

Judiciary 1-12-71

SENATE FILE **2**

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MILLIGAN, and NEU
(Drake, Mayberry, and Shaw)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the establishment of regional correction
2 centers, their construction and programs, coordination
3 of programs of regional correction centers with other
4 institutions under the control of the department of
5 social services, and providing for amendment of certain
6 penal statutes presently provided by law.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. CONSTRUCTION AND ESTABLISHMENT OF REGIONAL
2 CORRECTION CENTERS. There shall be established five regional
3 correction centers at locations determined by the commissioner
4 of social services and approved by the general assembly pur-
5 suant to legislation appropriating funds for the construction
6 of each regional correction center.

7 Sec. 2. PERSONS TO BE CONFINED IN REGIONAL CORRECTION
8 CENTERS. Any person convicted of a crime for which the penalty
9 is imprisonment in a county jail may be confined in a regional
10 correction center established to serve the county where the
11 crime is committed. Any person sentenced to or confined in
12 any institution under the control of the department of social
13 services may be confined in a regional correction center pur-
14 suant to rules and regulations promulgated by the commissioner
15 of social services, however persons sentenced to a county
16 jail shall be confined in regional correction centers before
17 a person sentenced to another institution under the control
18 of the department of social services is admitted. County
19 jails and other adequate county facilities may be used for
20 the confinement of persons awaiting trial or serving short
21 sentences, however no person shall be confined in a county
22 jail for more than five continuous days if a regional cor-
23 rection center is available unless the department of social
24 services determines that the county jail has proper facil-
25 ities for the confinement of persons for periods of time ex-
26 ceeding five days. The commissioner of social services shall
27 make agreements with the proper county officials for the
28 transfer and confinement of persons convicted of a crime for
29 which the sentence is imprisonment in a county jail, which
30 agreements shall comply with the provisions of this Act.
31 The commissioner may execute agreements with city officials
32 for the confinement of persons sentenced to be confined in
33 a city jail if adequate space is available in a regional
34 correction center.

35 Sec. 3. SERVICES AND FACILITIES TO BE PROVIDED BY RE-

1 REGIONAL CORRECTION CENTERS. Regional correction centers shall
2 provide services and have adequate facilities for the deten-
3 tion, treatment, and rehabilitation of male, female, and
4 juvenile prisoners. A regional correction center shall be
5 constructed so that maximum use of the facility may be made
6 for the detention, treatment, and rehabilitation of persons
7 serving short terms of confinement as well as long terms.
8 The facilities shall be adequate for the purpose of providing
9 proper programs for furloughs, work-release, and preparation
10 for the final release of a prisoner. Regional correction
11 centers shall be constructed so as to provide maximum security,
12 minimum security, short-term detention, and proper facilities
13 for females, males, and juveniles.

14 Sec. 4. COUNTY AREAS TO BE SERVED TO BE DESIGNATED--DUTIES
15 OF DIVISION OF CORRECTIONS. The commissioner of social
16 services shall designate the counties to be served by each
17 regional correction center. The director of the division
18 of corrections of the department of social services shall
19 be primarily responsible for the administration of regional
20 correction centers.

21 Sec. 5. FINANCING OF REGIONAL CORRECTION CENTERS.

22 1. The construction costs of regional correction centers
23 shall be paid from funds appropriated by the general assembly
24 to the department of social services for such purpose. The
25 department of social services may accept any private or pub-
26 lic funds available for the construction of regional correc-
27 tion centers.

28 2. The commissioner of social services and the director
29 of the division of corrections shall establish monetary rates
30 to be charged to political subdivisions and the state for
31 the detention of persons at a regional correction center.
32 The rates shall not exceed the average per diem cost for
33 operating the regional correction centers. The commissioner
34 of social services and the director of the division of
35 corrections shall establish billing procedures and an adequate

1 accounting system for the purpose of determining charges to
2 be made for the confinement of persons at a regional correction
3 center and making timely billings to the proper level of
4 government. In establishing the billing procedures and
5 accounting system the commissioner of social services and
6 director of the division of corrections shall consult with
7 the auditor of state.

8 3. Transportation costs for taking persons to and from
9 regional correction centers shall be the responsibility of
10 the governmental unit responsible for the person being con-
11 fined.

