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[SF 2286](#) – Invasion of Privacy (LSB5849SV)  
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Fiscal Note Version – New

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## **Description**

[Senate File 2286](#) eliminates the requirement that when a person knowingly views, photographs, or films another person, it must be for the purpose of arousing or gratifying the sexual desire of any person in order to be convicted of invasion of privacy.

## **Background**

Under current law, to be guilty of invasion of privacy, a person must knowingly view, photograph, or film another person for the purpose of arousing or gratifying the sexual desire of any person, if the other person does not consent or is unable to consent to being viewed, photographed, or filmed; the other person is in a state of full or partial nudity; and the other person has a reasonable expectation of privacy while in a state of full or partial nudity.

Invasion of privacy is an aggravated misdemeanor punishable by confinement for no more than two years and a fine of at least \$625 but not more than \$6,250. A person convicted under this Bill is also classified as a tier II sex offender for the purposes of the sex offender registry.

## **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**

[Senate File 2286](#) is estimated to increase the number of convictions for this offense and subsequently prison and community corrections admissions. In FY 2019, there were 163 invasion of privacy convictions under Iowa Code section [709.21](#)(1). During the same year, there were 112 dismissals and acquittals of invasion of privacy charges. Under this Bill, it is possible that some of the dismissals may become convictions, but due to a lack of data on the reason for dismissal, a correctional impact cannot be estimated.

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**

[Senate File 2286](#) expands the definition of a current crime, and a minority impact cannot be estimated due to a lack of data. In FY 2019, the invasion of privacy conviction demographics were as follows: 57.1% White; 6.6% AfricanAmerican; 5.1% Hispanic; and 3.0% Asian.

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**

The fiscal impact of [SF 2286](#) cannot be estimated due to the unknown correctional impact. The average State cost for an aggravated misdemeanor ranges from \$5,600 to \$8,000. This estimate includes operating costs incurred by the Judicial Branch, the State Public Defender, and the Department of Corrections (DOC) for one conviction. The cost would be incurred across multiple years for prison and parole supervision and includes the cost of sex offender intensive supervision.

**Sources**

Criminal and Juvenile Justice Planning, 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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