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[HF 2302](#) – Assaults, Persons Engaged in Certain Occupations and by Inmates (LSB5387HV)  
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Fiscal Note Version – New

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**Description**

[House File 2302](#) expands occupations under Iowa Code section [708.3A](#) related to assault against certain occupations to include employees of the Department of Inspections, Appeals, and Licensing (DIAL). The Bill elevates the penalties for assault from a Class D felony to a Class C felony and from an aggravated misdemeanor to a Class D felony.

The Bill also provides that a person who, while confined in a jail, institution, or facility under the control of the Department of Corrections (DOC), ejects saliva in a manner intending to cause pain or injury, or to be insulting or offensive, commits an act of assault.

**Background**

Assault as it relates to the Bill is defined in Iowa Code section [708.1](#). To commit assault under Iowa Code section 708.3A, the person committing the assault must know that the person against whom the assault is committed is engaged in an occupation detailed in that Iowa Code section.

Iowa Code sections 708.3A(1) through 708.3A(4) relate to assault against persons engaged in certain occupations as follows:

- Iowa Code section 708.3A(1) relates to assaults with the intent to inflict a serious injury and establishes such assaults as a Class D felony under current law.
- Iowa Code section 708.3A(2) relates to assaults with the use or display of a dangerous weapon in connection with an assault and establishes such assaults as a Class D felony under current law.
- Iowa Code section 708.3A(3) relates to assault causing bodily injury or mental illness and establishes such assaults as an aggravated misdemeanor under current law.
- Iowa Code section 708.3A(4) relates to all other forms of assault and establishes such assaults as a serious misdemeanor under current law.

Under the Bill, the penalties under Iowa Code sections 708.3A(1) through 708.3A(4) would be enhanced as follows:

- Assaults under Iowa Code section 708.3A(1) would become a Class C felony.
- Assaults under Iowa Code section 708.3A(2) would become a Class C felony.
- Assaults under Iowa Code section 708.3A(3) would become a Class D felony.
- Assaults under Iowa Code section 708.3A(4) would become an aggravated misdemeanor. A person who violates the section would be required to serve a minimum term of seven days of the sentence imposed by law and would not be eligible for suspension of the minimum sentence.

Under Iowa Code section [708.3B](#), a person who, while confined in a jail, institution, or facility under the control of the DOC, assaults or commits an act that is intended to cause pain or injury, or be insulting or offensive, to an employee of the jail, institution, or facility, and that

results in the employee coming into contact with blood, seminal fluid, urine, or feces, commits a Class D felony. The Bill adds saliva to these bodily excretions.

A Class C felony is punishable by confinement for up to 10 years and a fine of at least \$1,375 but no 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 no more than \$10,245. An aggravated misdemeanor is punishable by confinement for up to two years and a fine of at least \$855 but no 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.
- The expansion of the definition of assault will increase the number of prosecutions.
- If the average cost per claim of the increased level of offense remains, there will be a 20.0% increase in the average claim cost under Iowa Code sections 708.3A(1) through 708.3A(4) to the Office of the State Public Defender (SPD).
- Contract attorney pay will be the same as current hourly rates.

### **Correctional Impact**

House File 2302 enhances various crimes under Iowa Code section 708.3A and expands definitions to include assaults in which a person employed in certain occupations comes into contact with saliva. It is not known how many additional convictions under Iowa Code section 708.3A or 708.3B would result from the expanded definitions; therefore, the correctional impact cannot be estimated for that provision of the Bill.

House File 2302 is estimated to increase the LOS for individuals admitted to prison and Community-Based Corrections (CBC). In FY 2023, there were 27 individuals admitted to prison, 10 individuals admitted to parole, and 101 individuals admitted to probation for a most serious offense under Iowa Code section 708.3A. Under the Bill, the DOC estimates that prison and parole admissions would be enhanced. The probation counts would be redistributed given the enhancements, since some individuals would be ordered to prison under the Bill. Due to increased LOS and additional individuals admitted to prison, the Bill is estimated to increase the prison population.

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.

### **Minority Impact**

House File 2302 increases the penalties for assaults on persons in certain occupations. Criminal and Juvenile Justice Planning (CJJP) of the Department of Management (DOM) estimates that the increased penalties would result in an increase in prison admissions. Of the 627 individuals convicted under Iowa Code section 708.3A in FY 2023, 66.5% were White, 23.5% were Black, and 9.9% were other races. Iowa's population is 89.8% White, 4.4% Black, and 5.8% other races. 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 2302 is anticipated to increase prison admissions and LOS, which would increase costs to the DOC by approximately \$1.1 million. **Figure 1** represents the cost of all individuals admitted to DOC supervision in one year under Iowa Code sections 708.3A(1) through 708.3A(4) and under HF 2302. This cost would recur for each annual group of admissions.

**Figure 1 — Fiscal Impact to the DOC Under HF 2302**

<b>Iowa Code Section</b>	<b>Current Cost</b>	<b>Cost Under HF 2302</b>	<b>Fiscal Impact</b>
708.3A(1)	\$ 158,990	\$ 407,361	\$ 248,371
708.3A(2)	191,031	511,370	320,339
708.3A(3)	309,555	701,032	391,477
708.3A(4)	250,702	350,378	99,676
<b>Total Fiscal Impact</b>			<b>\$ 1,059,863</b>

House File 2302 enforces a minimum sentence and increases the level of offense, which is anticipated to create costs to the SPD. In FY 2023, there were 570 claims under Iowa Code sections 708.3A(1) through 708.3A(4) paid from the Indigent Defense Fund, totaling \$392,000. The increased level of offense would increase the estimated claim cost to the SPD by \$131,000. The addition of the excretion of saliva as a form of assault is also estimated to increase the claims to the SPD, causing an increased cost of approximately \$4,000. These changes would result in a total estimated fiscal impact to the Indigent Defense Fund of \$135,000.

**Figure 2** shows the total estimated fiscal impact of House File 2302.

**Figure 2 — Total Fiscal Impact Under HF 2302**

<b>State Agency</b>	<b>Fiscal Impact</b>
DOC	\$ 1,059,863
SPD	134,524
<b>Total Fiscal Impact</b>	<b>\$ 1,194,387</b>

**Sources**

Department of Corrections  
Criminal and Juvenile Justice Planning, Department of Management  
Office of the State Public Defender  
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.