



SF 562 – Sexual Exploitation (LSB2472SV)

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Fiscal Note Version – New

Description

[Senate File 562](#) relates to the crime of sexual exploitation. The Bill amends Iowa Code section [709.15](#) to criminalize sexual exploitation by an adult providing training or instruction. The Bill defines an “adult providing training or instruction” as a person age 18 or older, who provides training or instruction to a minor outside of a school setting, including but not limited to training and instruction on the use of firearms, athletics, or other activities which result in a minor receiving a certificate or license.

Senate File 562 also provides an adult providing training or instruction commits sexual exploitation when either of the following occur:

- When a person engages in a pattern, practice, or scheme of conduct to engage in any sexual conduct¹ with a minor for the purpose of arousing or satisfying the sexual desire of the adult providing training or instruction.
- When a person engages in sexual conduct with a minor for the purpose of arousing or satisfying the sexual desire of the adult providing training or instruction.

A person who engages in a pattern, practice, or scheme of conduct to engage in any sexual conduct with a minor for the purpose of arousing or satisfying the sexual desire of the adult providing training or instruction is guilty of a Class D felony. A person who engages in sexual conduct with a minor for the purpose of arousing or satisfying the sexual desire of the adult providing training or instruction is guilty of an aggravated misdemeanor.

Background

An aggravated misdemeanor is punishable by confinement for no more than two years and a fine of at least \$855 but no more than \$8,540. 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.

An individual who violates the provisions of this Bill is subject to a special sentence pursuant to Iowa Code section [903B.2](#). A special sentence is defined as a punishment in addition to the punishment for the underlying criminal offense, and consists of committing the individual to the custody of the Department of Corrections (DOC) for a period of 10 years. An individual serving a special sentence begins the sentence in the same manner as if the individual were on parole or part of a work release program. The special sentence is subject to revocation for up to two years for a first revocation and up to five years for a second or any subsequent revocation. A person who violates the provisions of SF 562 is also subject to a no-contact order upon release from jail or prison, and hormonal intervention therapy as prescribed under Iowa Code section [903B.10](#)(3)(h).

¹ Senate File 562 defines sexual conduct as to include but not limited to kissing, touching of the clothed or unclothed inner thigh, breast, groin, buttock, anus, pubes, genitals, or a sex act as defined in Iowa Code section [702.17](#).

Additionally, a person who violates the provisions of this Bill is designated as a Tier II sex offender under Iowa Code section [692A.102\(1\)\(b\)\(12\)](#) if the victim is 13 years of age or older, or as a Tier III sex offender pursuant to Iowa Code section [692A.102\(1\)\(c\)\(28\)](#) if the victim is under the age of 13. In either scenario, the person committing the offense must register as a sex offender pursuant to Iowa Code section [692A.103](#).

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 562 expands an existing criminal offense, and the number of new convictions cannot be estimated. In FY 2020, there were nine total admissions to the correctional system for a violation of Iowa Code section 709.15. In FY 2020, the cost to supervise one cohort of admissions for a crime under Iowa Code section 709.15 totaled approximately \$36,600.

Table 1 below shows 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 aggravated misdemeanors and Class D felonies (involving sex crimes). 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 — Sentencing Estimates and Length of Stay (LOS)

Conviction Offense Class	Percent to Prison	Avg Length of Stay in Prison (months)	FY 20 Marginal Cost/Day Prison	Percent Ordered to Probation	Avg LOS on Probation	Avg Cost/Day on Probation	Percent Sentenced to CBC Residential Facility	FY 20 Marginal Cost CBC/Day	Percent Ordered to County Jail	Avg Length of Stay in County Jail	Marginal Cost/Day	Avg LOS on Parole	FY 20 Average Cost/Day Parole
Aggravated Misdemeanor (Sex)	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
Class D Felony (Sex)	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

Minority Impact

The minority impact of SF 562 is unknown. 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

The fiscal impact of SF 562 cannot be estimated. The Bill expands an existing criminal offense, and the resulting cost to the justice system cannot be estimated. **Table 2** shows estimates for the average State cost per offense class type. The estimates include operating costs incurred by the Judicial Branch, the State Public Defender, and the DOC for one additional 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
Aggravated Misdemeanor	\$ 3,700	\$ 7,800
Class D Felony	7,700	13,500

Sources

Department of Corrections
Criminal and Juvenile Justice Planning Division, Department of Human Rights
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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