

CHAPTER 1168
APPROPRIATIONS — JUSTICE SYSTEM
H.F. 2492

AN ACT relating to appropriations to the justice system, providing penalties, and including effective date provisions.

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

DIVISION I
 FY 2018-2019 APPROPRIATIONS

Section 1. 2017 Iowa Acts, chapter 167, section 27, is amended to read as follows:
 SEC. 27. DEPARTMENT OF JUSTICE.

1. There is appropriated from the general fund of the state to the department of justice for the fiscal year beginning July 1, 2018, and ending June 30, 2019, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

a. For the general office of attorney general for salaries, support, maintenance, and miscellaneous purposes, including the prosecuting attorneys training program, matching funds for federal violence against women grant programs, victim assistance grants, office of drug control policy prosecuting attorney program, and odometer fraud enforcement, and for not more than the following full-time equivalent positions:

	\$	3,336,154
		<u>5,911,705</u>
	FTEs	215.00

As a condition of receiving the appropriation provided in this lettered paragraph, the department of justice shall maintain a record of the estimated time incurred representing each agency or department.

b. For victim assistance grants:

	\$	2,508,354
		<u>5,016,708</u>

The moneys appropriated in this lettered paragraph shall be used to provide grants to care providers providing services to crime victims of domestic abuse or to crime victims of rape and sexual assault.

The balance of the victim compensation fund established in [section 915.94](#) may be used to provide salary and support of not more than 24.00 full-time equivalent positions and to provide maintenance for the victim compensation functions of the department of justice. In addition to the full-time equivalent positions authorized pursuant to this paragraph, 5.00 full-time equivalent positions are authorized and shall be used by the department of justice to employ one accountant and four program planners. The department of justice may employ the additional 5.00 full-time equivalent positions authorized pursuant to this paragraph that are in excess of the number of full-time equivalent positions authorized only if the department of justice receives sufficient federal moneys to maintain employment for the additional full-time equivalent positions during the current fiscal year. The department of justice shall only employ the additional 5.00 full-time equivalent positions in succeeding fiscal years if sufficient federal moneys are received during each of those succeeding fiscal years.

The department of justice shall transfer at least \$150,000 from the victim compensation fund established in [section 915.94](#) to the victim assistance grant program.

Notwithstanding [section 8.33](#), moneys appropriated in this paragraph “b” that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.

c. For legal services for persons in poverty grants as provided in [section 13.34](#):

	\$	1,152,301
		<u>2,304,601</u>

2. a. The department of justice, in submitting budget estimates for the fiscal year commencing July 1, 2019, pursuant to [section 8.23](#), shall include a report of funding from sources other than amounts appropriated directly from the general fund of the state to the department of justice or to the office of consumer advocate. These funding sources shall include but are not limited to reimbursements from other state agencies, commissions, boards, or similar entities, and reimbursements from special funds or internal accounts within the department of justice. The department of justice shall also report actual reimbursements for the fiscal year commencing July 1, 2017, and actual and expected reimbursements for the fiscal year commencing July 1, 2018.

b. The department of justice shall include the report required under paragraph “a”, as well as information regarding any revisions occurring as a result of reimbursements actually received or expected at a later date, in a report to the co-chairpersons and ranking members of the joint appropriations subcommittee on the justice system and the legislative services agency. The department of justice shall submit the report on or before January 15, 2019.

3. a. The department of justice shall fully reimburse the costs and necessary related expenses incurred by the Iowa law enforcement academy to continue to employ one additional instructor position who shall provide training for ~~domestic abuse~~ and human trafficking-related issues throughout the state.

b. The department of justice shall obtain the moneys necessary to reimburse the Iowa law enforcement academy to employ such an instructor from unrestricted moneys from either the victim compensation fund established in [section 915.94](#), the human trafficking victim fund established in [section 915.95](#), or the human trafficking enforcement fund established in [2015 Iowa Acts, chapter 138, section 141](#).

4. The department of justice shall be subject to an agreed-upon procedures engagement performed by the auditor of state to identify sources and uses of discretionary funds of the department, including but not limited to legal settlement funds controlled by the department. The auditor of state shall complete and file the written report of the auditor’s findings and recommendations with the general assembly and the governor’s office by February 1, 2019. The department of justice shall fully reimburse the auditor of state for the agreed-upon procedures engagement.

