



[SF 586](#) – Violent Habitual Offender (LSB2580SVV.2)
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Fiscal Note Version – Revised for New Data

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.
- Marginal daily prison cost for one offender is assumed to be \$20.38 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 2019, there were 76 offenders who entered prison as new admissions on a most serious Class B, C, or D felony who would qualify as a violent habitual offender under this Bill. **Table 1** shows the FY 2019 average length of stay in prison for each offense class and the estimated

additional stay in prison that would result from a violent habitual offender classification under [SF 586](#).

Table 1 — Sentencing Estimates and Length of Stay (LOS)

Conviction Offense Class	FY 2019 Avg. LOS (months)	SF 586 Additional LOS (months)
Class B Felony	95.4	108
Class C Felony	38.4	44
Class D Felony	17.3	22

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

In FY 2019, there were 76 offenders who entered prison as new admissions who would qualify as a violent habitual offender under this Bill. **Table 2** provides the demographics of the 76 offenders in relation to the Iowa population as of July 1, 2018.

Table 2 — Demographics by Percentage

Demographic	Qualifying FY19 New Admissions	Total Iowa Population
White	76.0%	90.2%
African-American	23.0%	3.6%
American-Indian	1.0%	0.4%

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.

Fiscal Impact

[Senate File 586](#) is estimated to increase the Department of Corrections (DOC) supervision costs by \$1.6 million per fiscal year. This estimate is based on the number of offenders in FY 2019 who met the eligibility criteria for a violent habitual offender. The impact would likely occur five years or more after implementation of this Bill. **Table 3** provides the total additional supervision cost by offense class type.

Table 3 — Estimated Additional Annual Supervision Costs

Conviction Offense Class	SF 586 Additional LOS (months)	Marginal Daily Cost	FY 2019 Qualifying Offenders	Additional Cost
Class B Felony	108	\$20.38	5	\$ 333,417
Class C Felony	44	\$20.38	24	\$ 659,334
Class D Felony	22	\$20.38	47	\$ 646,556
Total				\$ 1,639,307

In addition, the changes to the computation of earned time calculations may require programming changes to the DOC's Iowa Corrections Offender Network (ICON). While the

ICON programming necessary to capture the new earned time computations established by this Bill may already exist, additional work may be required. Minimal programming costs are estimated to be approximately \$16,000, but if greater programming changes are required, the DOC estimates the expenses to range from \$37,000 to \$65,000.

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.

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