



[HF 570](#) – Assault on a Pregnant Person, Penalties (LSB1523HV.2)
Staff Contact: Isabel Waller (515.281.6561) isabel.waller@legis.iowa.gov
Fiscal Note Version – Final Action

Description

[House File 570](#) increases the penalty from an aggravated misdemeanor to a Class D felony for assault with the use or display of a dangerous weapon when the assault is committed against a pregnant person.

The Bill also increases the penalty from an aggravated misdemeanor to a Class D felony for domestic abuse assault when it is committed against a pregnant person under the following circumstances:

- If the domestic abuse assault is committed with the intent to inflict a serious injury upon another, or if the person uses or displays a dangerous weapon in connection with the assault.
- If the domestic abuse assault is committed by knowingly impeding the normal breathing or circulation of the blood of another by applying pressure to the throat or neck of the other person or by obstructing the nose or mouth of the other person.

The Bill provides that the penalty for a second offense of domestic abuse assault is a Class D felony if the first offense was a Class D felony and the second offense would otherwise be an aggravated misdemeanor.

Background

Under Iowa Code section [708.2](#), a person who commits an assault and uses or displays a dangerous weapon in connection with the assault is guilty of an aggravated misdemeanor.

Under Iowa Code section [708.2A](#), on a first offense of domestic abuse assault, the penalty is as follows:

- A serious misdemeanor if the domestic abuse assault causes bodily injury or mental illness.
- An aggravated misdemeanor if the domestic abuse assault is committed with the intent to inflict a serious injury upon another, or if the person uses or displays a dangerous weapon in connection with the assault.
- An aggravated misdemeanor if the domestic abuse assault is committed by knowingly impeding the normal breathing or circulation of the blood of another by applying pressure to the throat or neck of the other person or by obstructing the nose or mouth of the other person.
- A simple misdemeanor for all other circumstances.

Under Iowa Code section 708.2A, on a second offense of domestic abuse assault, the penalty is as follows:

- A serious misdemeanor if the first offense was a simple misdemeanor and the second offense would otherwise be a simple misdemeanor.
- An aggravated misdemeanor if the first offense was a simple or aggravated misdemeanor and the second offense would otherwise be a serious misdemeanor; or if the first offense

was classified as a serious or aggravated misdemeanor and the second offense would otherwise be a simple or serious misdemeanor.

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.

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 570 modifies the penalties for existing offenses, and the correctional impact cannot be determined because the number of past convictions for assault and domestic abuse assault against a pregnant person is unknown. The Department of Corrections (DOC) reports that assaults and domestic abuse assaults against pregnant persons are likely already captured under current assault and domestic abuse assault crimes. However, since the Bill enhances penalties for certain assaults and domestic abuse assaults when the offense is committed against a pregnant person, convicted individuals will likely have an increased LOS under the Bill.

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 and aggravated 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

Conviction Offense Class	Percent Ordered to State Prison	FY 22 Avg LOS in Prison in Months (All Releases)	FY 22 Marginal Cost Per Day Prison	Percent Ordered to Probation	FY 22 Avg LOS on Probation in Months	FY 22 Avg Cost Per Day Probation	Percent Sentenced to CBC Residential Facility	FY 22 Marginal Cost Per Day CBC	Percent Ordered to County Jail	Marginal Cost Per Day Jail	FY 22 Avg LOS on Parole in Months	FY 22 Marginal Cost Per Day Parole
D Felony (Persons)	79.6%	19.7	\$23.42	59.0%	33.2	\$7.27	8.6%	\$20.67	26.3%	\$50.00	14.4	\$7.27
Aggravated Misdemeanor (Persons)	45.5%	9.7	\$23.42	64.9%	--	\$7.27	3.8%	\$20.67	55.6%	\$50.00	7.0	\$7.27

Minority Impact

House File 570 modifies the penalties for existing offenses when the offenses are perpetrated against a pregnant person. As a result, the Division of Criminal and Juvenile Justice Planning of the Department of Human Rights cannot use prior existing data to estimate the minority impact. However, of the 11,467 convictions of assault and domestic abuse assault in FY 2022, 66.8% involved Caucasian individuals, 24.5% involved African American individuals, and 8.7% involved individuals of other races. Iowa’s population is 84.5% Caucasian, 3.6% African American, and 11.9% other races. The Bill may disproportionately impact African American individuals if the

LOS is increased due to enhanced penalties. 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 570 modifies the penalties for existing offenses, and the fiscal impact cannot be determined because the number of past convictions for assault and domestic abuse assault against a pregnant person is unknown. **Table 2** shows the average State cost per offense for a Class D felony and aggravated misdemeanor. The estimated impact to the State General Fund includes operating costs incurred by the Judicial Branch, the Indigent Defense Fund, and the DOC. The costs would be incurred across multiple fiscal years for prison and parole supervision.

Table 2 — Average State Cost Per Offense

Offense Class	Average Cost
Class D Felony	\$9,500 to \$17,400
Aggravated Misdemeanor	\$5,000 to \$9,600

Sources

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

/s/ Jennifer Acton

May 8, 2023

Doc ID 1371796

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.
