

FEB 2 1999

JUDICIARY

HOUSE FILE

181

BY RICHARDSON and LARKIN

Passed House, Date _____

Passed Senate, Date _____

Vote: Ayes _____ Nays _____

Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act to increase the penalty applicable to lascivious acts with
2 a child.

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

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HF
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1 Section 1. Section 709.8, unnumbered paragraph 2, Code
2 1999, 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 "B" "C" felony.

5 EXPLANATION

6 This bill increases the penalty applicable to lascivious
7 acts with a child from a class "D" to a class "C" felony. A
8 class "D" felony is punishable by imprisonment for no more
9 than five years and a possible fine of at least \$500, but no
10 more than \$7,500. A class "C" felony is punishable by
11 imprisonment for not more than 10 years and a possible fine of
12 at least \$500 but not more than \$10,000.

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**HOUSE FILE 181
FISCAL NOTE**

The estimate for House File 181 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.

House File 181 increases the penalty for lascivious acts with a child from a Class D felony to a Class C felony.

ASSUMPTIONS

1. Charge, conviction, sentencing patterns, prisoner length of stay, revocation rates, and correctional policies will remain constant throughout the projection period.
2. The law will go into effect on July 1, 1999, and there will be a six-month lag to process the first offenders into the correctional system.
3. There are 153 convictions annually for lascivious acts with a child.
4. A Class C felony case costs \$1,500 to defend. A Class D felony case costs \$1,200 to defend. Prosecution and defense costs are similar.
5. The average length of stay in a Community-Based Corrections residential facility is four months and costs \$14 per day.
6. The marginal cost of adding one more inmate to the prison system is \$12 per day.
7. No estimate is available for the effect of this Bill on length of probation or parole supervision.

CORRECTIONAL IMPACT

The correctional system populations will change as follows:

	<u>FY 2000</u>	<u>FY 2001</u>	<u>FY 2004</u>
CBC Residential	-2	-3	-3
Prison Population	22	66	300

The total increase in the prison population will occur within approximately five years after implementation of this Bill.

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FISCAL IMPACT

The fiscal impact of House File 181 on the State General Fund is as follows:

	<u>FY 2000</u>	<u>FY 2001</u>	<u>FY 2004</u>
Public Defender	\$ 23,000	\$ 46,000	\$ 46,000
Community-Based	- 9,000	-17,000	-17,000
Prison	96,000	289,000	1,314,000
Total	<u>\$ 110,000</u>	<u>\$ 318,000</u>	<u>\$1,343,000</u>

The costs to the counties are estimated to be:

	<u>FY 2000</u>	<u>FY 2001</u>	<u>FY 2004</u>
County Attorney	\$ 23,000	\$ 46,000	\$ 46,000

The costs for the Public Defender and for the County Attorneys may be understated since the estimates are based upon convictions and do not include acquittals.

SOURCES

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

(LSB 1998hh, MDF)

FILED FEBRUARY 23, 1999

BY DENNIS PROUTY, FISCAL DIRECTOR