

JAN 19 1999

JUDICIARY

HOUSE FILE
BY LARSON

94

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

A BILL FOR

1 An Act to provide for the imposition of a life sentence for
2 adults who manufacture and deliver methamphetamine or
3 amphetamine to a minor.

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

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hb 94

1 Section 1. NEW SECTION. 124.401D MANUFACTURE AND
2 DELIVERY OF METHAMPHETAMINE OR AMPHETAMINE TO MINORS.

3 A person who is eighteen years of age or older who
4 unlawfully manufactures and delivers methamphetamine or
5 amphetamine, or the salts, isomers, or salts of isomers of
6 methamphetamine or amphetamine to a person who is under
7 eighteen years of age commits a class "A" felony.

8 EXPLANATION

9 This bill provides that a person who is 18 years of age or
10 older who unlawfully manufactures and delivers methamphetamine
11 or amphetamine or one of the salts, isomers, or salts of
12 isomers of methamphetamine or amphetamine to a person who is
13 under 18 years of age is guilty of a class "A" felony. A
14 person who is convicted of a class "A" felony must be
15 sentenced to imprisonment for the rest of the person's life.

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**HOUSE FILE 94
FISCAL NOTE**

The estimate for House File 94 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 94 provides that a person who is 18 years of age or older and who unlawfully manufactures and delivers methamphetamine or its derivatives to someone who is under 18 years of age commits a Class A felony and will be sentenced to life in prison.

ASSUMPTIONS

1. Current drug use, arrests, conviction rates, and sentencing policies will continue throughout the projection period.
2. On average, there is one conviction per year involving sale of methamphetamine to a minor. The conviction is for a Class C felony.
3. The average Class C felony serves two years.
4. It is not known whether this person is also manufacturing the drug. Therefore, it will be assumed that the maximum number of convictions would be one per year.
5. The convicted offender is approximately 20 years old and will serve a life sentence of 55 years.
6. The marginal cost for adding one inmate to prison is \$12 per day.
7. It is estimated that the difference between the Office of the Public Defender handling a Class C felony case and a Class A felony case is approximately \$14,000. Prosecution costs for the Office of the Attorney General or the County Prosecuting Attorney are assumed to be approximately the same as defense costs.

CORRECTIONAL IMPACT

The changes made by House File 94 will not affect the prison population in FY 2000 or FY 2001. The prison population is projected to increase by two or fewer inmates in FY 2004. Over the next 51 years, the inmate population is projected to increase by one or fewer inmate per year because of this Bill.

FISCAL IMPACT

The changes in House File 94 do not create significant cost increases through FY 2004. Costs for prosecution and defense will increase to account for the difference between a Class A and a Class C felony case, but the costs will not be significant. The costs for the Department of Corrections will not change in FY 2000 and FY 2001. Beginning in FY 2003 through FY 2055, the operating costs for the prisons will increase by \$4,400 annually for each conviction.

SOURCES

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

(LSB 1170hh, MDF)

FILED FEBRUARY 9, 1999

BY DENNIS PROUTY, FISCAL DIRECTOR