



SF 578 – Domestic Abuse Criminal Assessments, Global Positioning System (LSB2583SV)
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Fiscal Note Version – New

Description

[Senate File 578](#) relates to domestic abuse lethality screenings completed by peace officers. The Bill provides that after a peace officer has informed a victim of domestic abuse of that victim's rights pursuant to Iowa Code section [236.12](#)(1), the peace officer shall conduct a valid, evidence-based domestic abuse lethality screening assessment with the victim to identify domestic abuse victims who are most likely to be killed by such abuse in the future. If possible, this screening is to be completed verbally by the peace officer, who is required to provide the county attorney with the results of the assessment.

[Senate File 578](#) makes several changes to procedures related to release procedures prior to trial and sentencing by prohibiting the release of a person charged with a violation of domestic abuse assault under Iowa Code section [708.2A](#) upon the person's personal recognizance or upon the execution of an unsecured appearance bond. If a person charged with domestic abuse assault under Iowa Code section [708.2A](#) is released, the individual must be supervised by an electronic tracking and monitoring system if, among other conditions prescribed by Iowa Code section [811.2](#)(1)(a), that person has been assessed as a high risk to reoffend.

Finally, [SF 578](#) makes several changes to procedures related to conditions of release after arrest. The Bill requires the presiding court to consider the results of the domestic abuse lethality screening in determining the conditions of a person's release after arrest. Additionally, the Bill requires an individual who is serving a domestic abuse assault Class D felony sentence under Iowa Code section [708.2A](#)(4) or (5) and not currently confined in a secure area of a community-based correctional facility to be supervised by an electronic tracking and monitoring system upon release, until the district department determines such electronic supervision is not necessary.

Political subdivisions are not required to comply with any State mandates proposed in [SF 578](#).

Background

Under current law, if a peace officer has reason to believe that domestic abuse has occurred, the peace officer is required to use all reasonable means to prevent further abuse, including providing a notice to the abused person about the individual's rights pursuant to Iowa Code section [236.12](#)(1).

In FY 2018, there were a total of 157 new admissions for domestic abuse assault charges of a Class D felony under Iowa Code section [708.2A](#)(4) and (5). Of this total, 109 cases were subject to pretrial release with supervision, and 48 cases were subject to probation.

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.
- Based on previous years' data and analysis of current practice, it is assumed that an estimated 157 new individual Class D felony cases will be eligible for electronic monitoring and tracking supervision in FY 2020.
- The average length of time spent under supervision of an electronic tracking and monitoring system while on probation is approximately 22.2 months, or an estimated 666 days.
- The average amount of time spent under supervision of an electronic tracking and monitoring system under pretrial release with supervision is approximately 4.5 months, or an estimated 135 days.
- Global positioning system (GPS) costs for an electronic tracking and monitoring device average approximately \$3.15 per day.
- Intensive supervision may become necessary as complications arise due to parole and probation violations and subsequent court documentation. Intensive supervision consists of a greater amount of contact with a parole officer and more intensive programming, and is often assigned to individuals who are deemed more likely to reoffend. Department of Corrections intensive supervision costs average \$7.81 per day.

Correctional Impact

[Senate File 578](#) enhances an existing penalty and is not expected to increase conviction rates.

Fiscal Impact

Table 1 displays total electronic monitoring costs based on supervision status.

Table 1 — Total Estimated Costs, Electronic Monitoring

Supervision Status	Avg. Time Under Supervision (days)	Electronic Monitoring (GPS) Cost Per Day	Number of Offenders	Total Est. Cost
Pretrial Supervision	135	\$ 3.15	109	\$ 46,352
Probation	666	\$ 3.15	48	\$ 100,699

In some cases, intensive supervision by a parole officer may be necessary due to parole and probation violations, high re-offense risk, and increased workload due to subsequent court documentation. **Table 2** displays total intensive supervision costs based on supervision status.

Table 2 — Total Estimated Costs, Intensive Supervision

Supervision Status	Avg. Time Under Supervision (days)	Intensive Supervision Cost Per Day	Number of Offenders	Total Est. Cost
Pretrial Supervision	135	\$ 7.81	109	\$ 114,924
Probation	848	\$ 7.81	48	\$ 317,898

Although individual cases are subject to the presiding court’s discretion, it is likely that there will be cases where both electronic monitoring and intensive supervision are required. **Table 3** displays total costs of both electronic monitoring and intensive supervision based on supervision status.

Table 3 — Total Estimated Costs, Electronic Monitoring, and Intensive Supervision

Supervision Status	Number of New Offenders	Electronic Monitoring Cost (Cost/Day x Avg. Length of Supervision)	Intensive Supervision Cost (Cost/Day x Avg. Length of Supervision)	Total Est. Cost
Pretrial Supervision	109	\$ 46,352	\$ 114,924	\$ 161,276
Probation	48	\$ 100,699	\$ 317,898	\$ 418,597

Although each individual case may vary and exact breakdown of case costs cannot be determined, total costs related to [SF 578](#) may range from approximately \$147,051 if all 157 offenders required GPS monitoring to \$579,873 if all 157 offenders are subject to both GPS and intensive supervision.

Sources

Department of Corrections
 Division of Criminal and Juvenile Justice Planning
 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.
