

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

February 25, 2020

Clip Sheet Summary

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

Bill	Amendment	Action	Sponsor
SF 2135	S-5010	Deferred	ZACH WHITING
SF 2296	S-5011	Withdrawn	MICHAEL BREITBACH
SF 2300	S-5009	Adopted	JAKE CHAPMAN

Fiscal Notes

- [SJR 2002](#) — [Suffrage, Constitutional Amendment](#) (LSB5455SV)
- [SF 2181](#) — [License Plates, Flying Our Colors](#) (LSB5105SV)
- [SF 2286](#) — [Invasion of Privacy](#) (LSB5849SV)
- [SF 2287](#) — [Veterans Treatment Courts](#) (LSB6093SV)
- [SF 2296](#) — [Vehicles, Owner Definition](#) (LSB6305SV)
- [SF 2316](#) — [Veterans License Plate Fee Fund, Veterans Trust Fund](#) (LSB5479SV)
- [SF 2333](#) — [Unemployment Insurance Program, Benefits](#) (LSB5400SV)
- [SF 2336](#) — [Termination of Parental Rights, Transfers Guardianship](#)
(LSB2640SZ)
- [SF 2341](#) — [Elder Abuse, Criminal Penalties](#) (LSB1260SV)

SENATE FILE 2135

S-5010

1 Amend Senate File 2135 as follows:

2 1. Page 1, line 20, by striking ~~<accomplished>~~ and inserting
3 ~~<accomplished>~~ supervised

4 2. Page 1, by striking line 26 and inserting <shall be
5 allowed, but only if supervised by a funeral director.>

6 3. Page 1, line 33, by striking ~~<accomplished>~~ and inserting
7 <supervised>

8 4. Page 2, line 5, by striking ~~<accomplished>~~ and inserting
9 <supervised>

10 5. Page 2, by striking lines 6 through 11 and inserting:

11 <c. Disinterment of a dead body or fetus for the purpose of
12 cremation may be allowed by court order only if supervised by a
13 funeral director. Subsequent to the disinterment, cremation
14 of the body shall only be allowed upon a determination by the
15 state or county medical examiner that the death was due to
16 natural causes.>

17 6. Page 2, by striking lines 12 through 15 and inserting:

18 <3. A permit for disinterment shall be issued by the state
19 registrar according to rules adopted pursuant to chapter 17A
20 or when ordered by the district court of the county in which
21 such body is buried. A person authorized to control final
22 disposition of a decedent's remains under section 144C.5 is an
23 interested person and shall be entitled to notice prior to the
24 obtaining of a court order.>

25 7. Page 2, by striking line 17 and inserting <the public

26 health, the dead, and the feelings of relatives preferences
27 of a person authorized to control final disposition of a
28 decedent's remains under section 144C.5, and any court order.>

By ZACH WHITING

S-5010 FILED FEBRUARY 24, 2020

DEFERRED

SENATE FILE 2296

S-5011

1 Amend Senate File 2296 as follows:

2 1. Page 1, by striking lines 28 through 31 and inserting:

3 ~~<(d) The owner-operator's compensation is based on factors~~
4 ~~related to the work performed, including a percentage of any~~
5 ~~schedule of rates or lawfully published tariff, and not on the~~
6 ~~basis of the hours or time expended.>~~

7 2. Page 1, line 32, by striking <(v)> and inserting <(iv)>

8 3. Page 2, line 1, by striking <(vi)> and inserting <(v)>

By MICHAEL BREITBACH

S-5011 FILED FEBRUARY 24, 2020

WITHDRAWN

SENATE FILE 2300

S-5009

1 Amend Senate File 2300 as follows:

2 1. By striking everything after the enacting clause and
3 inserting:

4 <Section 1. Section 558A.1, subsection 5, paragraph c, Code
5 2020, is amended to read as follows:

6 c. A transfer by a fiduciary in the course of the
7 administration of a decedent's estate, guardianship,
8 conservatorship, or trust. This exemption shall not apply
9 to a transfer of real estate in which the fiduciary is a
10 living natural person and was an occupant in possession of the
11 real estate at any time within the twelve consecutive months
12 immediately preceding the date of transfer.

