

# **State Legislation Monitoring Report:**

## **FY2011**

Iowa Department of Human Rights  
Division of Criminal and Juvenile Justice Planning

Paul Stageberg, Ph.D., Administrator

Primary Authors:

Phyllis Blood, MPA

Paul Stageberg, Ph.D.

February, 2011

Criminal and Juvenile Justice Advisory Council  
January 2011 Report – Rough Draft for Discussion

**Violator Program**

The effect of eliminating the Violator Program will require a longer time frame than can be achieved in this report. Prison admissions will be tracked quarterly for probation and parole violations, beginning in FY2007, the year there was the last major revision to the Violator Program. This was the revision that established the practices that are most likely to be affected by the elimination of the program. New admissions were eliminated beginning in May, 2010. Any effects should begin to be seen by the end of the second quarter of FY2011.

**Enticing/Attempting to Entice a Minor**

IA Code 710.10 was amended to clarify certain acts of enticing or attempting to entice minors under the age of 13 and under the age of 16. In the case of enticing or attempting to entice for sexual purposes, the penalties were equalized.

FY2010 Baseline, Previous Code

		# Charges Filed	# Offenders Convicted
Enticing a Minor	FELD		5
Attempt to Entice	AGMS		9

**Public Intoxication/Simulated Intoxication**

IA Code 123.46(2) was amended to separate simulated public intoxication from public intoxication. Both were left as simple misdemeanors; both convictions can be expunged from the record upon petition to the court. It is interesting to note that 123.46 does not specify a blood alcohol threshold for intoxication.

FY2010 Baseline, Previous Code

	# Offenders (Adult)	# Offenders (Juveniles)
--	---------------------	-------------------------

123.46 Intoxication	907	64
------------------------	-----	----

### Aggravated Theft

Beginning July 1, 2010 there is a new code, 714.3A(2)(a), aggravated theft. The new offense is a D felony, but not a forcible felony. The anticipated effect was that this would be a charging alternative to robbery in the second degree, a forcible felony with a mandatory 70% sentence. Robbery 2<sup>nd</sup> is also one of the offenses that does not allow juvenile court jurisdiction for 16 and 17-year-old offenders, unless specifically waived back by adult court. Therefore, it was anticipated that there could be a reduction in the number of juveniles seen in adult court for these offenses.

Robbery 2<sup>nd</sup> has also been one of the offenses that have contributed to minority over-representation in the prison system.

FY2010 Adult Baseline, Robbery 2<sup>nd</sup>

	African American	Caucasian	Other or Unknown	Total
# Offenders Convicted	32	23	16	71
# New Prison Admissions	25	19	2	46

Adult Charges Filed, Year-to-Date Comparisons (please note: for this preliminary report, only 1 month)

	July, FY2010			July, FY2011		
	African American	Caucasian	Other or Unknown	African American	Caucasian	Other or Unknown
Robbery 2 <sup>nd</sup>	11	17	6	7	5	4
Agg. Theft	NA	NA	NA	0	2	1

FY2010, Juvenile Robbery 2<sup>nd</sup>

	African American	Caucasian	Other or Unknown	Total
# Adjudicated (Juvenile Court)	12	3	1	16
# Convicted (Adult Court)	1	0	0	1

D Felony Assault

Beginning July 1, 2010, the definition for IA Code 708.2(4), DFEL assault, was modified, and the offense was removed from being a forcible felony. Code 708.4 continues to have a D felony willful injury offense, a forcible felony. Although this also could affect juveniles over the age of 15, the charge has not been a common one for juveniles. In FY2010 there were 4 juveniles adjudicated in juvenile court and one in adult court. For 708.4(2), there were 4 juveniles adjudicated in juvenile court.

FY2010 Adult Baseline, 708.2(4) D felony assault

	African American	Caucasian	Other or Unknown	Total
# Offenders Convicted	6	20	9	35
# New Prison Admissions	4	13	0	17

FY2010 Adult Baseline, 708.4(2), D felony willful injury

	African American	Caucasian	Other or Unknown	Total
# Offenders Convicted	31	82	23	136
# New Prison Admissions	19	47	0	66
# Juveniles, adult court	3	0	3	6