

**EIGHTY-SIXTH GENERAL ASSEMBLY
2015 REGULAR SESSION
DAILY
HOUSE CLIP SHEET**

MARCH 13, 2015

HOUSE FILE 550

H-1079

1 Amend House File 550 as follows:
2 1. Page 1, line 3, before <Within> by inserting
3 <1.>
4 2. Page 1, line 10, by striking <Additionally, an>
5 and inserting <An>
6 3. Page 1, line 11, by striking <the officer's
7 personal> and inserting <additional>
8 4. Page 1, line 11, after <information> by
9 inserting <that would normally be used to make contact
10 with the officer>
11 5. Page 1, line 13, by striking <For the purposes
12 of this>
13 6. Page 1, line 14, by striking <section> and
14 inserting:
15 2. a. For the purposes of this section,>
16 7. Page 1, after line 16 by inserting:
17 <b. For the purposes of this section, "elective
18 public officer" or "officer" means all of the following:
19 (1) Members of the general assembly.
20 (2) Members of a county board of supervisors.
21 (3) Members of a city council.
22 (4) Members of a board of directors of a school
23 district.>

By SEXTON of Calhoun

H-1079 FILED MARCH 12, 2015

HOUSE FILE 371

H-1075

1 Amend House File 371 as follows:

2 1. Page 1, line 4, before <address> by inserting
3 <results of a test or the>

4 2. Page 1, line 4, after <or> by inserting <the
5 name of the>

6 3. Page 1, after line 14 by inserting:

7 <Sec. ____ . Section 136B.2, subsection 2, Code 2015,
8 is amended to read as follows:

9 2. a. Notwithstanding the requirements of this
10 section, disclosure to any person of the results of a
11 test performed on a nonpublic building for the presence
12 of radon gas and radon progeny is not required if
13 the results do not exceed the currently established
14 United States environmental protection agency action
15 guidelines, except as required during a real estate
16 transaction pursuant to section 558A.4, subsection 2.

17 b. A person who tests a nonpublic building which
18 the person owns is not required to disclose to any
19 person the results of a test for the presence of radon
20 gas or progeny if the test is performed by the person
21 who owns the nonpublic building, except as required
22 during a real estate transaction pursuant to section
23 558A.4, subsection 2.>

24 4. By renumbering as necessary.

By LANDON of Polk

H-1075 FILED MARCH 12, 2015

HOUSE FILE 532

H-1084

1 Amend House File 532 as follows:

2 1. By striking everything after the enacting clause
3 and inserting:

4 <Section 1. NEW SECTION. 135P.1 Definitions.

5 For the purposes of this chapter, unless the context
6 otherwise requires:

7 1. "Adverse health care incident" means an objective
8 and definable outcome arising from or related to
9 patient care that results in the death or serious
10 physical injury of a patient.

11 2. "Health care provider" means a physician licensed
12 under chapter 148, a physician assistant licensed under
13 chapter 148C, a podiatrist licensed under chapter 149,
14 or an advanced registered nurse practitioner licensed
15 pursuant to chapter 152 or 152E.

16 3. "Health facility" means an institutional health
17 facility as defined in section 135.61, hospice licensed
18 under chapter 135J, home health agency as defined in
19 section 144D.1, assisted living program certified under
20 chapter 231C, clinic, or community health center, and
21 includes any corporation, professional corporation,
22 partnership, limited liability company, limited
23 liability partnership, or other entity comprised of
24 such health facilities.

25 4. "Open discussion" means all communications
26 that are made under section 135P.3, and includes
27 all memoranda, work products, documents, and other
28 materials that are prepared for or submitted in the
29 course of or in connection with communications under
30 section 135P.3.

31 5. "Patient" means a person who receives medical
32 care from a health care provider, or if the person is a
33 minor, deceased, or incapacitated, the person's legal
34 representative.

35 Sec. 2. NEW SECTION. 135P.2 Confidentiality of
36 open discussions.

37 1. Open discussion communications and offers of
38 compensation made under section 135P.3:

39 a. Do not constitute an admission of liability.

40 b. Are privileged, confidential, and shall not be
41 disclosed.

42 c. Are not admissible as evidence in any subsequent
43 judicial, administrative, or arbitration proceeding
44 and are not subject to discovery, subpoena, or other
45 means of legal compulsion for release and shall not
46 be disclosed by any party in any subsequent judicial,
47 administrative, or arbitration proceeding.

