



HF 282 – Abuse of a Corpse (LSB1315HV)
 Staff Contact: Laura Book (515.205.9275) laura.book@legis.iowa.gov
 Fiscal Note Version – New

Description

House File 282 relates to the abuse of a human corpse and provides penalties. The Bill increases the penalty for conviction of abuse of a human corpse from a Class D felony to a Class C felony.

Background

Under current law, a person commits the crime of abuse of a human corpse if the person mutilates, disfigures, or dismembers a human corpse with the intent to conceal a crime or hides or buries a human corpse with the intent to conceal a crime. A Class D felony is punishable by confinement for no more than five years and a fine of at least \$1,025 but not more than \$10,245. A Class C felony is punishable by confinement for no more than 10 years and a fine of at least \$1,370 but not more than \$13,660.

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

House File 282 enhances the penalty for a person convicted of abuse of a corpse and is estimated to increase the length of stay for those convicted of the offense. House File 282 is not estimated to change the number of convictions. **Table 1** provides estimates for sentencing to State prison, parole, probation, or Community-Based Corrections (CBC) residential facilities; length of stay (LOS) under those supervisions; and supervision marginal costs per day for all convictions of Class C and Class D felonies.

Table 1 — LOS and Sentencing Estimates

Conviction Offense Class	Percent to Prison	Avg Length of Stay Prison (months)	FY 20 Marginal Cost/Day Prison	Percent Ordered to Probation	Avg LOS on Probation	Avg Cost Per Day on Probation	Percent Sentenced to CBC Residential Facility	FY 20 Marginal Cost CBC Per Day	Percent Ordered to County Jail	Marginal Cost Per Day	Avg LOS on Parole	FY 20 Marginal Cost Per Day Parole
Class C Felony (Persons)	89.0%	38.6	\$20.33	27.9%	34.1	\$5.38	5.5%	\$14.78	49.1%	\$50.00	21.5	\$5.38
Class D Felony (Persons)	77.0%	16.0	\$20.33	47.8%	30.5	\$5.38	10.5%	\$14.78	38.6%	\$50.00	11.5	\$5.38

In FY 2020, there was one conviction of abuse of a corpse. As a result, HF 282 is estimated to have a minimal correctional impact. Refer to the Legislative Services Agency (LSA) memo

addressed to the General Assembly, [Cost Estimates Used for Correctional Impact Statements](#), dated January 22, 2021, for information related to the correctional system.

Minority Impact

The Criminal and Juvenile Justice Planning Division (CJJP), Department of Human Rights, estimates HF 282 will have minimal to no minority impact. Refer to the LSA memo addressed to the General Assembly, [Minority Impact Statement](#), dated January 27, 2021, for information related to minorities in the criminal justice system.

Fiscal Impact

House File 282 is estimated to have a minimal fiscal impact. The enhanced penalty is estimated to result in an increased cost of \$2,200 to \$5,700 per conviction, but the impact is estimated to be minimal due to the small number of convictions of this offense. **Table 2** shows the cost estimate differences for the average State cost per offense class type for one Class D felony and one Class C 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 — Cost Increase Per Conviction

<u>Offense Class</u>	<u>Total Cost</u>	
	<u>Minimum</u>	<u>Maximum</u>
Class C Felony	\$ 9,900	\$ 19,200
Class D Felony	7,700	13,500
Cost Increase Estimate	\$ 2,200	\$ 5,700

Sources

Criminal and Juvenile Justice Planning Division, Department of Human Rights
Judicial Branch
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.
