

State Bond. 2/16

SENATE FILE 96 *2/16*

State Government
Carr, Chairperson
Schwengels
Doderer
Ashcraft
Culver

FILED FEB 15 1977

SENATE FILE 96

By HILL of Jasper

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

A BILL FOR

1 An Act creating a department of corrections, prescribing
2 the powers and duties thereof and providing penalties.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

D.F. 76

1 Section 1. NEW SECTION. DEFINITIONS. For purposes of
2 this Act, unless the context otherwise requires:

3 1. "Department" means the department of corrections
4 established in section two (2) of this Act.

5 2. "Board" means the board of corrections established
6 in section three (3) of this Act.

7 3. "Director" means the director of the department of
8 corrections.

9 4. "Community-based correctional programs and services"
10 means locally administered correctional programs and services
11 designed to rehabilitate persons charged with or convicted
12 of a felony or indictable misdemeanor and persons on parole
13 or probation as a result of a sentence for or conviction of
14 these offenses.

15 Sec. 2. NEW SECTION. DEPARTMENT ESTABLISHED. There is
16 established a department of corrections which shall be
17 responsible for the control, treatment, and rehabilitation
18 of adult and juvenile offenders committed under law to the
19 following institutions:

20 1. Training school for boys.

21 2. Training school for girls.

22 3. Women's reformatory.

23 4. Men's reformatory.

24 5. State penitentiary.

25 6. Iowa security medical facility.

26 7. Correctional release center.

27 8. Camps.

28 9. Other institutions not attached to the campus of the
29 main institution as program developments require.

30 The department shall administer the institutions listed
31 in subsections one (1) through nine (9) of this section
32 pursuant to sections fifteen (15) through seventy-eight (78)
33 of this Act. The department shall supervise offenders paroled
34 by the board of parole and shall provide assistance, support
35 and guidelines for the establishment and operation of

1 community-based correctional programs and services pursuant
2 to sections eleven (11) and twelve (12) of this Act.

3 Sec. 3. NEW SECTION. BOARD CREATED. There is created
4 within the department a board of corrections which shall
5 consist of five members appointed by the governor with the
6 consent of two-thirds of the senate. Not more than three
7 of the members shall be from the same political party. Members
8 shall be electors of this state and each member shall be a
9 resident of a different congressional district. The term
10 of each member shall be four years.

11 Vacancies occurring during a term of office shall be filled
12 in the same manner as the original appointment for the balance
13 of the unexpired term, subject to the approval of the senate
14 at its next regular session.

15 Sec. 4. NEW SECTION. BOARD--DUTIES. The board of
16 corrections shall:

17 1. Organize annually and select a chairman and vice
18 chairman.

19 2. Adopt and establish policy for the operation and conduct
20 of the department and the implementation of all programs
21 thereunder.

22 3. Hire a director of the department pursuant to the
23 requirements of section six (6) of this Act.

24 4. Report immediately to the governor any failure by the
25 director of the department to carry out any of the policy
26 decisions or directives of the board.

27 5. Approve the budget of the department prior to submission
28 to the governor.

29 6. Adopt rules in accordance with the provisions of chapter
30 seventeen A (17A) of the Code as the board may deem necessary
31 to transact its business and for the administration and
32 exercise of its powers and duties.

33 7. Perform other functions as provided by law.

34 Sec. 5. NEW SECTION. MEETINGS. The board shall meet
35 at least twelve times a year. Special meetings shall be

1 called by the chairman or upon written request of any three
2 members of the board. The chairman shall preside at all
3 meetings or in his absence the vice chairman shall preside.
4 The members of the board shall be paid forty dollars per diem
5 while in session, and their reasonable and necessary expenses
6 while attending the meetings.

7 Sec. 6. NEW SECTION. DIRECTOR--APPOINTMENT AND
8 QUALIFICATIONS. There shall be a director of corrections
9 who shall be the chief administrative officer for the
10 department of corrections. The director shall be appointed
11 by the board and shall serve at the pleasure of the board.
12 The director shall be qualified in reformatory and prison
13 management. The director shall also have experience in the
14 field of criminology and discipline and in the supervision
15 of inmates in corrective penal institutions. The director
16 shall not be selected on the basis of political affiliation
17 and shall not engage in political activity while employed
18 as the director. The director shall not hold any other office
19 under the laws of the United States or of this or any state
20 or hold any position for profit and shall devote his entire
21 time to the duties of his office.

22 Sec. 7. NEW SECTION. DIRECTOR--DUTIES AND RESPONSIBILITIES. The director shall have the following powers,
23 duties and responsibilities:
24

25 1. Supervise the operations of the training school for
26 boys, the training school for girls, the women's reformatory,
27 the men's reformatory, the state penitentiary, the Iowa
28 security medical facility, the correctional release center,
29 camps and other institutions not attached to the campus of
30 the main institution as program developments require.