48 2. Communications, memoranda, work products,
49 documents, and other materials, otherwise subject to
50 discovery, that were not prepared specifically for

H-1084

1 use in a discussion under section 135P.3, are not
2 confidential.

3 3. The limitation on disclosure imposed by this
4 section includes disclosure during any discovery
5 conducted as part of a subsequent adjudicatory
6 proceeding, and a court or other adjudicatory body
7 shall not compel any person who engages in an open
8 discussion under this chapter to disclose confidential
9 communications or agreements made under section 135P.3.

10 4. This section does not affect any other
11 law, regulation, or requirement with respect to
12 confidentiality.

13 Sec. 3. NEW SECTION. 135P.3 Engaging in an open
14 discussion.

15 1. If an adverse health care incident occurs in
16 a health facility, the health care provider, or the
17 health care provider jointly with the health facility,
18 may provide the patient with written notice of the
19 desire of the health care provider, or of the health
20 care provider jointly with the health facility, to
21 enter into an open discussion under this chapter. If
22 the health care provider or health facility provides
23 such notice, such notice must be sent within one
24 hundred eighty days after the date on which the health
25 care provider knew, or through the use of diligence
26 should have known, of the adverse health care incident.
27 The notice must include all of the following:

28 a. Notice of the desire of the health care
29 provider, or of the health care provider jointly with
30 the health facility, to proceed with an open discussion
31 under this chapter.

32 b. Notice of the patient's right to receive a copy
33 of the medical records related to the adverse health
34 care incident and of the patient's right to authorize
35 the release of the patient's medical records related to
36 the adverse health care incident to any third party.

37 c. Notice of the patient's right to seek legal
38 counsel.

39 d. A copy of section 614.1, subsection 9, and
40 notice that the time for a patient to bring a lawsuit
41 is limited under section 614.1, subsection 9, and will
42 not be extended by engaging in an open discussion under
43 this chapter unless all parties agree to an extension
44 in writing.

45 e. Notice that if the patient chooses to engage
46 in an open discussion with the health care provider
47 or health facility, that all communications made in
48 the course of such a discussion under this chapter,
49 including communications regarding the initiation of an
50 open discussion, are privileged and confidential, are

1 not subject to discovery, subpoena, or other means of
2 legal compulsion for release, and are not admissible in
3 evidence in a judicial, administrative, or arbitration
4 proceeding.

5 2. If the patient agrees in writing to engage in
6 an open discussion, the patient, health care provider,
7 or health facility engaged in an open discussion
8 under this chapter may include other persons in the
9 open discussion. All additional parties shall also
10 be advised in writing prior to the discussion that
11 discussions are privileged and confidential, are not
12 subject to discovery, subpoena, or other means of legal
13 compulsion for release, and are not admissible in
14 evidence in a judicial, administrative, or arbitration
15 proceeding. The advice in writing must indicate that
16 communications, memoranda, work products, documents,
17 and other materials, otherwise subject to discovery,
18 that were not prepared specifically for use in a
19 discussion under this section, are not confidential.

20 3. The health care provider or health facility that
21 agrees to engage in an open discussion may do all of
22 the following:

23 a. Investigate how the adverse health care incident
24 occurred and gather information regarding the medical
25 care or treatment provided.

26 b. Disclose the results of the investigation to the
27 patient.

28 c. Openly communicate to the patient the steps the
29 health care provider or health facility will take to
30 prevent future occurrences of the adverse health care
31 incident.

32 d. Determine either of the following:

33 (1) That no offer of compensation for the
34 adverse health care incident is warranted and orally
35 communicates that determination to the patient.

36 (2) That an offer of compensation for the adverse
37 health care incident is warranted and extends such an
38 offer in writing to the patient.

39 4. If a health care provider or health facility
40 makes an offer of compensation under subsection 3 and
41 the patient is not represented by legal counsel, the
42 health care provider or health facility shall advise
43 the patient of the patient's right to seek legal
44 counsel regarding the offer of compensation.

45 5. Except for offers of compensation under
46 subsection 3, discussions between the health care
47 provider or health facility and the patient about the
48 compensation offered under subsection 3 shall remain
49 oral.

50 Sec. 4. NEW SECTION. 135P.4 Payment and

H-1084

Page 4

1 resolution.

2 1. A payment made to a patient pursuant to section
3 135P.3 is not a payment resulting from any of the
4 following:

5 a. A written claim or demand for payment.

6 b. A claim for purposes of section 272C.9.

7 c. A claim for purposes of section 505.27.

