

**NINETIETH GENERAL ASSEMBLY
2023 REGULAR SESSION
DAILY
SENATE CLIP SHEET**

March 28, 2023

Clip Sheet Summary

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

| Bill | Amendment | Action | Sponsor |
|-------------|------------------|---------------|----------------|
|-------------|------------------|---------------|----------------|

No amendments filed on March 27, 2023

Fiscal Notes

[SF 400](#) — [Video Conferencing](#) (LSB1186SV)

[SF 487](#) — [County Supervisor and City Official Vacancies, Special Elections](#) (LSB2173SV)

[SF 494](#) — [Medicaid, Supplemental Nutrition Assistance Program \(SNAP\), Eligibility Verification](#) (LSB1320SV.1)

[SF 525](#) — [Criminal Procedure](#) (LSB1114SV.1)

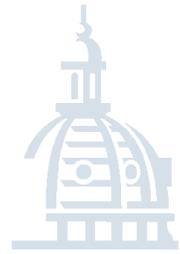
[SF 542](#) — [Youth Employment](#) (LSB1838SV)

[SF 553](#) — [Hunting, Nonresident Family Purchasing Resident Tags](#) (LSB1777SZ)

[SF 555](#) — [Volunteer First Responder, Property Tax Reduction](#) (LSB1551SV)

[HF 644](#) — [Criminal Procedure, Juror Qualifications, and Court Rules](#) (LSB2122HV.1)

[HF 680](#) — [County Issuance of Driver's Licenses to Nonresidents, Fee](#) (LSB1789HZ)



[SF 400](#) – Video Conferencing (LSB1186SV)
Staff Contact: Justus Thompson (515.725.2249) justus.thompson@legis.iowa.gov
Fiscal Note Version – New

Description

[Senate File 400](#) does the following:

- Provides that for an initial appearance or arraignment, upon the motion of any of the parties, the proceeding is to be conducted by video conference if appropriate technology is available.
- Provides that for a pretrial conference, scheduling conference, or any other noncontested judicial proceeding, upon the motion of any of the parties, the proceeding is to be conducted by video conference if appropriate technology is available unless the court orders the proceeding to be held in person for good cause.
- Provides that for a hearing in a criminal, juvenile, or postconviction relief proceeding, upon motion of any of the parties, the hearing may be conducted by video conference if it is conducted in an efficient manner and does not prejudice a substantial right of any party, if appropriate technology is available.
- Provides that any party may file a resistance to a motion to hold a judicial proceeding by video conference.
- Provides that the term “open court” includes the remote testimony of a witness by video conference or other remote means of communication if approved by the court.
- Adds video recordings to the provisions of Iowa Code section [602.3205](#) related to audio recordings of certified shorthand reporters.

The Bill takes effect upon enactment.

Background

During the COVID-19 pandemic, Judicial Branch orders temporarily allowed certain judicial proceedings to be conducted by video conference or telephone.

Currently, Iowa Code section [624.1](#) provides that all issues of fact in ordinary actions are to be tried upon oral evidence taken in open court, except that depositions may be used as provided by law. The Iowa Supreme Court held that the phrase “in open court” meant physical presence in the courtroom and ruled that allowing telephonic testimony over objection violated this statute. In re Estate of Rutter, 633 N.W.2d 745-46 (Iowa Ct. App. 2001).

On November 4, 2022, the Iowa Supreme Court, in an effort to provide clarification and uniformity in Iowa courts, issued an order regarding remote judicial proceedings. The order stated the following for nonappellate court proceedings:

- The court has the discretion to determine when a judicial proceeding will be held remotely or in person unless otherwise provided by law.
- Any decision on whether to hold a judicial proceeding remotely must be made on a case-by-case basis.
- Courts should not have a standard practice of always having a particular proceeding occur in person or remotely.

- All contested court proceedings are presumed to occur in person.
- A contested testimonial proceeding may occur by video conference or telephone only with the consent of all parties and in the court's discretion.
- Courts may direct, and parties may request, that uncontested court proceedings or contested nontestimonial court proceedings occur by video conference or telephone if appropriate technology is available.
- For routine, uncontested matters, courts are encouraged to utilize remote technology when available and when doing so does not prejudice a party.
- Any party may file a resistance to a proceeding being conducted remotely and request that the proceeding occur in person.
- If the court denies the request, the court shall state the reasons for the denial with particularity.

According to data collected by the Judicial Branch in January 2023:

- 95.0% of requests for noncontested proceedings to be held remotely were granted;
- 91.0% of requests for pretrial conferences to be held remotely were granted;
- 35.0% of noncontested proceedings are held remotely, regardless of whether they were done at the request of a party or on the court's initiative;
- 24.0% of pretrial conferences were held remotely, regardless of whether they were done at the request of a party or on the court's initiative.

Public defenders are funded from the State Public Defender (SPD) operating budget, and contract attorneys are funded from the Indigent Defense Fund. Both funds receive a General Fund appropriation in the annual Justice System Appropriations Act. See the [***Issue Review Indigent Defense — Overview and Funding History***](#) for more information about the indigent defense program in Iowa and the costs of providing indigent defense.

In FY 2015, the SPD contracted with 1,018 attorneys, and in FY 2023, that number decreased by 45.0% to 559.

Assumptions

- The Office of the SPD pays mileage expenses for its attorneys to travel to judicial proceedings.
- Approximately 40.0% of proceedings for adult criminal and juvenile cases will be held by video conference under the Bill.
- Judicial proceedings held by video conference will incur no mileage expenses to SPD attorneys and contract attorneys.
- The SPD reports that due to the COVID-19 pandemic's impact on the scheduling of judicial proceedings and the decrease in the number of SPD contract attorneys, future mileage expenses for the SPD attorneys and contract attorneys will more closely resemble FY 2019 mileage expenditures than those of more recent fiscal years.
- In FY 2019, \$794,000 was expended from the Indigent Defense Fund on mileage expenses for adult criminal and juvenile proceedings. Using the recently increased reimbursement rate of 50 cents per mile, the equivalent expenditure would be \$1.0 million.
- In FY 2019, \$110,000 was expended from the SPD operating budget on mileage expense reimbursement.
- The recent decrease in SPD contract attorneys will lead to increased mileage expenses.
- The Judicial Branch reports that the Bill will result in the need for substantial operational modifications for scheduling and docket management, as the way court proceedings often work in high-volume docket environments is not conducive to switching between in-person and remote proceedings.

- To implement the Bill, the Judicial Branch will create and manage separate court time for in-person and remote proceedings and manage and assign cases from one setting to another.
- Additional motions and the need for orders to set video conference hearings will add additional work for judges, clerks, and law clerks.
- The Judicial Branch anticipates that an additional 1.0 Judicial Specialist full-time equivalent (FTE) position will be needed for each of the 10 largest urban counties to handle additional scheduling, filing, and technology management and for each of the eight judicial districts to handle scheduling, filing, and technology management in rural areas, for a total of 18.0 FTE positions.
- The cost per judicial specialist FTE position is approximately \$74,000.

Fiscal Impact

The Bill is estimated to have an annual net cost of approximately \$965,000 if future trends mirror FY 2019. This estimate consists of costs to the Judicial Branch and savings to the SPD. If current trends mirror FY 2022 and FY 2023 and video conferences become more commonly utilized, the SPD may experience less savings and the net cost of the Bill may be higher to the Judicial Branch.

The Bill is estimated to have an annual cost of approximately \$1.3 million to the Judicial Branch, as shown in **Table 1**. The Judicial Branch also reports several operational impacts of the Bill, but the fiscal impact of these cannot be determined. The Judicial Branch is funded through the General Fund.

Table 1 — Annual Cost to Judicial Branch

| New FTE Positions | Cost Per FTE Position | Total Cost Per Year |
|--------------------------|------------------------------|----------------------------|
| 18.0 | \$73,700 | \$1,326,600 |

The Bill may have an annual cost savings of approximately \$362,000 to the Office of the State Public Defender, as shown in **Table 2**. The cost savings are composed of savings to the Office of the State Public Defender operating budget and the Indigent Defense Fund. Both are funded through the State General Fund. If video conferences become commonly utilized throughout the State or the number of contract attorneys increases, cost savings may be less.

Table 2 — Annual Savings to the Office of the State Public Defender

| | Mileage Expenses Per Year | Percent of Proceedings Held by Video Conference | Cost Savings Per Year |
|--|----------------------------------|--|------------------------------|
| State Public Defender Operating Budget | \$110,000 | 40.0% | \$44,000 |
| Indigent Defense Fund | \$794,000 | 40.0% | \$317,600 |
| Total | <u>\$904,000</u> | | <u>\$361,600</u> |

Note: **Table 2** uses data from FY 2019.

