

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

April 21, 2021

Clip Sheet Summary

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

Bill	Amendment	Action	Sponsor
SF 579	S-3160	Filed	ZACH WHITING
HF 391	S-3159	Filed	TOM SHIPLEY

Fiscal Notes

[SF 342](#) — [Public Safety Omnibus](#) (LSB1528SV.1)

[SF 546](#) — [Competent Private Instruction](#) (LSB2219SV)

[HF 852](#) — [Medical Residents, State Tort Claims Act](#) (LSB1746HZ.1)

SENATE FILE 579

S-3160

1 Amend Senate File 579 as follows:

2 1. By striking page 41, line 25, through page 42, line 1,
3 and inserting:

4 <Sec. ____ . NEW SECTION. **490.209 Foreign-trade zone**
5 **corporation.**

6 A domestic corporation may be incorporated or organized
7 under the laws of this state, and a foreign corporation may be
8 registered or authorized to transact business in this state,
9 for the purpose of establishing, operating, and maintaining
10 a foreign-trade zone as defined in 19 U.S.C. §81(a). The
11 domestic or foreign corporation must maintain its principal
12 place of business in this state. The domestic or foreign
13 corporation described in this section has all powers necessary
14 or convenient for applying for a grant of authority to
15 establish, operate, and maintain a foreign-trade zone under
16 19 U.S.C. §81(a) et seq., and regulations promulgated under
17 that law, and for establishing, operating, and maintaining a
18 foreign-trade zone pursuant to that grant of authority.>

19 2. Page 131, by striking lines 22 through 24 and inserting:

20 <Sec. ____ . NEW SECTION. **490.901A Subchapter definitions.**>

21 3. Page 246, by striking lines 14 and 15 and inserting:

22 <Sec. ____ . NEW SECTION. **490.1802 Application to existing**
23 **foreign corporations.**>

24 4. Page 247, by striking lines 12 through 18 and inserting:

25 <a. Section 490.135, as amended by this division of this
26 Act, to section 490.130.

27 b. Section 490.833, as amended by this division of this Act,
28 to section 490.832.

29 c. Section 490.629 to section 490.628.

30 d. Section 490.901A, as enacted in this division of this
31 Act, to section 490.901.

32 e. Section 490.1622, as amended by this division of this
33 Act, to section 490.1621.>

34 5. By striking page 258, line 34, through page 260, line 16,
35 and inserting:

1 <Sec. _____. Section 501.303, Code 2021, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 3. The board may hold the meeting solely
4 by means of remote communication in accordance with section
5 501.303A and in that case the notice shall describe how members
6 may participate in the meeting.

7 Sec. _____. NEW SECTION. 501.303A **Remote participation in**
8 **meetings of members.**

9 1. Members of any class or series may participate in
10 any meeting of members by means of remote communication to
11 the extent the board authorizes such participation for such
12 class or series. Participation as a member by means of
13 remote communication shall be subject to such guidelines and
14 procedures as the board adopts, and shall be in conformity with
15 subsection 2.

16 2. Members participating in a meeting of members by means of
17 remote communication shall be deemed present and may vote at
18 such a meeting if the cooperative has implemented reasonable
19 measures to do all of the following:

20 a. Verify that each person participating remotely as a
21 member is a member.

22 b. Provide such members a reasonable opportunity to
23 participate in the meeting and to vote on matters submitted
24 to the members, including an opportunity to communicate, and
25 to read or hear the proceedings of the meeting, substantially
26 concurrently with such proceedings.

27 3. Unless the bylaws require the meeting of members to be
28 held at a place, the board may determine that any meeting of
29 members shall not be held at any place and shall instead be
30 held solely by means of remote communication, but only if the
31 cooperative implements the measures specified in subsection 2.

32 Sec. _____. Section 501A.807, subsections 2 and 3, Code 2021,
33 are amended to read as follows:

34 2. *Members' meetings held solely by means of remote*
35 *communication.* To the extent authorized in the articles, a

1 member control agreement, ~~or~~ the bylaws, or a board resolution,
2 and determined by the board, a regular or special meeting of
3 members may be held solely by any combination of means of
4 remote communication through which the members may participate
5 in the meeting, if notice of the meeting is given to every
6 owner of membership interests entitled to vote as would be
7 required by this chapter for a meeting, and if the membership
8 interests held by the members participating in the meeting
9 would be sufficient to constitute a quorum at a meeting.

10 Participation by a member by that means constitutes presence at
11 the meeting in person or by proxy if all the other requirements
12 of this chapter for the meeting are met.

