of $27,600 in FY 2015 and $7,200 in FY 2016. The table below shows the fiscal impact over the next five fiscal years.

**Fiscal Impact on the State General Fund**

| | FY 2015 | FY 2016 | FY 2017 | FY 2018 | FY 2019 |
|---|---|---|---|---|---|
| DOC | $ 24,000 | $ 0 | $ 0 | $ 133,225 | $ 366,400 |
| Indigent Defense | 3,600 | 7,200 | 7,200 | 7,200 | 7,200 |
| Total | $ 27,600 | $ 7,200 | $ 7,200 | $ 140,425 | $ 373,600 |

The impact on the State prison system is expected to continue to increase for at least the next 20 years. By the end of FY 2035, the fiscal impact on the DOC's budget is expected to be approximately $4.2 million in today's dollars.

The fiscal impact to the Judicial Branch operating budget is minimal. The offenders impacted under the provisions of HF 2253 are currently being tried and convicted of the same offense class.

There may be an impact on CBC supervision inasmuch as offenders on parole or work release status receive earned time reduction of sentence. Also, offenders on parole or work release may be revoked to State prison; that may increase the State prison population.

To the extent there is an impact on the CBC system, the fiscal impact may be understated. Criminal justice system costs generally increase in relation to the severity of the penalty imposed. To the extent the new Category C felony sentencing structure results in more trials or appeals, the fiscal impact indicated above may be understated.

**Sources**

Department of Corrections
Department of Human Rights, Criminal and Juvenile Justice Planning Division
Office of the State Court Administrator
Office of the State Public Defender

/s/ Holly M. Lyons

February 17, 2014

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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.

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# Fiscal Note

*Fiscal Services Division*

**HF 2031** – Autism Insurance Coverage, Para-professionals (LSB 5248YH)
Analyst: Dwayne Ferguson (Phone: (515) 281-6561) (dwayne.ferguson@legis.iowa.gov)
Fiscal Note Version – New
Requested by Representative Linda J. Miller

## Description

**House File 2031** deals with the definition of "autism service provider." The definition includes the term "entity" as a provider in addition to a "person, or group." Designing and supervising treatment are defined as providing treatment. A certified assistant behavior analyst working under supervision of a certified behavior analyst is authorized to provide treatment. Applied behavior analysis is a permitted treatment for autism.

## Background

State employees are covered by several plans offered by Wellmark Blue Cross and Blue Shield. The Department of Administrative Services and Wellmark recently expanded the definitions related to autism spectrum disorder. Dependents under age 21 receiving treatment from an applied behavior analyst or assistant are covered by the plan.

## Assumptions

The proposed legislation codifies changes already in place for State employees.

## Fiscal Impact

The changes in this Bill will not affect insurance costs for the State.

## Sources

Department of Administrative Services
Insurance Division, Department of Commerce

/s/ Holly M. Lyons
February 13, 2014

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.

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# Fiscal Note

*Fiscal Services Division*

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**HF 2159** – Miller Trust (LSB 5181HV)
Analyst: Jess Benson (Phone: (515) 281-4611) (jess.benson@legis.iowa.gov)
Fiscal Note Version – New

## Description

**House File 2159** increases the percentage of income a person can have relative to the statewide average charge for a private pay resident of a nursing facility from 100.0% to 125.0% for beneficiaries of Miller Trusts. This Bill is applicable to Trusts in existence on or after July 1, 2014.

## Background

A Miller Trust provides medical care and obtains Medicaid eligibility for a person that would not be eligible if the funds in the special needs trust or the individual's income were considered in the eligibility determination. If a person has more income than the criteria to qualify for Medicaid, but has less income than necessary to pay for long-term care, then a Miller Trust can be set up for that individual. The funds remaining in these types of trusts are paid to the Department of Human Services (DHS) at the time of death to cover the cost of the Medicaid expenses incurred. A portion of an individual's income may be diverted from the trust to support a spouse living in the community.

## Assumptions

- It is assumed that 100.0% of the nursing facility costs will be paid from the Trust income (other than spousal diversion) and that 100.0% of the nonfacility Medicaid costs will be paid for by the Medicaid Program.
- There is an average of 1,300 Miller Trust cases annually and it is assumed that increasing the statewide average charge from 100.0% to 125.0% will result in an increase of 32 new Miller Trusts annually.
- Half of the new individuals will have a spouse in the community and an average of $1,000 in income will be diverted from the Trust monthly to support that spouse.
- The average Medicaid cost per enrollee including Medicare premium payments is $11,943 in FY 2015 and $12,182 in FY 2016.
- The State's share of the Federal Medical Assistance Percentage (FMAP) rate is 43.86% in FY 2015 and 44.86% in FY 2016.