31 2. Supervise state agents whose duties relate primarily
32 to the department.

33 3. Establish and maintain acceptable standards of
34 treatment, training, education and rehabilitation in the
35 various state penal and corrective institutions.

1 4. Employ such personnel as are necessary for the
2 performance of duties and responsibilities assigned to the
3 department. Employees shall be selected on the basis of
4 fitness for work to be performed with due regard to training
5 and experience and shall be subject to the provisions of
6 chapter nineteen A (19A) of the Code.

7 5. Examine all state institutions which are penal,
8 reformatory or corrective to determine their efficiency for
9 adequate care, custody and training of their inmates and
10 report the findings to the board.

11 6. Prepare a budget for the department, subject to the
12 approval of the board, and such other reports as are required
13 by law.

14 7. Supervise persons placed on parole by the parole board
15 and develop and administer such additional programs of
16 rehabilitation for persons on parole as will insure their
17 adjustment to society.

18 8. Supervise rehabilitation camps within the state.
19 Persons committed to institutions under the department may
20 be transferred to the facilities of the camp system and upon
21 transfer shall be subject to the same laws as pertain to the
22 transferring institution.

23 9. The director, with the express approval of the board,
24 may establish for any inmate sentenced pursuant to section
25 seven hundred eighty-nine point thirteen (789.13) of the Code
26 a furlough program under which inmates sentenced to any
27 institution under the jurisdiction of the department may be
28 temporarily released. Furloughs for a period not to exceed
29 fourteen days may be granted when an immediate member of the
30 inmate's family is seriously ill or has died, when an inmate
31 is to be interviewed by a prospective employer, or when an
32 inmate is authorized to participate in a training program
33 not available within the institution. Furloughs for a period
34 not to exceed fourteen days may also be granted in order to
35 allow the inmate to participate in programs or activities

1 that serve rehabilitative objectives.

2 10. The director shall promulgate rules subject to the
3 approval of the board pertaining to the internal management
4 of institutions and agencies under the director's charge and
5 necessary to carry out the duties and responsibilities outlined
6 in this section.

7 Sec. 8. NEW SECTION. OFFICIAL SEAL. The department shall
8 have an official seal with the words "Iowa Department of
9 Corrections" and such other design as the department prescribes
10 engraved thereon. Every commission, order, or other paper
11 of an official nature executed by the department may be
12 attested with the seal.

13 Sec. 9. NEW SECTION. TRAVEL EXPENSES. The director of
14 the department, staff members, assistants and employees shall,
15 in addition to salary, receive their necessary traveling ex-
16 penses by the nearest traveled and practicable route, when
17 engaged in the performance of official business. Permis-
18 sion shall not be granted to any person to travel to another
19 state except by approval of the board and the executive
20 council.

21 Sec. 10. NEW SECTION. REPORT BY DEPARTMENT. The depart-
22 ment shall, annually, at the time provided by law make a re-
23 port to the governor and the general assembly, which shall
24 cover the annual period ending with June thirtieth preceeding
25 the date of the report and shall include:

- 26 1. An itemized statement of the department's expendi-
27 tures for each program under the department's administra-
28 tion.
- 29 2. Adequate and complete statistical reports for the state
30 as a whole concerning payments made under the department's
31 administration.
- 32 3. Recommendations concerning changes in laws under the
33 department's administration as the board may deem necessary.
- 34 4. Observations and recommendations of the board and the
35 director relative to the programs of the department.

1 5. Other information as the board or the director may
2 deem advisable, or which may be requested by the governor
3 or the general assembly.

4 Sec. 11. NEW SECTION. COMMUNITY-BASED PROGRAMS AND
5 SERVICES. Community-based correctional programs and services
6 may be established to serve the judicial districts of the
7 state. The board shall develop guidelines regarding community-
8 based correctional programs and services. The board shall
9 provide for the allocation of any state funds appropriated
10 for the establishment, operation, maintenance, support and
11 evaluation of community-based correctional programs and
12 services. State funds shall not be allocated unless the board
13 has reviewed and approved the programs and services for
14 compliance with state guidelines.

15 If community-based correctional programs and services are
16 not established in a judicial district, or if established
17 are designed to serve only part of the judicial district,
18 the department may provide community-based correctional
19 programs and services for the judicial district or the parts
20 of the judicial district not served by an established program.

21 Sec. 12. NEW SECTION. GUIDELINES. The guidelines es-
22 tablished by the board pursuant to section eleven (11) of
23 this Act shall include, but shall not necessarily be limited
24 to:

25 1. Providing for the utilization of existing facilities
26 with a minimum of capital expenditures for acquisition,
27 renovation and repair.

28 2. Providing for the maximum utilization of existing local
29 rehabilitative resources, such as, but not limited to:
30 Employment; job training; general, special and remedial
31 education; psychiatric and marriage counseling; alcohol and
32 drug abuse treatment.

