

McKean
Maddox
Hansen

SSB-1151

Judiciary
Succeeded By

SENATE FILE SE/HF 414
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 relating to the crimes of burglary and forgery and
2 providing penalties.

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

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1 Section 1. Section 713.6A, Code 2001, is amended to read
2 as follows:

3 713.6A BURGLARY IN THE THIRD DEGREE.

4 1. All burglary which is not burglary in the first degree
5 or burglary in the second degree is burglary in the third
6 degree. Burglary in the third degree is a class-"B"-felony an
7 aggravated misdemeanor except as otherwise provided in
8 subsection 2.

9 2. Burglary in the third degree involving a burglary of an
10 occupied structure other than a motor vehicle or motor truck
11 as defined in section 321.1, or a vessel defined in section
12 462A.2, is a class "D" felony.

13 Sec. 2. Section 713.6B, Code 2001, is amended to read as
14 follows:

15 713.6B ATTEMPTED BURGLARY IN THE THIRD DEGREE.

16 1. All attempted burglary which is not attempted burglary
17 in the first degree or attempted burglary in the second degree
18 is attempted burglary in the third degree. Attempted burglary
19 in the third degree is an-aggravated a serious misdemeanor
20 except as otherwise provided in subsection 2.

21 2. Attempted burglary in the third degree involving an
22 attempted burglary of an occupied structure other than a motor
23 vehicle or motor truck as defined in section 321.1, or a
24 vessel as defined in section 462A.2, is an aggravated
25 misdemeanor.

26 Sec. 3. Section 715A.2, subsection 2, paragraph a,
27 unnumbered paragraph 1, Code 2001, is amended to read as
28 follows:

29 Forgery is a class-"B"-felony an aggravated misdemeanor if
30 the writing is or purports to be any of the following:

31 Sec. 4. Section 715A.2, subsection 2, paragraph b, Code
32 2001, is amended to read as follows:

33 ~~b-~~ (5) Forgery-is-an-aggravated-misdemeanor-if-the
34 writing-is-or-purports-to-be-a A will, deed, contract,
35 release, commercial instrument, or any other writing or other

1 document evidencing, creating, transferring, altering,
2 terminating, or otherwise affecting legal relations.

3 EXPLANATION

4 This bill relates to the criminal offenses of burglary and
5 forgery.

6 The bill changes the criminal penalties for burglary in the
7 third degree or attempted burglary in the third degree for a
8 burglary perpetrated upon an unoccupied motor vehicle, motor
9 truck, or vessel. The bill provides that a person who commits
10 burglary in the third degree on an unoccupied motor vehicle,
11 motor truck, or vessel commits an aggravated misdemeanor and a
12 person who commits attempted burglary in the third degree on
13 an unoccupied motor vehicle, motor truck, or vessel commits a
14 serious misdemeanor. Under the bill, a person who commits a
15 burglary on any other type of unoccupied structure which
16 includes a personal residence commits a class "D" felony.

17 The bill also changes the penalty for forgery from a class
18 "D" penalty to an aggravated misdemeanor.

19 A serious misdemeanor is punishable by confinement for no
20 more than one year and a fine of at least \$250 but not more
21 than \$1,500. An aggravated misdemeanor is punishable by
22 confinement for no more than two years and a fine of at least
23 \$500 but not more than \$5,000. A class "D" felony is
24 punishable by confinement for no more than five years and a
25 fine of at least \$750 but not more than \$7,500.

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H. 3/22/01 Judiciary

FILED MAR 12 '01

SENATE FILE 414
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 1151)

Passed Senate, ^(p.758) Date 3-21-01 Passed House, Date _____
Vote: Ayes 46 Nays 2 Vote: Ayes _____ Nays _____
Approved _____

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SF 414

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7 third degree or attempted burglary in the third degree for a
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**SENATE FILE 414
FISCAL NOTE****REQUESTED BY:
SENATOR McKEAN**

The estimate for **Senate File 414** 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 414 changes the penalties for burglary in the third degree, attempted burglary in the third degree, and forgery. The Bill provides that a person who commits burglary in the third degree on an unoccupied motor vehicle or vessel commits an aggravated misdemeanor. A person who commits attempted burglary in the third degree on an unoccupied motor vehicle or vessel commits a serious misdemeanor. Burglary in the third degree on any other type of unoccupied structure remains a Class D felony. Attempted burglary in the third degree on any other type of unoccupied structure remains an aggravated misdemeanor. Senate File 414 lowers the penalty for forgery from a Class D felony to an aggravated misdemeanor.

