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**SF 179** – Kidnapping in the Second Degree (LSB1441SV)  
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Fiscal Note Version – New  
Requested by Senator Steve Sodders

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**Description**

**Senate File 179** amends Iowa Code section **710.3** (second degree kidnapping) to make kidnapping a person under 18 years of age a Class B felony. The Bill also amends **710.4** (third degree kidnapping) to enhance the penalty for repeat convictions of third degree kidnapping to a Class B felony.

**Background**

**Correctional and Fiscal Information**

- All of the offenders impacted by the provisions of **SF 179** are currently sentenced to the State prison system. They will remain in the State prison system longer under the Bill's provisions.
- Under current law, kidnapping a person under 18 years of age may be a Class C felony in certain circumstances. The average length of stay in the State prison system for a Class C felony crime against a person is 45 months (3.75 years).
- The Bill makes any kidnapping of a person under age 18 a Class B felony. Offenders convicted of second degree kidnapping are required to serve at least 70.0% of the sentence in the State prison system per Iowa Code section **902.12**. The average length of stay in the State prison system is 210 months (17.5 years) for these offenders.
- Under current law, repeat convictions for third degree kidnapping are punishable as a Class C felony. The average length of stay in the State prison system for a Class C felony crime against a person is 45 months (3.75 years).
- The Bill makes repeat convictions for third degree kidnapping a Class B felony. The average length of stay in the State prison system for a Class B felony crime against a person is 101.6 months (8.5 years).
- The cost per case to the Judicial Branch is approximately \$929. The fiscal impact to the Judicial Branch operating budget is minimal. The offenders impacted under the provisions of **SF 179** are being tried and convicted under current law.
- The fiscal impact to the Indigent Defense Fund is minimal. The maximum cost of a Class C felony case is \$1,800 while the maximum cost of a Class B felony case is \$3,600, for a difference of \$1,800.
- The marginal cost for State prison is \$18.92 per day.
- The Iowa Court Information System (ICIS) does not provide information on whether a kidnapping offense involved a victim under 18 years old.
- The Criminal and Juvenile Justice Planning Division (**CJJPD**) of the Department of Human Rights (**DHR**) analyzed kidnappings over a 10-year period (FY 2002 through FY 2012). The analysis found there were 17 offenders convicted of any kidnapping (first, second, or third degree) that involved a person under 18 years old.

## Minority Data Information

The table below shows the number of offenders convicted in FY 2014 for second degree and third degree kidnapping by race.

**Offenders Convicted of Kidnapping by Race in FY 2014**

	White	Black	Other/ Unknown	Total
Second Degree Kidnapping	1	1	0	2
Third Degree Kidnapping	3	4	1	8

Refer to the Legislative Services Agency memo addressed to the General Assembly, [Minority Impact Memo](#), for information related to minorities in the criminal justice system.

### Assumptions

#### Correctional and Fiscal Information

- Charge, conviction, and sentencing patterns and trends will not change over the projection period.
- Prisoner length of stay, revocation rates, plea bargaining, and other criminal justice system policies and practices will not change over the projection period.
- An offender convicted of a Class B felony rather than a Class C felony is likely to remain on parole supervision longer. The fiscal impact of additional supervision is assumed to be minimal.
- Convictions for kidnapping a person under 18 years old are rare.

**Minority Data Information:** The impact on minorities will remain consistent with current data.

### Summary of Impacts

#### Correctional Impact

The correctional impact is expected to be minimal over the five year projection period because convictions are rare. If there is any correctional impact, it is most likely to occur in year four (FY 2019), when offenders currently convicted of a Class C felony would be released from State prison under current law. They will remain in State prison under the provisions of [SF 179](#).

#### Minority Impact

The minority impact is minimal. Few convictions are anticipated under the provisions of this Bill.

#### Fiscal Impact

The fiscal impact is expected to be minimal because few criminal cases are anticipated under the provisions of this Bill.

### Sources

Department of Human Rights, Criminal and Juvenile Justice Planning Division  
Department of Corrections  
Office of the State Court Administrator  
Office of the State Public Defender

/s/ Holly M. Lyons

March 2, 2015

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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.

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