



SF 584 – Sexual Abuse, Age of Consent (LSB1309SV)

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Fiscal Note Version – New

Description

[Senate File 584](#) establishes the criminal offense of sexual activity with an individual 16 or 17 years of age under certain circumstances and provides penalties. The Bill provides that an individual commits a Class D felony when that person engages in sexual activity as defined under Iowa Code section [702.17](#), with another person who is 16 or 17 and is not at the time cohabitating with the person as the person’s spouse, and the person is 10 or more years older than the other person. [Senate File 584](#) also provides that a person convicted of sexual activity with an individual 16 or 17 years of age under certain circumstances is not subject to a special sentence pursuant to Iowa Code section [903B.2](#).

Background

Pursuant to Iowa Code section [709.4](#)(1)(b), the age of consent to sexual activity is 16.

In FY 2018, there were 113 convictions under Iowa Code section [709.4](#). 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.

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 584](#) cannot be determined. The Bill establishes a new criminal offense, 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 of all convictions of a Class D felony 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

	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
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 584](#) 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 584](#) cannot be determined. The Bill establishes a new criminal offense, and the resulting cost to the Justice System cannot be determined. **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
Class D Felony (Sex Offense)	\$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.
