

Iowa Legislative Fiscal Bureau

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Des Moines, IA 50319
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Crime Bills from the 1996 Legislative Session

ISSUE

Effects on prisons from the crime bills passed during the 1996 Legislative Session

AFFECTED AGENCIES

Department of Corrections

CODE AUTHORITY

Various sections of the Code of Iowa

BACKGROUND

Between FY 1987 and FY 1996, the Iowa prison population has more than doubled, increasing from 2,789 to approximately 6,150. To meet the growing population, a 750-bed medium security prison was constructed at Clarinda, replacing the 152 bed facility. The new Clarinda prison opened in late FY 1996. Construction has begun on a second 750-bed medium security prison at Newton, and renovation of the 200-bed maximum security Cellhouse 17 at Fort Madison has been approved. Both are scheduled to open at the end of FY 1997. Construction of a third 750-bed prison in Fort Dodge has been approved by the Legislature and is scheduled to be operational by early 1998.

The Criminal and Juvenile Justice Planning Division, Department of Human Rights, prepared the annual Iowa's Prison Population Forecast: FY 1996 - FY 2001, prior to the legislative changes during the 1996 Legislative Session. The report states the major trends are:

- A continued increase in prison admissions, especially offenders admitted from probation. In FY 1990, admissions from probation totaled 20.6% of all admissions, but by FY 1995, admissions from probation had grown to 31.7% of all admissions.
- An increase in prisoner length of stay for felonies, non-person aggregated misdemeanors, and serious misdemeanors. The trend in increased prison stays is projected to add 742 inmates to the prison population by the end of FY 2001.
- An increase in felony drug charges, convictions, prison admissions, and use of mandatory minimum sentencing with longer imposed terms. The proportion of drug

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offenders in the prison population has increased from 9.2% in FY 1990 to 14.8% in FY 1995.

CURRENT SITUATION

During the 1996 legislative session, the General Assembly passed and the Governor signed nine bills that affect the prison population. The bills and their projected impacts on inmate populations are described as follows:

Bill Number	Description	Projected Impact on Population		
		FY 1997	FY 1998	FY 2001
SF 284	Possession and use of forged documents by illegal aliens for employment and remaining in the U. S.	139	278	278
SF 2114	Requires 85% of sentence be served for certain forcible felonies.	0	4	140
SF 2410	Medically relevant tests of parent or child for illegal drugs and use of results for criminal prosecution.	29	74	133
SF 2154	Increased penalties for manufacture, delivery, and possession of methamphetamines.	7	22	101
SF 2381	Dependent adult abuse reporting and prosecution.	17	49	82
HF 2316	Enhanced sentences for persons convicted of sexual predatory offenses.	3	14	63
SF 2269	Enhanced penalties for third and subsequent domestic abuse assault offenses.	6	36	42
SF 482	Modifies conditions for forfeiture of property and creates offenses for assaults and violations of impoundment orders.	5	10	22
HF 2109	Creates crimes relating to nonconsensual termination of a human pregnancy.	1	2	3
Total Impact		207	489	864

