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[SF 144](#) – Assault, Pointing Lasers at Aircraft (LSB1221SV)  
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Fiscal Note Version – New

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## **Description**

[Senate File 144](#) expands the definition of assault under Iowa Code section [708.1\(2\)\(d\)](#) to include intentionally pointing a laser emitting a visible light beam toward an aircraft.

## **Background**

The penalties for assault are defined under Iowa Code sections [708.2](#) and [708.3](#) and range from a simple misdemeanor to a Class C felony depending on the circumstances of the offense. Felonies and misdemeanors are punishable by the terms defined in Iowa Code chapters [902](#) and [903](#) respectively.

A Class C felony is punishable by confinement for up to 10 years and a fine of at least \$1,370 but not more than \$13,660. A Class D felony is punishable by confinement for up to five years and a fine of at least \$1,025 but not more than \$10,245. 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. A serious misdemeanor is punishable by confinement for up to one year and a fine of at least \$430 but not more than \$2,560. A simple misdemeanor is punishable by confinement for up to 30 days and a fine of at least \$105 but not more than \$855.

Current law prohibits intentionally pointing a laser at another person with intent to cause pain or injury under Iowa Code section 708.1(2). According to the Justice Data Warehouse, in FY 2022 there were no convictions.

## **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 procedures.
- 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**

Senate File 144 expands the definition of assault under Iowa Code section 708.1(2) to include intentionally pointing a laser at an aircraft. The correctional impact cannot be determined as it is unknown how many new convictions would result under the Bill. **Table 1** shows 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 of Class C felonies, Class D felonies, aggravated misdemeanors, and serious misdemeanors. A conviction for a simple misdemeanor will not result in a prison sentence but carries the possibility of confinement for up to 30 days. Marginal county jail costs are estimated

to be \$50 per day. Refer to the Legislative Services Agency (LSA) memo addressed to the General Assembly.

[Cost Estimates Used for Correctional Impact Statements](#), dated January 20, 2023, for information related to the correctional system.

**Table 1 – Sentencing Estimates and Length of Stay (LOS)**

Conviction Offense Class	Percent Ordered to State Prison	FY 22 Avg LOS In Prison In Months (All Releases)	FY 22 Marginal Cost Per Day Prison	Percent Ordered to Probation	FY 22 Avg LOS on Probation In Months	FY 22 Avg Cost Per Day Probation	Percent Sentenced to CBC Residential Facility	FY 22 Marginal Cost Per Day CBC	Percent Ordered to County Jail	Marginal Cost Per Day Jail	FY 22 Avg LOS on Parole In Months	FY 22 Marginal Cost Per Day Parole
C Felony (Persons)	89.8%	50.1	\$23.42	27.6%	39.0	\$7.27	3.6%	\$20.67	43.2%	\$50.00	19.5	\$7.27
D Felony (Persons)	79.6%	19.7	\$23.42	59.0%	33.2	\$7.27	8.6%	\$20.67	26.3%	\$50.00	14.4	\$7.27
Aggravated Misdemeanor (Persons)	45.5%	9.7	\$23.42	64.9%	--	\$7.27	3.8%	\$20.67	55.6%	\$50.00	7.0	\$7.27
Serious Misdemeanor	1.9%	5.5	\$23.42	51.2%	13.7	\$7.27	0.9%	\$20.67	73.3%	\$50.00	0.5	\$7.27

**Minority Impact**

Senate File 144 expands the definition of assault under Iowa Code section 708.1(2) to include intentionally pointing a laser at an aircraft. As a result, the Criminal and Juvenile Justice Planning Division of the Department of Human Rights cannot use existing data to estimate the minority impact of the Bill. Refer to the LSA memo addressed to the General Assembly, [Minority Impact Statement](#), dated January 20, 2023, for information related to minorities in the criminal justice system.

**Fiscal Impact**

Senate File 144 expands the definition of assault under Iowa Code section 708.1(2), and the fiscal impact cannot be determined due to a lack of existing conviction data. **Table 2** below shows the average State cost per offense for a Class C felony, Class D felony, aggravated misdemeanor, serious misdemeanor, and simple misdemeanor. 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.

<b>Table 2 — Average State Cost Per Offense</b>	
Class C Felony	\$12,100 to \$25,100
Class D Felony	\$9,500 to \$17,400
Aggravated Misdemeanor	\$5,000 to \$9,600
Serious Misdemeanor	\$400 to \$5,600
Simple Misdemeanor	\$35 to \$375

**Sources**

Department of Corrections  
Criminal and Juvenile Justice Planning Division, Department of Human Rights  
Department of Public Defense

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/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.  
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