Sec. 2. 2017 Iowa Acts, chapter 167, section 28, is amended to read as follows:

SEC. 28. OFFICE OF CONSUMER ADVOCATE. There is appropriated from the department of commerce revolving fund created in [section 546.12](#) to the office of consumer advocate of the department of justice for the fiscal year beginning July 1, 2018, and ending June 30, 2019, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	1,568,794
		<u>3,137,588</u>
.....	FTEs	22.00

Sec. 3. 2017 Iowa Acts, chapter 167, section 29, is amended to read as follows:

SEC. 29. DEPARTMENT OF CORRECTIONS — FACILITIES.

1. There is appropriated from the general fund of the state to the department of corrections for the fiscal year beginning July 1, 2018, and ending June 30, 2019, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

a. For the operation of the Fort Madison correctional facility, including salaries, support, maintenance, and miscellaneous purposes:

.....	\$	21,359,525
		<u>41,079,882</u>

b. For the operation of the Anamosa correctional facility, including salaries, support, maintenance, and miscellaneous purposes:

.....	\$	16,413,582
		<u>32,164,148</u>

c. For the operation of the Oakdale correctional facility, including salaries, support, maintenance, and miscellaneous purposes:

..... \$ 29,745,767
60,314,427

d. For the operation of the Newton correctional facility, including salaries, support, maintenance, and miscellaneous purposes:

..... \$ 13,830,610
28,061,220

e. For the operation of the Mount Pleasant correctional facility, including salaries, support, maintenance, and miscellaneous purposes:

..... \$ 12,338,207
25,526,413

f. For the operation of the Rockwell City correctional facility, including salaries, support, maintenance, and miscellaneous purposes:

..... \$ 4,860,229
10,458,861

g. For the operation of the Clarinda correctional facility, including salaries, support, maintenance, and miscellaneous purposes:

..... \$ 12,542,703
24,780,950

Moneys received by the department of corrections as reimbursement for services provided to the Clarinda youth corporation are appropriated to the department and shall be used for the purpose of operating the Clarinda correctional facility.

h. For the operation of the Mitchellville correctional facility, including salaries, support, maintenance, and miscellaneous purposes:

..... \$ 11,197,045
22,594,090

i. For the operation of the Fort Dodge correctional facility, including salaries, support, maintenance, and miscellaneous purposes:

..... \$ 14,883,498
29,660,231

j. For reimbursement of counties for temporary confinement of prisoners, as provided in sections 901.7, 904.908, and 906.17, and for offenders confined pursuant to section 904.513:

..... \$ 787,546
1,575,092

k. For federal prison reimbursement, reimbursements for out-of-state placements, and miscellaneous contracts:

..... \$ 242,206
484,411

2. The department of corrections shall use moneys appropriated in subsection 1 to continue to contract for the services of a Muslim imam and a Native American spiritual leader.

Sec. 4. 2017 Iowa Acts, chapter 167, section 30, is amended to read as follows:

SEC. 30. DEPARTMENT OF CORRECTIONS — ADMINISTRATION.

There is appropriated from the general fund of the state to the department of corrections for the fiscal year beginning July 1, 2018, and ending June 30, 2019, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For general administration, including salaries and the adjustment of salaries throughout the department, support, maintenance, employment of an education director to administer a centralized education program for the correctional system, and miscellaneous purposes:

..... \$ 2,576,953
9,231,488

a. It is the intent of the general assembly that each lease negotiated by the department of corrections with a private corporation for the purpose of providing private industry employment of inmates in a correctional institution shall prohibit the private corporation from utilizing inmate labor for partisan political purposes for any person seeking election to

public office in this state and that a violation of this requirement shall result in a termination of the lease agreement.

b. It is the intent of the general assembly that as a condition of receiving the appropriation provided in this subsection the department of corrections shall not enter into a lease or contractual agreement pursuant to [section 904.809](#) with a private corporation for the use of building space for the purpose of providing inmate employment without providing that the terms of the lease or contract establish safeguards to restrict, to the greatest extent feasible, access by inmates working for the private corporation to personal identifying information of citizens.

