



SF 2373 – Child Endangerment, Marriage Exception (LSB6131SV)
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Fiscal Note Version – New

Description

[Senate File 2373](#) relates to the criminal offense of child endangerment.

Background

Currently under Iowa Code section [726.6](#), a parent, guardian, or person having custody or control over a child or a minor under the age of 18 with a mental or physical disability, or a person who is a member of the household where a child or such a minor resides, commits child endangerment when they knowingly allow a person who is required to register or is on the sex offender registry (established in Iowa Code chapter [692A](#)) custody or control of, or unsupervised access to, a child or minor. The charge of child endangerment does not apply if the sex offender is a parent or guardian of the child or minor or is a spouse of the parent, guardian, or person having custody or control of the child or minor.

This Bill would modify Iowa Code section [726.6\(h\)](#) so that child endangerment is committed only if the sex offender defined above is required to register or is on the sex offender registry because of a sex offense committed against a minor. The Bill also adds a new section stating that a person who has had to register or is on the sex offender registry because of a sex offense committed against a minor commits child endangerment if the sex offender knowingly takes custody or control of a child or minor, or knowingly has unsupervised access to a child or minor. This would not apply if the sex offender is a parent or guardian of the child or minor or is a spouse of the parent, guardian, or person having custody or control of the child or minor.

Penalties for child endangerment range from an aggravated misdemeanor to a Class B felony, depending on the circumstances of the case. **Table 1** shows estimates for sentencing to State prison, parole, probation, or Community-Based Corrections (CBC) residential facilities; length of stay (LOS) under those supervisions; and supervision marginal costs per day for offenders convicted of Class B, Class C, Class D, and aggravated misdemeanor child endangerment.

Table 1 — Sentencing Estimates

	Percent to Prison	Avg LOS Prison (months)	FY 17 Marginal Cost/Day Prison	Avg LOS Parole (months)	Percent to Probation	Avg LOS Probation (months)	FY 17 Avg Cost/Day Parole & Probation	Percent to CBC	FY 17 Marginal Cost/Day CBC	Percent to County Jail	Avg LOS County Jail (days)	Marginal Cost/Day Jail
B Felony Persons	93.0%	90.2	\$17.52	33.3	9.0%	34.9	\$4.93	4.0%	\$10.56	44.0%	N/A	\$50.00
C Felony Persons	85.0%	38.9	\$17.52	20.1	29.0%	36.7	\$4.93	4.0%	\$10.56	34.0%	N/A	\$50.00
D Felony Persons	77.0%	15.4	\$17.52	10.9	51.0%	29.7	\$4.93	8.0%	\$10.56	25.0%	N/A	\$50.00
Aggravated Mis Persons	47.0%	9	\$17.52	4.9	70.0%	19.3	\$4.93	4.0%	\$10.56	51.0%	N/A	\$50.00

Assumptions

- There is no reliable data available on sex offenders residing with children who are not the offenders' offspring. It is expected that these situations would be infrequent.
- 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. Additionally, reliable LOS data for county jails is not available.

Impacts

Minority Impact

It is estimated that the minority impact of this Bill would be minimal. In the last five years, convictions under Iowa Code section [726.6](#) have been predominately Caucasian males. Refer to the Legislative Services Agency (LSA) memo addressed to the General Assembly, [Minority Impact Statement](#), dated January 29, 2018, for information related to minorities in the criminal justice system.

Correctional Impact

It is estimated that there would be a minimal correctional impact from this Bill, as situations it would address would be infrequent. Refer to the 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.

Fiscal Impact

It is estimated that the fiscal impact of this Bill would be minimal. The State's cost for one additional conviction of child endangerment is:

- \$3,300 to \$6,600 for an aggravated misdemeanor.
- \$7,900 to \$12,100 for a Class D felony.
- \$9,000 to \$17,200 for a Class C felony.
- \$12,500 to \$29,600 for a Class B felony.

The minimum cost includes court time for 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.

Sources

Department of Public Safety
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

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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.