13 Sec. 2. APPLICABILITY. This Act applies to the transfer
14 of real estate as part of the administration of a decedent's
15 estate, guardianship, conservatorship, or trust on or after
16 July 1, 2020.>

17 2. Title page, by striking lines 1 and 2 and inserting
18 <An Act relating to the transfer of real estate as part of
19 the administration of a decedent's estate, guardianship,
20 conservatorship, or trust, and including applicability
21 provisions.>

By JAKE CHAPMAN

S-5009 FILED FEBRUARY 24, 2020

ADOPTED



[SJR 2002](#) – Suffrage, Constitutional Amendment (LSB5455SV)
Staff Contact: Christopher Ubben (515.725.0134) chris.ubben@legis.iowa.gov
Fiscal Note Version – New

Description

[Senate Joint Resolution 2002](#) proposes an amendment to the Iowa Constitution relating to the qualifications of electors. The proposed amendment reduces the voting age described in the Constitution from 21 years of age to 18 years of age, except that a person who will be 18 years of age by the next general election is permitted to vote in a primary election.

Background

Eighteen years of age is the current voting age for every election in the United States under the 26th Amendment of the United States Constitution.

Assumptions

- The average cost to publish a proposed constitutional amendment in a single newspaper is \$600.
- Publication of the initial amendment would occur monthly in eight newspapers (two in each congressional district) for a three-month period.
- Subsequent publication of the amendment would occur monthly in 99 newspapers (one in each county) for a three-month period.

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 fall 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 fall 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.

Source

Office of the Secretary of State

/s/ Holly M. Lyons

February 24, 2020

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 2181 – License Plates, Flying Our Colors (LSB5105SV)
 Staff Contact: Adam Broich (515.281.8223) adam.broich@legis.iowa.gov
 Fiscal Note Version – Revised Fiscal Impact

Description

Senate File 2181 creates a “Flying Our Colors” license plate and requires the Department of Transportation (DOT) to design the plate. The plate requires two fees, an initial special fee of \$35 and an annual special fee of \$10. These fees are deposited in the Road Use Tax Fund (RUTF). At the end of each month, the Treasurer of State is required to credit the amount equal to the special fees deposited in the RUTF from the Statutory Allocations Fund to the Flood Mitigation Fund. The image to the right is a mockup of the proposed plate provided by the DOT. The Bill also specifies that the initial fee for a personalized plate is \$25 and the annual renewal fee for such plate is \$5. The fees for personalized plates are not subject to deposit in the Flood Mitigation Fund.



Background

The State of Iowa currently has over 70 types of specialty license plates that citizens may select. Over 221,000 of the 4.5 million vehicles registered in Iowa have specialty plates. The top 16 plate types account for 86.1% of all specialty plates issued in Iowa. The top 16 license plates in Iowa are as listed below. However, there are over 50 types not represented in the data below that have far fewer plates issued.

Top 16 Iowa Specialty Plates			
Blackout	93,634	Business Trade	4,258
University of Iowa	25,617	DNR Pheasant	3,738
Iowa State University	16,740	DNR Deer	3,532
DNR Goldfinch	13,133	God Bless America	3,465
Fire Fighter	11,860	Fallen Peace Officer	2,957
Veteran	9,505	Univ. of Northern Iowa	2,219
Cattleman's	6,426	Breast Cancer	1,463
DNR Eagle	4,600	Share the Road	1,449

Note: Through December 2019.

Assumptions

- An estimated 3,500 “Flying Our Colors” license plates will be issued within two years.
- This would make the plate as popular as the “God Bless America Plate” currently issued by the DOT. It is estimated that 1,750 plates will be issued in FY 2021 and 1,750 plates will be issued in FY 2022. Approximately 30.0% of the Flying Our Colors plates will be personalized. This is similar to the percentage of other special plates that are personalized.