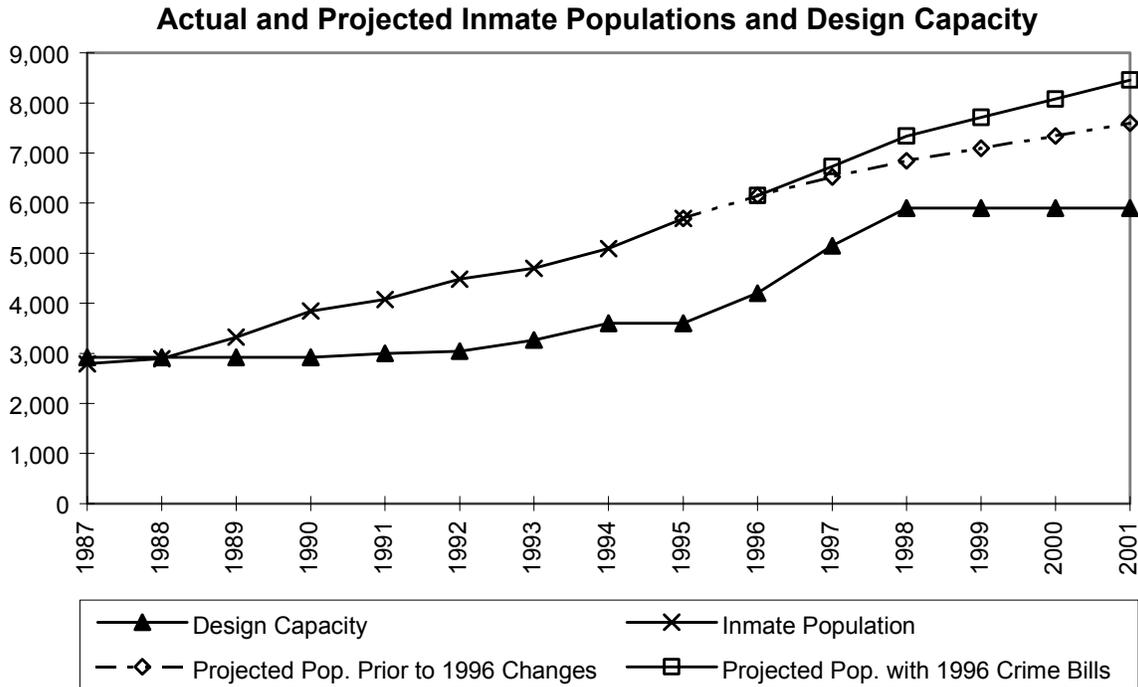
Note: The number of inmates and the length of time served as a result of SF 284 (Illegal Alien Forged Documents) will be determined by the Immigration and Naturalization Service's interpretation of the Act and when the actual deportation of an illegal alien convicted of forgery occurs.

Examining only legislation passed during the 1996 Legislative Session, the changes will require an additional 750-bed medium security prison by FY 2001. In addition to the 864 inmates expected during the next five years due to the 1996 legislation changes, an estimated 1,686 inmates will be added to the prison system between FY 2001 and FY 2016 due only to SF 2114 (Eighty-Five Percent of Sentence for Certain Forcible Felonies) and HF 2316 (Sexual Predatory Offenses). This brings the total long-term prison construction needs to at least three 750-bed prisons due to 1996 legislation.

Before passage of the 1996 legislation, the prison population was projected to grow by 1,444 between FY 1996 and FY 2001. The combined effects of prison population growth and changes in legislation will lead to an increase of 2,308 inmates over the next five years. Prison capacity is scheduled to increase by 1,700 beds with the addition of the 750-bed prisons at Newton and Fort Dodge and with the renovation of the 200-bed Cellhouse 17 at Fort Madison. The growth in the

inmate population is projected to exceed the growth in prison capacity by 608 inmates (35.8%) between FY 1996 and FY 2001.

The following graph shows the actual and projected prison populations and design capacity for existing and planned prisons.



BUDGET IMPACT

The 750-bed medium security prison at Newton has a construction cost of approximately \$34.5 million and an estimated annual operating cost of \$13.5 million. It is assumed additional prisons will have similar costs.

The Corrections Yearbook (1994) reports that nationally the average prison was operating at 112.3% of design capacity on January 1, 1994. At the end of FY 1996, with the new Clarinda prison open, the Iowa prison system will be operating at 146.4% of design capacity. Overcrowding will be reduced to a projected 124.3% of design capacity after the Fort Dodge prison opens in FY 1998. If no other prisons are added and the inmate population reaches the projected 8,459 at the end of FY 2001, the prison system will be 143.4% of design capacity.

For Iowa to reduce overcrowding to the national average, a new 750-bed prison would need to be opened in FY 1999 and another in FY 2001. Construction costs for two prisons are estimated to be \$69.0 million, and annual operating costs would be \$27.0 million. Given current trends and increased criminal penalties, additional prisons will be needed beyond FY 2001, as the prison population continues to grow.

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