33 3. Providing for pretrial release, presentence investi-
34 gation, probation and parole services and residential treatment
35 centers.

1 4. Providing for locating community-based correctional
2 programs and services in or near municipalities providing
3 a substantial number of rehabilitation resources.

4 5. Providing for practices and procedures which maximize
5 the availability of federal funding.

6 6. Providing for gathering and evaluating performance
7 data.

8 Guidelines shall be confined to the programs and services
9 authorized by section eleven (11) of this Act and supported
10 by state funds.

11 Sec. 13. NEW SECTION. CONFIDENTIALITY OF RECORDS--RE-
12 PORT.

13 1. The following information relative to individuals
14 receiving services from the department shall be held con-
15 fidential:

16 a. Names and addresses of individuals receiving services
17 from the department, and the types of services provided,
18 except as otherwise provided in subsection four (4) of this
19 section.

20 b. Information concerning the social or economic con-
21 ditions or circumstances of particular individuals who are
22 receiving or have received services from the department.

23 c. Agency evaluations of information about a particular
24 individual.

25 d. Medical or psychiatric data, including diagnosis and
26 past history of disease or disability, concerning a particular
27 individual.

28 2. Information described in subsection one (1) of this
29 section shall not be disclosed to or used by any person or
30 agency except for purposes of administration of the programs
31 described in this Act and shall not in any case, except as
32 otherwise provided in subsection four (4), unnumbered para-
33 graph two (2) of this section, be disclosed to or used by
34 persons or agencies outside the department unless they are
35 subject to standards of confidentiality comparable to those

1 imposed on the department by this section.

2 3. Nothing in this section shall restrict the disclosure
3 or use of information regarding the cost, purpose, number
4 of persons served or assisted by, and results of any pro-
5 gram administered by the department, and other general and
6 statistical information, so long as the information does not
7 identify particular individuals served.

8 4. The general assembly finds and determines that the
9 use and disclosure of information as provided in this sub-
10 section are for purposes directly connected with the adminis-
11 tration of the programs of services referred to in this sec-
12 tion and are essential for their proper administration.

13 Confidential information described in subsection one (1),
14 paragraphs a, b and c of this section shall be disclosed
15 to public officials for use in connection with their official
16 duties relating to law enforcement, audits and other purposes
17 directly connected with the administration of the programs,
18 upon written application to and with the approval of the
19 director or his designee.

20 5. If it is definitely established that any provision of
21 this section would cause any of the programs of services
22 referred to in this Act to be ineligible for federal funds,
23 the provision shall be limited or restricted to the extent
24 which is essential to make the program eligible for federal
25 funds. The department shall adopt, pursuant to chapter seven-
26 teen A (17A) of the Code, any rules necessary to implement
27 this subsection.

28 6. Violation of this section shall constitute a misde-
29 meanor punishable by a fine not to exceed two thousand dol-
30 lars or by imprisonment in the county jail not to exceed one
31 year, or by both such fine and imprisonment.

32 Sec. 14. NEW SECTION. ACTION FOR DAMAGES. Any person
33 may institute a civil action for damages under chapter twenty-
34 five A (25A) of the Code or to restrain the dissemination
35 of confidential records set out in subsection one (1),

1 paragraphs b, c, or d of section thirteen (13) of this Act,
2 in violation of that section, and any person, agency or
3 governmental body proven to have disseminated or to have re-
4 quested and received confidential records in violation of
5 subsection one (1), paragraphs b, c, or d of section thir-
6 teen (13) of this Act, shall be liable for actual damages
7 and exemplary damages for each violation and shall be liable
8 for court costs, expenses, and reasonable attorneys' fees
9 incurred by the party bringing the action. In no case shall
10 the award for damages be less than one hundred dollars.

11 Any reasonable grounds that a public employee has violated
12 any provision of section thirteen (13) of this Act shall be
13 grounds for immediate removal from access of any kind to
14 confidential records or suspension from duty without pay.

15 Sec. 15. NEW SECTION. INSTITUTIONS CONTROLLED. The
16 director of the department shall have the general and full
17 authority given under statute to control, manage, direct and
18 operate the following institutions under his jurisdiction,
19 and may at his discretion execute the powers and authorities
20 given him by statute to any one of his officers or employees
21 of the department:

- 22 1. Training school for girls.
- 23 2. Training school for boys.
- 24 3. Women's reformatory.
- 25 4. Men's reformatory.
- 26 5. State penitentiary.
- 27 6. Iowa security medical facility.
- 28 7. Correctional release center.
- 29 8. Camps.
- 30 9. Other facilities not attached to the campus of the
31 main institution as program developments require.