2. For educational programs for inmates at state penal institutions:

.....	\$	1,304,055
		<u>2,608,109</u>

a. To maximize the funding for educational programs, the department shall establish guidelines and procedures to prioritize the availability of educational and vocational training for inmates based upon the goal of facilitating an inmate’s successful release from the correctional institution.

b. The director of the department of corrections may transfer moneys from Iowa prison industries and the canteen operating funds established pursuant to [section 904.310](#), for use in educational programs for inmates.

c. Notwithstanding [section 8.33](#), moneys appropriated in this subsection that remain unobligated or unexpended at the close of the fiscal year shall not revert but shall remain available to be used only for the purposes designated in this subsection until the close of the succeeding fiscal year.

3. For the development of the Iowa corrections offender network (ICON) data system:

.....	\$	1,000,000
		<u>2,000,000</u>

4. For offender mental health and substance abuse treatment:

.....	\$	14,033
		<u>28,065</u>

5. For department-wide duties, including operations, costs, and miscellaneous purposes:

.....	\$	<u>648,947</u>
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Sec. 5. 2017 Iowa Acts, chapter 167, section 31, is amended to read as follows:

SEC. 31. JUDICIAL DISTRICT DEPARTMENTS OF CORRECTIONAL SERVICES.

1. There is appropriated from the general fund of the state to the department of corrections for the fiscal year beginning July 1, 2018, and ending June 30, 2019, for salaries, support, maintenance, and miscellaneous purposes, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

a. For the first judicial district department of correctional services:

.....	\$	7,318,383
		<u>14,786,766</u>

It is the intent of the general assembly that the first judicial district department of correctional services maintain the drug courts operated by the district department.

b. For the second judicial district department of correctional services:

.....	\$	5,691,870
		<u>11,433,739</u>

It is the intent of the general assembly that the second judicial district department of correctional services establish and maintain two drug courts to be operated by the district department.

c. For the third judicial district department of correctional services:

.....	\$	3,583,979
		<u>7,167,957</u>

d. For the fourth judicial district department of correctional services:

.....	\$	2,789,961
		<u>5,679,922</u>

e. For the fifth judicial district department of correctional services, including funding for electronic monitoring devices for use on a statewide basis:

.....	\$	10,428,970
		<u>21,557,940</u>

It is the intent of the general assembly that the fifth judicial district department of correctional services maintain the drug court operated by the district department.

f. For the sixth judicial district department of correctional services:

.....	\$	7,356,583
		<u>14,713,165</u>

It is the intent of the general assembly that the sixth judicial district department of correctional services maintain the drug court operated by the district department.

g. For the seventh judicial district department of correctional services:

.....	\$	3,888,671
		<u>7,777,341</u>

It is the intent of the general assembly that the seventh judicial district department of correctional services maintain the drug court operated by the district department.

h. For the eighth judicial district department of correctional services:

.....	\$	4,042,261
		<u>8,084,521</u>

2. Each judicial district department of correctional services, within the funding available, shall continue programs and plans established within that district to provide for intensive supervision, sex offender treatment, diversion of low-risk offenders to the least restrictive sanction available, job development, and expanded use of intermediate criminal sanctions.

3. Each judicial district department of correctional services shall provide alternatives to prison consistent with [chapter 901B](#). The alternatives to prison shall ensure public safety while providing maximum rehabilitation to the offender. A judicial district department of correctional services may also establish a day program.

4. The governor’s office of drug control policy shall consider federal grants made to the department of corrections for the benefit of each of the eight judicial district departments of correctional services as local government grants, as defined pursuant to federal regulations.

5. The department of corrections shall continue to contract with a judicial district department of correctional services to provide for the rental of electronic monitoring equipment which shall be available statewide.

6. The public safety assessment shall not be utilized in pretrial hearings when determining whether to detain or release a defendant before trial, and the use of the public safety assessment pilot program shall be terminated as of the effective date of this subsection, until such time the use of the public safety assessment has been specifically authorized by the general assembly.

