



[SF 2375](#) – Sexual Abuse, Statute of Limitations (LSB5393SV)
Staff Contact: Laura Book (515.205.9275) laura.book@legis.iowa.gov
Fiscal Note Version – New

Description

[Senate File 2375](#) relates to the statute of limitations period for criminal and civil actions for sexual abuse in the first, second, or third degree; kidnapping; and human trafficking.

The Bill allows an information or indictment in a criminal case, or a civil action for damages, for sexual abuse in the first, second, or third degree; kidnapping; or human trafficking, to commence at any time after the commission of the offense. The Bill provides that a civil action for sexual abuse offenses, other than sexual abuse in the first, second, or third degree, which occurred when the injured person was a child, but not discovered until after the injured person is the age of majority, shall be brought within four years from the time of discovery by the injured party of both the injury and the causal relationship between the injury and the sexual abuse.

Background

Under current law, in sexual abuse, kidnapping, and human trafficking cases, an injured person must bring a civil action for injuries suffered or an indictment or information must be filed within a certain statutory time period dependent upon certain circumstances including a victim's age and whether an offender was identified through the use of a DNA profile.

The penalties associated with the applicable offenses under this Bill range from a Class D 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 (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.

Correctional Impact

The correctional impact of [SF 2375](#) is unknown. Although it is known that sexual abuse is frequently underreported and victims often wait years to come forward, precise estimates of the impact of this legislation are not available. This Bill could result in an increase in convictions of the applicable offenses. **Table 1** provides 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 Class B, C, and D felonies.

Table 1 — Sentencing Estimates

Conviction Offense Class	Percent to Prison	FY 19 Avg Length of Stay Prison (months)	FY 19 Marginal Cost/Day Prison	FY 19 Avg Length of Stay Parole (months)	FY 19 Marginal Cost/Day Parole	Percent to Probation	FY 19 Avg Length of Stay Probation (months)	FY 19 Avg Cost/Day Probation	Percent to Residential Facility	FY 19 CBC Marginal Cost/Day	Percent to County Jail	Avg Length of Stay in County Jail	Marginal Cost/Day
Class B Felony (Sex Offense)	95.0%	176.6**	\$20.38	16.7	\$6.12	18.0%	0	\$6.12	2.0%	\$12.58	38.0%	N/A	\$50.00
Class C Felony (Sex Offense)	91.0%	58.9	\$20.38	8.9	\$6.12	31.0%	42.9	\$6.12	8.0%	\$12.58	37.0%	N/A	\$50.00
Class D Felony (Sex Offense)	85.0%	27.6	\$20.38	5.0	\$6.12	44.0%	35.9	\$6.12	5.0%	\$12.58	25.0%	N/A	\$50.00

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 2375](#) cannot be estimated due to the unknown number of convictions. In FY 2019, African Americans made up 3.6% of the adult population of the State of Iowa and 22.5% of convictions for sexual abuse in the 1st, 2nd, or 3rd degree in FY 2019. According to the Criminal and Juvenile Justice Planning Division, this exceeds the population proportion of the State, which would lead to a racial impact if it remains constant. Due to the low numbers of other minorities, the impact on those populations cannot be estimated.

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 2375](#) cannot be estimated due to the unknown correctional impact. The Bill may result in some additional convictions. **Table 2** provides cost estimates for the average State cost per conviction of a Class B, C, or D felony. The cost 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 2 — Average State Cost per Offense Class Type

Offense Class	Minimum	Maximum
Class B Felony	\$15,500	\$37,800
Class C Felony	\$11,600	\$19,400
Class D Felony	\$10,000	\$14,700

The State cost of Class A felonies must be calculated on an individual basis to determine prison costs. At a minimum, Class A felonies require two indigent defense attorneys at a cost of approximately \$36,000 and include court time and jury trial costs ranging from \$10,000 to \$14,300.

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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