

Davis, Ch.
Larson
Parmenter

HSB 97

JUDICIARY

Sub
or 0 501

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
JUDICIARY BILL BY CHAIR-
PERSON LARSON)

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

A BILL FOR

1 An Act relating to the imposition of mandatory minimum fines upon
2 conviction of a felony.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23

20090002

74172

1 Section 124.401, subsection 1, paragraph c,
2 Code 1999, is amended to read as follows:

3 c. Violation of this subsection with respect to the
4 following controlled substances, counterfeit substances, or
5 simulated controlled substances is a class "C" felony, and in
6 addition to the provisions of section 902.9, subsection 3,
7 shall be punished by a fine of not less than one two thousand
8 dollars nor more than fifty thousand dollars:

9 Sec. 2. Section 124.401, subsection 1, paragraph d, Code
10 1999, is amended to read as follows:

11 d. Violation of this subsection, with respect to any other
12 controlled substances, counterfeit substances, or simulated
13 controlled substances classified in schedule IV or V is an
14 aggravated misdemeanor. However, violation of this subsection
15 involving fifty kilograms or less of marijuana is a class "D"
16 ~~felony, and in addition to the provisions of section 902.9,~~
17 ~~subsection 4, shall be punished by a fine of not less than one~~
18 ~~thousand dollars nor more than seven thousand five hundred~~
19 ~~dollars.~~

20 Sec. 3. Section 707.3, Code 1999, is amended to read as
21 follows:

22 707.3 MURDER IN THE SECOND DEGREE.

23 A person commits murder in the second degree when the
24 person commits murder which is not murder in the first degree.

25 Murder in the second degree is a class "B" felony.
26 However, notwithstanding section 902.9, subsection 1, the
27 maximum sentence for a person convicted under this section
28 shall be a period of confinement of not more than fifty years,
29 which shall be in addition to the imposition of any other
30 authorized sentence.

31 Sec. 4. Section 708.2A, subsection 6, paragraph b, Code
32 1999, is amended to read as follows:

33 b. A person convicted of violating subsection 4 shall be
34 sentenced as provided under section 902.9, subsection 4,
35 ~~committed to the custody of the director of the department of~~

~~1 corrections, and shall be assessed a fine of at least seven~~
~~2 hundred fifty dollars. The person and~~ shall be denied parole
3 or work release until the person has served a minimum of one
4 year of the person's sentence. Notwithstanding section 901.5,
5 subsection 3, and section 907.3, subsection 3, the person
6 cannot receive a suspended or deferred sentence or a deferred
7 judgment; however, the person sentenced shall receive credit
8 for any time the person was confined in a jail or detention
9 facility following arrest.

10 Sec. 5. Section 716.10, subsection 2, paragraph a, Code
11 1999, is amended to read as follows:

12 2. a. A person commits railroad vandalism in the first
13 degree if the person intentionally commits railroad vandalism
14 which results in the death of any person. Railroad vandalism
15 in the first degree is a class "B" felony. However,
16 notwithstanding section 902.9, subsection 1, the maximum
17 sentence for a person convicted under this section shall be a
18 period of confinement of not more than fifty years, which
19 shall be in addition to the imposition of any other authorized
20 sentence.

21 Sec. 6. Section 724.4A, subsection 2, Code 1999, is
22 amended to read as follows:

23 2. Notwithstanding sections 902.9 and 903.1, a person who
24 commits a public offense involving a firearm or offensive
25 weapon, within a weapons free zone, in violation of this or
26 any other chapter shall be subject to a fine of twice the
27 maximum amount which may otherwise be imposed for the public
28 offense, in addition to the imposition of any other authorized
29 sentence.

30 Sec. 7. Section 726.6A, Code 1999, is amended to read as
31 follows:

32 726.6A MULTIPLE ACTS OF CHILD ENDANGERMENT -- PENALTY.

33 A person who engages in a course of conduct including three
34 or more acts of child endangerment as defined in section 726.6
35 within a period of twelve months involving the same child or a

1 minor with a mental or physical disability, where one or more
2 of the acts results in serious injury to the child or minor or
3 results in a skeletal injury to a child under the age of four
4 years, is guilty of a class "B" felony. Notwithstanding
5 section 902.9, subsection 1, a person convicted of a violation
6 of this section shall be confined for no more than fifty
7 years, which shall be in addition to the imposition of any
8 other authorized sentence.