13 3. *Participation in members' meetings by means of remote*
14 *communication.* To the extent authorized in the articles, ~~or~~
15 the bylaws, or a board resolution, and determined by the board,
16 a member not physically present in person or by proxy at a
17 regular or special meeting of members may, by means of remote
18 communication, participate in a meeting of members held at a
19 designated place. Participation by a member by that means
20 constitutes presence at the meeting in person or by proxy if
21 all the other requirements of this chapter for the meeting are
22 met.>

23 6. Page 261, after line 31 by inserting:

24 <PART ____
25 EFFECTIVE DATE>

26 7. Page 267, after line 10 by inserting:

27 <DIVISION ____
28 FOREIGN-TRADE ZONE CORPORATIONS

29 Sec. ____ . Section 490.901, Code 2021, is amended to read as
30 follows:

31 **490.901 Foreign-trade zone corporation.**

32 1. A domestic corporation may be incorporated or organized
33 under the laws of this state, and a foreign corporation may be
34 authorized or registered to transact business in this state,
35 for the purpose of establishing, operating, and maintaining

1 a foreign-trade zone as defined in 19 U.S.C. §81(a). The
2 domestic or foreign corporation must maintain its principal
3 place of business in this state. A The domestic or foreign
4 corporation organized for the purposes set forth in this
5 section described in this section has all powers necessary or
6 convenient for applying for a grant of authority to establish,
7 operate, and maintain a foreign-trade zone under 19 U.S.C.
8 §81(a) et seq., and regulations promulgated under that law, and
9 for establishing, operating, and maintaining a foreign-trade
10 zone pursuant to that grant of authority.

11 2. This section is repealed on January 1, 2022.

12 Sec. _____. Section 491.36, Code 2021, is amended to read as
13 follows:

14 **491.36 Foreign-trade zone corporation.**

15 A domestic corporation may be incorporated or organized
16 under the laws of this state, and a foreign corporation may be
17 authorized or registered to transact business in this state,
18 for the purpose of establishing, operating, and maintaining a
19 foreign-trade zone as defined in 19 U.S.C. §81a. The domestic
20 or foreign corporation must maintain its principal place of
21 business in this state. A The domestic or foreign corporation
22 organized for the purposes set forth in this section described
23 in this section has all powers necessary or convenient for
24 applying for a grant of authority to establish, operate, and
25 maintain a foreign-trade zone under the provisions of 19
26 U.S.C. §81a, et seq., and rules promulgated ~~thereunder~~ under
27 that law, and for establishing, operating, and maintaining a
28 foreign-trade zone pursuant to that grant of authority.

29 Sec. _____. NEW SECTION. 504.208 Foreign-trade zone
30 corporation.

31 A domestic corporation may be incorporated or organized
32 under the laws of this state, and a foreign corporation may be
33 authorized or registered to transact business in this state,
34 for the purpose of establishing, operating, and maintaining
35 a foreign-trade zone as defined in 19 U.S.C. §81(a). The

S-3160 (Continued)

1 domestic or foreign corporation must maintain its principal
2 place of business in this state. The domestic or foreign
3 corporation described in this section has all powers necessary
4 or convenient for applying for a grant of authority to
5 establish, operate, and maintain a foreign-trade zone under
6 19 U.S.C. §81(a) et seq., and regulations promulgated under
7 that law, and for establishing, operating, and maintaining a
8 foreign-trade zone pursuant to that grant of authority.
9 Sec. ____ . EFFECTIVE DATE. This division of this Act, being
10 deemed of immediate importance, takes effect upon enactment.>
11 8. By renumbering as necessary.

By ZACH WHITING

[S-3160](#) FILED APRIL 20, 2021

HOUSE FILE 391

S-3159

- 1 Amend House File 391, as passed by the House, as follows:
- 2 1. Page 3, by striking lines 13 through 35.
- 3 2. Page 5, line 16, by striking
- 4 <delta-9-tetrahydrocannabinol> and inserting
- 5 <tetrahydrocannabinol>
- 6 3. Page 8, after line 9 by inserting:
- 7 <Sec. ____ . Section 124.204, subsection 7, paragraph b, Code
- 8 2021, is amended to read as follows:
- 9 b. A hemp product as provided in chapter 204 with a maximum
- 10 ~~delta-9~~ tetrahydrocannabinol concentration that does not exceed
- 11 three-tenths of one percent on a dry weight basis.>
- 12 4. Page 14, after line 3 by inserting:
- 13 <Sec. ____ . Section 204.2, subsection 11, paragraph b,
- 14 subparagraph (1), Code 2021, is amended to read as follows:
- 15 (1) An item or part of an item with a maximum ~~delta-9~~
- 16 tetrahydrocannabinol concentration that exceeds three-tenths of
- 17 one percent on a dry weight basis.>
- 18 5. By renumbering as necessary.

By TOM SHIPLEY

S-3159 FILED APRIL 20, 2021



[SF 342](#) – Public Safety Omnibus (LSB1528SVV.1)
Staff Contact: Adam Broich (515.281.8223) adam.broich@legis.iowa.gov
Fiscal Note Version – As amended by [S-3158](#) (House Amendment)

Description

[Senate File 342](#) as amended relates to numerous issues involving law enforcement and public safety, including public records, fraudulent filings, public safety employee benefits and workers' compensation, eluding law enforcement, makes changes to certain criminal offenses and sheriff salaries, officer rights, and qualified immunity.

A summary table of impacts is provided in **Table 7** at the end of this document.

Division I: Public Records — Confidentiality — Civil Enforcement

This Division expands the definition of persons eligible to participate in the [Address Confidentiality Program](#) under Iowa Code chapter [9E](#) to include an Iowa resident, adult, minor, or incapacitated person who is one of the following:

- A victim of domestic abuse, including but not limited to assault, stalking, and human trafficking.
- A currently active or retired State or local judicial officer, or a spouse or child thereof.
- A currently active or retired State or local prosecuting attorney, or a spouse or child thereof.
- A currently active or retired peace officer, or a spouse or child thereof.

