



SF 2239 – Domestic Abuse Habitual Offenders (LSB5469SV)
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Fiscal Note Version – New

Description

Senate File 2239 establishes a criminal penalty for a violent repeat offender and reduces earned time for offenders required to participate in batterers' education under certain circumstances, provides for risk assessments, and relates to electronic tracking and monitoring.

Background

SF 2239 defines a violent repeat offender as anyone convicted of a more serious felony under the following Iowa Code chapters and has twice before been convicted of any felony violation under the same Code chapters: **707** (Homicide), **708** (Assault), **709** (Sexual Abuse), **710** (Kidnapping), **711** (Robbery and Extortion), and **713** (Burglary).

Currently, an offender serving a violent repeat offender sentence is eligible for a reduction of sentence equal to 1.2 days for each day the inmate serves under good conduct. The bill will change that to a reduction of sentence equal to fifteen eighty-fifths of a day for each day of good conduct by the inmate. This is the same rate of reduction of a sentence for an offender serving a 70.0% sentence under Iowa Code section **902.12**.

SF 2239 also specifies that an inmate required to participate in a batterers' education program is not eligible for any reduction of sentence unless the inmate participates in and completes the program as established by the Director of the Department of Corrections (DOC).

The bill specifies that an offender placed on probation, parole, or work release, or any other type of conditional release for domestic abuse assault, harassment, or stalking may be supervised by an electronic tracking or monitoring system for a period of time to be determined by the court.

Correctional and Fiscal Information

- A habitual offender is any person convicted of a Class C or Class D felony that has twice before been convicted of any felony.
- A person sentenced as a habitual offender is not eligible for parole until the person has served a minimum of three years.
- In FY 2015, 117 offenders entered prison under Iowa Code section **902.8** (Habitual Offender).
- A 2014 analysis revealed that 17.3% of offenders convicted of Iowa Code section **902.8** crimes were eligible for violent habitual offender status (approximately 20 offenders).
- A total of 23.9% of the offenders that entered prison under Iowa Code section **902.8** were African American.
- The marginal cost per day for prison is \$18.43.

Minority Data Information: Refer to the Legislative Services Agency (LSA), [Minority Impact Statements Memo](#), dated January 26, 2016, for information related to minorities in the criminal justice system.

Assumptions

- Charge, conviction, and sentencing patterns and trends will not change over the projection period.
- Prisoner length of stay, revocation rates and other corrections policies and practices will not change over the projection period.
- The law will become effective July 1, 2016. A lag effect of six months will occur from the effective date to first entry of affected offenders into the correctional system.
- The offenders sentenced to prison under current law will stay in prison longer, increasing the prison length of stay.
- The majority of offenders listed are currently under supervision and the risk assessment is completed.
- The correctional impact estimate assumes 20 new offender admissions will be eligible for violent habitual offender status.

Correctional Impact

Under the provisions of the bill, offenders will remain in prison longer and the length of stay in prison will increase from 73.5 months to 103.7 months based on percent of maximum sentence served. The bill will have a minimal impact on the prison population in the first few years, but is expected to increase in FY 2022. The impact is estimated to level out in FY 2024 and remain stable annually thereafter.

Anticipated Prison Population Impact

	<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>
Increase in population	17	37	50	50	50

Minority Impact

[SF 2239](#) will have a minority impact in the sixth year. An estimated five African Americans will be convicted in FY 2022, and the number will increase to 12 offenders by 2025.

Fiscal Impact

[Senate File 2239](#) is estimated to increase costs to the General Fund beginning in FY 2022. The table below summarizes the estimated expenditures by the DOC.

Anticipated Prison Population – Fiscal Impact

	<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>
Population Increase	17	37	50	50	50
Marginal Cost/day	\$18.43	\$18.43	\$18.43	\$18.43	\$18.43
Days	365	365	365	365	365
Additional Cost	<u>\$ 114,400</u>	<u>\$ 249,000</u>	<u>\$ 336,400</u>	<u>\$ 336,400</u>	<u>\$ 336,400</u>

Sources

Department of Corrections
Iowa Department of Human Rights, Criminal and Juvenile Justice Planning Division

/s/ Holly M. Lyons

March 9, 2016

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.
