



[HF 2240](#) – Harassment, Use of Falsely Created Images (LSB5066HV.1)
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Fiscal Note Version – As amended by Senate amendment [H-8224](#)

Description

[House File 2240](#) as amended by Senate amendment [H-8224](#) expands the definition of harassment. Under the Bill as amended, a person who causes to be disseminated, published, distributed, or posted any visual depiction as defined in Iowa Code section [728.1](#) that shows another person in a state of full or partial nudity or engaged in a sex act, to which the other person has not consented to the dissemination, publication, distribution, or posting of the depiction, commits first-degree harassment, an aggravated misdemeanor. To be classified as an act of harassment under the Bill as amended, the person committing the act must be 18 years of age or older. The individual must register as a sex offender pursuant to Iowa Code chapter [692A](#).

Background

Under Iowa Code section [708.7](#), a person commits an act of harassment when, with the intent to intimidate, annoy, or alarm another person, the person does any of the following:

- Communicates with another person without a legitimate purpose.
- Places a simulated explosive or incendiary device in or near a building, vehicle, airplane, railroad engine or railroad car, or boat occupied by another person.
- Orders merchandise or services in the name of another, to be delivered to another, without the other person's knowledge or consent.
- Reports, or causes to be reported, false information to a law enforcement authority implicating another in some criminal activity, knowing that the information is false, or reports the alleged occurrence of a criminal act, knowing that the act did not occur.
- Disseminates, publishes, distributes, posts or causes to be disseminated, published, distributed, or posted a photograph or film showing another person in a state of full or partial nudity or engaged in a sex act, knowing that the other person has not consented to the dissemination, publication, distribution, or posting of the photograph or film.

In FY 2023, there were 658 convictions under Iowa Code section 708.7 for first-degree harassment.

An aggravated misdemeanor is punishable by confinement for up to two years and a fine of at least \$855 but not more than \$8,540.

Assumptions

- The following will not change over the projection period: charge, conviction, and sentencing patterns and trends; prisoner length of stay (LOS); revocation rates; plea bargaining; and other criminal justice system policies and practices.
- A delay of six months is assumed from the effective date of this Bill to the date of first entry of affected offenders into the correctional system.
- Marginal costs for county jails cannot be estimated due to a lack of data. For purposes of this analysis, the marginal cost for county jails is assumed to be \$50 per day.

Correctional Impact

House File 2240 as amended expands Iowa Code section 708.7(1)(a)(5) related to harassment. It is not known how many additional convictions of first-degree harassment would result from the expanded definition, and therefore, the correctional impact cannot be estimated. **Figure 1** shows estimates for sentencing to State prison, parole, probation, or Community-Based Corrections (CBC) residential facilities; LOS in months under those supervisions; and supervision marginal costs per day for aggravated misdemeanors. Refer to the Legislative Services Agency (LSA) memo addressed to the General Assembly, [Cost Estimates Used for Correctional Impact Statements](#), dated January 16, 2024, for information related to the correctional system.

Figure 1 — Sentencing Estimate and Length of Stay (LOS)

Conviction Offense Class	Percent Ordered to State Prison	FY 2023 Avg LOS in Prison (All Releases)	Marginal Prison Cost Per Day	Percent Ordered to Probation	FY23 Field Avg LOS on Probation	Avg Cost Per Day on Probation	Percent Sentenced to CBC Residential Facility	Marginal CBC Cost Per Day	Percent Ordered to County Jail	Marginal Cost Per Day Jail	FY23 Field Avg LOS on Parole	Marginal Cost Per Day Parole
Aggravated Misdemeanor (Non-Persons)	30.4%	7.5	\$24.94	45.0%	25.1	\$ 7.67	3.6%	\$ 20.00	71.7%	\$ 50.00	11.9	\$ 7.67

Minority Impact

House File 2240 as amended expands the definition of harassment. As a result, Criminal and Juvenile Justice Planning (CJJP) of the Department of Management (DOM) cannot use existing data to estimate the minority impact of the Bill as amended. Refer to the LSA memo addressed to the General Assembly, [Minority Impact Statement](#), dated January 16, 2024, for information related to minorities in the criminal justice system.

Fiscal Impact

House File 2240 as amended expands the definition of harassment, and the fiscal impact cannot be estimated due to a lack of existing conviction data. The average State cost per offense for an aggravated misdemeanor ranges from \$7,500 to \$10,800. The estimated impact to the State General Fund includes operating costs incurred by the Judicial Branch, the Indigent Defense Fund, and the Department of Corrections (DOC). The cost would be incurred across multiple fiscal years for prison and parole supervision.

Sources

Department of Corrections
Criminal and Juvenile Justice Planning, Department of Management
Legislative Services Agency

/s/ Jennifer Acton

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The fiscal note for this Bill was prepared pursuant to [Joint Rule 17](#) and the Iowa Code. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.