



[HF 2240](#) – Harassment, Use of Falsely Created Images (LSB5066HV)
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Fiscal Note Version – New

Description

[House File 2240](#) expands the definition of harassment. Under the Bill, a person who causes to be disseminated, published, distributed, or posted any visual depiction as defined in Iowa Code section [728.1](#) that shows another person in a state of full or partial nudity or engaged in a sex act, knowing that the other person has not consented to the dissemination, publication, distribution, or posting of the depiction, commits first-degree harassment, an aggravated misdemeanor.

Background

Under Iowa Code section [708.7](#), a person commits an act of harassment when, with the intent to intimidate, annoy, or alarm another person, the person does any of the following:

- Communicates with another person without a legitimate purpose.
- Places a simulated explosive or incendiary device in or near a building, vehicle, airplane, railroad engine or railroad car, or boat occupied by another person.
- Orders merchandise or services in the name of another, to be delivered to another, without the other person's knowledge or consent.
- Reports, or causes to be reported, false information to a law enforcement authority implicating another in some criminal activity, knowing that the information is false, or reports the alleged occurrence of a criminal act, knowing that the act did not occur.
- Disseminates, publishes, distributes, posts, or causes to be disseminated, published, distributed, or posted a photograph or film showing another person in a state of full or partial nudity or engaged in a sex act, knowing that the other person has not consented to the dissemination, publication, distribution, or posting of the photograph or film.

In FY 2023, there were 658 convictions under Iowa Code section 708.7 for first-degree harassment.

An aggravated misdemeanor is punishable by confinement for up to two years and a fine of at least \$855 but not more than \$8,540.

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 delay 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

House File 2240 expands the definition of Iowa Code section 708.7(1)(a)(5) related to harassment. It is not known how many additional convictions under first-degree harassment

would result from the expanded definition and therefore, the correctional impact cannot be estimated. **Figure 1** shows estimates for sentencing to State prison, parole, probation, or community-based corrections (CBC) residential facilities; LOS in months under those supervisions; and supervision marginal costs per day for aggravated misdemeanors. Refer to the Legislative Services Agency (LSA) memo addressed to the General Assembly, [Cost Estimates Used for Correctional Impact Statements](#), dated January 16, 2024, for information related to the correctional system.

Figure 1 — Sentencing Estimate and Length of Stay (LOS)

| Conviction Offense Class | Percent Ordered to State Prison | FY 2023 Avg LOS in Prison (All Releases) | Marginal Prison Cost Per Day | Percent Ordered to Probation | FY23 Field Avg LOS on Probation | Avg Cost Per Day on Probation | Percent Sentenced to CBC Residential Facility | Marginal CBC Cost Per Day | Percent Ordered to County Jail | Marginal Cost Per Day Jail | FY23 Field Avg LOS on Parole | Marginal Cost Per Day Parole |
|--------------------------------------|---------------------------------|--|------------------------------|------------------------------|---------------------------------|-------------------------------|---|---------------------------|--------------------------------|----------------------------|------------------------------|------------------------------|
| Aggravated Misdemeanor (Non-Persons) | 30.4% | 7.5 | \$24.94 | 45.0% | 25.1 | \$ 7.67 | 3.6% | \$ 20.00 | 71.7% | \$ 50.00 | 11.9 | \$ 7.67 |

Minority Impact

House File 2240 expands the definition of harassment. As a result, Criminal and Juvenile Justice Planning (CJJP) of the Department of Management (DOM) cannot use existing data to estimate the minority impact of the Bill. Refer to the LSA memo addressed to the General Assembly, [Minority Impact Statement](#), dated January 16, 2024, for information related to minorities in the criminal justice system.

Fiscal Impact

House File 2240 expands the definition of harassment, and the fiscal impact cannot be estimated due to a lack of existing conviction data. **Figure 2** shows the average State cost per offense for an aggravated misdemeanor. The estimated impact to the State General Fund includes 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.

Figure 2 — Average State Cost Per Offense

| Offense Class | Average Cost |
|------------------------|---------------------|
| Aggravated Misdemeanor | \$7,500 to \$10,800 |

Sources

Department of Corrections
 Criminal and Juvenile Justice Planning, Department of Management
 Legislative Services Agency

/s/ Jennifer Acton

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