



SF 460 – Minors and Obscene Material (LSB2169SV)
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Fiscal Note Version – New

Description

[Senate File 460](#) relates to the dissemination and exhibition of obscene material to a minor by the parent or guardian of the minor and provides penalties. The Bill provides that any person who knowingly disseminates or exhibits obscene material to a minor is guilty of a public offense and shall upon conviction be guilty of a serious misdemeanor.

Background

Under current law, a parent or guardian is exempted from prosecution for knowingly disseminating or exhibiting obscene material to the parent or guardian's minor child or ward in violation of Iowa Code section [728.2](#).

A serious misdemeanor is punishable by confinement for no more than one year and a fine of at least \$315 but not more than \$1,875. A violation of Iowa Code section [728.2](#) is a tier I sex offense and requires registration as a sex offender. In addition, a person who violates Iowa Code section [728.2](#) is also subject to license suspension or revocation provisions under Iowa Code sections [272.2](#)(14) and [728.8](#) (business).

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 460](#) cannot be determined. The Bill expands the offense under Iowa Code section [728.2](#) to include the parent or guardian of a minor, 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 serious misdemeanors. 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
Serious Misdemeanor	2.0%	6.4	\$19.93	60.0%	13.1	\$5.38	1.0%	\$11.85	6.8	\$5.38	70.0%	\$50.00

Minority Impact

The minority impact of [SF 460](#) 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

The fiscal impact of [SF 460](#) cannot be estimated. The Bill expands the offense under Iowa Code section [728.2](#) to include the parent or guardian of a minor, and the resulting cost to the justice system cannot be estimated. The average State cost for one serious misdemeanor conviction ranges from \$390 to \$5,000. 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.

Source

Criminal and Juvenile Justice Planning Division, Department of Human Rights

/s/ Holly M. Lyons

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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.
