



HF 112 – Domestic Abuse Assault, Consideration of Prior Offenses (LSB1395HV)
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Fiscal Note Version – New

Description

House File 112 removes a look-back provision related to domestic abuse assault charges. The provision being removed provides that a conviction for, deferred judgement for, or plea of guilty to a violation of domestic abuse assault that occurred more than 12 years prior to the date of the violation charged may not be considered in determining that the violation charged is a second or subsequent offense.

Background

Under Iowa Code section **708.2A**, on a first offense of domestic abuse assault, a person commits an offense ranging from a simple misdemeanor to a Class D felony. On a second offense of domestic abuse assault, a person commits an offense ranging from a serious misdemeanor to a Class D felony. On a third or subsequent offense of domestic abuse assault, a person commits a Class D felony.

A simple misdemeanor is punishable by confinement of up to 30 days and a fine of at least \$105 but not more than \$855. A serious misdemeanor is punishable by confinement of up to one year and a fine of at least \$430 but not more than \$2,560. An aggravated misdemeanor is punishable by confinement of up to two years and a fine of at least \$855 but not more than \$8,540. A Class D felony is punishable by confinement of up to five years and a fine of at least \$1,025 but not more than \$10,245.

Domestic abuse assault conviction data is not available in the Justice Data Warehouse prior to FY 2002.

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

House File 112 is expected increase the number of offenders admitted to prison on a second or subsequent domestic abuse assault offense, but the extent of this increase cannot be estimated. From FY 2002 to FY 2011, approximately 21,506 individuals in Iowa were convicted of a first-time domestic abuse assault offense under Iowa Code section 708.2A. Under the Bill, a portion of these individuals who are charged with a new domestic abuse assault offense may be charged with a second or subsequent offense.

An increase in convictions for a second or subsequent offense rather than a first offense would likely increase the number of offenders admitted to prison and may increase length-of-stay, as a second or subsequent offense is usually punishable by a higher penalty than a first offense.

Table 1 shows the number of prison admissions for domestic abuse assault offenses in FY 2022 and the estimated LOS for each offense class. Of the 177 prison admissions in FY 2022 for domestic abuse assault, 97 were convicted of a second or subsequent offense. Refer to the Legislative Services Agency (LSA) memo addressed to the General Assembly, [Cost Estimates Used for Correctional Impact Statements](#), dated January 20, 2023, for information related to the correctional system.

Table 1 — FY 2022 Prison Admissions Under Iowa Code Section 708.2A

Offense Class	Number of Admissions	Length of Stay (Months)
Class D Felony	87	19.7
Aggravated Misdemeanor	87	9.7
Serious Misdemeanor	3	5.5

Minority Impact

House File 112 would likely disproportionately impact African American individuals. Of the 21,506 individuals convicted of first-time domestic abuse assault offenses from FY 2002 to FY 2011 who may qualify under the Bill for a second or subsequent offense for new charges, 66.9% are Caucasian, 21.7% are African American, and 11.4% are other races. Iowa’s population is 84.5% Caucasian, 3.6% African American, and 11.9% are other races. Refer to the LSA memo addressed to the General Assembly, [Minority Impact Statement](#), dated January 20, 2023, for information related to minorities in the criminal justice system.

Fiscal Impact

House File 112 is estimated to increase the number of offenders admitted to prison on a second or subsequent domestic abuse assault offense. There were 177 individuals admitted to prison for a domestic abuse assault offense in FY 2022. The total marginal supervision cost that will be incurred by the Department of Corrections (DOC) for these 177 individuals is estimated to be approximately \$1.8 million. Under the Bill, the supervision cost for an annual group of individuals admitted to prison for a domestic abuse assault offense in future fiscal years would likely be higher, but the extent of the increase in costs to the DOC is unknown. The DOC is funded through the General Fund.

Sources

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

 /s/ Jennifer Acton

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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.