

**EIGHTY-EIGHTH GENERAL ASSEMBLY
2020 REGULAR SESSION
DAILY
SENATE CLIP SHEET**

February 27, 2020

Clip Sheet Summary

Displays all amendments, fiscal notes, and conference committee reports for previous day.

Bill	Amendment	Action	Sponsor
SF 2135	S-5026	Filed	ROBERT M. HOGG
SF 2153	S-5030	Adopted	AMY SINCLAIR
SF 2261	S-5024	Adopted	ANNETTE SWEENEY
SF 2270	S-5029	Filed	NATE BOULTON
SF 2272	S-5028	Adopted	JASON SCHULTZ
SF 2272	S-5032	Lost	NATE BOULTON, et al
SF 2272	S-5033	Division A Lost; Division B Lost	NATE BOULTON
SF 2272	S-5034	Lost	ZACH WAHLS
SF 2284	S-5025	Filed	AMY SINCLAIR
SF 2302	S-5027	Filed	DENNIS GUTH
SF 2346	S-5031	Filed	JULIAN GARRETT

Fiscal Notes

[SF 2275](#) — [Eluding Law Enforcement](#) (LSB5317SV)
[SF 2324](#) — [Sex Offender Registry Modifications](#) (LSB5385SV)
[SF 2375](#) — [Sexual Abuse, Statute of Limitations](#) (LSB5393SV)
[SF 2382](#) — [Sexual Abuse, Age of Consent](#) (LSB5163SV)

SENATE FILE 2135

S-5026

1 Amend the amendment, S-5010, to Senate File 2135 as follows:

2 1. Page 1, by striking lines 26 through 28 and inserting
3 <health, the dead, ~~and~~ the preferences of a person authorized
4 to control final disposition of a decedent's remains under
5 section 144C.5, the feelings of other relatives, and any court
6 order. A change in the preference of a person authorized
7 to control final disposition of a decedent's remains under
8 section 144C.5 is not sufficient in and of itself to justify
9 the issuance of a disinterment permit.>

By ROBERT M. HOGG

S-5026 FILED FEBRUARY 26, 2020

SENATE FILE 2153

S-5030

1 Amend the amendment, S-5023, to Senate File 2153 as follows:
2 1. Page 1, line 9, after <provided.> by inserting <*Emergent*
3 *care situation*> includes the need to screen a student or others
4 for symptoms or exposures during an outbreak or public health
5 event of concern as designated by the department of public
6 health.>

By AMY SINCLAIR

S-5030 FILED FEBRUARY 26, 2020

ADOPTED

SENATE FILE 2261

S-5024

1 Amend Senate File 2261 as follows:

2 1. By striking page 3, line 35, through page 4, line 3, and
3 inserting:

4 <3. A valid provider-patient relationship may be
5 established through any of the following means:

6 a. Through an in-person encounter which includes an
7 in-person medical interview and physical examination conducted
8 under the standard of care required for an in-person encounter.

9 b. Through consultation with a primary care provider who has
10 an established relationship with the patient and who agrees to
11 participate in or supervise the patient's care.

12 c. Through telehealth, if the standard of care does
13 not require an in-person encounter, in accordance with
14 evidence-based standards of practice and telehealth practice
15 guidelines that address the clinical and technological
16 aspects of telehealth, and the student's parent or guardian is
17 present.>

18 2. By renumbering as necessary.

By ANNETTE SWEENEY

S-5024 FILED FEBRUARY 26, 2020

ADOPTED

SENATE FILE 2270

S-5029

- 1 Amend Senate File 2270 as follows:
- 2 1. Page 1, by striking lines 12 through 14.
- 3 2. Page 1, line 15, by striking <3.> and inserting <2.>

By NATE BOULTON

S-5029 FILED FEBRUARY 26, 2020

SENATE FILE 2272

S-5028

- 1 Amend Senate File 2272 as follows:
- 2 1. Page 11, after line 16 by inserting:
- 3 <___. The department may contract with multiple third-party
- 4 vendors to administer this division of this Act.>
- 5 2. By renumbering, redesignating, and correcting internal
- 6 references as necessary.

By JASON SCHULTZ

S-5028 FILED FEBRUARY 26, 2020

ADOPTED

SENATE FILE 2272

S-5032

1 Amend Senate File 2272 as follows:

2 1. Page 1, line 21, by striking <PUBLIC ASSISTANCE PROGRAMS>
3 and inserting <SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM>

4 2. By striking page 1, line 22, through page 2, line 10.

