

**Fiscal Services Division**  
**Legislative Services Agency**  
**Fiscal Note**

---

SF 2094 - Sexual Offenses Against Children (LSB 5677 SS)  
Analyst: Beth Lenstra (Phone: (515) 281-6301) ([beth.lenstra@legis.state.ia.us](mailto:beth.lenstra@legis.state.ia.us))  
Fiscal Note Version – New  
Requested by Senator Jeff Lamberti

---

**Description**

Senate File 2094 enhances the criminal penalty for sexual abuse in the second degree, lascivious acts with a child, and sexual exploitation of a minor by creating and imposing a new Class B1 felony for these offenses. The offender must be at least 18 years old and the victim must be 12 years old or younger. Conviction of a B1 felony is a sentence of 25 years to life in prison. Offenders convicted of the new B1 felony are not eligible for parole, work release, or earned time reduction of sentence. The Bill also imposes a Class D felony penalty for knowingly aiding a sex offender in not registering with the Sex Offender Registry.

**Background**

1. According to the Criminal and Juvenile Justice Planning Division of the Department of Human Rights, approximately 80.0% of victims of sex offenses knew the offender. Based on information in the Uniform Crime Reports provided by the Department of Public Safety, about 73.8% of all sex offenses occurred in the residence or home of the victim.
2. The Bill imposes a Class D felony for knowingly assisting an offender to not comply with the conditions of the Sex Offender Registry. The average State costs for one Class D felony conviction ranges from \$3,100 to \$12,100. The maximum costs will be incurred across multiple fiscal years while the offender is supervised in the correctional system, either in prison or the community. The correctional and fiscal impacts of the new Class D felony are not anticipated to be significant.
3. Enhancing penalties increases the average length of stay in prison and the incarceration rate (number of offenders sentenced to prison). The prison incarceration rate for sex offenders is 51.5% for Class D felons, 74.2% for Class C felons, and 90.4% for Class B felons. It is assumed the incarceration rate will be 100% for the new Class B1 felony.
4. Under current law, offenders convicted of sexual abuse in the second degree are sentenced to a Class B felony (25 years) and are required to serve at least 70.0% of the sentence in prison before being considered for parole. The average length of stay in prison for these offenders is 255 months (21.25 years) in prison. These offenders are not included in the correctional impact because their average length of stay (21.25 years) exceeds the scope of this analysis (10 years).
5. Under current law, offenders convicted of lascivious acts with a child are sentenced to either a Class D or Class C felony. In FY 2005, offenders convicted of the Class C felony served an average of 47 months (3.9 years) in prison. Offenders convicted of the Class D felony served an average of 21 months (1.8 years) in prison in FY 2005.
6. The penalties for sexual abuse in the second degree, lascivious acts with a child, and sexual exploitation of a minor were enhanced by the enactment of HF 619 (FY 2006 Sex Offender Act). Sentence disposition data and average length of stay in prison data will be impacted by the enhanced sentencing provisions of HF 619, so the data may be significantly different in FY 2006.
7. According to the Criminal and Juvenile Justice Planning Division, average time served prior to death for an inmate serving a life sentence in prison is 197 months (16.4 years) based on data from 1990 to October 2003. Average age at death is 57 years.

8. The current sex offender treatment budget for the Mount Pleasant Correctional Facility is approximately \$1.4 million. The Department of Corrections (DOC) estimates an additional \$250,000 is required to meet current demand for treatment. The DOC estimates treatment costs of \$60,000 for every 35 offenders admitted to treatment.
9. The current sex offender treatment, supervision, and electronic monitoring budget is approximately \$4.4 million for Community-Based Corrections (CBC) District Departments. The DOC estimates an additional \$2.2 million is required to meet current demand for treatment, supervision, and electronic monitoring of sex offenders using Global Positioning System (GPS) bracelets.
10. The marginal cost per day for State prisons is \$14.21 per inmate.

**Assumptions**

1. Fiscal Year 2005 offender-based convictions are used for estimating the number of future offenders. The estimates of the percentage of crimes that involved a child are based on prison intake information.
2. Charge, conviction, and sentencing patterns and trends will not change over the projection period.
3. The criminal sentencing enhancements will become effective July 1, 2006. 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.
4. There were 24 offenders convicted of second degree sexual abuse in FY 2005. It is assumed that 50.0% of these offenders had a child victim. Therefore, it is estimated there will be 12 new B1 felony convictions for this offense. However, the impact of this sentencing enhancement will be realized in FY 2028, because the current length of stay in prison is 21.25 years.
5. There were 90 offenders convicted of lascivious acts with a child. All of the victims were aged 12 or under. Therefore, it is estimated there will be 90 new B1 felony convictions for this offense. Under current law, 50.0% are convicted of Class D felonies while 50.0% are convicted of Class C felonies.
6. There were 10 offenders convicted of sexual exploitation of a minor. It is assumed 50.0% had a child victim. Therefore, there will be an estimated 5 new B1 felony convictions for this offense.
7. The DOC will offer, and a certain portion of the offenders sentenced under SF 2094 will accept, sex offender treatment in prison.

**Correctional Impact**

While there will be an estimated 107 offenders convicted annually of the new B1 felony, there will only be 34 new admissions to prison annually under SF 2094. There will be a corresponding decrease in admissions to Community-Based Corrections (CBC) probation supervision of 34 offenders annually.

Most of the 107 offenders are sentenced to prison under current law. Their length of stay in prison will be longer under SF 2094 than current law. The chart below shows the correctional impact on the prison population.

**Correctional Impact - Prison Population Increase**

	<u>FY 2007</u>	<u>FY 2008</u>	<u>FY 2009</u>	<u>FY 2010</u>	<u>FY 2011</u>	<u>FY 2012</u>	<u>FY 2013</u>
Offenders	17	54	102	159	235	330	424

By FY 2015, there will be an additional 615 offenders in prison. The impact on the prison population is more significant with the passage of time. Most of these offenders are already in

prison under current law. The correctional impact of this proposal becomes significant after the offender serves his current length of stay in prison, and then begins serving the additional years under SF 2094.

The correctional impact of the new Class D felony is not anticipated to be significant.

**Fiscal Impact**

The overall fiscal impact is estimated to be \$1.0 million in FY 2007 and \$2.1 million in FY 2008. The additional costs for the DOC include operating costs for housing more offenders, and treatment costs associated with housing more sex offenders. Costs will continue to increase in future fiscal years due to anticipated cost increases for the prison system, including operating and treatment costs.

<b>Fiscal Impact</b>		
<b><u>Department</u></b>	<b><u>FY 2007</u></b>	<b><u>FY 2008</u></b>
State Public Defender	\$ 690,000	\$ 1,380,000
Judicial Branch	48,000	95,000
Corrections	293,000	590,000
	<u>\$ 1,031,000</u>	<u>\$ 2,065,000</u>

The fiscal impact of the new Class D felony is not anticipated to be significant.

**Sources**

Department of Human Rights, Criminal and Juvenile Justice Planning Division  
Department of Corrections  
Office of the State Public Defender  
Judicial Branch

\_\_\_\_\_  
/s/ Holly M. Lyons

February 13, 2006

---

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 Fiscal Services Division, Legislative Services Agency to members of the Legislature upon request.

---