



HF 710 – Child Endangerment (LSB1728HV)
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 Fiscal Note Version – New

Description

[House File 710](#) relates to child endangerment committed by a sex offender. The Bill provides that a person having control over a child or a minor who has been convicted of a sex offense against a minor, or who knowingly has unsupervised access to a child or a minor after the person is required to register as a sex offender for a sex offense against a minor under Iowa Code chapter [692A](#), commits child endangerment. A person having control over a child or a minor is defined in the Bill. The Bill provides that a person who commits child endangerment in violation of this Bill is guilty of a Class D felony.

Background

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.

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

House File 710 expands Iowa Code section [726.6](#) and the definition of child endangerment to include when a sex offender has control over a minor child. Violation of this provision is a Class D felony. In FY 2019 and FY 2020, there were a total of 869 convictions of child endangerment. Since this is a new provision in the Iowa Code, it is unknown how many of these child endangerment cases would be committed by sex offenders, and an impact cannot be estimated.

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 a Class D felony. 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.

Table 1 — LOS and Sentencing

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	Avg Length of Stay in County Jail	Marginal Cost Per Day	Avg LOS on Parole	FY 20 Average Cost Per Day Parole
Class D Felony (Persons)	77.0%	16.0	\$20.33	47.8%	30.5	\$5.38	10.5%	\$14.78	38.6%	N/A	\$50.00	11.5	\$5.38

Minority Impact

Of the 869 convictions of child endangerment in FY 2019 and FY 2020, 73.6% were committed by a Caucasian offender and 18.8% were African American. In CY 2019, African Americans comprised 3.7% of the adult population of the State. The percent of convictions for this offense exceeds the population proportion of the State, which may lead to a racial impact, if convictions and sentences remained consistent. Since this is a new provision, the impact cannot be estimated at this time by the Criminal and Juvenile Justice Planning Division (CJJP) of the Department of Human Rights. 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 710 adds a new provision under Iowa Code section 726.6, and the fiscal impact cannot be determined due to a lack of conviction data. The average cost to the State per conviction of a Class D felony ranges from \$7,700 to \$13,500. 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.

Sources

CJJP, Department of Human Rights
Department of Corrections
Judicial Branch
LSA analysis

/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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