

Fiscal Note

Fiscal Services Division



[HF 630](#) – Human Trafficking, Penalties (LSB2171HV.1)

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Fiscal Note Version – Final Action

Description

[House File 630](#) increases the penalties for human trafficking under Iowa Code section [710A.2](#).

The penalty is increased from a Class D felony to a Class B felony, and from a Class C felony to a Class A felony if the victim is under 18, for the following:

- Knowingly engaging in human trafficking.
- Knowingly engaging in human trafficking by physically restraining or threatening to physically restrain another person.
- Knowingly engaging in human trafficking by soliciting services or benefiting from the services of a victim.
- Knowingly engaging in human trafficking by abusing or threatening to abuse the law or legal process.
- Knowingly engaging in human trafficking by knowingly destroying, concealing, removing, confiscating, or possessing any actual or purported government identification of another person.
- Benefiting financially or receiving anything of value from knowingly participating in human trafficking.

The penalty is increased from a Class C felony, and a Class B felony if the victim is under 18, to a Class A felony for knowingly engaging in human trafficking by causing or threatening to cause serious physical injury to another person.

The penalty is increased from an aggravated misdemeanor to a Class D felony, and from a Class D felony to a Class B felony if the victim is under 18, for the following:

- Knowingly engaging in human trafficking by knowingly providing or facilitating the provision of a forged, altered, or fraudulent license purportedly issued for massage therapy or cosmetology, or a forged, altered, or fraudulent government identification, to another person to force, coerce, entice, assist, facilitate, or permit the other person to perform labor or services.
- Knowingly engaging in human trafficking by knowingly forcing, coercing, enticing, assisting, facilitating, or permitting another person in possession of a forged, altered, or fraudulent license purportedly issued for massage therapy or cosmetology, or a forged, altered, or fraudulent government identification, to produce such license or government identification upon request of a peace officer.

The Bill provides that a person who is convicted of human trafficking is not eligible for a deferred judgment or a deferred or suspended sentence.

Background

Iowa Code section 710A.2 establishes the penalties for human trafficking, ranging from an aggravated misdemeanor to a Class B felony, depending on the age of the victim and the specifics of the offense. Iowa Code section [710A.2A](#) establishes the related offense of solicitation of commercial sexual activity, which is a Class D felony. Solicitation of commercial sexual activity involves enticing, coercing, or recruiting, or attempting to entice, coerce, or recruit, either a person who is under 18 years of age or a law enforcement officer or agent who is representing that the officer or agent is under 18 years of age, to engage in a commercial sexual activity.

A Class A felony is punishable by lifetime imprisonment without the possibility of parole. A Class B felony is punishable by confinement for up to 25 years. A Class C felony is punishable by confinement for up to 10 years and a fine of at least \$1,370 but not more than \$13,660. 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.

In FY 2022, there were no convictions or admissions to Department of Corrections (DOC) supervision for human trafficking under Iowa Code section 710A.2. For the related crime of solicitation of commercial sexual activity, there were two convictions and two individuals who were admitted to prison for this offense in FY 2022.

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

The correctional impact of HF 630 cannot be estimated due to the low number of convictions and admissions to DOC supervision for human trafficking. The DOC reports that in general, there are few charges, convictions, and admissions to DOC supervision for human trafficking. In FY 2022, there were no convictions or admissions to DOC supervision for human trafficking. For those who are admitted to DOC supervision for human trafficking, the Bill would likely increase the LOS under DOC supervision.

Table 1 shows 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 of Class B felonies, Class C felonies, Class D felonies, and aggravated misdemeanors. A Class A felony is punishable by lifetime imprisonment without the possibility of parole. 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
B Felony (Persons)	95.2%	115.8	\$23.42	4.8%	38.3	\$7.27	0.0%	\$20.67	45.2%	\$50.00	33.1	\$7.27
C Felony (Persons)	89.8%	50.1	\$23.42	27.6%	39.0	\$7.27	3.6%	\$20.67	43.2%	\$50.00	19.5	\$7.27
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

The minority impact of HF 630 cannot be estimated due to minimal existing conviction data. 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

The fiscal impact of HF 630 cannot be estimated due to the low number of convictions and admissions to DOC supervision for human trafficking. **Table 2** below shows the average State cost per offense for a Class B felony, Class C felony, 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 cost would be incurred across multiple fiscal years for prison and parole supervision.

Table 2 — Average State Cost Per Offense

Offense Class	Average Cost
Class B Felony	\$14,200 to \$46,300
Class C Felony	\$12,100 to \$25,100
Class D Felony	\$9,500 to \$17,400
Aggravated Misdemeanor	\$5,000 to \$9,600

The State cost for a Class A felony must be calculated on an individual basis to determine prison costs. At a minimum, a Class A felony requires two indigent defense attorneys at a cost of approximately \$40,200 and includes court time and jury trial costs ranging from \$9,900 to \$14,100.

Sources

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

/s/ Jennifer Acton

May 10, 2023

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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