

CHAPTER 1184
TRANSITION LEGISLATION FOR CORRECTIONS

S.F. 2084

AN ACT relating to transition legislation for the Iowa department of corrections.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 217A.2, subsection 4, Code Supplement 1983, is amended by striking the subsection and inserting in lieu thereof the following:

4. Iowa medical and classification center.

Sec. 2. Section 217A.52, Code Supplement 1983, is amended to read as follows:

217A.52 DIAGNOSTIC CLINIC INMATE INTAKE AND CLASSIFICATION CENTER. The director may provide facilities and personnel for a diagnostic ~~clinic~~ intake and classification center. The work of the ~~clinic~~ center shall include a scientific study of each inmate, the inmate's career and life history, the causes of the inmate's criminal acts and recommendations for the inmate's custody, care, training, employment, and counseling with a view to rehabilitation and to the protection of society. To facilitate the work of the ~~clinic~~ center and to aid in the rehabilitation of the inmates, the trial judge, prosecuting attorney, and presentence investigators shall furnish the director upon request with a full statement of facts and circumstances attending the commission of the offense so far as known or believed by them. If the department develops and utilizes an inmate classification system, it must, within a reasonable time, present evidence from independent experts as to the effectiveness and validity of the classification system.

Sec. 3. **NEW SECTION. 217A.80 INSTITUTIONAL RECEIPTS.** All institutional receipts of the department of corrections shall be deposited in the general fund except for reimbursements for services provided to another institution or state agency, rentals charged to employees or other persons for room, apartment, or housing, and charges for meals.

Sec. 4. Section 223.1, Code Supplement 1983, is amended to read as follows:

223.1 INSTITUTION ESTABLISHED. There is established an institution for persons displaying evidence of mental illness or psychosocial disorders and requiring diagnostic services and treatment in a security setting. The institution may also be used for persons only requiring confinement in a security setting. The institution is under the jurisdiction of the Iowa department of corrections and shall be known as the Iowa ~~security and medical facility and classification center~~.

Sec. 5. Section 223.2, Code Supplement 1983, is amended to read as follows:

223.2 SUPERINTENDENT. A superintendent of the Iowa ~~security and medical facility and classification center~~ shall be appointed by the director of the Iowa department of corrections with the approval of the board of corrections. The superintendent shall be a reputable and qualified person experienced in the administration of programs for the care and treatment of persons afflicted with mental disorders and have other qualifications the director and board deem necessary.

Sec. 6. Section 223.4, unnumbered paragraph 3, Code Supplement 1983, is amended to read as follows:

The director of the Iowa department of corrections may house inmates from any penal correctional institution at the Iowa security and medical facility and classification center in order to provide the inmates with either suitable security or medical treatment, or both. Unless an inmate is determined to be mentally ill, the inmate shall not be subjected involuntarily to psychiatric treatment.

Sec. 7. Section 245.1, Code Supplement 1983, is amended by striking the section and inserting in lieu thereof the following:

245.1 OFFICIAL DESIGNATION—DEFINITIONS. The state correctional facilities for women at Mitchellville and Oakdale shall be known as the "Iowa correctional institution for women—Mitchellville", and the "Iowa medical and classification center—women's unit—Oakdale". For the purpose of this chapter "director" or "state director" means the director of the Iowa department of corrections.

Sec. 8. Section 245.3, Code Supplement 1983, is amended to read as follows:

245.3 SERVICE REQUIRED. The superintendent ~~superintendents~~ may, with the approval of the director, require an inmate to perform any service suited to her strength and attainments and which may be needed for the benefit of the Iowa correctional institution for women respective institutions or for the welfare of the inmate.

Sec. 9. Section 245.8, Code Supplement 1983, is amended to read as follows:

245.8 MANNER OF COMMITTING FEMALES WOMEN. Females Women committed to the Iowa correctional institution for women custody of the director shall be taken to the institution Iowa medical and classification center—women's unit—Oakdale by a woman, or by a male peace officer accompanied by a woman, ~~appointed by the court.~~

Sec. 10. Section 245.9, Code Supplement 1983, is amended to read as follows:

245.9 COST OF COMMITMENT. The costs and expenses allowed for taking females women to the Iowa correctional institution for women medical and classification center—women's unit—Oakdale shall be the same as those allowed by law ~~for taking girls to the training school under section 331.655, subsection 1,~~ and shall be audited and paid in like manner by the counties from which they are sent.

Sec. 11. Section 245.12, Code Supplement 1983, is amended by striking the section and inserting in lieu thereof the following:

245.12 TRANSFER OF MENTALLY ILL. The provisions for the transfer of mentally ill persons under this chapter shall be the same as provided in sections 246.16 and 246.17.

Sec. 12. Section 245.15, Code Supplement 1983, is amended to read as follows:

245.15 ESCAPE. ~~Any~~ An inmate of the Iowa a state correctional institution ~~for women~~ who escapes from it may be arrested and returned to the institution, by an officer or employee of the a state correctional institution without any other authority than this chapter, and by any peace officer or other person on the request in writing of the superintendent or the state director.

Sec. 13. Section 246.11, Code Supplement 1983, is amended to read as follows:

246.11 FEDERAL PRISONERS. ~~Male inmates~~ Inmates sentenced for any term by any court of the United States may be received by the warden into the penitentiary or the men's reformatory or superintendent of a state correctional institution and there kept there in pursuance of their sentences. Inmates at either the penitentiary or men's reformatory state correctional institutions may also be transferred to the federal bureau of prisons.

