

**EIGHTY-NINTH GENERAL ASSEMBLY
2021 REGULAR SESSION
DAILY
SENATE CLIP SHEET**

March 1, 2021

Clip Sheet Summary

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

Bill	Amendment	Action	Sponsor
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No amendments filed on February 25, 2021

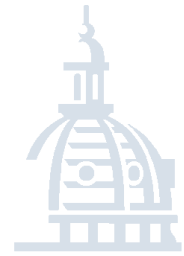
Fiscal Notes

[SF 449 — Death or Personal Injuries From Motor Vehicle Accident \(LSB2048SV\)](#)

[SF 450 — Dependent Adult Abuse \(LSB2462SV\)](#)

[SF 451 — Crime Victim Assistance \(LSB1208SV\)](#)

[HF 309 — Tax-Exempt Organizations, Public Disclosure of Information \(LSB1731HV.1\)](#)



[SF 449](#) – Motor Vehicle Accidents, Leaving the Scene (LSB2048SV)
Staff Contact: Laura Book (515.205.9275) laura.book@legis.iowa.gov
Fiscal Note Version – New

Description

[Senate File 449](#) applies the mandatory license revocation provision under Iowa Code section [321.209](#) to a driver who knows or has reason to believe that the driver's vehicle was involved in an accident resulting in injury to or death of a person.

Senate File 449 expands Iowa Code section [321.261](#) and provides that if a driver knows or has reason to believe that the driver's vehicle was involved in an accident resulting in an injury to or death of a person, the driver is required to immediately stop the driver's vehicle at the scene. If the driver leaves the scene and later discovers the driver's vehicle was involved in such an accident, the driver is required to make a good-faith effort to immediately contact emergency services.

Senate File 449 expands the penalties applicable under Iowa Code section 321.261 to include:

- Any person failing to stop or to comply with the requirements to stop under this section, who causes an accident resulting in a serious injury to any person, is guilty of a Class D felony.
- A person failing to stop or to comply with the requirements of this section, who causes an accident resulting in the death of a person, is guilty of a Class C felony.

Background

Currently, the following penalties exist under Iowa Code section 321.261:

- Any person failing to stop or to comply with the requirements in this section, in the event of an accident resulting in an injury to any person, is guilty of a serious misdemeanor.
- Any person failing to stop or to comply with the requirements in this section, in the event of an accident resulting in a serious injury to any person, is guilty of an aggravated misdemeanor.
- A person failing to stop or to comply with the requirements in this section, in the event of an accident resulting in the death of the person, is guilty of a Class D felony.

A violation of Iowa Code section 321.261 is subject to mandatory driver's license revocation under Iowa Code section [321.209](#), is considered an offense for purposes of habitual offender status under Iowa Code section [321.555](#), and may result in exclusion from an automobile insurance policy under Iowa Code section [515D.4](#). The penalties under this Bill range from a serious misdemeanor to a Class C felony. Felonies and misdemeanors are punishable by the terms defined in Iowa Code chapters [902](#) and [903](#), respectively.

Assumptions

- The following will not change over the projection period: charge, conviction, and sentencing patterns and trends, prisoner length of stay (LOS), 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 449 expands the penalties applicable under Iowa Code section 321.261 if the person caused the accident. In FY 2019 and FY 2020 combined, there were nine Class D felony, 19 aggravated misdemeanor, and 91 serious misdemeanor convictions under Iowa Code section 321.261. Under this Bill, some of those aggravated misdemeanor or Class D felony convictions may be increased to Class D and Class C felonies respectively if the person caused the accident. It is unknown how many of these convictions would have qualified under the enhanced penalties in this Bill; therefore, the impact of adding this provision cannot be determined.

Table 1 provides estimates for sentencing to State prison, parole, probation, or Community-Based Corrections (CBC) residential facilities; LOS under those supervisions; and supervision marginal costs per day for all convictions ranging from serious misdemeanors to Class C felonies. Refer to the Legislative Services Agency (LSA) memo addressed to the General Assembly, [Cost Estimates Used for Correctional Impact Statements](#), dated January 22, 2021, for information related to the correctional system.

