

Baudler, Chair
Sukup
Shoultz

HSB 65

JUDICIARY

SENATE/HOUSE FILE ^{eded By} 0 212
BY (PROPOSED ATTORNEY GENERAL
BILL)

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

A BILL FOR

1 An Act relating to felonious misconduct by a public officer or
2 employee and providing a penalty.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 721.1, Code 2001, is amended by adding
2 the following new subsections:

3 NEW SUBSECTION. 3. Falsifies a writing, or knowingly
4 delivers a falsified writing, with the knowledge that the
5 writing will become a public record of a government body.

6 NEW SUBSECTION. 4. For purposes of this section,
7 "government body" and "public record" mean the same as defined
8 in section 22.1.

9 EXPLANATION

10 This bill creates new Code subsections 721.1(3) and (4)
11 concerning felonious misconduct by a public officer or
12 employee.

13 The bill prohibits a public officer or employee from
14 falsifying a writing, or knowingly delivering a falsified
15 writing, knowing the writing will become a public record of a
16 government body.

17 The bill further provides a cross reference to the
18 statutory definitions of "public record" and "government body"
19 as defined in the public records law. By doing so the use of
20 the term "public record" in Code subsection 721.1(2) is also
21 tied to the definition in the public records law, Code chapter
22 22. The Code subsection 721.1(2) deals with falsification of
23 a document already considered to be a public record.

24 A public officer or employee who commits a violation of
25 this bill commits a class "D" felony. A class "D" felony is
26 punishable by confinement for no more than five years and a
27 fine of at least \$750 but not more than \$7,500. A criminal
28 penalty surcharge equal to 30 percent of the imposed fine also
29 applies.

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REPRINTED

2/28/01 Motion to R/C by
Dremmel
3/6/01 Motion to R/C
Prevalled

FEB 14 2001
Place On Calendar

HOUSE FILE 272
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 65)

Passed House, ^(p. 525) Date 2/28/01 Passed Senate, ^{p. 1014} Date 4-9-01
Vote: Ayes 100 Nays 0 Vote: Ayes 45 Nays 0

^(p. 610) Approved April 16, 2001
Passed 3-6-01
Date 98-0

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HOUSE FILE 272

H-1148

- 1 Amend House File 272 as follows:
- 2 1. Page 1, line 5, by inserting after the word
- 3 "writing" the following: "is falsified and that the
- 4 writing".
- 5 2. By renumbering as necessary.

By TREMMEL of Wapello
GRUNDBERG of Polk

H-1148 FILED MARCH 1, 2001

Adapted 3-6-01 p. 609

HF 272

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**HOUSE FILE 272
FISCAL NOTE**

The estimate for **House File 272** 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 272 concerns felonious misconduct by a public officer or employee. The Bill prohibits a public officer or employee from falsifying a writing, or knowingly delivering a falsified writing that will become a public record of a government body. The effect of House File 272 is to apply existing penalties earlier in a document's life cycle. The penalty for felonious misconduct in office is a Class D felony.

ASSUMPTIONS

1. Charge, conviction, and sentencing patterns and trends will not change over the projection period.
2. Prisoner length of stay, revocation rates, and other corrections' practices and policies will not change over the projection period.
3. The law will become effective July 1, 2001. A lag effect of six months is assumed, from the effective date of the change in the law to the date of first entry of affected offenders into the correctional system.
4. The analysis is based on information obtained from the Justice Data Warehouse, which includes statewide court information. Conviction and penalty information is based on FY 2000 data.
5. There were two convictions under Section 721.1(2), Code of Iowa during FY 2000. One person was sentenced to prison and the other person was sentenced to probation.
6. The marginal cost per day for State prisons is \$16 per offender. The average length of stay for Class D felons in the State prison system is 21.3 months.
7. The marginal cost per day for probation or parole is \$1.55 per offender. The average length of stay for street supervision is 29 months for a Class D felony.
8. The median cost per case for Class D felonies is \$1,000 to defend.
9. Court costs vary by type of offense charged as well as contested versus uncontested cases. Trial costs for a Class D felony case range from \$2,900 to \$5,100. These costs include expenses for the Clerk of Court, court attendant, court reporter, juries, and judges; i.e., Magistrates,

PAGE 2 , FISCAL NOTE, HOUSE FILE 272

-2-

District Associate Judges, and District Court Judges.

CORRECTIONAL IMPACT

It is anticipated that House File 272 will have no significant correctional impact.

FISCAL IMPACT

The fiscal impact of House File 272 is not anticipated to be significant.

SOURCES

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

(LSB 1129hv, BAI.)

FILED FEBRUARY 20, 2001

BY DENNIS PROUTY, FISCAL DIRECTOR

HOUSE FILE 272
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 65)

(As Amended and Passed by the House March 6, 2001)

Passed House, Date _____ Passed Senate, ^(P.1014) Date 4-9-01
Vote: Ayes _____ Nays _____ Vote: Ayes 45 Nays 0
Approved April 16, 2001

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House Amendments _____

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NEW SUBSECTION. 4. For purposes of this section, "government body" and "public record" mean the same as defined in section 22.1.

BRENT SIEGRIST
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 272, Seventy-ninth General Assembly.

MARGARET THOMSON
Chief Clerk of the House

Approved April 16, 2001

THOMAS J. VILSACK
Governor

HOUSE FILE 272

AN ACT

RELATING TO FELONIOUS MISCONDUCT BY A PUBLIC OFFICER OR EMPLOYEE
AND PROVIDING A PENALTY.

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

Section 1. Section 721.1, Code 2001, is amended by adding the following new subsections:

NEW SUBSECTION. 3. Falsifies a writing, or knowingly delivers a falsified writing, with the knowledge that the writing is falsified and that the writing will become a public record of a government body.