



[HF 176](#) – Continuous Sexual Abuse of a Child, Mandatory Minimum (LSB1392HV)
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Fiscal Note Version – New

Description

[House File 176](#) applies a 70.0% mandatory minimum sentence to the criminal offense of continuous sexual abuse of a child.

Background

Under Iowa Code section [709.23](#), a person 18 years of age or older commits continuous sexual abuse of a child when the person engages in any combination of three or more acts of sexual abuse in violation of Iowa Code sections [709.3](#) or [709.4](#), with the same child, and at least 30 days have elapsed between the first and last acts of sexual abuse. A person who is convicted of continuous sexual abuse of a child is guilty of a Class B felony and is required to be confined for no more than 50 years.

Assumptions

- The following will not change over the projection period: charge, conviction, and sentencing patterns and trends; 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

House File 176 adds a mandatory minimum sentence to the existing Class B felony under Iowa Code section 709.23 and is estimated to have a correctional impact. Adding a mandatory minimum sentence would increase the length of stay (LOS) of individuals who are admitted to prison for continuous sexual abuse of a child. This may increase the prison population, but the extent of this increase cannot be estimated. In FY 2022, one individual was admitted to prison for continuous sexual abuse of a child. If a mandatory minimum sentence was applied, the estimated LOS in prison would increase from 9.7 years to 35 years. 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 House File 176 cannot be estimated. The crime of continuous sexual abuse of a child was established in 2020 Iowa Acts, [HF 2554](#) (Continuous Sexual Abuse of a Child Act), and there were three convictions in FY 2022. All three individuals were Caucasian. However, due to the small number of convictions and the recent creation of the crime, it is difficult to estimate the minority impact. 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

House File 176 is estimated to increase costs to the DOC by creating a mandatory minimum sentence, but the extent of the increase in costs is unknown. If one individual is admitted to prison for continuous sexual abuse of a child, the mandatory minimum sentence would increase costs to the DOC by approximately \$217,000 over that individual’s period of incarceration, as shown in **Table 1**.

Table 1 — Change in Cost to the DOC Under HF 176

	Prison Admissions	Cost Per Day	LOS (Days)	Total Cost
Current Law	1	\$23.42	3,520	\$82,438
HF 176	1	\$23.42	12,768	\$299,027

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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