12 Sec. 6. DUTIES OF COMMISSIONER--REGIONAL CORRECTION CENTERS.

13 The commissioner of the department of social services shall
14 promulgate and issue rules providing for:

15 1. The transfer of persons to and from regional correction
16 centers.

17 2. The execution of agreements with political subdivi-
18 sions.

19 3. Presentence investigations.

20 4. The classification of persons eligible to be confined
21 in a regional correction center and the administration of
22 separate or joint facilities for each classification.

23 5. The establishment of educational and rehabilitation
24 programs, including but not necessarily limited to work release
25 programs.

26 6. The employment of personnel at regional correction
27 centers.

28 7. The general administration of regional correction
29 centers and the coordination of programs with other institu-
30 tions under the control of the department of social services.

31 Sec. 7. Section two hundred eighteen point one (218.1),
32 subsections seventeen (17) and eighteen (18), Code 1971, are
33 amended as follows:

34 17. Regional Correction centers.

35 18. Camps.

1 48 19. Other facilities not attached to the campus of
2 the main institution as program developments require.

3 Sec. 8. Section two hundred eighteen point three (218.3),
4 subsection three (3), Code 1971, is amended as follows:

5 3. The director of the division of corrections of the
6 department of social services shall have primary authority
7 and responsibility relative to the following institutions:
8 Women's Reformatory, Men's Reformatory, regional correction
9 centers, and State Penitentiary.

10 Sec. 9. Section two hundred eighteen point nine (218.9),
11 unnumbered paragraph two (2), Code 1971, is amended as follows:

12 The director of the division of corrections of the de-
13 partment of social services, subject to the approval of the
14 commissioner of such department, shall appoint the wardens
15 of the state penitentiary and the men's reformatory, the
16 wardens of regional correction centers, and the superintendents
17 of the Iowa security medical facility and of the women's
18 reformatory.

19 Sec. 10. Section two hundred eighteen point nineteen
20 (218.19), Code 1971, is amended as follows:

21 218.19 DISTRICTS. The director having control over any
22 state institution shall, from time to time, divide the state
23 into districts from which the several institutions may re-
24 ceive inmates. The particular division directors shall
25 promptly notify the proper county or judicial officers of
26 all changes in such districts.

27 In the case of regional correction centers, no change
28 shall be made in a district without prior approval of the
29 commissioner of social services and consultation with the
30 boards of supervisors of the counties served by a regional
31 correction center.

32 Sec. 11. Section two hundred eighteen point thirty-four
33 (218.34), Code 1971, is amended as follows:

34 218.34 STATE AGENTS. A sufficient number of persons shall
35 be appointed as state agents for the soldiers' orphans home,

1 the two training schools, regional correction centers, the
2 juvenile home, and the women's reformatory.

3 Sec. 12. Section two hundred eighteen point ninety
4 (218.90), Code 1971, is amended as follows:

5 218.90 TRANSFER OF PRISONERS. The directors of the
6 divisions of the department of social services in control
7 of state institutions may transfer any prisoners under their
8 jurisdiction from any institution supervised by them to any
9 other institution under their control or under the control
10 of another director of a division of the department of social
11 services with the consent and approval of such other director
12 and they may likewise transfer any prisoner to any other
13 institution for medical or physical examination or treatment
14 retaining jurisdiction over such prisoner when so transferred.

15 If a prisoner is transferred from a regional correction
16 center it shall be at no greater expense to a county than
17 the expense of confinement at the regional correction center
18 which normally serves the county.

19 Sec. 13. Section two hundred eighteen point ninety-one
20 (218.91), Code 1971, is amended as follows:

21 218.91 BOYS TRANSFERRED FROM TRAINING SCHOOL TO
22 REFORMATORY. The director of the division of child and family
23 services with the consent and approval of the director of
24 the division of corrections of the department of social
25 services may order the transfer of inmates of the training
26 school for boys to the men's reformatory or a regional
27 correction center for custodial care whenever it is determined
28 that such action will be conducive to the welfare of the other
29 inmates of the school. Such transfer shall be effected by
30 application in writing to the district court, or any judge
31 thereof, of the county in which the said training school is
32 situated. Upon the granting of the order of transfer, the
33 transfer shall take place. The county attorney of the said
34 county shall appear in support of such application. The cost
35 of the transfer shall be paid from the funds of the training

1 school for boys. Subsequent to a transfer made under this
2 section, the person transferred shall be subject to all the
3 provisions of law and regulations of the institution to which
4 he is transferred, and for the purposes of chapter 745 such
5 person shall be regarded as having been committed to the
6 institution.

