

MAR 15 2001
Place On Calendar

S-3/20/01 *Quarering*
S-4/5/01 *Amend/Do Pass*
w/s .330/
S-4/12/01 UNFINISHED BUSINESS CALENDAR

HOUSE FILE 623
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HF 486)

Passed House, ^(p. 774) Date 3/20/01 Passed Senate, Date _____
Vote: Ayes 72 Nays 24 Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the imposition of a fine for criminal offenses
2 classified as aggravated misdemeanors, or class "D" or class
3 "C" felonies.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

HOUSE FILE 623

S-3301

1 Amend House File 623, as passed by the House, as
2 follows:

3 1. Page 1, line 7, by striking the words "by the
4 court" and inserting the following: "if the term of
5 confinement is suspended".

6 2. Page 1, line 12, by striking the words "by the
7 court" and inserting the following: "if the term of
8 confinement is suspended".

9 3. Page 1, line 23, by striking the words "by the
10 court" and inserting the following: "if the term of
11 confinement is suspended".

By COMMITTEE ON JUDICIARY
O. GENE MADDOX, CHAIRPERSON

S-3301 FILED APRIL 5, 2001

HF 623

1 Section 1. Section 902.9, subsections 4 and 5, Code 2001,
2 are amended to read as follows:

3 4. A class "C" felon, not an habitual offender, shall be
4 confined for no more than ten years, and in addition shall be
5 sentenced to a fine of at least one thousand dollars but not
6 more than ten thousand dollars, which fine shall not be
7 suspended by the court.

8 5. A class "D" felon, not an habitual offender, shall be
9 confined for no more than five years, and in addition shall be
10 sentenced to a fine of at least seven hundred fifty dollars
11 but not more than seven thousand five hundred dollars, which
12 fine shall not be suspended by the court. A class "D" felon,
13 such felony being for a violation of section 321J.2, may be
14 sentenced to imprisonment for up to one year in the county
15 jail.

16 Sec. 2. Section 903.1, subsection 2, Code 2001, is amended
17 to read as follows:

18 2. When a person is convicted of an aggravated
19 misdemeanor, and a specific penalty is not provided for, the
20 maximum penalty shall be imprisonment not to exceed two years.
21 There shall be a fine of at least five hundred dollars but not
22 to exceed five thousand dollars, which fine shall not be
23 suspended by the court. When a judgment of conviction of an
24 aggravated misdemeanor is entered against any person and the
25 court imposes a sentence of confinement for a period of more
26 than one year the term shall be an indeterminate term.

27 EXPLANATION

28 This bill relates to the imposition of a fine for certain
29 criminal offenses. The bill provides that the court shall not
30 suspend a fine imposed for an aggravated misdemeanor or class
31 "D" or class "C" felony offense. An aggravated misdemeanor is
32 punishable by confinement for no more than two years and a
33 fine of at least \$500 but not more than \$5,000. A class "D"
34 felony is punishable by confinement for no more than five
35 years and a fine of at least \$750 but not more than \$7,500. A

1 class "C" felony is punishable by confinement for no more than
2 10 years and a fine of at least \$1,000 but not more than
3 \$10,000.

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HOUSE FILE 623
FISCAL NOTE

A fiscal note for **House File 623** is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note is available from the Legislative Fiscal Bureau to members of the Legislature upon request.

House File 623 relates to the imposition of a fine for certain criminal offenses. The Bill provides that the Court shall not suspend a fine imposed for an aggravated misdemeanor, a Class D, or Class C felony offense.

ASSUMPTIONS

1. Charge, conviction, and sentencing patterns and trends will not change over the projections period.
2. Prisoner length of stay, revocation rates, and other corrections policies and practices will not change over the projections period.
3. The law will become effective July 1, 2001. A lag effect of six months is assumed, from the law's effective date to the date of first entry of affected offenders into the correctional system.
4. The analysis is based on information obtained from the Justice Data Warehouse, which includes statewide court information. Conviction and penalty information is based on FY 2000 data.
5. Based on Justice Data Warehouse convictions for FY 2000, there were 4,998 additional minimum fines imposed for aggravated misdemeanors, 4,339 additional fines imposed for Class D felonies, and 1,466 additional fines imposed for Class C felonies.
6. This estimate assumes that judges who would otherwise not impose a fine would impose the minimum mandatory fine.
7. It is assumed that community service would not be imposed in lieu of the mandatory fines.
8. If community service was ordered in lieu of a mandatory fine, the estimated revenue impact of the Bill would be lower than shown.
9. The collection rate applied to aggravated misdemeanors was 67%.
10. The collection rate applied to Class D felonies was 66%.
11. The collection rate applied to Class C felonies was 60%.
12. The 30% surcharge is applied in addition to the fine amount.

FISCAL IMPACT

Based on Justice Data Warehouse convictions for FY 2000, there will be approximately 5,000 additional minimums imposed for aggravated misdemeanors, 4,300 additional fines imposed for Class D felonies, and 1,500 additional fines imposed for Class C felonies. The total increase would be 10,800 convictions.

The following would be the revenue increases as a result of this Bill:

Year 1	\$ 898,000
Year 2	2,693,000
Year 3	4,797,000
Year 4	6,003,000
Year 5	6,003,000

SOURCES

Criminal and Juvenile Justice Planning Division, Department of Human Rights
Judicial Branch

(LSB 2914hv, JDD)

FILED MARCH 20, 2001

BY DENNIS PROUTY, FISCAL DIRECTOR

Legislative Fiscal Bureau

Fiscal Note

HF 623 - Aggravated Misdemeanor Fines (LSB 2914 HV)

Analyst: Jennifer Dean (Phone: (515) 281-7846) (Jennifer.Dean@legis.state.ia.us)

Fiscal Note Version - New

Description

House File 623 relates to the imposition of a fine for certain criminal offenses. The Bill provides that the Court shall not suspend a fine imposed for an aggravated misdemeanor, a Class D, or Class C felony offense.

