



[HF 2598](#) – Mob Looting, Criminal Offense (LSB5303HV)
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Fiscal Note Version – New

Description

[House File 2598](#) establishes looting as a new criminal offense and provides definitions and penalties. Under the Bill, a person commits looting when, without authorization, a person intentionally enters a dwelling, place of business, vehicle, watercraft, building, plant, or other structure, whether movable or immovable; acts in joint criminal conduct pursuant to Iowa Code section [703.2](#) with another person or group of persons; and the person obtains, exerts control over, damages, or removes the property of another person.

A person commits looting in the first degree if any of the following occur:

- The total property looted exceeds \$10,000 in value.
- The total property looted does not exceed \$10,000 in value, but the person looting has previously been convicted of looting in the first or second degree.
- The looting involves a dangerous weapon.

Looting in the first degree is a Class C felony and is punishable by the following:

- Commitment to the custody of the Director of the Department of Corrections (DOC) for a minimum of 5 years but not more than 10 years.
- Assessment of a fine of at least \$1,000 but not more than \$10,000.

A person commits looting in the second degree if any of the following occur:

- The total property looted exceeds \$1,000 in value but does not exceed \$10,000 in value.
- The total property looted does not exceed \$1,000 in value, but the person looting has been previously convicted of looting in the third degree.

Looting in the second degree is a Class D felony and is punishable by the following:

- Commitment to the custody of the Director of the DOC for a minimum of one and one-half years, but not more than five years.
- Assessment of a fine of at least \$650 but not more than \$7,500.

A person commits looting in the third degree if the total property looted exceeds \$300 in value but does not exceed \$1,000 in value.

Looting in the third degree is an aggravated misdemeanor and is punishable by the following:

- Commitment to the custody of the Director of the DOC for no more than two years.
- Assessment of a fine of at least \$570 but not more than \$6,250.

The Bill also provides that a person whose business or property is injured by an act of looting may bring a civil action against any person involved in the violation. The person may also recover up to three times the actual damages sustained and costs and expenses, including reasonable attorney fees. Each person convicted of looting is jointly and severally liable for any such injury.

Background

Under current law, joint criminal conduct occurs when two or more persons act in concert and knowingly participate in a public offense. When an act of joint criminal conduct occurs, each person is responsible for the acts of the other throughout the commission of the offense or escape from the offense. Additionally, each person found guilty is charged at the same level as other persons involved in the joint criminal conduct.

In FY 2023, there were 8,479 total convictions for property theft under Iowa Code sections [714.2](#) and [714.2A](#).

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 2598 creates new criminal offenses, and the correctional impact cannot be estimated due to a lack of existing conviction data. **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 C felonies, Class D felonies, and 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 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
C Felony (Persons)	89.9%	50.3	\$24.94	27.2%	41.3	\$ 7.67	4.3%	\$ 20.00	52.0%	\$ 50.00	22.3	\$ 7.67
C Felony (Non-Persons)	86.0%	19.4	\$24.94	64.2%	42.2	\$ 7.67	13.0%	\$ 20.00	34.0%	\$ 50.00	21.3	\$ 7.67
D Felony (Non-Persons)	84.4%	13.0	\$24.94	69.8%	39.5	\$ 7.67	14.5%	\$ 20.00	32.2%	\$ 50.00	15.7	\$ 7.67
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 2598 creates new criminal offenses. 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 2598 creates new criminal offenses, 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 a Class C felony, a Class D felony, and 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 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 C Felony	\$14,300 to \$27,500
Class D Felony	\$12,600 to \$18,200
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.

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