Fiscal Impact

Senate File 2181 is estimated to increase revenue to the Flood Mitigation Fund by \$61,250 in FY 2021, and \$70,000 in FY 2022, and \$17,500 each year thereafter. The RUTF will fund plate production costs (Iowa Code section [312.2\(3\)](#)), but expenditure on these plates is expected to be minimal and can only be attributed to implementation of the Bill when individuals prematurely replace a license plate in order to replace it with the new plate.

Estimated Fiscal Impact	FY 2021	FY 2022	FY 2023
Existing Plates	-	1,750	3,500
New Plates Issued	1,750	1,750	-
Initial Special Fee	\$ 61,250	\$ 61,250	\$ -
Annual Fee	-	17,500	35,000
RUTF Revenue	\$ 61,250	\$ 78,750	\$ 35,000
SAF Transfer to Flood Mitig.	\$ 61,250	\$ 78,750	\$ 35,000

Revenues to the RUTF and transfers from the SAF to the Flood Mitigation Fund will offset at the end of the fiscal year.

The cost to produce the new plates is estimated to be \$7,400 per year in FY 2021 and FY 2022. The costs will be funded from the RUTF.

Assuming 30.0% of the new plates are personalized, the RUTF will receive an increase in revenue of \$13,100 per year in FY 2021 and FY 2022, and \$17,500 each year thereafter.

Sources

Iowa Department of Transportation
LSA calculations

/s/ Holly M. Lyons

February 24, 2020

Doc ID 1129403

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.



[SF 2286](#) – Invasion of Privacy (LSB5849SV)
Staff Contact: Laura Book (515.205.9275) laura.book@legis.iowa.gov
Fiscal Note Version – New

Description

[Senate File 2286](#) eliminates the requirement that when a person knowingly views, photographs, or films another person, it must be for the purpose of arousing or gratifying the sexual desire of any person in order to be convicted of invasion of privacy.

Background

Under current law, to be guilty of invasion of privacy, a person must knowingly view, photograph, or film another person for the purpose of arousing or gratifying the sexual desire of any person, if the other person does not consent or is unable to consent to being viewed, photographed, or filmed; the other person is in a state of full or partial nudity; and the other person has a reasonable expectation of privacy while in a state of full or partial nudity.

Invasion of privacy is an aggravated misdemeanor punishable by confinement for no more than two years and a fine of at least \$625 but not more than \$6,250. A person convicted under this Bill is also classified as a tier II sex offender for the purposes of the sex offender registry.

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.

Correctional Impact

[Senate File 2286](#) is estimated to increase the number of convictions for this offense and subsequently prison and community corrections admissions. In FY 2019, there were 163 invasion of privacy convictions under Iowa Code section [709.21](#)(1). During the same year, there were 112 dismissals and acquittals of invasion of privacy charges. Under this Bill, it is possible that some of the dismissals may become convictions, but due to a lack of data on the reason for dismissal, a correctional impact cannot be estimated.

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

[Senate File 2286](#) expands the definition of a current crime, and a minority impact cannot be estimated due to a lack of data. In FY 2019, the invasion of privacy conviction demographics were as follows: 57.1% White; 6.6% AfricanAmerican; 5.1% Hispanic; and 3.0% Asian.

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

The fiscal impact of [SF 2286](#) cannot be estimated due to the unknown correctional impact. The average State cost for an aggravated misdemeanor ranges from \$5,600 to \$8,000. This estimate includes operating costs incurred by the Judicial Branch, the State Public Defender, and the Department of Corrections (DOC) for one conviction. The cost would be incurred across multiple years for prison and parole supervision and includes the cost of sex offender intensive supervision.