Table 1 — LOS and Sentencing

Conviction Offense Class	Percent to Prison	Avg Length of Stay in Prison (months)	FY 20 Marginal Cost/Day in Prison	Percent Ordered to Probation	Avg LOS on Probation	Avg Cost Per Day on Probation	Percent Sentenced to CBC Residential Facility	FY 20 Marginal Cost CBC Per Day	Percent Ordered to County Jail	Avg Length of Stay in County Jail	Marginal Cost Per Day	Avg LOS on Parole	FY 20 Average Cost Per Day Parole
Class C Felony (Persons)	89.0%	38.6	\$20.33	27.9%	34.1	\$5.38	5.5%	\$14.78	49.1%	N/A	\$50.00	21.5	\$5.38
Class D Felony (Persons)	77.0%	16.0	\$20.33	47.8%	30.5	\$5.38	10.5%	\$14.78	38.6%	N/A	\$50.00	11.5	\$5.38
Aggravated Misdemeanor (Persons)	43.0%	7.1	\$20.33	51.7%	20.2	\$5.38	3.3%	\$14.78	70.7%	N/A	\$50.00	6.0	\$5.38
Serious Misdemeanor	2.0%	5.0	\$20.33	56.0%	13.4	\$5.38	1.0%	\$14.78	69.0%	N/A	\$50.00	2.4	\$5.38

Minority Impact

Of the 119 convictions under Iowa Code section 321.261 in FY 2019 and FY 2020, 75.7% of the convictions involved Caucasian offenders, 16.2% involved African American offenders, and 8.1% involved offenders classified as Other. In FY 2020, Caucasians and African Americans made up 89.9% and 4.1% of the adult population of the State of Iowa, respectively.

It is unknown how many of these convictions were caused by the driver and would have qualified under the enhanced penalties in this Bill; therefore, the Criminal and Juvenile Justice Planning Division (CJJP) of the Department of Human Rights cannot use existing data to estimate the minority impact. Refer to the LSA memo addressed to the General Assembly, [Minority Impact Statement](#), dated January 27, 2021, for information related to minorities in the criminal justice system.

Fiscal Impact

Senate File 449 expands the penalties applicable under Iowa Code section 321.261 and the fiscal impact cannot be estimated. Under this Bill, some aggravated misdemeanor or Class D felony convictions may be increased to Class D and Class C felonies respectively if the person caused the accident. **Table 2** provides the potential cost increase for one conviction under Iowa Code section 321.261. The cost 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 2 — Average Cost Difference Per Conviction

<u>Code Section</u>	<u>Offense Class</u>	<u>Cost Per Conviction</u>	
		<u>Minimum</u>	<u>Maximum</u>
321.261(3)	Class D Felony	\$ 7,700	\$ 13,500
	Aggravated Misdemeanor	3,700	7,800
	Total Cost Increase	\$ 4,000	\$ 5,700
321.261(4)	Class C Felony	\$ 9,900	\$ 19,200
	Class D Felony	7,700	13,500
	Total Cost Increase	\$ 2,200	\$ 5,700

Sources

CJJP, Department of Human Rights
 Department of Corrections
 Judicial Branch
 LSA analysis

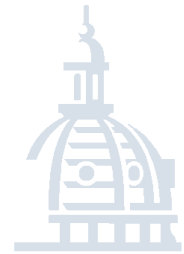
/s/ Holly M. Lyons

February 25, 2021

Doc ID 12151145114

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 450](#) – Dependent Adult Abuse (LSB2462SV)
Staff Contact: Laura Book (515.205.9275) laura.book@legis.iowa.gov
Fiscal Note Version – New

Description

[Senate File 450](#) relates to dependent adult abuse and provides penalties. The Bill provides that a caretaker who intentionally or recklessly commits dependent adult abuse on a dependent adult under Iowa Code chapter [235B](#), resulting in the death of the dependent adult, is guilty of second degree murder under Iowa Code section [707.3](#). This provision also applies to a caretaker who intentionally or recklessly commits dependent adult abuse resulting in death of a dependent adult in violation of Iowa Code chapter [235E](#) pursuant to Iowa Code section [235E.4](#).

Background

Murder in the second degree is a Class B felony punishable by a period of confinement of not more than 50 years. Under Iowa Code chapter 235B, a caretaker is defined as a related or nonrelated person who has the responsibility for the protection, care, or custody of a dependent adult as a result of assuming the responsibility voluntarily, by contract, through employment, or by order of the court. A “caretaker” for purposes of Iowa Code chapter 235E means a person who is a staff member of a facility or program who provides care, protection, or services to a dependent adult voluntarily, by contract, through employment, or by order of the court.

Assumptions

- The following will not change over the projection period: charge, conviction, and sentencing patterns and trends, prisoner length of stay (LOS), 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 450 establishes a new penalty for abuse resulting in death under Iowa Code chapters 235B and 235E. In FY 2019 and FY 2020, there were a total of 12 convictions involving injury of a dependent adult by a community caretaker under Iowa Code section [235B.20](#). No charges have been filed for dependent adult abuse at a facility under Iowa Code chapter 235E. Since SF 450 expands the charges for dependent adult abuse, the impact cannot be determined, but the impact would likely be minimal due to the small number of convictions for dependent adult abuse involving injury.

