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[SF 521](#) – Assault, Sports Officials (LSB2322SV)  
Staff Contact: Isabel Waller (515.281.6561) [isabel.waller@legis.iowa.gov](mailto:isabel.waller@legis.iowa.gov)  
Fiscal Note Version – New

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**Description**

[Senate File 521](#) adds sports officials to the list of occupations to which enhanced penalties apply under Iowa Code section [708.3A](#) related to assault when the assault is perpetrated on an individual of that occupation in specified circumstances.

The Bill takes effect upon enactment.

**Background**

Under Iowa Code section 708.3A, the penalty for committing an assault against a person of the listed occupations, with knowledge that the person is a member of that occupation, is as follows:

- A Class D felony for assault with the intent to inflict a serious injury.
- A Class D felony for assault when using or displaying a dangerous weapon in connection with the assault.
- An aggravated misdemeanor for assault causing bodily injury or mental illness.
- A serious misdemeanor for any other assault.

The occupations to which enhanced penalties apply under Iowa Code section 708.3A include peace officers, jailers, correctional staff, members or employees of the Board of Parole, health care providers, employees of the Department of Human Services, employees of the Department of Revenue, National Guard members, civilian employees of a law enforcement agency, civilian employees of a fire department, and fire fighters.

Under Iowa Code section [708.2](#), the standard penalties for assault are as follows:

- An aggravated misdemeanor for assault with the intent to inflict a serious injury.
- An aggravated misdemeanor for assault when using or displaying a dangerous weapon in connection with the assault.
- A serious misdemeanor for assault causing bodily injury or mental illness.
- A Class D felony for assault without the intent to inflict serious injury but causing serious injury.
- A Class C felony for assault with the use of any object to penetrate the genitalia or anus of another person.
- A simple misdemeanor for any other assault.

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.

**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**

Senate File 521 expands the definition of an existing criminal offense, and the correctional impact cannot be determined due to a lack of existing conviction data. **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 D felonies, aggravated misdemeanors, and serious 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
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 521 expands the definition of an existing criminal offense. As a result, the Division of Criminal and Juvenile Justice Planning cannot use prior existing data to estimate the minority impact. However, of the 843 convictions for assault under Iowa Code section 708.3A in FY 2022, 66.3% were Caucasian, 23.1% were African American, and 10.6% were 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**

Senate File 521 expands the definition of an existing criminal offense, and the fiscal impact cannot be determined. **Table 2** shows the average State cost per offense for a Class D felony, aggravated misdemeanor, and serious 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 cost would be incurred across multiple fiscal years for prison and parole supervision.

**Table 2 — Average State Cost Per Offense**

<b>Offense Class</b>	<b>Average Cost</b>
Class D Felony	\$9,500 to \$17,400
Aggravated Misdemeanor	\$5,000 to \$9,600
Serious Misdemeanor	\$400 to \$5,600

**Sources**

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