Sources

Office of the State Public Defender
Judicial Branch
Legislative Services Agency

/s/ Jennifer Acton

March 27, 2023

Doc ID 1370175

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 487 – County Supervisor and City Official Vacancies, Special Elections (LSB2173SV)
Staff Contact: Anthony Arellano (515.281.6764) anthony.arellano@legis.iowa.gov
Fiscal Note Version – New

Description

Senate File 487 relates to special elections to fill vacancies in county boards of supervisors and elective city offices. The Bill changes the number of signatures required on a petition to fill a vacancy in an office of county supervisor or elective city office to at least 2.0% of the votes cast in the previous election.

Background

For county supervisors, petitions are valid if total voter signatures in the county equal to 10.0% of the votes cast in the county for the office of President of the United States or Governor at the preceding general election. Iowa Code section [372.13](#) indicates the percentage of voters required to sign a petition for the petition to be deemed valid for a special election of city officials. Under Iowa Code section 372.13, petitions in cities with a population of 50,000 or less must have the signatures of at least 15.0% of the voters who voted at the preceding regular election. Petitions in cities with a population of more than 50,000 must have the signatures of at least 10.0% of the voters who voted at the preceding regular election.

Assumptions

- Counties holding special elections for boards of supervisors as a result of a valid petition may experience an estimated cost per county between \$1,000 and \$185,000, depending on the number of registered voters in the county. However, the frequency and location of these vacancies and petitions cannot be estimated.
- Cities holding special elections for elective city offices as a result of a valid petition may experience an estimated cost per city between \$750 and \$260,000, depending on the number of registered voters in the city. However, the frequency and location of these vacancies and petitions cannot be estimated.

Fiscal Impact

Counties that hold special elections for the board of supervisors may make expenditures between \$1,000 and \$185,000 for each special election held.

Cities that hold special elections for elective city offices may make expenditures between \$750 and \$260,000 for each special election held.

Source

Iowa State Association of Counties

/s/ Jennifer Acton

March 27, 2023

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 494](#) – Medicaid, Supplemental Nutrition Assistance Program (SNAP), Eligibility Verification (LSB1320SV.1)

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Fiscal Note Version – As amended and passed by the Senate

Description

[Senate File 494](#) makes various changes related to public assistance programs under the Department of Health and Human Services (HHS). Changes by section include the following:

- **Section 1** creates various definitions, including defining “public assistance” as the Supplemental Nutrition Assistance Program (SNAP), the Medicaid Program, the Family Investment Program (FIP), and the Children’s Health Insurance Program (CHIP); “asset” as liquid assets and other personal property excluding one vehicle and the fair market value in excess of \$10,000 of an additional vehicle; and “asset test” as including the value of all assets of all members of the applicant’s household up to \$15,000.
- **Section 2** establishes the gross countable monthly income threshold for SNAP in Iowa at 160.0% of the federal poverty level (FPL) for the household.
- **Section 3** requires that prior to the HHS awarding public assistance benefits to an applicant, the applicant shall complete, through a variety of available methods, a computerized identity authentication process to confirm the identity of the applicant through a knowledge-based questionnaire consisting of financial and personal questions. The questionnaire will contain questions tailored to assist persons without a bank account or those who have poor access to financial and banking services or who do not have an established credit history. The Bill allows the HHS to adopt administrative rules to administer **Section 3**.
- **Section 4** requires the HHS to receive and review State and federal information from various entities concerning all individuals in the applicant’s household and their assets for the purposes of determining eligibility for receipt of SNAP benefits.
- **Section 5** requires the HHS, by July 1, 2025, to modify or create a computerized system, or contract with a third-party entity, to provide for identity verification and authentication, asset verification, and dual enrollment prevention for real-time eligibility verification in each public assistance program. The HHS is required to seek federal approval to implement **Section 5**.
- **Section 6** requires all initial applications and ongoing recipient eligibility for public assistance to be processed through a system that reviews federal sources, including the Internal Revenue Service (IRS), Social Security Administration (SSA), U.S. Department of Health and Human Services, U.S. Department of Homeland Security, and the Federal Bureau of Investigation (FBI); State sources, including the HHS and Iowa Workforce Development (IWD); and other sources of information. Before initial eligibility for public assistance is determined, the HHS is required to review physical asset ownership and to review information related to identity fraud, defaults, or arrest warrants.
- **Section 7** requires the HHS to respond to discrepancies in an applicant’s or recipient’s information affecting eligibility for public assistance.
- **Section 8** requires the HHS to provide written notice to an applicant or recipient to explain any issues identified during an application review. The HHS must reevaluate any finding if the applicant or recipient disagrees with the HHS. The applicant or recipient must be provided 10 days to respond to the written notice. If the applicant or recipient of public

assistance fails to respond in a timely manner, the HHS is required to provide notice before an application is denied or public assistance is terminated.

- **Section 9** allows the HHS to refer cases of suspected fraud to the Department of Inspections and Appeals (DIA) for review.
- **Section 10** requires the HHS to adopt administrative rules to administer the Bill, and to submit an annual report to the Governor and the General Assembly beginning January 15, 2025, through January 15, 2030, to assess the impact of the Bill.
- **Section 11** requires applicants for or recipients of Medicaid to cooperate with Child Support Services as a condition of eligibility and requires the HHS to adopt administrative rules to administer **Section 11**.
- **Section 12** requires the HHS to request federal approval, including for any State plan amendments or waivers necessary to administer the Bill. Any provisions of the Bill requiring federal approval must be implemented once approval is received. **Section 12** allows provisions in the Bill to be suspended if they are incongruent with federal law or regulations and jeopardize federal funding or services. **Section 12** also requires the HHS to implement provisions in the Bill incrementally, beginning July 1, 2023, and ending July 1, 2025. The HHS is required to implement provisions that do not require federal approval by July 1, 2025. The HHS is allowed to contract with multiple third-party vendors to administer the Bill.

Background

SNAP is administered federally through [7 C.F.R. §271-285](#) and in Iowa through [441 IAC 65](#). SNAP benefits must be utilized by eligible recipients, per federal [guidelines](#), on a specific set of foods, including fruits and vegetables, meat, dairy products, breads and cereals, snack foods, and seeds and plants. Asset tests for receipt of SNAP benefits are specified in [7 U.S.C. §2014\(g\)\(1\)](#) and include members of the applicant's household. In FY 2023, allowable federal asset limits are \$2,750 (including bank accounts), or \$4,250 if at least one member of the household is age 60 or older or disabled. Certain resources are not counted when determining eligibility, including homes. Allowable assets for review by State agencies include boats, vacation homes, savings accounts, and the value of vehicles used for household transportation purposes. Federal regulations ([7 C.F.R. §273.11\(o\)](#)) provide a State option to disqualify custodial parents from participation in SNAP unless the individual cooperates with a State agency. There is currently no State statute related to asset tests for SNAP.

In FY 2022, the average number of recipients in Iowa receiving SNAP benefits was 287,000, while the average amount of monthly benefits issued was \$60.4 million. SNAP funding for benefits is received from the federal government; however, 50.0% of administrative costs are paid by the State. In FY 2022, the HHS paid \$2.2 million from the General Fund for SNAP administration and information technology (IT) expenses to match regular and pandemic-era federal funding. Federal income thresholds for SNAP are specified at 130.0% of the FPL, with states able to exceed the floor. The current Iowa Code contains no provision regarding the income threshold for SNAP recipients, although the HHS has administered the program at 160.0% of the FPL, which is the level specified in the Bill. **Figure 1** shows FPL thresholds by family size for 2023.

Figure 1 — 2023 Federal Poverty Level Thresholds

| Family Size | 100.0% | 130.0% | 160.0% |
|-------------|-----------|-----------|-----------|
| 1 | \$ 14,580 | \$ 18,954 | \$ 23,328 |
| 2 | 19,720 | 25,636 | 31,552 |
| 3 | 24,860 | 32,318 | 39,776 |
| 4 | 30,000 | 39,000 | 48,000 |
| 5 | 35,140 | 45,682 | 56,224 |
| 6 | 40,280 | 52,364 | 64,448 |
| 7 | 45,420 | 59,046 | 72,672 |
| 8 | 50,560 | 65,728 | 80,896 |

State Medicaid statute is codified in Iowa Code chapter [249A](#), while the Iowa Health and Wellness Plan (IHAWP) is established in Iowa Code chapter [249N](#). There is currently no State statute for asset tests to Medicaid or IHAWP. Federal asset verification for Medicaid is codified in [42 U.S.C. §1396a](#) for aged, blind, and disabled individuals, and [42 U.S.C. §1396w](#) requires states to have submitted an asset verification plan to the Centers for Medicare and Medicaid Services (CMS). There is no asset test for children, based on federal statute.