32 Sec. 16. NEW SECTION. POWERS OF GOVERNOR--REPORT OF
33 ABUSES. Nothing contained in section fifteen (15) of this
34 Act shall limit the general supervisory or examining powers
35 vested in the governor by the laws or Constitution of the

1 state, or legally vested by him in any committee appointed
2 by him.

3 The superintendent of an institution shall make such re-
4 ports to the board and the director as are requested by the
5 board and the director and the director shall report, in
6 writing, to the governor any abuses found to exist in any
7 of the institutions.

8 Sec. 17. NEW SECTION. APPOINTMENT OF SUPERINTENDENTS.

9 The director shall appoint, subject to the approval of the
10 board, the superintendents of the state penitentiary, the
11 men's reformatory, the Iowa security medical facility, the
12 women's reformatory, the training school for boys, and the
13 training school for girls.

14 The superintendent shall have the immediate custody and
15 control, subject to the orders and policies of the director,
16 of all property used in connection with the institution ex-
17 cept as provided in this Act. The tenure of office of the
18 superintendents shall be at the pleasure of the appointing
19 authority but they may be removed for inability or refusal
20 to properly perform the duties of the office. Removal shall
21 be had only after an opportunity is given the person to be
22 heard before the board and the director and upon preferred
23 written charges. The removal when made shall be final.

24 Sec. 18. NEW SECTION. BUSINESS MANAGERS. The superin-
25 tendent of each of the institutions shall appoint a business
26 manager with the approval of the director and the board.

27 The business manager shall hold no other office and shall
28 act in no other capacity at the institution to which he has
29 been appointed, nor shall he be eligible to any other lucrative
30 office, elective or appointive, in the state during his term
31 of service but he shall devote his time entirely to his duties
32 as business manager of the institution to which he is
33 appointed. He shall receive such compensation as ordered
34 by the director and shall hold office at the pleasure of the
35 director and the board.

1 Sec. 19. NEW SECTION. DUTIES AND PROHIBITIONS. Subject
2 to the direction of the director and to the written request
3 of the auditor of state made to the director, the business
4 manager shall have the following powers, duties and respon-
5 sibilities:

6 1. He shall be the general business manager of the insti-
7 tution to which he has been appointed and shall have complete
8 charge and supervision over all business matters and financial
9 affairs relating to the institution, including the general
10 institution, farms and gardens and all industries engaged
11 in at the institution.

12 2. He shall have the powers and be charged with the duties
13 and responsibilities provided for in section forty-nine (49)
14 of this Act.

15 3. Under the direction and supervision of the director,
16 he shall have complete charge of all of the accounting and
17 all other statistical records and shall keep the same in a
18 manner and as directed by the director which manner, method,
19 system and form of accounting records shall be prescribed
20 by the state comptroller.

21 4. He shall have complete control and be charged with
22 the full accountability of property and moneys of the
23 institution to which he has been appointed.

24 5. He shall have complete charge and supervision over
25 the condition and repair of buildings, improvements, equip-
26 ment and property of the institution to which he has been
27 appointed, subject however, to the approval of the
28 superintendent in instances where the equipment is used
29 directly in the medical, mental, moral or therapeutic treatment
30 or care of the inmates.

31 6. He shall have charge and be accountable for all of
32 the livestock at the institution to which he has been ap-
33 pointed, but he shall not be permitted to exhibit the livestock
34 at state and county fairs or livestock shows.

35 7. He shall have the power to appoint, direct and dis-

1 charge all employees excepting doctors, nurses, ward at-
2 tendants, laboratory technicians or assistants and all other
3 personnel charged with the medical, mental or therapeutical
4 treatment or care of any inmate of the institution, which
5 personnel shall be appointed, directed and discharged by the
6 superintendent. However, he shall be charged with the keeping
7 of all records relating to the entire personnel of the
8 institution as provided for in section twenty-three (23) of
9 this Act.

10 8. He shall exercise no control or direction whatsoever
11 over the medical, mental, moral or therapeutical care or
12 treatment of any inmate of the institution, or over the
13 doctors, orderlies, nurses, ward attendants, laboratory
14 technicians and all other personnel directly charged with
15 the medical, mental or therapeutical care or treatment of
16 any inmate, employed by the superintendent, but shall report
17 all violations to the superintendent. The control and
18 direction of employees, by the superintendent, is hereby
19 confined to the doctors, orderlies, nurses, ward attendants,
20 laboratory and other personnel directly charged with the
21 medical, mental, moral or therapeutical care or treatment
22 of any inmate of the institution.

23 Sec. 20. NEW SECTION. ACCOUNTING AND REPORTS. The di-
24 rector shall have sole charge of abstracting and certifying
25 claims for payment and the keeping of central and uniform
26 accounts in the institutions. The system shall be prescribed
27 by the state comptroller according to section eight point
28 six (8.6), subsection four (4) of the Code, and shall show
29 the detailed facts relative to the handling and use of all
30 purchases. The business manager shall be responsible to the
31 director and shall file such accounting and other statistical
32 reports and statements with the auditor of state, as the
33 auditor may designate by written request to the director,
34 at such times and periods as the auditor might require.

