



SF 346 – Female Genital Mutilation Ban (LSB1171SV)
Analyst: Laura Book (515.205.9275) laura.book@legis.iowa.gov
Fiscal Note Version – New

Description

[Senate File 346](#) creates the criminal offense of female genital mutilation and provides penalties. The Bill provides that a person who knowingly commits female genital mutilation on a minor as described in Iowa Code section [708.16](#) commits a Class D felony. In addition, a person who knowingly transports a minor outside of this State for the purpose of performing a surgical procedure that would be in violation of the Bill if the conduct occurred in this State, commits a Class D felony.

Background

A Class D felony is punishable by confinement for no more than five years and a fine of at least \$750 but not more than \$7,500. Currently, a person who has control over a child or a minor and commits the act of female genital mutilation may be in violation of Iowa Code section [726.6](#) (Child Endangerment), with a penalty ranging from an aggravated misdemeanor to a Class B felony depending on the severity of the offense.

Assumptions

- The following will not change over the projection period: charge, conviction, and sentencing patterns and trends; prisoner length of stay; revocation rates; plea bargaining; and other criminal justice system policies and practices.
- A lag effect 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.

Correctional Impact

The correctional impact of [SF 346](#) cannot be determined. The Bill establishes a new offense, and the number of convictions cannot be estimated.

Table 1 below shows estimates for sentencing to State prison, parole, probation, or Community-Based Corrections (CBC) residential facilities; length of stay (LOS) under those supervisions; and supervision marginal costs per day for all convictions of Class D felonies. Refer to the Legislative Services Agency (LSA) memo addressed to the General Assembly, [Cost Estimates Used for Correctional Impact Statements](#), dated January 8, 2019, for information related to the correctional system.

Table 1 — Sentencing Estimates and LOS

Conviction Offense Class	Percent to Prison	FY 18 Avg Length of Stay Prison (months)	FY 18 Marginal Cost/Day Prison	Percent to Probation	FY 18 Avg Length of Stay Probation (months)	FY 18 Avg Cost/Day Probation	Percent to CBC	FY 18 Marginal Cost/Day CBC	FY 18 Avg Length of Stay Parole (months)	FY 18 Marginal Cost/Day Parole	Percent to County Jail	Marginal Cost/Day
Class D Felony (Persons)	80.0%	17.2	\$18.43	53.0%	29.5	\$5.38	8.0%	\$11.85	10.6	\$5.38	31.0%	\$50.00

Minority Impact

The minority impact of [SF 346](#) is unknown. Refer to the LSA memo addressed to the General Assembly, [Minority Impact Statement](#), dated January 7, 2019, for information related to minorities in the criminal justice system.

Fiscal Impact

[Senate File 346](#) establishes a new criminal offense, and the resulting cost to the Justice System cannot be estimated. The average State cost for one Class D felony conviction ranges from \$9,200 to \$14,100. This estimate includes operating costs incurred by the Judicial Branch, the State Public Defender, and the Department of Corrections for one conviction. The cost would be incurred across multiple fiscal years for prison and parole supervision.

Sources

Criminal and Juvenile Justice Planning Division, Department of Human Rights

/s/ Holly M. Lyons

February 25, 2019

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.
