



[SF 522](#) – Elder Abuse, Criminal Penalties (LSB1869SV.1)
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Fiscal Note Version – Final Action

Description

[Senate File 522](#) relates to older individuals and dependent adults and creates certain criminal offenses and civil actions, and provides penalties. The Bill establishes several crimes:

- Older Individual Assault — Assault, as defined in Iowa Code section [708.1](#), of an older individual, defined as an individual who is 60 years of age or older. This crime would be punishable by penalties ranging from a simple misdemeanor to a Class D felony depending on the circumstances of the assault. The Bill also provides for the determination of whether a violation is a second or subsequent offense and provides for minimum sentencing for offenders.
- Theft Against an Older Individual — Enhances the penalties for the existing crime of theft by one degree.
- Financial Exploitation of an Older Individual — Occurs when a person stands in a position of trust or confidence with an older individual and knowingly, and by undue influence, deception, coercion, fraud, breach of fiduciary duty, or extortion, obtains control over or otherwise uses the benefits, property, resources, belongings, or assets of the older individual involved to the detriment of the older individual. The criminal penalties range from a serious misdemeanor to a Class B felony based on the amount of benefits, property, resources, belongings, or assets of the older individual involved.

The Bill establishes criminal penalties for elder abuse ranging from a serious misdemeanor to a Class B felony depending on the circumstances and resulting injuries of the abuse. Elder abuse is defined as the abuse, emotional abuse, neglect, isolation, or sexual exploitation of an older individual. The Bill also relocates the criminal penalties for dependent adult abuse as they currently exist under Iowa Code chapter [235B](#) to Iowa Code chapter [726](#) and makes conforming changes throughout the Iowa Code.

Background

The penalties defined in SF 522 range from a simple misdemeanor to a Class B felony depending on the circumstances of the offense. Felonies and misdemeanors are punishable by the terms defined in Iowa Code chapters [902](#) and [903](#) respectively.

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 522 establishes several new offenses and criminal penalties, and the correctional impact cannot be estimated due to a lack of existing 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 ranging from serious misdemeanors to Class B felonies. The LOS data is not applicable to simple or serious misdemeanors. A conviction for a simple misdemeanor does not result in a prison sentence, but does carry the possibility of confinement for up to 30 days. Marginal county jail costs are estimated to be \$50 per day. 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 — LOS and Sentencing Estimates

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
B Felony (Persons)	93.0%	112.9	\$23.33	6.6%	32.7	\$7.01	3.9%	\$17.78	57.9%	\$50.00	34.0	\$7.01
C Felony (Persons)	89.0%	61.0	\$23.33	27.9%	39.0	\$7.01	5.5%	\$17.78	49.1%	\$50.00	17.8	\$7.01
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
Aggravated Misdemeanor (Persons)	47.0%	9.6	\$23.33	51.7%	20.6	\$7.01	5.2%	\$17.78	70.7%	\$50.00	6.2	\$7.01
Serious Misdemeanor	1.8%	6.5	\$23.33	56.0%	14.5	\$7.01	0.9%	\$17.78	69.0%	\$50.00	18.1	\$7.01

Minority Impact

Senate File 522 establishes several new offenses and criminal penalties. 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 522. 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

Senate File 522 establishes several new offenses, 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 B Felony	\$12,600 to \$45,700
Class C Felony	\$11,100 to \$22,100
Class D Felony	\$9,100 to \$16,600
Aggravated Misdemeanor	\$4,900 to \$9,500
Serious Misdemeanor	\$410 to \$7,000
Simple Misdemeanor	\$40 to \$370

Sources

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

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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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