This Division also describes situations in which individuals are not assessed damages when violating Open Records Law under Iowa Code chapter [22](#). The Bill also establishes procedures for the county assessor to redact the names of former and current police officers from electronic records available online.

Division II: Uniform Commercial Code — Fraudulent Filings

This Division amends procedures for the filing office to refuse to accept a financial statement that is out of compliance with the Uniform Commercial Code (UCC). This Division also creates a new simple misdemeanor for UCC records filed with the intent to harass or defraud.

Division III: Accrued Sick Leave — Retired Public Safety Employees

This Division provides that a retired public safety employee who has applied for retirement benefits under an eligible retirement system shall receive credit for all accumulated and unused sick leave, which shall be converted to current value and credited to the employee's account for the purpose of paying monthly health insurance premiums. Upon the death of the employee, the surviving spouse shall be entitled to these same benefits. It is current Department of Public Safety practice to allow retiring employees to convert sick leave upon retirement for this purpose. The provision extends the benefit to the surviving spouse.

Division IV: Workers' Compensation — Actions and Offsets

This Division prohibits certain workers' compensation benefits related to medical expenses, vacation, sick, or unpaid leave from being offset under the Iowa Public Employees' Retirement System and the Police Officers' Retirement System (IPERS).

Division V: Civil Service Commission Examinations

This Division requires Civil Service Commissions to hire persons with expertise to prepare and administer examinations approved by the Commission for entrance and promotional examinations. Under current law, Commissions may choose to hire individuals with expertise.

Division VI: Law Enforcement — Eluding Law Enforcement — Carrying Firearms

This Division expands eluding law enforcement to include eluding law enforcement in an unmarked vehicle, or an officer who is not in uniform. The Division also requires that a peace officer shall not be prohibited from carrying a firearm while performing official duties. Penalties for eluding law enforcement may be a serious misdemeanor to a Class C felony.

Division VII: Assaults Involving Lasers

This Division expands the definition of assault to include intentionally pointing a laser emitting a visible light beam at another person with the intent to cause pain or injury to another. The definition does not apply to:

- A law enforcement officer who uses a laser in discharging or attempting to discharge the officer's official duties.
- A health care professional who uses a laser in providing services or to any other person who is licensed or authorized by law to use a laser or uses it in the performance of official duties.
- A person who uses a laser to play laser tag, paintball, and other similar games using light-emitting diode technology.

Division VIII: Assault — Harassment — Criminal Mischief — Disorderly Conduct

This Division makes the following changes to penalties:

- Prohibits operating a bicycle, skateboard or other pedestrian conveyance on a fully controlled-access facility as defined in Iowa Code section [321.366\(2\)](#) (Acts Prohibited on Fully Controlled-Access Facilities). There is a fine of \$135 for fines levied under this Iowa Code section.
- Adds civilian employee of law enforcement agencies or fire departments to the list of persons engaged in certain occupations against whom an assault is subject to an increased criminal penalty. An individual who assaults these individuals with intent to inflict serious injury or involves the use or display of a dangerous weapon is guilty of a Class D felony. An individual who assaults these individuals and causes bodily injury or mental illness is guilty of an aggravated misdemeanor, with a mandatory minimum term of imprisonment of one year.
- Expands first degree harassment to include harassment against another person in a place of lawful public accommodation. A person who commits harassment in the first degree is guilty of an aggravated misdemeanor.
- Expands criminal mischief in the second degree to include acts that damage, deface, alter, or destroy any publicly owned property, including monuments and statues in excess of \$1,500 and up to \$10,000 in damages. A person who commits criminal mischief in the second degree is guilty of a Class D felony.
- The Bill adds new criteria for a crime under disorderly conduct:
 - A person is guilty of a serious misdemeanor when the person, without lawful authority, obstructs any public roadway with the intent to prevent or hinder its lawful use by others.
 - A person is guilty of an aggravated misdemeanor when the person:
 - Obstructs or attempts to fully obstruct a fully controlled-access facility or public roadway with certain speed restrictions.
 - Commits property damage.
 - Is present during an unlawful assembly as defined in Iowa Code section [723.2](#).
 - A person is guilty of a Class D felony when the person:

- Is present during a riot as defined in Iowa Code section [723.1](#).
- Causes bodily injury.
- A person is guilty of a Class C felony when the person causes serious bodily injury or death.

Division IX: Enforcement of Laws

This Division prohibits local entities from adopting or enforcing a policy or taking another action that discourages or prohibits the local entity or law enforcement from enforcing State, local, or municipal laws. This Division prohibits local entities or individuals employed by a local entity from considering race, skin color, language, or national origin while enforcing State, local, and municipal laws except to the extent permitted by the Iowa Constitution or United States Constitution. This Division establishes procedures for the filing of complaints concerning discrimination by individuals to the Iowa Attorney General. This Division also establishes provisions for the denial of State funds for violations of the Division.

Division X: Qualified Immunity

This Division adopts provisions related to liability for monetary damages for employees and liabilities for the State and State agencies.

Division XI: Public Disorder

This Division increases the penalty for a riot crime, as defined in Iowa Code section 723.1, from an aggravated misdemeanor to a Class D felony. The Bill increases the penalty for unlawful assembly and for those who joined a lawful assembly but willingly remain after the assembly becomes unlawful, as defined in Iowa Code section 723.2, from a simple to an aggravated misdemeanor.

