



[HF 2460](#) – Criminal Procedure, Human Trafficking and Guardians Ad Litem (LSB5337HV)
Staff Contact: Molly Kilker (515.725.1286) molly.kilker@legis.iowa.gov
Fiscal Note Version – New

Description

[House File 2460](#) relates to human trafficking including parole and work release and expands guardian ad litem appointments for prosecuting witnesses with mental disabilities.

The Bill makes the following changes to parole and work release processes:

- Requires courts considering parole or work release cases for a person convicted of human trafficking to consider the defendant’s criminal record, consider the impact of the crime on others, and complete a validated risk assessment.
- Requires individuals convicted of a Class B felony for human trafficking to serve between 50.0% and 70.0% of the maximum sentence prior to eligibility for parole or work release.

Background

Under Iowa Code section [710A.2](#), a person who knowingly engages in human trafficking is guilty of a Class B felony. If the victim is under the age of 18, the person is guilty of a Class A felony, which is punishable by confinement for life without the possibility of probation or parole. A Class B felony is punishable by confinement for up to 25 years.

Under Iowa Code section [232.141](#), Iowa counties are responsible for paying a portion of the juvenile court expenses incurred by an attorney appointed to serve as counsel to any party or to serve as a guardian ad litem for any child. These costs may include reasonable compensation for the attorney or guardian ad litem, expenses for foreign language interpreters, costs of depositions and transcripts, fees and mileage of witnesses, and the expenses of officers serving notices and subpoenas incurred by the court-appointed attorney. The pay rate of a guardian ad litem is equal to that of a contract attorney. Claims for these expenses are then submitted to the Office of the State Public Defender, which initially pays the juvenile court expenses from the Indigent Defense Fund. The county is then required to reimburse the Indigent Defense Fund for the costs incurred up to the county’s base amount each fiscal year. The county base formula is established in Iowa Code section 232.141(3)(a). In FY 2022, the county base amount owed to the Indigent Defense Fund varied from \$300 (Adair County) to \$294,000 (Polk County).

In FY 2023, there were no Class B admissions to prison, probation, or parole under Iowa Code section 710A.2.

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.

- Iowa counties will pay the costs of guardians ad litem for a prosecuting witness who has a mental disability.

Correctional Impact

House File 2460 provides that a person convicted of a Class B felony under Iowa Code section 710A.2 must serve between 50.0% and 70.0% of the maximum term of the prison sentence. In FY 2023, there were no Class B admissions to the Department of Corrections supervision under Iowa Code section 710A.2. The correctional impact of HF 2460 cannot be determined due to a lack of conviction data but is anticipated to be minimal. 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.

Minority Impact

The minority impact of HF 2460 cannot be determined 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

House File 2460 may increase the LOS in prison by requiring a person convicted of a Class B felony under Iowa Code section 710A.2 to serve between 50.0% and 70.0% of the maximum term of the prison sentence. However, the fiscal impact cannot be estimated due to a lack of conviction data but is anticipated to be minimal.

Expanding eligibility for guardians ad litem may increase appointments by an unknown amount. Therefore, the fiscal impact cannot be estimated.

Sources

Department of Corrections
Criminal and Juvenile Justice Planning, Department of Management
Office of the State Public Defender
Legislative Services Agency

/s/ Jennifer Acton

February 28, 2024

Doc ID 1447389

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.

www.legis.iowa.gov