Sec. 6. 2017 Iowa Acts, chapter 167, section 36, is amended to read as follows:

SEC. 36. IOWA LAW ENFORCEMENT ACADEMY.

1. There is appropriated from the general fund of the state to the Iowa law enforcement academy for the fiscal year beginning July 1, 2018, and ending June 30, 2019, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

.....	\$	477,378
		<u>971,341</u>
.....	FTEs	25.00
		<u>26.00</u>

The Iowa law enforcement academy may temporarily exceed and draw more than the amount appropriated in this subsection and incur a negative cash balance as long as there are receivables equal to or greater than the negative balance and the amount appropriated in this subsection is not exceeded at the close of the fiscal year.

2. The Iowa law enforcement academy may select at least five automobiles of the department of public safety, division of state patrol, prior to turning over the automobiles to the department of administrative services to be disposed of by public auction, and the Iowa

* Item veto; see message at end of the Act

law enforcement academy may exchange any automobile owned by the academy for each automobile selected if the selected automobile is used in training law enforcement officers at the academy. However, any automobile exchanged by the academy shall be substituted for the selected vehicle of the department of public safety and sold by public auction with the receipts being deposited in the depreciation fund to the credit of the department of public safety, division of state patrol.

3. The Iowa law enforcement academy shall provide training for domestic abuse and human trafficking-related issues throughout the state. The training shall be offered at no cost to the attendees and the training shall not replace any existing domestic abuse or human trafficking training offered by the academy.

Sec. 7. 2017 Iowa Acts, chapter 167, section 37, is amended to read as follows:

SEC. 37. STATE PUBLIC DEFENDER. There is appropriated from the general fund of the state to the office of the state public defender of the department of inspections and appeals for the fiscal year beginning July 1, 2018, and ending June 30, 2019, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	13,091,122
		<u>26,505,299</u>
.....	FTEs	223.00

2. For payments on behalf of eligible adults and juveniles from the indigent defense fund, in accordance with [section 815.11](#):

.....	\$	16,722,224
		<u>35,144,448</u>

Sec. 8. 2017 Iowa Acts, chapter 167, section 38, is amended to read as follows:

SEC. 38. BOARD OF PAROLE. There is appropriated from the general fund of the state to the board of parole for the fiscal year beginning July 1, 2018, and ending June 30, 2019, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	595,866
		<u>1,221,374</u>
.....	FTEs	10.75

Sec. 9. 2017 Iowa Acts, chapter 167, section 39, is amended to read as follows:

SEC. 39. DEPARTMENT OF PUBLIC DEFENSE.

1. There is appropriated from the general fund of the state to the department of public defense, for the fiscal year beginning July 1, 2018, and ending June 30, 2019, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	3,111,662
		<u>6,334,961</u>
.....	FTEs	248.00

2. The department of public defense may temporarily exceed and draw more than the amount appropriated in this section and incur a negative cash balance as long as there are receivables of federal funds equal to or greater than the negative balance and the amount appropriated in this section is not exceeded at the close of the fiscal year.

Sec. 10. 2017 Iowa Acts, chapter 167, section 40, is amended to read as follows:

SEC. 40. DEPARTMENT OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT.

1. There is appropriated from the general fund of the state to the department of homeland security and emergency management for the fiscal year beginning July 1, 2018, and ending June 30, 2019, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	1,060,964
.....		<u>2,123,610</u>
.....	FTEs	33.87

2. The department of homeland security and emergency management may temporarily exceed and draw more than the amount appropriated in this section and incur a negative cash balance as long as there are receivables of federal funds equal to or greater than the negative balance and the amount appropriated in this section is not exceeded at the close of the fiscal year.