Table 1 provides estimates for sentencing to State prison and marginal costs per day for all convictions of second degree murder. Refer to the Legislative Services Agency (LSA) memo addressed to the General Assembly, [Cost Estimates Used for Correctional Impact Statements](#), dated January 22, 2021, for information related to the correctional system.

Table 1 — LOS and Sentencing

Conviction Offense Class	Percent to Prison	Avg Length of Stay Prison (months)	FY 20 Marginal Cost/Day Prison
Murder Second Degree (No Parole)	100.0%	510.0	\$20.33

Minority Impact

Of the 12 convictions for injury of a dependent adult in FY 2019 and FY 2020, 93.8% of the convictions involved Caucasian offenders, 4.2% were African American offenders, and 2.0% involved offenders classified as Other. In FY 2020, Caucasians and African Americans made up 89.9% and 4.1% of the adult population of the State of Iowa, respectively.

Since SF 450 expands the charges for dependent adult abuse and establishes a new penalty, the Criminal and Juvenile Justice Planning Division (CJJP) of the Department of Human Rights cannot use existing data to estimate the minority impact. The impact is estimated to likely be minimal due to the small number of convictions under the current statutes. Refer to the LSA memo addressed to the General Assembly, [Minority Impact Statement](#), dated January 27, 2021, for information related to minorities in the criminal justice system.

Fiscal Impact

Senate File 450 expands the charges for dependent adult abuse and the penalties applicable under Iowa Code chapters 235B and 235E, and the fiscal impact cannot be estimated. The average cost per conviction of second degree murder is approximately \$320,000. The cost 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.

Sources

CJJP, Department of Human Rights
Department of Corrections
Judicial Branch

/s/ Holly M. Lyons

February 24, 2021

Doc ID 1215108

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 451](#) – Crime Victim Assistance (LSB1208SV)
Staff Contact: Christin Mechler (515.250.0458) christin.mechler@legis.iowa.gov
Fiscal Note Version – New

Description

[Senate File 451](#) relates to the collection of evidence in sexual abuse cases. The Bill establishes an automated sexual abuse evidence collection kit tracking system with the Crime Victim Assistance Division under the Attorney General’s Office. The purpose of the kit tracking system is to allow victims, county attorneys, and entities with custody of sexual abuse evidence collection kits to track the status and location of a kit. The Bill requires the State Criminalistics Laboratory to provide healthcare providers with such kits and requires that healthcare providers use these kits when conducting forensic medical examinations of victims of sexual abuse. Additionally, the Bill provides that costs for the medical examination of the victim will be covered by the Victim Compensation Fund as established under Iowa Code section [915.94](#).

Senate File 451 also establishes requirements regarding the storage and disposal of kits, and requires that healthcare providers, laboratories, and law enforcement agencies document the location and status of the kit within 48 hours of receipt of the kit. The Bill outlines victim consent and notification provisions regarding the collection, testing, and analysis of the evidence in the kit, and prohibits the kit from containing personally identifiable information should a victim choose to remain anonymous. Victims may anonymously track and choose to receive notifications regarding the status and location of the kit by utilizing an internet platform. Additionally, law enforcement must notify a victim of the results of the evidence analysis collected from the victim’s medical information, if the victim requests it.

Senate File 451 also amends the definition of “survivor of a deceased victim” to include certain persons in relation to the victim specifically at the time of the crime.

Background

The Office of the Attorney General established the automated sexual abuse evidence collection kit tracking system in fall 2020. Start-up costs for the initial establishment of the system were paid by a federal discretionary grant, which will cover costs of administering the system through FY 2022.

Assumptions

- Costs of administering the kit system for FY 2023 and beyond will be the responsibility of the State.
- Fiscal impact is based on the cost of administering the kit tracking system under the terms of the contract with the vendor. The current contract is valid through FY 2027.
- For FY 2023 and beyond, the Attorney General’s Office estimates an annual increase of 2.0% in the cost of administering the system.

Fiscal Impact

Beginning in FY 2023, the cost for administering the automated sexual abuse evidence collection kit tracking system will be funded by the [Victim Compensation Fund](#). Receipts to the

Victim Compensation Fund include criminal fines and penalties, victim restitution, a percentage of wages earned by inmates employed in the private sector, and federal funds (primarily [Victims of Crime Act](#) funds). The year-end balance in the Fund carries forward to the next fiscal year. **Table 1** displays the estimated cost of administering the automated sexual abuse evidence collection kit tracking system from FY 2023 to FY 2027.