Division XII: Peace Officer, Public Safety, and Emergency Personnel Bill of Rights

This Division modifies the definition of complaint under Iowa Code section [80F.1](#). This Division amends procedures and rules for interviews, hearings, or other disciplinary or administrative proceedings related to complaints against individuals under Iowa Code chapter 80F (Rights of Peace Officers and Public Safety and Emergency Personnel).

Division XIII: Civil Liability for Certain Vehicle Operators

This Division establishes immunity from civil liability for certain vehicle operators. The Bill provides that a driver of a vehicle who is exercising due care and who injures another person who is participating in a protest, demonstration, riot, or unlawful assembly or who is engaging in disorderly conduct and is blocking traffic on a public roadway is immune from civil liability for the caused injury. This provision does not apply if the injured person was participating in a protest or demonstration with a valid permit allowing persons to do so on a public roadway.

Division XIV: Window Tinting

This Division exempts persons who operate a vehicle owned or leased by a federal, state, or local law enforcement agency from restrictions on window tinting.

Division XV: Sheriff Salaries

This Division requires county sheriffs' salaries to be set so that they are comparable to salaries paid to professional law enforcement administrators and command officers of the State Patrol, the Division of Criminal Investigation of the Department of Public Safety, and city police chiefs employed by cities of similar population to the population of the county.

Division XVI: Confidential Communications — Peer Support — Group Counselors

This Division amends disclosure prohibitions that apply to peer support group counselors and other individuals present at crisis interventions.

Division XVII: Disability Medical Benefits — Iowa Public Retirement System

This Division requires an employer to provide reasonable medical benefit services and supplies to an IPERS special service member who is receiving an in-service disability retirement allowance under certain circumstances.

Division XVIII: Officer Disciplinary Actions

This Division restricts circumstances in which an officer may be discharged, disciplined, or threatened with discharge. This Division also establishes an interim Brady-Giglio List Interim Committee.

Assumptions for Correctional Impact

- 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.
- Due to the penalty increases, it is assumed that the prison population will increase and that the associated probation population will subsequently decrease.

Correctional Impact

The Bill is estimated to have a correctional impact as it will likely increase the number of individuals under correctional supervision and the LOS. The impact is detailed by criminal offense below.

Records Filed with the Intent to Harass or Defraud (Division II)

This Bill establishes a serious misdemeanor for UCC records filed with the intent to harass or defraud. This is a new penalty and the correctional impact cannot be determined.

Eluding (Division VI)

The Bill expands eluding law enforcement to include eluding law enforcement in an unmarked vehicle, or an officer who is not in uniform. This change may result in additional convictions for eluding law enforcement. However, the number of additional violations that may occur as a result of this change is unknown. In FY 2020, a total of 284 individuals entered into the correctional system for violations under Iowa Code section [321.279](#).

Improper Use of Median, Curb, or Access Facility (Division VIII)

The Bill establishes a scheduled violation for operating a bicycle, skateboard, or other pedestrian conveyance on a fully controlled-access facility. The number of additional violations that may occur as a result of this change is unknown. This portion of the Bill is not estimated to have a correctional impact.

Assault (Division VIII)

The Bill expands the definition of assault and the list of persons engaged in certain occupations against whom an assault is subject to an increased criminal penalty. The correctional impact of this change cannot be estimated. The average State cost for one serious misdemeanor

conviction ranges from \$410 to \$7,500. The average State cost for one aggravated misdemeanor conviction ranges from \$3,700 to \$7,800. The average State cost for one Class D felony conviction ranges from \$7,700 to \$13,500.

Harassment in the First Degree (Division VIII)

The Bill expands the definition of harassment in the first degree. The correctional impact of this change cannot be estimated due to a lack of existing data. In FY 2020, the cost to supervise one individual convicted of an offense under Iowa Code section [708.7](#) was \$5,500.

Criminal Mischief in the Second Degree (Division VIII)

The Bill expands the definition of criminal mischief in the second degree, and the correctional impact cannot be estimated due to a lack of existing data. In FY 2020, the cost to supervise one correctional cohort of most serious offenses under Iowa Code chapter [716](#) was approximately \$1.2 million. This includes supervision in prison, probation, parole, and work release.

Disorderly Conduct (Division VIII)

The Bill increases the penalty for certain types of disorderly conduct under Iowa Code section [723.4](#) from a simple misdemeanor to a serious misdemeanor, aggravated misdemeanor, Class D felony, or Class C felony, depending on the circumstances and severity of the crime. The correctional impact of the section of the Bill relating to disorderly conduct cannot be determined. The Bill changes the definition of disorderly conduct in such a way that it is difficult to determine penalty provisions due to the significant variance in individual circumstances and outcomes. In FY 2020, there were 154 admissions to Community-Based Corrections (CBC) facilities for a most serious offense under Iowa Code section 723.4. The Department of Corrections estimates that some crimes that are currently categorized under simple misdemeanors would be categorized into higher penalty classes under the Bill, but the extent of that increase cannot be calculated due to unavailability of existing data.

