

**CHAPTER 1306****DEPARTMENTS OF CORRECTIONS AND HUMAN SERVICES APPROPRIATIONS***S.F. 2333*

**AN ACT** relating to the administration and financing of correctional, mental health, mental retardation and veterans programs and capital projects under the jurisdiction of the department of corrections, the department of human services, or the board of parole.

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

Section 1. There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1984, and ending June 30, 1985, to the department of corrections for general administration, including salaries and support, maintenance, and miscellaneous purposes the following amount, or so much thereof as is necessary:

	1984-1985
	<u>Fiscal Year</u>
\$	1,706,468

A portion of the funds appropriated by this section shall be used to employ an affirmative action officer.

Sec. 2. There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1984, and ending June 30, 1985, to the department of corrections the following amounts, or so much thereof as is necessary, to be used for adult correctional services as designated:

	1984-1985
	<u>Fiscal Year</u>

1. For operation of adult correctional institutions, including salaries and support, maintenance, and miscellaneous purposes, provided that the director of corrections, in order to keep expenditures from exceeding the amount of funds appropriated by this subsection, shall declare a prison overcrowding state of emergency in the state's prisons whenever the population of the prison system exceeds two thousand six hundred forty-five inmates for forty-five consecutive days. Upon the declaration of a prison overcrowding state of emergency, the board of parole shall consider all inmates, except for inmates convicted of class "A" felonies, for parole who are within nine months of their tentative discharge date. If the board of parole's actions do not reduce the population of the prison system

below two thousand six hundred twenty inmates within ninety days of the date of the declaration of the prison overcrowding state of emergency, the tentative discharge dates of all inmates, whose most serious offenses for which the inmates are currently incarcerated are crimes against property and who are incarcerated in state prisons on the date of the declaration, shall be reduced by ninety days by the director of corrections. However, the tentative discharge date of a prisoner sentenced under section 204.406, 204.413, 902.7, 902.8, or 906.5 shall not be reduced under this subsection prior to completion of the mandatory minimum sentence required by the section. The director of corrections shall terminate a prison overcrowding state of emergency in the state's prisons whenever the population of the prison system is reduced below two thousand six hundred twenty inmates. The department shall adopt administrative rules which identify all offenses as either crimes against property or crimes against persons. As used in this subsection, "prison" means a correctional facility operated by the department of corrections and funded under this subsection, "prison system" means the prisons of this state which are the Iowa correctional institution for women, the Iowa state men's reformatory, the Iowa state penitentiary, the Iowa security and medical facility, the north central correctional facility, the Mount Pleasant correctional facility, the Clarinda correctional treatment facility, the correctional release center, and the rehabilitation camps, and "tentative discharge date" means the date at which an inmate is scheduled for release including good conduct and work time currently received. The department of corrections shall establish a plan to reduce the inmate population within the medium security facility of the men's reformatory at Anamosa to nine hundred inmates by October 1, 1984 and to eight hundred and fifty inmates by November 1, 1984. On and after November 1, 1984, the superintendent shall not admit additional inmates to the medium security facility of the men's reformatory at Anamosa if the inmate population of the men's reformatory equals or exceeds eight hundred and fifty inmates

..... \$ 48,120,374

If the department of corrections changes the allocations to the various adult correctional institutions on which the appropriation in this subsection was based, the department shall notify the chairpersons and ranking members of the corrections and mental health appropriations subcommittee and the legislative fiscal bureau of the changes to the allocations.

The department shall provide adequate funding for the men's reformatory and any reduction in the number of correctional officers shall correspond to a reduction in the inmate population.

The department shall use funds appropriated by this subsection to provide psychological testing of its correctional officer applicants.

Independent hearing officers for the department, pursuant to chapter 903A, shall be those persons who would qualify under rules promulgated by the merit employment commission for hearing officers and who are not responsible for the initiation of disciplinary procedures or involved in the supervision of persons whose responsibility it is to initiate disciplinary proceedings. The department shall use funds appropriated by this subsection to employ, at a minimum, two additional qualified hearing officers to provide coverage at disciplinary hearings at the state penitentiary, the men's reformatory, the medium security unit at Mt. Pleasant, and the medical and security facility. The department shall develop a plan for coverage by qualified hearing officers at all state correctional institutions and submit the report to the general assembly by January 15, 1985.

The department of corrections shall use funds appropriated in this subsection to continue to contract for the services of a Muslim imam.