Table 1 — Annual Costs, Automated Sexual Abuse Evidence Collection Kit Tracking System, FY 2023 – FY 2027

	FY 2023	FY 2024	FY 2025	FY 2026	FY 2027
Administration Costs	\$ 157,700	\$ 160,800	\$ 164,000	\$ 167,300	\$ 170,700

As Senate File 451 requires local law enforcement entities such as police and sheriff departments to utilize the tracking kit system, these entities may incur a fiscal and operational impact as a result of the kit documentation requirements. Exact fiscal impact cannot be calculated at this time, but it is estimated to be minimal.

Sources

Department of Justice
Legislative Services Agency

/s/ Holly M. Lyons

February 24, 2021

Doc ID 1215109215109

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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[HF 309](#) – Tax-Exempt Organizations, Public Disclosure of Information (LSB1731HV.1)
Staff Contact: Maria Wagenhofer (515.281.5270) maria.wagenhofer@legis.iowa.gov
Fiscal Note Version – As Amended and Passed by the House

Description

[House File 309](#) prohibits a public agency from seeking the disclosure of, or publishing, personal information from a tax-exempt organization under Section 501(c) of the federal Internal Revenue Code that would reveal the identity of a member, supporter, volunteer, or donor of a tax-exempt organization, or from requesting from a contractor a list of tax-exempt organizations that the contractor has supported. The Bill also requires any court-ordered inspection of corporate records containing personal information to be made under seal from public disclosure and prohibits corporate disclosure from being used to obtain personal information. House File 309 makes the following exceptions:

- Lawful warrants or discovery requests in which the requestor shows a compelling need for the information and obtains a protective order barring unnecessary disclosure.
- Agreements between an organization and a public agency.
- Information that must be reported to the Secretary of State pursuant to Iowa Code chapter [504](#) or the Attorney General or State Auditor pursuant to Iowa Code chapter 504, chapter [537](#), or section [714.16](#).
- Personal information disclosed in public judicial proceedings.

The Bill does not affect any provision of Iowa Code chapter [68A](#), which relates to campaign finance.

A person who violates the Bill commits a civil penalty, and a person who knowingly violates the Bill commits a serious misdemeanor.

Background

A civil penalty includes a fine of no less than \$2,500 per violation and no more than \$7,000 per intentional violation. A serious misdemeanor is punishable by imprisonment for not more than 90 days or a fine of not more than \$1,000 or both.

Assumptions

- The following will not change over the projection period: charge, conviction, and sentencing patterns and trends; prisoner length of stay (LOS); 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

The correctional impact of HF 309 cannot be determined. The Bill establishes a new criminal offense, and no historical data exists to make a reliable estimate.

Table 1 shows estimates for sentencing to State prison, parole, probation, or Community-Based Corrections (CBC) residential facilities; LOS under those supervisions; and supervision marginal costs per day for all convictions of serious misdemeanors. Refer to the Legislative Services Agency (LSA) memo addressed to the General Assembly, [Cost Estimates Used for Correctional Impact Statements](#), dated January 22, 2021, for information related to the correctional system.

Table 1 — Sentencing Estimates and LOS

Conviction Offense Class	Percent to Prison	Avg Length of Stay Prison (months)	FY 20 Marginal Cost/Day Prison	Percent Ordered to Probation	Avg LOS on Probation	Avg Cost Per Day on Probation	Percent Sentenced to CBC Residential Facility	FY 20 Marginal Cost CBC Per Day	Percent Ordered to County Jail	Marginal Cost Per Day	Avg LOS on Parole	FY 20 Average Cost Per Day Parole
Serious Misdemeanor	2.0%	5.0	\$20.33	56.0%	13.4	\$5.38	1.0%	\$14.78	69.0%	\$50.00	2.4	\$5.38

Minority Impact

House File 309 establishes a new criminal offense, and a minority impact cannot be estimated due to a lack of data. Refer to the LSA memo addressed to the General Assembly, [Minority Impact Statement](#), dated January 27, 2021, for information related to minorities in the criminal justice system.

Fiscal Impact

The fiscal impact of House File 309 to the correctional system cannot be determined, as the Bill establishes a new criminal offense, and the resulting cost to the justice system cannot be determined. The Department of Corrections (DOC) estimates that public agencies are likely to comply with the Bill. **Table 2** shows estimates for the average State cost for one simple misdemeanor or serious misdemeanor conviction. The cost estimates include operating costs incurred by the Judicial Branch, the State Public Defender, and the DOC for one conviction.

Table 2 — Average State Cost Per Offense Class Type

Offense Class	Total Minimum Cost	Total Maximum Cost
Simple Misdemeanor	\$40	\$350
Serious Misdemeanor	\$410	\$7,500

The new offense established by House File 309 may also result in an increase in civil penalty revenue, but the impact is unknown.

Sources

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

/s/ Holly M. Lyons

February 24, 2021

Doc ID 12141794179

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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