8 2. A health care provider or health facility may
9 require the patient, as a condition of an offer of
10 compensation under section 135P.3, to execute all
11 documents and obtain any necessary court approval to
12 resolve an adverse health care incident. The parties
13 shall negotiate the form of such documents or obtain
14 court approval as necessary.>

15 2. Title page, by striking lines 1 through 3 and
16 inserting <An Act relating to privileged communications
17 between a health care provider or health facility and a
18 patient following an adverse health care incident.>

By KAUFMANN of Cedar

H-1084 FILED MARCH 12, 2015

HOUSE FILE 567

H-1077

1 Amend [House File 567](#) as follows:

2 1. Page 6, by striking line 7 and inserting <names:
3 AB-FUB1NACA.>

By KLEIN of Washington

H-1077 FILED MARCH 12, 2015

HOUSE FILE 573

H-1073

1 Amend the amendment, [H-1072](#), to [House File 573](#), as
2 follows:

3 1. Page 1, by striking lines 2 through 7 and
4 inserting:

5 <___. Page 1, line 5, after <of the> by inserting
6 <unborn child that displays the approximate age of the>

7 ___. Page 1, line 7, by striking <view> and
8 inserting <see the unborn child by viewing>

9 ___. Page 1, line 10, after <of the> by inserting
10 <unborn child based on the>>

11 2. By renumbering as necessary.

By ROGERS of Black Hawk

H-1073 FILED MARCH 12, 2015

HOUSE FILE 573

H-1074

1 Amend the amendment, [H-1044](#), to [House File 573](#) as
2 follows:

3 1. Page 1, by striking lines 2 through 47 and
4 inserting:

5 <____. Page 1, after line 15 by inserting:

6 <Sec. _____. Section 514C.4, subsection 2, Code 2015,
7 is amended to read as follows:

8 2. a. As used in this section, "minimum mammography
9 examination coverage" means benefits which are better
10 than or equal to the following minimum requirements:

11 a. (1) One baseline mammogram for any woman who
12 is thirty-five through thirty-nine years of age, or
13 more frequent mammograms if recommended by the woman's
14 physician.

15 b. (2) A mammogram every two years for any woman
16 who is forty through forty-nine years of age, or more
17 frequently if recommended by the woman's physician.

18 c. (3) A mammogram every year for any woman who
19 is fifty years of age or older, or more frequently if
20 recommended by the woman's physician.

21 b. For purposes of this section, "minimum
22 mammography examination coverage" shall include coverage
23 of three-dimensional mammography.

24 Sec. _____. APPLICABILITY. This Act applies to
25 third-party payment provider policies or contracts
26 issued for delivery, continued, or renewed in this
27 state on or after January 1, 2016.>

28 _____. Title page, by striking lines 1 and
29 2 and inserting <An Act relating to coverage
30 of three-dimensional mammography and including
31 applicability date provisions.>

32 _____. By renumbering as necessary.>

By RUNNING-MARQUARDT of Linn

H-1074 FILED MARCH 12, 2015

HOUSE FILE 573

H-1076

1 Amend the amendment, [H-1060](#), to [House File 573](#) as
2 follows:

3 1. Page 1, by striking lines 4 through 6 and
4 inserting <medical emergency.>>

5 2. Page 1, by striking lines 14 through 16 and
6 inserting <abortion to avert the pregnant woman's
7 death.>>

By FRY of Clarke

H-1076 FILED MARCH 12, 2015

HOUSE FILE 573

H-1080

1 Amend the amendment, H-1046, to House File 573 as
2 follows:

3 1. Page 1, after line 4 by inserting:

4 <e. This section shall only apply to an ultrasound
5 which is deemed by the attending physician to be
6 medically necessary in the course of treatment.>>

By WINCKLER of Scott

H-1080 FILED MARCH 12, 2015

HOUSE FILE 573

H-1082

1 Amend the amendment, H-1038, to House File 573 as
2 follows:

3 1. Page 1, after line 3 by inserting:

4 <1. A physician performing a vasectomy shall
5 certify in the patient's medical record all of the
6 following prior to performing the vasectomy procedure:

7 a. That the man has undergone a scrotal examination
8 and a scrotal ultrasound.

9 b. That the man has been given the opportunity to
10 view the scrotal ultrasound results.

11 c. That the man is given the option of hearing a
12 description of the vasectomy procedure.

13 d. That the man is given the opportunity to
14 hear about the complications related to a vasectomy
15 procedure including those related to the failure rate,
16 postoperative infection, perioperative bleeding,
17 postoperative hematoma, and post vasectomy pain
18 syndrome.

