Fiscal Note
Fiscal Services Division

SF 521 – Assault, Sports Officials (LSB2322SV)
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Fiscal Note Version – New

Description
Senate File 521 adds sports officials to the list of occupations to which enhanced penalties apply under Iowa Code section 708.3A related to assault when the assault is perpetrated on an individual of that occupation in specified circumstances.

The Bill takes effect upon enactment.

Background
Under Iowa Code section 708.3A, the penalty for committing an assault against a person of the listed occupations, with knowledge that the person is a member of that occupation, is as follows:

- A Class D felony for assault with the intent to inflict a serious injury.
- A Class D felony for assault when using or displaying a dangerous weapon in connection with the assault.
- An aggravated misdemeanor for assault causing bodily injury or mental illness.
- A serious misdemeanor for any other assault.

The occupations to which enhanced penalties apply under Iowa Code section 708.3A include peace officers, jailers, correctional staff, members or employees of the Board of Parole, health care providers, employees of the Department of Human Services, employees of the Department of Revenue, National Guard members, civilian employees of a law enforcement agency, civilian employees of a fire department, and fire fighters.

Under Iowa Code section 708.2, the standard penalties for assault are as follows:

- An aggravated misdemeanor for assault with the intent to inflict a serious injury.
- An aggravated misdemeanor for assault when using or displaying a dangerous weapon in connection with the assault.
- A serious misdemeanor for assault causing bodily injury or mental illness.
- A Class D felony for assault without the intent to inflict serious injury but causing serious injury.
- A Class C felony for assault with the use of any object to penetrate the genitalia or anus of another person.
- A simple misdemeanor for any other assault.

A Class D felony is punishable by confinement for up to five years and a fine of at least $1,025 but not more than $10,245. An aggravated misdemeanor is punishable by confinement for up to two years and a fine of at least $855 but not more than $8,540. A serious misdemeanor is punishable by confinement for up to one year and a fine of at least $430 but not more than $2,560.
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 521 expands the definition of an existing criminal offense, and the correctional impact cannot be determined due to a lack of existing conviction data. Table 1 shows estimates for sentencing to State prison, parole, probation, or Community-Based Corrections (CBC) residential facilities; LOS in months under those supervisions; and supervision marginal costs per day for all convictions of Class D felonies, aggravated misdemeanors, and serious misdemeanors. 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 — Sentencing Estimates and LOS

<table>
<thead>
<tr>
<th>Conviction Offense Class</th>
<th>Percent Ordered to State Prison</th>
<th>FY 22 Avg LOS in Months (All Releases)</th>
<th>FY 22 Marginal Cost Per Day Prison</th>
<th>Percent Ordered to Probation</th>
<th>FY 22 Avg LOS on Probation in Months</th>
<th>FY 22 Avg Cost Per Day Probation</th>
<th>Percent Sentenced to CBC Residential Facility</th>
<th>FY 22 Marginal Cost Per Day CBC</th>
<th>Percent Ordered to County Jail</th>
<th>FY 22 Avg LOS on Parole in Months</th>
<th>FY 22 Marginal Cost Per Day Parole</th>
</tr>
</thead>
<tbody>
<tr>
<td>D Felony (Persons)</td>
<td>79.6%</td>
<td>19.7</td>
<td>$23.42</td>
<td>59.0%</td>
<td>33.2</td>
<td>$7.27</td>
<td>8.6%</td>
<td>$20.67</td>
<td>26.3%</td>
<td>50.00</td>
<td>14.4</td>
</tr>
<tr>
<td>Aggravated Misdemeanor (Persons)</td>
<td>45.5%</td>
<td>9.7</td>
<td>$23.42</td>
<td>64.9%</td>
<td>--</td>
<td>$7.27</td>
<td>3.8%</td>
<td>$20.67</td>
<td>55.6%</td>
<td>50.00</td>
<td>7.0</td>
</tr>
<tr>
<td>Serious Misdemeanor</td>
<td>1.9%</td>
<td>5.5</td>
<td>$23.42</td>
<td>51.2%</td>
<td>13.7</td>
<td>$7.27</td>
<td>0.9%</td>
<td>$20.67</td>
<td>73.3%</td>
<td>$50.00</td>
<td>0.5</td>
</tr>
</tbody>
</table>

Minority Impact
Senate File 521 expands the definition of an existing criminal offense. As a result, the Division of Criminal and Juvenile Justice Planning cannot use prior existing data to estimate the minority impact. However, of the 843 convictions for assault under Iowa Code section 708.3A in FY 2022, 66.3% were Caucasian, 23.1% were African American, and 10.6% were other races. Iowa’s population is 84.5% Caucasian, 3.6% African American, and 11.9% 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
Senate File 521 expands the definition of an existing criminal offense, and the fiscal impact cannot be determined. Table 2 shows the average State cost per offense for a Class D felony, aggravated misdemeanor, and serious misdemeanor. 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.
Table 2 — Average State Cost Per Offense

<table>
<thead>
<tr>
<th>Offense Class</th>
<th>Average Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Class D Felony</td>
<td>$9,500 to $17,400</td>
</tr>
<tr>
<td>Aggravated Misdemeanor</td>
<td>$5,000 to $9,600</td>
</tr>
<tr>
<td>Serious Misdemeanor</td>
<td>$400 to $5,600</td>
</tr>
</tbody>
</table>

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

/s/ Jennifer Acton
March 7, 2023

Doc ID 1370438

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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