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, 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.
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. Approximately 20.0% of prison admissions for burglary in the third degree and attempted burglary in the third degree involved burglaries of vehicles. It is assumed that 20.0% of burglary in the third degree convictions that are now Class D felonies will be aggravated misdemeanors under Senate File 414. It is assumed that 20.0% of all attempted burglary in the third degree convictions that are now aggravated misdemeanors will be serious misdemeanors under Senate File 414.
6. All Class D felony convictions for forgery will become aggravated misdemeanor convictions under Senate File 414.
7. A recidivism rate of 19.5% is used, based upon recent parole revocation data for all nonviolent offenses.

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8. The average length of stay in county jails for aggravated misdemeanors is 41 days, based upon the crimes of burglary and forgery. The average length of stay in county jails for serious misdemeanors is 50 days, based upon theft. The marginal cost per day for county jails is \$25 per inmate.
9. The marginal cost per day for probation or parole is \$1.55 per offender. The average length of stay for community supervision is 6 months for a serious misdemeanor, 19 months for an aggravated misdemeanor, and 29 months for a Class D felony.
10. The average length of stay in a Community-Based Corrections (CBC) facility is four months. The marginal cost per offender per day is \$16.
11. The average length of stay in the State prison system is 16.7 months for nonviolent Class D felony convictions. The marginal cost per day is \$16 per State prison inmate.
12. The median cost per case for aggravated misdemeanors and Class D felonies is \$1,000 to defend. The marginal cost per case for serious misdemeanors is \$750.
13. 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.
14. 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.
15. The average court cost for an uncontested aggravated misdemeanor case is \$271 while the average court cost for a contested aggravated misdemeanor case is approximately \$2,900.
16. The average minimum court cost for a Class D felony is \$3,000. The average maximum court cost for a Class D felony is \$4,900.
17. Court costs include expenses for the Clerk of Court, court attendant, court reporter, juries, and judges; i.e., Magistrates, District Associate Judges, and District Court Judges.

CORRECTIONAL IMPACT

During FY 2002, 95 offenders will be convicted of an aggravated misdemeanor for burglary in the third degree. Under current law, these convictions would be Class D felonies. There will be 27 offenders convicted of a serious misdemeanor for attempted burglary in the third degree. Under current law, these convictions would be aggravated misdemeanors. There will be 361 offenders convicted of an aggravated misdemeanor for forgery. Under current law, these convictions would be Class D felonies.

During FY 2003, 190 offenders will be convicted of an aggravated misdemeanor for burglary in the third degree. Under current law, these convictions would be Class D felonies. There will be 53 offenders convicted of a serious

misdemeanor for attempted burglary in the third degree. Under current law, these convictions would be aggravated misdemeanors. There will be 722 offenders convicted of an aggravated misdemeanor for forgery. Under current law, these convictions would be Class D felonies.

Admissions to the State prison and CBC systems will decrease. There will be 94 fewer admissions to the prison system during FY 2002, 187 fewer admissions during FY 2003 and each year thereafter. The prison population will decrease by 94 inmates during FY 2002, 307 inmates during FY 2003, and 348 inmates during FY 2006.

Admissions to CBC facilities will decrease by 25 offenders during FY 2002, and 49 offenders during FY 2003 and each year thereafter. Admissions to probation and parole supervision will decrease by 37 offenders during FY 2002 and 73 offenders each year thereafter.

Admissions to county jails will increase by 114 offenders during FY 2002 and 228 offenders each year thereafter.

FISCAL IMPACT

State criminal justice system costs are anticipated to decrease under Senate File 414, while costs for county jails are expected to increase.

State General Fund:

	FY 2002	FY 2003
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State Prison Costs	\$ (549,000)	\$ (1,800,000)
CBC Costs	(69,000)	(135,000)
Indigent Defense Costs	(7,000)	(13,000)
Judicial Branch Costs	(1,100,000)	(2,186,000)
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Total General Fund Cost	\$ (1,725,000)	\$ (4,134,000)
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Local Government:

County Jails	\$ 120,000	\$ 240,000
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SOURCES

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

(LSB 2545SV, BAL)