Riot Crimes (Division XI)

The Bill increases the penalty for a riot crime under Iowa Code section [723.1](#) from an aggravated misdemeanor to a Class D felony. Over the last five fiscal years, FY 2016 through FY 2020, there was one prison admission for the most serious offense under Iowa Code section 723.1. The DOC notes that individuals convicted of this crime are much more likely to be admitted to supervision under CBC rather than prison supervision. In FY 2020, there were 24 individuals who were admitted to CBC on a most serious offense of a riot crime. Increasing the penalty from an aggravated misdemeanor to a Class D felony will result in an increase in admissions to prison supervision. The DOC estimates that the cost of moving one cohort of admissions for a riot crime from an aggravated misdemeanor to a Class D felony will total \$40,500.

Unlawful Assembly (Division XI)

The Bill increases the penalty for unlawful assembly under Iowa Code section [723.2](#) from a simple misdemeanor to an aggravated misdemeanor. In FY 2020, there were two admissions to CBC for a most serious offense of unlawful assembly. Due to the minimal counts of admissions under this crime, the DOC estimates that the correctional impact of increasing the penalty for unlawful assembly from a simple to an aggravated misdemeanor will be minimal.

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.

Minority Impact

The minority impact of the Bill varies by criminal offense and is detailed by individual section below.

UCC Filings (Division II)

The Bill establishes a new crime and the minority impact of this change is unknown.

Eluding (Division VI)

The Bill expands eluding law enforcement to include eluding law enforcement in an unmarked vehicle, or an officer who is not in uniform. This change may result in additional convictions for eluding law enforcement. Of the 284 individuals who entered the correctional system for a violation of Iowa Code section 321.279 in FY 2020, 211, or 74.2% were Caucasian, and 54, or 19.0% were African American. In FY 2020, Caucasians and African Americans made up 89.9% and 4.1% of the Iowa adult population, respectively. The conviction rate for African Americans exceeds the population proportion of the State, which would lead to a racial impact if trends remain constant.

Improper Use of Median, Curb, or Access Facility (Division VIII)

The Bill establishes a scheduled violation for operating a bicycle, skateboard, or other pedestrian conveyance on a fully controlled-access facility. In FY 2020, the racial breakdown of individuals convicted for this violation was 65.0% Caucasian and 11.1% African American. In FY 2020, Caucasians and African Americans made up 89.9% and 4.1% of the Iowa adult population, respectively. The conviction rate for African Americans exceeds the population proportion of the State, which would lead to a racial impact if trends remain constant. Due to low numbers of other minority populations, the impact on those populations cannot be assessed.

Assault (Division VIII)

The Bill expands the definition of assault and the list of persons engaged in certain occupations against whom an assault is subject to an increased criminal penalty. In FY 2020, the racial breakdown of the cohort of individuals admitted to correctional supervision for assault offenses was 75.0% Caucasian and 16.0% African American. In FY 2020, Caucasians and African Americans made up 89.9% and 4.1% of the Iowa adult population, respectively. The conviction rate for African Americans exceeds the population proportion of the State, which would lead to a racial impact if trends remain constant. Due to low numbers of other minority populations, the impact on those populations cannot be assessed.

Harassment in the First Degree (Division VIII)

The Bill establishes a new crime under the definition of harassment in the first degree. In FY 2020, the racial breakdown of the cohort of individuals admitted to correctional supervision for the offense of harassment in the first degree was 73.0% Caucasian and 19.0% African American. In FY 2020, Caucasians and African Americans made up 89.9% and 4.1% of the Iowa adult population, respectively. The conviction rate for African Americans exceeds the population proportion of the State, which would lead to a racial impact if trends remain constant. Due to low numbers of other minority populations, the impact on those populations cannot be assessed.

Criminal Mischief in the Second Degree (Division VIII)

The Bill expands the definition of criminal mischief in the second degree. In FY 2020, the racial breakdown of the cohort of individuals admitted to correctional supervision for criminal mischief in the second degree was 74.0% Caucasian and 21.0% African American. In FY 2020, Caucasians and African Americans made up 89.9% and 4.1% of the Iowa adult population, respectively. The conviction rate for African Americans exceeds the population proportion of the State, which would lead to a racial impact if trends remain constant. Due to low numbers of other minority populations, the impact on those populations cannot be assessed.

Disorderly Conduct (Division VIII)

The Bill increases the penalty for certain types of disorderly conduct depending on the circumstances and severity of the crime. In FY 2020, the racial breakdown of the cohort of individuals admitted to correctional supervision for disorderly conduct was 56.0% Caucasian and 30.0% African American. In FY 2020, Caucasians and African Americans made up 89.9% and 4.1% of the Iowa adult population, respectively. The conviction rate for African Americans exceeds the population proportion of the State, which would lead to a racial impact if trends remain constant. Due to low numbers of other minority populations, the impact on those populations cannot be assessed.

Riot Crimes (Division XI)

The Bill increases the existing penalty for a riot crime from an aggravated misdemeanor to a Class D felony. In FY 2020, the racial breakdown of the cohort of individuals admitted to correctional supervision for riot crime offenses was 29.0% Caucasian and 71.0% African American. In FY 2020, Caucasians and African Americans made up 89.9% and 4.1% of the Iowa adult population, respectively. The conviction rate for African Americans exceeds the population proportion of the State, which would lead to a racial impact if trends remain constant. Due to low numbers of other minority populations, the impact on those populations cannot be assessed.