The department shall use funds appropriated by this subsection to continue to provide at least correspondence courses, graduation equivalent diploma program, college courses, adult basic education, and a reentry course to inmates at the Iowa correctional institution for women.

The department may use three thousand dollars of the gifts accepted by the department pursuant to section 217A.75 and other resources available to match funds provided by the state library and central Iowa regional library to establish a project at the Iowa correctional institution for women.

An impact statement prepared by the legislative fiscal bureau shall be attached to any bill introduced in the general assembly which reasonably could have an effect on the inmate populations of the adult correctional institutions.

2. For the inmate classification system ..... \$ 161,472

A portion of the funds appropriated by this subsection shall be used to employ a licensed psychologist.

The department, by January 15, 1985, shall provide the general assembly with evidence from independent experts of the validity and effectiveness of the inmate classification system and shall suggest changes in the system to make it more effective. The validation study shall determine if the classification instruments accomplish the following objectives:

- a. Accurate prediction, without regard to extraneous factors such as religion, gender, or race, of the risk of inmate violence, escape from the institution, and disciplinary problems.
- b. Appropriate placement of inmates in the least restrictive institutional environment according to their security and custody requirements.
- c. A suitable match in placement decisions between the security and custody requirements and assessed service needs of inmates and the available security and custody arrangements and services in the institutions.

The department shall establish an agreement with persons independent of the department for the development of the study design and methodology and for the analysis of the data.

- 3. For the correctional training center ..... \$ 300,717
- 4. For federal prison reimbursements ..... \$ 398,520

5. The department shall identify all individuals currently in the correctional system and those individuals entering the system who are mentally retarded, as defined in section 222.2, subsection 5. In assigning a mentally retarded offender, or an offender with an inadequately developed intelligence or with impaired mental abilities, to a correctional facility, the department shall consider both the program needs and the security needs of the offender. The department of corrections shall consult with the mental health and mental retardation commission to obtain the commission's advice concerning the identification, correctional facility assignment, and program needs of mentally retarded offenders.

6. For the community-based corrections programs as designated:

- a. For pre-institutional community-based corrections ..... \$ 13,559,400
- b. For post-institutional halfway houses ..... \$ 1,408,318
- c. For parole services ..... \$ 1,200,402

Funds appropriated under this subsection may be used for the acquisition or improvement of residential correctional facilities as provided in section 8.45.

A judicial district which uses funds appropriated under this subsection may contract for services from or provide funds to private agencies to provide education, job placement, or counseling services to ex-offenders intended to facilitate the transition from incarceration to living in a free society.

A judicial district department of correctional services may operate a program for offenders required to perform unpaid community service.

- 7. For a legal assistance program to provide civil legal assistance to inmates of the Iowa correctional system in matters of child custody, bankruptcy, and dissolution of marriage ..... \$ 25,000

The department shall determine whether an inmate applying for civil legal assistance is indigent under section 815.9, after submission by the inmate of the detailed financial statement required by that section. The inmate has an affirmative duty to provide all relevant information on the issue of the inmate's indigency to the satisfaction of the department that the inmate is indigent. The department may establish by rule a schedule of charges, on a graduated scale related to income and resources, to be paid by inmates who are not indigent for the provision of civil legal assistance.

The department may establish by rule maximum rates of reasonable compensation for attorneys providing the various categories of civil legal assistance under the program funded by this subsection.

- 8. For reimbursement of counties for temporary confinement of work release and parole violators, as provided by sections 247A.10, 901.7, and 906.17 ..... \$ 47,500

9. The department shall maintain a long-range corrections planning process and an ongoing five-year corrections master plan. The director of the department of corrections shall report to the general assembly by January 15, 1985 concerning the status and content of the master plan. The master plan shall include goals and objectives and operations and funding needs. The master plan shall include, but not be limited to, an analysis of current and future inmate populations, incarceration costs, needs of inmates placed in community correctional

programs, and inmate, staff, and public safety needs. The master plan shall incorporate incarceration policies based on the least restrictive incarceration alternative which is consistent with public safety and inmate needs, including the alternative of incarcerating inmates in community correctional facilities. The department shall seek input from knowledgeable experts and from the public in the formulation of the master plan.

Sec. 3. There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1984, and ending June 30, 1985, to the board of parole, including salaries and support, maintenance, and miscellaneous purposes, the following amount, or so much thereof as is necessary:

	1984-1985
	<u>Fiscal Year</u>
	\$ 417,472

The board of parole shall continue the development and use of objective parole criteria in evaluating inmates for parole, with the goal of increasing parole rates without increasing the risk to society of release on parole, and with the goal of granting those paroles more uniformly throughout the year.