5 3. Page 2, line 11, by striking <239.2> and inserting
6 <234.12B>

7 4. Page 2, line 15, after <all> by inserting
8 <noncategorically eligible>

9 5. Page 4, line 14, after <income> by inserting <, or
10 receives benefits through a public assistance program funded
11 in whole or in part with federal funding under Tit. IV-A of the
12 federal Social Security Act or with state funding considered in
13 determining compliance with maintenance of effort requirements
14 under Tit. IV-A of the federal Social Security Act>

15 6. Page 4, after line 14 by inserting:

16 <___. For the purposes of this section:

17 a. "*Applicant*" means an individual applying for supplemental
18 nutrition assistance program benefits in the state.

19 b. "*Asset*" or "*asset test*" means all assets of the members
20 of the applicant's household, including all of the following:

21 (1) All bank accounts, excluding retirement accounts of
22 members of the household.

23 (2) All cash, excluding the first two thousand dollars of
24 members of the household.

25 (3) All lottery and gambling income of the household whether
26 received as a lump sum or installment payments.

27 (4) All real estate, excluding the primary household
28 residence and surrounding lot.

29 (5) All other personal property excluding personal
30 belongings, household goods, and one vehicle.

31 c. "*Department*" means the department of human services.

32 d. "*Recipient*" means an individual who is receiving
33 supplemental nutrition assistance program benefits in the
34 state.

35 e. "*Supplemental nutrition assistance program*" or "*SNAP*"

S-5032 (Continued)

1 means the supplemental nutrition assistance program as defined
2 in 7 U.S.C. §2012(t).>

3 7. By striking page 4, line 15, through page 11, line 16.

4 8. Title page, line 1, by striking <public assistance> and
5 inserting <supplemental nutrition assistance>

6 9. By renumbering, redesignating, and correcting internal
7 references as necessary.

By NATE BOULTON

LIZ MATHIS

ERIC GIDDENS

KEVIN KINNEY

[S-5032](#) FILED FEBRUARY 26, 2020

LOST

SENATE FILE 2272

S-5033

DIV A 1 Amend the amendment, S-5021, to Senate File 2272 as follows:

2 1. Page 1, after line 1 by inserting:

3 <___. Page 1, before line 1 by inserting:

4 <DIVISION ___

5 INTENT OF THE GENERAL ASSEMBLY

6 Sec. ___. INTENT OF GENERAL ASSEMBLY. It is the intent
7 of the general assembly that this Act be implemented in a
8 manner that improves public assistance program operations to
9 most efficiently serve eligible individuals and households
10 while not overburdening, stigmatizing, creating unnecessary
11 obstacles for, or reducing benefits to, those most economically
12 marginalized including low-income families, the elderly, and
13 people with disabilities who rely on public assistance programs
14 for basic nutrition, necessary health care, and stabilization
15 in times of hardship.>>

DIV B 16 2. Page 1, after line 3 by inserting:

17 <___. Page 2, line 15, after <all> by inserting
18 <noncategorically eligible>

19 ___. Page 4, line 14, after <income> by inserting <,or
20 receives benefits through a public assistance program funded
21 in whole or in part with federal funding under Tit. IV-A of the
22 federal Social Security Act or with state funding considered in
23 determining compliance with maintenance of effort requirements
24 under Tit. IV-A of the federal Social Security Act>

25 ___. Page 5, by striking lines 7 through 14 and inserting:

26 <3. A contract entered into under this section shall provide
27 that the contract shall not preclude the department>>

DIV A 28 3. Page 1, by striking line 11 and inserting <recipient
29 shall be provided the maximum time permissible, up to thirty
30 days and consistent with applicable processing standards, to
31 respond to the notice.>

32 4. Page 1, after line 12 by inserting:

33 <___. Page 11, after line 16 by inserting:

34 <4. This division of this Act shall be implemented such
35 that any additions to or expansion of the verification and

S-5033 (Continued)

1 authentication systems for public assistance programs shall
2 not hinder concurrent system improvement efforts, and are
3 compatible with and integrate into existing systems to the
4 maximum extent possible to avoid waste, redundancy, and
5 duplication.>>

6 5. By renumbering, redesignating, and correcting internal
7 references as necessary.

By NATE BOULTON

[S-5033](#) FILED FEBRUARY 26, 2020
DIVISION A LOST; DIVISION B LOST

SENATE FILE 2272

S-5034

- 1 Amend Senate File 2272 as follows:
- 2 1. Page 10, after line 10 by inserting:
- 3 <___. Following provision of written notice to a recipient
- 4 under this section, the recipient's benefits shall continue
- 5 until the issue identified in the notice is resolved.>
- 6 2. By renumbering, redesignating, and correcting internal
- 7 references as necessary.

