

H-3/14/96 Judiciary

FILED MAR 4 1996

SENATE FILE 2436
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 2084)

Passed Senate, ^(p. 156) Date 3/13/96

Passed House, Date _____

Vote: Ayes 49 Nays 0

Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act increasing the penalties for certain sex crimes against
2 persons under the age of eighteen.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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S.F. 2436

1 Section 1. Section 709.8, unnumbered paragraph 2, Code
2 1995, is amended to read as follows:

3 Any person who violates a provision of this section shall,
4 upon conviction, be guilty of a class "D" felony for a first
5 offense and a class "C" felony for a second or subsequent
6 offense.

7 Sec. 2. Section 709.9, Code 1995, is amended to read as
8 follows:

9 709.9 INDECENT EXPOSURE.

10 A person who commits indecent exposure when the person
11 exposes the person's genitals or pubes to another not the
12 person's spouse, or who when the person commits a sex act in
13 the presence of or view of a third person, commits a serious
14 misdemeanor, if and both of the following conditions are met:

15 1. The person does so to arouse or satisfy the sexual
16 desires of either party, ~~and.~~

17 2. The person knows or reasonably should know that the act
18 is offensive to the viewer.

19 Indecent exposure is a serious misdemeanor for a first
20 offense, an aggravated misdemeanor for a second offense, and a
21 class "D" felony for a third or subsequent offense.

22 Sec. 3. Section 709.12, unnumbered paragraph 1, Code 1995,
23 is amended to read as follows:

24 A person eighteen years of age or older is upon conviction
25 guilty of an aggravated misdemeanor for a first offense and a
26 class "D" felony for a second or subsequent offense if the
27 person commits any of the following acts with a child, not the
28 person's spouse, with or without the child's consent, for the
29 purpose of arousing or satisfying the sexual desires of either
30 of them:

31 Sec. 4. Section 709.14, unnumbered paragraph 2, Code 1995,
32 is amended to read as follows:

33 Lascivious conduct with a minor is a serious misdemeanor
34 for a first offense, an aggravated misdemeanor for a second
35 offense, and a class "D" felony for a third or subsequent

1 offense.

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EXPLANATION

3 This bill increases the penalties for certain sex offenses
4 against a person under the age of 18 years. The bill provides
5 as follows:

6 1. Lascivious acts with a child (section 709.8) remains a
7 class "D" felony only for the first offense. A second or
8 subsequent offense under that section is a class "C" felony.

9 2. Indecent exposure (section 709.9) remains a serious
10 misdemeanor for only the first offense. A second offense is
11 an aggravated misdemeanor and third and subsequent offenses
12 are class "D" felonies.

13 3. Indecent contact with a child (section 709.12) remains
14 an aggravated misdemeanor for only the first offense. A
15 second or subsequent offense under that section is a class "D"
16 felony.

17 4. Lascivious conduct with a minor (section 709.14)
18 remains a serious misdemeanor for only the first offense. The
19 second offense under that section is an aggravated misdemeanor
20 and third and subsequent offenses are class "D" felonies.

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**SENATE FILE 2436
FISCAL NOTE**

The estimate for Senate File 2436 is hereby submitted as a fiscal note pursuant to Joint Rule 17 and as a correctional impact statement 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.

Senate File 2436 increases the penalties for certain sex offenses against a person under the age of 18 years. The Bill provides that a second or subsequent offense of lascivious acts with a child is a Class "C" felony. A second offense of indecent exposure becomes an aggravated misdemeanor, and third and subsequent offenses are Class "D" felonies. A second or subsequent offense of indecent contact with a child becomes a Class "D" felony. The second offense of lascivious conduct with a minor becomes an aggravated misdemeanor, and third and subsequent offenses are Class "D" felonies.

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 correction's policies and practices will not change over the projection period.
3. There will be a lag effect of six months from the law's effective date to the date of first entry of affected offenders into the correctional system.
4. Four offenders per year, who would otherwise have been admitted to prison for Class "D" felonies, would be admitted to prison for Class "C" felonies based on the provisions of House File 2436.
5. Two offenders per year, who would otherwise have been convicted of serious misdemeanors, would be convicted of aggravated misdemeanors under this Bill.
6. Four offenders per year, who would otherwise have been convicted of serious misdemeanors, would be convicted of Class "D" felonies under Senate File 2436.
7. The average marginal cost per day for a prison inmate is estimated to be \$12.
8. The average daily cost for an inmate to be on probation/parole in Community-Based Corrections is estimated to be \$1.58.

CORRECTIONAL IMPACT

A total of six convictions may occur each year due to the adoption of House File 2436 resulting in the following correctional impact on prisons and Community-Based Corrections populations:

Increase in Admissions to Prisons**FY 1997****FY 1998****FY 2001**

-2-

Prison

Admissions	1	2	2
Population Increase	1	3	9

Decrease in Admissions: Community-Based Corrections

	<u>FY 1997</u>	<u>FY 1998</u>	<u>FY 2001</u>
<u>Probation/Parole</u>			
Admissions	-1	-2	-2

FISCAL IMPACT

The fiscal impact of Senate File 2436 is provided below:

Department of Corrections:

	<u>FY 1997</u>	<u>FY 1998</u>	<u>FY 2001</u>
Prison	\$ 4,380	\$ 13,140	\$ 39,420
Community-Based Corrections			
Probation/Parole	- 577	-1,154	-1,154
Total	<u>\$ 3,803</u>	<u>\$ 11,986</u>	<u>\$ 38,266</u>

SOURCES

Department of Human Rights
Criminal and Juvenile Justice Planning Division
Department of Corrections

(LSB 3716sv, PQP)

FILED MARCH 13, 1996

BY DENNIS PROUTY, FISCAL DIRECTOR

Maddox
Boettger
Diannetto
Vilsoek
Bisignano

SSB-2084
Judiciary
Succeeded By
SENATE/HOUSE FILE 2436
BY (PROPOSED GOVERNOR'S BILL)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
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EXPLANATION

This bill increases the penalties for certain sex offenses against a person under the age of 18 years. The bill provides as follows:

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2. Indecent exposure (section 709.9) remains a serious misdemeanor for only the first offense. A second offense is an aggravated misdemeanor and third and subsequent offenses are class "D" felonies.

3. Indecent contact with a child (section 709.12) remains an aggravated misdemeanor for only the first offense. A second or subsequent offense under that section is class "D" felony.

4. Lascivious conduct with a minor (section 709.14) remains a serious misdemeanor for only the first offense. The second offense under that section is an aggravated misdemeanor and third and subsequent offenses are class "D" felonies.