35 Sec. 21. NEW SECTION. ABSTRACT OF CLAIMS. When vouchers

1 for expenditures other than salaries have been duly audited
2 as provided for in section eight point six (8.6) of the Code,
3 the audited vouchers shall be submitted to the state
4 comptroller who shall therefrom prepare in triplicate an
5 abstract of claims submitted showing the name of the claimant
6 and the institutions and fund from which the payment is made.
7 The claims and abstracts of claims shall then be returned
8 to the director where the correctness of the abstracts shall
9 be certified by the director. The original abstract shall
10 be delivered to the state comptroller, the duplicate shall
11 be retained in the office of the director and the triplicate
12 forwarded to the proper institution to be retained there as
13 a record of claims paid.

14 Sec. 22. NEW SECTION. WARRANTS ISSUED BY COMPTROLLER.
15 Upon such certificate the state comptroller shall, if the
16 institution named has sufficient funds, issue his warrants
17 upon the treasurer of state, for the amounts and to the
18 claimants indicated thereon. The comptroller shall deliver
19 the warrants thus issued to the director, who will cause the
20 warrants to be transmitted to the payees.

21 Sec. 23. NEW SECTION. SUBORDINATE OFFICERS AND EMPLOYEES.
22 The director shall determine the number and compensation of
23 subordinate officers and employees for each institution.
24 Subject to the provisions of this Act, the officers and
25 employees shall be appointed and discharged by the
26 superintendent or business manager. Such officer shall keep,
27 in the record of each subordinate officer and employee, the
28 date of employment, the compensation, and the date of each
29 discharge, and the reasons therefor. All employees, except
30 physicians and surgeons, shall be bona fide residents and
31 citizens of the state of Iowa at the time of employment.
32 An exception to this provision of residence may be granted
33 by the director for the sole purpose of securing professional
34 or scientific services which are unavailable from among the
35 citizens of the state of Iowa.

1 Sec. 24. NEW SECTION. BONDS. The director shall re-
2 quire officers and employees of institutions under his con-
3 trol who may be charged with the custody or control of any
4 money or property belonging to the state to give an official
5 bond, properly conditioned, and signed by sufficient sureties
6 in a sum to be fixed by the director, which bond shall be
7 approved by the director, and filed in the office of the
8 secretary of state.

9 Sec. 25. NEW SECTION. SALARIES. The director shall
10 annually, on each employee's employment anniversary date,
11 review and fix the annual, monthly, or semimonthly salaries
12 of the employees, except such salaries as are fixed by the
13 general assembly. The director shall classify the officers
14 and employees into grades and the salary and wages to be paid
15 in each grade shall be uniform in similar institutions. The
16 salaries and wages shall be included in the semimonthly
17 payrolls and paid in the same manner as other expenses of
18 the institutions.

19 Sec. 26. NEW SECTION. INSTITUTIONAL PAYROLLS. At the
20 close of each pay period, the superintendent of each institu-
21 tion or business manager, shall prepare and forward to the
22 director a semimonthly payroll which shall show the name of
23 each officer and employee, the semimonthly pay, time paid
24 for, the amount of pay, and any deductions. In no event shall
25 a substitute be permitted to receive compensation in the name
26 of the employee for whom he is acting.

27 Sec. 27. NEW SECTION. ABSTRACTS OF PAYROLL. After the
28 payroll has been audited as provided for in section eight
29 point six (8.6) of the Code, audited payroll vouchers shall
30 be submitted to the state comptroller who shall therefrom
31 prepare in triplicate an abstract, and shall draw one war-
32 rant for the sum total of the payroll in favor of the insti-
33 tution having submitted the payroll voucher.

34 Sec. 28. NEW SECTION. DWELLING HOUSE AND PROVISIONS.
35 The director shall furnish the superintendent of each insti-

1 tution, in addition to salary, with a dwelling house or with
2 appropriate quarters in lieu thereof, and, from supplies pur-
3 chased for the institution, the necessary household provisions
4 for the superintendent, spouse and minor children of the
5 superintendent or the director may compensate the
6 superintendent of each institution in lieu of furnishing all
7 of the items described in this section.

8 Sec. 29. NEW SECTION. ANNUITY CONTRACTS FOR EMPLOYEES.

9 At the request of an employee through contractual agreement,
10 the department or any institution under its jurisdiction may
11 purchase an individual annuity contract for an employee, from
12 an insurance organization authorized to do business in this
13 state and through an Iowa-licensed insurance agent as the
14 employee may select, for retirement or other purposes and
15 may make payroll deductions in accordance with such
16 arrangements for the purpose of paying the entire premium
17 due and to become due under the contract. The deductions
18 shall be made in the manner which will qualify the annuity
19 premiums for the benefits afforded under section four hundred
20 three b (403(b)) of the Internal Revenue Code of 1954 and
21 amendments thereto. The employee's rights under the annuity
22 contracts shall be nonforfeitable except for the failure to
23 pay premiums.