The Department of Inspections and Appeals (DIA) currently employ 19.0 Investigator 3 FTE positions to investigate referrals from HHS. These positions are funded through a combination of federal and State moneys, the General Fund, and through DIA’s memorandums of understanding (MOU) contract with HHS.

Assumptions

All staff increases are phased in beginning in FY 2024 and completed by the end of FY 2025, assuming a total of 37.7 full-time equivalent (FTE) positions in FY 2024, 169.2 FTE positions in FY 2025, and 219.0 FTE positions in FY 2026 and subsequent fiscal years. In addition, the federal match rate varies by program and activity from 0.0% to 100.0% federal match. Total cost and State share are depicted in **Figure 2**.

HHS Staff

There will be three years of full-time equivalent (FTE) position cost integration beginning in FY 2024 as the HHS begins to implement the program, with all staff costs being annualized by FY 2026.

New staff due to **Sections 3, 4, 6, and 11** will result in new computer and software costs of \$3,000 per FTE position and \$2,000 for ongoing software costs per FTE position.

Section 4 requiring the HHS to check and review new data sources, including usage of the National Directory of New Hires database for the 135,000 households participating in SNAP, will take 28 minutes per household for 4 new data sources, and will require the following:

- 39.0 Income Maintenance Worker 2 FTE positions at \$61,000 per position.
- 5.0 Support Staff FTE positions at \$45,000 per position.
- 3.0 Income Maintenance Supervisor FTE positions at \$75,000 per position.

Section 6 requiring the HHS to check and review new data sources, including reviewing tax information and fleeing felon information for 135,000 SNAP households and 216,000 Medicaid households annually at 14 minutes per review, will require:

- 51.0 Income Maintenance Worker 2 FTE positions at \$61,000 per position.
- 7.0 Support Staff FTE positions at \$45,000 per position.
- 3.0 Income Maintenance Supervisor FTE positions at \$75,000 per position.

Section 11 requiring cooperation with Child Support Services will create approximately 37,000 new cases for the HHS and will require:

- 86.0 Support Recovery Officer FTE positions at \$61,000 per position.
- 7.0 Support Recovery Supervisor FTE positions at \$77,000 per position.
- 7.0 Assistant Attorneys General FTE positions at \$121,000 per position.
- 7.0 Clerk Specialist FTE positions at \$50,000 per position.
- 2.0 Management Analyst FTE positions at \$77,000 per position.

Provisions in **Sections 3, 4, and 6** that allow a vendor contract and administration of MOUs will require 1.0 Management Analyst 3 FTE position at \$77,000 for management.

Miscellaneous

The provisions in **Sections 4 and 6** that require IWD to share information with the HHS will create the need for 1.0 additional FTE position at the Labor Market Research Economist 3 classification within the IWD at \$72,000. The position will be staffed in January 2024, reducing FY 2024 salary and benefit expenditures by 50.0%, with full-time annualization beginning in FY 2025. IWD also charges fees to State agencies for access to unemployment insurance information and would be expected to collect \$350 per fiscal year from the HHS beginning in FY 2024, resulting in a net zero State cost.

Requirements in **Sections 4 and 6** to access IRS data will require all Income Maintenance Worker 2 FTE positions to receive FBI background checks. The cost of a background check is \$61 per employee. It is estimated that the HHS will hire 49.0 new Income Maintenance Worker 2 FTE positions annually. Every five years, the HHS will need to complete a new background check for each employee.

Section 11 requiring cooperation with Child Support Services will require court action to establish child support orders for approximately 73.0% (27,000) of the new cases. Child Support Services must serve each nonrequesting parent in an establishment action with a notice, which will cost an average of \$14 per notice for certified mail. Approximately 45.0% of parents will not accept or pick up the certified mail, requiring the use of a process server or sheriff at an average cost of \$79 per case. The average cost to serve the requesting parent by regular mail is \$1.

Information Technology (IT) Costs

The IT changes in **Sections 2, 3, 4, 6, and 11** will require various one-time IT systems costs to update interfaces, link with required data sources and systems, and build a dashboard and reporting requirements. These one-time costs are estimated to be \$5.5 million, of which \$2.4 million are costs to the State, and will be completed over three years beginning in FY 2024. Ongoing maintenance is a part of the current HHS IT contract.

Program Impacts

Beginning in FY 2026, it is assumed that 1.0% of individuals receiving benefits will have their benefits canceled due to discrepancies. This includes approximately 8,000 Medicaid recipients, 600 CHIP recipients, 100 FIP recipients, and 2,800 SNAP recipients.

It is estimated there will be a third-party contract to help administer **Sections 3, 4, 5, and 6** with a cost of \$7.0 million in FY 2027, of which approximately \$3.3 million are State funds. The price of the vendor contract is assumed to be a \$500,000 base contract amount plus a 10.0% contingency payment based on total savings.

Federal Match Rate

The federal match rate varies by program and activity. Total cost and State share are depicted in **Figure 2**.

Fiscal Impact

Senate File 494 is estimated to increase State General Fund costs by \$1.6 million in FY 2024 and \$5.9 million in FY 2025, and decrease State costs by \$200,000 in FY 2026. Beginning in FY 2027 and subsequent fiscal years, the Bill is estimated to decrease State costs by \$8.2 million annually. Details of the estimated HHS and IWD staff costs, increases in IT and miscellaneous costs, and savings are listed in **Figure 2** for FY 2024 through FY 2027.

Figure 2 — SF 494 Fiscal Impact vs. Current Law

| | FY 2024 | | | FY 2025 | | | FY 2026 | | | FY 2027 | | |
|-------------------------------------|---------|---------------------|---------------------|---------|----------------------|---------------------|---------|-----------------------|----------------------|---------|-----------------------|-----------------------|
| | FTEs | Total Cost | State Share | FTEs | Total Cost | State Share | FTEs | Cost/Savings | State Share | FTEs | Cost/Savings | State Share |
| HHS Staff Costs | | | | | | | | | | | | |
| HHS Staff Increase | 37.2 | \$ 1,305,000 | \$ 456,000 | 168.2 | \$ 10,710,000 | \$ 4,151,000 | 218.0 | \$ 13,719,000 | \$ 5,453,000 | 218.0 | \$ 13,719,000 | \$ 5,453,000 |
| Support Costs | | 890,000 | 303,000 | | 2,034,000 | 843,000 | | 1,679,000 | 629,000 | | 1,680,000 | 629,000 |
| Total HHS Staff Costs | | \$ 2,195,000 | \$ 759,000 | | \$ 12,744,000 | \$ 4,994,000 | | \$ 15,398,000 | \$ 6,082,000 | | \$ 15,399,000 | \$ 6,082,000 |
| IWD Staff Costs | | | | | | | | | | | | |
| IWD Staff Increase | 0.5 | \$ 36,000 | \$ 36,000 | 1.0 | \$ 72,000 | \$ 72,000 | 1.0 | \$ 72,000 | \$ 72,000 | 1.0 | \$ 72,000 | \$ 72,000 |
| Total IWD Staff Costs | | \$ 36,000 | \$ 36,000 | | \$ 72,000 | \$ 72,000 | | \$ 72,000 | \$ 72,000 | | \$ 72,000 | \$ 72,000 |
| HHS Information Technology | | | | | | | | | | | | |
| IT Systems Costs | | \$ 1,846,000 | \$ 807,000 | | \$ 1,846,000 | \$ 807,000 | | \$ 1,846,000 | \$ 807,000 | | \$ 0 | \$ 0 |
| Total HHS IT Costs | | \$ 1,846,000 | \$ 807,000 | | \$ 1,846,000 | \$ 807,000 | | \$ 1,846,000 | \$ 807,000 | | \$ 0 | \$ 0 |
| HHS Program Savings | | | | | | | | | | | | |
| Medicaid | | \$ 0 | \$ 0 | | \$ 0 | \$ 0 | | \$ -28,629,000 | \$ -8,514,000 | | \$ -57,258,000 | \$ -17,028,000 |
| Children's Health Insurance Program | | 0 | 0 | | 0 | 0 | | -874,000 | -219,000 | | -1,748,000 | -439,000 |
| Food Assistance Program | | 0 | 0 | | 0 | 0 | | -95,000 | -95,000 | | -189,000 | -189,000 |
| SNAP | | 0 | 0 | | 0 | 0 | | -2,700,000 | 0 | | -5,400,000 | 0 |
| Third-Party Contract | | 0 | 0 | | 0 | 0 | | 3,480,000 | 1,668,000 | | 6,960,000 | 3,337,000 |
| HHS Total Program Savings | | \$ 0 | \$ 0 | | \$ 0 | \$ 0 | | \$ -28,818,000 | \$ -7,160,000 | | \$ -57,635,000 | \$ -14,319,000 |
| SF 494 Total Cost/Savings | | \$ 4,077,000 | \$ 1,602,000 | | \$ 14,662,000 | \$ 5,873,000 | | \$ -11,502,000 | \$ -199,000 | | \$ -42,164,000 | \$ -8,165,000 |

The HHS currently refers cases of suspected fraud, along with any supporting information, to the DIA for investigation. In FY 2022, the Economic Fraud Control Bureau responded to 4,696 referrals, and investigations from those referrals resulted in \$3.3 million in savings to the State. **Section 9** of the Bill may increase the number of referrals from the HHS to the DIA, but the number of new referrals cannot be estimated, and it is assumed that any additional referrals can be absorbed by current staff.

