



SF 2230 – Kidnapping of Minor (LSB5455SV)
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Fiscal Note Version – New

Description

[Senate File 2230](#) relates to kidnapping in the second degree. The criminal offense of kidnapping is defined in Iowa Code section [710.1](#). Under the Bill, a person commits kidnapping in the second degree when the victim is under the age of 18. The Bill specifies that a kidnapping by a parent or legal guardian whose sole purpose is to assume custody of a victim under the age of 18 is not kidnapping in the second degree.

Background

Under current law, kidnapping in the second degree occurs either when a person kidnaps another person and holds that person for ransom, or when the kidnapper is armed with a dangerous weapon. [Senate File 2230](#) would expand the definition of kidnapping in the second degree to include the kidnapping of a victim under the age of 18.

A person who commits kidnapping in the second degree commits a Class B forcible felony. A Class B felony is punishable by confinement for no more than 25 years. A person who commits kidnapping in the second degree accumulates reduced earned time under Iowa Code section [903A.2](#) and must serve a minimum sentence of at least 70.0% of the sentence prior to being eligible for parole. A person who commits kidnapping in the second degree under the Bill must also register as a tier III sex offender under Iowa Code chapter [692A](#) if a determination is made that the offense was sexually motivated.

Assumptions

- The following will not change over the projection period: charge, conviction, and sentencing patterns and trends; prisoner length of stay; 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.
- The minimum cost per Class B felony includes judicial and probation costs to the State. The maximum cost per Class B felony includes costs to the Judicial Branch, the Indigent Defense Fund, and the Department of Corrections (DOC).
- From FY 2002 to FY 2012, 8.8% of offenders convicted of kidnapping in the third degree had offenses involving the kidnapping of a child under the age of 18. It is assumed that 8.8% of kidnapping third degree convictions in FY 2017 would become kidnapping in the second degree convictions under the Bill.

Correctional Impact

The Bill is estimated to result in one additional inmate in the prison population five years following implementation. Ten years after implementation, it is estimated this Bill would increase the prison population by six inmates annually. **Table 1** below shows estimates for sentencing to State prison, parole, probation, or Community-Based Corrections (CBC) residential facilities; length of stay (LOS) under supervision; and supervision marginal costs per

day for convictions of Class B felonies against persons. 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 per Day | FY 17 Avg Length of Stay on Parole (months) | FY 17 Marginal Cost per Day Parole | Percent Sentenced to Probation | Avg Length of Stay on Probation (months) | FY 17 Avg Cost per Day on Probation | Percent sentenced to CBC Residential Facility | FY 17 Marginal Cost CBC per Day | Percent Sentenced to County Jail | Marginal Cost per Day |
|---------------------------------|-----------------------------------|---|------------------------------------|---|------------------------------------|--------------------------------|--|-------------------------------------|---|---------------------------------|----------------------------------|-----------------------|
| Class B Felony (Persons) | 93% | 90.2 | \$17.52 | 33.3 | \$4.93 | 9% | 34.9 | \$4.93 | 4% | \$10.56 | 44% | \$50.00 |

Minority Impact

Ten years after implementation, this Bill is estimated to increase the prison population by six inmates annually, one of which would be African American. Refer to the LSA memo addressed to the General Assembly, [Minority Impact Statement](#), dated January 29, 2018, for information related to minorities in the criminal justice system.

Fiscal Impact

[Senate File 2230](#) is estimated to have a minimal fiscal impact. This estimated impact to the State General Fund includes operating costs incurred by the Judicial Branch, the Indigent Defense Fund, and the DOC. The minimum cost to the State per Class B felony is \$12,500 and the maximum is \$29,600.

Sources

Department of Human Rights – Criminal and Juvenile Justice Planning Division
 Department of Corrections

/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.
