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[HF 2575](#) – Fetal Homicide (LSB6024HV)  
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Fiscal Note Version – New

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**Description**

[House File 2575](#) amends Iowa Code section [707.8](#) to replace the words “terminates a human pregnancy” with “causes the death of an unborn person” and increases penalties. An “unborn person” is defined as an individual organism of the species homo sapiens from fertilization to live birth.

The Bill provides penalties as follows:

- A person who causes the death of an unborn person without the consent of the pregnant person during the commission of a forcible felony commits a Class A felony.
- A person who causes the death of an unborn person without the consent of the pregnant person during the commission of a felony or felonious assault commits a Class A felony.
- A person who intentionally causes the death of an unborn person without the knowledge and voluntary consent of the pregnant person commits a Class B felony.
- A person who attempts to intentionally cause the death of an unborn person without the knowledge and voluntary consent of the pregnant person commits a Class C felony.
- A person who unintentionally causes the death of an unborn person by any means provided pursuant to Iowa Code section [707.6A](#)(1) (homicide or serious injury by vehicle) commits a Class B felony.
- A person who by force or intimidation procures the consent of the pregnant person to cause the death of an unborn person commits a Class C felony.
- A person who unintentionally causes the death of an unborn person while drag racing in violation of Iowa Code section [321.278](#) commits a Class D felony.
- A person who unintentionally causes the death of an unborn person without the knowledge and voluntary consent of the pregnant person by the commission of an act in a manner likely to cause the death of or serious injury to an unborn person commits an aggravated misdemeanor.
- A person who intentionally causes serious injury to an unborn person by the commission of an act in a manner likely to cause the death of or serious injury to an unborn person commits an aggravated misdemeanor.
- A person who unintentionally causes serious injury to an unborn person by any of the means described in Iowa Code section 707.6A commits an aggravated misdemeanor.
- A person who unintentionally causes serious injury to an unborn person by the commission of an act in a manner likely to cause the death of or serious injury to an unborn person commits a serious misdemeanor.

**Background**

In FY 2023, there were zero convictions under Iowa Code section 707.8. In the same fiscal year, there were no new prison admissions or probation admissions, but there was one parole admission for the most serious offense under Iowa Code section 707.8.

A Class A felony is punishable by confinement for life in prison without the possibility of parole or probation. A Class B felony is punishable by confinement for up to 25 years. A Class C felony is punishable by confinement for up to 10 years and a fine of at least \$1,370 but no 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 no more than \$10,045. An aggravated misdemeanor is punishable by confinement for up to two years and a fine of at least \$855 but no more than \$8,540. A serious misdemeanor is punishable by confinement for up to one year and a fine of at least \$430, but no more than \$2,560.

**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 2575 increases penalties and changes definitions for existing offenses under Iowa Code section 707.8. The correctional impact cannot be determined due to a lack of conviction 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 felonies, Class C felonies, Class D felonies, aggravated misdemeanors, and serious misdemeanors. Class A felonies are punishable by a mandatory life sentence and do not include parole, probation, or CBC marginal costs. 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 (Persons)               | 89.9%                           | 50.3                                     | \$24.94                      | 27.2%                        | 41.3                            | \$ 7.67                       | 4.3%  | \$ 20.00                  | 52.0%                          | \$ 50.00                   | 22.3                         | \$ 7.67                      |
| D Felony (Persons)               | 82.6%                           | 20.5                                     | \$24.94                      | 53.9%                        | 35.3                            | \$ 7.67                       | 9.8%  | \$ 20.00                  | 36.9%                          | \$ 50.00                   | 15.6                         | \$ 7.67                      |
| Aggravated Misdemeanor (Persons) | 47.6%                           | 10.6                                     | \$24.94                      | 67.6%                        | 25.1                            | \$ 7.67                       | 5.2%  | \$ 20.00                  | 55.9%                          | \$ 50.00                   | 6.7                          | \$ 7.67                      |
| Serious Misdemeanor              | 1.7%                            | 6.6                                      | \$24.94                      | 53.0%                        | 19.2                            | \$ 7.67                       | 1.2%  | \$ 20.00                  | 74.2%                          | \$ 50.00                   | N/A                          | \$ 7.67                      |

**Minority Impact**

House File 2575 increases penalties for existing offenses and changes definitions under Iowa Code section 707.8. The minority impact cannot be estimated due to a lack of data. 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**

The fiscal impact of HF 2575 cannot be determined due to a lack of existing data. **Figure 2** shows the average State cost per offense for Class A felonies, Class B felonies, Class C felonies, Class D felonies, aggravated misdemeanors, and serious misdemeanors. 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**

| <b>Offense Class</b>   | <b>Average Cost</b>    |
|------------------------|------------------------|
| Class A Felony         | \$198,300 to \$202,500 |
| Class B Felony         | \$16,100 to \$55,200   |
| Class C Felony         | \$14,300 to \$27,500   |
| Class D Felony         | \$12,600 to \$18,200   |
| Aggravated Misdemeanor | \$7,500 to \$10,800    |
| Serious Misdemeanor    | \$400 to \$6,900       |

**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.

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