Sources

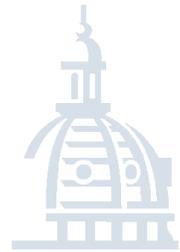
U.S. Department of Agriculture
 Department of Health and Human Services
 Iowa Workforce Development
 Centers for Medicare and Medicaid Services
 Department of Inspections and Appeals

/s/ Jennifer Acton

March 24, 2023

Doc ID 1371161

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 525](#) – Criminal Procedure (LSB1114SV.1)
Staff Contact: Isabel Waller (515.281.6561) isabel.waller@legis.iowa.gov
Fiscal Note Version – As amended and passed by the Senate

Description

[Senate File 525](#) relates to criminal law, including the disclosure of a defendant’s privileged records, no-contact orders, commencement limitations for certain sexual offenses, sexually predatory offenses, victim rights, discovery, postconviction relief actions, criminal appeals, and pretrial bond amounts for certain felonies.

Division I — Communications in Professional Confidence

Description and Background

Division I limits the definition of “exculpatory information” under Iowa Code section [622.10](#) to information that tends to negate the guilt of the defendant and not information that is substantially cumulative.

Under Iowa Code section 622.10, individuals of certain professions who obtain information by reason of the individual’s employment are not allowed in giving testimony to disclose any confidential communication properly entrusted to the person. The confidentiality privilege is absolute with regard to a criminal action, and the disclosure of any privileged records to a defendant is not authorized or required in a criminal action unless either of the following occurs:

- The privilege holder waives the confidentiality privilege.
- The defendant seeking access to privileged records files a motion demonstrating in good faith a reasonable probability that the information sought is likely to contain exculpatory information that is not available from any other source and for which there is a compelling need for the defendant to present a defense in the case.

Fiscal Impact

Division I is not estimated to have a fiscal impact.

Division II — No-Contact Orders

Description

Division II relates to the modification and extension of no-contact orders. Under Division II, when a no-contact order expires, the court must modify and extend the no-contact order for an additional five years unless the defendant files an application within 90 days prior to the expiration, and the court finds that the defendant no longer poses a threat to the safety of the victim, persons residing with the victim, or members of the victim’s family. The number of modifications extending a no-contact order is not limited.

Division II also provides that if the defendant applies to modify or terminate a no-contact order, the court must notify the victim at the victim’s last-known address and afford the victim a reasonable opportunity to be heard.

Background

Under Iowa Code chapter [664A](#), no-contact orders may be entered by the court for violations or alleged violations involving harassment, stalking, sexual abuse in the first degree, sexual abuse in the second degree, sexual abuse in the third degree, or any other public offense for which there is a victim.

Iowa Code section [664A.8](#) currently provides that the court is required to modify and extend a no-contact order for an additional five years upon the filing of an application by the State or by the victim within 90 days prior to the expiration of the no-contact order. Upon such an application by the State or the victim, the court is required to modify and extend the no-contact order unless the court finds that the defendant no longer poses a threat to the safety of the victim, persons residing with the victim, or members of the victim's family. The number of modifications extending a no-contact order is not limited.

Assumptions

- Based on whether an extension is resisted by the defendant, some no-contact order extensions will require a court hearing and some will not. It is not known what percentage will require a hearing.
- Some extensions will require minimal court time, but those that involve an application by a defendant and a hearing will require more time. The average court time for each no-contact order extension is not known, but for the purposes of this **Fiscal Note**, an average of 10 minutes (0.17 hours) is assumed.
- A no-contact order extension will require the time of a district judge or district associate judge, a court reporter, a judicial specialist, and a clerk of court.
- The average combined cost per hour for a district judge or district associate judge plus a court reporter, judicial specialist, and clerk of court is \$226.
- There are approximately 14,500 no-contact orders issued each year.
- Division II will apply to orders that were issued prior to the effective date of the Bill that were initially set to expire after the effective date of the Bill.
- Approximately 14,500 no-contact orders will be affected by Division II each year from FY 2024 to FY 2028.
- The extension of a no-contact order for an additional five years will occur indefinitely unless, upon application by the defendant, the court finds that the defendant no longer poses a threat.
- Beginning in FY 2029, no-contact orders extended under Division II will be up for extension again.
- There will be fewer no-contact orders eligible for a second extension than a first extension, fewer no-contact orders eligible for a third extension than a second extension, and so on.
- State Public Defender contract attorneys spend approximately four hours on each claim for a violation of a no-contact order.
- Contract attorneys are paid \$68 per hour for these cases.

Fiscal Impact

Division II is expected to increase the workload of the Judicial Branch. The amount of court time necessary for each no-contact order is unknown, but if an average of 10 minutes per extension is needed, the Judicial Branch expects it will incur increased costs of approximately \$557,000 per year from FY 2024 to FY 2028, as shown in **Table 1**. The Judicial Branch is funded through the General Fund.

Table 1 — Annual Cost to Judicial Branch, FY 2024 to FY 2028

| No-Contact Orders Affected | Time Required | Personnel Cost Per Hour | Total Cost |
|----------------------------|---------------|-------------------------|------------|
| 14,500 | 0.17 hours | \$226 | \$557,000 |

In succeeding fiscal years, no-contact orders that are extended under Division II will be up for extension again, which will increase the number of no-contact orders to be modified and extended each year. For FY 2029 and succeeding fiscal years, this increased number of no-contact orders will lead to higher annual costs than shown in **Table 1** for extending no-contact orders. However, the number of no-contact orders that will be eligible for extension starting in FY 2029 and the average court time cannot be estimated, and the total fiscal impact is unknown.

Additionally, the State Public Defender notes that an increased number of no-contact orders may lead to an increase in no-contact order violations. Providing indigent defense to defendants for additional no-contact order violations will increase costs to the Indigent Defense Fund, but the increase in the number of no-contact order violations and the extent of this cost increase cannot be estimated. State Public Defender contract attorney representation will cost approximately \$270 per claim for a no-contact order violation.

Division III — Limitation of Criminal Actions Involving Certain Sexual Offenses

Description and Background

Division III adds the following offenses to the list of offenses for which an information or indictment may be commenced at any time after the commission of the offense, when the offense was committed on or with a person who is under the age of 18:

- Continuous sexual abuse of a child.
- Kidnapping in the first degree when the person kidnapped, and as a consequence of the kidnapping, is intentionally subjected to sexual abuse.
- Burglary in the first degree, when the person performs or participates in a sex act with any person which would constitute sexual abuse.

Under Iowa Code section [802.2B](#), the offenses for which an information or indictment may be commenced at any time after the commission of the offense, when the offense was committed on or with a person who is under the age of 18, currently include lascivious acts with a child, assault with intent to commit sexual abuse, indecent contact with a child, lascivious conduct with a minor, sexual misconduct with a juvenile, child endangerment, and sexual exploitation of a minor.

Continuous sexual abuse of a child and burglary in the first degree are Class B felonies. Kidnapping in the first degree is a Class A felony. A Class B felony is punishable by confinement for no more than 25 years. A Class A felony is punishable by life in prison without the possibility of parole.

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

Division III changes the statute of limitations for certain offenses, and the correctional impact cannot be estimated due to a lack of data. This change may increase the number of prison admissions for these offenses, but the extent of that increase cannot be calculated. Refer to the Legislative Services Agency (LSA) memo addressed to the General Assembly, [Cost Estimates Used for Correctional Impact Statements](#), dated January 20, 2023, for information related to the correctional system.

Minority Impact

Division III changes the statute of limitations for certain offenses, and as a result, the Criminal and Juvenile Justice Planning Division of the Department of Human Rights cannot use prior existing data to estimate the minority impact. Refer to the LSA memo addressed to the General Assembly, [Minority Impact Statement](#), dated January 20, 2023, for information related to minorities in the criminal justice system.

