



[SF 450](#) – Dependent Adult Abuse (LSB2462SV.1)
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Fiscal Note Version – Final Action

Description

[Senate File 450](#) relates to dependent adult abuse and provides penalties. The Bill provides that a caretaker who intentionally or recklessly commits dependent adult abuse on a dependent adult under Iowa Code chapter [235B](#), resulting in the death of the dependent adult, is guilty of second degree murder under Iowa Code section [707.3](#). This provision also applies to a caretaker who intentionally or recklessly commits dependent adult abuse resulting in death of a dependent adult in violation of Iowa Code chapter [235E](#) pursuant to Iowa Code section [235E.4](#).

Background

Murder in the second degree is a Class B felony punishable by a period of confinement of not more than 50 years. Under Iowa Code chapter 235B, a caretaker is defined as a related or nonrelated person who has the responsibility for the protection, care, or custody of a dependent adult as a result of assuming the responsibility voluntarily, by contract, through employment, or by order of the court. A “caretaker” for purposes of Iowa Code chapter 235E means a person who is a staff member of a facility or program who provides care, protection, or services to a dependent adult voluntarily, by contract, through employment, or by order of the court.

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 450 establishes a new penalty for abuse resulting in death under Iowa Code chapters 235B and 235E. In FY 2019 and FY 2020, there were a total of 12 convictions involving injury of a dependent adult by a community caretaker under Iowa Code section [235B.20](#). No charges have been filed for dependent adult abuse at a facility under Iowa Code chapter 235E. Since SF 450 expands the charges for dependent adult abuse, the impact cannot be determined, but the impact would likely be minimal due to the small number of convictions for dependent adult abuse involving injury.

Table 1 provides estimates for sentencing to State prison and marginal costs per day for all convictions of second degree murder. 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

Conviction Offense Class	Percent to Prison	Avg Length of Stay Prison (months)	FY 20 Marginal Cost/Day Prison
Murder Second Degree (No Parole)	100.0%	510.0	\$20.33

Minority Impact

Of the 12 convictions for injury of a dependent adult in FY 2019 and FY 2020, 93.8% of the convictions involved Caucasian offenders, 4.2% were African American offenders, and 2.0% involved offenders classified as Other. In FY 2020, Caucasians and African Americans made up 89.9% and 4.1% of the adult population of the State of Iowa, respectively.

Since SF 450 expands the charges for dependent adult abuse and establishes a new penalty, the Criminal and Juvenile Justice Planning Division (CJJP) of the Department of Human Rights cannot use existing data to estimate the minority impact. The impact is estimated to be minimal due to the small number of convictions under the current statutes. 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 450 expands the charges for dependent adult abuse and the penalties applicable under Iowa Code chapters 235B and 235E, and the fiscal impact cannot be estimated. The average cost per conviction of second degree murder is approximately \$320,000. 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

/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.
