



SF 572 – Sexual Abuse, Statute of Limitations (LSB1659SV)
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Fiscal Note Version – New

Description

Senate File 572 relates to the statute of limitations period for certain criminal and civil actions. The Bill provides that an information of indictment in a criminal case, or a civil action for damages, for sexual abuse in the first, second, or third degree; kidnapping; human trafficking; and sexual abuse or sexual exploitation by a counselor, therapist, or school employee may be commenced at any time after the commission of the offense.

Background

Under current law, in sexual abuse, kidnapping, human trafficking, and sexual abuse or sexual exploitation by a counselor, therapist, or school employee 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 for the offenses in this Bill range from a serious misdemeanor to a Class A felony depending on the type and severity 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 572 removes the statute of limitations for sexual abuse, kidnapping, human trafficking, and sexual abuse or sexual exploitation by a counselor, therapist, or school employee. 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. It is estimated that additional convictions will result, but the increase cannot be determined.

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. Class A felony convictions carry a life sentence. 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 (Sex Offense)	95.0%	285.2	\$20.33	9.4%	--	\$5.38	3.1%	\$14.78	15.6%	N/A	\$50.00	29.4	\$5.38
Class C Felony (Sex Offense)	91.0%	76.0	\$20.33	34.1%	50.0	\$5.38	5.5%	\$14.78	32.7%	N/A	\$50.00	7.2	\$5.38
Class D Felony (Sex Offense)	85.0%	32.2	\$20.33	45.2%	49.7	\$5.38	6.8%	\$14.78	43.8%	N/A	\$50.00	5.1	\$5.38
Aggravated Misdemeanor (Sex Offense)	78.0%	10.5	\$20.33	58.5%	15.1	\$5.38	1.0%	\$14.78	74.6%	N/A	\$50.00	*2.5	\$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 572 removes the statute of limitations for several offenses. 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 first, second or third 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 27, 2021, for information related to minorities in the criminal justice system.

Fiscal Impact

Senate File 572 removes the statute of limitations for several offenses and the fiscal impact cannot be estimated due to the lack of conviction data. **Table 2** contains cost estimates for the average State cost per offense class type for one conviction of offenses ranging from a serious misdemeanor to a Class A 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 Conviction

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
Class A Felony	183,700	188,000

Sources

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

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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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