



SF 397 – Assaults, Persons Engaged in Certain Occupations and by Inmates (LSB1057SV.1)
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Fiscal Note Version – Final Action

Description

Senate File 397 expands occupations under Iowa Code section **708.3A** related to assault to include juvenile detention staff and employees of the Department of Inspections, Appeals, and Licensing (DIAL) who conduct investigations or inspections. The Bill elevates the penalties for assault against persons engaged in certain occupations as follows:

- Assaults under Iowa Code section 708.3A(1) would become a Class C felony.
- Assaults under Iowa Code section 708.3A(2) would become a Class C felony.
- Assaults under Iowa Code section 708.3A(3) would become a Class D felony.
- Assaults under Iowa Code section 708.3A(4) would become an aggravated misdemeanor. A person who violates that Iowa Code section would be required to serve a minimum term of seven days of the sentence imposed by law and would not be eligible for suspension of the minimum sentence.

The Bill also provides that a person who, while confined in a jail, institution, or facility under the control of the Department of Corrections (DOC), ejects saliva in a manner intending to cause pain or injury, or to be insulting or offensive, commits an act of assault.

Background

Assault as it relates to the Bill is defined in Iowa Code section **708.1**. To commit assault under Iowa Code section 708.3A, the person committing the assault must know that the person against whom the assault is committed is engaged in an occupation detailed in Iowa Code sections 708.3A(1) through 708.3A(4).

- Iowa Code section 708.3A(1) relates to assaults with the intent to inflict a serious injury and establishes such assaults as a Class D felony under current law.
- Iowa Code section 708.3A(2) relates to assaults with the use or display of a dangerous weapon in connection with an assault and establishes such assaults as a Class D felony under current law.
- Iowa Code section 708.3A(3) relates to assault causing bodily injury or mental illness and establishes such assaults as an aggravated misdemeanor under current law.
- Iowa Code section 708.3A(4) relates to all other forms of assault and establishes such assaults as a serious misdemeanor under current law.

Under Iowa Code section **708.3B**, a person who, while confined in a jail, institution, or facility under the control of the DOC, assaults or commits an act that is intended to cause pain or injury, or be insulting or offensive, to an employee of the jail, institution, or facility, and that results in the employee coming into contact with blood, seminal fluid, urine, or feces, commits a Class D felony. The Bill adds saliva to this list of bodily excretions.

A Class C felony is punishable by confinement for up to 10 years and a fine of at least \$1,370 but no 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 no more than \$10,245. An aggravated misdemeanor is

punishable by confinement for up to two years and a fine of at least \$855 but no more than \$8,540. A serious misdemeanor is punishable by confinement for up to one year and a fine of at least \$430 but no more than \$2,560.

According to the Office of the State Public Defender (SPD), in FY 2024, 630 claims totaling \$411,000 under Iowa Code sections 708.3A(1) through 708.3A(4) were paid from the Indigent Defense Fund.

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.
- The expansion of the definition of assault will increase the number of prosecutions.
- There will be an increase in the average claim cost under Iowa Code sections 708.3A(1) through 708.3A(4) to the SPD, and those costs will be paid from the Indigent Defense Fund.
- Contract attorney pay will remain at the current hourly rates.
- The increased level of offense would increase the total estimated claim costs to the SPD by \$119,000 per year.
- The addition of the excretion of saliva as a form of assault is estimated to increase claim costs to the SPD by \$5,000 per year.

Correctional Impact

Senate File 397 increases penalties under Iowa Code section 708.3A and expands definitions to include assaults in which a person employed in certain occupations comes into contact with saliva. It is not known how many additional convictions under Iowa Code sections 708.3A or 708.3B would result from the expanded definitions; therefore, the correctional impact cannot be estimated for that provision of the Bill.

In FY 2024, there were 27 individuals admitted to prison, 9 individuals admitted to parole, and 125 individuals admitted to probation for the most serious offense under Iowa Code section 708.3A. Under the Bill, the DOC estimates that prison and parole admissions and LOS would be increased. The probation counts would be redistributed given the enhancements, since some individuals would be ordered to prison under the Bill.

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 C and 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 13, 2025, for information related to the correctional system.

Figure 1 — Sentencing Estimates and Length of Stay (LOS) in Months

Conviction Offense Class	Percent Ordered to State Prison	FY 2024 Avg LOS in Prison (All Releases)	Marginal Cost Per Day Prison	Percent Ordered to Probation	FY 2024 Field Avg LOS on Probation	Avg Cost Per Day on Probation	Marginal Cost Per Day CBC	Marginal Cost Per Day Jail	FY 2024 Field Avg LOS on Parole	Marginal Cost Per Day Parole
C Felony (Persons)	89.8%	37.8	\$24.51	35.9%	43.4	\$7.68	\$18.37	\$50.00	21.3	\$7.68
D Felony (Persons)	82.0%	18.7	\$24.51	44.2%	36.8	\$7.68	\$18.37	\$50.00	15.1	\$7.68
Aggravated Misdemeanor (Persons)	48.9%	9.5	\$24.51	58.9%	26.0	\$7.68	\$18.37	\$50.00	22.5	\$7.68

Minority Impact

Senate File 397 increases the penalties for assaults on persons in certain occupations. Senate File 397 may disproportionately impact Black individuals if trends remain constant. According to Department of Management (DOM) Criminal Justice Planning, of the 752 individuals convicted under Iowa Code section 708.3A in FY 2024, 68.4% were White, 24.4% were Black, and 7.1% were other races. Iowa’s population is 85.6% White, 3.8% Black, and 10.5% other races. Refer to the LSA memo addressed to the General Assembly, [Minority Impact Statement](#), dated January 13, 2025, for information related to minorities in the criminal justice system.

Fiscal Impact

Senate File 397 is anticipated to increase prison admissions and LOS, which would increase costs to the DOC by approximately \$948,000 per group per year over the LOS. **Figure 2** breaks down these costs by penalty. These costs would recur for each annual group of admissions and would be incurred across multiple fiscal years for prison and parole supervision.

Figure 2 — Cost to the DOC Under SF 397

Iowa Code Section	Current Cost	Cost Under SF 397	Fiscal Impact
708.3A(1)	\$126,177	\$ 329,893	\$203,716
708.3A(2)	99,136	222,019	122,883
708.3A(3)	484,933	998,642	513,710
708.3A(4)	273,883	381,314	107,431
Total Fiscal Impact			\$947,740

In addition, Senate File 397 enforces a minimum sentence and increases the level of offense, which is anticipated to increase costs to the SPD by approximately \$124,000 per year. Costs for the SPD are paid from the Indigent Defense Fund.

Sources

Department of Corrections
 Department of Management (DOM) Criminal Justice Planning
 Office of the State Public Defender

/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.