Unlawful Assembly (Division XI)

The Bill increases the penalty for unlawful assembly under Iowa Code section 723.2. Due to low numbers of convictions of unlawful assembly, the minority impact on those populations cannot be assessed.

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 following Divisions are not expected to have a fiscal impact.

- Division I: Public Records – Confidentiality – Civil Enforcement
- Division II: Uniform Commercial Code – Fraudulent Filings
- Division III: Accrued Sick Leave – Retired Public Safety Employees
- Division V: Civil Service Commission Examinations
- Division X: Qualified Immunity
- Division XII: Peace Officer, Public Safety, and Emergency Personnel Bill of Rights
- Division XIII: Civil Liability for Certain Vehicle Operators
- Division XIV: Window Tinting
- Division XVI: Confidential Communications – Peer Support – Group Counselors

- Division XVIII: Officer Disciplinary Actions

The fiscal impact of the following Divisions is unknown.

- Division IV: Workers' Compensation – Actions and Offsets
- Division IX: Enforcement of Laws
- Division XV: Sheriff Salaries
- Division XVII: Disability Medical Benefits – Iowa Public Retirement System

The fiscal impact of new penalties established in this Bill is addressed below. The establishment of new crimes and changes to existing crimes and existing criminal penalties as provided by the Bill may impact criminal fine and surcharge revenue, but the impact of these changes cannot be determined at this time.

Records Filed with the intent to Harass or Defraud (Division II)

This Bill establishes a Serious misdemeanor for UCC records filed with the intent to harass or defraud. This is a new penalty and the fiscal impact cannot be determined. The average State cost for one serious misdemeanor conviction ranges from \$410 to \$7,500. The minimum cost includes court time for a district associate judge or district court judge, court reporter, judicial specialist, and clerk of court staff. The maximum cost includes court time plus costs for indigent defense, State prison, and parole supervision.

Eluding (Division VI)

The Bill expands eluding law enforcement to include eluding law enforcement in an unmarked vehicle, or an officer who is not in uniform. This change may result in additional convictions for eluding law enforcement. However, the extent to which convictions may increase is unknown. In FY 2020, a total of 284 individuals entered into the correctional system for violations under Iowa Code section [321.279](#). The average State cost for one serious misdemeanor conviction ranges between \$410 to \$7,500. The average State cost for one aggravated misdemeanor conviction ranges from \$3,700 to \$7,800. The minimum cost includes court time for a district associate judge or a district court judge, court reporter, judicial specialist, and clerk of court staff, plus the costs of probation supervision. The average State cost for one Class D felony conviction ranges from \$7,700 to \$13,500. The minimum cost includes court time for a district court judge, court reporter, judicial specialist, and clerk of court staff, plus the costs of indigent defense and probation supervision. The average State cost for one Class C felony conviction ranges from \$9,900 to \$19,200. The minimum cost includes court time for a district court judge, court reporter, judicial specialist, and clerk of court staff, plus the costs of indigent defense and probation supervision.

Improper Use of Median, Curb, or Access Facility (Division VIII)

The Bill establishes a scheduled violation for operating a bicycle, skateboard, or other pedestrian conveyance on a fully controlled-access facility. The number of additional violations that may occur as a result of this change is unknown.

Assault (Division VIII)

The Bill expands the definition of assault and the list of persons engaged in certain occupations against whom an assault is subject to an increased criminal penalty. The fiscal impact of this provision cannot be determined due to the lack of data. **Table 1** shows the increase in cost for the average State cost per offense class type for one conviction of assault on a civilian employee of a law enforcement agency or fire department, as well as the cost of one conviction of other types of assault. The cost estimate includes operating costs incurred by the Judicial Branch, the State Public Defender, and the DOC for one conviction. The cost would be incurred across multiple fiscal years for prison and parole supervision.

Table 1 — Average State Cost Per Offense Class Type

Offense Class	Cost Per Conviction	
	Minimum	Maximum
Class D Felony	\$ 7,700	\$ 13,500
Aggravated Misdemeanor	3,700	7,800
Serious Misdemeanor	410	7,500

Harassment in the First Degree (Division VIII)

The Bill expands the definition of harassment in the first degree to include new actions previously not criminalized under Iowa Code section [708.7](#). The fiscal impact of this provision cannot be determined due to the lack of data. **Table 2** contains cost estimates for the average State cost per offense class type for one conviction of harassment in the first degree. The cost estimate includes operating costs incurred by the Judicial Branch, the State Public Defender, and the DOC for one conviction. The cost would be incurred across multiple fiscal years for prison and parole supervision.

Table 2 — Average State Cost Per Offense Class Type

Offense Class	Minimum Cost	Maximum Cost
Aggravated Misdemeanor	\$ 3,700	\$ 7,800

Criminal Mischief in the Second Degree (Division VIII)

The Bill expands the definition of criminal mischief in the second degree to include new actions previously not criminalized under Iowa Code chapter [716](#). The fiscal impact of this provision cannot be determined due to the lack of data. **Table 3** contains cost estimates for the average State cost per offense class type for one conviction of criminal mischief in the second degree. The cost estimate includes operating costs incurred by the Judicial Branch, the State Public Defender, and the DOC for one conviction. The cost would be incurred across multiple fiscal years for prison and parole supervision.

