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[HF 224](#) – Lascivious Conduct and Indecent Contact with Minors (LSB1745HV.1)  
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Fiscal Note Version – Final Action

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### **Description**

[House File 224](#) relates to the criminal offense of lascivious conduct with a minor or child. The Bill expands the definition of lascivious conduct with a minor and applies the penalty of either a serious or an aggravated misdemeanor, depending on the elements of the offense. A person who violates the provisions of the Bill must register as a sex offender pursuant to Iowa Code chapter [692A](#).

### **Background**

[House File 224](#) does not change the current offense of lascivious conduct with a minor as described in Iowa Code section [709.14](#). The current offense is punishable as a serious misdemeanor.

### **Assumptions**

- The following will not change over the projection period: charge, conviction, and sentencing patterns and trends; prisoner length of stay (LOS); 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.
- 50.0% of dismissed or acquitted charges may become convictions under this Bill.

### **Correctional Impact**

The correctional impact of [HF 224](#) is estimated to be minimal. In FY 2018, there were 16 convictions and 51 dismissed or acquitted charges of lascivious conduct with a minor under Iowa Code section [709.14](#). The Bill is estimated to result in one additional prison order and 15 additional parole orders annually.

Under the expanded definition of lascivious conduct with a minor, the penalty is either a serious or an aggravated misdemeanor, depending on the elements of the offense. **Table 1** below shows estimates for sentencing to State prison, parole, probation, or Community-Based Corrections (CBC) residential facilities; LOS under those supervisions; and supervision marginal costs per day for all convictions of aggravated misdemeanors (sex offenses) and serious misdemeanors. 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**

<b>Conviction Offense Class</b>	<b>Percent to Prison</b>	<b>FY 18 Avg Length of Stay Prison (months)</b>	<b>FY 18 Marginal Cost/Day</b>	<b>Percent to Probation</b>	<b>FY 18 Avg Length of Stay Probation (months)</b>	<b>FY 18 Avg Cost/Day Probation</b>	<b>Percent to CBC</b>	<b>FY 18 Marginal CBC Cost/Day</b>	<b>FY 18 Avg Length of Stay Parole (months)</b>	<b>FY 18 Marginal Cost/Day Parole</b>	<b>Percent to County Jail</b>	<b>Marginal Cost/Day</b>
Aggravated Misdemeanor (Sex Offense)	72.0%	11.6	\$18.43	64.0%	27.3	\$5.38	4.0%	\$11.85	1.4	\$5.38	28.0%	\$50.00
Serious Misdemeanor	2.0%	6.4	\$18.43	60.0%	13.1	\$5.38	1.0%	\$11.85	6.8	\$5.38	70.0%	\$50.00

**Minority Impact**

[House File 224](#) is not estimated to have a minority impact. In FY 2018, 88.0% of individuals convicted of lascivious conduct with a minor under Iowa Code section [709.14](#) were Caucasian and the races of the remaining 12.0% were 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 [HF 224](#) is estimated to be minimal due to the low number of additional convictions. **Table 2** contains estimates for the average State cost per offense class type for one conviction.

**Table 2 — Average State Cost per Offense Class Type**

<b>Offense Class</b>	<b>Total Minimum Cost</b>	<b>Total Maximum Cost</b>
Aggravated Misdemeanor	\$4,700	\$7,500
Serious Misdemeanor	\$390	\$5,000

**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.

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