9 Sec. 8. Section 902.9, subsection 1, Code 1999, is amended
10 to read as follows:

11 1. A class "B" felon shall be confined for no more than
12 twenty-five years, and in addition shall be sentenced to a
13 fine of at least three thousand dollars but not more than
14 twenty-five thousand dollars.

15 Sec. 9. Section 902.9, subsection 3, Code 1999, is amended
16 to read as follows:

17 3. A class "C" felon, not an habitual offender, shall be
18 confined for no more than ten years, and in addition ~~may~~ shall
19 be sentenced to a fine of at least five-hundred two thousand
20 dollars but not more than ten thousand dollars.

21 Sec. 10. Section 902.9, subsection 4, Code 1999, is
22 amended to read as follows:

23 4. A class "D" felon, not an habitual offender, shall be
24 confined for no more than five years, and in addition ~~may~~
25 shall be sentenced to a fine of at least five-hundred one
26 thousand dollars but not more than seven thousand five hundred
27 dollars. A class "D" felon, such felony being for a violation
28 of section 321J.2, may be sentenced to imprisonment for up to
29 one year in the county jail.

30 The criminal penalty surcharge required by section 911.2
31 shall be added to a fine imposed on a class "B", "C", or class
32 "D" felon, as provided by that section, and is not a part of
33 or subject to the maximums set in this section.

34 EXPLANATION

35 This bill imposes a mandatory fine for criminal offenses

1 categorized as class "B", "C", and "D" felonies. The bill
2 establishes the mandatory minimum fine for a class "B" felony
3 at \$3,000, for a class "C" felony at \$2,000, and for a class
4 "D" felony at \$1,000.

5 The bill amends Code sections 124.401(1)(d), 707.3,
6 708.2A(6)(b), 716.10(2)(a), 724.4A(2), and 726.6A to permit a
7 court to impose a mandatory fine under Code section 902.9.
8 The bill raises the mandatory fine in Code section 124.401(c)
9 from \$1,000 to \$2,000, to correspond with the new mandatory
10 fine imposed for class "C" felonies.

11 Current law generally does not impose a mandatory fine upon
12 a conviction for a felony. However, under current law, if the
13 court imposes a fine for a class "C" or a class "D" felony,
14 the fine must be at least \$500.

15 Currently, a class "B" felony is punishable by imprisonment
16 not to exceed 25 years. A class "C" felony is punishable by
17 imprisonment not to exceed 10 years and a fine of at least
18 \$500 but not more than \$10,000. A class "D" felony is
19 punishable by imprisonment not to exceed five years and a fine
20 of at least \$500 but not more than \$7,500.

21
22
23
24
25
26
27
28
29
30
31
32
33
34
35

REPRINTED

MAR 4 1999

Place On Calendar

HOUSE FILE 501
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 97)

Passed House, ^(P. 865) Date 3/25/99 Passed Senate, Date 4/13/99 ^(P. 1081)
Vote: Ayes 66 Nays 31 Vote: Ayes 43 Nays 5
Approved April 26, 1999

A BILL FOR

1 An Act relating to the imposition of mandatory minimum fines upon
2 conviction of certain felonies.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23

HF 501

1 Section 1. Section 124.401, subsection 1, paragraph c,
2 Code 1999, is amended to read as follows:

3 c. Violation of this subsection with respect to the
4 following controlled substances, counterfeit substances, or
5 simulated controlled substances is a class "C" felony, and in
6 addition to the provisions of section 902.9, subsection 3,
7 shall be punished by a fine of not less than one two thousand
8 dollars nor more than fifty thousand dollars:

9 Sec. 2. Section 124.401, subsection 1, paragraph d, Code
10 1999, is amended to read as follows:

11 d. Violation of this subsection, with respect to any other
12 controlled substances, counterfeit substances, or simulated
13 controlled substances classified in schedule IV or V is an
14 aggravated misdemeanor. However, violation of this subsection
15 involving fifty kilograms or less of marijuana is a class "D"
16 ~~felony, and in addition to the provisions of section 902.9,~~
17 ~~subsection 4, shall be punished by a fine of not less than one~~
18 ~~thousand dollars nor more than seven thousand five hundred~~
19 ~~dollars.~~

