

**EIGHTY-EIGHTH GENERAL ASSEMBLY
2020 REGULAR SESSION
DAILY
SENATE CLIP SHEET**

February 13, 2020

Clip Sheet Summary

Displays all amendments, fiscal notes, and conference committee reports for previous day.

Bill	Amendment	Action	Sponsor
SF 2142	S-5005	Filed	RECEIVED FROM THE HOUSE

Fiscal Notes

[SJR 2001](#) — [Abortion, Constitutional Amendment](#) (LSB2071SZ)

[SF 586](#) — [Violent Habitual Offender](#) (LSB2580SV.2)

[SF 2188](#) — [Hazard Mitigation Programs, Non-Disaster Matching Moneys](#)
(LSB5381SV)

SENATE FILE 2142

S-5005

- 1 Amend Senate File 2142, as passed by the Senate, as follows:
- 2 1. Page 1, line 10, by striking <one-tenth> and inserting
- 3 <one-half>
- 4 2. Page 1, line 24, by striking <one-tenth> and inserting
- 5 <one-half>

S-5005 FILED FEBRUARY 12, 2020



[SJR 2001](#) – Abortion, Constitutional Amendment (LSB2071SZ)
Staff Contact: Kenneth Ohms (515.725.2200) kenneth.ohms@legis.iowa.gov
Fiscal Note Version – New

Description

[Senate Joint Resolution 2001](#) proposes an amendment to the Iowa Constitution specifying that the Constitution shall not be construed to recognize, grant, or secure a right to abortion or to require the public funding of abortion.

Background

Iowa Code section [49A.1](#) and the Iowa Constitution require that when an amendment to the Constitution is first passed by the General Assembly, and has been referred to the next succeeding General Assembly, the General Assembly is required to publish the proposed amendment in two newspapers of general circulation in each Iowa congressional district once each month for three consecutive months prior to the start of the next General Assembly. The General Assembly is also required to make the amendment available on an Internet site.

Upon passage of the same amendment by the succeeding General Assembly, Iowa Code section [49A.2](#) requires the amendment to be published in newspapers in all 99 counties once each month for three consecutive months immediately preceding the general election.

Iowa Code section [49A.9](#) requires that these expenses, while arranged by the General Assembly, are required to be paid for by the State Commissioner of Elections (Secretary of State).

Assumptions

- The average cost to publish an amendment in a single newspaper is \$600.
- Publication of the initial amendment would occur in eight newspapers (two in each congressional district) for a three-month period.
- Subsequent publication of the amendment would occur in 99 newspapers (one in each county) for a three-month period if the Joint Resolution were passed by the 89th General Assembly.

Fiscal Impact

Constitutional Amendment Publication Cost. The estimated cost to publish a proposed constitutional amendment passed by the General Assembly during the 2020 Legislative Session would be \$14,400 (8 newspapers x 3 months x \$600). The costs would be incurred in the fall of 2020 (FY 2021).

Assuming the proposed amendment is passed a second time during the 2021 Legislative Session, the estimated cost would be \$178,200 (99 newspapers x 3 months x \$600). The costs would be incurred in the fall of 2022 (FY 2023).

These publication costs would be incurred by the Secretary of the Senate's Office and the Chief Clerk's Office in the House of Representatives and reimbursed by the Iowa Secretary of State's Office.

Sources

Legislative Services Agency
Office of the Secretary of State

/s/ Holly M. Lyons

February 12, 2020

Doc ID 1128223

The fiscal note for this Bill was prepared pursuant to [Joint Rule 17](#) and the Iowa Code. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.

www.legis.iowa.gov



[SF 586](#) – Violent Habitual Offender (LSB2580SVV.2)
Staff Contact: Laura Book (515.205.9275) laura.book@legis.iowa.gov
Fiscal Note Version – Revised for New Data