By ZACH WAHLS

S-5034 FILED FEBRUARY 26, 2020

LOST

SENATE FILE 2284

S-5025

- 1 Amend Senate File 2284 as follows:
- 2 1. By striking page 3, line 30, through page 4, line 7.
- 3 2. Page 5, by striking lines 3 through 5 and inserting:
- 4 <Sec. _____. Section 262.9, subsection 36, Code 2020, is
- 5 amended to read as follows:
- 6 36. Implement continuous improvement in every undergraduate
- 7 ~~program~~ programs offered by an institution of higher education
- 8 governed by the board.
- 9 ~~a.~~ A continuous improvement plan shall be developed and>
- 10 3. Page 5, line 8, by striking <timeline+.> and inserting
- 11 <timeline+>
- 12 4. Page 5, line 23, by striking <b.> and inserting <b->
- 13 5. Page 5, line 25, before <The> by inserting <for courses
- 14 with typical annual enrollments of one hundred or more
- 15 students, whether in one or multiple sections. In developing
- 16 and implementing the continuous improvement plan for each
- 17 course, the instructor or instructors for such a course shall
- 18 each year evaluate the results of the instructors' students'
- 19 performances in comparison with established course goals and
- 20 shall formulate recommendations for future goals and methods to
- 21 achieve improved student performance.>
- 22 6. Page 5, by striking lines 26 and 27 and inserting <shall
- 23 annually evaluate the effectiveness of the plans and shall
- 24 submit an executive>
- 25 7. Page 6, line 3, after <mission.> by inserting <The board
- 26 shall annually, on or before November 1, submit a report to the
- 27 general assembly providing information regarding how the board
- 28 invested any funds in accordance with this paragraph, including
- 29 the amount invested, how long the board has invested such
- 30 funds, and the percentage of equity in each private enterprise
- 31 held by the board.>
- 32 8. By renumbering as necessary.

By AMY SINCLAIR

S-5025 (Continued)

S-5025 FILED FEBRUARY 26, 2020

SENATE FILE 2302

S-5027

1 Amend Senate File 2302 as follows:

2 1. By striking everything after the enacting clause and
3 inserting:

4 <Section 1. MEDICAL EXAMINER INVESTIGATION FORM FOR
5 CHILD DEATHS AGE ZERO TO THREE — INFORMATION REGARDING
6 IMMUNIZATIONS.

7 1. The medical examiner investigation form for cases for
8 infants zero to three years of age shall include a request
9 for information regarding the date and type of the decedent's
10 last immunization. If the decedent received more than
11 one immunization at the time of the last immunization, the
12 information provided shall include all types of immunizations
13 received.

14 2. The department of public health shall adopt rules
15 pursuant to chapter 17A to amend the medical examiner
16 investigation form for cases for infants zero to three years of
17 age to comply with this section.>

18 2. Title page, lines 1 and 2, by striking <an infant
19 certificate of death form> and inserting <a medical examiner
20 investigation form>

By DENNIS GUTH

S-5027 FILED FEBRUARY 26, 2020

SENATE FILE 2346

S-5031

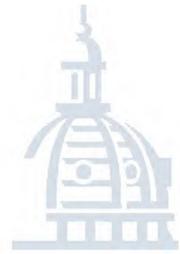
1 Amend Senate File 2346 as follows:

2 1. By striking everything after the enacting clause and
3 inserting:

4 <Section 1. DIRECT PRIMARY CARE AGREEMENTS — MEDICAID
5 — PILOT PROGRAM. The department of human services shall
6 develop and oversee a pilot program beginning January 1,
7 2021, and ending December 31, 2026, to allow or require
8 Medicaid members in specified categories to receive primary
9 care health services, as defined in section 135N.1, through a
10 direct primary care arrangement, with Medicaid acting as the
11 third-party payor for such services. The department shall
12 submit a Medicaid state plan amendment or waiver request, if
13 necessary, to the centers for Medicare and Medicaid services
14 of the United States department of health and human services
15 for approval to implement the pilot program as specified in
16 this section. The eligible Medicaid member categories shall
17 include childless adults, children under seven years of age,
18 children seven years of age through eighteen years of age,
19 parents, pregnant women, the elderly, and individuals with
20 disabilities.>

By JULIAN GARRETT

S-5031 FILED FEBRUARY 26, 2020



[SF 2275](#) – Eluding Law Enforcement (LSB5317HV)
Staff Contact: Christin Mechler (515.250.0458) christin.mechler@legis.iowa.gov
Fiscal Note Version – New

Description

[Senate File 2275](#) relates to the criminal offense of eluding or attempting to elude a pursuing law enforcement vehicle. The Bill enhances penalties in Iowa Code section [321.279](#), specifically for a second or subsequent criminal offense of eluding or attempting to elude a law enforcement vehicle. Under [SF 2275](#), a driver of a motor vehicle who is convicted of a second or subsequent violation of Iowa Code section [321.279](#)(1) is guilty of an aggravated misdemeanor. The driver of a motor vehicle who is convicted of a second or subsequent violation of Iowa Code section [321.279](#)(2) is guilty of a Class D felony, and a driver of a motor vehicle who is convicted of a second or subsequent violation of Iowa Code section [321.279](#)(3) is guilty of a Class C felony.

