



[SF 243](#) – Death or Incapacitating Injury, Failure to Report (LSB1031SV)
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Fiscal Note Version – As amended by [S-3198](#) and passed by the House

Description

[Senate File 243](#) relates to public safety including the crimes of failure to assist, abuse of a corpse, and interference with official acts, and provides penalties. The Bill expands the crime of abuse of a corpse to include when a person fails to disclose the known location of a corpse with the intent to conceal a crime.

Senate File 243 adds medical examiners to the list of authorities relating to the crime of interference with official acts. The Bill provides that a person commits interference with official acts when the person knowingly resists or obstructs anyone known by the person to be a medical examiner in the performance of any act which is within the scope of the medical examiner's lawful duty or authority.

[Amendment S-3198](#) creates the crime of failure to assist. The amendment provides that a person who reasonably believes another person is suffering from a risk of serious bodily injury or imminent danger of death shall, if the person is able, attempt to contact local law enforcement or emergency response authorities, if doing so does not place the person or the other person at risk of serious bodily injury or imminent danger of death. A person shall not be required to contact local law enforcement or emergency response authorities if the person knows or reasonably believes that the other person is not in need of help or assistance. A person who violates this section without lawful cause commits the following:

- A simple misdemeanor if the failure to assist results in the other person suffering serious bodily injury.
- An aggravated misdemeanor if the failure to assist results in the death of the other person.

Background

Under current law, the crime of abuse of a corpse is a Class D felony punishable by confinement for no more than five years and a fine of at least \$1,025 but not more than \$10,245, and the crime of interference with official acts is a simple misdemeanor and includes a fine of not less than \$250. The crime of failure to assist, as applied in the amendment, is punishable by a simple misdemeanor or an aggravated misdemeanor, which is punishable by confinement for no more than two years and a fine of at least \$855 but not more than \$8,540.

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 243 expands the crime of abuse of a corpse and interference with official acts to include new actions, and creates the crime of failure to assist. Due to a lack of existing data for these expanded and new crimes, a correctional 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 aggravated misdemeanors and Class D felonies. The LOS data is not applicable to simple 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 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
Aggravated Misdemeanor (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

Minority Impact

Senate File 243 expands the definition of abuse of a corpse and interference with official acts to include new actions not previously criminalized, and establishes the crime of failure to assist. 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 243. 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 243 expands the definition of abuse of a corpse and interference with official acts and establishes the crime of failure to assist, 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
Simple Misdemeanor	\$ 40	\$ 350
Aggravated Misdemeanor	3,700	7,800
Class D Felony	7,700	13,500

The new and expanded offenses in SF 243 may also result in an increase in fine and surcharge revenue, but the impact is unknown.

Sources

CJJP, Department of Human Rights
Judicial Branch
Department of Corrections

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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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