Sec. 11. 2017 Iowa Acts, chapter 167, section 41, is amended to read as follows:

SEC. 41. DEPARTMENT OF PUBLIC SAFETY. There is appropriated from the general fund of the state to the department of public safety for the fiscal year beginning July 1, 2018, and ending June 30, 2019, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For the department’s administrative functions, including salaries and the adjustment of salaries throughout the department, the criminal justice information system, and for not more than the following full-time equivalent positions:

.....	\$	2,071,566
.....		<u>4,734,703</u>
.....	FTEs	37.00

2. For the division of criminal investigation, including the state’s contribution to the peace officers’ retirement, accident, and disability system provided in chapter 97A in the amount of the state’s normal contribution rate, as defined in section 97A.8, multiplied by the salaries for which the moneys are appropriated, to meet federal fund matching requirements, and for not more than the following full-time equivalent positions:

.....	\$	6,795,272
.....		<u>14,663,083</u>
.....	FTEs	160.00
.....		163.00

a. As a condition of the appropriation in this subsection, the division of criminal investigation shall expend up to \$200,000 to employ and ¹ additional 3.00 full-time equivalent positions to assist in expediting the processing and analysis of DNA samples.

b. The division of criminal investigation may employ two of the three additional full-time equivalent positions authorized pursuant to this subsection that are in excess of the number of full-time equivalent positions authorized for the previous fiscal year only if the division of criminal investigation receives sufficient federal moneys to maintain employment for the additional 2.00 full-time equivalent positions during the current fiscal year. The division of criminal investigation shall only employ the additional 2.00 full-time equivalent positions in succeeding fiscal years if sufficient federal moneys are received during each of those succeeding fiscal years.

3. For the criminalistics laboratory fund created in section 691.9:

.....	\$	151,173
.....		650,000

Notwithstanding section 8.33, moneys appropriated in this subsection that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.

4. a. For the division of narcotics enforcement, including the state’s contribution to the peace officers’ retirement, accident, and disability system provided in chapter 97A in the amount of the state’s normal contribution rate, as defined in section 97A.8, multiplied by the salaries for which the moneys are appropriated, to meet federal fund matching requirements, and for not more than the following full-time equivalent positions:

.....	\$	3,726,650
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¹ According to Act; the word “an” probably intended

	<u>7,785,873</u>
..... FTEs	66.50

The division of narcotics enforcement may employ an additional 1.00 full-time equivalent position authorized pursuant to this lettered paragraph that is in excess of the number of full-time equivalent positions authorized for the previous fiscal year only if the division of narcotics enforcement receives sufficient federal moneys to maintain employment for the additional full-time equivalent position during the current fiscal year. The division of narcotics enforcement shall only employ the additional full-time equivalent position in succeeding fiscal years if sufficient federal moneys are received during each of those succeeding fiscal years.

b. For the division of narcotics enforcement for undercover purchases:

..... \$	54,521
	<u>209,042</u>

5. For the division of state fire marshal, for fire protection services as provided through the state fire service and emergency response council as created in the department, and for the state’s contribution to the peace officers’ retirement, accident, and disability system provided in [chapter 97A](#) in the amount of the state’s normal contribution rate, as defined in [section 97A.8](#), multiplied by the salaries for which the moneys are appropriated, and for not more than the following full-time equivalent positions:

..... \$	2,343,357
	<u>4,965,056</u>
..... FTEs	53.00

As a condition of receiving the appropriation in this subsection, the commissioner of the department of public safety shall appoint the administrator of the fire service training bureau of the division of state fire marshal as provided in [section 100B.7](#).

6. For the division of state patrol, for salaries, support, maintenance, workers’ compensation costs, and miscellaneous purposes, including the state’s contribution to the peace officers’ retirement, accident, and disability system provided in [chapter 97A](#) in the amount of the state’s normal contribution rate, as defined in [section 97A.8](#), multiplied by the salaries for which the moneys are appropriated, and for not more than the following full-time equivalent positions:

..... \$	30,683,170
	<u>63,926,287</u>
..... FTEs	511.40

It is the intent of the general assembly that members of the state patrol be assigned to patrol the highways and roads in lieu of assignments for inspecting school buses for the school districts.

7. For deposit in the sick leave benefits fund established under [section 80.42](#) for all departmental employees eligible to receive benefits for accrued sick leave under the collective bargaining agreement:

..... \$	139,759
	<u>279,517</u>

8. For costs associated with the training and equipment needs of volunteer fire fighters:

..... \$	412,760
	<u>825,520</u>

a. Notwithstanding [section 8.33](#), moneys appropriated in this subsection that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure only for the purpose designated in this subsection until the close of the succeeding fiscal year.

b. Notwithstanding [section 8.39](#), the department of public safety may reallocate moneys appropriated in this section as necessary to best fulfill the needs provided for in the appropriation. However, the department shall not reallocate moneys appropriated to the department in this section unless notice of the reallocation is given to the legislative services agency and the department of management prior to the effective date of the reallocation. The notice shall include information regarding the rationale for reallocating the moneys. The department shall not reallocate moneys appropriated in this section for the purpose of eliminating any program.