20 Sec. 3. Section 708.2A, subsection 6, paragraph b, Code
21 1999, is amended to read as follows:

22 b. A person convicted of violating subsection 4 shall be
23 sentenced as provided under section 902.9, subsection 4,
24 ~~committed to the custody of the director of the department of~~
25 ~~corrections, and shall be assessed a fine of at least seven~~
26 ~~hundred fifty dollars. The person~~ and shall be denied parole
27 or work release until the person has served a minimum of one
28 year of the person's sentence. Notwithstanding section 901.5,
29 subsection 3, and section 907.3, subsection 3, the person
30 cannot receive a suspended or deferred sentence or a deferred
31 judgment; however, the person sentenced shall receive credit
32 for any time the person was confined in a jail or detention
33 facility following arrest.

34 Sec. 4. Section 902.9, subsection 3, Code 1999, is amended
35 to read as follows:

1 3. A class "C" felon, not an habitual offender, shall be
2 confined for no more than ten years, and in addition ~~may~~ shall
3 be sentenced to a fine of at least ~~five-hundred~~ two thousand
4 dollars but not more than ten thousand dollars.

5 Sec. 5. Section 902.9, subsection 4, Code 1999, is amended
6 to read as follows:

7 4. A class "D" felon, not an habitual offender, shall be
8 confined for no more than five years, and in addition ~~may~~
9 shall be sentenced to a fine of at least ~~five-hundred~~ one
10 thousand dollars but not more than seven thousand five hundred
11 dollars. A class "D" felon, such felony being for a violation
12 of section 321J.2, may be sentenced to imprisonment for up to
13 one year in the county jail.

14 EXPLANATION

15 This bill imposes a mandatory fine for criminal offenses
16 categorized as class "C" and "D" felonies. The bill
17 establishes in Code section 902.9 the mandatory minimum fine
18 for a class "C" felony at \$2,000 and for a class "D" felony at
19 \$1,000. Redundant language in Code section 124.401,
20 subsection 1, paragraph "d", is deleted.

21 The bill raises the mandatory fine in Code section 124.401,
22 subsection 1, paragraph "c", from \$1,000 to \$2,000, to
23 correspond with the new mandatory fine imposed for class "C"
24 felonies. The bill also raises the mandatory fine in Code
25 section 708.2A, subsection 6, paragraph "b", from \$750 to
26 \$1,000, to correspond with the new mandatory fine imposed for
27 class "D" felonies.

28 Current law generally does not impose a mandatory fine upon
29 a conviction for a felony. However, under current law, if the
30 court imposes a fine for a class "C" or a class "D" felony,
31 the fine must be at least \$500.

32 Currently, a class "C" felony is punishable by imprisonment
33 not to exceed 10 years and a fine of at least \$500 but not
34 more than \$10,000. A class "D" felony is punishable by
35 imprisonment not to exceed five years and a fine of at least

S.F. _____

H.F. 501

1 \$500 but not more than \$7,500.

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31

32

33

34

35

HOUSE FILE 501

H-1169

- 1 Amend House File 501 as follows:
2 1. Page 1, by inserting after line 19 the
3 following:
4 "Sec. _____. Section 702.11, Code 1999, is amended
5 to read as follows:
6 702.11 FORCIBLE FELONY.
7 1. A "forcible felony" is any felonious child
8 endangerment, assault, murder, sexual abuse,
9 kidnapping, robbery, arson in the first degree, or
10 burglary in the first degree. ~~However, sexual~~
11 2. Notwithstanding subsection 1, the following
12 offenses are not forcible felonies:
13 a. Willful injury in violation of section 708.4,
14 subsection 2.
15 b. Sexual abuse in the third degree committed
16 between spouses, sexual.
17 c. Sexual abuse in violation of section 709.4,
18 subsection 2, paragraph "c", subparagraph (4), or
19 sexual.
20 d. Sexual exploitation by a counselor or therapist
21 in violation of section 709.15, is not a "forcible
22 felony".
23 Sec. _____. Section 708.2, Code 1999, is amended by
24 adding the following new subsection:
25 NEW SUBSECTION. 3A. A person who commits an
26 assault, as defined in section 708.1, and who causes
27 serious injury, is guilty of a class "D" felony."
28 2. Page 1, by inserting after line 33 the
29 following:
30 "Sec. _____. Section 708.4, Code 1999, is amended to
31 read as follows:
32 708.4 WILLFUL INJURY.
33 Any person who does an act which is not justified
34 and which is intended to cause ~~and does cause~~ serious
35 injury to another commits ~~a~~ the following:
36 1. A class "C" felony, if the person causes
37 serious injury to another.
38 2. A class "D" felony, if the person causes bodily
39 injury to another."
40 3. Title page, by striking line 1 and inserting
41 the following: "An Act relating to the definitions
42 and penalties applicable to".
43 4. Title page, line 2, by inserting after the
44 word "felonies" the following: ", by making changes
45 related to the offenses of assault and willful injury
46 and making changes in the mandatory minimum penalties
47 for certain felony offenses".
48 5. By renumbering as necessary.

