



[SF 523](#) – Fetal Homicide (LSB2267SV)
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Fiscal Note Version – New

Description

[Senate File 523](#) relates to nonconsensual termination of and serious injury to a human pregnancy. The Bill provides that a person who knew or reasonably should have known that a person was pregnant is guilty of a Class A felony if:

- The person intended to cause the death of or serious bodily injury to the pregnant person or to terminate or cause serious injury to the human pregnancy, and without the pregnant person's consent, terminates the human pregnancy, or
- The person knew or reasonably should have known the person's actions would cause the death of or serious bodily injury to the pregnant person or would terminate or cause serious injury to the human pregnancy, and without the pregnant person's consent, terminates the human pregnancy, or
- The person, without specific intent to cause the death of or serious bodily injury to the pregnant person or to terminate or cause serious injury to the human pregnancy, terminates the human pregnancy, without the pregnant person's consent, during the commission of a felony.

[Senate File 523](#) also increases the penalty from a Class C felony to a Class B felony for the following offenses:

- When a person unintentionally terminates a human pregnancy by any of the means provided pursuant to Iowa Code section [707.6A](#)(1) (homicide or serious injury by vehicle), and
- When a person intentionally terminates a human pregnancy without the voluntary and informed consent of the pregnant person.

Background

Under current law, Iowa Code section [707.8](#) contains provisions relating to the nonconsensual termination of a human pregnancy.

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 523](#) is estimated to be minimal due to the low number of convictions of this offense. In FY 2018, there were no convictions under Iowa Code section [707.8](#). In the last 10 fiscal years, there have been four total convictions under this Iowa Code section.

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 B and Class C felonies (Class A felony information is not available). 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 B Felony (Persons)	93.0%	85.2	\$19.93	9.0%	39.3	\$5.38	2.0%	\$11.85	34.0	\$5.38	44.0%	\$50.00
Class C Felony (Persons)	90.0%	39.8	\$19.93	30.0%	32.6	\$5.38	5.0%	\$11.85	19.5	\$5.38	39.0%	\$50.00

Minority Impact

The minority impact of [SF 523](#) 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 523](#) is estimated to be minimal due to the low number of convictions of this offense in prior fiscal years. **Table 2** shows estimates for the average State cost per offense class type. The estimates include 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.

Table 2 — Average State Cost Per Offense Class Type

Offense Class	Total Minimum Cost	Total Maximum Cost
Class C Felony	\$10,200	\$18,400
Class B Felony	\$11,800	\$38,300
Class A Felony	\$168,300	\$172,500

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.