Fiscal Impact

The elimination of the statute of limitations for these offenses may increase the number of prosecutions and resulting prison admissions, but the extent cannot be estimated. Any impact to the State General Fund would include operating costs incurred by the Judicial Branch, the Indigent Defense Fund, and the Department of Corrections (DOC). The cost would be incurred across multiple fiscal years for prison and parole supervision. The average State cost per offense for a Class B felony is \$14,200 to \$46,300. The State cost for a Class A felony must be calculated on an individual basis to determine prison costs. At a minimum, a Class A felony requires two indigent defense attorneys at a cost of approximately \$40,200 and includes court time and jury trial costs ranging from \$9,900 to \$14,100.

Division IV — Sexually Predatory Offenses

Description and Background

Division IV adds enticement of a minor in violation of Iowa Code section [710.10\(2\)](#) to the definition of a sexually predatory offense.

Under Iowa Code section 710.10(2), enticement of a minor includes when a person, without authority and with the intent to commit an illegal sex act upon or sexual exploitation of a minor under the age of 16, entices or attempts to entice a person reasonably believed to be under the age of 16. This is a Class D felony. A Class D felony is punishable by confinement of up to five years and a fine of at least \$1,025 but not more than \$10,245.

Under Iowa Code chapter [901A](#), a person convicted of a sexually predatory offense that is a felony, who has a prior conviction for a sexually predatory offense, must be sentenced to and serve twice the maximum period of incarceration for the offense, or 25 years, whichever is greater. The person's sentence must not be reduced by more than 15.0%. A person convicted of a sexually predatory offense that is a felony who has previously been sentenced by the preceding terms must be sentenced to life in prison.

Assumptions

- The following will not change over the projection period: charge, conviction, and sentencing patterns and trends; 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.
- Admissions include only individuals admitted to DOC supervision whose most serious offense is enticement of a minor.

Correctional Impact

Division IV adds an offense to the definition of a sexually predatory offense, and the correctional impact cannot be estimated. Division IV may increase the LOS under DOC supervision for some individuals convicted of enticement of a minor, but the number of individuals affected and the extent of the increase in LOS cannot be estimated. Individuals who enter DOC supervision for enticement of a minor currently have an estimated LOS of 25.6 months in prison or 27.2 months in Community-Based Corrections (CBC).

Table 2 shows estimates for sentencing to State prison, parole, probation, or CBC residential facilities; LOS under those supervisions; and supervision marginal costs per day for all convictions of Class D felonies. Refer to the LSA memo addressed to the General Assembly, [Cost Estimates Used for Correctional Impact Statements](#), dated January 20, 2023, for information related to the correctional system.

Table 2 — Sentencing Estimates and LOS

| Conviction Offense Class | Percent Ordered to State Prison | FY 22 Avg LOS in Prison in Months (All Releases) | FY 22 Marginal Cost Per Day Prison | Percent Ordered to Probation | FY 22 Avg LOS on Probation in Months | FY 22 Avg Cost Per Day Probation | Percent Sentenced to CBC Residential Facility | FY 22 Marginal Cost Per Day CBC | Percent Ordered to County Jail | Marginal Cost Per Day Jail | FY 22 Avg LOS on Parole in Months | FY 22 Marginal Cost Per Day Parole |
|--------------------------|---------------------------------|--|------------------------------------|------------------------------|--------------------------------------|----------------------------------|---|---------------------------------|--------------------------------|----------------------------|-----------------------------------|------------------------------------|
| D Felony (Sex) | 76.3% | 25.6 | \$23.42 | 51.7% | 47.3 | \$7.27 | 4.2% | \$20.67 | 31.4% | \$50.00 | 7.0 | \$7.27 |

Minority Impact

Division IV expands the definition of a sexually predatory offense, and the minority impact cannot be estimated. However, if Division IV increases the LOS under DOC supervision for some individuals convicted of enticement of a minor, it may disproportionately impact African American individuals. Of the 20 convictions under Iowa Code section 710.10(2) in FY 2022, 86.2% involved Caucasian individuals, 7.2% involved African American individuals, and 6.6% involved individuals of other races. Iowa’s population is 84.5% Caucasian, 3.6% African American, and 11.9% other races. Refer to the LSA memo addressed to the General Assembly, [Minority Impact Statement](#), dated January 20, 2023, for information related to minorities in the criminal justice system.

Fiscal Impact

Division IV adds an offense to the definition of a sexually predatory offense, and the fiscal impact cannot be estimated. Currently, it costs the DOC approximately \$163,000 to supervise each annual group of admissions to DOC supervision for enticement of a minor under Iowa Code section 710.10(2) across the entire LOS. The cost may increase under Division IV, but the extent cannot be estimated. The average State cost per offense for a Class D felony is \$9,500 to \$17,400. The estimated impact to the State General Fund includes operating costs incurred by the Judicial Branch, the Indigent Defense Fund, and the DOC. The cost would be incurred across multiple fiscal years for prison and parole supervision.

Division V — Victim Rights

Description and Background

Division V provides that statements made by children to forensic interviewers at child advocacy centers and child protection centers should be admitted into evidence in court. Upon motion of a party, and under certain circumstances, the court may admit these recorded statements of a child.

Division V also provides that a local police department or county sheriff's department must provide a victim with a pamphlet explaining the victim's rights as a victim of a public offense or delinquent act. Under current law, a local police department or county sheriff's department must advise a victim of the right to register with the county attorney and must provide a telephone number and Internet site to each victim to register with the automated victim notification system established within the Crime Victim Assistance Division of the Department of Justice.

Assumptions

- The State Public Defender reports that Division V will lead to increased costs due to the hiring of expert witnesses.
- The cost to the State Public Defender for hiring an expert witness is approximately \$2,400.
- The State Public Defender estimates that it provides counsel for approximately 520 cases related to sex offenses that involve children each year and that it will utilize an expert witness in 10.0% to 20.0% of these cases.

Fiscal Impact

The State Public Defender expects an increase in the need for expert witnesses under Division V, with an annual fiscal impact of approximately \$125,000 to \$250,000, depending on the number of cases affected. The State Public Defender also expects that Division V may lead to increased attorney time required in affected cases, but the extent of this increase and the fiscal impact cannot be estimated. The State Public Defender is funded through the General Fund.

Division VI — Discovery

Description and Background

Division VI provides the following:

- Discovery depositions are not permitted in any criminal action except upon application to the court and a showing of exceptional circumstances.
- A criminal defendant must file a witness list by certain deadlines.
- A person who is not yet a party to a criminal action is not permitted to file an application with the court to depose another person.

Assumptions

- Limiting discovery depositions will require State Public Defender attorneys and contract attorneys to conduct additional investigation in the early stages of cases.
- The State Public Defender reports that 25.0 additional Investigator full-time equivalent (FTE) positions at a cost of \$67,000 each will be required to meet the increased investigatory needs.

Fiscal Impact

The State Public Defender estimates that it will require 25.0 Investigator FTE positions at a total cost of \$1.7 million to the State Public Defender operating budget, which is funded through the General Fund. Division VI may also require increased attorney time to be spent on each case, but the extent of this cannot be estimated.

Division VII — Postconviction Relief and Discovery Procedure

Description and Background

Division VII provides a limited scope of discovery to postconviction relief proceedings, including the following:

- Discovery may only be conducted by order of the court granted upon a showing that the information sought is reasonably calculated to lead to the discovery of admissible evidence to support or defeat a claim that is adequately pled in the application and, if taken as true, constitutes a colorable claim for relief.
- An applicant is not permitted to depose or conduct discovery involving a victim unless the applicant proves various factors by clear and convincing evidence.
- Division VII provides an exception to the attorney-client privilege in Iowa Code section 622.10.
- Evidence that would be excluded in a criminal action pursuant to Rule of Evidence [5.412](#) is not discoverable or admissible in a postconviction relief action.
- The State is not required to produce copies of discovery previously disclosed to or possessed by an applicant, contained in a court file accessible to the applicant, or that cannot be lawfully disseminated or that is otherwise confidential by law.
- An applicant is not permitted to conduct discovery or seek the appointment of an expert witness through ex parte communication or an in camera review.

Assumptions

- The State Public Defender reports that Division VII may result in additional appeals of postconviction relief proceedings, but the number of additional appeals cannot be estimated.
- Each appeal will cost approximately \$1,700 to the Indigent Defense Fund.
- The State Public Defender paid 436 postconviction relief claims in FY 2022.

Fiscal Impact

The State Public Defender expects that it will incur costs for additional appeals resulting from the provisions of Division VII. The number of additional appeals and total fiscal impact to the Indigent Defense Fund cannot be estimated. However, if there are appeals of 25.0% to 50.0% of postconviction relief proceedings for which State Public Defender contract attorneys provide representation, the cost would be approximately \$185,000 to \$371,000 annually to the Indigent Defense Fund.