Sources

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

/s/ Holly M. Lyons

February 24, 2020

Doc ID 1130999

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 2287](#) – Veterans Treatment Courts (LSB6093SV)
Staff Contact: Laura Book (515.205.9275) laura.book@legis.iowa.gov
Fiscal Note Version – New

Description

[Senate File 2287](#) establishes a Veterans Treatment Court in each judicial district to serve veterans and to integrate court sanctions and incentives with substance abuse treatment, mental health treatment, and transitional services.

The Bill provides that the jurisdiction of the Veterans Treatment Court may be exercised by any district judge and by any district associate judge who is designated by the chief judge of a judicial district as a judge of the Veterans Treatment Court. The chief judge of a district may designate a Veterans Treatment Court judge to preside in more than one county.

Background

Currently, the State of Iowa has one Veterans Treatment Court which operates in the 3rd Judicial District (Woodbury County). From FY 2015 to FY 2019, there have been 27 participants in the Veterans Court. Of the 27 participants, 17 have completed the programming.

In FY 2019, there were 194 individuals who were admitted to prison on a most serious class B, C, or D felony or aggravated misdemeanor offense who are currently or were formerly a member of the military. The average length of stay for participants who completed programming was 637 days. The cost to the Department of Corrections (DOC) for those currently participating in the 3rd District Veterans Court, as well as those who have closed programming within the last five fiscal years is approximately \$380,000.

Assumptions

Judicial Branch

- Requirements to monitor and measure participant progress will necessitate creation of a special module to record, access, and utilize relevant court events, treatment, testing, and progress data. A data collection module would be designed to reside on existing Judicial Branch equipment.
- Initial and ongoing training expenses for Veterans Court personnel would include travel, materials, training fees, and other similar expenses.
- One day per week of judge time (1/5 of available time of one judge) will be required in the 5th and 6th Districts, and one day per two weeks of judge time (1/10 of available time of one judge) will be required in other districts. The analysis assumes that district court judges will be assigned to these courts.
- Each Veterans Treatment Court would require one full-time coordinator.

Department of Corrections

- The average marginal daily cost for Veterans Court is \$22.07, which is the current marginal cost to operate drug courts.
- The average length of stay in prison for Class D felons is estimated at 371 days, and 210 days for an aggravated misdemeanor. The average length of stay for Veterans Court is

estimated at approximately 637 days. This assumption is based on the current average length of stay in the 3rd District Veterans Court.

State Public Defender

- The cost of an attorney to represent a veteran will be approximately the same as the cost of a contract attorney in the existing drug and mental health courts.
- On average, the State Public Defender spends \$1,798 per month on each drug court, or \$21,576 per year for each of these drug and mental health courts. It is assumed that the total cost will be \$21,576 per district.
- Veterans courts will meet on average at approximately the same frequency of the existing drug and mental health specialty courts.

Fiscal Impact

Judicial Branch

[Senate File 2287](#) would increase the cost of the Judicial Branch operating budget. **Table 1** provides the estimated ongoing and annual cost increases to the Judicial Branch to operate the Veterans Treatment Court.

Table 1 — One-time and Annual Costs of Veterans Court

Required Costs	First Year	Second Year and After
Consultant fees	\$ 85,000	\$ 0
Initial Training	16,000	0
Data Module	100,000	0
Ongoing Training	0	16,000
Treatment Court Coordinators	650,000	650,000
Judge Time	228,000	228,000
Total	\$ 1,079,000	\$ 894,000

The Judicial Branch estimates it will need to hire a consultant to develop an operational plan and policies for the court. The Judicial Branch would need to hire eight Veterans Treatment Court coordinators. The compensation for the skills, training, and experience required would likely be equivalent to the cost of a Juvenile Court Officer 2 position, at a total cost of approximately \$82,000.

Department of Corrections

[Senate File 2287](#) is estimated to increase the annual operating cost of the DOC by approximately \$590,000. There are currently 84 individuals who were admitted to prison, who may be eligible for a Veterans Court under this Bill. Although the marginal daily cost of prison and Veterans Court are similar in cost, those who are supervised in Veterans Court will be under supervision for longer periods. As a result, Veterans Court has a higher total cost than the cost of prison. **Table 2** provides the cost estimate information for the DOC.