7 Transfers to a regional correction center shall be made
8 only if there exists enough space in the regional correction
9 center to provide for the confinement of persons sentenced
10 to county jails and the best interests of the boy transferred
11 will be served.

12 Sec. 14. Section two hundred eighteen point ninety-seven
13 (218.97), Code 1971, is amended as follows:

14 218.97 DIAGNOSTIC CLINIC--INFORMATION FURNISHED. The
15 commissioner of the department of social services and the
16 directors of divisions directly involved are authorized to
17 provide facilities and personnel for a diagnostic clinic.
18 The work of the clinic shall include a scientific study of
19 each prisoner, his career and life history, the causes of
20 his criminal acts and recommendations for his custody, care,
21 training, employment and counseling with a view to his
22 rehabilitation and to the protection of society. To facil-
23 itate the work of the clinic and to aid in the rehabilita-
24 tion of such prisoners, the trial judge and the prosecuting
25 attorney shall, when requested by the commissioner or the
26 directors of the divisions directly involved, furnish the
27 commissioner or such director with such information as is
28 provided the state board of parole under section 247.15.

29 The services of the clinic may be extended to prisoners
30 of regional correction centers confined at such centers on
31 behalf of a county. The costs for clinic services shall be
32 included in the average per diem cost of maintaining a
33 regional correction center.

34 Sec. 15. Section two hundred forty-five point four (245.4),
35 Code 1971, is amended as follows:

1 245.4 COMMITMENTS GENERALLY. All females over eighteen
2 years of age, and married females under eighteen years of
3 age, who are convicted in the district court of offenses
4 punishable by imprisonment in excess of thirty days, shall,
5 if imprisonment be imposed, be committed to the women's
6 reformatory or a regional correction center.

7 Sec. 16. Section two hundred forty-five point five (245.5),
8 Code 1971, is amended as follows:

9 245.5 OPTIONAL COMMITMENTS FOR LIFE. Any unmarried
10 female over ten and under eighteen years of age convicted
11 of an offense punishable by life imprisonment may be com-
12 mitted either to the Iowa training school for girls, a
13 regional correction center, or to the women's reformatory.

14 Sec. 17. Section two hundred forty-five point six (245.6),
15 Code 1971, is amended as follows:

16 245.6 COMMITMENT ON APPEAL. A female over eighteen years
17 of age, convicted on appeal from a conviction of a
18 nonindictable offense, may, if imprisonment be imposed, be
19 committed to the women's reformatory or a regional correction
20 center for an indeterminate period not exceeding ninety days.

21 Sec. 18. Section two hundred forty-five point seven
22 (245.7), Code 1971, is amended as follows:

23 245.7 TERM OF COMMITMENTS. A female convicted of a felony
24 shall not be detained in said reformatory or a regional
25 correction center under one commitment for a period longer
26 than the maximum term of imprisonment provided by law for
27 said felony. A female convicted of a crime less than felony
28 shall not be detained therein longer than five years under
29 one commitment.

30 Sec. 19. Section two hundred forty-five point eight
31 (245.8), Code 1971, is amended as follows:

32 245.8 MANNER OF COMMITTING FEMALES. Females committed
33 to said reformatory or a regional correction center shall
34 be taken thereto by some woman, or by some peace officer
35 accompanied by some woman, appointed by the court.

1 Sec. 20. Section two hundred forty-five point ten (245.10),
2 Code 1971, is amended as follows:

3 245.10 TRANSFER OF INMATES--COSTS. The state director
4 in co-operation with the commissioner of the department of
5 social services and the directors of the other divisions of
6 the department of social services may transfer inmates from
7 the said reformatory to the training school for girls or a
8 regional correction center, and from such training school
9 or a regional correction center to such reformatory, whenever
10 such course will be conducive to the welfare of the institution
11 or of the other inmates therein, or of the inmates so
12 transferred. The costs of such transfer shall be paid from
13 the funds of the institution from which the transfer is made.

