



[HF 430](#) – Blocking Roadways (LSB1915HV)
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Fiscal Note Version – New

Description

[House File 430](#) relates to public safety, including prohibited acts on fully controlled-access facilities and disorderly conduct, and provides penalties. The Bill provides that it is unlawful for a person to operate a bicycle, skateboard, or other pedestrian conveyance or be a pedestrian anywhere on a fully controlled-access facility. A violation is punishable by a scheduled fine of \$135.

The Bill modifies the crime of disorderly conduct by providing additional penalties greater than a simple misdemeanor for additional acts of disorderly conduct. Under the Bill, it is a simple misdemeanor if a person obstructs or attempts to obstruct, without lawful authority, any street, sidewalk, highway, or other public way, or any business, business drive, parking lot, or business access, with the intent to prevent or hinder its lawful use by others. Under the Bill, certain acts, in addition to those listed, would result in increased penalties ranging from an aggravated misdemeanor to a Class C felony.

Background

Under current law, all disorderly conduct violations are simple misdemeanors. Simple misdemeanors are punishable by a fine of at least \$105 but not more than \$855. Felonies and misdemeanors are punishable by the terms defined in Iowa Code chapters [902](#) and [903](#), respectively.

Under Iowa Code section [602.8106](#)(4)(b), scheduled fine revenue for a State law violation is distributed as follows: 91.0% to the State and 9.0% to the county in which the violation occurred. Of the State share of fine revenue, 1.3% is distributed to the Emergency Medical Services Fund and 98.7% is distributed to the State General Fund. In addition to the scheduled fine, a Crime Services Surcharge, equal to 15.0% of the fine, and a \$55 fee for court costs are also imposed. The fee assessed for court costs is remitted to the State Court Administrator and distributed to the State General Fund.

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 lag effect 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 430 expands the definition of disorderly conduct to include actions not previously penalized under Iowa Code section [723.4](#), and as a result, the correctional impact cannot be estimated due to a lack of existing data. In FY 2019 and FY 2020, there were a combined total

of 1,948 disorderly conduct convictions. House File 430 also expands Iowa Code section [321.366](#) to include new actions, which would be punishable as a scheduled violation. The punishment for a scheduled violation under this Bill does not include the possibility of imprisonment and therefore would not have a correctional impact.

Table 1 provides estimates for sentencing to State prison, parole, probation, or Community-Based Corrections (CBC) residential facilities; LOS under those supervisions; and supervision marginal costs per day for all convictions ranging from aggravated misdemeanors to Class C felonies. The LOS data is not applicable to simple or serious misdemeanors. Refer to the Legislative Services Agency (LSA) memo addressed to the General Assembly, [Cost Estimates Used for Correctional Impact Statements](#), dated January 26, 2021, for information related to the correctional system.

Table 1 — Sentencing Estimates and LOS

Conviction Offense Class	Percent to Prison	Avg Length of Stay Prison (months)	FY 20 Marginal Cost/Day Prison	Percent Ordered to Probation	Avg LOS on Probation	Avg Cost Per Day on Probation	Percent Sentenced to CBC Residential Facility	FY 20 Marginal Cost CBC Per Day	Percent Ordered to County Jail	Marginal Cost Per Day	Avg LOS on Parole	FY 20 Marginal Cost Per Day Parole
Class C Felony (Persons)	89.0%	38.6	\$20.33	27.9%	34.1	\$5.38	5.5%	\$14.78	49.1%	\$50.00	21.5	\$5.38
Class D Felony (Persons)	77.0%	16.0	\$20.33	47.8%	30.5	\$5.38	10.5%	\$14.78	38.6%	\$50.00	11.5	\$5.38
Aggr. Misd. (Persons)	43.0%	7.1	\$20.33	51.7%	20.2	\$5.38	3.3%	\$14.78	70.7%	\$50.00	6.0	\$5.38

Minority Impact

Of the 1,948 disorderly conduct convictions in FY 2019 and FY 2020, 71.6% were committed by Caucasians and 20.4% were committed by African Americans. In FY 2020, Caucasians and African Americans made up 89.9% and 4.1% of the adult population of the State of Iowa, respectively.

House File 430 expands the definition of disorderly conduct to include actions not previously penalized under Iowa Code sections [723.4](#) and [321.366](#). As a result, the Criminal and Juvenile Justice Planning Division (CJJP) of the Department of Human Rights cannot use prior existing data to estimate the minority impact. Refer to the LSA memo addressed to the General Assembly, [Minority Impact Statement](#), dated January 26, 2021, for information related to minorities in the criminal justice system.

Fiscal Impact

House File 430 expands the definition of disorderly conduct, and the fiscal impact cannot be estimated. **Table 2** contains cost estimates for the average State cost per offense class type for one conviction. The cost estimate includes operating costs incurred by the Judicial Branch, the State Public Defender, and the Department of Corrections for one conviction. The cost would be incurred across multiple fiscal years for prison and parole supervision.

Table 2 — Average State Cost Per Offense Class Type

Offense Class	Total Cost	
	Minimum	Maximum
Aggravated Misdemeanor	\$ 3,700	\$ 7,800
Class D Felony	7,700	13,500
Class C Felony	9,900	19,200

The scheduled fine established by HF 430 may also result in an increase in fine and surcharge revenue, but the impact is unknown. **Table 3** shows the distribution of fine and surcharge revenue under current law.

Table 3 — Fine and Surcharge Revenue Distribution

Code Section	Scheduled Fine	15.0% Crime Services Surcharge	Fine Distribution		15.0% Crime Services Surcharge Distribution				Court Costs
			91.0% to State General Fund/EMS*	9.0% to County	32.0% to Victim Comp. Fund	20.0% to Criminalistics Lab Fund	2.0% to DARE**	46.0% to Juvenile Home Detention Fund	
321.366	\$135	\$20.25	\$122.85	\$12.15	\$6.48	\$4.05	\$0.41	\$9.32	\$55.00

*Emergency Medical Services Fund (EMS) ** Drug Abuse Resistance Education (DARE)

Sources

CJJP, Department of Human Rights
 Department of Corrections
 Judicial Branch

/s/ Holly M. Lyons

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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.