Table 2 — Annual Cost Increase — Prison versus Veterans Courts

	Annual Operating Cost
Veterans Court - SF 2287	\$ 1,180,922
Prison - Current Law	592,230
Total Cost Increase	\$ 588,692

Based on the experience of the 3rd District Veterans Court, most of the prison admissions eligible for Veterans Court would be those serving the most serious offenses for Class D felony or lower.

State Public Defender

[Senate File 2287](#) is estimated to have a fiscal impact to the Indigent Defense Fund. Based on the current cost of representation for drug court cases, it is estimated that the Bill would result in an additional annual cost of approximately \$173,000 to the Indigent Defense Fund.

Summary

Table 3 provides a fiscal impact summary of [SF 2287](#). [Senate File 2287](#) is estimated to result in a total cost increase of \$1.7 million annually beginning in the second year after implementation.

Table 3 — Current Costs and Proposed Operating Costs of Statewide Veterans Courts

	Current Law	First Year	Second Year and After	Annual Operating Cost Difference
Judicial Branch	\$ 0	\$1,079,000	\$ 894,000	\$ 894,000
DOC	592,000	1,181,000	1,181,000	\$ 589,000
Indigent Defense Fund	0	173,000	173,000	\$ 173,000
Total	\$ 592,000	\$2,433,000	\$ 2,248,000	\$ 1,656,000

*Note - Current Law DOC cost reflects the marginal cost of prison for eligible candidates

Sources

Judicial Branch
Department of Corrections
Office of the State Public Defender

/s/ Holly M. Lyons

February 21, 2020

Doc ID 1130746

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.



[SF 2296](#) – Vehicles, Owner Definition (LSB6305SV)
Staff Contact: Ron Robinson (515.281.6256) ron.robinson@legis.iowa.gov
Fiscal Note Version – New

Description

[Senate File 2296](#) automatically classifies owner-operators of specified vehicles as independent contractors when performing services while operating the vehicle.

Background

While the total number of owner-operators is not known, the Iowa Department of Workforce Development (IWD), through the work of the Audits and Misclassification Units, identified 745 individuals in FY 2018 and 149 individuals in FY 2019 for a total of 894 individuals as owner-operators who are classified as employees and not independent contractors under current law. The employers of those individuals contribute approximately \$300,000 annually to the Unemployment Insurance Trust Fund.

Independent contractors are exempt from unemployment insurance requirements under Iowa Code chapter [96](#).

Assumptions

- Information is not available on the total number of owner-operators in Iowa.
- Information is not available on the amount of unemployment insurance benefits that is paid to owner-operators each year.
- Wage and benefit modifications for individuals resulting from the change cannot be estimated.

Fiscal Impact

The net fiscal impact of [SF 2296](#) on the Unemployment Insurance Trust Fund cannot be determined since the number of owner-operators is unknown and the amount of unemployment insurance benefits paid to owner-operators is also unknown. Because wage and benefit modifications for individuals resulting from the change cannot be estimated, the fiscal impact of possible wage and benefit changes cannot be determined. The Bill would not have a significant fiscal impact on the operations of the IWD.

Source

Iowa Department of Workforce Development

/s/ Holly M. Lyons

February 24, 2020

Doc ID 1131220

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.



[SF 2316](#) – Veterans License Plate Fee, Veterans Trust Fund (LSB5479SV)
Staff Contact: Kenneth Ohms (515.725.2200) kenneth.ohms@legis.iowa.gov
Fiscal Note Version – New

Description

[Senate File 2316](#) changes the deposit of fees from special military-related license plates from the Veterans License Fee Fund to the Veterans Trust Fund (VTF). The Veterans License Fee Fund is repealed and any remaining balance is transferred to the Veterans Trust Fund at the end of the current fiscal year.