19 e. That the man is given the opportunity to receive
20 information regarding vasectomy reversal including that
21 reversal is not always successful and that reversal is
22 costly, lengthy, and rarely covered by insurance.

23 2. A physician who does not comply with this
24 section is subject to licensee discipline pursuant to
25 section 148.6.>

26 2. Page 1, line 17, after <to> by inserting
27 <medical care and procedures including vasectomies and>

28 3. By renumbering as necessary.

By STECKMAN of Cerro Gordo

H-1082 FILED MARCH 12, 2015

HOUSE FILE 574

H-1083

1 Amend House File 574 as follows:

2 1. Page 1, by striking lines 9 and 10 and
3 inserting <United States environmental protection
4 agency.>

5 2. By renumbering as necessary.

By HEIN of Jones

H-1083 FILED MARCH 12, 2015

HOUSE FILE 589

H-1078

1 Amend House File 589 as follows:

2 1. By striking page 1, line 1, through page 3, line
3 35, and inserting:

4 <Section 1. Section 232.147, subsections 1, 2, 3,
5 and 8, Code 2015, are amended to read as follows:

6 1. Juvenile court social records shall be
7 confidential. They shall not be inspected and their
8 contents shall not be disclosed except as provided in
9 this section or as authorized by other provisions in
10 this chapter.

11 2. Official juvenile court records in cases
12 alleging delinquency, including complaints under
13 section 232.28, shall be public records, subject to the
14 following restrictions:

15 a. Records containing a dismissal of a complaint or
16 an informal adjustment of a complaint when no petition
17 is filed relating to the complaint, shall not be
18 available to the public and may only be inspected by or
19 disclosed to the following:

20 (1) The judge and professional court staff,
21 including juvenile court officers.

22 (2) The child's counsel or guardian ad litem.

23 (3) The county attorney and county attorney's
24 assistants.

25 (4) The superintendent or the superintendent's
26 designee of the school district for the school attended
27 by the child or the authorities in charge of an
28 accredited nonpublic school attended by the child.

29 (5) A member of the armed forces of the United
30 States.

31 (6) The statistical analysis center for the
32 purposes stated in section 216A.136.

33 (7) The state public defender.

34 ~~a.~~ b. Official juvenile court records containing a
35 petition or complaint alleging delinquency filed prior
36 to January 1, 2007, shall be public records subject
37 to a confidentiality order under section 232.149A or
38 sealing under section 232.150.

39 ~~b.~~ c. Official juvenile court records containing a
40 petition or complaint alleging delinquency filed on or
41 after January 1, 2007, shall be public records subject
42 to a confidentiality order under section 232.149A
43 or sealing under section 232.150. The official
44 records shall not be available to the public or any
45 governmental agency through the internet or in an
46 electronic customized data report unless the child has
47 been adjudicated delinquent. However, the following
48 shall have access to official juvenile court records
49 through the internet or in an electronic customized
50 data report prior to the child being adjudicated

H-1078

1 delinquent:

2 (1) The judge and professional court staff,
3 including juvenile court officers.

4 (2) The child's counsel or guardian ad litem.

5 (3) The county attorney and the county attorney's
6 assistants.

7 (4) A court, court professional staff, and adult
8 probation officers in connection with the preparation
9 of a presentence report concerning a person who prior
10 thereto had been the subject of a juvenile court
11 proceeding.

12 (5) A state or local law enforcement agency.

13 (6) The state public defender.

14 (7) The division of criminal and juvenile justice
15 planning of the department of human rights.

16 ~~e.~~ d. If the court has excluded the public from
17 a hearing under division II of this chapter, the
18 transcript of the proceedings shall not be deemed a
19 public record and inspection and disclosure of the
20 contents of the transcript shall not be permitted
21 except pursuant to court order or unless otherwise
22 provided in this chapter.

23 ~~d.~~ e. Complaints under section 232.28 shall be
24 released in accordance with section 915.25. Other
25 official juvenile court records may be released under
26 this section by a juvenile court officer.

27 3. Official juvenile court records in all cases
28 except those alleging delinquency shall be confidential
29 and are not public records but may be inspected and
30 their contents shall be disclosed to the following
31 without court order:

32 a. The judge and professional court staff,
33 including juvenile court officers.

34 b. The child and the child's counsel.

