

Legislative Fiscal Bureau

Fiscal Note

SF 221 - Sexual Exploitation of Minors (LSB 1057 SV)

Analyst: Jennifer Dean (Phone: (515) 281-7846) (jennifer.dean@legis.state.ia.us)

Fiscal Note Version — New

Description

Senate File 221 changes the definition of the criminal offense of sexual exploitation of a minor by making it unlawful to solicit or attempt to cause a minor to engage in a prohibited sexual act or simulated prohibited sexual act.

Assumptions

1. Charge, conviction, and sentencing patterns and trends will not change over the projection period.
2. Prisoner length of stay, revocation rates, and other corrections policies and practices will not change over the projection period.
3. The law will become effective July 1, 2003. A lag of six months is assumed from the law's effective date to the first entry of affected offenders into the correctional system.
4. The effect of the proposed changes in 728.12(1) would potentially increase charges and convictions for this offense.
5. The effect of the proposed changes to 728.12(2) and (3) would potentially decrease charges and convictions for these offenses.
6. According to the Justice Data Warehouse, 3 offenders were convicted of 728.12(1), 3 were convicted of 728.12(2), and 13 offenders were convicted of 728.12(3) during FY 2002.
7. The average amount of time a District Court Judge, court reporter, and court attendant spends on a felony is 105 minutes with costs ranging from \$195 without a jury to \$1,235 with a jury, assuming the jury would meet between three to five days.
8. The average length of stay in prison for a Class C person felony is 52 months.
9. The marginal cost for prison inmates is \$12 per day.
10. The average length of stay under Community-Based Corrections for a Class C felony on probation is 28 months and on parole is 19 months.
11. The average daily cost for parole and probation is \$1.82.
12. The average cost for a Class C felony to the Public Defender's Office is \$1,200.

Correctional Impact

The correctional impact of SF 221 cannot be determined; however, given the provisions of the proposed changes to 728.12(1), incidents involving adults soliciting minors over the Internet would be subject to Class C felony penalties which would potentially have a substantial correctional impact, particularly on prisons.

Fiscal Impact

The estimated fiscal impact for SF 221 cannot be determined due to insufficient information. However, the cost to send one offender to prison each year for a Class C felony has the following fiscal impact:

	FY 2004	FY 2005	FY 2008
Dept. Of Corrections - Prisons	\$ 2,000	\$ 8,000	\$ 16,000
Indigent Defense	1,000	1,000	1,000
Judicial Branch	1,000	1,000	1,000
Community-Based Corrections	0	0	1,000
Total	<u>\$ 4,000</u>	<u>\$ 10,000</u>	<u>\$ 19,000</u>