14 Sec. 21. Section two hundred forty-five point eleven
15 (245.11), Code 1971, is amended as follows:

16 245.11 EFFECT OF TRANSFER. After a transfer to ~~either~~
17 an institution is made, under section 245.10, the person
18 transferred shall be subject to all the provisions of law
19 and regulations of the institution to which she is transferred,
20 and for the purposes of chapter 745, a person transferred
21 from the training school for girls to the women's reformatory
22 or a regional correction center shall be regarded as having
23 been committed thereto.

24 Sec. 22. Section two hundred forty-five point twelve
25 (245.12), Code 1971, is amended as follows:

26 245.12 TRANSFER OF MENTALLY ILL. The said state director
27 may cause any woman committed to said reformatory or a
28 regional correction center and suspected of being mentally
29 ill to be examined by one of the superintendents or his
30 qualified designee of a state hospital for the mentally ill
31 or transferred to the Iowa security medical facility for
32 examination. If the woman is found to be mentally ill, the
33 department may order such woman transferred to or retained
34 at a state hospital or the Iowa security medical facility
35 where she shall thereafter be maintained and treated at the

1 expense of the state or a county in the case of persons
2 confined in a regional correction center on behalf of a county,
3 until such time as she regains her good mental health when
4 she shall be returned to said reformatory. The cost of such
5 transfer and return shall be paid as heretofore provided for
6 other transfers.

7 Sec. 23. Section two hundred forty-five point fifteen
8 (245.15), Code 1971, is amended as follows:

9 245.15 ESCAPE--REWARD. Any inmate of ~~said~~ the reformatory
10 or a regional correction center who shall escape therefrom
11 may be arrested and returned to said reformatory or regional
12 correction center, by an officer or employee thereof without
13 any other authority than this chapter, and by any peace officer
14 or other person on the request in writing of the superintendent
15 or the state director. For the apprehension and delivery
16 of any such inmate, the superintendent may offer a reward,
17 not to exceed fifty dollars, to be paid by the state in the
18 same manner as provided for the payment of rewards for escaped
19 convicts.

20 Sec. 24. Section two hundred forty-six point three (246.3),
21 unnumbered paragraph one (1), is amended as follows:

22 The warden, deputy warden, assistant deputy warden, chief
23 clerk, chaplain, additional chaplain, physician, storckeeper,
24 record clerk, and receiving officer of the penitentiary,
25 regional correction centers, and men's reformatory shall
26 receive such salaries as shall be determined by the state
27 director.

28 Sec. 25. Section two hundred forty-six point twelve
29 (246.12), Code 1971, is amended as follows:

30 246.12 TRANSFERS FROM PENITENTIARY. The state director
31 may transfer first term and promising prisoners from the
32 penitentiary to unoccupied rooms in the men's reformatory
33 or to a regional correction center whenever the number of
34 inmates in the penitentiary exceeds the number of cells
35 therein. He may also transfer ~~to the men's reformatory~~ other

1 prisoners when satisfied that such transfer will be to the
2 best interest of the institutions and of the prisoners.

3 Sec. 26. Section two hundred forty-six point sixteen
4 (246.16), Code 1971, is amended as follows:

5 246.16 TRANSFER OF MENTALLY ILL. When the said state
6 director has cause to believe that a prisoner in the peni-
7 tentiary, or regional correction center, or reformatory is
8 mentally ill, the department may cause such prisoner to be
9 transferred to the Iowa security medical facility for
10 examination, diagnosis, or treatment. The prisoner shall
11 be confined at such institution or a state hospital for the
12 mentally ill until the expiration of his sentence or until
13 he is pronounced in good mental health. If the prisoner is
14 pronounced in good mental health before the expiration of
15 his sentence, he shall be returned to the penitentiary, a
16 regional correction center, or reformatory until the expiration
17 of his sentence.

18 Sec. 27. Section two hundred forty-six point seventeen
19 (246.17), Code 1971, is amended as follows:

20 246.17 DISCHARGE OF MENTALLY ILL. When the state di-
21 rector has reason to believe that a prisoner in the peni-
22 tentiary, a regional correction center, or said reformatory,
23 whose sentence has expired, is mentally ill, it shall cause
24 examination to be made of such prisoner by competent physicians
25 who shall certify to the state director whether such prisoner
26 is in good mental health or mentally ill. The state director
27 may make further investigation and if satisfied that he the
28 prisoner is mentally ill, he may cause him to be transferred
29 to one of the hospitals for the mentally ill, or may order
30 him to be confined in the Iowa security medical facility.

