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Fiscal Note

Fiscal Services Division



SF 359 – Domestic Abuse Assault, Intimate Relationships (LSB 2166SV)

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Fiscal Note Version – New

Description

Senate File 359 adds assault between people in intimate relationships to the definition of the crime of domestic abuse assault.

Background

Correctional and Fiscal Information

- Current law provides for a graduated system of penalties for domestic abuse assault ranging from a simple to an aggravated misdemeanor for the first conviction, a serious or aggravated misdemeanor for a second conviction, and a Class “D” felony for a third or subsequent conviction.
- Current law requires a mandatory county jail term for offenders convicted of a first or second domestic abuse assault. The Class “D” felony is a forcible felony with a mandatory term of at least one year in State prison.
- Current law requires domestic abuse offenders to participate in a Batterer’s Education Program administered by Community-Based Corrections (CBC). The annual cost per offender to participate in these classes is \$272.58.
- According to the Iowa Uniform Crime Reports (UCR), 1,048 aggravated assault victims in 2009 were boyfriend/girlfriend of the assailant. This group comprised 16.7% of all aggravated assault victims that year. For simple assault, there were 3,994 boyfriend/girlfriend victims of the assailant. This group comprised 20.3% of all simple assault victims that year.
- The marginal cost per day for State prison is \$17.60. The average cost per day for parole or probation in CBC is \$3.66. The marginal cost per day for CBC residential facilities is \$11.82; 94.0% of that amount is paid from local resources.
- The current statewide CBC residential facility capacity is 1,461 beds. There were 494 offenders waiting for a CBC residential facility bed on March 11, 2013.
- According to the Justice Data Warehouse, the Criminal and Juvenile Justice Planning Division (CJJPD), and the Department of Corrections (DOC), the following are estimates for sentencing and length of stay by offense class for domestic abuse assault:

Criminal Justice System Information

Conviction Offense Class	Percent Sentenced to State Prison	Avg Length of Stay in Prison	Percent Sentenced to Probation	Avg Length of Stay on Probation	Avg Length of Stay on Parole	Percent Sentenced to CBC Res. Facility	Avg Length of Stay in CBC Res. Facility	Percent Sentenced to County Jail	Avg Length of Stay in County Jail
Simple Misdemeanor	0	0	0	0	0	0	0	36.50%	8 days
Serious Misdemeanor	3.5%	12.0 months	58.7%	12.5 months	0	36.1%	5.8 months	72.0%	31 days
Aggravated Misdemeanor	14.7%	9.0 months	61.3%	20.4 months	5.5 months	31.8%	5.8 months	46.1%	45 days
Class "D" Felony	100.0%	20.6 months	0.0%	0	12.5 months	0.0%	0	0.0%	0

Minority Data Information

The table below shows FY 2012 offender-based convictions for assault by minorities, according to the Iowa Court Information System (ICIS). Minority offenders are disproportionately convicted of both nondomestic abuse and domestic abuse assault, compared to their percentage of the Iowa population.

**Percentage of Minority Offenders
Convicted of Assault Types
by Misdemeanor Class**

Offense Class	Minority
Simple Misdemeanor	
Assaults	23.4%
Domestic Abuse Assault	24.9%
Serious Misdemeanor	
Assaults	33.1%
Domestic Abuse Assault	35.2%
Aggravated Misdemeanor	
Assaults	32.0%
Domestic Abuse Assault	40.1%

Refer to [Minority Impact Statements](#), dated February 11, 2013, for information related to minorities in the criminal justice system.

Assumptions

Correctional and Fiscal Information

- Charge, conviction, and sentencing patterns and trends will not change over the projection period.
- Prisoner length of stay, revocation rates, plea bargaining, and other criminal justice policies and practices will not change over the projection period.
- The law will become effective July 1, 2013. A lag effect of six months is assumed from the effective date of the Bill to the date of first entry of affected offenders into the correctional system.
- Approximately 16.7% of offenders convicted of indictable misdemeanor assault and 20.3% of offenders convicted of simple misdemeanor assault will be subject to the enhanced penalties in the Bill.
- There will be a corresponding decrease in convictions of other types of assault.
- The impact on the court system and indigent defense is expected to be minimal, as these offenders would have been tried and convicted of assault under current law.
- There will be an increase in county jail populations for misdemeanor convictions. Marginal costs for county jails cannot be determined due to a lack of data. For the purpose of this analysis, the marginal cost for county jail is \$15.00 per day.

