



HF 2011 – Sexual Exploitation by a School Employee (LSB5270YH)
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Fiscal Note Version – New

Description

House File 2011 amends Iowa Code section **709.15**(1)(f) to broaden the criminal offense of sexual exploitation by a school employee to include all school district employees, including full-time, part-time, substitute, certain contract employees, and certain volunteers.

Background

- A person who commits sexual exploitation by a school employee in violation of Code section **709.15**(3) commits either:
 - An aggravated misdemeanor, which is punishable by confinement for no more than two years and a fine of at least \$625, but not more than \$6,250; or
 - A class “D” felony, which is punishable by confinement for no more than five years and a fine of at least \$750, but not more than \$7,500.
- The person’s actions also constitute unprofessional and unethical conduct that may result in disciplinary action by the Board of Educational Examiners.
- Offenders sentenced under the provisions of Iowa Code chapter **709** are subject to sentencing enhancements because they are sex offenders. These offenders are subject to the requirements of the Sex Offender Registry (**SOR**) for at least 10 years per Iowa Code chapter **692A**.
- Sex offenders are also subject to the Special Sentence imposed under Iowa Code chapter **903B**. Offenders on Special Sentence are supervised by the Community-Based Corrections (CBC) District Departments.
- Sex offenders sentenced to prison are required to participate in a Sex Offender Treatment Program (SOTP).

Assumptions

- 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 policies and practices will not change over the projection period.
- The law will become effective July 1, 2016. A lag effect of six months is assumed from the law’s effective date to the date of first entry of affected offenders into the correctional system.

Summary of Impacts

Correctional Impact

Since it is unknown how many more charges will result from this bill, the correctional impact of **HF 2011** is also unknown.

In FY 2015, there were 35 charges disposed of regarding various levels of sexual exploitation by a school employee. Of these, 12 charges resulted in a conviction. There were five Class D felony convictions for sexual exploitation by a school employee in FY 2015. Based on the

existing conviction levels for this offense, the correctional impact on the State prison system, CBC offender population, and county jails is expected to be minimal.

Minority Impact: There is no minority impact expected under [HF 2011](#).

Fiscal Impact

Although the overall impact of [HF 2011](#) is unknown, the fiscal impact is expected to be minimal.

Aggravated Misdemeanor

In FY 2015, there were seven aggravated misdemeanor convictions for sexual exploitation by a school employee:

- The cost to the indigent defense fund per aggravated misdemeanor case is \$1,200.
- The average cost to the Judicial Branch per aggravated misdemeanor case is \$222.
- The average state cost for one aggravated misdemeanor conviction ranges from \$3,100 to \$6,800. The minimum cost includes court time of a District Associate Judge or a District Court Judge, court reporter, court attendant, and Clerk of Court staff plus the costs of probation supervision. The maximum cost includes court time and the costs of a jury trial, indigent defense, state prison, and parole supervision.

Class D Felony

In FY 2015, there were five Class D felony convictions for sexual exploitation by a school employee.

- The cost to the indigent defense fund per Class D felony case is \$1,200.
- The average cost to the Judicial Branch per Class D felony case is \$452.
- The average state cost for one Class D felony conviction ranges from \$6,300 to \$12,000. The minimum average cost includes court time of a District Court Judge, court reporter, court attendant, and Clerk of Court staff plus the costs of indigent defense and probation supervision. The maximum cost includes court time and the costs of a jury trial, indigent defense, state prison, and parole supervision.

Sources

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

/s/ Holly M. Lyons

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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 LSA upon request.
