



[HF 569](#) – Enticement and Sexual Exploitation of Minors, Undercover Law Enforcement Officers (LSB2224HV)

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Fiscal Note Version – New

Description

[House File 569](#) expands the offenses of enticement of a minor under Iowa Code section [710.10](#), sexual exploitation of a minor under Iowa Code section [728.12\(1\)](#), and telephone dissemination of obscene material to minors under Iowa Code section [728.15](#) to include a law enforcement officer or agent posing as a minor.

Background

Iowa Code section 710.10 provides penalties for enticement of a minor, ranging from an aggravated misdemeanor to a Class C felony, depending on the circumstances of the offense.

Iowa Code section 728.12(1) prohibits a person from employing, using, persuading, inducing, enticing, coercing, soliciting, knowingly permitting, or otherwise causing or attempting to cause a minor to engage in a prohibited sexual act or in the simulation of a prohibited sexual act. The person must know, or have reason to know, or intend that the act or simulated act may be photographed, filmed, or otherwise preserved in a visual depiction. The penalty for this offense is a Class C felony.

Iowa Code section 728.15 prohibits a person from knowingly disseminating obscene material by the use of telephones to a minor. The penalty is an aggravated misdemeanor for a first offense and a Class D felony for a second or subsequent offense.

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.

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 569 expands the definition of existing offenses, and the correctional impact cannot be determined because it is unknown how many additional convictions will result from this expansion. **Table 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 all convictions of Class C felonies, Class D felonies, and aggravated misdemeanors. 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 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
C Felony (Sex)	92.7%	65.0	\$23.42	27.6%	48.4	\$7.27	4.8%	\$20.67	34.5%	\$50.00	12.7	\$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
D Felony (Non-Persons)	83.9%	13.9	\$23.42	68.0%	33.5	\$7.27	13.3%	\$20.67	31.4%	\$50.00	15.5	\$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
Aggravated Misdemeanor (Non-Persons)	31.4%	7.5	\$23.42	45.6%	20.7	\$7.27	3.3%	\$20.67	72.2%	\$50.00	8.2	\$7.27

Note: Enticement of a minor is a persons offense. Sexual exploitation of a minor is a sex offense. Telephone dissemination of obscene material to minors is a non-persons offense.

Minority Impact

House File 569 expands the definition of existing offenses, and the minority impact cannot be estimated. However, of the 177 convictions for offenses under Iowa Code sections 710.10, 728.12, and 728.15 in FY 2022, 87.4% involved Caucasian individuals, 9.0% involved African American individuals, and 3.6% involved individuals of other races. Iowa’s population is 84.5% Caucasian, 3.6% African American, and 11.9% other races. 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

House File 569 expands the definition of existing offenses, and the fiscal impact cannot be determined because the number of additional convictions resulting from this expansion cannot be estimated. **Table 2** shows the average State cost per offense for a Class C felony, Class D felony, and aggravated 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. The costs would be incurred across multiple fiscal years for prison and parole supervision.

Table 2 — Average State Cost Per Offense

Offense Class	Average Cost
Class C Felony	\$12,100 to \$25,100
Class D Felony	\$9,500 to \$17,400
Aggravated Misdemeanor	\$5,000 to \$9,600

Sources

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