

APPENDIX A: Listing of Common Crimes and Punishments

The following is a listing of common criminal offenses and their respective punishments.

There is a 35 percent surcharge added to any monetary fine to help fund the cost of the court system, and additional surcharges for certain offenses (such as a \$10 D.A.R.E. surcharge for drug/alcohol offenses, and a \$125 “law enforcement initiative” surcharge for many other offenses, such as theft).

In addition, a criminal defendant may be ordered to pay court costs and the costs of court-appointed attorneys, as well as restitution to victims. Fines, surcharges, court costs and restitution become judgments against the defendant the day they are imposed. However, instead of paying the fine, a court may allow a defendant to perform unpaid community service work of an equivalent value to the amount of the fine at a per-hour rate equal to the federal minimum wage.

Felonies (generally, Iowa Code Chapter 902)—Unless there is a specific penalty attached (such as for forcible felonies, including sexual assault and murder), the penalties for felony level offenses in Iowa are as follows:

- Class A Felony: Life in prison without parole; sentence may not be deferred or suspended; may only be released on parole if governor commutes the sentence to a term of years
- Class B Felony: Maximum prison term not to exceed 25 years; may be deferred or suspended unless forcible felony
- Class C Felony: Maximum prison term not to exceed 10 years; may be deferred or suspended unless forcible felony; fine of at least \$1,000 but no more than \$10,000.
- Class D Felony: Maximum prison term not to exceed 5 years; may be deferred or suspended unless forcible felony; fine of at least \$750 but no more than \$7,500.
- Habitual Offender: Enhanced penalties for repeat offenders committing their third felony offense; minimum sentence of three years for Class C or D felonies to be served before parole, maximum sentence not to exceed 15 years

Misdemeanors (generally, Iowa Code Chapter 903)—Unless there is a specific penalty attached (such as for operating while intoxicated or domestic assault), misdemeanors can be punishable simply by monetary fine, although there is also the possibility of a jail or prison term. Work release may be granted to those serving jail terms, to allow them to maintain employment. Generally, the penalties for misdemeanor level offenses in Iowa are as follows:

- Aggravated Misdemeanor: Maximum prison term not to exceed 2 years; may instead be a jail sentence for a specific term of days if not more than 1 year; mandatory fine of at least \$625 but not more than \$6,250

- Serious Misdemeanor: Maximum jail term not to exceed 1 year; mandatory fine of at least \$315 but not more than \$1,875.

- Simple Misdemeanor: Maximum jail term not to exceed 30 days; mandatory fine of at least \$65 but not more than \$625

Theft (Iowa Code Chapter 714)—The severity of the charge and its resultant penalty depends on the value of the goods or money stolen. Theft charges include offenses for writing bad checks.

- First Degree:
Class C Felony Value of property more than \$10,000
Minimum \$1,000 fine, maximum of no more than 10 years in prison and \$10,000 fine

- Second Degree:
Class D Felony Value of property between \$1,000-10,000
Minimum \$750 fine, maximum of no more than five years in prison and \$7,500 fine

- Third Degree:
Aggravated Misd. Value of property between \$500-1,000 or value of property less than \$500 and defendant has twice previously been convicted of theft
Minimum \$625 fine, maximum of no more than two years in prison and \$6,250 fine

- Fourth Degree:
Serious Misd. Value of property between \$200-500
Minimum \$315 fine, maximum of no more than one year in jail and \$1,875 fine

- Fifth Degree:
Simple Misd. Value of property less than \$200
Minimum \$65 fine, maximum of no more than 30 days in jail and \$625 fine

Operating While Intoxicated—OWI (Iowa Code Chapter 321J)—The blood alcohol concentration (BAC) minimum is .08 percent for those age 21 and over; for those under 21, the BAC minimum is .02 percent, which is essentially a “zero tolerance” for those younger than the legal drinking age.

The penalty is enhanced for subsequent convictions within a 12 year period. There are also mandatory drivers license suspensions, as administered by the Iowa Department of Transportation. The suspension for failing a substance test on a first offense ranges from a minimum of 180 days to a maximum of 1 year; failing to submit to testing means an automatic suspension of 1 year for a first refusal, and of 2 years for second or subsequent refusal to submit to testing. In addition, there is a further one year “driving probation” following the suspension period, where one’s license can again be suspended for any moving traffic violation incurred during the probationary period.

