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**SF 2357** – Domestic Violence Offenders and Possession of Firearms (LSB 1386SV)  
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Fiscal Note Version – New  
Requested by Senator Keith A. Kreiman

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### **Description**

**Senate File 2357** prohibits a person that is the subject of certain protective or no-contact orders or has been convicted of a misdemeanor crime of domestic violence from possessing, shipping, transporting, or receiving a firearm, offensive weapon, or ammunition. The Bill imposes a Class D felony for violations of the prohibition.

### **Background**

#### **Correctional and Fiscal Information**

- It is currently a violation of federal law for a person that is the subject of a qualifying court restraining order for domestic violence to possess firearms or ammunition.
- In FY 2007 there were 3,220 protective orders issued in Iowa.
- In FY 2008, 57 offenders convicted of domestic abuse under Iowa Code Chapter 236.
- During FY 2008, there were approximately 20 people referred to federal prosecutors for violating the federal firearms prohibition while subject to a protective order.
- During FY 2009, 96 offenders were convicted of the current Class D felony offense of possession of a firearm by felon.
- The marginal cost per day for prison is \$18.29. The incarceration rate to prison is 18.2%. The average length of stay in prison is 14.3 months for a Class D felon. The average length of stay on parole is 14.7 months.
- The average cost per day for probation or parole is \$3.64. The average length of stay on probation for a Class D felon is 31.6 months.
- The cost per case for a Class D felony for indigent defense is \$1,200.
- The cost per case for a Class D felony for the court system is \$405 without a jury, and \$2,500 with a jury.

#### **Minority Data Information**

- Approximately 82.0% of offenders convicted of domestic abuse assault are males, and 81.0% are white.
- The U.S. Census estimate for Iowa was 3.0 million people as of July 1, 2008 (the most current estimate available). Men comprise 49.3% of the population. Approximately 92.0% of Iowa's population is white. The composition of the remaining 8.0% is: 3.2% black, 0.3% American Indian or Alaska Native; 1.7% Asian; and 2.8% is of two or more races or unknown.
- Iowa's prison population was 8,454 offenders on June 30, 2009. Men comprised 92.1% of the population. According to the Criminal and Juvenile Justice Planning Division (CJJPD) of the Department of Human Rights, the racial composition of the prison system was: 71.4% white; 25.8% black; 0.9% Asian or Pacific Islander; and 1.9% American Indian or Alaska Native. Included in these racial groups were 6.7% that identified themselves as Hispanic (nearly all of these identified themselves racially as being white).

## Assumptions

### **Correctional and Fiscal Information**

- Charge, conviction, and sentencing patterns and trends will not change over the projection period.
- Prisoner length of stay, revocation rates, and other corrections policies and practices will not change over the projection period.
- The law will become effective July 1, 2010. 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.
- Half of the defendants will be indigent.
- These cases will be bench trials.
- These will be new cases for the Iowa criminal justice system.

**Minority Data Information:** Approximately 14.0% of Iowa's population has at least one disability. The number of disabled offenders convicted under this Bill may be 14.0%.

## Summary of Impacts

### **Correctional Impact**

There will be an estimated 20 offenders annually convicted of a Class D felony under the Bill. Of these, five will be admitted to prison and 15 will be sentenced to probation. The table below shows the impact to the corrections system – prison and Community-Based Corrections (CBC). Admissions are adjusted for the first year due to the six-month lag effect. The population increases by more than the number of admissions because the average length of stay exceeds one year.

	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015
Prison	2	6	8	9	9
CBC	9	19	22	24	25

### **Minority Impact**

The minority impact is expected to be minimal because the majority of offenders convicted are white males.

### **Fiscal Impact**

The fiscal impact is estimated to be an increased cost to the General Fund of \$22,500 in FY 2011 and \$85,300 in FY 2012. The table below shows the impact by areas within the criminal justice system. Costs to the corrections system are anticipated to increase in future fiscal years due to the projected growth in the offender population.

	FY 2011	FY 2012
Indigent Defense	\$ 6,000	\$ 12,000
Court System	4,000	8,100
Prison	6,600	40,000
CBC	5,900	25,200
Total	\$ 22,500	\$ 85,300

**Sources**

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

/s/ Holly M. Lyons

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February 22, 2010

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The fiscal note for this bill was prepared pursuant to [Joint Rule 17](#) and the correctional and minority impact statements were prepared pursuant to [Section 2.56, Code of Iowa](#). Data used in developing this fiscal note, including correctional and minority impact information, is available from the Fiscal Services Division of the Legislative Services Agency upon request.

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