

FILED JAN 31 1995

SENATE FILE 80
BY SZYMONIAK

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act increasing for a limited time period the maximum property
2 tax levy for certain county hospitals.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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S.F. 80

1 Section 1. Section 347.7, unnumbered paragraph 1, Code
2 1995, is amended to read as follows:

3 If a county hospital is established, the board of
4 supervisors, at the time of levying ordinary taxes, shall levy
5 a tax at the rate voted not to exceed fifty-four cents per
6 thousand dollars of assessed value in any one year for the
7 erection and equipment of the hospital, and also a tax not to
8 exceed twenty-seven cents per thousand dollars of value for
9 the improvement, maintenance, and replacements of the
10 hospital, as certified by the board of hospital trustees.
11 However, in counties having a population of two hundred
12 twenty-five thousand or over, the levy for taxes payable in
13 the fiscal years beginning July 1, 1996, July 1, 1997, and
14 July 1, 1998, for improvements and maintenance of the hospital
15 shall not exceed one dollar and ~~thirty-five~~ eighty-nine cents
16 per thousand dollars of assessed value in any one year. For
17 subsequent fiscal years for such counties the levy for
18 improvements and maintenance of the hospital shall not exceed
19 one dollar and ~~thirty-five~~ eighty-nine cents per thousand dollars of
20 assessed value in any one year. The proceeds of the taxes
21 constitute the county public hospital fund and the fund is
22 subject to review by the board of supervisors in counties over
23 two hundred twenty-five thousand. However, the board of
24 trustees of a county hospital, where funds are available in
25 the county public hospital fund of the county which are
26 unappropriated, may use the unappropriated funds for erecting
27 and equipping hospital buildings and additions thereto without
28 authority from the voters of the county.

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EXPLANATION

30 This bill increases the maximum property tax levy for
31 improvements and maintenance of county hospitals in counties
32 with a population of 225,000 or more from \$1.35 to \$1.89 per
33 \$1,000 of assessed value for taxes payable in the 1996-1997,
34 1997-1998, and 1998-1999 fiscal years. Beginning with the
35 fiscal year beginning July 1, 1999, the levy reverts to \$1.35

- 1 per \$1,000 of assessed value.
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**HOUSE FILE 80
FISCAL NOTE**

The estimate for **House File 80** is hereby submitted as a fiscal note pursuant to Joint Rule 17 and as a correctional impact statement pursuant to Section 2.56, Code of Iowa. Data used in developing this fiscal note and correctional impact statement are available from the Legislative Fiscal Bureau to members of the Legislature upon request.

House File 80 creates the crime of capital murder, punishable either by death or by life imprisonment, for committing murder under a number of conditions. The conditions include: committing a first degree murder after previously committing a first or second degree murder; committing another Class A felony or second degree murder during the course of the murder; murder for financial gain; murder with an explosive device or toxic substance; murder to avoid arrest or to escape; murder of a law enforcement officer, fire fighter, witness to a crime, judge, prosecutor, public official, inmate, or correctional institution employee; murder involving torture of the victim; first degree murder while lying in wait; murder because of race, religion, or nationality; brutal murder of a child under age 12; and murder while hijacking a public conveyance. The defendant must be 16 years old to be charged with capital murder. Guilt and the sentence are determined in separate proceedings. A review by the Supreme Court is required. The execution is by lethal injection.

Assumptions:

1. This estimate relates to the average cost of a capital case after precedence and accepted procedures have been developed.
2. There will be nine years between the conviction and execution.
3. The average Class A offender under a sentence of life without parole will spend 40 years in prison.
4. Capital cases will go through all three levels of appeal, and 25% will be sent back for retrial.
5. National statistics show that 29% of the capital cases have the death sentence vacated while maintaining the conviction. An additional 11% of the capital cases have both the death sentence and the conviction vacated. Since this estimate applies to the same crimes, it is assumed that 11% of these Class A felonies will have the conviction vacated.
6. The Department of Corrections will not need additional renovations to convert a cell house at Ft. Madison into a death row.