Sec. 14. Section 246.16, Code Supplement 1983, is amended to read as follows:

246.16 TRANSFER OF MENTALLY ILL. When the state director has cause to believe that a prisoner in the penitentiary or reformatory a state correctional institution is mentally ill, the Iowa department of corrections may cause that prisoner to be transferred to the Iowa security and medical facility and classification center for examination, diagnosis, or treatment. The prisoner shall be confined at that institution or a state hospital for the mentally ill until the expiration of the prisoner's sentence or until the prisoner is pronounced in good mental health. If the prisoner is pronounced in good mental health before the expiration of the prisoner's sentence, the prisoner shall be returned to the penitentiary or reformatory state correctional institution until the expiration of the prisoner's sentence. The provisions of the Code applicable to an inmate at the correctional institution from which the prisoner is transferred remain applicable during the inmate's stay at the Iowa security and medical facility and classification center. However, section 246.32 applies to the total inmate population, including both convicts and patients.

Sec. 15. Section 246.17, Code 1983, is amended to read as follows:

246.17 DISCHARGE OF MENTALLY ILL. When the state director has reason to believe that a prisoner in the penitentiary or reformatory a state correctional institution, whose sentence has expired, is mentally ill, ~~it~~ the director shall cause examination to be made of the prisoner by competent physicians who shall certify to the state director whether the prisoner is in good mental health or mentally ill. The state director may make further investigation and if satisfied that the prisoner is mentally ill, the state director may cause the prisoner to be transferred to one of the hospitals for the mentally ill, or may order the prisoner to be confined in the Iowa security and medical facility and classification center.

Sec. 16. Section 247A.7, Code Supplement 1983, is amended to read as follows:

247A.7 SURRENDER OF EARNINGS. An inmate employed in the community under a work release plan shall surrender to the institution from which released his judicial district department of correctional services the inmate's total earnings less payroll deductions required by law. The institution judicial district department of correctional services shall deduct from ~~such~~ the earnings in the following order of priority:

1. An amount determined to be the cost to the judicial district department of correctional services for providing food, lodging and clothing for the inmate while under the program. The judicial district department of correctional services shall be reimbursed this amount unless the contract with the department of corrections provides otherwise.

2. The actual and necessary food, travel and other expenses of the inmate when released from actual confinement under the program.

3. An amount the inmate may be legally obligated to pay for the support of his the inmate's dependents, the amount of which shall be paid to the dependents through the local department of human services in the county or city in which the dependents reside.

4. Court costs.

4. Restitution as ordered by the court pursuant to chapter 910.

Any balance remaining after deductions and payments shall be credited to the inmate's personal account at the institution judicial district department of correctional services and shall be paid to him the inmate upon release. Any An inmate so employed shall be paid a fair and reasonable wage in accordance with the prevailing wage scale for such work and shall work at fair and reasonable hours per day and per week.

Sec. 17. Section 255.29, Code Supplement 1983, is amended to read as follows:

255.29 MEDICAL CARE FOR PAROLEES AND PERSONS ON WORK RELEASE. The director of the Iowa department of corrections may send former inmates of the institutions

provided for in section 217A.2, while on parole or work release, to the hospital of the college of medicine of the state University of Iowa for treatment and care as provided in this chapter, without securing the order of the court required in other cases. The director may pay the traveling expenses of any patient thus committed, and when necessary the traveling expenses of an attendant of the patient out of funds appropriated for the use of the ~~division~~ department.

Sec. 18. Section 690.4, unnumbered paragraph 2, Code Supplement 1983, is amended to read as follows:

It ~~shall~~ is also be the duty of the wardens and superintendents to procure the taking of five-by seven-inch photographic negative showing a full length view of each ~~convict, prisoner or inmate of the penitentiary, men's reformatory, and Iowa inmate of a state correctional institution for women~~ in the inmate's release clothing immediately prior to the inmate's discharge from the institution either upon expiration of sentence or commitment or on parole, and to forward the photographic negative within two days after it is taken to the division of criminal investigation and bureau of identification, Iowa department of public safety.

Sec. 19. 1983 Iowa Acts, chapter 96, section 155, is amended to read as follows:

SEC. 155. 1981 Iowa Acts, chapter 9, section 7, subsection 6, is amended to read as follows:

6. The following are range four positions: superintendent of banking, director of the Iowa beer and liquor control department, chairperson and members of the Iowa state commerce commission, director of the state conservation commission, director of the Iowa development commission, director of the educational radio and television facility board, director of the Iowa department of job service, director of the department of general services, commissioner of health, director of the office for planning and programming, ~~director of the department of corrections~~, and commissioner of public safety.

Sec. 20. 1983 Iowa Acts, chapter 96, is amended by adding the following new section:

NEW SECTION. The department of corrections may enter into agreements, as provided for in chapter 28E, with a district department of correctional services as necessary.

Sec. 21. 1983 Iowa Acts, chapter 205, section 7, subsection 6, is amended to read as follows:

6. The following are range five positions: state comptroller, superintendent of public instruction, executive secretary of the state board of regents, director of the department of revenue, director of the Iowa development commission, commissioner of ~~social~~ human services or its successor agency, director of the department of corrections, chairperson and members of the Iowa state commerce commission, consumer advocate, and director of the department of transportation.

Sec. 22. Sections 85.60, 218.73, and 218.74, Code Supplement 1983, are repealed.

Sec. 23. The department of corrections shall cause to be transferred all records, supplies, equipment and property, including automobiles, which are used in the operation of parole services and work release programs to the appropriate community-based corrections judicial district in accordance with section 217A.3, subsection 1.

Sec. 24. The Code editor shall change any reference to "Iowa security and medical facility" remaining in the Code or Acts to "Iowa medical and classification center".

Approved May 4, 1984