Additionally, [SF 2275](#) prohibits a court from ordering a deferred sentence or deferred judgment for the driver of a motor vehicle convicted of eluding or attempting to elude a pursuing law enforcement vehicle while exceeding the speed limit by 25 miles per hour or more and while violating Iowa Code section [321J.2](#) by operating a motor vehicle while intoxicated (OWI).

Background

Under current law, a driver of a motor vehicle who commits a violation of Iowa Code section [321.279](#)(1) by willfully failing to bring a motor vehicle to a stop or otherwise eluding or attempting to elude a marked law enforcement vehicle is, upon conviction, guilty of a serious misdemeanor. Iowa Code section [321.279](#)(2) states that a driver of a motor vehicle who willfully fails to bring a motor vehicle to a stop or otherwise eludes or attempts to elude a marked law enforcement vehicle, and in doing so, exceeds the speed limit by 25 miles per hour or more, is, upon conviction, guilty of an aggravated misdemeanor. Additionally, a driver of a motor vehicle is, upon conviction of violating Iowa Code section [321.279](#)(3), guilty of a Class D felony. A violation of Iowa Code section [321.279](#)(3) occurs when the driver of a motor vehicle willfully fails to bring a motor vehicle to a stop or otherwise eludes or attempts to elude a marked law enforcement vehicle, and in doing so, exceeds the speed limit by 25 miles per hour or more, and any of the following also occur:

- The driver participates in a public offense as defined in Iowa Code section [702.13](#) that is classified as a felony.
- The driver violates Iowa Code section [321J.2](#) by operating a motor vehicle while under the influence of alcohol or a drug or while having a blood alcohol concentration of .08 or more, or while committing a controlled substance violation under Iowa Code section [124.401](#).
- The offense results in bodily injury to a person other than the driver.

In FY 2019, there were 35 convictions newly admitted to prison as a result of the most serious violations of Iowa Code section [321.279](#). Of these new convictions, 12 were classified as aggravated misdemeanors, and 23 were classified as Class D felonies. Additionally, in FY 2019 there were 31 individuals who entered prison as a result of probation revocation for a most serious offense of Iowa Code section [321.279](#). Of these 31 probation revocations, three were classified as aggravated misdemeanors, and 28 were classified as Class D felonies.

In FY 2019, a total of 135 offenders entered probation for a most serious offense of Iowa Code section [321.279](#), and a total of 25 offenders entered parole.

A serious misdemeanor is punishable by confinement for no more than one year and a fine of at least \$315, but no more than \$1,875.

An aggravated misdemeanor is punishable by confinement for no more than two years and a fine of at least \$650, but no more than \$6,500.

A Class D felony is punishable by confinement for no more than five years and a fine of at least \$750, but no more than \$7,500.

A Class C felony is punishable by confinement for no more than 10 years and a fine of at least \$1,000, but no more than \$10,000.

Assumptions

- The following will not change over the projection period: charge, conviction, and sentencing patterns and trends; prisoner length of stay; revocation rates; plea bargaining; and other criminal justice system policies and practices.
- A lag effect of six months is assumed from the effective date of this Bill to the date of first entry of affected offenders into the correctional system.
- Marginal costs for county jails cannot be estimated due to a lack of data. For purposes of this analysis, the marginal cost for county jails is assumed to be \$50 per day.
- In order to extrapolate length of stay cost per month using daily cost data, it is assumed that the average length of one month is 30.4 days.

Correctional Impact

The correctional impact of [SF 2275](#) on new admissions to the correctional system cannot be determined. The Bill enhances penalties for all second or subsequent offenses of Iowa Code section [321.279](#), and the number of new convictions, as well as the number of any potentially redistributed convictions, cannot be determined. The Department of Corrections (DOC) expects that the proposed enhanced penalties will likely increase costs for the Department, as the redistribution of convictions into a higher crime class will result in an increase in the number of prison admissions and the average length of stay per offender. See the Fiscal Impact at the end of this Fiscal Note.

Table 1 provides estimates for sentencing to State prison, parole, probation, or Community Based Corrections (CBC) residential facilities; length of stay under those supervisions; and supervision marginal costs per day for all serious misdemeanor, aggravated misdemeanor, Class D felony, and Class C felony convictions. Refer to the Legislative Services Agency (LSA) memo addressed to the General Assembly, [Cost Estimates Used for Correctional Impact Statements](#), dated January 16, 2020, for information related to the correctional system.