Sec. 4. There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1984, and ending June 30, 1985, to the department of human services for operation of the Iowa veterans home, including salaries and support, maintenance, and miscellaneous purposes, the following amount, or so much thereof as is necessary:

	1984-1985
	<u>Fiscal Year</u>
	\$ 17,810,507

Ninety-five thousand (95,000) dollars of the funds appropriated in this section may be used to match federal funds for the renovation of Loftus hall at the Iowa veterans home.

The department may use up to twenty thousand dollars of the gifts available to the commissioner of human services pursuant to section 218.96 and other resources available to the department for use at the Iowa veterans home for purposes identified by the department.

Sec. 5. There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1984, and ending June 30, 1985, to the department of human services, for the state mental health institutes the following amount, or so much thereof as is necessary:

	1984-1985
	<u>Fiscal Year</u>

1. For salaries and support, maintenance, and miscellaneous purposes .....	\$ 30,373,015
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2. As long as there is a demonstrated need, the department of human services shall continue to operate a geriatric program at the state mental health institute at Mount Pleasant. A reduction in the patient population at the institute necessary as a result of the correctional addition at the institute shall not be achieved by eliminating a specific program, unless the institute's citizens' advisory board or the general assembly determines that there is no longer a demonstrable need for the specific program. If the department decides to reduce the catchment area for Mount Pleasant mental health institute, they shall consider the reduction temporary until further population trends are clarified.

3. It is the intent of the general assembly that the department of human services should pursue all courses of action necessary to expand the recruitment and retention of psychiatrists at state mental health institutions.

To this end the general assembly expects:

a. The department to begin a recruitment campaign by sending department representatives to events and locations where psychiatrists are likely to be recruited and by taking other similar actions which have the likelihood of contributing to the recruitment of psychiatrists.

b. The department to develop a plan for cooperative recruitment, training and personnel development. The development of the plan may include the involvement of other appropriate private and public entities. The department shall present the plan to the governor and the legislative council on or about October 1, 1984. The plan shall include an affirmative action component and review cooperative efforts and strategies between agencies and institutional entities nationwide. The plan should offer a set of cooperative ventures between other private or public entities and the department for the improved recruitment and retention of psychiatrists in mental health institutions.

c. The department to explore and implement, if necessary, alternative approaches to retaining psychiatrists in the state hospital system, such as special contractual arrangements, expanded staff privileges, or improved educational opportunities for the medical staff.

The department shall submit a report to the general assembly by January 15, 1985 which details the action it has taken in calendar year 1984 to enhance the recruitment and retention of psychiatrists at state mental health institutes.

4. All funds received from client participation shall be deposited in the general fund of the state.

5. A state mental health institute shall not accept physical custody of a child alleged to be a child in need of assistance, on guest status or otherwise, for more than thirty days. A child found to be a child in need of assistance shall not be placed in a state mental health institute or other appropriate secure facility unless the juvenile court finds that the standard for involuntary commitment in chapter 229 has been met. The finding may be made by the court under section 232.103 at any time prior to the expiration of a dispositional order.

6. The superintendents of the state mental health institutes at Cherokee and Independence, in discharging the duties imposed by section 230.20, shall not include the costs of the psychiatric residency and chaplain intern programs maintained at those institutes in computing the institutes' respective daily charges to patients. The commissioner of human services shall seek to maintain reasonably uniform daily charges at the four mental health institutes. The department of human services shall report, to the general assembly by January 15, 1985, significant facts regarding population demand and trends and their relationship to the per diem charges of the four mental health institutes in comparison to probable impact on the institutions if there had been an average state mental health institutes' daily patient program cost.

Sec. 6. There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1984, and ending June 30, 1985, to the department of human services, for the state hospital schools the following amount, or so much thereof as is necessary:

	1984-1985
	<u>Fiscal Year</u>
1. For salaries and support, maintenance, and miscellaneous purposes .....	\$ 47,400,996

2. All funds received from client participation shall be deposited in the general fund of the state.

3. The state hospital schools' per-patient per-day cost as determined pursuant to section 222.73 shall be billed at eighty percent for the fiscal year, except as otherwise provided by subsection 4.