9. For the public safety interoperable and broadband communications fund established in [section 80.44](#):

.....	\$	57,831
		<u>115,661</u>

10. For the office to combat human trafficking established pursuant to [section 80.45](#) as enacted by [2016 Iowa Acts, chapter 1077, section 1](#), including salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	75,000
		<u>150,000</u>
.....	FTEs	2.00

11. For department wide duties, including operations, costs, and miscellaneous purposes:	\$	<u>917,487</u>
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Sec. 12. 2017 Iowa Acts, chapter 167, section 42, is amended to read as follows:
SEC. 42. GAMING ENFORCEMENT.

1. There is appropriated from the gaming enforcement revolving fund created in [section 80.43](#) to the department of public safety for the fiscal year beginning July 1, 2018, and ending June 30, 2019, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For any direct support costs for agents and officers of the division of criminal investigation’s excursion gambling boat, gambling structure, and racetrack enclosure enforcement activities, including salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	4,872,636
		<u>10,239,218</u>
.....	FTEs	73.00

2. For each additional license to conduct gambling games on an excursion gambling boat, gambling structure, or racetrack enclosure issued during the fiscal year beginning July 1, 2018, there is appropriated from the gaming enforcement fund to the department of public safety for the fiscal year beginning July 1, 2018, and ending June 30, 2019, an additional amount of not more than \$300,000 to be used for not more than 3.00 additional full-time equivalent positions.

3. The department of public safety, with the approval of the department of management, may employ no more than three special agents for each additional riverboat or gambling structure regulated after July 1, 2018, and three special agents for each racing facility which becomes operational during the fiscal year which begins July 1, 2018. Positions authorized in this subsection are in addition to the full-time equivalent positions otherwise authorized in this section.

Sec. 13. 2017 Iowa Acts, chapter 167, section 43, is amended to read as follows:
SEC. 43. CIVIL RIGHTS COMMISSION.

1. There is appropriated from the general fund of the state to the Iowa state civil rights commission for the fiscal year beginning July 1, 2018, and ending June 30, 2019, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	578,531
		<u>1,198,266</u>
.....	FTEs	30.00

2. The Iowa state civil rights commission may enter into a contract with a nonprofit organization to provide legal assistance to resolve civil rights complaints.

Sec. 14. 2017 Iowa Acts, chapter 167, section 44, is amended to read as follows:
SEC. 44. CRIMINAL AND JUVENILE JUSTICE PLANNING DIVISION.

1. There is appropriated from the general fund of the state to the criminal and juvenile justice planning division of the department of human rights for the fiscal year beginning July

1, 2018, and ending June 30, 2019, the following amount or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	593,917
		<u>1,209,410</u>
.....	FTEs	9.56

2. The criminal and juvenile justice planning advisory council and the juvenile justice advisory council shall coordinate their efforts in carrying out their respective duties relative to juvenile justice.

Sec. 15. 2017 Iowa Acts, chapter 167, section 45, is amended to read as follows:

SEC. 45. DEPARTMENT OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT. There is appropriated from the ~~E911~~ 911 emergency communications fund created in [section 34A.7A](#) to the department of homeland security and emergency management for the fiscal year beginning July 1, 2018, and ending June 30, 2019, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For implementation, support, and maintenance of the functions of the administrator and program manager under [chapter 34A](#) and to employ the auditor of the state to perform an annual audit of the ~~E911~~ 911 emergency communications fund:

.....	\$	125,000
		<u>250,000</u>

Sec. 16. 2017 Iowa Acts, chapter 167, is amended by adding the following new section:

NEW SECTION. SEC. 46. CONSUMER EDUCATION AND LITIGATION — FARM MEDIATION AND PROSECUTIONS, APPEALS, AND CLAIMS. Notwithstanding [section 714.16C](#), there is appropriated from the consumer education and litigation fund to the department of justice for the fiscal year beginning July 1, 2018, and ending June 30, 2019, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

a. For farm mediation services as specified in [section 13.13, subsection 2](#):

.....	\$	300,000
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b. For salaries, support, maintenance, and miscellaneous purposes for criminal prosecutions, criminal appeals, and performing duties pursuant to [chapter 669](#):

.....	\$	1,500,000
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**Sec. 17. EFFECTIVE DATE. The following, being deemed of immediate importance, takes effect upon enactment:*

*The portion of this division of this Act amending 2017 Iowa Acts, chapter 167, section 31, prohibiting the utilization of the public safety assessment in pretrial hearings.**

DIVISION II
ATTORNEY GENERAL REPORTS

Sec. 18. [Section 13.2, subsection 1](#), paragraph g, Code 2018, is amended by striking the paragraph.

DIVISION III
PUBLIC SAFETY SUPPORT TRUST FUND

Sec. 19. NEW SECTION. **80.46 Public safety support trust fund.**

1. A public safety support trust fund is established in the state treasury under the control of the department. The department may receive and accept donations, grants, loans, and contributions in accordance with [section 565.3](#) from any public or private source for deposit into the trust fund. Moneys credited to the trust fund are appropriated to the department for the purpose of supporting the activities of the department.

* Item veto; see message at end of the Act

2. Notwithstanding [section 8.33](#), moneys in the trust fund shall not revert. Notwithstanding [section 12C.7, subsection 2](#), interest or earnings on moneys deposited in the trust fund shall be credited to the trust fund.

DIVISION IV
UNMANNED AERIAL VEHICLES

Sec. 20. **NEW SECTION. 719.9 Use of unmanned aerial vehicle — prohibitions.**

1. As used in [this section](#):

a. “Facility” means a county jail, municipal holding facility, secure facility for the detention or custody of juveniles, community-based correctional facility, or institution under the management of the department of corrections.

b. “Unmanned aerial vehicle” means a vehicle or device that uses aerodynamic forces to achieve flight and is piloted remotely.

2. A person shall not operate an unmanned aerial vehicle knowing that the unmanned aerial vehicle is operating in, on, or above a facility and any contiguous real property comprising the surrounding grounds of the facility, unless the unmanned aerial vehicle is operated by a law enforcement agency or the person has permission from the authority in charge of the facility to operate an unmanned aerial vehicle in, on, or above such facility.

3. [This section](#) does not apply to an unmanned aerial vehicle while operating for commercial use in compliance with federal aviation administration regulations, authorizations, or exemptions.

4. A person who violates [this section](#) commits a class “D” felony.

DIVISION V
PRISON READING ROOMS

Sec. 21. [Section 904.310A](#), Code 2018, is amended by striking the section and inserting in lieu thereof the following:

904.310A Information or materials — distribution.

1. Funds appropriated to the department or other funds made available to the department shall not be used to distribute or make available any commercially published information or material to an inmate when such information or material is sexually explicit or features nudity.

2. The department shall adopt rules pursuant to [chapter 17A](#) to administer [this section](#).

DIVISION VI
SPECIALTY COURTS — STUDY

Sec. 22. SPECIALTY COURTS — STUDY. The judicial branch and the department of corrections in cooperation with the division of criminal and juvenile justice planning of the department of human rights, and the judicial district departments of correctional services, shall study the effectiveness and recidivism rates of persons assigned to the specialty courts of the judicial branch. The national center for state courts may be utilized in order to complete the study. The judicial branch shall file a report detailing the cost-effectiveness of the specialty courts including any recommendations with the general assembly and the fiscal services division of the legislative services agency by January 15, 2019.

DIVISION VII
SMALL CLAIMS JURISDICTION

Sec. 23. [Section 631.1, subsections 1, 3, 4, 5, 7, and 8](#), Code 2018, are amended to read as follows:

1. The following actions or claims are small claims and shall be commenced, heard and determined as provided in [this chapter](#):

a. A civil action for a money judgment where the amount in controversy is ~~four~~ five thousand dollars or less for actions commenced before July 1, ~~2002~~ 2018, exclusive of interest and costs.

b. A civil action for a money judgment where the amount in controversy is five six thousand five hundred dollars or less for actions commenced on or after July 1, ~~2002~~ 2018, exclusive of interest and costs.