Table 1 — Sentencing and Length of Stay Estimates

Conviction Offense Class	Percent to Prison	FY 19 Avg Length of Stay Prison (months)	FY 19 Marginal Cost/Day Prison	FY 19 Avg Length of Stay Parole (months)	FY 19 Marginal Cost/Day Parole	Percent to Probation	FY 19 Avg Length of Stay Probation (months)	FY 19 Avg Cost/Day Probation	Percent to CBC Residential Facility	FY 19 CBC Marginal Cost/Day	Percent to County Jail	Avg Length of Stay in County Jail	Marginal Cost per Day
Class C Felony (Non-Persons)	77.0%	15.6	\$20.38	18.7	\$6.12	64.0%	35.6	\$6.12	13.0%	\$12.58	30.0%	N/A	\$50.00
Class D Felony (Non-Persons)	76.0%	12.2	\$20.38	13.0	\$6.12	64.0%	31.8	\$6.12	12.0%	\$12.58	29.0%	N/A	\$50.00
Aggravated Misdemeanor (Non-Persons)	32.0%	6.9	\$20.38	5.9	\$6.12	51.0%	19.3	\$6.12	3.0%	\$12.58	68.0%	N/A	\$50.00
Serious Misdemeanor	2.0%	5	\$20.38	2.4	\$6.12	56.0%	13.4	\$6.12	1.0%	\$12.58	69.0%	N/A	\$50.00

Minority Impact

The minority impact of [SF 2275](#) is as follows: African Americans comprised 3.6% of the adult population of the State in FY 2019 and 19.6% of the convictions for Iowa Code section [321.279](#) offenses in FY 2019. This exceeds the population proportion of the State, which would lead to a racial impact if trends remain constant. Due to low numbers of other minority populations, the impact on those populations cannot be assessed. Refer to the LSA memo addressed to the General Assembly, [Minority Impact Statement](#), dated January 15, 2020, for information related to minorities in the criminal justice system. **Table 2** provides a breakdown of the demographics of FY 2019 convictions under Iowa Code section [321.279](#) in relation to the percentage of the State’s population.

Table 2 — FY 2019 Convictions and Population Percentage

Demographic	Percentage of FY 2019 Convictions under Iowa Code section 321.279	Demographic Percentage of Iowa's Total Population
White	66.9%	90.2%
African American	19.6%	3.6%
Hispanic	3.2%	6.2%
Other/Unknown	2.7%	3.0%

Fiscal Impact

The change in the number of admissions that will result from [SF 2275](#) cannot be determined. However, if the same number of admissions occur in FY 2021 that occurred in FY 2019, and those offenses reclassified to the new offenses under [SF 2275](#), there would be an estimated cost increase to the DOC of \$329,000 in FY 2021.

Table 3 shows estimates for the average State cost per offense class type. The estimates include operating costs incurred by the Judicial Branch, the State Public Defender, and the Department of Corrections for one additional conviction. The cost for prison and parole supervision would be incurred across multiple fiscal years.

Table 3 — Average State Cost per Offense Type

Offense	Total Minimum Cost	Total Maximum Cost
Class C Felony	\$ 11,600	\$ 19,400
Class D Felony	\$ 10,000	\$ 14,700
Aggravated Misdemeanor	\$ 5,600	\$ 8,000

Table 4 shows the costs to the DOC associated with the FY 2019 admissions and **Table 5** shows the estimated cost for FY 2021 based on the reclassification of offenses under [SF 2275](#). Both tables utilize the sentencing and length of stay data provided in **Table 2**.

Table 4 — Supervision Costs, FY 2019 Admissions for a Most Serious Violation of Iowa Code Section 321.279 Offenses (Current Law)

Admission Type (Current Law)	Crime Class (Current Law)	Admission Count	Fiscal Estimate (Current Law)
New Prison Admission			
	Class D Felony	23	\$ 173,846
	Aggravated Misdemeanor	12	\$ 51,299
Prison Admission - Probation Revocation			
	Class D Felony	28	\$ 211,639
	Aggravated Misdemeanor	3	\$ 12,285
Probation Admission			
	Class D Felony	76	\$ 449,641
	Aggravated Misdemeanor	48	\$ 172,355
	Serious Misdemeanor	11	\$ 45,433
Parole Admission			
	Class D Felony	21	\$ 50,791
	Aggravated Misdemeanor	4	\$ 18,977
	Total		\$ 1,186,266

Table 5 — Supervision Costs and Admissions for a Most Serious Violation of Iowa Code Section 321.279 Offenses (Proposed Law)

Admission Type (Proposed Law)	Crime Class (Proposed Law)	Admission Count	Fiscal Estimate (Proposed Law)
New Prison Admission			
	Class C Felony	23	\$ 222,295
	Class D Felony	12	\$ 90,702
Prison Admission - Probation Revocation			
	Class C Felony	28	\$ 270,620
	Class D Felony	3	\$ 22,676
Probation Admission			
	Class C Felony	76	\$ 503,371
	Class D Felony	48	\$ 283,984
	Aggravated Misdemeanor	11	\$ 39,293
Parole Admission			
	Class C Felony	21	\$ 73,061
	Class D Felony	4	\$ 9,674
	Total		\$ 1,515,678

