

JUDICIARY

FILED JAN 13 1901

SENATE FILE
BY MADDOX

42

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act creating a new criminal offense for trespassing on
2 property that is under construction, and providing a penalty.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SF 42
JAN 13 1901

1 Section 1. Section 716.8, Code 2001, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 5. A person who commits a trespass on the
4 property of another that is under construction, commits a
5 serious misdemeanor if a sign is conspicuously posted on the
6 property that states substantially the following: THIS
7 PROPERTY IS UNDER CONSTRUCTION AND ANY PERSON WHO TRESPASSES
8 ON THIS PROPERTY COMMITS A SERIOUS MISDEMEANOR. For purposes
9 of this subsection, "construction" means a physical alteration
10 of a building or an improvement of real estate, and includes
11 new construction, enlargements, or additions to existing
12 construction, and alterations, renovation, remodeling,
13 restoration, preservation, or other material modification to
14 and within existing construction.

15 EXPLANATION

16 This bill creates a new criminal offense of trespassing on
17 property that is under construction, and provides a penalty.

18 The bill provides that any person who trespasses on
19 property that is under construction, which also contains a
20 conspicuously placed sign stating that the property is under
21 construction and the punishment for trespassing on the
22 property, commits a serious misdemeanor. The bill generally
23 defines "construction" to mean a physical alteration of a
24 building or an improvement of real estate, including new
25 construction, enlargements, or additions, and alterations,
26 renovations, remodeling, restoration, preservation, or other
27 material modification of existing construction.

28 A serious misdemeanor is punishable by confinement for no
29 more than one year and a fine of at least \$250 but not more
30 than \$1,500.

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**SENATE FILE 42
FISCAL NOTE**

The estimate for **Senate File 42** is hereby submitted as a fiscal note pursuant to Joint Rule 17 and as a correctional impact statement 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.

Senate File 42 amends Section 716.8, Code of Iowa by adding a new criminal offense of trespassing on property that is under construction and applying a penalty of a serious misdemeanor that is punishable by confinement for no more than one year and a fine of at least \$250 but not more than \$1,500.

ASSUMPTIONS

1. The law will become effective July 1, 2001. A lag effect 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.
2. The analysis is based on information obtained from the Justice Data Warehouse, which includes statewide court information. Penalty information is based on FY 2000 data.
3. During FY 2000, there were 2,103 simple misdemeanor convictions. Of these, 5 were ordered to prison, 416 received jail terms, 171 received probation, 5 were sentenced to residential facilities, and the remainder received other sanctions such as fines and community service.
4. The cost of an uncontested simple misdemeanor for the Judicial Branch ranges from \$50 to \$66.
5. The cost of a contested simple misdemeanor for the Judicial Branch ranges from \$238 to \$503.
6. The cost of an uncontested serious misdemeanor for the Judicial Branch ranges from \$183 to \$380.
7. The cost of a contested serious misdemeanor for the Judicial Branch ranges from \$2,045 to \$2,950.
8. Senate File 42 would result in an increase of \$133 to \$314 per case for an uncontested serious misdemeanor and an increase of \$1,807 to \$2,447 per case for a contested serious misdemeanor.
9. The median cost per case for simple misdemeanor for the Public Defender's Office is \$200.
10. The median cost per case for a serious misdemeanor for the Public Defender's Office is \$500.
11. The State Public Defender's Office will see a median increase of \$300 per case.

CORRECTIONAL IMPACT

The correctional impact of Senate File 42 would result in increased probation and jail caseloads. Due to insufficient information, the correctional impact of Senate File 42 cannot be determined.

FISCAL IMPACT

The total General Fund fiscal impact of Senate File 42 cannot be determined due to insufficient information. However, the approximate range for one person convicted of a serious misdemeanor - uncontested is \$700 - \$900. The approximate range for one person convicted of a serious misdemeanor - contested is \$2,500 - \$3,500.

SOURCES

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

(LSB 1659XS, JDI)

FILED FEBRUARY 6, 2001

BY DENNIS PROUTY, FISCAL DIRECTOR