



SF 586 – Violent Habitual Offenders (LSB2580SV)
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Fiscal Note Version – New

Description

[Senate File 586](#) establishes a criminal penalty for a violent repeat offense and provides for risk assessments. Under the Bill, a violent repeat offender is any person convicted of a felony offense under any of the following Iowa Code chapters and sections, who has been convicted twice before of any of those same offenses:

- Iowa Code chapter [707](#) (homicide), [708](#) (assault), [709](#) (sexual abuse), or [710](#) (kidnapping), or
- Iowa Code section [711.2](#) (robbery in the first degree), [711.3](#) (robbery in the second degree), [713.3](#) (burglary in the first degree), [713.4](#) (attempted burglary in the first degree), [713.5\(1\)\(a\)](#) (burglary in the second degree), or [713.6\(1\)\(a\)](#) (attempted burglary in the second degree).

The Bill provides that an offender who is serving a violent repeat offender sentence is only eligible for a reduction of sentence equal to fifteen eighty-fifths of a day for each day of good conduct by the offender.

Background

Currently, most offenders are eligible for a reduction of sentence equal to one and two-tenths days for each day the offender demonstrates good conduct. The fifteen eighty-fifths of a day for each day of good conduct by a violent repeat offender equals the same rate of reduction of sentence for an offender who is serving a 70.0% sentence under Iowa Code section [902.12](#) or [902.13](#).

The offenses listed in the Bill have penalties ranging from a Class D felony to a Class A felony.

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

[Senate File 586](#) would result in longer prison sentences for those who qualify as a violent repeat offender. The Bill would not increase the number of convictions of any of the qualifying offenses. The impact would likely occur five years or more after implementation of this Bill.

In FY 2018, there was a combined total of 1,489 convictions under the Iowa Code sections outlined in this Bill. It is estimated that approximately 10.0% of offenders who exited prison in FY 2015 on a most serious violent felony conviction were reincarcerated within one year on at least one other violent felony conviction. In addition, it is estimated that an even smaller

percentage of offenders would have two prior violent felony convictions and qualify as a violent repeat offender under this Bill. The number of offenders who would be considered a violent repeat offender is unknown, and a correctional impact cannot be estimated at this time.

Table 1 below shows estimates for sentencing to State prison, parole, probation, or Community Based Corrections residential facilities; length of stay (LOS) under those supervisions; and supervision marginal costs per day for all convictions of Class B, Class C, and Class D felonies in crimes involving persons. 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
Murder 2nd (No Parole)	100.0%	213.9	\$19.93	N/A	N/A	N/A	N/A	\$11.85	N/A	N/A	N/A	\$50.00
Other Class B (No Parole)	100.0%	159.1	\$19.93	N/A	N/A	N/A	N/A	\$11.85	N/A	N/A	N/A	\$50.00
Class C (No Parole)	100.0%	85.3	\$19.93	N/A	N/A	N/A	N/A	\$11.85	N/A	N/A	N/A	\$50.00
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
Class D Felony (Persons)	80.0%	17.2	\$19.93	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 586](#) 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 586](#) may have a negative fiscal impact to the Department of Corrections (DOC) due to the increased length of stay for certain offenders, but the fiscal impact cannot be estimated at this time due to a lack of data on the number of offenders who would be considered a violent repeat offender. The impact would likely occur five years or more after implementation of this Bill.

Sources

Criminal and Juvenile Justice Planning Division, Department of Human Rights
Department of Corrections

/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.