Sources

Criminal and Juvenile Justice Planning Division, Department of Human Rights
Department of Corrections
Department of Public Safety
Legislative Service Agency

/s/ Holly M. Lyons

February 26, 2020

Doc ID 1131343

The fiscal note for this Bill was prepared pursuant to [Joint Rule 17](#) and the Iowa Code. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.

www.legis.iowa.gov



[SF 2324](#) – Sex Offender Registry Modifications (LSB5385SV)
Staff Contact: Christin Mechler (515.250.0458) christin.mechler@legis.iowa.gov
Fiscal Note Version – New

Description

[Senate File 2324](#) makes several changes to the requirements for a sex offender to be granted a modification of the requirements of the Sex Offender Registry pursuant to Iowa Code chapter [692A](#). The Bill proposes that any sex offender, regardless of status, be allowed to file an application for modification. For a Tier I sex offender, existing requirements for the application of a registry modification are amended to state that the offender must have initially registered at least 10 years prior to the filing of an application. If the Tier I offender was 20 years of age at the time the offender committed sexual abuse in the third degree and the parties involved are not cohabitating and the offender is four or more years older than the other party, the offender must have registered at least five years prior to applying for a modification. A Tier II or Tier III sex offender must have initially registered at least 25 years prior to the filing of the application and must have been initially required to register as a result of an adjudication for a sex offense in juvenile court in order to be granted a modification.

[Senate File 2324](#) strikes the existing stipulation that the Department of Corrections (DOC) must complete a risk assessment on the offender prior to the modification, and that such an assessment must characterize the offender as a low risk to reoffend. The Bill allows a court to grant a modification, including reducing the period of time under which an offender must remain registered, if the offender has successfully completed any period of probation, parole, special sentence, or other supervised release. Additionally, [SF 2324](#) provides that a Tier I offender must not have been convicted of any criminal offense other than a simple misdemeanor under Iowa Code chapter [321](#), or any violations of local traffic ordinance in the 10 years immediately prior to applying for a modification. A Tier II or Tier III offender must not have been convicted of any other criminal offense than a simple misdemeanor under Iowa Code chapter [321](#), or any violations of local traffic ordinances in 25 years immediately prior to the application for modification. [Senate File 2324](#) also strikes the requirement that the director of the judicial district (or designee) that currently supervises the offender must also stipulate to the modification.

Background

Under current law, a sex offender who is on probation, parole, work release, serving a special sentence, or in any type of conditional release may file an application to request a modification of the registration requirements, which means removal from the registry. Prior to the granting of such a request, the following conditions must be met:

- The offense which led to the registry requirement occurred at least two years prior to the modification application for a Tier I offender, or five years prior to the modification application of a Tier II or III offender.
- The offender must have successfully completed all required sex offender treatment programs.
- The DOC must complete a valid risk assessment of the offender, and the offender must be determined to be at a low risk of reoffending.
- The offender may not be incarcerated at the time of filing the application.

- The director of the judicial district (or designee) that currently supervises the offender must also stipulate to the modification.

Assumptions

It is assumed that for each year that the State does not fully implement the provisions of the federal [Sex Offender Registration and Notification Act \(SORNA\)](#), a penalty of 10.0% reduction of Byrne-JAG grant funding will apply on an annual basis until the State fully complies.

Fiscal Impact

[Senate File 2324](#) would allow the Department of Public Safety (DPS) to fully implement the federal SORNA, which is also known as Title I of the federal Adam Walsh Child Protection and Safety Act of 2006. By allowing State law to fully mirror federal law, the DPS would successfully avoid being penalized with 10.0% reduction of the State's Byrne-JAG federal grant funding. The DPS estimates that avoiding this penalty would result in additional federal Byrne-JAG grant funding in excess of \$100,000 annually.

Additionally, the DOC estimates that the enactment of [SF 2324](#) would likely reduce the number of sex offender registration violations received by the Department in the future. However, the extent of those violation reductions and subsequent decreases in Department operating costs cannot be determined.

Sources

Legislative Services Agency
Department of Corrections
Department of Public Safety

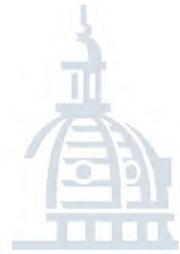
/s/ Holly M. Lyons

February 26, 2020

Doc ID 1131388

The fiscal note for this Bill was prepared pursuant to [Joint Rule 17](#) and the Iowa Code. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.

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[SF 2375](#) – Sexual Abuse, Statute of Limitations (LSB5393SV)
Staff Contact: Laura Book (515.205.9275) laura.book@legis.iowa.gov
Fiscal Note Version – New

Description

[Senate File 2375](#) relates to the statute of limitations period for criminal and civil actions for sexual abuse in the first, second, or third degree; kidnapping; and human trafficking.