By LARSON of Linn

H-1169 FILED MARCH 23, 1999

adopted
3/25/99
(P. 864)

H-1240

- 1 Amend House File 501 as follows:
 2 1. Page 2, by inserting after line 13 the
 3 following:
 4 "Sec. ____ . Section 902.9, unnumbered paragraph 2,
 5 Code 1999, is amended to read as follows:
 6 The criminal penalty surcharge required by section
 7 911.2 shall be added to a fine imposed on a class "C"
 8 or class "D" felon, as provided by that section, and
 9 is not a part of or subject to the maximums set in
 10 this section. However, a fine shall not be imposed in
 11 a class "C" or "D" felony, if the court finds that the
 12 payment of a fine would create an undue burden on the
 13 felon's family."
 14 2. By renumbering as necessary.

By KREIMAN of Davis

H-1240 FILED MARCH 25, 1999

Lost
3/29/99
p. 864

SENATE AMENDMENT TO HOUSE FILE 501

H-1575

- 1 Amend House File 501, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 1, by striking lines 1 through 8.
 4 2. Page 2, line 35, by striking the word "two"
 5 and inserting the following: "one".
 6 3. Page 3, lines 6 and 7, by striking the words
 7 "five-hundred one thousand" and inserting the
 8 following: "five seven hundred fifty".

RECEIVED FROM THE SENATE

H-1575 FILED APRIL 13, 1999

~~EST~~ House Concurred 4/15/99 (p. 1363)

S-3/25/99 Judiciary
S-3/31/99 Do Pass

HOUSE FILE 501
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 97)

(As Amended and Passed by the House, March 25, 1999)

Passed House, Date 4/15/99 (P.1364) Passed Senate, Date 4/13/99 (P.1081)
Vote: Ayes 60 Nays 30 Vote: Ayes 43 Nays 5
Approved April 26, 1999

A BILL FOR

1 An Act relating to the definitions and penalties applicable to
2 conviction of certain felonies, by making changes related to
3 the offenses of assault and willful injury and making changes
4 in the mandatory minimum penalties for certain felony
5 offenses.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

House Amendments _____

HOUSE FILE 501

S-3220

1 Amend House File 501, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 1, by striking lines 1 through 8.

4 2. Page 2, line 35, by striking the word "two"
5 and inserting the following: "one".

6 3. Page 3, lines 6 and 7, by striking the words
7 "five-hundred one thousand" and inserting the
8 following: "five seven hundred fifty".

By JEFF LAMBERTI

S-3220 FILED APRIL 5, 1999

(P.1980) *Adopted*
4/13/99

HF 501

S.F. _____

H.F. _____

501

1 Section 1. Section 124.401, subsection 1, paragraph c,
2 Code 1999, is amended to read as follows:

3 c. Violation of this subsection with respect to the
4 following controlled substances, counterfeit substances, or
5 simulated controlled substances is a class "C" felony, and in
6 addition to the provisions of section 902.9, subsection 3,
7 shall be punished by a fine of not less than ~~one~~ two thousand
8 dollars nor more than fifty thousand dollars:

9 Sec. 2. Section 124.401, subsection 1, paragraph d, Code
10 1999, is amended to read as follows:

11 d. Violation of this subsection, with respect to any other
12 controlled substances, counterfeit substances, or simulated
13 controlled substances classified in schedule IV or V is an
14 aggravated misdemeanor. However, violation of this subsection
15 involving fifty kilograms or less of marijuana is a class "D"
16 ~~felony and in addition to the provisions of section 902.9,~~
17 ~~subsection 4, shall be punished by a fine of not less than one~~
18 ~~thousand dollars nor more than seven thousand five hundred~~
19 ~~dollars.~~

20 Sec. 3. Section 702.11, Code 1999, is amended to read as
21 follows:

22 702.11 FORCIBLE FELONY.