Prison sentences for those convicted of OWI are usually served at community corrections facilities (halfway houses) with special treatment programs, provided the defendant is a suitable candidate for the community facility. The mandatory minimum jail term for OWI offenses cannot be suspended by a court, unless a deferred judgment is granted (which would only apply for a first offense). In addition, a deferred judgment may not be granted if the defendant has a blood alcohol concentration of 0.15 percent or greater or refused to give a specimen test at the time of arrest or bodily injury resulted to another person.

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| First Offense:
<i>Serious Misd.</i> | Minimum 48 hours in jail and \$1,250 fine (\$625 of which can be waived if there was no personal or property injury), maximum 1 year in jail and \$1,250 fine; drivers license suspension of 180 days plus one year driving probation |
| Second Offense:
<i>Aggravated Misd.</i> | Minimum 7 days in jail and \$1,875 fine, maximum of no more than two years in prison and \$6,250 fine; drivers license suspension of one year plus one year driving probation |
| Third Offense:
(and subsequent)
<i>Class D Felony</i> | Minimum 30 days in jail and \$3,125 fine, maximum of no more than five years in prison and \$9,375 fine; drivers license suspension of six years plus one year driving probation |

Sexual Abuse (Iowa Code Chapter 709)—The severity of the charge and its resultant penalty depends on factors such as the age of the victim, the age of the perpetrator, and the abuse involved. In addition, there are specific penalties depending on the defendant's relationship with a victim; if the defendant was a school employee or a therapist, for example.

Since July 1, 1995, all defendants convicted of a "sex offense" must register with the county sheriff as part of a statewide sex offender registry. Willful failure to register could subject the individual to further charges (aggravated misdemeanor for first offense; class D felony for second or subsequent offenses). The listing of information about registered sex offenders for each county is available on line at: <http://www.iowasexoffenders.com>.

Note: there is no such offense as “rape” under Iowa law. The term sexual abuse includes a broader definition of offenses than what is known commonly as “rape”; the terms are not interchangeable.

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| First Degree:
<i>Class A Felony</i> | Standards—causes serious injury to a person during a sexual abuse
Mandatory life imprisonment without parole |
| Second Degree:
<i>Class B Felony</i> | Standards—either displays a weapon during abuse, <u>or</u> the victim is under age 12, <u>or</u> the perpetrator is aided or abetted by others
<i>First Offense</i> —Maximum of no more than 25 years in prison; however, prison time cannot be suspended
<i>Second Offense</i> —Enhanced to Class A Felony status, with mandatory life imprisonment without parole |
| Third Degree:
<i>Class C Felony</i> | Standards—sex act is done against the victim's will, <u>or</u> victim suffers from mental condition, <u>or</u> victim is 12 or 13 years of age, <u>or</u> knows or reasonably should know the victim is under the influence of controlled substances, <u>or</u> the victim is mentally or physically incapacitated or physically helpless, <u>or</u> victim is 14 or 15 years of age <u>AND</u> the perpetrator is a member of the same household as the victim, <u>or</u> is related to the victim to the fourth degree, <u>or</u> is in a position of authority over the victim, <u>or</u> is four or more years older than the victim
Minimum \$1,000 fine, maximum of no more than ten years in prison and \$10,000 fine; however, prison time cannot be suspended <u>unless</u> the sexual abuse is between spouses, <u>or</u> when the victim is 14 or 15 years of age <u>and</u> the perpetrator is five or more years older than the victim |

Lascivious Acts: <i>Class C Felony</i>	Standards—if a perpetrator is 16 years of age or older, fondles or touches pubes or genitals of a child, or allows the child to touch the perpetrator's pubes or genitals <i>First Offense</i> —Minimum \$1,000 fine, maximum of no more than 10 years in prison and \$10,000 fine <i>Second Offense</i> —Enhanced to Class A Felony status, with mandatory life imprisonment without parole
Lascivious Acts: <i>Class D Felony</i>	Standards—if a perpetrator solicits a sex act with a child, or engages in the infliction of pain with a child, for the purposes of arousal Minimum \$750 fine, maximum of no more than 5 years in prison and \$7,500 fine
Indecent Contact: <i>Aggravated Misd.</i>	Statute applies to defendant 18 years of age or older <u>or</u> defendant 16 or 17 years of age who commits the act(s) with a person at least 5 years younger Standards—fondling or touching the inner thigh, groin, buttock, anus or breast of a child, <u>or</u> touching the clothing covering those immediate areas, <u>or</u> soliciting or permitting a child to do those actions <u>or</u> lascivious acts as defined above Minimum \$625 fine, maximum of no more than two years in prison and \$6,250 fine
Indecent Exposure: <i>Serious Misd.</i>	Standards—exposing one's genitals to another or committing a sex act in view of a third person with the intention of arousing one's self or another, or knowing that the act would be offensive to the viewer Minimum \$315 fine, maximum of no more than 1 year in jail and \$1,875 fine

Burglary (Iowa Code Chapter 713)—The severity of the charge and its resultant penalty depends on whether there were people in the occupied structure or whether the defendant possessed a weapon at the time.

