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[SF 270](#) – Murder Accessory (LSB2251XS)  
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Fiscal Note Version – New

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## **Description**

[Senate File 270](#) increases the penalty for accessory after the fact from an aggravated misdemeanor to a Class D felony if the public offense committed was murder in the first degree, murder in the second degree, or solicitation to commit murder.

## **Background**

Under Iowa Code section [703.3](#), any person with knowledge of a public offense and who committed it, and who is not married to the person who committed the offense, who harbors, aids, or conceals the person who committed the offense, with the intent to prevent the apprehension of the person who committed the offense, commits accessory after the fact. The penalty is as follows:

- An aggravated misdemeanor if the public offense committed was a felony.
- A simple misdemeanor if the public offense committed was a misdemeanor.

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 Class D felony is punishable by confinement for up to 5 years and a fine of at least \$1,025 but not more than \$10,245.

## **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.
- The marginal cost per day in prison is \$23.42.
- In FY 2022, there were two individuals admitted to prison for accessory after the fact for which the public offense was murder in the first degree, murder in the second degree, or solicitation to commit murder.
- Admissions include only individuals admitted to prison whose most serious offense is accessory after the fact.

## **Correctional Impact**

Senate File 270 increases the penalty for some individuals convicted of accessory after the fact and is estimated to increase the LOS in prison for those individuals. The average LOS in prison would increase from 7.5 months to 13.9 months. 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.

**Minority Impact**

The minority impact of Senate File 270 cannot be estimated because of the low number of individuals admitted to prison in FY 2022 for this offense. 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 270 is estimated to increase costs to the Department of Corrections (DOC) by approximately \$9,000 per group of individuals admitted to prison each year for this offense, as shown in **Table 1**. This cost is incurred across the entire LOS. **Table 1** represents the cost of all individuals admitted to prison for this offense in one year. This cost would recur for each annual group of admissions.

**Table 1 — Increase in Costs to the DOC Under Senate File 270**

	<b>Annual Prison Admissions</b>	<b>Cost Per Day</b>	<b>LOS (Days)</b>	<b>Total Cost</b>
Current Law	2	\$23.42	228.0	\$10,680
Under SF 270	2	\$23.42	422.6	\$19,795
<b>Increase in Cost</b>				<b>\$9,115</b>

**Sources**

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