



[HF 2318](#) – Bestiality, Definition and Penalties (LSB5424HV)
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Fiscal Note Version – New

Description

[House File 2318](#) increases penalties, expands the definition, and creates exceptions related to the crime of bestiality. The Bill increases the penalty for bestiality from an aggravated misdemeanor to a Class D felony for subsequent offenses. The Bill also creates a Class D felony for a person who commits bestiality and has been previously convicted of a violation of Iowa Code section [717B.2](#) (animal abuse), [717B.3](#) (animal neglect), [717B.3A](#) (animal torture), or [717B.3B](#) (animal mistreatment).

Background

Iowa Code section [717C.1](#) defines a “sex act” as it relates to bestiality. Current law also requires a person convicted of bestiality to submit to a psychological evaluation and treatment at the person’s expense, in addition to any sentence authorized by law.

In FY 2023, three individuals were convicted of a bestiality offense. Of these, there were no prison admissions, and one individual was admitted to probation.

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.

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 delay 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

House File 2318 increases penalties and expands the definition of an existing criminal offense. The correctional impact cannot be determined due to a lack of existing conviction data, but is anticipated to be minimal. **Figure 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 Class D felonies. Refer to the Legislative Services Agency (LSA) memo addressed to the General Assembly, [Cost Estimates Used for Correctional Impact Statements](#), dated January 16, 2024, for information related to the correctional system.

Figure 1 — Sentencing Estimate and Length of Stay (LOS)

Conviction Offense Class	Percent Ordered to State Prison	FY 2023 Avg LOS in Prison (All Releases)	Marginal Prison Cost Per Day	Percent Ordered to Probation	FY23 Field Avg LOS on Probation	Avg Cost Per Day on Probation	Percent Sentenced to CBC Residential Facility	Marginal CBC Cost Per Day	Percent Ordered to County Jail	Marginal Cost Per Day Jail	FY23 Field Avg LOS on Parole	Marginal Cost Per Day Parole
D Felony (Sex)	91.5%	32.3	\$24.94	45.4%	40.1	\$ 7.67	2.8%	\$ 20.00	39.7%	\$ 50.00	8.7	\$ 7.67
Aggravated Misdemeanor (Sex)	80.1%	8.6	\$24.94	61.0%	25.6	\$ 7.67	7.7%	\$ 20.00	38.1%	\$ 50.00	N/A	\$ 7.67

Minority Impact

House File 2318 increases penalties and expands the definition of an existing criminal offense. As a result, Criminal Juvenile Justice Planning (CJJP) of the Department of Management (DOM) cannot use existing data to determine the minority impact. Refer to the LSA memo addressed to the General Assembly, [Minority Impact Statement](#), dated January 16, 2024, for information related to minorities in the criminal justice system.

Fiscal Impact

House File 2318 increases penalties and expands the definition of an existing criminal offense. The fiscal impact cannot be determined due to a lack of data, but is anticipated to be minimal. **Figure 2** shows the average State cost per offense for a Class D felony and an aggravated misdemeanor. Potential impacts to the State General Fund include operating costs incurred by the Judicial Branch, the Indigent Defense Fund, and the Department of Corrections (DOC). Any costs would be incurred across multiple fiscal years for prison and parole supervision.

Figure 2 — Average State Cost Per Offense

Offense Class	Average Cost
Class D Felony	\$12,600 to \$18,200
Aggravated Misdemeanor	\$7,500 to \$10,800

Sources

Department of Corrections
 Criminal and Juvenile Justice Planning, Department of Management
 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.