

FEB 20 2001
JUDICIARY

HOUSE FILE 320
BY BODDICKER

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

A BILL FOR

1 An Act relating to the criminal offense of disarming a peace
2 officer.

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

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HT 320

1 Section 1. Section 708.13, Code 2001, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 4. A person who disarms or attempts to
4 disarm a peace officer and who assaults the peace officer with
5 the dangerous weapon commits a class "C" felony.

6 EXPLANATION

7 This bill relates to the crime of disarming a peace
8 officer. The bill provides that if a person disarms a peace
9 officer of a dangerous weapon, and subsequently commits any
10 assault upon the officer with the weapon, the person commits a
11 class "C" felony.

12 A class "C" felony is punishable by confinement for no more
13 than 10 years and a fine of at least \$1,000 but not more than
14 \$10,000.

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**HOUSE FILE 320
FISCAL NOTE**

The estimate for House File 320 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 320 provides that a person who disarms a police officer of a dangerous weapon and subsequently commits assault upon the officer with the weapon is guilty of a Class C 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. Most incidents covered by this Bill are already crimes under State law such as assault on a police officer and interference with official acts.
6. The proposed Class C felony offense would result in increased penalties for certain incidents, and therefore, would result in an increase in prison admissions and the prison population.
7. A Class C felony is punishable by confinement for no more than ten years and a fine of at least \$1,000 but not more than \$10,000.
8. The marginal cost per day for State prisons is \$16 per offender. The average length of stay for Class C felons in the State prison system is 41.2 months.
9. The marginal cost per day for probation or parole is \$1.55 per offender. The average length of stay for street supervision is 30 months for a Class C felony.
10. The median cost per case for Class C felonies is \$1,200 to defend.
11. The court costs related to a Class C felony range from \$2,900 to \$5,000.

CORRECTIONAL IMPACT

The proposed Class C felony offense would result in increased penalties for certain incidents, and therefore, would result in increased prison admissions and prison population. Due to insufficient information on the number of such incidents covered by the Class C felony penalty, the actual correctional impact cannot be determined.

FISCAL IMPACT

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Due to insufficient information on the number of offenses, an accurate fiscal impact cannot be determined. However, for each offender, the General Fund cost would be approximately \$26,000.

SOURCES

Department of Corrections
Criminal and Juvenile Justice Planning Division, Department of Human Rights
Judicial Branch
State Public Defender

(LSB 2341hh, JDD)

FILED MARCH 15, 2001

BY DENNIS PROUTY, FISCAL DIRECTOR