## Fiscal Impact

**House File 2159** is estimated to cost the General Fund $252,000 in FY 2015 and $261,000 in FY 2016. This includes $168,000 in Medicaid expenses and $84,000 in assets diverted to a spouse in FY 2015 and $175,000 in Medicaid expenses and $86,000 in assets diverted to a spouse in FY 2016.

## Source

Department of Human Services

/s/ Holly M. Lyons

February 13, 2014

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.

# Fiscal Note

*Fiscal Services Division*

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**HF 2133** – Interference with a Correctional Officer (LSB 5115HV)
Analyst: Beth Lenstra (Phone: (515) 281-6301) (beth.lenstra@legis.iowa.gov)
Fiscal Note Version – New
Requested by Representative Megan Hess

## Description

**House File 2133** expands the definition of the crime of interference with official acts to include instances where jail personnel are involved.

## Background

### Correctional and Fiscal Information

- Current law provides for a graduated system of penalties for interference with official acts, ranging from a Serious Misdemeanor to a Class C felony depending on the circumstances of the crime. Certain felony convictions are forcible felonies that require the convicted offender to be sentenced to State prison rather than Community-Based Corrections (CBC) supervision.
- Current law applies to offenders under the supervision of CBC and the State prison system, or about 38,900 offenders on any given day. It is most likely that the types of acts covered under current law apply to offenders housed in the State prison system or CBC residential facilities; that population is approximately 9,505 offenders (8,074 State prisoners and 1,431 offenders in CBC residential facilities).
- According to the Justice Data Warehouse, in FY 2013 there were 25 offenders convicted of the current law being amended in HF 2133 (Iowa Code section 719.1(2)). The offenders were convicted as follows: 17 Serious Misdemeanors, seven Aggravated Misdemeanors, and one Class D felony.
- According to the Criminal and Juvenile Justice Planning Division (CJJPD) of the Department of Human Rights, there were 6,128 charges of interference with official acts in Calendar Year (CY) 2012. Of these, 60.4% were convicted (3,699 convictions). Of those convicted, 3,531 convictions were for the original charge.
- The average cost per case for the Judicial Branch is $208 for a Serious or Aggravated Misdemeanor and $427 for a Class D or Class C felony. These costs do not include the cost of a jury trial.
- The cost for indigent defense is $600 for a Serious Misdemeanor case, $1,200 for either an Aggravated Misdemeanor or Class D felony case, and $1,800 for a Class C felony case.
- According to the CJJPD and the Department of Corrections, the following are estimates for sentencing, length of stay, and costs for interference with official acts. The crime of interference with official acts is classified as a crime against a person; therefore, length of stay under correctional supervision is longer than other crimes within the same offense class.

**Criminal Justice System Information**

| Conviction Offense Class | Percent Sentenced to Probation | Avg Length of Stay on Probation | Average Cost per Day for Prob/Parole | Percent Sentenced to County Jail | Avg Length of Stay in County Jail (days) | Marginal Cost Per Day for County Jail | Percent Sentenced to Prison | Avg Length of Stay in State Prison | Marginal Cost Per Day for State Prison |
|---|---|---|---|---|---|---|---|---|---|
| Serious Misdemeanor | 28.6% | 11.5 months | $ 3.35 | 57.1% | 20 | $ 15.00 | 0.0% | 0 | $ 18.25 |
| Aggravated Misdemeanor | 45.40% | 17.6 months | $ 3.35 | 48.6% | 33 | $ 15.00 | 10.4% | 8.6 months | $ 18.25 |
| Class D felony | 0.0% | 0 | $ 0.00 | 0.0% | 0 | $ 0.00 | 100.0% | 16.9 months | $ 18.25 |

Approximately 91.7% of the offenders convicted under HF 2133 will receive correctional supervision, either supervision in the community (probation), or incarceration in the county jail or State prison system.

**Minority Data Information**

The table below shows the CY 2013 offender-based convictions for interference with official acts per the Iowa Code according to the CJJPD. Minority offenders are disproportionately convicted compared to their percentage of the Iowa population.

