

FEB 25 2002

Place On Calendar

S-3/12/02 Judiciary
S-3/14/02 am. 2/p. 80
w/s-5169

HOUSE FILE 2507
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HF 2360)

Passed House, (P.723) Date 3-12-02 Passed Senate, (P.743) Date 3-20-02
Vote: Ayes 94 Nays 1 Vote: Ayes 47 Nays 0

Approved April 8, 2002
Re Passed 3-21-02

(P.925) vote 88-1

A BILL FOR

1 An Act creating a criminal offense for possession or distribution
2 of anthrax, and providing a penalty.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

HOUSE FILE 2507

S-5169

1 Amend House File 2507, as passed by the House, as
2 follows:

3 1. Page 1, line 2, by inserting after the word
4 "who" the following: "knowingly".

5 2. Page 1, line 5, by inserting after the word
6 "who" the following: "knowingly".

By COMMITTEE ON JUDICIARY
O. GENE MADDOX, Chairperson

Adopted 3/20/02
(P.742)

S-5169 FILED MARCH 14, 2002

SENATE AMENDMENT TO HOUSE FILE 2507

H-8401

1 Amend House File 2507, as passed by the House, as
2 follows:

3 1. Page 1, line 2, by inserting after the word
4 "who" the following: "knowingly".

5 2. Page 1, line 5, by inserting after the word
6 "who" the following: "knowingly".

RECEIVED FROM THE SENATE

H-8401 FILED MARCH 20, 2002

House Concurred 3/21/02 (P.922)

HF 2507

1 Section 1. NEW SECTION. 126.24 ANTHRAX.

2 1. UNLAWFUL POSSESSION. Any person who possesses bacillus
3 anthracis or any substance containing bacillus anthracis, is
4 guilty of a class "C" felony.

5 2. UNLAWFUL DISTRIBUTION. Any person who distributes
6 bacillus anthracis or any substance containing bacillus
7 anthracis to any other person which may or may not cause
8 exposure to bacillus anthracis, is guilty of a class "B"
9 felony.

10 3. EXCEPTIONS. This section shall not apply to a person
11 who possesses or distributes bacillus anthracis or any
12 substance containing bacillus anthracis which is being used
13 solely for a purpose which is lawfully authorized under
14 federal law.

15 EXPLANATION

16 This bill creates a criminal offense for possession or
17 distribution of bacillus anthracis, commonly referred to as
18 anthrax.

19 The bill provides that a person shall not possess anthrax
20 or a substance containing anthrax. The bill also provides
21 that person shall not knowingly distribute anthrax or any
22 substance containing anthrax to any other person which may or
23 may not cause exposure to anthrax.

24 The bill provides that a person who possesses anthrax or a
25 substance containing anthrax commits a class "C" felony. The
26 bill provides that a person who knowingly distributes anthrax
27 commits a class "B" felony.

28 A person who possesses or distributes anthrax or a
29 substance containing anthrax which is being used solely for a
30 purpose which is lawfully authorized under federal law is
31 exempt from the criminal penalties in the bill.

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Legislative Fiscal Bureau

Fiscal Note

HF 2507 - Anthrax Possession (LSB 5291 HV)

Analyst: Beth Lenstra (Phone: (515) 281-6301) (beth.lenstra@legis.state.ia.us)

Fiscal Note Version - New

Description

House File 2507 creates criminal offenses for possession or distribution of anthrax. A person who possesses anthrax commits a Class C felony. A person who knowingly distributes anthrax commits a Class B felony. The Bill provides that a person who possesses or distributes anthrax for a purpose authorized under federal law is exempt from the criminal penalties in HF 2507.

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' practices and policies will not change over the projection period.
3. The law will become effective July 1, 2002. A lag of six months is assumed, from the effective date of the change in the law 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 court information. Conviction and penalty information is based on FY 2001 data.
5. Average length of stay in prison for a Class B felony is 87 months, based on FY 2001 data. The average length of stay in prison for a Class C felony is 51 months. The marginal cost per day for State prisons is \$16 per inmate.
6. Average length of stay on parole for a Class B felony is 36 months. The average length of stay on parole for a Class C felony is 30 months. The marginal cost per day for parole supervision is \$1.55 per offender.
7. The median cost for indigent defense per case is \$3,500 for a Class B felony and \$1,200 for a Class C felony.
8. The average cost per felony case for the Judicial Branch ranges from \$200 to \$600, depending on whether a jury trial occurs. These figures include the costs of a District Court Judge, Clerk of Court staff, a court reporter, and a court attendant.

Correctional Impact

There is no data with which to estimate the correctional impact of creating these new offenses. However, there will be a correctional impact to the extent that convictions under this statute occur, but the impact is not expected to be significant.

Fiscal Impact

The fiscal impact of HF 2507 cannot be determined due to insufficient information.

However, the total State costs for one Class B felony conviction is approximately \$48,000. This amount includes costs of indigent defense and the Judicial Branch, plus the costs of housing the offender in prison for 87 months, and supervising the offender in the community for 36 months.

Total State costs for one Class C felony conviction is approximately \$27,000. This amount includes costs of indigent defense and the Judicial Branch, plus the costs of housing the offender in prison for 51 months, and supervising the offender in the community for 30 months.

While the fiscal impact on counties cannot be estimated, it does not appear to be significant.

Sources

Department of Human Rights, Criminal and Juvenile Justice Planning Division
Department of Corrections
State Public Defender's Office
Iowa Supreme Court

/s/ Dennis C Prouty

February 26, 2002

The fiscal note and correctional 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.

substance containing bacillus anthracis which is being used solely for a purpose which is lawfully authorized under federal law.

HOUSE FILE 2507

AN ACT
CREATING A CRIMINAL OFFENSE FOR POSSESSION OR DISTRIBUTION OF ANTHRAX, AND PROVIDING A PENALTY.

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

Section 1. NEW SECTION. 126.24 ANTHRAX.

1. UNLAWFUL POSSESSION. Any person who knowingly possesses bacillus anthracis or any substance containing bacillus anthracis, is guilty of a class "C" felony.
2. UNLAWFUL DISTRIBUTION. Any person who knowingly distributes bacillus anthracis or any substance containing bacillus anthracis to any other person which may or may not cause exposure to bacillus anthracis, is guilty of a class "B" felony.
3. EXCEPTIONS. This section shall not apply to a person who possesses or distributes bacillus anthracis or any

BRENT SIEGRIST
Speaker of the House

MARY E. KRAMER
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2507, Seventy-ninth General Assembly.

MARGARET THOMSON
Chief Clerk of the House

Approved 4/8, 2002

THOMAS J. VILSACK
Governor