Description

[Senate File 586](#) establishes a criminal penalty for a violent repeat offense and provides for risk assessments. Under the Bill, a violent repeat offender is any person convicted of a felony offense under any of the following Iowa Code chapters and sections, who has been convicted twice before of any of those same offenses:

- Iowa Code chapter [707](#) (homicide), [708](#) (assault), [709](#) (sexual abuse), or [710](#) (kidnapping), or
- Iowa Code section [711.2](#) (robbery in the first degree), [711.3](#) (robbery in the second degree), [713.3](#) (burglary in the first degree), [713.4](#) (attempted burglary in the first degree), [713.5\(1\)\(a\)](#) (burglary in the second degree), or [713.6\(1\)\(a\)](#) (attempted burglary in the second degree).

The Bill provides that an offender who is serving a violent repeat offender sentence is only eligible for a reduction of sentence equal to fifteen eighty-fifths of a day for each day of good conduct by the offender.

Background

Currently, most offenders are eligible for a reduction of sentence equal to one and two-tenths days for each day the offender demonstrates good conduct. The fifteen eighty-fifths of a day for each day of good conduct by a violent repeat offender equals the same rate of reduction of sentence for an offender who is serving a 70.0% sentence under Iowa Code section [902.12](#) or [902.13](#). The offenses listed in the Bill have penalties ranging from a Class D felony to a Class A felony.

Assumptions

- The following will not change over the projection period: charge, conviction, and sentencing patterns and trends; prisoner length of stay; revocation rates; plea bargaining; and other criminal justice system policies and practices.
- A lag effect of six months is assumed from the effective date of this Bill to the date of first entry of affected offenders into the correctional system.
- Marginal costs for county jails cannot be estimated due to a lack of data. For purposes of this analysis, the marginal cost for county jails is assumed to be \$50 per day.
- Marginal daily prison cost for one offender is assumed to be \$20.38 per day.

Correctional Impact

[Senate File 586](#) would result in longer prison sentences for those who qualify as a violent repeat offender. The Bill would not increase the number of convictions of any of the qualifying offenses. The impact would likely occur five years or more after implementation of this Bill.

In FY 2019, there were 76 offenders who entered prison as new admissions on a most serious Class B, C, or D felony who would qualify as a violent habitual offender under this Bill. **Table 1** shows the FY 2019 average length of stay in prison for each offense class and the estimated

additional stay in prison that would result from a violent habitual offender classification under [SF 586](#).

Table 1 — Sentencing Estimates and Length of Stay (LOS)

Conviction Offense Class	FY 2019 Avg. LOS (months)	SF 586 Additional LOS (months)
Class B Felony	95.4	108
Class C Felony	38.4	44
Class D Felony	17.3	22

Refer to the Legislative Services Agency (LSA) memo addressed to the General Assembly, [Cost Estimates Used for Correctional Impact Statements](#), dated January 16, 2020, for information related to the correctional system.

Minority Impact

In FY 2019, there were 76 offenders who entered prison as new admissions who would qualify as a violent habitual offender under this Bill. **Table 2** provides the demographics of the 76 offenders in relation to the Iowa population as of July 1, 2018.

Table 2 — Demographics by Percentage

Demographic	Qualifying FY19 New Admissions	Total Iowa Population
White	76.0%	90.2%
African-American	23.0%	3.6%
American-Indian	1.0%	0.4%

Refer to the LSA memo addressed to the General Assembly, [Minority Impact Statement](#), dated January 15, 2020, for information related to minorities in the criminal justice system.

Fiscal Impact

[Senate File 586](#) is estimated to increase the Department of Corrections (DOC) supervision costs by \$1.6 million per fiscal year. This estimate is based on the number of offenders in FY 2019 who met the eligibility criteria for a violent habitual offender. The impact would likely occur five years or more after implementation of this Bill. **Table 3** provides the total additional supervision cost by offense class type.

