



[HF 2602](#) – Grooming of Juveniles, Criminal Offense (LSB5895HV.2)
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Fiscal Note Version – Final Action

Description

[House File 2602](#) establishes a new criminal offense of grooming and provides penalties. Under the Bill, a person commits an act of grooming when the person knowingly attempts to seduce, solicit, lure, or entice a person under 18 years of age to engage in an unlawful sex act or an act of unlawful sexual conduct with the use of a computer, an Internet service, an electronic storage or transmission device, or written communication. The penalty for an act of grooming is a Class D felony.

Background

A person convicted of a Tier I, II, or III sex offense is required to register as a sex offender for a period of 10 years. A Tier II offender is required to verify the offender's information to the Iowa Sex Offender Registry every six months, and a Tier III offender is required to verify the offender's information every three months.

A person convicted of a Class D felony for an offense under Iowa Code chapter [709](#) (sexual abuse) must also be sentenced to a special sentence committing the person into the custody of the director of the Department of Corrections for a period of 10 years, with eligibility for probation or parole under Iowa Code chapter [906](#).

A Class D felony is punishable by confinement for no more than five years and a fine of at least \$1,025 but no more than \$10,245.

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 delay 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.
- Each claim for services rendered in the representation of a defendant charged with grooming will result in a claim of \$1,460 or more to the Indigent Defense Fund.

Correctional Impact

House File 2602 creates a new criminal offense, and the correctional impact cannot be estimated due to a lack of existing conviction data. **Figure 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 Class D felonies. Refer to the Legislative Services Agency (LSA) memo addressed to the General Assembly, [Cost Estimates Used for Correctional Impact Statements](#), dated January 16, 2024, for information related to the correctional system.

Figure 1 — Sentencing Estimate and Length of Stay (LOS)

Conviction Offense Class	Percent Ordered to State Prison	FY 2023 Avg LOS in Prison (All Releases)	Marginal Cost Per Day Prison	Percent Ordered to Probation	FY23 Field Avg LOS on Probation	Avg Cost Per Day on Probation	Percent Sentenced to CBC Residential Facility	Marginal Cost Per Day CBC	Percent Ordered to County Jail	Marginal Cost Per Day Jail	FY23 Field Avg LOS on Parole	Marginal Cost Per Day Parole
D Felony (Sex)	91.5%	32.3	\$24.94	45.4%	40.1	\$ 7.67	2.8%	\$ 20.00	39.7%	\$ 50.00	8.7	\$ 7.67

Minority Impact

House File 2602 creates a new criminal offense. As a result, the Criminal and Juvenile Justice Planning (CJJP) of the Department of Management (DOM) cannot use existing data to estimate the minority impact of the Bill. Refer to the LSA memo addressed to the General Assembly, [Minority Impact Statement](#), dated January 16, 2024, for information related to minorities in the criminal justice system.

Fiscal Impact

House File 2602 is estimated to increase costs to the State Public Defender and Indigent Defense Fund by \$306,000 per year. The fiscal impact to the correctional system cannot be estimated due to a lack of existing conviction data. The average State cost per offense for a Class D felony ranges from \$12,600 to \$18,200. 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 (DOC). The cost would be incurred across multiple fiscal years for prison and parole supervision.

Sources

Department of Corrections
 Criminal and Juvenile Justice Planning, Department of Management
 Office of the State Public Defender
 Legislative Services Agency

/s/ Jennifer Acton

May 8, 2024

Doc ID 1449781

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.