31 Sec. 28. Section two hundred forty-six point thirty-four
32 (246.34), Code 1971, is amended as follows:

33 246.34 ESCAPE OF PRISONER. If a convict escapes from
34 the penitentiary, a regional correction center, or the men's
35 reformatory, the warden shall take all proper measures for

1 his apprehension; and for that purpose he may offer a reward,
2 not exceeding fifty dollars, to be paid by the state, for
3 the apprehension and delivery of such convict.

4 Sec. 29. Section two hundred forty-six point thirty-eight
5 (246.38), Code 1971, is amended as follows:

6 246.38 TIME TO BE SERVED--CREDIT. No convict shall be
7 discharged from the penitentiary, a regional correction center,
8 or the men's reformatory until he has served the full term
9 for which he was sentenced, less good time earned and not
10 forfeited, unless he be pardoned or otherwise legally released.
11 He shall be deemed to be serving his sentence from the day
12 on which he is received into the institution, but not while
13 in solitary confinement for violation of the rules of the
14 institution; provided, however, if a convict had been confined
15 to a county jail, a regional correction center, or other
16 correctional or mental institution at any time prior to
17 sentencing, or after sentencing but prior to his case having
18 been decided on appeal, because of failure to furnish bail
19 or because of being charged with a nonbailable offense, he
20 shall be given credit for such days already served ~~in-jail~~
21 upon the term of his sentence. The clerk of the district
22 court of the county from which the convict was sentenced,
23 shall certify to the warden the number of days so served.

24 Sec. 30. Section two hundred forty-six point thirty-nine
25 (246.39), Code 1971, is amended as follows:

26 246.39 REDUCTION OF SENTENCE. Each prisoner who shall
27 have no infraction of the rules of discipline of the peni-
28 tentiary, a regional correction center, or the men's or women's
29 reformatory or laws of the state, recorded against him, and
30 who performs in a faithful manner the duties assigned to him,
31 shall be entitled to a reduction of sentence as follows, and
32 if the sentence be for less than a year, then the pro rata
33 part thereof:

- 34 1. On the first year, one month.
35 2. On the second year, two months.

- 1 3. On the third year, three months.
- 2 4. On the fourth year, four months.
- 3 5. On the fifth year, five months.
- 4 6. On each year subsequent to the fifth year, six months.

5 Sec. 31. Section two hundred forty-six point forty-three
6 (246.43), Code 1971, is amended as follows:

7 246.43 SPECIAL REDUCTION. Any prisoner ~~in either of said-~~
8 ~~institutions~~ who may be employed in any service outside the
9 walls of the an institution under the control of the
10 department of social services, or who may be listed as a
11 trusty, may, with the approval of the state director, be
12 granted a special reduction of sentence, in addition to the
13 reduction heretofore authorized, at the rate of ten days for
14 each month so served.

15 Sec. 32. Section three hundred fifty-six point one (356.1),
16 Code 1971, is amended as follows:

17 356.1 HOW USED. ~~The~~ Except as provided in section 2 of
18 this Act, jails in the several counties in the state shall
19 be in charge of the respective sheriffs and used as prisons:

- 20 1. For the detention of persons charged with an offense
21 and committed for trial or examination.
- 22 2. For the detention of persons who may be committed to
23 secure their attendance as witnesses on the trial of a criminal
24 cause.
- 25 3. For the confinement of persons under sentence, upon
26 conviction for any offense, and of all other persons committed
27 for any cause authorized by law.

28 The provisions of this section extend to persons detained
29 or committed by authority of the courts of the United States
30 as well as of this state.

31 Sec. 33. Section three hundred fifty-six point two (356.2),
32 Code 1971, is amended as follows:

33 356.2 DUTY. ~~The~~ Except as provided in section 2 of this
34 Act, the sheriff shall have charge and custody of the prisoners
35 in the jail or other prisons of his county, and shall receive

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1 taining persons in the regional correction centers.

2 It is anticipated that educational and rehabilitation
3 services would be available within each regional correction
4 center or through use of other services and facilities pro-
5 vided by the department of social services. Provisions for
6 transfer of inmates within institutions under the control
7 of the department of social services are provided.

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