24 Sec. 30. NEW SECTION. AUTHORITY FOR VACATION. Vaca-

25 tions and sick leave with pay as authorized in section seventy-
26 nine point one (79.1) of the Code shall only be taken at such
27 times as the superintendent or the business manager in charge
28 of the officer or employee, as the case may be, may direct,
29 and only after written authorization by him, and for the
30 number of days specified therein. A copy of the permit shall
31 be attached to the institution's copy of the payroll of the
32 institution, for audit purposes, for the period during which
33 the vacation was taken, and the semimonthly payroll shall
34 show the number of days the person was absent under the permit.

35 Sec. 31. NEW SECTION. RECORD OF EMPLOYEES AND INMATES.

1 The director shall require the proper officer of each insti-
2 tution to keep a record prepared for the purpose, with entries
3 to be made each day, of the number of hours of service of
4 each employee. The semimonthly payroll shall be made from
5 such record, and shall be in accord therewith. When an
6 appropriation is based on the number of inmates in or persons
7 at an institution the director shall require a daily record
8 to be kept of the persons actually residing at and domiciled
9 in the institution.

10 Sec. 32. NEW SECTION. TRANSFER OF INMATES. The director
11 may, at the expense of the state, transfer an inmate of one
12 institution to another similar institution under his control.
13 The director may transfer an inmate under his jurisdiction
14 from any institution supervised by him to another institution
15 under the control of the director of a division of the de-
16 partment of social services with the consent and approval
17 of the other director and he may likewise transfer an inmate
18 to any other institution for mental or physical examination
19 or treatment retaining jurisdiction over the prisoner when
20 so transferred.

21 Sec. 33. NEW SECTION. RECORD OF INMATES. The director
22 shall, as to every person committed to any of the institutions,
23 keep the following record: Name, residence, sex, age,
24 nativity, occupation, civil condition, date of entrance or
25 commitment, date of discharge, whether a discharge was final,
26 condition of the person when discharged, the name of the
27 institutions from which and to which such person has been
28 transferred, and, if dead, the date, and cause of death.

29 Sec. 34. NEW SECTION. RECORD PRIVILEGED. Except with
30 the consent of the director, or on an order of a court of
31 record, the record provided in section thirty-three (33) of
32 this Act shall be accessible only to the board and the director
33 and to assistants and proper clerks authorized by the director.
34 The director may permit the state libraries and historical
35 department division of archives to copy or reproduce by any

1 photographic, photostatic, microfilm, microcard or other
2 process which accurately reproduces a durable medium for
3 reproducing the original and to destroy in the manner described
4 by law the records of inmates designated in section thirty-
5 three (33) of this Act.

6 Sec. 35. NEW SECTION. REPORTS TO DIRECTOR. The managing
7 officer of each institution shall, within ten days after the
8 commitment or entrance of a person to the institution, cause
9 a true copy of his entrance record to be made and forwarded
10 to the director. When an inmate leaves, or is discharged,
11 or transferred, or dies in any institution, the superintendent
12 or person in charge shall within ten days thereafter send
13 the information to the office of the director on forms which
14 the director prescribes.

15 Sec. 36. NEW SECTION. QUESTIONABLE COMMITMENT. The
16 superintendent is required to immediately notify the director
17 if there is any question as to the propriety of the commit-
18 ment or detention of any person received at the institution,
19 and the director, upon such notification, shall inquire into
20 the matter presented, and take such action as may be deemed
21 proper in the premises.

22 Sec. 37. NEW SECTION. RELIGIOUS BELIEFS. The superin-
23 tendent, receiving a person committed to any of the institu-
24 tions, shall inquire of the person as to his religious prefer-
25 ence and enter the same in the book kept for the purpose,
26 and cause the person to sign the same. In case the inmate
27 is a minor and has formed no choice, his preference may, at
28 any time, be expressed by himself with the approval of parents
29 or guardian.

30 Sec. 38. NEW SECTION. RELIGIOUS WORSHIP. Any inmate,
31 during the time of his detention, shall be allowed, for at
32 least one hour on each Sunday and in times of extreme sick-
33 ness, and at such other suitable and reasonable times as is
34 consistent with proper discipline in the institution, to re-
35 ceive spiritual advice, instruction, and ministrations from

1 any recognized clergyman of the church or denomination which
2 represents his religious belief.

