



SF 577 – Sexual Exploitation, Community College Employee (LSB2529SV)
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Fiscal Note Version – New

Description

[Senate File 577](#) establishes the criminal offense of sexual exploitation of a child with a disability by an employee of a community college and provides penalties. The Bill provides a definition of when the offense of sexual exploitation of a child with a disability by an employee of a community college has been committed. The Bill defines child with a disability as between the ages of 18 and 21. [Senate File 577](#) provides that an employee of a community college who engages in a pattern or practice or scheme of conduct to engage in such sexual conduct with a child with a disability commits a Class D felony. The Bill also provides that if an employee of a community college engages in such sexual conduct with a child with a disability, the employee commits an aggravated misdemeanor.

In addition, a person who commits this offense is also subject to a special sentence under Iowa Code section [903B.2](#). A special sentence is a punishment in addition to the punishment for the underlying criminal offense that commits the person into the custody of the Director of the Department of Corrections (DOC) for a period of 10 years. In addition, a person who commits an offense under Iowa Code section [709.16](#) is classified as a tier II sex offender under Iowa Code section [692A.102](#)(1)(b)(12) and is required to register as a sex offender under Iowa Code section [692A.103](#).

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

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 577](#) cannot be determined. The Bill establishes two new offenses, 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 aggravated misdemeanors and Class D felonies in crimes involving sex offenses. 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 (Sex Offense)	79.0%	34.8	\$19.93	49.0%	42.9	\$5.38	10.0%	\$11.85	2.7	\$5.38	19.0%	\$50.00
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%	\$50.00

Minority Impact

The minority impact of [SF 577](#) 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 577](#) cannot be estimated. The Bill establishes two new criminal offenses, and the resulting 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 DOC 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
Aggravated Misdemeanor	\$4,700	\$7,500
Class D Felony	\$9,200	\$14,100

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.
