



[SF 384](#) – Assault, Penalties (LSB1848SV)
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Fiscal Note Version – New

Description

[Senate File 384](#) establishes the crime of assault on a pregnant person. Under the Bill, the penalties for committing an assault against another person the person knew or should have known to be pregnant are as follows:

- A Class C felony for committing an assault without the intent to inflict serious injury but causing serious injury.
- A Class D felony for committing an assault with the intent to inflict a serious injury.
- A Class D felony for committing an assault and using or displaying a dangerous weapon in connection with the assault.
- An aggravated misdemeanor for committing an assault and causing bodily injury or mental illness.
- A serious misdemeanor for committing any other assault.

Background

Under Iowa Code section [708.2](#), the penalties for assault are as follows:

- An aggravated misdemeanor for committing an assault with the intent to inflict a serious injury upon another.
- A serious misdemeanor for committing assault and causing bodily injury or mental illness.
- An aggravated misdemeanor for committing an assault and using or displaying a dangerous weapon in connection with the assault.
- A Class D felony for committing an assault without the intent to inflict a serious injury but causing serious injury.
- A Class C felony for committing an assault and using any object to penetrate the genitalia or anus of another person.
- A simple misdemeanor for committing any other assault.

A Class C felony is punishable by confinement for up to 10 years and a fine of at least \$1,370 but not more than \$13,660. A Class D felony is punishable by confinement for up to five years and a fine of at least \$1,025 but not more than \$10,245. An aggravated misdemeanor is punishable by confinement for up to two years and a fine of at least \$855 but not more than \$8,540. A serious misdemeanor is punishable by confinement of up to one year and a fine of at least \$430 but not more than \$2,560. A simple misdemeanor is punishable by confinement of up to 30 days and a fine of at least \$105 but not more than \$855.

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

Senate File 384 creates a new criminal offense, and the correctional impact cannot be determined because the number of past convictions for assault against a pregnant person is unknown. The Department of Corrections (DOC) reports that assaults against pregnant persons are likely already captured under current assault crimes. However, since the Bill enhances the penalties for assault when it is committed against a pregnant person, convicted individuals will likely have an increased LOS under the Bill.

Table 1 shows estimates for sentencing to State prison, parole, probation, or Community-Based Corrections (CBC) residential facilities; LOS in months under those supervisions; and supervision marginal costs per day for all convictions of Class C felonies, Class D felonies, aggravated misdemeanors, and serious misdemeanors. Refer to the Legislative Services Agency (LSA) memo addressed to the General Assembly, [Cost Estimates Used for Correctional Impact Statements](#), dated January 20, 2023, for information related to the correctional system.

Table 1 – Sentencing Estimates and LOS

Conviction Offense Class	Percent Ordered to State Prison	FY 22 Avg LOS In Prison In Months (All Releases)	FY 22 Marginal Cost Per Day Prison	Percent Ordered to Probation	FY 22 Avg LOS on Probation In Months	FY 22 Avg Cost Per Day Probation	Percent Sentenced to CBC Residential Facility	FY 22 Marginal Cost Per Day CBC	Percent Ordered to County Jail	Marginal Cost Per Day Jail	FY 22 Avg LOS on Parole In Months	FY 22 Marginal Cost Per Day Parole
C Felony (Persons)	89.8%	50.1	\$23.42	27.6%	39.0	\$7.27	3.6%	\$20.67	43.2%	\$50.00	19.5	\$7.27
D Felony (Persons)	79.6%	19.7	\$23.42	59.0%	33.2	\$7.27	8.6%	\$20.67	26.3%	\$50.00	14.4	\$7.27
Aggravated Misdemeanor (Persons)	45.5%	9.7	\$23.42	64.9%	--	\$7.27	3.8%	\$20.67	55.6%	\$50.00	7.0	\$7.27
Serious Misdemeanor	1.9%	5.5	\$23.42	51.2%	13.7	\$7.27	0.9%	\$20.67	73.3%	\$50.00	0.5	\$7.27

Minority Impact

Senate File 384 creates a new criminal offense. As a result, the Division of Criminal and Juvenile Justice Planning (CJJP) of the Department of Human Rights cannot use prior existing data to estimate the minority impact of SF 384. However, of the 11,525 convictions for assault in FY 2022, 66.9% were Caucasian, 24.4% were African American, and 8.7% were other races. Iowa’s population is 84.5% Caucasian, 3.6% African American, and 11.9% other races. If the Bill increases the LOS for some individuals convicted of assault under current law who may face a higher penalty under the Bill, it may disproportionately impact African American individuals. Refer to the LSA memo addressed to the General Assembly, [Minority Impact Statement](#), dated January 20, 2023, for information related to minorities in the criminal justice system.

Fiscal Impact

Senate File 384 creates a new criminal offense, and the fiscal impact cannot be determined because the number of past convictions for assaults against a pregnant person is unknown. **Table 2** shows the average State cost per offense for a Class C felony, Class D felony, aggravated misdemeanor, and serious misdemeanor. The estimated impact to the State General Fund includes operating costs incurred by the Judicial Branch, the Indigent Defense Fund, and the DOC. The cost would be incurred across multiple fiscal years for prison and parole supervision.

Table 2 – Average State Cost Per Offense

Offense Class	Average Cost
Class C Felony	\$12,100 to \$25,100
Class D Felony	\$9,500 to \$17,400
Aggravated Misdemeanor	\$5,000 to \$9,600
Serious Misdemeanor	\$400 to \$5,600

Sources

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

/s/ Jennifer Acton

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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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