

# Legislative Fiscal Bureau

## Fiscal Note

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HF 206 - Abuse Reporting, Non Caretaker Sexual Abuse (LSB 1971 HV.1)  
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Fiscal Note Version - HF 206 as Amended and Passed by the House  
Requestor by Senator Ken Veenstra

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### **Description**

House File 206, as amended and passed by the House, increases the child age from under age 12 to under age 16 for suspected child abuse that is perpetrated by a person other than the individual responsible for the care of the child. In addition, HF 206, as amended and passed by the House, requires mandatory reporters to report suspected child abuse of a child who is under age 16 by a person who is not a caretaker of the child and may report such abuse for older children. The Department of Human Services (DHS) is required to refer these reports to the appropriate law enforcement agency that has the jurisdiction to investigate the allegation.

House File 206, as amended and passed by the House, also requires members of the clergy to be mandatory reporters of child abuse under certain circumstances. The Bill provides an exception for members of the clergy to the requirement of completing two hours of training relating to the identification and reporting of child abuse every five years under Section 232.69, Code of Iowa.

### **Assumptions**

1. In FY 2002, the DHS rejected 12,846 intake referrals for assessment of abuse. Of those, it is estimated that 954 (7.4%) were sexual abuse referrals, given the percentage of referrals the DHS did accept that were reports of sexual abuse.
2. It is estimated that DHS field staff will handle approximately 477 (50.0% of 954) additional intakes annually, representing referrals that may not be reported to the DHS or may be reviewed with DHS staff.
3. It is estimated that the 477 intakes would each require one hour of time for a Social Worker 3 to process and refer to the appropriate law enforcement agency.
4. Charge, conviction, and sentencing patterns and trends will not change over the projection period.
5. Prisoner length of stay, revocation rates, and other corrections' practices and policies will not change over the projection period.
6. There is a six-month lag time from the effective date (July 1, 2003) of the proposed legislation to the date of first entry of affected offenders into the correctional system.
7. The analysis is based on information obtained from the Justice Data Warehouse, which includes statewide court information. Conviction and penalty information is based on FY 2002 data. Prison admission data from the Adult Corrections Information System was also used.
8. The median cost per case for indigent defense for a Class B felony is \$3,500, a Class C felony is \$1,200, and a Class D felony is \$1,000.
9. The marginal cost per day for State prisons is \$12 per offender. The average length of stay for new admissions for a Class B forcible felony is 255 months, a Class C felony against a person is 52 months, and a Class D felony against a person is 23 months.
10. The marginal cost per day for probation or parole is \$1.82 per offender. The average length of stay for a Class C felony conviction is 28 months on probation or 19 months on parole. The average length of stay for a Class D felony conviction is 26 months on probation or 13 months on parole.

11. The average cost for a jury for Class C or Class D felony trials is \$1,040. The average cost for a jury for a Class B felony trial is \$2,000.
12. The average cost for a Class C or Class D felony trial is \$195 without a jury, and \$1,235 with a jury. The average cost for a Class B felony trial is \$195 without a jury, and \$2,200 with a jury.
13. An undetermined number of additional cases of child abuse will be reported by members of the clergy and additional offenders will be convicted.

**Correctional Impact**

During FY 2004, HF 206, as amended and passed by the House, will result in an additional 120 convictions for sexual abuse. Of these, 16 convictions will be for Sexual Abuse in the Second Degree (Class B forcible felony), 74 for Sexual Abuse in the Third Degree (Class C felony), and 30 for Assault with Intent to Commit Sexual Abuse (Class D felony). The convicted offenders will result in 105 new prison admissions and 15 probation admissions (Community-Based Corrections [CBC]).

During FY 2005 (annual impact), it is estimated that there will be 238 convictions. Of these, 32 convictions will be for Sexual Abuse in the Second Degree, 147 convictions for Sexual Abuse in the Third Degree, and 59 convictions for Assault with Intent to Commit Sexual Abuse. Thirty of these offenders will be sentenced to probation, while 208 offenders will be sentenced to prison.

The prison population will increase by 105 inmates in FY 2004 and 313 inmates in FY 2005. By the fifth year, the prison population will increase by 836 inmates. A new prison will be required at an estimated construction cost of \$45.0 million and an estimated annual operating cost of \$28.0 million.

The probation population will increase by 15 offenders in FY 2005 and 30 offenders each year thereafter.

House File 206, as amended and passed by the House, is expected to have an impact on local jails due to pre-trial detentions. However, due to insufficient information, the impact cannot be determined.

**Fiscal Impact**

House File 206, as amended and passed by the House, is estimated to increase State General Fund expenditures for FY 2004 ranging from \$668,000 to \$808,000, and ranging from \$1.8 million to \$2.1 million in FY 2005. A breakdown of expenditures is as follows:

	FY 2004		FY 2005	
	Low	High	Low	High
Dept. of Corrections - Prisons	\$ 460,000	\$ 460,000	\$ 1,400,000	\$ 1,400,000
Community-Based Corrections	10,000	10,000	30,000	30,000
Indigent Defense	175,000	175,000	347,000	347,000
Courts	23,000	163,000	46,000	324,000
DHS	Minimal	Minimal	Minimal	Minimal
Department of Public Safety	Minimal	Minimal	Minimal	Minimal
<b>Total</b>	<b>\$ 668,000</b>	<b>\$ 808,000</b>	<b>\$ 1,823,000</b>	<b>\$ 2,101,000</b>

A new prison will need to be built in FY 2008 at an estimated construction cost of \$45.0 million, and an estimated annual operating cost of \$28.0 million.

House File 206, as amended and passed by the House, is expected to have an impact to local government, especially for law enforcement agencies. However, due to insufficient information, the fiscal impact on local governments cannot be determined.

**Sources**

Department of Human Rights, Division of Criminal and Juvenile Justice Planning  
Department of Human Services  
Department of Public Safety  
Judicial Branch

/s/ Dennis C Prouty

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March 26, 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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