The Bill allows an information or indictment in a criminal case, or a civil action for damages, for sexual abuse in the first, second, or third degree; kidnapping; or human trafficking, to commence at any time after the commission of the offense. The Bill provides that a civil action for sexual abuse offenses, other than sexual abuse in the first, second, or third degree, which occurred when the injured person was a child, but not discovered until after the injured person is the age of majority, shall be brought within four years from the time of discovery by the injured party of both the injury and the causal relationship between the injury and the sexual abuse.

Background

Under current law, in sexual abuse, kidnapping, and human trafficking cases, an injured person must bring a civil action for injuries suffered or an indictment or information must be filed within a certain statutory time period dependent upon certain circumstances including a victim's age and whether an offender was identified through the use of a DNA profile.

The penalties associated with the applicable offenses under this Bill range from a Class D to a Class A felony.

Assumptions

- The following will not change over the projection period: charge, conviction, and sentencing patterns and trends; prisoner length of stay (LOS); revocation rates; plea bargaining; and other criminal justice system policies and practices.
- A lag effect of six months is assumed from the effective date of this Bill to the date of first entry of affected offenders into the correctional system.
- Marginal costs for county jails cannot be estimated due to a lack of data. For purposes of this analysis, the marginal cost for county jails is assumed to be \$50 per day.

Correctional Impact

The correctional impact of [SF 2375](#) is unknown. Although it is known that sexual abuse is frequently underreported and victims often wait years to come forward, precise estimates of the impact of this legislation are not available. This Bill could result in an increase in convictions of the applicable offenses. **Table 1** provides estimates for sentencing to State prison, parole, probation, or Community-Based Corrections (CBC) residential facilities; LOS under those supervisions; and supervision marginal costs per day for all convictions of Class B, C, and D felonies.

Table 1 — Sentencing Estimates

Conviction Offense Class	Percent to Prison	FY 19 Avg Length of Stay Prison (months)	FY 19 Marginal Cost/Day Prison	FY 19 Avg Length of Stay Parole (months)	FY 19 Marginal Cost/Day Parole	Percent to Probation	FY 19 Avg Length of Stay Probation (months)	FY 19 Avg Cost/Day Probation	Percent to Residential Facility	FY 19 CBC Marginal Cost/Day	Percent to County Jail	Avg Length of Stay in County Jail	Marginal Cost/Day
Class B Felony (Sex Offense)	95.0%	176.6**	\$20.38	16.7	\$6.12	18.0%	0	\$6.12	2.0%	\$12.58	38.0%	N/A	\$50.00
Class C Felony (Sex Offense)	91.0%	58.9	\$20.38	8.9	\$6.12	31.0%	42.9	\$6.12	8.0%	\$12.58	37.0%	N/A	\$50.00
Class D Felony (Sex Offense)	85.0%	27.6	\$20.38	5.0	\$6.12	44.0%	35.9	\$6.12	5.0%	\$12.58	25.0%	N/A	\$50.00

Refer to the Legislative Services Agency (LSA) memo addressed to the General Assembly, [Cost Estimates Used for Correctional Impact Statements](#), dated January 16, 2020, for information related to the correctional system.

Minority Impact

The minority impact of [SF 2375](#) cannot be estimated due to the unknown number of convictions. In FY 2019, African Americans made up 3.6% of the adult population of the State of Iowa and 22.5% of convictions for sexual abuse in the 1st, 2nd, or 3rd degree in FY 2019. According to the Criminal and Juvenile Justice Planning Division, this exceeds the population proportion of the State, which would lead to a racial impact if it remains constant. Due to the low numbers of other minorities, the impact on those populations cannot be estimated.

Refer to the LSA memo addressed to the General Assembly, [Minority Impact Statement](#), dated January 15, 2020, for information related to minorities in the criminal justice system.

Fiscal Impact

The fiscal impact of [SF 2375](#) cannot be estimated due to the unknown correctional impact. The Bill may result in some additional convictions. **Table 2** provides cost estimates for the average State cost per conviction of a Class B, C, or D felony. The cost estimate includes operating costs incurred by the Judicial Branch, the State Public Defender, and the Department of Corrections for one conviction. The cost would be incurred across multiple fiscal years for prison and parole supervision.

Table 2 — Average State Cost per Offense Class Type

Offense Class	Minimum	Maximum
Class B Felony	\$15,500	\$37,800
Class C Felony	\$11,600	\$19,400
Class D Felony	\$10,000	\$14,700

The State cost of Class A felonies must be calculated on an individual basis to determine prison costs. At a minimum, Class A felonies require two indigent defense attorneys at a cost of approximately \$36,000 and include court time and jury trial costs ranging from \$10,000 to \$14,300.