**CY 2013 Offender-Based Convictions for Interference with Official Acts**

| Iowa Code section | White | Black | Hispanic | Native American | Asian | Other | Unknown | Total |
|---|---|---|---|---|---|---|---|---|
| 719.1(1) | 4 | 0 | 0 | 0 | 0 | 0 | 2 | 6 |
| 719.1(1)(a) | 372 | 173 | 25 | 7 | 1 | 8 | 32 | 618 |
| 719.1(1)(b) | 4 | 3 | 0 | 0 | 0 | 0 | 1 | 8 |
| 719.1(1)(c) | 2 | 1 | 0 | 0 | 0 | 0 | 0 | 3 |
| 719.1(1)(d) | 9 | 5 | 0 | 0 | 0 | 0 | 0 | 14 |
| 719.1(1)(e) | 1 | 1 | 0 | 0 | 0 | 0 | 0 | 2 |
| 719.1(1)A | 1,327 | 549 | 78 | 20 | 12 | 11 | 107 | 2,104 |
| 719.1(1)B | 93 | 39 | 2 | 1 | 0 | 3 | 5 | 143 |
| 719.1(1)C | 3 | 3 | 0 | 0 | 0 | 0 | 0 | 6 |
| 719.1(1)D | 5 | 5 | 0 | 0 | 0 | 0 | 0 | 10 |
| 719.1(2)A | 6 | 4 | 0 | 0 | 0 | 1 | 1 | 12 |
| 719.1(2)B | 3 | 0 | 1 | 0 | 0 | 0 | 0 | 4 |
| 719.1(2)C | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 1 |
| 719.1A | 145 | 169 | 9 | 1 | 5 | 5 | 23 | 357 |
| Total | 1,974 | 952 | 115 | 29 | 18 | 28 | 172 | 3,288 |
| % by Race | 60.0% | 29.0% | 3.5% | 0.9% | 0.5% | 0.9% | 5.2% | |

Refer to the Legislative Services Agency (LSA) memo addressed to the General Assembly, Minority Impact Memo, dated January 30, 2014, for information related to minorities in the criminal justice system.

## Assumptions

**Correctional and Fiscal Information:**

- Charge, conviction, and sentencing patterns and trends will not change over the projection period.
- Prisoner length of stay, revocation rates, plea bargaining, and other criminal justice system policies and practices will not change over the projection period for the crime of interference with official acts.

- This law will become effective July 1, 2014. A lag effect of six months is assumed from the effective date of the Bill to the date of first entry of affected offenders into the correctional system for the crime of interference with official acts.
- HF 2133 will result in new charges and convictions in the criminal justice system. People held in county jails or municipal holding facilities that knowingly resist, obstruct, or interfere with a jailer are not currently eligible to be charged with interference with official acts. Under HF 2133, they may be charged with interference with official acts.
- These will be bench trials. Trials by jury are rare. Refer to the ***Fiscal Topic***, Jury Trials published by the LSA in August 2013 for additional information regarding the use of juries.
- Approximately 50.0% of the defendants will be indigent.
- Marginal costs for county jails cannot be determined due to a lack of data. For purposes of this analysis, the marginal cost for county jails is assumed to be $15.00 per day.
- Approximately 4,600 jail inmates on any given day may commit acts falling under HF 2133. Approximately 0.26% of this population may be convicted under the provisions of HF 2133 annually.
- Convictions by offense class under HF 2133 will be similar to current law.

**Minority Data Information:** The impact on minorities will remain consistent with current data.

## Summary of Impacts

### Correctional Impact

There will be an estimated 20 defendants annually charged with interference with official acts under this Bill. Of these, 12 will be convicted. It is estimated that the offenders will be sentenced as follows: three to probation, six to county jail, and two to State prison. One offender will receive a sentence other than probation supervision by CBC or county jail incarceration, such as a financial penalty and/or community service.

The impact on the probation population is expected to be minimal, trending slightly upward over the five-year projection period because the length of stay under supervision is one year or more. The impact on the prison population is minimal. The population will increase by two offenders in FY 2015 and three offenders annually thereafter.

### Minority Impact

It is expected this Bill will have a disproportionate impact on minorities because approximately 34.7% of offenders convicted under the provisions of HF 2133 may be minorities.

### Fiscal Impact

The fiscal impact for HF 2133 is estimated to be an increased cost to the State General Fund of $15,600 in FY 2015 and $36,300 in FY 2016. County jail costs are estimated to increase by $900 in FY 2015 and $2,000 in FY 2016.

The table below shows the impact by areas within the criminal justice system. Costs will continue to increase in future fiscal years because the length of stay in the corrections system (probation and State prison) is one year or more.

**Estimated Fiscal Impact by Funding Source**

| | FY 2015 | | | FY 2016 | | |
|---|---|---|---|---|---|---|
| | **County Budgets** | **General Fund** | **Total** | **County Budgets** | **General Fund** | **Total** |
| County Jail | $ 900 | $ 0 | $ 900 | $ 2,000 | $ 0 | $ 2,000 |
| CBC - Probation | 0 | 1,200 | 1,200 | 0 | 4,900 | 4,900 |
| State Prison | 0 | 6,700 | 6,700 | 0 | 18,000 | 18,000 |
| Judicial Branch | 0 | 2,300 | 2,300 | 0 | 4,400 | 4,400 |
| Indigent Defense | 0 | 5,400 | 5,400 | 0 | 9,000 | 9,000 |
| Total | $ 900 | $ 15,600 | $ 16,500 | $ 2,000 | $ 36,300 | $ 38,300 |

## Sources

Department of Human Rights, Criminal and Juvenile Justice Planning Division
Office of the State Court Administrator
Office of the State Public Defender
Department of Corrections

/s/ Holly M. Lyons

February 17, 2014

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.