3. The district court sitting in small claims has concurrent jurisdiction of an action of replevin if the value of the property claimed is ~~four~~ five thousand dollars or less for actions commenced before July 1, ~~2002~~ 2018, and five six thousand five hundred dollars or less for actions commenced on or after July 1, ~~2002~~ 2018. When commenced under [this chapter](#), the action is a small claim for the purposes of [this chapter](#).

4. The district court sitting in small claims has concurrent jurisdiction of motions and orders relating to executions against personal property, including garnishments, where the value of the property or garnisheed money involved is ~~four~~ five thousand dollars or less for actions commenced before July 1, ~~2002~~ 2018, and five six thousand five hundred dollars or less for actions commenced on or after July 1, ~~2002~~ 2018.

5. The district court sitting in small claims has concurrent jurisdiction of an action for abandonment of a manufactured or mobile home or personal property pursuant to [section 555B.3](#), if no money judgment in excess of ~~four~~ five thousand dollars is sought for actions commenced before July 1, ~~2002~~ 2018, and five six thousand five hundred dollars or less for actions commenced on or after July 1, ~~2002~~ 2018. If commenced under [this chapter](#), the action is a small claim for the purposes of [this chapter](#).

7. The district court sitting in small claims has concurrent jurisdiction of an action for the collection of taxes brought by a county treasurer pursuant to [sections 445.3](#) and [445.4](#) where the amount in controversy is five thousand dollars or less for actions commenced ~~on or after~~ before July 1, 2003 2018, and six thousand five hundred dollars or less for actions commenced on or after July 1, 2018, exclusive of interest and costs.

8. The district court sitting in small claims has concurrent jurisdiction of motions and orders relating to releases of judgments in whole or in part including motions and orders under [section 624.23, subsection 2](#), paragraph “c” and [section 624.37](#), where the amount owing on the judgment, including interests and costs, is five thousand dollars or less for actions commenced before July 1, 2018, and six thousand five hundred dollars or less for actions commenced on or after July 1, 2018.

Sec. 24. JURISDICTIONAL AMOUNT REVERSION — SMALL CLAIMS. The jurisdictional amount in the section of this division of this Act that amends [section 631.1](#) shall revert to five thousand dollars if a court of competent jurisdiction declares the six thousand five hundred dollar amount unconstitutional.

Approved June 1, 2018, with exceptions noted.

KIM REYNOLDS, Governor

Dear Mr. Secretary:

I hereby transmit House File 2492, an Act relating to appropriations to the justice system, providing penalties, and including effective date provisions.

House File 2492 is approved this date with the following exceptions in Sections 5 and 17, of which I disapprove:

The State of Iowa is currently taking part in a Public Safety Assessment (PSA) pilot program that provides judges with an objective, data-driven approach that they can use in pretrial proceedings when exercising their discretion. Sections 5 and 17 end that pilot program immediately.

I disapprove of these sections because I believe that we should consider and study ways to create a fairer pretrial system that protects the public. But I also understand that the legislature and other stakeholders have questions about the PSA and whether it considers

all of the appropriate factors. For that reason, I am instructing the agencies of the executive branch to continue their participation in this pilot program until December 31, 2018. At that time, the pilot will be concluded, and further use of this assessment suspended, until the data from the pilot can be analyzed. If, after studying the data and research conclusions, it is found that this program will be in the best interests of the public, then new legislation should be considered that authorizes the PSA or similar risk-assessment tools. I want to also emphasize that, even during the short pendency of the pilot project, the PSA does not and should not replace the judge's discretion. The PSA is but one piece of information and the ultimate decision rests with each person sitting on the bench.

For the above reasons, I respectfully disapprove House File 2492 in part only as specified above, in accordance with Article III, Section 16, of the Constitution of the State of Iowa. The remainder of House File 2492 not disapproved of as stated herein is approved of as this date.

Sincerely,
KIM REYNOLDS, *Governor*