Source

Criminal and Juvenile Justice Planning Division, Department of Human Rights

/s/ Holly M. Lyons

February 25, 2020

Doc ID 1131667

The fiscal note for this Bill was prepared pursuant to [Joint Rule 17](#) and the Iowa Code. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.

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[SF 2382](#) – Sexual Abuse, Age of Consent (LSB5163SV)
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Fiscal Note Version – New

Description

[Senate File 2382](#) establishes the criminal offense of sexual activity with an individual 16 or 17 years of age under certain circumstances and provides penalties. The Bill provides that an individual who is 27 years of age or older commits an aggravated misdemeanor when that person engages in sexual activity as defined under Iowa Code section [702.17](#), with another person who is 16 or 17 and is not at the time cohabitating with the person as the person's spouse. The Bill also provides that a person convicted of sexual activity with an individual 16 or 17 years of age under certain circumstances is not subject to a special sentence pursuant to Iowa Code section [903B.2](#).

Background

Pursuant to Iowa Code section [709.4\(1\)\(b\)](#), the age of consent to sexual activity is 16.

In FY 2019, there were 132 convictions under Iowa Code section [709.4](#). Of these convictions, 51 resulted in new prison admissions, and 81 resulted in probation. An aggravated misdemeanor is punishable by confinement for no more than two years and a fine of at least \$625 but not more than \$6,250.

Assumptions

- The following will not change over the projection period: charge, conviction, and sentencing patterns and trends; prisoner length of stay; revocation rates; plea bargaining; and other criminal justice system policies and practices.
- A lag effect of six months is assumed from the effective date of this Bill to the date of first entry of affected offenders into the correctional system.
- Marginal costs for county jails cannot be estimated due to a lack of data. For purposes of this analysis, the marginal cost for county jails is assumed to be \$50 per day.

Correctional Impact

The correctional impact of [SF 2382](#) cannot be determined. [Senate File 2382](#) establishes a new criminal offense, and the Department of Corrections estimates that the provisions of the Bill will result in an increase in the number of convictions under Iowa Code section [709.4](#). However, the extent of that increase cannot be estimated at this time.

Table 1 below shows estimates for sentencing to State prison, parole, probation, or Community-Based Corrections (CBC) residential facilities; length of stay (LOS) under those supervisions; and supervision marginal costs per day of all convictions of a Class D felony in crimes involving sex offenses. Refer to the Legislative Services Agency (LSA) memo addressed to the General Assembly, [Cost Estimates Used for Correctional Impact Statements](#), dated January 16, 2020, for information related to the correctional system.

Table 1 — Sentencing Estimates and LOS

Conviction Offense Class	Percent to Prison	FY 19 Avg Length of Stay Prison (months)	FY 19 Marginal Cost/Day Prison	FY 19 Avg Length of Stay Parole (months)	FY 19 Marginal Cost/Day Parole	Percent to Probation	FY 19 Avg Length of Stay Probation (months)	FY 19 Avg Cost/Day Probation	Percent to CBC Residential Facility	FY 19 CBC Marginal Cost/Day	Percent to County Jail	Avg Length of Stay in County Jail	Marginal Cost/Day County Jail
Aggravated Misdemeanor (Sex)	78.0%	9.3	\$20.38	1.9	\$6.12	56.0%	22.2	\$6.12	4.0%	\$12.58	33.0%	N/A	\$50.00

Minority Impact

[Senate File 2382](#) creates a new criminal offense and the minority impact cannot be estimated due to a lack of data. Refer to the LSA memo addressed to the General Assembly, [Minority Impact Statement](#), dated January 15, 2020, for information related to minorities in the criminal justice system.

Fiscal Impact

The fiscal impact of [SF 2382](#) cannot be determined, as the Bill establishes a new criminal offense, and the resulting cost to the Justice System cannot be determined. The DOC anticipates that the increase in the number of admissions to prison or to probation will result in an increase in operating costs for the Department, but the extent of that increase cannot be determined.

Table 2 shows estimates for the average State cost for an aggravated misdemeanor. The estimates include operating costs incurred by the Judicial Branch, the State Public Defender, and the DOC for one conviction. The cost would be incurred across multiple fiscal years for prison and parole supervision.

Table 2 — Average State Cost per Offense Class Type

Offense	Total Minimum Cost	Total Maximum Cost
Aggravated Misdemeanor	\$ 5,600	\$ 8,000

Sources

Legislative Services Agency
 Criminal and Juvenile Justice Planning Division, Department of Human Rights
 Department of Corrections

/s/ Holly M. Lyons

February 26, 2020

Doc ID 1131880

The fiscal note for this Bill was prepared pursuant to [Joint Rule 17](#) and the Iowa Code. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.