



[HF 2321](#) – Assaults on Health Care Providers (LSB5816HV)
Staff Contact: Molly Kilker (515.725.1286) molly.kilker@legis.iowa.gov
Fiscal Note Version – New

Description

[House File 2321](#) modifies the definition of a “health care provider” under Iowa Code section [708.3A\(5\)](#) (assaults on persons engaged in certain occupations). Under the Bill, a “health care provider” would include a person working, volunteering, or participating in an educational course of instruction at a hospital, or rural emergency hospital as defined in Iowa Code chapter [135B](#).

Background

Iowa Code chapter [708](#) establishes the penalties for assault, and assault is defined under Iowa Code section [708.1](#). Under Iowa Code section [708.3A\(5\)](#), a health care provider means an emergency medical provider as defined in Iowa Code chapter [147A](#), or a person licensed or registered under Iowa Code chapter [148](#) (medicine, surgery, and osteopathic medicine and surgery), [148C](#) (physician assistants), [148D](#) (resident physicians), or [152](#) (nursing) who is providing emergency medical services.

In FY 2023, there were 627 individuals convicted for assault under Iowa Code section 708.3A. In the same fiscal year, 26 individuals were admitted to prison, 10 individuals were admitted to parole, and 101 individuals were admitted to probation for the most serious offense, a Class D felony, under Iowa Code section 708.3A.

A Class D felony is punishable by confinement for up to five years and a fine of at least \$1,025 but no more than \$10,245. An aggravated misdemeanor is punishable by confinement for up to two years and a fine of at least \$865, but no more than \$8,540. A serious misdemeanor is punishable by confinement for up to one year and a fine of \$430, but no more than \$2,560.

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.
- The marginal cost per day in prison is \$24.94.

Correctional Impact

House File 2321 modifies the definition of a “health care provider” in regard to the assault of persons engaged in certain occupations. It is not known how many additional convictions of assault under Iowa Code section 708.3A would result from the expanded definition. 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 Class D felonies. 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 Cost Per Day Prison	Percent Ordered to Probation	FY23 Field Avg LOS on Probation	Avg Cost Per Day on Probation	Percent Sentenced to CBC Residential Facility	Marginal Cost Per Day CBC	Percent Ordered to County Jail	Marginal Cost Per Day Jail	FY23 Field Avg LOS on Parole	Marginal Cost Per Day Parole
D Felony (Persons)	82.6%	20.5	\$24.94	53.9%	35.3	\$ 7.67	9.8%	\$ 20.00	36.9%	\$ 50.00	15.6	\$ 7.67
Aggravated Misdemeanor (Persons)	47.6%	10.6	\$24.94	67.6%	25.1	\$ 7.67	5.2%	\$ 20.00	55.9%	\$ 50.00	6.7	\$ 7.67
Serious Misdemeanor	1.7%	6.6	\$24.94	53.0%	19.2	\$ 7.67	1.2%	\$ 20.00	74.2%	\$ 50.00	N/A	\$ 7.67

Minority Impact

House File 2321 expands the definition of an offense, and the minority impact is not able to be determined since it is not known how many additional convictions would result from the changes to the definition. 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 2321 may increase the number of offenders admitted to prison under Iowa Code section 708.3A. However, the extent of the increase in costs to the Department of Corrections (DOC) is unknown. **Figure 2** shows the average State cost per offense for a Class D felony, an aggravated misdemeanor, and a serious misdemeanor. The estimated impact to the 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.

Figure 2 — Average State Cost Per Offense

Offense Class	Average Cost
Class D Felony	\$12,600 to \$18,200
Aggravated Misdemeanor	\$7,500 to \$10,800
Serious Misdemeanor	\$400 to \$6,900

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.