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**SF 2176** – Lascivious Acts and Indecent Contacts with Minors (LSB5458SV)  
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Fiscal Note Version – New

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### **Description**

[Senate File 2176](#) relates to the criminal offense of lascivious conduct with a minor. The Bill expands the definition of lascivious conduct with a minor and applies the penalty of either a serious or an aggravated misdemeanor, depending on the elements of the offense. A person who violates the provisions of the Bill must register as a sex offender pursuant to Iowa Code chapter [692A](#).

### **Background**

[Senate File 2176](#) does not change the current offense of lascivious conduct with a minor as prescribed in Iowa Code section [709.14](#). The current offense is punishable as a serious misdemeanor.

### **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 lag effect 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.
- 50.0% of dismissed or acquitted charges may become convictions under this Bill.

### **Impacts**

#### **Correctional Impact**

The correctional impact of [SF 2176](#) is estimated to be minimal. In FY 2017, there were 14 convictions of lascivious conduct with a minor under Iowa Code section [709.14](#). In FY 2017, there were nine dismissed or acquitted charges of lascivious conduct with a minor. The Bill is expected to increase jail orders and probation orders by three orders annually.

Under the expanded definition of lascivious acts with a minor, the penalty is either a serious or an aggravated misdemeanor depending on the elements of the offense. **Table 1** below shows estimates for sentencing to State prison, parole, probation, or Community-Based Corrections (CBC) residential facilities; LOS under those supervisions; and supervision marginal costs per day for all convictions of aggravated misdemeanors (sex offenses) and serious misdemeanors. Refer to the Legislative Services Agency (LSA) memo addressed to the General Assembly, [Cost Estimates Used for Correctional Impact Statements](#), dated January 8, 2018, for information related to the correctional system.

**Table 1 – Estimates for Sentencing**

Conviction Offense Class	Percent Sentenced to State Prison	FY 17 Avg Length of Stay in Prison (months)	FY 17 Prison Marginal Cost/Day	Avg Length of Stay on Parole (months)	FY 17 Marginal Cost/Day Parole	Percent Sentenced to Probation	Avg Length of Stay on Probation (months)	FY 17 Avg Cost/Day on Probation	Percent Sentenced to CBC Residential Facility	FY 17 Marginal CBC Cost/Day	Percent Sentenced to County Jail	Avg Length of Stay in County Jail (Days)	Marginal Cost per Day
Aggravated Misdemeanor (Sex offense)	78%	15	\$17.52	3.9	\$4.93	46%	22.9	\$4.93	9%	\$10.56	26%	N/A	\$50.00
Serious Misdemeanor	2%	7.3	\$18.51	N/A	\$4.59	57%	13.8	\$4.93	1%	\$10.56	72%	N/A	\$50.00

**Minority Impact**

There is no minority impact expected under [SF 2176](#). Refer to the LSA memo addressed to the General Assembly, [Minority Impact Memo](#), dated January 29, 2018, for information related to minorities in the criminal justice system.

**Fiscal Impact**

The fiscal impact of [SF 2176](#) is estimated to be minimal. **Table 2** contains estimates for the average State cost per offense class type.

**Table 2 – Average State Cost per Offense Class Type**

Offense Class	Total Minimum Cost	Total Maximum Cost
Aggravated Misdemeanor	\$3,300	\$6,600
Serious Misdemeanor	\$250	\$4,900

**Source**

Department of Human Rights, Criminal and Juvenile Justice Planning Division

/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 Legislative Services Agency upon request.

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