23 1. A "forcible felony" is any felonious child
24 endangerment, assault, murder, sexual abuse, kidnapping,
25 robbery, arson in the first degree, or burglary in the first
26 degree. However, sexual

27 2. Notwithstanding subsection 1, the following offenses
28 are not forcible felonies:

29 a. Willful injury in violation of section 708.4,
30 subsection 2.

31 b. Sexual abuse in the third degree committed between
32 spouses, sexual.

33 c. Sexual abuse in violation of section 709.4, subsection
34 2, paragraph "c", subparagraph (4), or sexual.

35 d. Sexual exploitation by a counselor or therapist

1 violation of section 709.157-is-not-a-"forcible-felony".

2 Sec. 4. Section 708.2, Code 1999, is amended by adding the
3 following new subsection:

4 NEW SUBSECTION. 3A. A person who commits an assault, as
5 defined in section 708.1, and who causes serious injury, is
6 guilty of a class "D" felony.

7 Sec. 5. Section 708.2A, subsection 6, paragraph b, Code
8 1999, is amended to read as follows:

9 b. A person convicted of violating subsection 4 shall be
10 sentenced as provided under section 902.9, subsection 4,
11 ~~committed to the custody of the director of the department of~~
12 ~~corrections, and shall be assessed a fine of at least seven~~
13 ~~hundred-fifty dollars.--The person and~~ shall be denied parole
14 or work release until the person has served a minimum of one
15 year of the person's sentence. Notwithstanding section 901.5,
16 subsection 3, and section 907.3, subsection 3, the person
17 cannot receive a suspended or deferred sentence or a deferred
18 judgment; however, the person sentenced shall receive credit
19 for any time the person was confined in a jail or detention
20 facility following arrest.

21 Sec. 6. Section 708.4, Code 1999, is amended to read as
22 follows:

23 708.4 WILLFUL INJURY.

24 Any person who does an act which is not justified and which
25 is intended to cause and does cause serious injury to another
26 commits a the following:

27 1. A class "C" felony, if the person causes serious injury
28 to another.

29 2. A class "D" felony, if the person causes bodily injury
30 to another.

31 Sec. 7. Section 902.9, subsection 3, Code 1999, is amended
32 to read as follows:

33 3. A class "C" felon, not an habitual offender, shall be
34 confined for no more than ten years, and in addition may shall
35 be sentenced to a fine of at least five-hundred two thousand

1 dollars but not more than ten thousand dollars.

2 Sec. 8. Section 902.9, subsection 4, Code 1999, is amended
3 to read as follows:

4 4. A class "D" felon, not an habitual offender, shall be
5 confined for no more than five years, and in addition may
6 shall be sentenced to a fine of at least five-hundred one
7 thousand dollars but not more than seven thousand five hundred
8 dollars. A class "D" felon, such felony being for a violation
9 of section 321J.2, may be sentenced to imprisonment for up to
10 one year in the county jail.

11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35

**HOUSE FILE 501
FISCAL NOTE**

A fiscal note for House File 501 is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note is available from the Legislative Fiscal Bureau to members of the Legislature upon request.

House File 501 imposes a mandatory minimum fine of \$2,000 for Class C felonies and \$1,000 for Class D felonies. Currently, fines are not mandatory, but if imposed must be at least \$500.

ASSUMPTIONS

1. Charge, conviction, and sentencing patterns will remain constant over the projection period.
2. There is a six-month lag as offenders are processed through the court system and begin paying their fines.
3. There are 2,114 Class C felonies per year; 743 are assessed fines averaging \$879. Of those fined, 36 are fined in excess of the new \$2,000 minimum.
4. There are 5,717 Class D felony convictions per year; 1,097 are assessed fines averaging \$628. Of those fined, 286 are fined in excess of the new \$1,000 minimum.
5. It is assumed all cases will be assessed at least the minimum fine of \$2,000 for Class C felonies and \$1,000 for Class D felonies.
6. Based on the sample data used in the Justice Data Warehouse Project, the annual fine collection rate for Class C felonies is 17.2% and 20.7% for Class D felonies. It is assumed these rates apply statewide.
7. Estimates are not included for the potential costs associated with Judicial Branch fine collections, payment handling by prisons and Community-Based Corrections District Departments, contempt proceedings and subsequent jail time, or related effects.

