

Maddox  
McKean  
Hammond

SSB-1112

Jud

Succeeded By  
SF/HF 391

SENATE FILE  
BY (PROPOSED COMMITTEE ON  
JUDICIARY BILL BY  
CHAIRPERSON MADDOX)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

A BILL FOR

1 An Act excepting certain acts constituting a simple assault from  
2 the criminal offense of robbery.

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

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SSB

S.F. 1112 H.F. \_\_\_\_\_

1 Section 1. Section 711.1, subsection 1, Code 2001, is  
2 amended to read as follows:

3 1. Commits an assault upon another other than an assault  
4 as defined in section 708.2, subsection 5.

5 EXPLANATION

6 This bill creates an exception to the definition of the  
7 criminal offense of robbery. The bill provides that a person  
8 who commits or intends to commit a theft, and who commits a  
9 simple misdemeanor assault to further the commission of the  
10 theft, does not commit robbery. Under current law, a person  
11 who commits or intends to commit any theft, and who commits  
12 any assault to further the commission of the theft, commits  
13 either robbery in the first degree or robbery in the second  
14 degree depending on the severity of the assault.

15 Robbery in the first degree is a class "B" felony  
16 punishable by confinement for no more than 25 years. Robbery  
17 in the second degree is a class "C" felony punishable by  
18 confinement for no more than 10 years and a fine of at least  
19 \$1,000 but not more than \$10,000.

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H-3/28/01 Judiciary

FILED MAR 8 '01

SENATE FILE 391

BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 1112)

Passed Senate <sup>(P. 866)</sup> Date 3-27-01

Passed House, Date \_\_\_\_\_

Vote: Ayes 48 Nays 0

Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Approved \_\_\_\_\_

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SF 391

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**SENATE FILE 391  
FISCAL NOTE****REQUESTED BY:  
SENATOR MCKEAN**

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The estimate for **Senate File 391** 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.

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Senate File 391 creates an exception to the definition of robbery. The Bill provides that a person who commits or intends to commit a theft, and who commits a simple misdemeanor assault to further the commission of the theft, does not commit robbery. Under current law, a person who commits or intends to commit theft, and commits any assault to further the commission of the theft, commits robbery, which is punishable by a Class B or Class C felony.

**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. There is a six-month lag time from the effective date (July 1, 2001) of the proposed legislation to the date of first entry of affected offenders into the correctional system.
4. The analysis is based on information obtained from the Adult Corrections Information System, the computerized database for Iowa's prison system. Conviction and penalty information is based on FY 2000 data.
5. The effect of Senate File 391 is to impose a lesser penalty, either a serious or aggravated misdemeanor, rather than a Class B or C forcible felony, for a very specific offense.
6. The median cost for a serious misdemeanor indigent defense case is \$750 while an aggravated misdemeanor indigent defense case is \$1,000. The median cost for a Class C felony is \$1,200 for indigent defense.
7. The marginal cost per day for probation is \$1.55 per offender. The average length of stay on community supervision is 6 months for a serious misdemeanor and 19 months for an aggravated misdemeanor.
8. Court costs vary by type of offense charged as well as contested versus uncontested cases. Information concerning the ratio of contested versus uncontested cases is not available.
9. The average court cost for an uncontested serious misdemeanor case is \$282 while the average court cost for a contested serious misdemeanor case is \$2,500.
10. The average court cost for an uncontested aggravated misdemeanor case is \$271 while the average court cost for a contested aggravated misdemeanor is approximately \$2,900.
11. The average minimum court cost for a Class C felony case is approximately \$3,000 while the average maximum court cost is approximately \$4,900.
12. Court costs include expenses for the Clerk of Court, court attendant, court reporter, juries, and judges, i.e., Magistrates, District Associate

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Judges, and District Court Judges.

13. Average length of stay in prison for a Class C forcible felony is 8.3 years. The marginal cost per day is \$16 per offender in prison.

#### CORRECTIONAL IMPACT

During FY 2002, there will be one less conviction of a Class C forcible felony. The offender will be convicted of either a serious or aggravated misdemeanor. The offender will be sentenced to probation rather than prison. This conviction pattern will occur on an annual basis.

Admissions to prison will decrease by one inmate each year for the next five years. The prison population will decrease by one inmate during FY 2002, two inmates by FY 2003, and five inmates by FY 2006.

Admissions to probation will increase by one offender during FY 2002, and each year thereafter.

#### FISCAL IMPACT

Senate File 391 will have the following impact:

##### STATE GOVERNMENT IMPACT

Probation costs for the Community-Based Corrections (CBC) system are estimated to increase by a range of \$300 to \$900 annually, depending on whether the offender is convicted of a serious or aggravated misdemeanor.

Prison costs are estimated to decrease by approximately \$6,000 during FY 2002, and approximately \$12,000 during FY 2003.

Indigent defense costs are estimated to decrease by a range of \$200 to \$450 annually, depending upon whether the offender is convicted of a serious or aggravated misdemeanor.

Court costs are estimated to decrease by a range of \$2,400 to \$2,800 annually, depending on whether or not the offender is convicted of a serious or aggravated misdemeanor and whether the case is contested or uncontested.

Total State costs are estimated to decrease by approximately \$8,000 during FY 2002 and by approximately \$14,000 in FY 2003.

##### LOCAL GOVERNMENT IMPACT

The fiscal impact on local jails cannot be determined due to insufficient information. However, overall jail costs are expected to decrease under Senate File 391.

SOURCES

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

(LSB 1660SV, BAL)

FILED MARCH 13, 2001

BY DENNIS PROUTY, FISCAL DIRECTOR