



[HF 2248](#) – Robbery, Statute of Limitations (LSB5426HV.1)
Staff Contact: Molly Kilker (515.725.1286) molly.kilker@legis.iowa.gov
Fiscal Note Version – As amended and passed by the House

Description

[House File 2248](#) as amended extends the statute of limitations for robbery in the first degree under Iowa Code section [711.2](#), and robbery in the second degree under Iowa Code section [711.3](#), from three years to five years after the commission of the offense.

Background

Under Iowa Code section [802.3](#), for any felony except for those enumerated in Iowa Code section [802.1](#) (murder), [802.2](#) (sexual abuse — first, second, or third degree), [802.2A](#) (incest), [802.2B](#) (other sexual offenses), [802.2C](#) (kidnapping), [802.2D](#) (human trafficking), [802.2E](#) (sexual abuse — fourth degree), or [802.10](#) (DNA profile of accused), an indictment or information for a felony must be found within three years after the commission of the offense.

Robbery in the first degree is a Class B felony, which is punishable by confinement for up to 25 years. Under Iowa Code section [902.12](#), this offense carries a mandatory minimum term. A person commits robbery in the first degree when, while perpetrating a robbery, the person purposely inflicts or attempts to inflict serious injury or is armed with a dangerous weapon.

Robbery in the second degree is a Class C felony, which is punishable by confinement for up to 10 years and a fine of at least \$1,370 but no more than \$13,660. Under Iowa Code section [902.12](#), this offense carries a mandatory minimum. All robbery that is not robbery in the first degree is robbery in the second degree.

In FY 2023, 24 individuals were convicted of robbery in the first degree under Iowa Code section [711.2](#) and 56 individuals were convicted of robbery in the second degree under Iowa Code section [711.3](#).

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

The correctional impact of expanding the existing statute of limitations for robbery in the first degree and robbery in the second degree from three years to five years cannot be estimated due to a lack of data. **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 Class B and Class C felonies. 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 Cost Per Day Prison | Percent Ordered to Probation | FY23 Field Avg LOS on Probation | Avg Cost Per Day on Probation | Percent Sentenced to CBC Residential Facility | Marginal Cost Per Day CBC | Percent Ordered to County Jail | Marginal Cost Per Day Jail | FY23 Field Avg LOS on Parole | Marginal Cost Per Day Parole |
|--------------------------|---------------------------------|--|------------------------------|------------------------------|---------------------------------|-------------------------------|---|---------------------------|--------------------------------|----------------------------|------------------------------|------------------------------|
| B Felony (Persons) | 95.2% | 132.1 | \$24.94 | 9.7% | 53.3 | \$ 7.67 | 2.1% | \$ 20.00 | 45.5% | \$ 50.00 | 26.7 | \$ 7.67 |
| C Felony (Non-Persons) | 86.0% | 19.4 | \$24.94 | 64.2% | 42.2 | \$ 7.67 | 13.0% | \$ 20.00 | 34.0% | \$ 50.00 | 21.3 | \$ 7.67 |

Minority Impact

House File 2248 as amended extends the statute of limitations for robbery in the first degree and robbery in the second degree from three years to five years and may disproportionately impact Black individuals if trends remain constant. Of the 24 individuals convicted in FY 2023 of first-degree robbery under Iowa Code section 711.2, 25.0% were White, 66.7% were Black, and 8.3% were of other races. Of the 52 individuals convicted in FY 2023 of second-degree robbery under Iowa Code section 711.3, 34.6% were White, 48.1% were Black, 17.3% were of other races. Iowa’s population is 89.8% White, 4.4% Black, and 5.8% other races. 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 2248 as amended extends the statute of limitations for first-degree and second-degree robbery, and the fiscal impact cannot be estimated due to a lack of data. **Figure 2** shows the average State cost per offense for a Class B felony and a Class C felony. 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.

Figure 2 — Average State Cost Per Offense

| Offense Class | Average Cost |
|----------------|----------------------|
| Class B Felony | \$16,100 to \$55,200 |
| Class C Felony | \$14,300 to \$27,500 |

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.