Division VIII — Criminal Appeals

Description and Background

Division VIII removes the right of appeal from a defendant who has pled guilty who establishes good cause to appeal. It instead provides that discretionary review may be available for a sentence following a guilty plea if the defendant can demonstrate to the appellate court that the district court more likely than not abused its discretion at sentencing. This provision does not apply to a plea agreement, a mandatory sentence, or a sentence entered pursuant to a recommendation made by the defendant or defendant's attorney.

Division VIII also provides that an appellate court must not vacate a criminal judgment on direct appeal based upon errors that were not preserved at the district court. This limitation includes but is not limited to the requirement that a specific motion for judgement of acquittal be made to preserve a challenge to the sufficiency of the evidence and the requirement that a specific motion in arrest of judgment be made in order to challenge a guilty plea.

Assumptions

- A challenge to a guilty plea must be filed as postconviction relief.
- The State Public Defender expects an increase in the number of postconviction relief proceedings under Division VIII.
- The average cost to the Indigent Defense Fund for a postconviction relief proceeding is \$1,600.

Fiscal Impact

The State Public Defender may incur additional costs for postconviction relief proceedings under Division VIII, but the number of additional postconviction relief proceedings and the extent of the fiscal impact cannot be estimated. Additionally, the State Public Defender reports that increased attorney time may be needed due to the discretionary review provided for in Division VIII, but the extent of this increase cannot be estimated. The fiscal impact of Division VIII will be to the Indigent Defense Fund, which is funded through the General Fund.

Division IX — Pretrial Bond for Class A and Forcible Felonies

Description and Background

Division IX provides that for certain violent offenses, a court setting bond must give significant consideration to the danger a defendant poses to another person or the property of another if the defendant is not detained pending trial.

Division IX also provides that the following are presumed to be the minimum pretrial bond amounts for each count charged. This presumption is rebuttable only upon a showing by the defendant, by a preponderance of evidence, that the defendant is not a danger to another person or the property of another if not detained pending trial.

- \$500,000 for a Class A felony.
- \$25,000 for a Class B forcible felony.
- \$10,000 for a Class C forcible felony.
- \$5,000 for a Class D forcible felony.

Under Iowa Code section [702.11](#), a forcible felony is any felonious child endangerment, assault, murder, sexual abuse, kidnapping, robbery, human trafficking, arson in the first degree, or burglary in the first degree.

Fiscal Impact

Division IX is not estimated to have a fiscal impact.

Sources

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

/s/ Jennifer Acton

March 27, 2023

Doc ID 1371225

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 542](#) – Youth Employment (LSB1838SV)

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Fiscal Note Version – New

Description

[Senate File 542](#) relates to youth employment and makes the following changes:

- Removes language providing for child labor permits and migrant labor permits.
- Prohibits individuals 13 years of age or younger from working in any work activity.
- Removes language that allows migrant laborers who are 14 or 15 years of age to work during summer school hours.
- Allows minors to participate in certain work activities that are currently prohibited.
- Modifies the hours that minors may work.
- Allows the Labor Commissioner to issue waivers of youth employment restrictions in certain circumstances.
- Provides that the Director of the Iowa Workforce Development (IWD) or the Director of the Department of Education may grant exceptions from any provision of Iowa Code section [92.6](#), [92.7](#), or [92.8](#) for individuals 14 to 17 years of age who are participating in work-based learning or a school- or employer-administered, work-related program if certain conditions are met.
- Creates exceptions to Iowa Code section 92.8 for students in approved work-based learning programs, registered apprenticeships, career and technical education programs, or student learner programs if certain conditions are met.
- Removes certain violations relating to child labor under Iowa Code section [92.19](#).
- Removes the serious misdemeanor penalty for an individual in charge of any migratory worker or of any child who engages in a street occupation in violation of Iowa Code chapter [92](#).
- Grants the Labor Commissioner the right to waive or reduce a civil penalty related to the violation of child labor laws based on the evidence the Commissioner obtains. The Bill also requires the Commissioner to provide a 15-day grace period before imposing a civil penalty.
- Modifies employer liability related to secondary students in work-based learning programs.
- Allows individuals 16 or 17 years of age to sell or serve alcoholic beverages for consumption on the premises where sold if the employer has a written permission from the legal guardian or custodian of the individual on file.
- Allows an instruction permittee to operate a motor vehicle to and from the permittee's place of employment without an accompanying driver if certain conditions are met.
- Provides that a violation of instruction permittee restrictions under the Bill is punishable by a scheduled fine of \$200.

Background

Under current law, those between the ages of 10 and 13 may work in street occupations or migratory labor occupations under Iowa Code section [92.1](#). Civil penalties assessed by the Labor Commissioner under Iowa Code chapter 92 may not exceed \$10,000. A violation of restrictions related to instruction permittees is punishable by a scheduled fine of \$70.

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.
- Fine revenue is distributed pursuant to Iowa Code section [620.8106](#).
- The requirement for instruction permittees to submit new documentation to the Department of Transportation (DOT) comes with the following assumptions:
 - The increased volume of instruction permit applications will be accomplished by existing staff.
 - Most individuals 16 years of age will seek to upgrade to an intermediate license rather than continue to drive on an instruction permit or will continue to use the instruction permit only. Therefore, individuals 16 years of age are not included in the estimated fiscal impact.
 - Individuals who will seek to use an instruction permit to drive to work under the Bill already have an instruction permit and will not need a duplicate card to show they are work authorized.
 - The creation of a new programming path to process child labor instruction permits will require 340 hours at \$60.58 per hour, resulting in a one-time cost of approximately \$21,000.

Correctional Impact

The correctional impact of SF 542 cannot be estimated due to lack of data. The Bill modifies serious misdemeanors related to child labor under Iowa Code chapter [92](#). The Bill also modifies a simple misdemeanor related to the serving or sale of alcohol by a minor under Iowa Code section [123.49\(2\)\(f\)](#). In FY 2022, there were no convictions under Iowa Code chapter 92 and no convictions under Iowa Code section 123.49(2)(f).

A serious misdemeanor is punishable by confinement for no more than one year and a fine of between \$430 and \$2,560. A simple misdemeanor is punishable by confinement for no more than 30 days and a fine of between \$105 and \$855.

Table 1 below 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 20, 2023, for information related to the correctional system. A conviction of a simple misdemeanor does not result in a prison sentence, but does carry the possibility of confinement in jail for up to 30 days.

Table 1 — Sentencing Estimates and LOS

| Conviction Offense Class | Percent Ordered to State Prison | FY 22 Avg LOS in Prison in Months (All Releases) | FY 22 Marginal Cost Per Day Prison | Percent Ordered to Probation | FY 22 Avg LOS on Probation in Months | FY 22 Avg Cost Per Day Probation | Percent Sentenced to CBC Residential Facility | FY 22 Marginal Cost Per Day CBC | Percent Ordered to County Jail | Marginal Cost Per Day Jail | FY 22 Avg LOS on Parole in Months | FY 22 Marginal Cost Per Day Parole |
|--------------------------|---------------------------------|--|------------------------------------|------------------------------|--------------------------------------|----------------------------------|---|---------------------------------|--------------------------------|----------------------------|-----------------------------------|------------------------------------|
| Serious Misd | 1.9% | 5.5 | \$23.42 | 51.2% | 13.7 | \$7.27 | 0.9% | \$20.67 | 73.3% | \$50.00 | 0.5 | \$7.27 |

Minority Impact

The minority impact of SF 542 cannot be estimated due to lack of data. Refer to the LSA memo addressed to the General Assembly, [Minority Impact Statement](#), dated January 20, 2023, for information related to minorities in the criminal justice system.

Fiscal Impact

Senate File 542 will result in a one-time operational cost of \$21,000 to the DOT’s Motor Vehicle Division (MVD) information technology (IT) resources. The Bill would require the creation of a new programming path for the receipt and recording of the child labor instruction permits, an online submission stream through [myMVD](#), and the creation of an indicator or a restriction viewable to law enforcement during the driver’s license look-up. Changes to the current motor vehicle laws will be accomplished by existing staff and resources and do not have a fiscal impact to the MVD.

The IWD estimates the Bill to have little to no fiscal impact to the IWD.

Revenue generated from the \$200 scheduled fine under new Iowa Code section [321.180B\(1\)\(c\)\(3\)](#) cannot be estimated due to a lack of data. **Table 2** shows the distribution of fine revenue for one conviction, including court costs and the Crime Services Surcharge.

