



[SF 2341](#) – Elder Abuse, Criminal Penalties (LSB1260SV)
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Fiscal Note Version – New

Description

[Senate File 2341](#) establishes and relates to several offenses:

- Older individual assault. The penalties for this offense range from a simple misdemeanor to a Class D felony depending on the circumstances of the assault. The Bill also provides for the determination of whether a violation is a second or subsequent offense and provides for minimum sentencing for offenders.
- Theft against an older individual. This offense enhances the penalties for the existing crime of theft by one degree.
- Elder abuse. The penalties for this offense range from a serious misdemeanor to a Class C felony depending on the circumstances and resulting injuries from the abuse.
- Financial exploitation of an older individual. The penalties for this offense range from a serious misdemeanor to a Class B felony based on the amount of benefits, property, resources, belongings, or assets of the older individual involved.
- Dependent adult abuse. Relocates the criminal penalties for dependent adult abuse as they currently exist from Iowa Code chapter 235B to Iowa Code chapter 726.

Background

A simple misdemeanor is punishable by imprisonment not to exceed 30 days or a fine ranging from \$65 to \$625. A serious misdemeanor is punishable by imprisonment not exceeding one year and a fine ranging from \$315 to \$1,875. An aggravated misdemeanor is punishable by imprisonment not exceeding two years and a fine ranging from \$625 to \$6,250.

A Class D felony is punishable by confinement for no more than five years and a fine ranging from \$750 to \$7,500. A Class C felony is punishable by confinement for no more than 10 years and a fine ranging from \$1,000 to \$10,000. A Class B felony is punishable by a maximum confinement of 25 years.

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 2341](#) establishes several new offenses, and the correctional impact is unknown. The offenses of older individual assault and theft against an older individual are likely captured under preexisting assault and theft statutes. Data indicating the age of the victims is not

currently available; therefore, it is not possible to estimate the number of convictions or the correctional impact.

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 2341](#) establishes several new offenses, and the minority impact cannot be estimated due to the unknown correctional impact. 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 2341](#) establishes several new offenses, and the fiscal impact cannot be estimated due to the unknown correctional impact. The following table provides the average State cost per conviction of an offense ranging from a simple misdemeanor to a Class B felony. This estimate includes operating costs incurred by the Judicial Branch, the State Public Defender, and the Department of Corrections for one conviction. The cost would be incurred across multiple fiscal years for prison and parole supervision.

Table — Average State Cost Per Conviction

Offense Class Type	Minimum	Maximum
Simple Misdemeanor	\$40	\$350
Serious Misdemeanor	\$410	\$4,900
Aggravated Misdemeanor	\$5,600	\$8,000
Class D Felony	\$10,000	\$14,700
Class C Felony	\$11,600	\$19,400
Class B Felony	\$15,500	\$37,800

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.