First Degree: <i>Class B Felony</i>	Where persons are present and explosive device or weapon is present, <u>or</u> intentionally or recklessly inflicts bodily injury, <u>or</u> participates in a sex act which would constitute sexual abuse Maximum of no more than 25 years in prison; sentence cannot be suspended (forcible felony)
Second Degree: <i>Class C Felony</i>	Where explosive device or weapon is present, <u>or</u> bodily injury results, <u>or</u> no weapon but persons are present Minimum \$1,000 fine, maximum of no more than 10 years in prison and \$10,000 fine
Third Degree: <i>Class D Felony</i>	All other burglaries Minimum \$750 fine, maximum of no more than five years in prison and \$7,500 fine

Assault (Iowa Code Chapter 708)—Assault charges are filed based in large part upon the injuries sustained by the victim; in short, the more severe the injuries, the greater the punishment for the offense.

Simple Misdemeanor: <i>No need for visible injury</i>	Minimum \$65 fine, maximum 30 days in jail and \$625 fine
Serious Misdemeanor: <i>Visible injury (cuts, bruises)</i>	Minimum \$315 fine, maximum one year in jail and \$1,875 fine
Aggravated Misdemeanor: <i>Intent to inflict serious injury or uses/displays a weapon</i>	Minimum \$625 fine, maximum two years in prison and \$6,250 fine
Class D Felony: <i>Causes serious injury</i>	Minimum \$750 fine, maximum five years in prison and \$7,500 fine
Class C Felony: <i>Uses object to penetrate genitalia or anus of another</i>	Minimum \$1,000 fine, maximum ten years in prison and \$10,000 fine

Domestic Assault (Iowa Code Chapter 708)—The severity of the charge and its resultant penalty depends on the injury involved. Essentially, domestic assault charges are the same as any other assault charge except for the relationship between the defendant and victim. In order for an assault to be enhanced to domestic levels, the parties must either be family members residing together at the time of the assault, spouses or former spouses, parents who have children together, or those who have been household members residing together within the previous year (allowing for same-sex couples to be accused of domestic assault).

Domestic assault charges can also be enhanced for subsequent offenses; for example, a person convicted of serious misdemeanor domestic assault will have a subsequent charges within a 12 year period enhanced to aggravated misdemeanor penalties regardless of the actual injury in the new case. In addition, a third offense of domestic assault committed within the 12 year period, even if they involve different victims, automatically is enhanced to a Class D Felony with a maximum sentence of 5 years in prison (minimum of 1 year that must be served).

Upon the filing of a domestic assault charge, a "no contact" order is automatically issued, prohibiting the defendant from having direct or indirect contact with the victim of a domestic assault during the pendency of the case. Even if the victim initiates the contact, the defendant is in violation of the order. The victim may ask that the no contact order be rescinded, but rescinding the no contact order requires judicial approval. After the case is over, a victim may request that the no contact order continue for one year after the sentencing date. Violation of a no contact order is a new serious misdemeanor offense, with a minimum jail sentence of seven days, which must be served consecutively and may not be suspended.

In addition, any person convicted of domestic abuse must satisfactorily complete a "batterers treatment program" administered by the area Department of Correctional Services. The length, content and cost of the program vary widely depending on the judicial district and area of the state.

The mandatory minimum jail sentence for domestic assault offenses cannot be suspended by a court, unless a deferred judgment is granted. The domestic assault descriptions and punishments are as follows:

<p>Simple Misdemeanor: <i>No need for visible injury</i></p>	<p>Minimum 48 hours in jail and \$65 fine, maximum 30 days in jail and \$625 fine</p>
<p>Serious Misdemeanor: <i>Visible injury (cuts, bruises)</i></p>	<p>Minimum 48 hours in jail and \$315 fine, maximum one year in jail and \$1,875 fine</p>
<p>Aggravated Misdemeanor: <i>Intent to inflict serious injury or uses/displays a weapon</i></p>	<p>Minimum 48 hours in jail and \$625 fine, maximum two years in prison and \$6,250 fine</p>