3 Sec. 39. NEW SECTION. INVESTIGATION. The director or
4 an authorized officer or employee of the director shall visit,
5 and inspect, at least once in six months, or more often if
6 necessary or required by law, the institutions under the
7 director's control, and the financial condition and management
8 thereof.

9 Sec. 40. NEW SECTION. SCOPE OF INVESTIGATION. The di-
10 rector or his authorized officer or employee shall, during
11 the investigation and as far as possible, see every inmate
12 of each institution, especially those admitted since the
13 preceding visit, and shall give the inmates as may require
14 it, suitable opportunity to converse with the director or
15 his authorized officer or employee apart from the officers
16 and attendants.

17 Sec. 41. NEW SECTION. INVESTIGATION OF OTHER INSTITUTIONS.
18 The director, or an authorized officer or employee, may
19 investigate charges of abuse, neglect or mismanagement on
20 the part of any officer or employee of any private institution
21 which is subject to the director's supervision or control.

22 Sec. 42. NEW SECTION. WITNESSES. In aid of any
23 investigation the director shall have the power to summon
24 and compel the attendance of witnesses; to examine the same
25 under oath, which he shall have power to administer; to have
26 access to all books, papers, and property material to the
27 investigation, and to order the production of any other books
28 or papers material thereto. Witnesses other than those in
29 the employ of the state shall be entitled to the same fees
30 as in civil cases in the district court.

31 Sec. 43. NEW SECTION. CONTEMPT. Any person failing or
32 refusing to obey the orders of the director issued under
33 section forty-two (42) of this Act, or to give or produce
34 evidence when required, shall be reported by the director
35 to the district court in the county where the offense occurs

1 and shall be dealt with by the court as for contempt of court.

2 Sec. 44. NEW SECTION. TRANSCRIPT OF TESTIMONY. The di-
3 rector shall cause the testimony taken at the investigation
4 to be transcribed and filed in his office at the seat of gov-
5 ernment within ten days after the testimony is taken, or as
6 soon thereafter as practicable, and when so filed the testimony
7 shall be open for the inspection of any person.

8 Sec. 45. NEW SECTION. STATE AGENTS. A sufficient number
9 of persons shall be appointed as state agents for the two
10 training schools and the women's reformatory. Agents shall
11 be furnished with office rooms and all necessary supplies
12 as are furnished other officers of the department. Agents
13 may be furnished with rooms, board, and facilities, free of
14 cost in any of the institutions while stopping at the
15 institution.

16 Sec. 46. NEW SECTION. DUTIES OF AGENTS. Agents shall:

- 17 1. Perform duties as may be required by law or by the
- 18 board or the director.
- 19 2. Find suitable homes and employment for inmates of the
- 20 institutions who are to be or who have been released.
- 21 3. Inspect the homes.
- 22 4. Exercise supervision over discharged or released persons
- 23 and examine their conduct and environment.
- 24 5. Return to the institution from which released, all
- 25 inmates who have been conditionally released and whose conduct
- 26 has been bad, or in violation of their release.
- 27 6. Obtain new homes or new employment for released inmates
- 28 when their environment is bad.
- 29 7. Keep records of their acts as agents and make all
- 30 reports called for by the board or the director.

31 Sec. 47. NEW SECTION. EXPENSES AND ADVANCING EXPENSE
32 FUND. Agents shall receive their actual and necessary expenses
33 incurred in the discharge of their duties. The director may
34 cause to be advanced to each agent, from time to time, from
35 the funds appropriated for such purpose, sums to be used in

1 defraying the official expenses of the agent. The aggregate
2 amount of money so advanced and not expended at any time shall
3 not exceed the sum of two hundred fifty dollars. The agent
4 shall give security, to be approved by the director, for the
5 proper use and accounting each month of money so advanced.

6 Sec. 48. NEW SECTION. RECEIVING OFFICERS--DUTIES. The
7 clerks of the penitentiary and reformatories, and the business
8 managers of the other institutions, shall:

9 1. Have charge of and be accountable for supplies and
10 stores of the institution and be chargeable therewith, at
11 their invoice value.

12 2. Issue stores and supplies upon requisition approved
13 by the superintendent or other officer designated by the
14 director in control, which requisition shall be his voucher
15 therefor.

16 3. Present, monthly, to the director an abstract of
17 expenditures, together with the accounts and payrolls for
18 the preceding month.

19 4. Examine and register all goods delivered, as to their
20 amount and quality, and certify to the correctness of the
21 bills therefor, if the goods correspond to the samples, are
22 in good order, and correct in prices.

23 5. Maintain a perpetual inventory of the subsistence
24 supplies and stock in his possession and control, and transmit,
25 monthly, a report showing the condition of the inventory,
26 duly verified by him, to the director.

27 6. Make to the director, at the close of each fiscal year
28 period, a report of all purchases and transactions of his
29 department.