FISCAL IMPACT

House File 501 is projected to increase revenues to the General Fund by \$791,000 in FY 2000 and \$1.6 million per year thereafter.

SOURCES

Criminal and Juvenile Justice Planning Division, Department of Human Rights
Justice Data Warehouse Project

(LSB 1857hv, MDF)

FILED MARCH 10, 1999

BY DENNIS PROUTY, FISCAL DIRECTOR

**HOUSE FILE 501
FISCAL NOTE**

A fiscal note for House File 501 is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note is available from the Legislative Fiscal Bureau to members of the Legislature upon request.

House File 501, as passed by the House, imposes a mandatory minimum fine of \$2,000 for Class C felonies and \$1,000 for Class D felonies. Currently, fines are not mandatory, but if imposed must be at least \$500.

House File 501, as passed by the House, also increases the penalty for willful injury. Assault causing injury and intentionally causing injury, but not serious injury, to another become a Class D felonies.

ASSUMPTIONS

1. Charge, conviction, and sentencing patterns will remain constant over the projection period.
2. There is a six-month lag time as offenders are processed through the court system and begin paying their fines or serving their sentences.
3. There are 2,114 Class C felonies per year; 743 are assessed fines averaging \$879. Of those fined, 36 are fined in excess of the new \$2,000 minimum.
4. There are 5,717 Class D felony convictions per year; 1,097 are assessed fines averaging \$628. Of those fined, 286 are fined in excess of the new \$1,000 minimum.
5. There will be 141 new Class D felony convictions in FY 2000 and 282 new Class D felony convictions in FY 2001. There will be no further increases after FY 2001.
6. It is assumed all cases will be assessed at least the minimum fine of \$2,000 for Class C felonies and \$1,000 for Class D felonies.
7. The annual fine collection rate for Class C felonies is 17.2% and 20.7% for Class D felonies. It is assumed these rates apply statewide.
8. Estimates are not included for the potential costs associated with Judicial Branch fine collections, payment handling by prisons and Community-Based Corrections District Departments, contempt proceedings and subsequent jail time, or related effects.
9. The costs of defending a Class D felony is \$200 more than the cost of defending an aggravated misdemeanor. Prosecution costs are assumed to equal defense costs.
10. It is estimated that in FY 2000, 141 convictions will be affected by the increased penalty for bodily injury resulting in a Class D felonies. There will be 282 convictions per year thereafter affected by the increased penalty for bodily injury.
11. The marginal cost of adding one client to a residential facility is \$14 per day. It is assumed an offender committing a Class D felony spends four months in the residential facility.
12. The marginal cost for adding a jail inmate is assumed to be equal to the cost for a residential facility.

- 13. The average jail stay for an aggravated misdemeanor convicted of assault is 43 days.
- 14. The marginal cost of adding one inmate to the prison system is \$12 per day.

CORRECTIONAL IMPACT

The correctional system facility average annual populations will increase as follows:

	<u>FY 2000</u>	<u>FY 2001</u>	<u>FY 2004</u>
Prisons	52	175	217
Residential Facilities	3	5	5

Jail admissions will be reduced by 45 clients in FY 2000 and by 91 clients in the following years.

FISCAL IMPACT

House File 501, as passed by the House, is expected to have a General Fund revenue increase of approximately \$521,000 in FY 2000 and \$568,000 in FY 2004.

	<u>FY 2000</u>	<u>FY 2001</u>	<u>FY 2004</u>
STATE IMPACT			
<u>REVENUES</u>			
General Fund - Fines	\$ 791,000	\$ 1,600,000	\$ 1,600,000
<u>EXPENDITURES</u>			
Public Defender	\$ 28,000	\$ 56,000	\$ 56,000
Prisons	228,000	767,000	950,000
Residential Facilities	14,000	26,000	26,000
Total	<u>\$ 270,000</u>	<u>\$ 849,000</u>	<u>\$ 1,032,000</u>
NET REVENUE INCREASE	<u>\$ 521,000</u>	<u>\$ 751,000</u>	<u>\$ 568,000</u>

