



[HF 2372](#) – Nonconsensual Termination of Human Pregnancy (LSB5672HV)
Staff Contact: Isabel Waller (515.281.6561) isabel.waller@legis.iowa.gov
Fiscal Note Version – New

Description

[House File 2372](#) provides that a person who attempts to intentionally terminate a human pregnancy without the knowledge and voluntary consent of the pregnant person commits a Class D felony.

Background

Under Iowa Code section [707.8](#), a person who intentionally terminates a human pregnancy without the knowledge and voluntary consent of the pregnant person commits a Class C felony. Under HF 2372, a person who attempts this offense commits a Class D felony.

A Class C felony is punishable by up to 10 years in prison and a fine of at least \$1,370 but not more than \$13,660. A Class D felony is punishable by up to five years in prison and a fine of at least \$1,025 but not more than \$10,245.

Assumptions

- The following will not change over the projection period: charge, conviction, and sentencing patterns and trends; prisoner length of stay; 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 \$50.00 per day.

Correctional Impact

House File 2372 establishes a new criminal offense, and the correctional impact cannot be estimated for this Bill due to a lack of existing conviction data. However, there were no convictions under Iowa Code section 707.8 in FY 2021, so it is expected that this Bill will have a minimal correctional impact.

Table 1 below shows estimates for sentencing to State prison, parole, probation, or Community-Based Corrections (CBC) residential facilities; Length of Stay (LOS) in months under those supervisions, and supervision marginal costs per day for all convictions of Class D felonies against persons. Refer to the Legislative Services Agency (LSA) memo addressed to the General Assembly, [Cost Estimates Used for Correctional Impact Statements](#), dated January 18, 2022, for information related to the correctional system.

Table 1 – Sentencing Estimates and Length of Stay (LOS)

Conviction Offense Class	Percent Ordered to State Prison	FY 21 Avg LOS in Prison in Months (All Releases)	FY 21 Marginal Cost Per Day Prison	Percent Ordered to Probation	Avg LOS on Probation in Months	FY 21 Avg Cost Per Day Probation	Percent Sentenced to CBC Residential Facility	FY 21 Marginal Cost Per Day CBC	Percent Ordered to County Jail	Marginal Cost Per Day Jail	Avg LOS on Parole in Months	FY 21 Marginal Cost Per Day Parole
D Felony (Persons)	84.2%	18.8	\$23.33	47.8%	32.8	\$7.01	10.5%	\$17.78	38.6%	\$50.00	11.3	\$7.01

Minority Impact

House File 2372 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 HF 2372. Refer to the LSA memo addressed to the General Assembly, [Minority Impact Statement](#), dated January 18, 2022, for information related to minorities in the criminal justice system.

Fiscal Impact

House File 2372 establishes a new offense, and the fiscal impact cannot be estimated due to a lack of existing conviction data. However, as there were no convictions under Iowa Code section 707.8 in FY 2021, it is expected that this Bill will have a minimal fiscal impact. The average State cost per offense for a Class D felony ranges from \$9,100 to \$16,600. The estimated impact to the State General Fund includes operating costs incurred by the Judicial Branch, the Indigent Defense Fund, and the Department of Corrections. The cost would be incurred across multiple fiscal years for prison and parole supervision.

Sources

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

/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.