Table 2 — Fine Revenue Distribution

| State General Fund | County General Funds | Victim Compensation Fund | Criminalistics Laboratory Fund | Drug Abuse Resistance Education Fund | Juvenile Home Detention Fund | Total |
|-----------------------------------|-------------------------------------|---|---|---|---|--------------|
| \$ 237.00 | \$ 18.00 | \$ 9.60 | \$ 6.00 | \$ 0.60 | \$ 13.80 | \$ 285.00 |

Sources

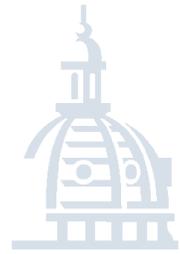
Department of Human Rights, Criminal and Juvenile Justice Planning Division
Department of Transportation
LSA calculations
Iowa Workforce Development

/s/ Jennifer Acton

March 24, 2023

Doc ID 1370592

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 553 – Hunting, Nonresident Family Purchasing Resident Tags (LSB1777SZ)
Staff Contact: Austin Brinks (515.725.2200) austin.brinks@legis.iowa.gov
Fiscal Note Version – New

Description

Senate File 553 creates a new special nonresident family member deer hunting license for one-half the fee of a regular nonresident deer hunting license. The Bill defines a family member as a person who is a parent, stepparent, child, stepchild, sibling, stepsibling, grandparent, grandchild, or spouse. The license may only be used by a nonresident while hunting with a resident family member on the property for which the resident family member received a resident landowner deer hunting license. The special license grants a nonresident family member the same privileges as a resident license and is not subject to requirements or quotas imposed on nonresidents. However, the nonresident must purchase an annual nonresident hunting license in addition to the deer hunting license.

Background

The Natural Resource Commission (NRC) is limited to issuing 6,000 nonresident antlered or any-sex deer hunting licenses annually. After the limit is reached, the NRC may determine a number of nonresident antlerless-only deer hunting licenses to issue. To hunt in Iowa, nonresidents are required to purchase a nonresident annual hunting license including a habitat fee, purchase a nonresident deer hunting license, and pay a \$1 fee to support deer herd population management and the processing of deer donated to the Help Us Stop Hunger (HUSH) Program. If the nonresident deer hunting license is for antlered or any-sex deer, the nonresident must also purchase an antlerless-only deer hunting license. The price of a nonresident antlered or any-sex deer license is \$348.50, and the price of a nonresident annual hunting and habitat combination license is \$144. Nonresidents under the age of 18 qualify for an annual hunting and habitat license for \$45.

Iowa Code section [483A.24\(2\)\(c\)](#) allows qualified resident owners or tenants of a farm unit, or their child or spouse, to apply for one antlered or any-sex deer hunting license and one antlerless-only deer hunting license for free. The Department of Natural Resources (DNR) reports that in FY 2022, there were 31,000 resident landowner or tenant any-sex deer hunting licenses sold.

Fees from the sale of hunting and fishing licenses are deposited in the Fish and Wildlife Trust Fund, which is used for fish and wildlife research, education, management, and expansion of wildlife opportunities. The Fund is constitutionally protected and must be used for these purposes by the DNR.

Assumptions

- The DNR will require a one-time programming expense of \$1,000 to program, test, and update its electronic licensing system for the new license type.
- The DNR estimates it will take one hour to process an application for the new license, and the DNR will require additional full-time equivalent (FTE) positions to process applications, depending on the number of special licenses sold.

- There will be an increase in the number of annual nonresident hunting and habitat licenses sold at a cost of \$144.
- The new deer hunting licenses that are sold will be antlered or any-sex licenses sold at a cost of \$174.75.
- It is unknown how many licenses will be sold as a result of the Bill.
- It is assumed that half the resident land owners that applied for a license in FY 2022 would have a nonresident family member apply for the new license.

Fiscal Impact

Table 1 provides a range of revenue increases to the Fish and Wildlife Trust Fund from the sale of the new license created in the Bill, as well as an increase in annual hunting and habitat licenses. The total price for the new license and a hunting and habitat combination license is \$318.75.

Table 1

| Estimated Revenue Increase to the Fish and Wildlife Trust Fund | | |
|---|----------------------------|-----------------------------|
| 300 Licenses Sold | 7,500 Licenses Sold | 15,000 Licences Sold |
| \$95,625 | \$2,390,625 | \$4,781,250 |

The DNR will incur a one-time \$1,000 estimated programming expense.

The DNR may require additional FTE positions depending on how many new licenses are sold. However, since the number of licenses sold is unknown, the number of FTE positions needed to process applications is also unknown. The DNR estimates that each new FTE position required would cost \$50,000 per position.

Sources

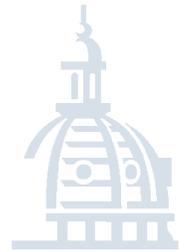
Department of Natural Resources
Legislative Services Agency

/s/ Jennifer Acton

March 24, 2023

Doc ID 1370993

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 555](#) – Volunteer First Responder, Property Tax Reduction (LSB1551SV)
Staff Contact: Jeff Robinson (515.281.4614) jeff.robinson@legis.iowa.gov
Fiscal Note Version – New

Description

[Senate File 555](#) creates a property tax abatement for owners of homesteads who meet minimum requirements as volunteer emergency services providers. The annual abatement is limited to the lesser of 10.0% of the property taxes due or \$500. Property taxes levied by a local school or community college are excluded from the abatement, as well as any property taxes levied by a taxing authority that does not approve the abatement application for its portion of the consolidated property tax bill.

To receive the abatement, an emergency service provider must meet all the following criteria:

- Owns a homestead within the local service area of the provider's emergency services entity.
- Earns less than \$5,000 per year as a volunteer for the applicable emergency services entity.
- Has volunteered for five or more years with the emergency services entity.
- Is in good standing with the emergency services entity.
- Files a petition with the County Board of Supervisors requesting the abatement.

If a homestead owner has been a qualified volunteer for 10 or more years, the property tax abatement is allowed for the remainder of the volunteer's life.

The abatement also applies to special assessments owed on the property. The abatement is first available for property taxes due during FY 2025.

Assumptions

The following assumptions were used in the development of the fiscal impact projection:

- The average assessed residential property value for assessment year (AY) 2021 was \$168,368. That amount is assumed to increase each year by the average annual Iowa residential revaluation percentage from AY 2016 through AY 2022 (3.7%).
- The AY 2022 residential rollback is 54.6501%. This rollback is assumed for all years.
- The FY 2023 statewide average property tax rate, excluding school and community college levies, for residential property is \$18.24. This rate is assumed for all years.
- Based on the previous assumptions, a 10.0% abatement will reduce a qualified volunteer homestead owner's FY 2025 property taxes by \$180.
- Based on the number of claimants for the [Volunteer Fire Fighter and Emergency Medical Service Personnel Tax Credit](#), the Department of Revenue estimates that there are 12,305 qualified volunteer emergency service providers currently operating in Iowa who could qualify for this abatement if they own a homestead. Based on U.S. Census Bureau statistics on Iowa home ownership, the Department estimates that 71.6% of the 12,305 own homes.
- The impact of the lifetime abatement provision is not known. For this estimate, the number of volunteer emergency service providers who qualify for the abatement is increased 2.5% each year to adjust for retirements of personnel who have 10 or more years of qualified volunteer service.

- Not all who qualify will apply for the abatement, and not all local government entities will approve abatements. This estimate is reduced by 15.0% to account for these situations.
- The Bill creates a property tax abatement, not a credit or exemption, so Iowa Code section [25B.7](#) (State funding of property tax credits and exemptions) does not apply.

Fiscal Impact

The property tax abatement created in the Bill to benefit qualified volunteer emergency service providers is projected to reduce property taxes owed by taxpayers and property taxes collected by local governments by \$1.4 million in FY 2025. Due to retirements and annual property value increases, the projected reductions are expected to increase by approximately \$0.1 million per year.

Sources

Department of Revenue
U.S. Census Bureau
Legislative Services Agency

/s/ Jennifer Acton

March 24, 2023

Doc ID 1371224

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 644](#) – Criminal Procedure, Juror Qualifications, and Court Rules (LSB2122HV.1)
Staff Contact: Isabel Waller (515.281.6561) isabel.waller@legis.iowa.gov
Fiscal Note Version – As amended and passed by the House

Description

[House File 644](#) relates to criminal law, including defense subpoenas in criminal actions, depositions, conditional guilty pleas, prosecution witnesses, juror qualifications, and the Rules of Criminal Procedure.

