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[SF 2097](#) – Indecent Exposure (LSB5318SV)  
Staff Contact: Christin Mechler (515.250.0458) [christin.mechler@legis.iowa.gov](mailto:christin.mechler@legis.iowa.gov)  
Fiscal Note Version – New

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**Description**

[Senate File 2097](#) relates to the criminal offense of indecent exposure and makes penalties applicable. The Bill expands the definition of indecent exposure in Iowa Code section [709.9](#) to include masturbating underneath or outside of the person’s clothing in the presence of another if the following apply:

- The person does so to arouse or satisfy the sexual desires of either party.
- The person knows or reasonably should know that the act is offensive to the viewer or the viewer was a child at the time of the act.

The Bill specifically expands the definition of the viewer of the indecent exposure to include children. A person who violates Iowa Code section [709.9](#) commits a serious misdemeanor.

**Background**

A serious misdemeanor is punishable by confinement for no more than one year and a fine of at least \$315, but no more than \$1,875.

In FY 2019, there were 44 convictions of indecent exposure under Iowa Code section [709.9](#). Of these 44 convictions, 27 offenders were committed to community-based corrections supervision.

Additionally, a person who violates Iowa Code section [709.9](#) is designated as a Tier I sex offender under Iowa Code section [692A.102\(1\)\(a\)\(5\)](#), and must follow the requirements related to registering as a sex offender pursuant to Iowa Code section [692A.103](#).

**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.
- The daily cost of a person under sex offender intensive supervision totals approximately \$9.80.

**Correctional Impact**

The correctional impact of [SF 2079](#) cannot be determined. The Bill establishes a new criminal offense by amending the definition of indecent exposure, and the number of convictions cannot be estimated. It is likely that [SF 2079](#) will increase the number of persons entering into community-based corrections as a result of this new offense, but the extent of that increase cannot be estimated.

In FY 2019, the average length of stay for an offender serving a violation of Iowa Code section [709.9](#) totaled approximately 435 days under community-based corrections supervision. Refer to the Legislative Services Agency (LSA) memo addressed to the General Assembly, [Cost Estimates Used for Correctional Impact Statements](#), dated January 16, 2020, for information related to the correctional system.

**Minority Impact**

The minority impact of [SF 2079](#) is as follows: African Americans comprised 3.6% of the adult population of the State in FY 2019 and 15.9% of the convictions for Iowa Code section [709.9](#) offenses in FY 2019. This exceeds the population proportion of the State, which would lead to a racial impact if trends remain constant. Due to low numbers of other minority populations, the impact on those populations cannot be assessed. Refer to the LSA memo addressed to the General Assembly, [Minority Impact Statement](#), dated January 15, 2020, for information related to minorities in the criminal justice system.

**Table 1** provides a breakdown of the demographics of the FY 2019 convictions under Iowa Code section [709.9](#) with respect to percentage of the State’s population.

**Table 1 — FY 2019 Convictions and Population Percentage**

Demographic	Percentage of FY 2019 Indecent Exposure Convictions	Demographic Percentage of Iowa’s Total Population
White	70.5%	90.2%
African American	15.9%	3.6%
Hispanic	4.6%	6.2%
Other/ Unknown	4.6%	3.0%

**Fiscal Impact**

The fiscal impact of [SF 2079](#) cannot be determined. The Bill expands the definition of indecent exposure and creates a new criminal offense. The resulting number of convictions and 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 Department of Corrections for one additional conviction. The cost would be incurred across multiple fiscal years for prison and parole supervision.

**Table 2 — Average State Cost Per Defense Class Type**

Offense	Cost Increase Estimate	
	Minimum	Maximum
Serious Misdemeanor	\$ 410	\$ 4,900