Minority Data Information: The impact on minorities will remain consistent with current data.

Summary of Impacts

Correctional Impact

There will be an estimated 1,249 offenders annually convicted under this Bill. These offenders are currently in the criminal justice system. However, they are currently convicted of assault, not domestic abuse assault. The enhanced penalties of domestic abuse assault will have the net impact on the correctional system indicated in the following table:

Net Admissions to the Correctional System

	<u>FY 2014</u>	<u>FY 2015</u>	<u>FY 2016</u>	<u>FY 2017</u>	<u>FY 2018</u>
County Jail	271	533	518	514	514
State Prison	0	7	21	29	29
CBC Residential Facility	2	10	13	10	10
Probation/Parole	16	46	62	62	70
Total	<u>289</u>	<u>596</u>	<u>614</u>	<u>615</u>	<u>623</u>

Offenders sentenced to county jail may or may not receive a sentence of probation supervision. An unknown percentage of offenders admitted to county jail in the table above will also be counted in the Probation/Parole increase. All offenders will be required to attend the Batterer's Education Program.

Prison Population Impact

	<u>FY 2014</u>	<u>FY 2015</u>	<u>FY 2016</u>	<u>FY 2017</u>	<u>FY 2018</u>
Aggravated Misdemeanants	0	6	10	9	9
Class "D" Felons	0	0	8	23	29
Total	<u>0</u>	<u>6</u>	<u>18</u>	<u>32</u>	<u>38</u>

Admissions to the State prisons exceed the projected increase in the prison population for FY 2015 and FY 2016 because the majority of admissions are aggravated misdemeanants with an average length of stay of less than one year. The projected increase in the prison population exceeds admissions in FY 2017 and FY 2018 because the majority of admissions are Class "D" felons with an average length of stay that exceeds one year.

Minority Impact

To the extent the Bill results in additional criminal convictions, there will be a disproportionate impact on minorities. Under current law, minorities are approximately 23.4% to 33.1% (varies by offense class) of offenders convicted of assault. Under the Bill, approximately 24.9% to 40.1% may be minorities, especially Blacks or Hispanics. Additional criminal convictions will result in an increased number of minority offenders supervised in the corrections system, and they will be supervised for a longer period than under current law.

Fiscal Impact

The fiscal impact is estimated to be an increased cost of \$237,800 in FY 2014 and \$564,000 in FY 2015. The table below shows the impact by funding source. County jail costs are expected to level off in FY 2015 at approximately \$110,200 annually. State General Fund costs are expected to increase over the five-year correctional impact projection period, as repeat offenders receive enhanced penalties under the Bill. For example, Class "D" felons start entering the State prison system in FY 2015.

Fiscal Impact by Funding Source

	FY 2014				FY 2015			
	County Budgets	General Fund	Local Funds	Total	County Budgets	General Fund	Local Funds	Total
Jail	\$ 52,700	\$ 0	\$ 0	\$ 52,700	\$ 110,200	\$ 0	\$ 0	\$ 110,200
State Prison	0	0	0	0	0	33,300	0	33,300
CBC	0	181,200	3,900	185,100	0	401,200	19,300	420,500
Total	\$ 52,700	\$ 181,200	\$ 3,900	\$ 237,800	\$ 110,200	\$ 434,500	\$ 19,300	\$ 564,000

To the extent that the Bill results in more no-contact orders being issued, and subsequently violated, the impact on county jail operations will exceed the impact indicated in this fiscal note.

Sources

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

 /s/ Holly M. Lyons

March 18, 2013

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.