Assumptions

1. Charge, conviction, and sentencing patterns and trends will not change over the projection period.
2. Prisoner length of stay, revocation rates, and other corrections policies and practices will not change over the projection period.
3. The law will become effective July 1, 2002. A lag effect of six months is assumed, from the law's effective date to the date of first entry of affected offenders into the correctional system. Therefore, the first-year fiscal impact is divided in half to account for the lag effect.
4. The analysis is based on information obtained from the Justice Data Warehouse, which includes statewide court information. Conviction and penalty information is based on FY 2001 data.
5. Based on correction data from the Justice Data Warehouse for FY 2001, there were 3,800 additional minimum fines imposed for aggravated misdemeanors, 3,400 additional fines imposed for Class D felonies, and 1,100 additional fines imposed for Class C felonies. The total increase would be approximately 8,300 convictions.
6. Convictions not currently involving a fine or community service would receive either the minimum mandatory fine or community service, at the ratio of fines-to-community service currently imposed under current law.
7. Aggravated Misdemeanors: 9% of aggravated misdemeanors result in community service sentences, not a fine and community service fines.
8. Class D felony: 17% of Class D felonies result in community service sentences, not a fine and community service.
9. Class C felony: 18% of Class C felonies result in community service sentences, not a fine and community service.
10. The actual imposition of additional mandatory minimum fines and estimated revenue impact may be higher or lower than shown.
11. The collection rate applied to aggravated misdemeanors is 61%.
12. The collection rate applied to Class D felonies is 47%.
13. The collection rate applied to Class C felonies is 62%.
14. The 30% surcharge is applied in addition to the fine amount.

Fiscal Impact

House File 623 would increase General Fund revenues as follows:

	<u>General Fund</u>	<u>Victim Compensation Fund</u>	<u>Total</u>
Year 1	\$ 699,000	\$ 29,000	\$ 728,000
Year 2	2,046,000	85,000	2,131,000
Year 5	3,766,000	157,000	3,923,000

Sources

Criminal and Juvenile Justice Planning Division, Department of Human Rights
Judicial Branch

_____/s/ Dennis C Prouty_____

February 5, 2002

The fiscal note and correction impact statement for this bill was prepared pursuant to Joint Rule 17 and pursuant to Section 2.56, Code of Iowa. Data used in developing this fiscal note and correctional impact statement are available from the Legislative Fiscal Bureau to members of the Legislature upon request.

**HOUSE FILE 623
FISCAL NOTE**

A fiscal note for House File 623 as amended by S-3301 is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note is available from the Legislative Fiscal Bureau to members of the Legislature upon request.

House File 623 as amended by S-3301 relates to the imposition of a fine for certain criminal offenses. The Bill provides that the Court shall not suspend a fine imposed for an aggravated misdemeanor, a Class D, or Class C felony offense.

ASSUMPTIONS

1. Charge, conviction, and sentencing patterns and trends will not change over the projection period.
2. Prisoner length of stay, revocation rates, and other corrections policies and practices will not change over the projection period.
3. The law will become effective July 1, 2001. A lag effect of six months is assumed, from the law's effective date to the date of first entry of affected offenders into the correctional system.
4. The analysis is based on information obtained from the Justice Data Warehouse, which includes statewide court information. Conviction and penalty information is based on FY 2000 data.
5. Based on Justice Data Warehouse convictions for FY 2000, there were 1,899 additional minimum fines imposed for aggravated misdemeanors, 2,733 additional fines imposed for Class D felonies, and 718 additional fines imposed for Class C felonies.
6. This estimate assumes that judges who would otherwise not impose a fine would impose the minimum mandatory fine.
7. It is assumed that community service would not be imposed in lieu of the mandatory fines.
8. If community service was ordered in lieu of a mandatory fine, the estimated revenue impact of the Bill would be lower than shown.
9. The collection rate applied to aggravated misdemeanors is 67%.
10. The collection rate applied to Class D felonies is 66%.
11. The collection rate applied to Class C felonies is 60%.
12. The 30% surcharge is applied in addition to the fine amount.

FISCAL IMPACT

Based on Justice Data Warehouse convictions for FY 2000, there will be approximately 2,000 additional minimums imposed for aggravated misdemeanors, 2,700 additional fines imposed for Class D felonies, and 700 additional fines imposed for Class C felonies. The total increase would be 5,400 convictions.

House File 623 as amended by S-3301 would increase General Fund revenues as follows:

Fiscal Year 2002

	HF 623	HF 623 As Amended By S -3301
Year 1	\$ 898,000	\$ 433,000
Year 2	2,693,000	1,304,000
Year 3	4,797,000	2,357,000
Year 4	6,003,000	2,973,000
Year 5	6,003,000	2,973,000

SOURCES

Criminal and Juvenile Justice Planning Division, Department of Human Rights
Judicial Branch

(LSB 2914HV.2, JDD)

FILED APRIL 11, 2001

BY DENNIS PROUTY, FISCAL DIRECTOR

Legislative Fiscal Bureau

Fiscal Note

HF 623 - Aggravated Misdemeanor Fines (LSB 2914 HV)

Analyst: Jennifer Dean (Phone: (515) 281-7846) (Jennifer.Dean@legis.state.ia.us)

Fiscal Note Version - New

Description

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Judicial Branch

_____/s/ Dennis C Prouty_____

February 5, 2002

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