Fiscal Impact:

It is estimated there will be 15 cases per year that could be tried as capital murder. Because of the discretion permitted prosecuting attorneys in deciding whether to seek the death penalty, all, some, or none of these cases could be tried as capital cases.

If current practices are maintained, the larger counties will prosecute the cases in their counties, and the Department of Justice will prosecute the cases

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in other counties. It is estimated that 56.5% of the capital murder cases will be prosecuted by county attorneys, and the counties will bear those prosecution costs. Appeals would be handled by the Department of Justice.

The following are estimates of the average costs for one capital case and for one Class A felony. The estimates are stated in real FY 1996 dollars and not adjusted for future inflation.

Capital Offense
(One Case Under the Proposed Law)

	FY 1996	FY 1997	FY 2036 (Total)
Jail	\$ 23,000	\$ 6,000	\$ 29,000
Trial			
Defense	173,000	43,000	216,000
Prosecution	199,000	50,000	249,000
Courts	17,000	16,000	34,000
Appeals			
Defense	0	17,000	620,000
Prosecution	0	10,000	376,000
Courts	0	48,000	144,000
Incarceration through execution	0	29,000	342,000
Lethal injection equipment	25,000	0	25,000
Vacated death sentence	0	0	231,000
Vacated death sentence and conviction	0	0	(84,000)
Total Capital Case	\$ 437,000	\$ 219,000	\$ 2,182,000

Class A Felony
(One Case under the Current Law)

	FY 1996	FY 1997	FY 2036 (Total)
Jail	\$ 15,000	\$ 0	\$ 15,000
Trial			
Defense	45,000	0	45,000
Prosecution	66,000	0	66,000
Courts	12,000	0	12,000
Appeals			
Defense	0	1,000	8,000
Prosecution	2,000	7,000	54,000
Courts	0	47,000	140,000
Incarceration through natural death	9,000	28,000	1,118,000
Vacated conviction	0	0	(111,000)

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Total Class A			
Felony	\$ 149,000	\$ 83,000	\$ 1,347,000
Difference	\$ 288,000	\$ 136,000	\$ 835,000

If the county chose to prosecute the capital case, the county would have a per case cost increase of \$141,000 in FY 1996 and would have a total per case cost increase of \$196,000. If the county chose to have the Attorney General's Office prosecute the capital case, then the per case cost increase for the county would be \$8,000 in FY 1996 and would total \$14,000. All remaining cost increases would be absorbed by State agencies.

The above estimate does not account for the Supreme Court sitting en banc since it is not required by the bill. The Supreme Court, at its own discretion, hears cases en banc and has indicated that it intends to sit en banc for capital cases. If this were done, the total increase for a capital case would be approximately \$1.1 million.

No attempt has been made to estimate the training or staffing needs for the Department of Justice, Office of the Public Defender, or the Courts. Each additional attorney would cost approximately \$75,000. Each panel of 3 judges and support staff would cost approximately \$525,000.

Correctional Impact:

This change would not significantly affect the correctional system populations and programs.

Sources:

Criminal and Juvenile Justice Planning Division, Department of Human Rights
 Department of Corrections
 Office of the State Public Defender
 Supreme Court of Iowa
 Department of Justice
 Department of Public Safety
 Polk County Jail
 Polk County Attorney's Office
 Indiana Office of the Attorney General
 Missouri Office of the Attorney General
 Nebraska Office of the Attorney General
 Colorado Office of the Attorney General
 Department of Health
 Greenfield, Lawrence A. "Capital Punishment 1991," Bureau of Justice
 Statistics, U.S. Department of Justice. October, 1992. (LSB 1522hh, MDF)

FILED FEBRUARY 8, 1995

BY DENNIS PROUTY, FISCAL DIRECTOR