

Withdrawn

4/7/04

FILED MAR 29 '04

SENATE FILE

2301

BY IVERSON

(COMPANION TO LSB 7008HH

BY GIPP)

Passed Senate, Date _____ Passed House, Date _____

Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act relating to crimes against members of the species homo
2 sapiens at any stage of development and making penalties
3 applicable.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SF 2301
HUMAN RESOURCES

1 Section 1. NEW SECTION. 707.11A APPLICATION.

2 1. For the purposes of sections 707.1, 707.2, 707.3,
3 707.4, and 707.11, as it pertains to the victim of a crime,
4 "person" includes a member of the species homo sapiens, at any
5 stage of development when carried in the womb or after birth.

6 2. Sections 707.1, 707.2, 707.3, 707.4, and 707.11 shall
7 not apply to a legal abortion to which the pregnant woman or a
8 person legally authorized to act on the pregnant woman's
9 behalf consented, or for which consent is implied by law.

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EXPLANATION

11 This bill provides that for the purposes of certain
12 sections of the Code, as they pertain to victims of murder or
13 manslaughter, "person" includes a member of the species homo
14 sapiens, at any stage of development when carried in the womb
15 or after birth. The sections of the Code are: section 707.1
16 (murder); section 707.2 (murder in the first degree); section
17 707.3 (murder in the second degree); section 707.4 (voluntary
18 manslaughter); and section 707.11 (attempt to commit murder).

19 The bill also provides that those sections do not apply to
20 a legal abortion to which the pregnant woman or a person
21 legally authorized to act on the pregnant woman's behalf
22 consented, or for which consent is implied by law.

23 Under the bill, the penalty for each crime is applicable to
24 the perpetrator for each such victim.

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**Fiscal Services Division
Legislative Services Agency
Fiscal Note**

SF 2301 - Unborn Child, Death or Injury (LSB 7008SS)

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Fiscal Note Version - New

Description

Senate File 2301 defines a "person" to include the unborn as it pertains to victims of first and second degree murder, voluntary manslaughter and attempted murder. The Bill provides that these crimes do not apply to a legal abortion.

Assumptions

1. There were three convictions under Section 707.8, Code of Iowa, in FY 2003. Two were Class C felony convictions and one was an aggravated misdemeanor conviction. There were no convictions under Section 707.7, Code of Iowa, in FY 2003.
2. First degree murder is a Class A felony, which is life in prison. State costs for one Class A felony conviction are approximately \$94,000.
3. Second degree murder is a Super Class B felony, with a period of confinement not to exceed 50 years. The offender is required to serve 70.0% of the maximum term in the State prison system. State costs for one Super Class B felony conviction for a crime against a person are approximately \$82,000.
4. Voluntary manslaughter is a Class C felony. State costs for one Class C felony conviction for a crime against a person are approximately \$23,000.
5. Attempted murder is a Class B felony. The offender is required to serve 70.0% of the maximum term in the State prison system. State costs for one Class B felony conviction for a crime against a person are approximately \$82,000.
6. The costs stated above include the Judicial Branch holding a trial; indigent defense; and supervision while on probation, parole, or prison, if applicable. The costs will be incurred across multiple fiscal years.

Correctional Impact

The correctional impact is not anticipated to be significant given the low number of convictions under current law.

Fiscal Impact

The fiscal impact of SF 2301 cannot be determined due to insufficient information. The State's increased cost for one conviction for an enhanced penalty is:

- From a Class B to a Class A felony conviction, the cost is approximately \$12,000.
- From a Class C to a Class A felony conviction, the cost is approximately \$71,000.
- From a Class C to a Class B felony, the cost is approximately \$59,000.

Sources

Department of Human Rights, Criminal and Juvenile Justice Planning Division
Department of Corrections
Judicial Branch
Office of the State Public Defender

Dennis C Prouty

April 6, 2004

The fiscal note and correctional impact statement for this bill was prepared pursuant to Joint Rule 17 and pursuant to Section 2.56, Code of Iowa. Data used in developing this fiscal note and correctional impact statement are available from the Fiscal Services Division, Legislative Services Agency to members of the Legislature upon request.
