

Iowa Listing of Common Crimes and Punishments

The following is a listing of common criminal offenses and their respective punishments. There also is a 30 percent surcharge added to any monetary fine. 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)--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

Misdemeanors (generally)--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 be a jail sentence if not more than 1 year; mandatory fine of at least \$500 but not more than \$5,000

Serious Misdemeanor: Maximum jail term not to exceed 1 year; mandatory fine of at least \$250 but not more than \$1,500.

Simple Misdemeanor: Maximum jail term not to exceed 30 days; mandatory fine of at least \$50 but not more than \$500

Operating While Intoxicated (OWI)--The penalty is enhanced for subsequent convictions within a six-year period. There are also driver's license suspensions, as administered by the Iowa Department of Transportation. 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. 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.

First Offense: Serious Misdemeanor, Minimum 48 hours in jail and \$1,000 fine (\$500 of which can be waived if there was no personal or property injury), maximum 1 year in jail and \$1,500 fine

Second Offense: Aggravated Misdemeanor, Minimum 7 days in jail and \$1,500 fine, maximum of no more than two years in prison and \$5,000 fine

Third Offense: Class D Felony, Minimum 30 days in jail and \$2,500 fine, maximum of no more than five years in prison and \$7,500 fine

Theft--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 (formerly called False Use of a Financial Instrument (FUPI)).

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 Misdemeanor, Value of property between \$500-1,000 or value of property less than \$500 and defendant has twice previously been convicted of theft, Minimum \$500 fine, maximum of no more than two years in prison and \$5,000 fine

Fourth Degree: Serious Misdemeanor, Value of property between \$200-500, Minimum \$250 fine, maximum of no more than one year in jail and \$1,500 fine

Fifth Degree: Simple Misdemeanor, Value of property less than \$200, Minimum \$50 fine, maximum of no more than 30 days in jail and \$500 fine

Burglary--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: Class B Felony, Burglary where persons are present and explosive device or weapon is present, or intentionally or recklessly inflicts bodily injury, or participates in a sex act which would constitute sexual abuse, Maximum of no more than 25 years in prison

Second Degree: Class C Felony, Burglary where explosive device or weapon is present, or bodily injury results, or 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: Class D Felony, All other burglaries, Minimum \$750 fine, maximum of no more than five years in prison and \$7,500 fine

Sexual Abuse--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. Effective 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 aggravated misdemeanor charges. 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.

First Degree: Class A Felony, Standards--causes serious injury to a person during a sexual abuse, Mandatory life imprisonment without parole

Second Degree: Class B Felony, Standards--either displays a weapon during abuse, or the victim is under age 12, or the perpetrator is aided or abetted by others, Maximum of no more than 25 years in prison; however, prison time cannot be suspended

Third Degree: Class C Felony, Standards--sex act is done against the victim's will, or victim suffers from mental condition, or victim is 12 or 13 years of age, or victim is 14 or 15 years of age and the perpetrator is a member of the same household as the victim, or is related to the victim to the fourth degree, or is in a position of authority over the victim, or is four or more years older than the victim, or knows or reasonably should know the victim is under the influence of controlled substances, Minimum \$1,000 fine, maximum of no more than ten years in prison and \$10,000 fine; however, prison time cannot be suspended unless the sexual abuse is between spouses, or when the victim is 14 or 15 years of age and the perpetrator is five or more years older than the victim

Lascivious Acts: Class D Felony, Standards--fondling or touching pubes or genitals of a child, or allowing the child to touch the perpetrator's pubes or genitals, Minimum \$750 fine, maximum of no more than five years in prison and \$7,500 fine; if prison sentence is imposed, an additional term of parole or work release not to exceed two years is also imposed

Indecent Contact: Aggravated Misdemeanor, Statute applies to defendant 18 years of age or older or 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, or touching the clothing covering those immediate areas, or soliciting or permitting a child to do lascivious acts, Minimum \$500 fine, maximum of no more than two years in prison and \$5,000 fine

Indecent Exposure: Serious Misdemeanor, Standards--exposing one's genitals to another or commits 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 \$250 fine, maximum of no more than 1 year in jail and \$1,500 fine

Domestic Assault--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 any subsequent charges within a six-year period enhanced to aggravated misdemeanor penalties regardless of the actual injury in the new case.

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.

In addition, any person convicted of domestic abuse must satisfactorily complete a "batterer's education 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:

Simple Misdemeanor: No need for visible injury, Minimum 48 hours in jail and \$50 fine, maximum 30 days in jail and \$500 fine

Serious Misdemeanor: Visible injury (cuts, bruises), Minimum 48 hours in jail and \$250 fine, maximum one year in jail and \$1,500 fine

Aggravated Misdemeanor: bodily injury or injury caused by use of a weapon, Minimum 48 hours in jail and \$500 fine, maximum two years in prison and \$5,000 fine

In addition, a 1996 law makes any third offense domestic assault conviction a Class D felony, with a mandatory prison sentence that cannot be suspended. (The definition of "third offense" means third domestic assault in a six-year period.) The law further provides that parole or release from prison cannot occur until at least one year of the sentence has been served (with credit for time served at any time between arrest and sentencing).