

FEB 21 2001

JUDICIARY

WITHDRAWN
1-15-02

HOUSE FILE

342

BY HATCH

Passed House, Date _____

Passed Senate, Date _____

Vote: Ayes _____ Nays _____

Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act extending the statute of limitations period for filing a
2 criminal charge of incest.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 342

1 Section 1. NEW SECTION. 802.2A INCEST -- SEXUAL
2 EXPLOITATION BY A COUNSELOR OR THERAPIST.

3 1. An information or indictment for incest under section
4 726.2 shall be found within ten years after its commission.

5 2. An indictment or information for sexual exploitation by
6 a counselor or therapist under section 709.15 shall be found
7 within ten years of the date the victim was last treated by
8 the counselor or therapist.

9 Sec. 2. Section 802.3, Code 2001, is amended to read as
10 follows:

11 802.3 FELONY -- AGGRAVATED OR SERIOUS MISDEMEANOR.

12 ~~1.~~ In all cases, except those enumerated in subsection-2
13 ~~and in~~ sections 802.1 ~~and~~, 802.2, and 802.2A, an indictment or
14 information for a felony or aggravated or serious misdemeanor
15 shall be found within three years after its commission.

16 ~~2.--An indictment or information for sexual exploitation by~~
17 ~~a counselor or therapist under section 709.15 shall be found~~
18 ~~within ten years of the date the victim was last treated by~~
19 ~~the counselor or therapist.~~

20 EXPLANATION

21 This bill extends the statute of limitations period for
22 filing a criminal charge for incest from three years to 10
23 years after the commission of the act.

24 Incest is a class "D" felony which is punishable by
25 confinement for no more than five years and a fine of at least
26 \$750 but not more than \$7,500.

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The estimate for **House File 342** is hereby submitted as a fiscal note pursuant to Joint Rule 17 and as a correctional impact statement pursuant to Section 2.56, Code of Iowa. Data used in developing this fiscal note and correctional impact statement are available from the Legislative Fiscal Bureau to members of the Legislature upon request.

House File 342 creates a new section under Chapter 802.2, Code of Iowa and extends the statute of limitations period for filing a criminal charge for incest from three to ten years. Incest is a Class D felony which is punishable by confinement for no more than five years and a fine of at least \$750 but not more than \$7,500.

ASSUMPTIONS

1. The analysis is based on information obtained from the Justice Data Warehouse, which included statewide court information. Conviction and penalty information is based on FY 2000 data.
2. There were eight offenders convicted of incest in FY 2000.
3. There were two convictions under 709.15, Code of Iowa during FY 2000.
4. The marginal cost per day for State prisons is \$16 per offender. The average length of stay for Class D felons in the State prison system is 21.3 months.
5. The marginal cost per day for probation or parole is \$1.55 per offender. The average length of stay for street supervision is 29 months for a Class D felony.
6. The median cost per case for Class D felonies is \$1,000 to defend.
7. Court costs for a Class D felony range from approximately \$3,000 to \$5,100 per case.

CORRECTIONAL IMPACT

House File 342 will result in increased cases to the prisons and community-based corrections, however, due to insufficient information, an estimate cannot be provided.

FISCAL IMPACT

House File 342 will result in increased cases being filed with the court, however, an actual estimate cannot be provided due to insufficient information. The approximate cost for one person convicted of incest under Chapter 802, Code of Iowa would be \$17,000.

SOURCES

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

(LSB 3021HH, JDD)

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FILED MARCH 5, 2001.

BY DENNIS PROUTY, FISCAL DIRECTOR