

# Legislative Fiscal Bureau

## Fiscal Note

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SF 402 - Evidence of Prior Sex Abuse Crimes (LSB 1041 SV)  
Analyst: Jennifer Dean (Phone: (515) 281-7846) (jennifer.dean@legis.state.ia.us)  
Fiscal Note Version — New

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### **Description**

Senate File 402 relates to the admissibility of prior criminal offenses into evidence in the prosecution of certain sexual offenses.

### **Assumptions**

1. The law will become effective July 1, 2003. A lag effect of six months is assumed, from the law's effective date to the date of first entry of affected offenders into the correctional system.
2. In FY 2002, 569 sex offenses (Chapter 709) were dismissed, or resulted in acquittal. If SF 402 had been in affect, some of these offenses may have resulted in convictions. To the extent that additional convictions do occur, there would be a correctional impact on prisons, jails, and Community-Based Corrections resources.
3. The cost to the Judicial Branch may be significant with prosecution being able to admit evidence of the commission of another sexual abuse, in addition to the admission or evidence in prior convictions. The amount of court time would likely increase from half a day to one day per case. The increase in court costs per case would range from \$396 for a regular trial to \$526 for a jury trial.

### **Correctional Impact**

There is no readily available information to estimate how many additional convictions per year would occur. To the extent that additional convictions do occur, there would be a correctional impact on prisons, jails, and Community-Based Corrections.

### **Fiscal Impact**

There is no readily available information with which to estimate how many additional convictions per year would occur if SF 402 became law, therefore, the fiscal impact cannot be determined. However, if half of the offenses that were dismissed or acquitted in FY 2002 had evidence of prior offenses brought into trial, the potential General Fund impact on the Judicial Branch would range from \$113,000 to \$150,000 per year.

### **Sources**

Attorney General  
State Public Defender  
Department of Human Rights, Criminal and Juvenile Justice Planning Division  
Judicial Branch

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/s/ Dennis C Prouty

March 19, 2003

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The fiscal note and correctional impact statement for this bill was prepared pursuant to Joint Rule 17 and pursuant to Section 2.56, Code of Iowa. Data used in developing this fiscal note and correctional impact statement are available from the Legislative Fiscal Bureau to members of the Legislature upon request.

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