Table 3 — Average State Cost Per Offense Class Type

Offense Class	Minimum Cost	Maximum Cost
Class D Felony	\$ 7,700	\$ 13,500

Disorderly Conduct (Division VIII)

The Bill increases the penalty for certain types of disorderly conduct from a simple misdemeanor to a serious misdemeanor, aggravated misdemeanor, Class D felony, or Class C felony, depending on the circumstances and severity of the crime. The fiscal impact of this provision cannot be determined due to the lack of data. **Table 4** shows the increase in cost for the average State cost per offense class type for one conviction of disorderly conduct. The cost estimate includes operating costs incurred by the Judicial Branch, the State Public Defender, and the DOC for one conviction. The cost would be incurred across multiple fiscal years for prison and parole supervision.

Table 4 — Average State Cost Per Offense Class Type

Offense Class	Cost Per Conviction	
	Minimum	Maximum
Serious Misdemeanor	\$ 410	\$ 7,500
Simple Misdemeanor	40	350
Total Cost Increase	\$ 370	\$ 7,150
Aggravated Misdemeanor	\$ 3,700	\$ 7,800
Simple Misdemeanor	40	350
Total Cost Increase	\$ 3,660	\$ 7,450
Class D Felony	\$ 7,700	\$ 13,500
Simple Misdemeanor	40	350
Total Cost Increase	\$ 7,660	\$ 13,150
Class C Felony	\$ 9,900	\$ 19,200
Simple Misdemeanor	40	350
Total Cost Increase	\$ 9,860	\$ 18,850

Riot Crimes (Division XI)

The Bill increases the penalty for a riot crime under Iowa Code section [723.1](#) from an aggravated misdemeanor to a Class D felony. The fiscal impact of this provision cannot be determined due to the lack of data. **Table 5** shows the increase in cost for the average State cost per offense class type for one conviction of a riot crime. The cost estimate includes operating costs incurred by the Judicial Branch, the State Public Defender, and the DOC for one conviction. The cost would be incurred across multiple fiscal years for prison and parole supervision.

Table 5 — Average State Cost Per Offense Class Type

Offense Class	Cost Per Conviction	
	Minimum	Maximum
Class D Felony	\$ 7,700	\$ 13,500
Aggravated Misdemeanor	3,700	7,800
Total Cost Increase	\$ 4,000	\$ 5,700

Unlawful Assembly (Division XI)

The Bill increases the penalty for unlawful assembly under Iowa Code section [723.2](#) from a simple misdemeanor to an aggravated misdemeanor. The fiscal impact of this provision cannot be determined due to the lack of data. **Table 6** shows the increase in cost for the average State cost per offense class type for one conviction of unlawful assembly. The cost estimate includes operating costs incurred by the Judicial Branch, the State Public Defender, and the DOC for one conviction. The cost would be incurred across multiple fiscal years for prison and parole supervision.

Table 6 — Average State Cost Per Offense Class Type

Offense Class	Cost Per Conviction	
	Minimum	Maximum
Aggravated Misdemeanor	\$ 3,700	\$ 7,800
Simple Misdemeanor	40	350
Total Cost Increase	\$ 3,660	\$ 7,450

Table 7 provides a summary of the correctional, minority, and fiscal impacts of the Bill by criminal offense.

Table 7 — Summary of Impacts of Criminal Offense Changes

Criminal Offense	Division	Correctional Impact	Minority Impact*	Fiscal Impact
UCC Records	II	Unable to determine	Unknown	Unknown
Eluding Law Enforcement	VI	Unable to determine	Yes, if trends continue	Unknown
Improper use of median, curb,	VIII	Unable to determine	Yes, if trends continue	Unknown
Assault	VIII	Unable to determine	Yes, if trends continue	Unable to determine but likely
Harassment (1st degree)	VIII	Unable to determine	Yes, if trends continue	Unable to determine but likely
Criminal Mischief (2nd degree)	VIII	Unable to determine	Yes, if trends continue	Unable to determine but likely
Riot Crimes	VIII	Yes - Est. \$40,500	Yes, if trends continue	Unable to determine but likely
Unlawful Assembly	XI	Minimal	Yes, if trends continue	Unable to determine but likely
Disorderly Conduct	XI	Unable to determine but likely	Yes, if trends continue	Unable to determine but likely

*This column displays whether minorities are disproportionately convicted of established crimes. If existing trends continues and convictions increase the Bill may result in a minority impact. The number of additional convictions that may result from the passage of the Bill is unknown.

Sources

Department of Corrections
 Division of Criminal and Juvenile Justice Planning Division, Department of Human Rights
 Iowa State Association of Counties
 LSA analysis

/s/ Holly M. Lyons

April 19, 2021

Doc ID 1219256

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 546](#) – Competent Private Instruction (LSB2219SV)
Staff Contact: Lora Vargason (515.725.2249) lora.vargason@legis.iowa.gov
Fiscal Note Version – As amended by House Amendment S-3146

Description

[Senate File 546](#) as amended:

- Eliminates the provision for the Department of Education or area education agencies to provide an online learning platform to students receiving independent private instruction.
- Provides technical corrections to clarify that both competent private instruction and independent private instruction are considered private instruction.
- Clarifies that competent private instruction can be under the supervision of a licensed instructor or can be provided by a parent, guardian, or legal custodian.
- Changes the reporting date of the annual evaluation of a student under competent private instruction from June 30 to August 1, changes the date to complete the annual assessment of a student under competent private instruction from May 1 to May 31, and aligns assessment requirements with those of the statewide assessment.
- Adds pedestrian awareness instruction to driver education courses.
- Allows all students under private instruction to be allowed to use parent-taught driver education.
- Eliminates certain time requirements for parent-taught driver education and reduces the number of hours of required driving time.
- Aligns documentation for parent-taught driver education course completion and certification with Department of Transportation (DOT) requirements.
- Allows any student of compulsory attendance age to use parent-taught driver education.