Background

The Veterans License Fee Fund is administered by the Commission of Veterans Affairs created in Iowa Code section [35A.11](#). Special military-related license plates are issued at no charge, but owners are charged an ongoing annual fee, which is deposited in the Veterans License Fee Fund. The Commission can use the Fund to fulfill the responsibilities of the Commission and to honor and promote veterans of Iowa.

The VTF is under the control of the Commission and is used to assist veterans and their families who meet certain income and asset guidelines.

Assumptions

- Annual fees from special military-related license plates have averaged \$77,000 per year.
- The current balance of the Veterans License Fee Fund is approximately \$274,000.
- License plate fees for the remainder of FY 2020 will total \$37,000.
- All special military-related license fees will be deposited in the principal portion of the Veterans Trust Fund.
- The amount spent by the Commission for the remainder of FY 2020 is unknown.
- The transferred funds will be deposited in the principal portion of the VTF.

Fiscal Impact

With the enactment of [SF 2316](#), the Veterans Trust Fund will increase by an estimated \$377,000 in FY 2021 and by \$77,000 in FY 2022 and annually thereafter.

Sources

LSA Analysis & Calculations

/s/ Holly M. Lyons

February 24, 2020

Doc ID 1131020

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 2333](#) – Unemployment Insurance Program, Benefits (LSB5400SV)
Staff Contact: Ron Robinson (515.281.6256) ron.robinson@legis.iowa.gov
Fiscal Note Version – New

Description

[Senate File 2333](#) relates to unemployment insurance under Iowa Code chapter [96](#). The Bill reduces the benefits that are available to a claimant when the individual's employer goes out of business. This change is effective upon enactment and applies to any week of unemployment benefits beginning on or after the first Sunday after enactment.

Background

For calendar year 2016 through calendar year 2018, the number of unemployment insurance benefits recipients annually related to an employer going out of business averaged approximately 2,500. Approximately 1,200 recipients would have had their benefits impacted by this Bill, averaging an annual reduced benefit of approximately \$3,600 per impacted recipient.

Assumptions

- Business closings related to unemployment extended benefits do not fluctuate during the year.
- Approximately 1,200 unemployment insurance benefits recipients will be impacted annually by this Bill.
- The average annual impact per recipient will be a decrease in benefits of \$3,600.
- The Bill will be effective May 1, 2020.

Fiscal Impact

With the enactment of [SF 2333](#), the changes related to an employer going out of business will reduce payments from the Unemployment Insurance Trust Fund by approximately \$744,000 during FY 2020 and by \$4.3 million annually thereafter.

Source

Iowa Department of Workforce Development

/s/ Holly M. Lyons

February 21, 2020

Doc ID 1131200

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.



SF 2336 – Termination of Parental Rights, Transfers of Guardianship (LSB2640SZ)
 Staff Contact: Laura Book (515.205.9275) laura.book@legis.iowa.gov
 Fiscal Note Version – New

Description

[Senate File 2336](#) provides for the reinstatement of parental rights following the granting of a termination of parental rights order, under certain circumstances. The Bill provides that a child, the child’s guardian ad litem (GAL), the Department of Human Services (DHS), or an agency or person to whom guardianship and custody of the child has been transferred following termination of the parental rights of a parent, may petition the juvenile court to reinstate the previously terminated parental rights of the child’s former parent if certain circumstances exist.

The Bill also provides for the appointment of a GAL and attorney for the child if the child does not already have a GAL and attorney, at no cost to the child.

Background

Currently, under Iowa Code section [815.11](#), the State Public Defender is authorized to pay for the fees and expenses of a GAL or attorney for an indigent juvenile in a juvenile court proceeding.

Assumptions

It is assumed that the number of reinstatement petitions filed in Iowa will be similar to the number filed in other states that have enacted a similar law.