COUNTY IMPACT

INCREASED EXPENDITURES

County Attorney's Office	\$ 28,000	\$ 56,000	\$ 56,000
--------------------------	-----------	-----------	-----------

DECREASED EXPENDITURES

County Jails	\$ -27,000	\$ -55,000	\$ -55,000
--------------	------------	------------	------------

SOURCES

Criminal and Juvenile Justice Planning Division, Department of Human Rights
 Justice Data Warehouse Project
 Department of Corrections
 Judicial Branch

(LSB 1857HV.2, MDF)

AN ACT

RELATING TO THE DEFINITIONS AND PENALTIES APPLICABLE TO CONVICTION OF CERTAIN FELONIES, BY MAKING CHANGES RELATED TO THE OFFENSES OF ASSAULT AND WILLFUL INJURY AND MAKING CHANGES IN THE MANDATORY MINIMUM PENALTIES FOR CERTAIN FELONY OFFENSES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 124.401, subsection 1, paragraph d, Code 1999, is amended to read as follows:

d. Violation of this subsection, with respect to any other controlled substances, counterfeit substances, or simulated controlled substances classified in schedule IV or V is an aggravated misdemeanor. However, violation of this subsection involving fifty kilograms or less of marijuana is a class "D" felony, ~~and in addition to the provisions of section 902.9, subsection 4, shall be punished by a fine of not less than one thousand dollars nor more than seven thousand five hundred dollars.~~

Sec. 2. Section 702.11, Code 1999, is amended to read as follows:

702.11 FORCIBLE FELONY.

1. A "forcible felony" is any felonious child endangerment, assault, murder, sexual abuse, kidnapping, robbery, arson in the first degree, or burglary in the first degree. ~~However, sexual~~

2. Notwithstanding subsection 1, the following offenses are not forcible felonies:

a. Willful injury in violation of section 708.4, subsection 2.

b. Sexual abuse in the third degree committed between spouses, sexual

c. Sexual abuse in violation of section 709.4, subsection 2, paragraph "c", subparagraph (4), or sexual

d. Sexual exploitation by a counselor or therapist in violation of section 709.15, is not a "forcible felony".

Sec. 3. Section 708.2, Code 1999, is amended by adding the following new subsection:

NEW SUBSECTION. 3A. A person who commits an assault, as defined in section 708.1, and who causes serious injury, is guilty of a class "D" felony.

Sec. 4. Section 708.2A, subsection 6, paragraph b, Code 1999, is amended to read as follows:

b. A person convicted of violating subsection 4 shall be sentenced as provided under section 902.9, subsection 4, ~~committed to the custody of the director of the department of corrections, and shall be assessed a fine of at least seven hundred fifty dollars. The person and shall be denied parole or work release until the person has served a minimum of one year of the person's sentence. Notwithstanding section 901.5, subsection 3, and section 907.3, subsection 3, the person cannot receive a suspended or deferred sentence or a deferred judgment; however, the person sentenced shall receive credit for any time the person was confined in a jail or detention facility following arrest.~~

Sec. 5. Section 708.4, Code 1999, is amended to read as follows:

708.4 WILLFUL INJURY.

Any person who does an act which is not justified and which is intended to cause ~~and does cause~~ serious injury to another commits the following:

1. A class "C" felony, if the person causes serious injury to another.

2. A class "D" felony, if the person causes bodily injury to another.

Sec. 6. Section 902.9, subsection 3, Code 1999, is amended to read as follows:

3. A class "C" felon, not an habitual offender, shall be confined for no more than ten years, and in addition may shall

be sentenced to a fine of at least five-hundred one thousand dollars but not more than ten thousand dollars.

Sec. 7. Section 902.9, subsection 4, Code 1999, is amended to read as follows:

4. A class "D" felon, not an habitual offender, shall be confined for no more than five years, and in addition may shall be sentenced to a fine of at least five seven hundred fifty dollars but not more than seven thousand five hundred dollars. A class "D" felon, such felony being for a violation of section 321J.2, may be sentenced to imprisonment for up to one year in the county jail.

RON J. CORBETT
Speaker of the House

MARY E. KRAMER
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 501, Seventy-eighth General Assembly.

ELIZABETH ISAACSON
Chief Clerk of the House

Approved April 26, 1999

THOMAS J. VILSACK
Governor