



[HF 2435](#) – Domestic Abuse Criminal Assessments for Law Enforcement (LSB5858HV)
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Fiscal Note Version – New

Description

[House File 2435](#) relates to domestic abuse, including provisions relating to the implementation of a domestic abuse lethality screening assessment and supervised electronic tracking and monitoring.

Background

Iowa Code section [236.12](#) directs that if a peace officer has reason to believe that domestic abuse has occurred, that officer is to use all reasonable means to prevent further abuse. This Bill would also require a peace officer to conduct a validated, evidence-based domestic abuse lethality screening assessment with a domestic abuse victim. The purpose of this assessment is to assist in identifying abusers who are most likely to kill their victims in the future. Results of the screening assessment are to be provided to the pertinent county attorney.

The Iowa County Attorneys Association, in conjunction with the Iowa State Sheriffs' and Deputies' Association, the Iowa Peace Officers Association, and the Iowa Coalition Against Domestic Violence, are required to study and implement an established validated evidence-based domestic abuse lethality screening assessment to be used on a statewide basis.

Iowa Code section [811.2\(1\)\(a\)](#) provides for pre-trial release of bailable defendants. This Bill prohibits the release of a person on their own recognizance or on an unsecured appearance bond if that person is charged with a violation of domestic abuse assault under Iowa Code section [708.2A](#), and is a high risk to reoffend.

[House File 2435](#) also requires that if a person charged with a violation of domestic abuse assault under Iowa Code section [708.2A](#) is released, they will be supervised by an electronic tracking and monitoring system if they have been assessed as a high risk to reoffend. This is in conjunction with any other conditions under Iowa Code section [811.2\(1\)\(a\)](#).

The Bill requires anyone convicted of and serving a domestic abuse assault Class D felony conviction under Iowa code sections [708.2A\(4\)](#) or [\(5\)](#) to be supervised by an electronic tracking and monitoring system upon release, if they are not confined in a secure area of a Community-Based Correctional (CBC) facility, until the district department determines they may be supervised without the electronic tracking and monitoring system.

This Bill may include a State mandate as defined in Iowa Code section [25B.3](#). However, the Bill makes this Iowa Code section inapplicable, making it mandatory to comply with any State mandate included in the Bill.

In FY 2017, there were 7,832 charges under Iowa Code section [708.2A](#). Of these, 912 were Class D felony charges (11.6% of the total charges). Additionally, according to [An Analysis of Domestic Abuse and Sex Offense](#) in Iowa published in January 2017 by the Division of Criminal and Juvenile Justice Planning (CJJP), 9.4% of convicted domestic abuse offenders in FY 2015 used an extreme level of violence.

According to data provided by the Department of Corrections (DOC) and the CJJP:

- The average length of pretrial supervision provided by CBCs for domestic abuse offenders in FY 2017 was 111 days.
- The average length of CBC supervision for persons convicted of Felony D domestic abuse after release from prison is 428 days.
- The daily cost to the DOC for electronic monitoring and tracking is \$3.15/day.
- There were 113 offenders convicted of Felony D domestic abuse and placed under CBC supervision in FY 2017.
- There were 7,832 offenders charged with domestic abuse under Iowa Code section [708.2A](#) in FY 2017.

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 the first entry of affected offenders into the correction 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.
- Based upon the number of Class D felony domestic abuse charges and the number of domestic abuse offenders using an extreme level of violence, it is estimated that 10.0% of domestic abuse offenders would probably be considered a high risk to reoffend.
- 50.0% of the charged domestic abuse offenders that are considered to be a high risk to reoffend would be released on pre-trial release, and 50.0% would be denied pre-trial release.

Fiscal Impact

[House File 2435](#) may increase costs for counties. Counties would be responsible for the costs associated with any increased jail time due to an offender being held longer in jail before trial due to an assessed high risk to reoffend. Approximately 392 offenders per year could be subject to longer stays in a county jail prior to trial. With a marginal cost for county jails of \$50/day, and an average time of 111 days between arrest and trial, the potential additional cost to counties could be \$2.2 million.

If the offenders assessed at a high risk to reoffend were allowed pre-trial release and placed on electronic tracking, that cost would be incurred by the CBCs as required by Iowa Code section [905.7](#). There would also be increased costs to the DOC to electronically track and monitor individuals convicted of a Class D felony domestic abuse assault if they were released to a CBC facility but not confined to a secure area. **Table 1** shows the estimated cost to the DOC for increased electronic tracking and monitoring.

Table 1 – DOC Estimated Costs of HF 2435

Cost to the Department of Corrections	# of Offenders	Avg Days Electronic Monitoring	Total Cost
Pre-Trial Supervision	392	111	\$137,000
CBC Supervision Post Prison Release	113	428	\$152,000
Total Cost			\$289,000

There would be minimal costs to law enforcement to implement the domestic abuse lethality screening assessment.

Sources

Department of Human Resources, Criminal and Juvenile Justice Planning Division
Department of Corrections
Department of Public Safety

/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.