Background

Private instruction, sometimes referred to as homeschooling, can be provided in multiple ways in the State of Iowa. Students in private instruction can be supported by a certified teacher, through a school district, without a certified teacher, or through a nonaccredited school. Different opportunities and requirements apply depending on what method of private instruction is used for the student. More information on the methods of private instruction can be found [here](#).

In Iowa, the DOT requires drivers under the age of 18 seeking an intermediate driver's license to meet the following requirements:

- Be at least 16 years old.
- Complete an Iowa-approved driver education course.
- Have had an instruction permit for a total of at least one year and a clean driving record for at least six consecutive months immediately before applying for an intermediate driver's license.
- Successful completion of a driving test overseen by a driver education instructor or at the driver's license issuance site.
- Parent or guardian written consent.

Driver education courses in Iowa can be administered through public and private high schools or professional driving schools. The cost of these courses can range from \$275 to \$390. Students who are eligible to receive free or reduced-price meals may qualify for a fully waived or reduced fee. Currently 48 companies provide driver education courses across the State to approximately 21,000 students.

2013 Iowa Acts, chapter [121](#), amended Iowa Code section [321.178A](#) to allow for a teaching parent of a homeschooled child to provide private driving instruction to the parent's child. Parent-taught driver education requires the purchase of an online classroom course, which costs from \$75 to \$260. Three of the four vendors providing online coursework are not based in Iowa.

Over 35,000 intermediate driver's licenses are issued each year, with fewer than 500 students using parent-taught driver education. The majority of students who have completed driver education through a high school or professional driving school will have completed the required driving test; therefore, limited administrative processing is required by the DOT.

Assumptions

- The DOT will issue an average of 35,000 intermediate driver's licenses per year.
- The majority of students taking driver education courses are of compulsory attendance age as defined in Iowa Code chapter [299](#). Students 17 years of age or older will not be allowed to use parent-taught driver education under this Bill.
- Senate File 546 as amended will increase the number of students receiving parent-taught driver education to 50.0%.
- Administration of the approval and review process under SF 546 as amended is estimated to increase full-time equivalent (FTE) staff costs to the DOT's Motor Vehicles Division by a total of 4,375 hours, or 2.0 FTE positions, per year. The average salary of a DOT Administrative Assistant II position, the position that currently manages the parent-taught driver education program, is \$61,000, including benefits.
- Administration of driving skills testing by the DOT under SF 546 as amended is estimated to increase FTE costs to the DOT's Motor Vehicle Division by a total of 13,125 hours, or 6.0 FTE positions, per year. The average salary of a DOT Driver's License Examiner is \$53,000, including benefits. County treasurer offices may bear some of this cost as they also administer driving tests, but at a lesser rate than DOT-operated driver's license service centers.

Fiscal Impact

Senate File 546 as amended is expected to increase FTE costs to the DOT Motor Vehicle Division by an estimated \$440,000 (2.0 FTE positions x \$61,000 and 6.0 FTE positions x \$53,000). The Motor Vehicle Division is funded by the Road Use Tax Fund (RUTF) and the Primary Road Fund (PRF). The cost increases to the counties are expected to be minimal due to dispersion of costs amongst county licensing locations.

Source

Iowa Department of Transportation

/s/ Holly M. Lyons

April 20, 2021

Doc ID 1219264

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 852](#) – Medical Residents, State Tort Claims Act (LSB1746HZ)
Staff Contact: Christopher Ubben (515.725.0134) chris.ubben@legis.iowa.gov
Fiscal Note Version – As amended and passed by the House

Description

[House File 852](#) expands the Medical Residency Training Program (the Program) established in Iowa Code section [135.176](#) to include medical residency liability costs as an applicable use for grant funds subject to the provision that the residency sponsor provide matching funds dollar-for-dollar. The strike after amendment adopted by the House does not specifically limit liability costs to insurance premiums. The Bill excludes residency programs affiliated with patients or inmates of State institutions under the jurisdiction of the Department of Human Services or the Iowa Department of Corrections, or employees of the Department of Veterans Affairs. The Bill also states that this expansion of the Program shall begin July 1, 2021, and end June 30, 2026.

Background

With the exception of FY 2018, wherein it was temporarily suspended, the Medical Residency Training Program has received an appropriation for \$2.0 million each year since its inception in FY 2014. The cost of the program is limited by the amount appropriated each year.

Fiscal Impact

House File 852 does not create a fiscal impact on the State as the Program's appropriated funding amount is not modified by HF 852.

Source

Iowa Department of Public Health

/s/ Holly M. Lyons

April 20, 2021

Doc ID 1219393

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.
