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[HF 2554](#) – Continuous Sexual Abuse of a Child (LSB5316HV)  
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Fiscal Note Version – As amended and passed by the House

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## **Description**

[House File 2554](#) as amended creates a new criminal offense of continuous sexual abuse of a child. Under the Bill, a person 18 years of age or older commits continuous sexual abuse of a child when the victim is a child (under the age of 14), at least 30 days have elapsed between the first and last acts of sexual abuse, and the person engages in three or more acts of sexual abuse in violation of:

- Iowa Code section [709.2](#) (1st degree Sexual Abuse),
- Iowa Code section [709.3](#) (2nd degree Sexual Abuse),
- Iowa Code section [709.4](#) (3rd degree Sexual Abuse),
- Iowa Code section [709.8](#) (Lascivious Acts with a Child), or
- Iowa Code section [709.12](#) (Indecent Contact with a Child)

House File 2554 as amended defines continuous sexual abuse as an aggravated offense or an aggravated offense against a minor under Iowa Code section [692A.101](#) for the purposes of the sex offender registry. Under the Bill, a violation of new Iowa Code section 709.23 is a Tier II sex offense for the purposes of the sex offender registry.

Under the Bill, a person who is convicted of continuous sexual abuse is subject to an enhanced penalty under Iowa Code section [902.14](#). The Bill also provides that a person who is convicted of continuous sexual abuse may be required by the court or the Board of Parole to undergo hormonal intervention therapy under Iowa Code section [903B.10](#) as part of a condition of release.

## **Background**

A person who commits a violation of this Bill is guilty of a Class B felony. The Bill allows a court to sentence a person guilty of continuous sexual abuse to maximum confinement of 50 years, if the combination of three acts includes a violation of sexual abuse in the second degree or sexual abuse in the third degree. The default sentence for a Class B felony is maximum confinement of 25 years.

Under Iowa Code section [902.14](#), a person receives an enhanced penalty and commits a class A felony if the person commits a second or subsequent offense involving any combination of the following offenses:

- Sexual Abuse in the Second Degree (Iowa Code section [709.3](#))
- Sexual Abuse in the Third Degree (Iowa Code section [709.4](#))
- Lascivious Acts with a Child (Iowa Code section [709.4](#))

This Bill adds continuous sexual abuse as an offense that may qualify towards the enhanced penalty.

Any person convicted of a serious sex offense as defined by Iowa Code section 903B.10 may be required by the court or the Board of Parole to undergo hormonal intervention therapy as a

condition of release. Persons required to undergo this treatment are required to pay a reasonable fee to pay for the costs of providing the treatment. A requirement that a person pay a fee shall include a provision for reduction, deferral, or waiver of payment if the person is financially unable to pay the fee. Under the Bill, those who are convicted of continuous sexual abuse may be required to undergo this treatment.

### **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 average marginal cost for prison is \$20.38 per day.
- The average length of stay of an individual convicted of continuous sexual abuse of a child will be 176.6 months.

### **Correctional Impact**

House File 2554 as amended creates a new criminal offense and the correctional impact is unknown. In FY 2019, there were 156 individuals who were admitted to prison on at least one of the offenses listed under this Bill. Sixty-one of these individuals were convicted of an offense which specified a child victim was involved.

It is estimated that some of those who are admitted annually to prison for similar offenses and serving Class C or D felonies will receive sentence enhancements under this Bill. In FY 2019, the current average length of stay for those exiting prison under those sentences was 54.3 months for a Class C felony and 25.0 months for a Class D felony. It is estimated that the average length of stay for those convicted of this offense would increase to 176.6 months. The extent of the increase cannot be calculated due to unavailable data relating to the duration of abuse.

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**

House File 2554 as amended creates a new criminal offense and the minority impact cannot be estimated due to a lack of data.

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 HF 2554 as amended cannot be estimated due to the unknown correctional impact. Given that the average length of stay would increase to 176.6 months, the estimated cost for an admission to prison for a violation of this Bill would be approximately \$109,000 per offender.

Currently, the cost to incarcerate an individual convicted of a Class C or D felony listed in this Bill is approximately \$34,000 and \$15,000, respectively. It is estimated that some of these admissions will become Class B felonies under this Bill. The increased cost for those previously admitted to prison as a Class C or D felony would be \$76,000 and \$94,000, respectively.

The State cost of a Class A felony 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.

**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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