

*Quelching*

SENATE FILE

SENATE FILE 2056  
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and VARN

(COMPANION TO HF 2025 BY PONCY)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act prohibiting stalking and providing criminal penalties.  
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. NEW SECTION. 708.11 STALKING.

2 1. a. A person commits stalking when the person willfully  
3 follows, pursues, or harasses another person and, while doing  
4 so and without legitimate purpose, makes a credible threat  
5 against the other person. A person may commit stalking by  
6 harassing another person without committing the offense of  
7 harassment pursuant to section 708.7.

8 b. As used in this section, "credible threat" means a  
9 threat made with the intent to place another person in  
10 reasonable fear of death or serious injury, coupled with the  
11 apparent ability to carry out the threat.

12 2. A person who violates this section commits:

13 a. A class "D" felony for a third or subsequent offense.

14 b. An aggravated misdemeanor for a second offense.

15 c. A serious misdemeanor for a first offense when the act  
16 was in violation of an order setting conditions of release, a  
17 no-contact order, an injunction or restraining order, an order  
18 to vacate the premises or homestead, or any other protective  
19 order issued in a civil action or in a juvenile or criminal  
20 proceeding.

21 d. A simple misdemeanor for a first offense.

22 3. A conviction for, deferred judgment for, or plea of  
23 guilty to a violation of this section which occurred more than  
24 six years prior to the date of the violation charged shall not  
25 be considered in determining that the violation charged is a  
26 second or subsequent offense. Deferred judgments pursuant to  
27 section 907.3 for violations of this section and convictions  
28 or the equivalent of deferred judgments for violations in any  
29 other states under statutes substantially corresponding to  
30 this section shall be counted as previous offenses. The  
31 courts shall judicially notice the statutes of other states  
32 which define offenses substantially equivalent to the offenses  
33 defined in this section and can therefore be considered  
34 corresponding statutes. Each previous violation on which  
35 conviction or deferral of judgment was entered prior to the

1 date of the violation charged shall be considered and counted  
2 as a separate previous offense. An offense shall be  
3 considered a second or subsequent offense regardless of  
4 whether it was committed upon the same person who was the  
5 victim of any other previous offense.

6 EXPLANATION

7 This bill establishes the public offense of stalking.  
8 Under the bill, a person commits stalking when the person  
9 willfully follows, pursues, or harasses another person and,  
10 while doing so and without legitimate purpose, makes a  
11 credible threat against the other person. The bill defines a  
12 "credible threat" as a threat made with the intent to place  
13 another person in reasonable fear of death or serious injury,  
14 coupled with the apparent ability to carry out the threat.

15 The bill establishes several different criminal penalties  
16 for stalking. If the offender commits a third or subsequent  
17 offense, the person commits a class "D" felony. The bill  
18 provides that a second offense constitutes an aggravated  
19 misdemeanor. If the act is committed in violation of an  
20 injunction or a similar court order, the person commits a  
21 serious misdemeanor under the bill. The bill provides that  
22 any other stalking offense is a simple misdemeanor. For the  
23 purpose of determining whether the offense is a second or  
24 subsequent offense, the previous violation must have occurred  
25 in the past six years and the bill further provides that the  
26 prior offense need not be committed upon the same victim.

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SENATE FILE 2056  
FISCAL NOTE

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A fiscal note for Senate File 2056 is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note is available from the Legislative Fiscal Bureau to members of the Legislature upon request.

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Senate File 2056 establishes the public offense of stalking. The bill creates a graduated penalty system for the new stalking offense. The penalties range from a simple misdemeanor to a Class D felony.

The penalty for a simple misdemeanor is a maximum of no more than 30 days confinement or no more than a \$100 fine. The penalty for a Class D felony is no more than 5 years confinement, no more than a \$7,500 fine, or both.

It is not possible to predict the number of offenders who would be sentenced under this legislation. However, Senate File 2056 may increase prison admissions, Community Based Corrections' (CBC) caseloads, and county jail costs. Other criminal justice system costs may also increase. This includes the costs of incarceration pending trial or sentencing, increased criminal court cases, and prosecution and defense costs.

Following is the average daily costs for certain criminal justice functions.

County jails: \$45.

State prisons and CBC facilities: \$50.

Probation/parole supervision: \$1.57.

Presentence investigations: \$288 (average cost per investigation).

Pretrial interviews: \$77.64 (average cost per interview).

Pretrial release with services: \$0.74.

In addition, average indigent defense cost per case ranges from \$180 (public defender) to \$225 (court-appointed counsel).

Sources: Iowa State Association of Counties

Department of Corrections

Department of Human Rights

Department of Inspections and Appeals

(LSB 5062ss, BAL)

FILED FEBRUARY 18, 1992

BY DENNIS PROUTY, FISCAL DIRECTOR