Fiscal Impact

[Senate File 2336](#) is estimated to have minimal fiscal impact to the Indigent Defense Fund and the DHS. Eighteen states have enacted statutes similar to [SF 2336](#).¹ Since enactment, there have been a small number of reinstatement petitions filed in those states. The table below provides the number of petitions filed in a sampling of states with similar statutes as of September 2016.

Reinstatement Petitions in Other States

State	Year Statute Enacted	Reinstatement Petitions Filed	Reinstatement Petitions Granted
Colorado	2014	5	4
Delaware	2013	4	4
Maine	2011	5	5
Minnesota	2013	20	20
Virginia	2013	6	6
Washington	2007	64	23

¹ Schalick, Meredith, “[The Sky is Not Falling: Lessons and Recommendations from Ten Years of Reinstating Parental Rights](#),” American Bar Association, April 1, 2018.

Sources

American Bar Association
Middleton Center for Children’s Rights, Drake University Law School
DHS

/s/ Holly M. Lyons

February 21, 2020

Doc ID 1131159

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 2341](#) – Elder Abuse, Criminal Penalties (LSB1260SV)
Staff Contact: Laura Book (515.205.9275) laura.book@legis.iowa.gov
Fiscal Note Version – New

Description

[Senate File 2341](#) establishes and relates to several offenses:

- Older individual assault. The penalties for this offense range from a simple misdemeanor to a Class D felony depending on the circumstances of the assault. The Bill also provides for the determination of whether a violation is a second or subsequent offense and provides for minimum sentencing for offenders.
- Theft against an older individual. This offense enhances the penalties for the existing crime of theft by one degree.
- Elder abuse. The penalties for this offense range from a serious misdemeanor to a Class C felony depending on the circumstances and resulting injuries from the abuse.
- Financial exploitation of an older individual. The penalties for this offense range from a serious misdemeanor to a Class B felony based on the amount of benefits, property, resources, belongings, or assets of the older individual involved.
- Dependent adult abuse. Relocates the criminal penalties for dependent adult abuse as they currently exist from Iowa Code chapter 235B to Iowa Code chapter 726.

Background

A simple misdemeanor is punishable by imprisonment not to exceed 30 days or a fine ranging from \$65 to \$625. A serious misdemeanor is punishable by imprisonment not exceeding one year and a fine ranging from \$315 to \$1,875. An aggravated misdemeanor is punishable by imprisonment not exceeding two years and a fine ranging from \$625 to \$6,250.

A Class D felony is punishable by confinement for no more than five years and a fine ranging from \$750 to \$7,500. A Class C felony is punishable by confinement for no more than 10 years and a fine ranging from \$1,000 to \$10,000. A Class B felony is punishable by a maximum confinement of 25 years.

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.

Correctional Impact

[Senate File 2341](#) establishes several new offenses, and the correctional impact is unknown. The offenses of older individual assault and theft against an older individual are likely captured under preexisting assault and theft statutes. Data indicating the age of the victims is not

currently available; therefore, it is not possible to estimate the number of convictions or the correctional impact.

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

[Senate File 2341](#) establishes several new offenses, and the minority impact cannot be estimated due to the unknown correctional impact. 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 2341](#) establishes several new offenses, and the fiscal impact cannot be estimated due to the unknown correctional impact. The following table provides the average State cost per conviction of an offense ranging from a simple misdemeanor to a Class B felony. This estimate includes operating costs incurred by the Judicial Branch, the State Public Defender, and the Department of Corrections for one conviction. The cost would be incurred across multiple fiscal years for prison and parole supervision.

Table — Average State Cost Per Conviction

Offense Class Type	Minimum	Maximum
Simple Misdemeanor	\$40	\$350
Serious Misdemeanor	\$410	\$4,900
Aggravated Misdemeanor	\$5,600	\$8,000
Class D Felony	\$10,000	\$14,700
Class C Felony	\$11,600	\$19,400
Class B Felony	\$15,500	\$37,800

Source

Criminal and Juvenile Justice Planning Division, Department of Human Rights

/s/ Holly M. Lyons

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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.
