



[SF 522](#) – Elder Abuse, Criminal Penalties (LSB1869SV)
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Fiscal Note Version – New

Description

[Senate File 522](#) relates to older individuals and dependent adults and creates certain criminal offenses and civil actions, and provides penalties. The Bill establishes several crimes:

- Older Individual Assault — Assault, as defined in Iowa Code section [708.1](#), of an older individual, defined as an individual who is 60 years of age or older. This crime would be punishable by penalties ranging 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 — Enhances the penalties for the existing crime of theft by one degree.
- Financial Exploitation of an Older Individual — Occurs when a person stands in a position of trust or confidence with an older individual and knowingly, and by undue influence, deception, coercion, fraud, breach of fiduciary duty, or extortion, obtains control over or otherwise uses the benefits, property, resources, belongings, or assets of the older individual involved. The criminal penalties 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.

The Bill establishes criminal penalties for elder abuse ranging from a serious misdemeanor to a Class C felony depending on the circumstances and resulting injuries of the abuse. Elder abuse is defined as the abuse, emotional abuse, neglect, isolation, or sexual exploitation of an older individual. The Bill also relocates the criminal penalties for dependent adult abuse as they currently exist under Iowa Code chapter [235B](#) to Iowa Code chapter [726](#) and makes conforming changes throughout the Iowa Code.

Background

The penalties defined in SF 522 range from a serious misdemeanor to a Class B felony depending on the circumstances of the offense. Felonies and misdemeanors are punishable by the terms defined in Iowa Code chapters [902](#) and [903](#) respectively.

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

Senate File 522 establishes several new offenses and criminal penalties, and the correctional impact cannot be estimated due to a lack of existing data.

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 ranging from serious misdemeanors to Class B felonies. The LOS data is not applicable to simple or serious misdemeanors. 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 Estimates

Conviction Offense Class	Percent to Prison	Avg Length of Stay in Prison (months)	FY 20 Marginal Cost/Day in 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 B Felony (Persons)	93.0%	85.3	\$20.33	6.6%	*38.7	\$5.38	3.9%	\$14.78	57.9%	N/A	\$50.00	33.2	\$5.38
Class C Felony (Persons)	89.0%	38.6	\$20.33	27.9%	34.1	\$5.38	5.5%	\$14.78	49.1%	N/A	\$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%	N/A	\$50.00	11.5	\$5.38
Aggravated Misd (Persons)	43.0%	7.1	\$20.33	51.7%	20.2	\$5.38	3.3%	\$14.78	70.7%	N/A	\$50.00	6.0	\$5.38
Serious Misdemeanor	2.0%	5.0	\$20.33	56.0%	13.4	\$5.38	1.0%	\$14.78	69.0%	N/A	\$50.00	2.4	\$5.38

Minority Impact

Senate File 522 establishes several new offenses and criminal penalties. As a result, the Criminal and Juvenile Justice Planning Division (CJJP) of the Department of Human Rights cannot use prior existing data to estimate the minority impact of SF 522. 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

Senate File 522 establishes several new offenses, and the fiscal impact cannot be estimated due to the lack of existing conviction data. **Table 2** contains cost estimates for the average State cost per offense class type for one conviction. 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	Total Cost	
	Minimum	Maximum
Serious Misdemeanor	\$ 410	\$ 7,500
Aggravated Misdemeanor	3,700	7,800
Class D Felony	7,700	13,500
Class C Felony	9,900	19,200
Class B Felony	12,700	35,800

Sources

CJJP, Department of Human Rights
Department of Corrections
Judicial Branch

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March 8, 2021

Doc ID 1215819

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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