35 c. The child's parent, guardian or custodian, court
36 appointed special advocate, and guardian ad litem, and
37 the members of the child advocacy board created in
38 section 237.16 or a local citizen foster care review
39 board created in accordance with section 237.19 who are
40 assigning or reviewing the child's case.

41 d. The county attorney and the county attorney's
42 assistants.

43 e. An agency, association, facility or institution
44 which has custody of the child, or is legally
45 responsible for the care, treatment or supervision of
46 the child.

47 f. A court, court professional staff, and adult
48 probation officers in connection with the preparation
49 of a presentence report concerning a person who prior
50 thereto had been the subject of a juvenile court

H-1078

Page 3

1 proceeding.

2 g. The child's foster parent or an individual
3 providing preadoptive care to the child.

4 h. The state public defender.

5 8. All Subject to restrictions imposed by sections
6 232.48, subsection 4, and 232.97, subsection 3, all
7 juvenile court records shall be made available for
8 inspection and their contents shall be disclosed to any
9 party to the case and the party's counsel and to any
10 trial or appellate court in connection with an appeal
11 pursuant to division VI of this chapter.

12 Sec. 2. Section 232.149, Code 2015, is amended by
13 adding the following new subsection:

14 NEW SUBSECTION. 2A. Records and files of a
15 criminal or juvenile justice agency concerning a
16 defendant transferred under section 803.6 to the
17 juvenile court for the alleged commission of a public
18 offense are public records, except that release
19 of criminal history data, intelligence data, and
20 law enforcement investigatory files is subject to
21 the provisions of section 22.7 and chapter 692,
22 and juvenile court social records shall be deemed
23 confidential criminal identification files under
24 section 22.7, subsection 9. The records are subject to
25 sealing under section 232.150.>

By GUSTAFSON of Madison

H-1078 FILED MARCH 12, 2015

HOUSE FILE 597

H-1081

1 Amend House File 597 as follows:

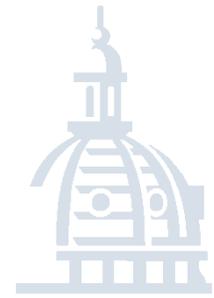
2 1. Page 1, line 18, by striking <citation> and
3 inserting <internet site>

4 2. Page 1, by striking lines 19 through 25 and
5 inserting: <If the department, a local authority, or
6 other entity issues citations as a result of images
7 or other indications of activity obtained from an
8 automated traffic law enforcement system in this
9 state, the department, local authority, or entity
10 shall provide on an internet site available to the
11 public an itemized list of the fines and fees assessed
12 pursuant to such a citation, the name of each entity
13 that will receive a portion of the fines or fees,
14 and the amount of the fines or fees that each entity
15 will receive. A citation issued as a result of an
16 image or other indication of activity obtained from an
17 automated traffic law enforcement system shall provide
18 instructions on accessing the internet site required
19 by this section.>

20 3. By renumbering as necessary.

By OLSON of Polk

H-1081 FILED MARCH 12, 2015



HF 158 – Bus Driver Assault (LSB1419HV)

Analyst: Alice Fulk Wisner (Phone: (515) 281-6764) (alice.wisner@legis.iowa.gov)

Fiscal Note Version – New

Description

House File 158 expands protected occupation classes under Iowa Code section **708.3A** to include public transit bus operators. A person convicted of assaulting a member of a protected class is subject to enhanced penalties.

Background

Currently, the protected class of occupations includes peace officers, jailers, correctional staff, members or employees of the Board of Parole, health care providers, employees of the Department of Human Services, employees of the Department of Revenue, and paid or volunteer fire fighters. Current law provides for a graduated system of penalties ranging from a serious misdemeanor to a Class D felony, depending on the circumstances of the assault on a protected class. Felony convictions under Iowa Code section **708.3A** (assaults on persons engaged in certain occupations) are forcible felonies with a mandatory sentence to prison.