4. If more than twenty percent of the cost of a patient's care is initially paid from any source other than state appropriated funds, the amount so paid shall be subtracted from the per-patient per-day cost of that patient's care computed pursuant to section 222.73 and the patient's county of legal settlement shall be billed for the full balance of the cost so computed.

Sec. 7. A state hospital school or mental health institute shall, upon receipt of a payment made under chapter 249A for the care of a patient, segregate an amount equal to that portion of the payment which is required by law to be made from nonfederal funds. The money segregated shall be deposited in the medical assistance fund of the department of human services. In the calculation of per diem rates, charges assessed to the county shall be credited with one hundred percent of client participation for eligible Title XIX, medical assistance patients at the state hospital schools.

Sec. 8. There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1984, and ending June 30, 1985, to the state community mental health and mental retardation services fund established in section 225C.7, the following amount, or so much thereof as is necessary:

	1984-1985
	<u>Fiscal Year</u>
\$	3,360,000

Sec. 9. The general assembly and the corrections and mental health appropriations subcommittee shall review the general assembly's action which abolished the hospital-schools revolving fund, reverted current moneys in the fund to the general fund of the state in order to balance the state budget on June 30, 1983, and appropriated reverted funds to the hospital-schools for the fiscal year beginning July 1, 1983. The review shall include an examination of the continuing need for a hospital-schools revolving fund which could channel moneys to the community mental health and mental retardation services fund provided pursuant to chapter 225C.

Sec. 10. The commissioner of the department of human services shall prepare a study of the disabled population in Iowa. The study shall address the size of the population of disabled individuals which does not meet the definition of developmental disability as contained in chapter 225C, identify the services available or unavailable to that population, and develop recommendations for the coordination of efforts to serve that population. The commissioner shall complete the study with the assistance of other state agencies currently serving the disabled population including, but not limited to, the department of public instruction, the department of health and the board of regents. The commissioner shall also consult with representative organizations of the disabled population and with the governor's planning council for developmental disabilities. The results of the study shall be submitted to the general assembly and to the council on human services by October 1, 1984.

Sec. 11. Billings by the central warehouse and supply depot established in section 218.100 to institutions under the control of the department of human services shall not include the costs incurred by the central warehouse and supply depot in the distribution of federal surplus commodities.

Sec. 12. Notwithstanding section 217.23, subsection 2, the department of human services may expend moneys from the support allocation of the department as reimbursement for replacement or repair of personal items of the department's employees damaged or destroyed by clients of the department during the employee's tour of duty. The reimbursement shall not exceed one hundred fifty dollars for each item.

Sec. 13. All federal grants to and the federal receipts of the department of human services are appropriated for the purposes set forth in the federal grants or receipts. The veterans per diem payable for veterans at the veterans home and funds received under Title XIX of the federal Social Security Act by the state mental health institutes and state hospital schools shall be deposited in the general fund.

Sec. 14. There is appropriated from the general fund of the state to the following state agencies for the fiscal year beginning July 1, 1984 and ending June 30, 1985, the following amounts, or so much thereof as may be necessary, to be used in the manner designated:

1984-1985  
Fiscal Year

1. DEPARTMENT OF CORRECTIONS

For construction of an Iowa state industries facility at the medium security correctional facility at Mt. Pleasant and to renovate a bathroom for use of the handicapped at the Iowa correctional institution for women ..... \$ 255,000

2. DEPARTMENT OF HUMAN SERVICES

a. For capital improvements to correct life safety, fire code, and accreditation deficiencies at the mental health institutes at Cherokee and Independence ..... \$ 937,000

b. For capital improvements at the state hospital-schools ..... \$ 278,450

Sec. 15. The department of human services may use up to seventy-five thousand dollars of the funds which have been appropriated and not expended in previous years for capital projects to fund the renovation of Loftus hall at the Iowa veterans home.

Sec. 16. Except for funds appropriated under section 2, subsection 6, section 4, section 14, and section 15, funds appropriated by this Act shall not be used for capital acquisitions or improvements.

Sec. 17. Unobligated or unencumbered funds appropriated by section 14 or identified for use by section 15 of this Act for the fiscal year beginning July 1, 1984 and ending June 30, 1985 remaining on June 30, 1988 shall revert to the general fund of the state on September 30, 1988. However, if the projects for which these funds are appropriated are completed prior to June 30, 1988, the remaining unobligated or unencumbered funds shall revert to the general fund of the state on September 30 following the end of the fiscal year in which the projects are completed.

Approved May 18, 1984