Division I — Defense Subpoenas

Description and Background

Division I relates to defense subpoenas in criminal actions and provides the following:

- A criminal defendant or counsel acting on the defendant's behalf may not issue any subpoena for documents or evidence except upon application to the court. The defendant must prove by a preponderance of evidence that the evidence sought is relevant or will lead to the discovery of relevant information, or that the evidence sought does not include private information of a crime victim or any other person unless the evidence is exculpatory. This is the exclusive mechanism for a criminal defendant or counsel acting on the defendant's behalf to issue a subpoena for documents or other evidence.
- An application for a defense subpoena cannot be filed or reviewed ex parte.
- The prosecuting attorney is not required to execute or effectuate any order or subpoena issued pursuant to Division I.
- A crime victim or other party who is the subject of a subpoena must not be required by the court to execute a waiver.
- Upon application by a crime victim or the prosecuting attorney, the court must appoint an attorney to represent a person or entity served with a defense subpoena if the person or entity is determined to be indigent. Counsel appointed for this purpose is paid from the Indigent Defense Fund.
- Documents or other evidence obtained through a defense subpoena must be provided to the prosecuting attorney within three days after receipt of the documents or other evidence.
- Documents or other evidence obtained through a defense subpoena that does not comply with the requirements in Division I are not admissible in any criminal action if offered by the defendant.
- The court may sanction an attorney for knowingly issuing a defense subpoena in violation of Division I.
- An applicant for postconviction relief is not entitled to relief on a claim of ineffective assistance of counsel as a result of evidence obtained through a defense subpoena.

Iowa Code section [815.9\(1\)](#) provides the qualifications for indigency. Iowa Code section [815.11](#) establishes the Indigent Defense Fund. The Indigent Defense Fund consists of funds appropriated by the General Assembly to the Office of the State Public Defender for indigent legal defense by a court-appointed attorney.

Assumptions

- Expanding representation by the State Public Defender to indigent individuals who receive a defense subpoena will significantly increase costs to the Indigent Defense Fund. The number of individuals this will apply to cannot be estimated.
- The State Public Defender reports an increase in attorney time spent on criminal cases due to preparing additional motions and preparing for and attending additional hearings.
- State Public Defender contract attorneys are paid \$78 per hour for Class A felony cases, \$73 per hour for Class B felony cases, and \$68 per hour for all other cases.
- The number of applications to the court for defense subpoenas is unknown.
- An application for a defense subpoena may require an average of approximately 0.17 hours of court time.
- The average cost per hour for a district judge or district associate judge is \$101.49.
- There are approximately 68,000 felony and indictable misdemeanor cases filed annually.

Fiscal Impact

The total fiscal impact of Division I to the Office of the State Public Defender cannot be estimated, but costs to the Indigent Defense Fund are expected to increase. The amount of attorney time spent on certain cases will increase, and the State Public Defender expects an increase to the Indigent Defense Fund of approximately \$175,000 to \$350,000 annually to pay for these additional contract attorney hours. The Indigent Defense Fund is funded through the General Fund. Additionally, the number of individuals for whom the State Public Defender provides representation will increase under Division I, but the total fiscal impact of this cannot be estimated.

Division I will likely have a fiscal impact to the Judicial Branch for the court time required to review applications for defense subpoenas, but the extent of the fiscal impact cannot be estimated because the number of applications that will be submitted is unknown. **Table 1** demonstrates the annual fiscal impact to the Judicial Branch if an application is submitted in 10.0% of felony and indictable misdemeanor cases. The fiscal impact could vary significantly based on the actual number of defense subpoena applications.

Table 1 — Potential Annual Fiscal Impact to the Judicial Branch

| Number of Cases | Percent of Cases With an Application | Court Time Per Application | Cost Per Hour | Total Cost |
|------------------------|---|-----------------------------------|----------------------|-------------------|
| 68,000 | 10.0% | 0.17 hours | \$101.49 | \$117,322 |

Division II — Depositions

Description

Division II provides that a person who expects to be made a party to a criminal prosecution is not entitled to conduct a deposition in a criminal proceeding prior to being indicted for a criminal offense.

Fiscal Impact

Division II is not estimated to have a fiscal impact.

Division III — Conditional Guilty Pleas

Description

Division III provides that a conditional guilty plea that reserves an issue for appeal must only be entered with the consent of the prosecuting attorney and the defendant or defendant's counsel. An appellate court has jurisdiction over only conditional guilty pleas that comply with this requirement and when appellate adjudication of the reserved issue is in the interest of justice.

Fiscal Impact

Division III is not estimated to have a fiscal impact.

Division IV — Prosecution Witnesses — Minors

Description and Background

Division IV requires the Supreme Court to amend the Rules of Criminal Procedure to comply with Iowa Code section [915.36A](#) including but not limited to the elimination of a requirement that a defendant be physically present at the deposition of a minor.

Under Iowa Code section 915.36A, a prosecuting witness who is a minor has the right to have the interview or deposition taken outside the presence of the defendant. The interview or deposition may be televised by closed-circuit equipment to a room where the defendant can view the interview or deposition in a manner that ensures that the defendant will not have contact with the minor. The defendant is allowed to communicate with the defendant's counsel in the room where the minor is being interviewed or deposed by an appropriate electronic method.

Assumptions and Fiscal Impact

Division IV may increase costs to the State Public Defender operating budget and the Indigent Defense Fund, as a second attorney or investigator may be required during these depositions to communicate with the defendant who is in a separate location. However, the fiscal impact cannot be determined.

Division V — Juror Qualifications

Description

Division V provides that the following persons are disqualified from jury service:

- A person convicted of a felony who remains under the supervision of the DOC, a Community-Based Corrections (CBC) judicial district, or the Board of Parole.
- A person convicted of a felony who is currently registered as a sex offender under Iowa Code chapter [692A](#) or who is required to serve a special sentence under Iowa Code chapter [903B](#).

Fiscal Impact

Division V is estimated to have a minimal fiscal impact to the Judicial Branch.

Division VI — Supreme Court — Rules of Criminal Procedure

Description

Division VI requires the Supreme Court to revise the Rules of Criminal Procedure submitted for Legislative Council review on October 14, 2022, to comply with this Bill. The revised Rules are required to be submitted for Legislative Council review no later than June 1, 2023.

Division VI is effective upon enactment.

Fiscal Impact

Division VI is not estimated to have a fiscal impact.

Sources

Judicial Branch
Office of the State Public Defender

/s/ Jennifer Acton

March 27, 2023

Doc ID 1371175

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



[HF 680](#) – County Issuance of Driver’s Licenses to Nonresidents, Fee (LSB1789HZ)
Staff Contact: Maria Wagenhofer (515.281.5270) maria.wagenhofer@legis.iowa.gov
Fiscal Note Version – New

Description

[House File 680](#) allows, but does not require, Iowa counties to charge a \$10 convenience fee for the issuance or renewal of a driver’s license or nonoperator’s identification card to individuals who are not a resident of that county. Individuals that provide proof of property tax payment to the county are exempt from the convenience fee. If a county charges a convenience fee, the Bill authorizes the county to retain the entire fee revenue in its General Fund.

Background

Currently, counties are authorized to retain \$7 of the total fees collected for each issuance or renewal of driver’s licenses and nonoperator’s identification cards regardless of the licensee’s resident status.

The Department of Transportation (DOT) reports 327,577 transactions for issuance of a driver’s license or nonoperator’s identification card at the county level in calendar year (CY) 2022. Of that total, 71,733 transactions were performed at the county level for individuals who did not reside in the county that served them. These 71,733 transactions were 21.9% of total transactions by counties in CY 2022.

The DOT reports that in CY 2022, 12 counties issued 30.0% or more of their driver’s licenses or nonoperator’s identification cards to individuals who did not reside in the county. Specifically, Jones County had the highest volume of issuance to nonresidents with 7,192 (61.7%) driver’s licenses or nonoperator’s identification cards issued to individuals who did not reside in the county.

Assumptions

- All Iowa counties will charge the \$10 convenience fee.
- Calendar year 2022 renewal data and patterns were used for estimating purposes.

Fiscal Impact

While the number of annual nonresident renewals cannot be estimated, **Table 1** shows a range of nonresident renewals and estimated aggregate annual increases to county general funds.

Table 1 — Estimated Range of Annual Fiscal Impact Under HF 680

| Nonresident Renewal Rate | Nonresident Renewals | County General Funds |
|-------------------------------------|---------------------------------|---------------------------------|
| 25.0% | 17,933 | \$ 179,333 |
| 50.0% | 35,867 | 358,665 |
| 75.0% | 53,800 | 537,998 |
| 100.0% | 71,733 | 717,330 |

The DOT may see an increase in labor costs if licensees decide to use a DOT service center instead of a county site for issuance of a driver’s license or nonoperator’s identification card to avoid additional fees. In addition, there would be a one-time information technology (IT) cost to the DOT of approximately \$6,000 associated with the Bill. The DOT expects to absorb these labor and IT costs within its existing staff and resources.

Sources

Department of Transportation
LSA calculations

/s/ Jennifer Acton

March 24, 2023

Doc ID 1371179

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.
