



[SF 529](#) – Fertility Fraud (LSB2551SV)
Staff Contact: Laura Book (515.205.9275) laura.book@legis.iowa.gov
Fiscal Note Version – As amended by [S-3175](#) and passed by the House

Description

[Amendment S-3175](#) replaces the text of [SF 529](#) and establishes the crime of sexual abuse in the fourth degree. A health care professional commits sexual abuse in the fourth degree when the professional implants their own human reproductive material through assisted reproduction without the patient’s prior knowledge or written consent. Sexual abuse in the fourth degree is punishable by an aggravated misdemeanor and is a tier III sex offense under the sex offender registry. The amendment also provides that a conviction of sexual abuse in the fourth degree is grounds for the revocation or suspension of the licensee’s license to practice their health-related profession.

Amendment S-3175 also establishes Iowa Code section 147.115, which provides that a woman who is 18 years of age or older has the legal capacity to provide informed consent to a hysterectomy. The amendment also prohibits a licensed health care provider from conditioning the hysterectomy on obtaining the consent of any other person, including the woman’s spouse.

Background

An aggravated misdemeanor 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 529 as amended establishes a new offense and a correctional impact cannot be estimated due to a lack of existing conviction 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 of aggravated misdemeanors for sex offenses. 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
Aggravated Misd. (Sex Offenses)	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

Minority Impact

Senate File 529 as amended establishes a new offense. 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 529. 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 529 as amended establishes a new offense and the fiscal impact cannot be estimated due to the lack of existing conviction data. The average State cost per one conviction of an aggravated misdemeanor ranges from \$3,700 to \$7,800. 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

May 4, 2021

Doc ID 1220413

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.