Table 3 — Estimated Additional Annual Supervision Costs

Conviction Offense Class	SF 586 Additional LOS (months)	Marginal Daily Cost	FY 2019 Qualifying Offenders	Additional Cost
Class B Felony	108	\$20.38	5	\$ 333,417
Class C Felony	44	\$20.38	24	\$ 659,334
Class D Felony	22	\$20.38	47	\$ 646,556
Total				\$ 1,639,307

In addition, the changes to the computation of earned time calculations may require programming changes to the DOC's Iowa Corrections Offender Network (ICON). While the

ICON programming necessary to capture the new earned time computations established by this Bill may already exist, additional work may be required. Minimal programming costs are estimated to be approximately \$16,000, but if greater programming changes are required, the DOC estimates the expenses to range from \$37,000 to \$65,000.

Sources

Criminal and Juvenile Justice Planning Division, Department of Human Rights
Department of Corrections

/s/ Holly M. Lyons

February 12, 2020

Doc ID 1129638

The fiscal note for this Bill was prepared pursuant to [Joint Rule 17](#) and the Iowa Code. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.

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SF 2188 – Hazard Mitigation Programs, Non-Disaster Matching Moneys (LSB5381SV)
Staff Contact: Christin Mechler (515.250.0458) christin.mechler@legis.iowa.gov
Fiscal Note Version – New

Description

[Senate File 2188](#) relates to financial assistance granted by the federal government for hazard mitigation. The Bill states that in circumstances where Iowa Code section [29C.6](#) is not applicable, and federal assistance is granted under the [Robert T. Stafford Disaster Relief and Emergency Assistance Act, Pub. L. No. 93-288, as amended, 42 U.S.C. § 5121 et seq.](#), or the federal [National Flood Insurance Reform Act of 1994, Pub. L. No. 103-325, 42 U.S.C. § 4001 et seq.](#), the State may participate in funding of the financial assistance for up to 10.0% of eligible expenses, with the local government providing a share of the local cost and the applicant providing the balance of any participation amount. State participation in funding financial assistance to a local government is contingent upon the local government having a State-approved, comprehensive emergency plan that meets the standards listed in Iowa Code section [29C.9\(8\)](#).

[Senate File 2188](#) further specifies that if financial assistance is granted by the federal government under the federal Acts listed above for State-related hazard mitigation, the State may participate in the funding of authorized financial assistance of up to 50.0% of the total expenses.

Background

Iowa Code section [29C.6](#) currently states that the State may authorize a 10.0% funding match for disaster mitigation assistance after a disaster has occurred and, in certain situations, a Presidential Disaster Declaration has been granted. The federal Building Resilient Infrastructure and Communities (BRIC) Act under the Federal Emergency Management Association (FEMA) increased the amount of mitigation funding available to a state prior to a disaster occurring or a Presidential Disaster Declaration being granted. Senate File 2188 amends current Iowa Code section [29C.6](#) to conform to federal changes under the BRIC Act.

Assumptions

- Local governments that receive a State match will have filed an approved, comprehensive emergency plan meeting the standards of Iowa Code section [29C.9\(8\)](#).
- Local governments and the State will provide the required matching funds of eligible expenditures totaling 15.0% and 10.0% respectively. The remaining 75.0% of eligible expenses will be provided by federal funds.

Fiscal Impact

The Department of Homeland Security and Emergency Management estimates that the State may provide a funding match totaling approximately \$3.0 to \$5.0 million on an annual basis. These funds will be paid from the Economic Emergency Fund as stipulated by the [Performance of Duty](#) requirements listed in Iowa Code section [7D.29](#) as approved by the Executive Council. As this funding may be received prior to the occurring of a disaster, it may lead to the cost-

avoidance of any future disaster event. Such future cost savings cannot be estimated at this time.

Sources

Legislative Services Agency
Department of Homeland Security and Emergency Management

/s/ Holly M. Lyons

February 12, 2020

Doc ID 1129629

The fiscal note for this Bill was prepared pursuant to [Joint Rule 17](#) and the Iowa Code. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.

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