Correctional and Fiscal Information

- The impact to the Judicial Branch operating budget is the cost difference between an aggravated misdemeanor (\$213 per case) and a Class D felony (\$436 per case). The case costs are approximately the same for a serious and an aggravated misdemeanor.
- The table below shows FY 2014 offender-based convictions for assaults on a protected class, according to the Justice Data Warehouse:

Offense Class	FY 2014 Convictions
Serious Misdemeanor	380
Aggravated Misdemeanor	114
Class D Felony	25
Total Convictions	549

- According to the Justice Data Warehouse, the Criminal and Juvenile Justice Planning Division, and the Department of Corrections, the following are estimates for sentencing, length of stay by offense class, and costs for assaults on a protected class:

Conviction Offense Class	Percent Sentenced to State Prison	Average Length of Stay in Prison	Marginal Cost Per Day	Percent Sentenced to Probation	Average Length of Stay on Probation	Average Cost per Day for Prob/Parole	Percent Sentenced to CBC Facility	Avg. Length of Stay in CBC	Marginal Cost Per Day	Percent Sentenced to County Jail	Average Length of Stay in County Jail	Marginal Cost Per Day*
Serious Misdemeanor	3.1%	6.2 months	\$18.92	26.5%	12.0 months	\$4.26	1.1%	5.8 months	\$11.55	59.2%	41	\$15.00
Aggravated Misdemeanor	12.8%	13.7 months	\$18.92	59.8%	18.8 months	\$4.26	3.7%	5.8 months	\$11.55	33.0%	45	\$15.00
Class D Forcible Felony	100.0%	23.9 months	\$18.92	44.0%	31.4 months	\$4.26	5.5%	0	\$0.00	0.0%	0	\$15.00

*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 \$15.00 per day.

- Approximately 81.2% of the marginal cost per day for Community-Based Corrections (CBC) residential facilities is paid from local resources.

Minority Data Information

The table below shows the FY 2014 offender-based convictions for assaults on a protected class by race/ethnicity, according to the Justice Data Warehouse. Minority offenders are disproportionately convicted compared to their percentage of the Iowa population.

Conviction Offense Class	White	Black	Hispanic	Native American	Asian	Other or Unknown
Serious Misdemeanor	61.6%	18.7%	3.2%	1.8%	1.3%	13.4%
Aggravated Misdemeanor	52.1%	22.2%	1.4%	2.1%	0.0%	22.2%
Class D Felony	44.0%	24.0%	4.0%	4.0%	0.0%	24.0%
Total Convictions	58.1%	19.8%	2.7%	2.0%	0.9%	16.5%

Refer to the [Minority Impact Memo](#), dated January 30, 2015, for information related to minorities in the criminal justice system.

Assumptions

Correctional and Fiscal Information

- Charge, conviction, and sentencing patterns will not change over the projection period.
- Prisoner length of stay, revocation rates, plea bargaining, and other criminal justice policies and practices will not change over the projection period.
- The law will become effective July 1, 2015. A lag effect 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.
- A percentage of current convictions for serious misdemeanors will become aggravated misdemeanors under this Bill. A percentage of aggravated misdemeanors will become Class D felony convictions under this Bill.
- The impact on the indigent defense budget is expected to be minimal. The fee cap for a serious misdemeanor conviction is \$600. The fee cap for an aggravated misdemeanor is the same as a Class D felony (\$1,200).

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

Summary of Impacts

Correctional Impact

The correctional impact cannot be estimated due to a lack of data. However, a percentage of offenders currently convicted of a serious misdemeanor and sentenced to probation will be convicted of an aggravated misdemeanor and sentenced to State prison or county jail with probation. A percentage of offenders currently convicted of an aggravated misdemeanor and sentenced to county jail will now be convicted of a Class D felony and sentenced to State prison. The sentencing changes in the bill will result in longer sentences and supervision periods.

Minority Impact

The minority impact cannot be estimated but may be significant. Approximately 25.4% of offenders convicted under this Bill may be minorities. This Bill shifts a percentage of serious misdemeanor convictions to aggravated misdemeanor convictions, and a percentage of aggravated misdemeanor convictions to Class D forcible felony convictions. Enhanced penalties will result in an increased number of minority offenders supervised in the correctional system, and they will be supervised for a longer period than under current law.

Fiscal Impact

The fiscal impact cannot be estimated but may be significant, depending on the number of convictions under the provisions of this Bill. State General Fund costs for one serious misdemeanor assault conviction total approximately \$5,400. State General Fund costs for one aggravated misdemeanor assault conviction total approximately \$10,000. State General Fund costs for one Class D forcible felony assault conviction total approximately \$17,700. Cost estimates for all offense classes will be increased across multiple fiscal years while the offender is supervised in the correctional system, either in prison or in the community.

The Bill is expected to increase indigent defense costs if the defendant is indigent. The costs of indigent criminal defense increase in relation to the severity of the crime charged and potential punishment. It is not possible to calculate an exact cost as the number of cases that will be prosecuted in each enhanced category is not known.

Sources

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

/s/ Holly M. Lyons

March 12, 2015

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.
