



SF 2295 – Child Sex Abuse, Statutes of Limitation (LSB 5473SV)
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Fiscal Note Version – New (CORRECTED)
Requested by Senator Gene Fraise

Description

Senate File 2295 extends the statute of limitations for sexual abuse in the first, second, or third degree against minors. The Bill also extends the time for filing a civil action against an alleged sex offender.

Background

Correctional and Fiscal Information

1. Current law provides for a graduated system of penalties for sexual abuse in the first, second, or third degree, including a Class “A,” “B,” or “C” felony. Offenders charged under these statutes may plead to a lesser offense and be convicted of a Class “D” felony or aggravated misdemeanor.
2. Offenders convicted of a Class “A” felony are sentenced to life in prison without parole. Offenders convicted of a Class “B” sex offense are subject to serving at least 70.0% of their sentence in prison.
3. Sex offenders supervised by Community-Based Corrections may be required to wear an electronic monitoring device. Sex offenders are subject to requirements of the Sex Offender Registry administered by the Department of Public Safety for at least 10 years.
4. According to the Iowa Corrections Offender Network (ICON), for the four-year period FY 2008 through FY 2011, there were 19 offenders convicted of one or more sex offenses where offenses occurred over 11 years before the sentencing date. Convictions for these 19 offenders ranged from one serious misdemeanor to five Class “B” felonies.
5. The marginal cost per day for prison is \$15.59. The average cost per day for intensive supervision is \$7.78 and \$3.49 for probation or parole supervision. The average length of stay on intensive supervision for sex offenders is 460 days. The cost per day for Global Positioning System electronic monitoring bracelet is \$5.50. The average length of stay for sex offenders on electronic monitoring is 352 days.
6. According to the Justice Data Warehouse, the State Public Defender’s Office, and the Judicial Branch, the following are estimates for sentencing, length of stay, indigent cost and case cost for those convicted of Class A, B, C, D, or aggravated misdemeanors for crimes against persons or sex offenses convictions:

Type of Felon	Percent Sentenced to Prison	Avg Length of Stay in Prison	Percent Sentenced to Probation	Avg Length of Stay on Probation	Avg Length of Stay on Parole	Special Sentence of Supervision	Cost of Indigent Defense	Avg cost per case for Judicial Branch
Class "B"	100.0%	17.5 years	0.0%	0.0%	48.8 months	Yes - Lifetime after discharge of sentence	\$3,600	\$4,600
Class "C"	61.1% (1)	64.0 months	36.7%	33.8 months	24.6 months	Yes - Lifetime after discharge of sentence	\$1,800	\$2,500
Class "D"	47.8%	36.8 months	52.2%	30.8 months	13.7 months	Yes - 10 Years after parole/probation	\$1,200	\$2,500
Aggravated Misdemeanor	31.4 (2)%	13.5 months	58.6%	18.1 months	5.3 months	Yes - 10 Years after parole/probation	\$1,200	\$1,000
(1) Another 2.2% are sentenced to county jail, a fine, community service or some combination thereof.								
(2) 16.4% are incarcerated in jail with an average length of stay of 54 days.								

Minority Data Information

Of the sex offenders sentenced 10 years after the offense date, 70.0% were white and 30.0% were White – Hispanic.

Assumptions

Correctional and Fiscal Information

1. Charge, conviction, and sentencing patterns and trends will not change over the projection period.
2. Prisoner length of stay, revocation rates, plea bargaining, and other criminal justice policies and practices will not change over the projection period.
3. The law will become effective July 1, 2012. A lag effect of six months is assumed from the effective date to the date of first entry of affected offenders into the correctional system.
4. All offenders will be placed on intensive supervision and electronic monitoring when they first enter probation or parole supervision.
5. Half of the offenders will be indigent. All trials will be by jury.
6. There will be an increase in county jail sentences for misdemeanor convictions. Marginal costs for county jails cannot be determined due to a lack of data. For the purpose of this analysis, the marginal cost for county jails is \$15.00 per day.
7. Any correctional or fiscal impact of the Sex Offender Registry is expected to be minimal under this Bill.
8. There may be a fiscal impact on the court system for additional civil actions brought under the provisions of this Bill. That impact is expected to be minimal.

Minority Data Information

1. The impact on minorities will remain consistent with the four-year study period.
2. 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 five offenders annually convicted under this Bill. These will be new offenders in the criminal justice system. On an annual basis, these offenders will be sentenced as follows: one Class B and one Class C felon to State prison, and three to probation supervision (one each of a Class C felon, Class D felon, and aggravated misdemeanor).

There will be one offender sentenced to prison in FY 2013, and two annually thereafter. The prison population will increase by one offender in FY 2013, and by two annually thereafter. By 17 years after enactment, the prison population will increase by 22 offenders. The incremental increase in the prison population is due to the low number of admissions expected under the Bill, coupled with the long length of stay.

There will be two admissions to probation supervision in FY 2013, and three annually thereafter. The population will increase incrementally due to the low number of admissions coupled with the long length of stay under supervision.

One offender will be sentenced to a county jail in FY 2013. There will be one offender each succeeding year. The average length of stay is 54 days so the county jail populations are not expected to significantly increase.

Minority Impact

Approximately 30.0% (1 offender) convicted under this Bill may be White – Hispanic.

Fiscal Impact

The fiscal impact is estimated to be an increased cost to the State General Fund of \$22,600 in FY 2013 and \$62,700 in FY 2014. The table below shows the impact by areas within the State criminal justice system. Costs will continue to increase in future fiscal years because the length of stay in the system exceeds one year.

State General Fund Impact

	FY 2013	FY 2014
Court System	\$9,600	\$13,100
Indigent Defense	5,400	6,600
Prison	2,800	22,800
CBC	4,800	20,200
Total	<u>\$22,600</u>	<u>\$62,700</u>

The impact on county budgets for jail operations is expected to be minimal.

Sources

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

March 6, 2012

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.
