

Legislative Fiscal Bureau

Fiscal Note

SF 2286 as amended by S – 5087 - Sexually Violent Predators Commitment (LSB 5189 SV)
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Fiscal Note Version – Senate File 2286 as amended by S – 5087
Requested by Senator Steven Hansen

Description

Senate File 2286 as amended by S – 5087 amends Chapter 229A, Code of Iowa. The Bill provides definitions, clarifies existing law for annual review and final hearings for civilly committed sexually violent predators, and establishes a transitional release program administered by the Department of Human Services (DHS). The Bill permits the DHS to contract with other government or private agencies, including the DOC, to implement and administer the transitional release program. Senate File 2286 clarifies existing law in relation to supervised release and provides for transport orders. The Bill provides procedures to be followed in an event that the sexually violent predator commits a criminal offense. A person who has been civilly committed under Chapter 229A, Code of Iowa, and received treatment, and is subsequently convicted of a sexually predatory or sexually violent offense is sentenced to life in prison.

Assumptions

1. There are currently 10 safekeepers and 27 civilly committed sexually violent predators housed at the Iowa Medical Classification Center at Oakdale.
2. The Civil Commitment Unit of the Office of the State Public Defender provides defense attorneys for the majority of these commitment cases.
3. The Bill simplifies the initial probable cause hearing, and streamlines the annual review process. The Office of the Attorney General received \$300,000 as an appropriation from the General Fund for FY 2001 for commitment proceedings of sexually violent predators. However, the Office spent approximately \$448,000.
4. The DHS will incur additional costs associated with establishing and administering the transitional release program.
5. The marginal cost per day for State prisons is \$16 per inmate.
6. The average daily cost for intensive supervision by Community-Based Corrections is \$9.49. The average cost per day for electronic monitoring is \$6.32. Combining these two supervision strategies results in an average daily cost of \$15.81 per day.
7. There is no impact on the Judicial Branch.

Correctional Impact

There is no correctional impact for the life sentence imposed by SF 2286 as amended by S - 5087. There are few people who are currently civilly committed. It is unlikely that a significant number of them will transition into the community over the next five years.

Fiscal Impact

The DHS has requested \$118,400 and 1.0 FTE position for a community residential placement program in FY 2003. This figure includes \$56,600 for one Social Worker 4, \$64,600 for contractual services such as treatment and supervision, and \$200 for travel.

The changes relating to the probable cause hearing and annual review process may result in cost containment of \$32,000 for the Office of the Attorney General.

There is no fiscal impact on the Office of the State Public Defender.

The fiscal impact on the DOC is not anticipated to be significant.

The fiscal impact on counties for operating jails is not anticipated to be significant.

Sources

Department of Human Rights, Criminal and Juvenile Justice Planning Division
Department of Corrections
Office of the State Public Defender
Office of the Attorney General
Office of the State Court Administrator

/s/ Dennis C Prouty

March 5, 2002

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 Legislative Fiscal Bureau to members of the Legislature upon request.
