



SF 524 – Sexual Exploitation by Youth Sports Coaches (LSB2679SV)
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Fiscal Note Version – New

Description

[Senate File 524](#) adds the category of “youth athletics coach” to existing Iowa law relating to sexual exploitation by a counselor, therapist, or school employee. The Bill defines “youth athletics coach” as a person who is not a school employee, whether paid or unpaid, who coaches, or is an assistant coach of, a youth athletics team comprised of students, or an individual student athlete, whether informal or formal.

[Senate File 524](#) specifies that there are two alternative means of committing the offense of sexual exploitation by a youth athletics coach. Sexual exploitation by a youth athletics coach occurs when:

- 1) The youth athletics coach engages in a pattern or practice or scheme of conduct to engage in any sexual conduct with a student for the purpose of arousing or satisfying the sexual desires of the youth athletics coach or the student; or
- 2) The youth athletics coach engages in any sexual conduct with a student for the purpose of arousing or satisfying the sexual desires of the youth athletics coach or the student.

The Bill specifically defines sexual conduct in addition to a sex act as defined by Iowa Code section [702.17](#), but excludes touching necessary to the performance of the youth athletics coach’s duties, including caring for an injured athlete. A youth athletics coach who engages in sexual conduct with a student commits an aggravated misdemeanor. A youth athletics coach who engages in a pattern or practice or scheme of conduct to engage in such sexual conduct with a student commits a Class D felony.

Background

An aggravated misdemeanor is punishable by confinement for no more than two years and a fine of at least \$625 and not more than \$6,250. 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.

In FY 2018, there were 14 convictions under Iowa Code section [709.15](#).

An individual who violates the provisions of this Bill is subject to a special sentence pursuant to Iowa Code section [903B.2](#). A special sentence is defined as a punishment in addition to the punishment for the underlying criminal offense, and consists of committing the individual to the custody of the Department of Corrections for a period of 10 years. An individual serving a special sentence begins the sentence in the same manner as if the individual were on parole or part of a work release program. The special sentence is subject to revocation of release for up to two years for a first revocation, and up to five years for a second or any subsequent revocation.

Additionally, a person who violates the provisions of this Bill is designated as a Tier II sex offender under Iowa Code section [692A.102\(1\)\(b\)\(11\)](#) if the victim is 13 years of age or older, or as a Tier III sex offender pursuant to Iowa Code section [692A.102\(1\)\(c\)\(27\)](#) if the victim is under

the age of 13. In either scenario, the person committing the offense must register as a sex offender pursuant to Iowa Code section [692A.103](#).

A person who violates the provisions of [SF 524](#) is also subject to a no-contact order upon release from jail or prison pursuant to Iowa Code section [709.19](#), and hormonal intervention therapy under Iowa Code section [903B.10\(3\)\(h\)](#).

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 524](#) cannot be determined. The Bill establishes two new criminal offenses, and the number of convictions cannot be estimated. It is possible that certain offenses committed by youth athletics coaches are captured under existing law, but it is not possible to disaggregate data to determine the nature of the relationship between the victim and offender for these offenses. It is likely that convictions under Iowa Code section [709.15](#) may increase, although it is not possible to estimate the extent of such an increase.

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 aggravated misdemeanors and Class D felonies (involving sex crimes). 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

	Percent to Prison	FY 18 Avg LOS Prison (months)	FY 18 Marginal Cost/Day Prison	Percent to Probation	FY 18 Avg LOS Probation (months)	FY 18 Avg Cost/Day Probation	Percent to CBC	FY 18 Marginal Cost/Day CBC	FY 18 Avg LOS Parole (months)	FY 18 Marginal Cost/Day Parole	Percent to County Jail	Marginal Cost/Day County Jail
Aggravated Misdemeanor (Sex Offense)	72.0%	11.6	\$ 19.93	64.0%	27.3	\$ 5.38	4.0%	\$ 11.85	1.4	\$ 5.38	28.0%	\$ 50
Class D Felony (Sex Offense)	79.0%	34.8	\$ 19.93	49.0%	42.9	\$ 5.38	10.0%	\$ 11.85	2.7	\$ 5.38	19.0%	\$ 50

Minority Impact

The minority impact of [SF 524](#) 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 524](#) cannot be estimated. The Bill establishes two new criminal offenses, and the resulting number of convictions and cost to the justice system cannot be estimated. **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 additional conviction. The cost would be incurred across multiple fiscal years for prison and parole supervision.

Table 2 — Average State Cost per Defense Class Type

Offense	Cost Increase Estimate	
	Minimum	Maximum
Class D Felony (Sex Offense)	\$ 9,200	\$ 14,100
Aggravated Misdemeanor (Sex Offense)	\$ 5,000	\$ 10,000

Sources

Criminal and Juvenile Justice Planning Division, Department of Human Rights
LSA calculations

/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.