30 7. Pay into the state treasury, from time to time, such
31 amount as the director may determine is necessary to reim-
32 burse the state for his negligent loss of such stores or
33 supplies within sixty days of such determination by the
34 particular director in control. If default is made in such
35 payment, he shall be discharged and suit shall be brought

1 on his bond.

2 Sec. 49. NEW SECTION. SERVICES REQUIRED--WAGES. Inmates
3 of the institutions subject to the provisions of this Act
4 may be required to render any proper and reasonable service
5 either in the institutions proper or in the industries
6 established in connection therewith. When an inmate of an
7 institution is working outside the institution proper, he
8 shall be deemed at all times in the actual custody of the
9 superintendent of the institution.

10 The director may, when he deems such course practicable,
11 pay the inmate a wage as he deems proper in view of the cir-
12 cumstances, and in view of the cost attending the maintenance
13 of the inmate. In no case shall the wage exceed the amount
14 paid to free labor for a like service or its equivalent.

15 Sec. 50. NEW SECTION. DEDUCTION TO PAY COURT COSTS OR
16 DEPENDENTS--DEPOSITS. If wages are paid pursuant to section
17 forty-nine (49) of this Act, the director may deduct there-
18 from an amount sufficient to pay all or a part of the costs
19 taxed to the inmate by reason of his commitment to the insti-
20 tution. In such case, the amount so deducted shall be
21 forwarded to the clerk of the district court or proper
22 official. The director may pay all or any part of wages paid
23 pursuant to section forty-nine (49) of this Act directly to
24 a dependent of the inmate, or may deposit the wage to the
25 account of the inmate, or may so deposit a part thereof and
26 allow the inmate a portion for his own personal use.

27 Sec. 51. NEW SECTION. CONFERENCES. Quarterly conferences
28 of the superintendents of the institutions shall be held with
29 the director at Des Moines or at institutions under his
30 jurisdiction, for the consideration of all matters relative
31 to the management of the institutions. Full minutes of the
32 meetings shall be preserved in the records of the director.
33 The director may cause papers to be prepared and read at the
34 conferences on appropriate subjects.

35 Sec. 52. NEW SECTION. SCIENTIFIC INVESTIGATION.

1 1. The director shall encourage the scientific investiga-
2 tion, on the part of the executive heads and medical staffs
3 of the institutions, as to the most successful methods of
4 managing the institutions and treating the persons committed
5 thereto, shall procure and furnish to the heads and staffs
6 information relative to management and treatment, and, from
7 time to time, publish bulletins and reports of scientific
8 and clinical work done in the institutions.

9 2. The director may provide services and facilities for
10 the scientific observation, rechecking and treatment of men-
11 tally ill persons under his responsibility. Application by,
12 or on behalf of, any person for such services and facili-
13 ties shall be made to the director in charge of the particular
14 institution involved and shall be made on forms furnished
15 by the director. The time and place of admission of any
16 person to outpatient or clinical services and facilities for
17 scientific observation, rechecking and treatment and the use
18 of the services and facilities for the benefit of persons
19 who have already been committed as mentally ill shall be in
20 accordance with rules adopted by the director.

21 Sec. 53. NEW SECTION. DIAGNOSTIC CLINIC--INFORMATION
22 FURNISHED. The director may provide facilities and personnel
23 for a diagnostic clinic. The work of the clinic shall in-
24 clude a scientific study of each inmate, his career and life
25 history, the causes of his criminal acts and recommendations
26 for his custody, care, training, employment and counseling
27 with a view to his rehabilitation and to the protection of
28 society. To facilitate the work of the clinic and to aid
29 in the rehabilitation of the inmates, the trial judge and
30 the prosecuting attorney shall, when requested by the direc-
31 tor, furnish the director with such information as is pro-
32 vided the state board of parole under section two hundred
33 forty-seven point fifteen (247.15) of the Code.

34 Sec. 54. NEW SECTION. MONTHLY REPORT. The superintendent
35 of each institution, or business manager shall, on the first

1 day of each month, account to the director for all state funds
2 received during the preceding month, and, shall simultaneously
3 remit the same to the treasurer of state.

4 Sec. 55. NLW SECTION. ANNUAL REPORTS. The superinten-
5 dent or business manager of each institution shall make an
6 annual report to the director which shall include a detailed
7 and accurate inventory of the stock and supplies on hand,
8 and the amount and value thereof, under the following heads;
9 Livestock, farm produce on hand, vehicles, agricultural imple-
10 ments, machinery, mechanical fixtures, real estate, furniture,
11 and bedding in inmates' department, state property in super-
12 intendent's department, clothing, dry goods, provisions and
13 groceries, drugs and medicine, fuel, library, and all other
14 state property under appropriate heads to be determined by
15 the director.

16 Sec. 56. NEW SECTION. CONTINGENT FUND. The director
17 may permit the superintendent or the business manager of each
18 institution to retain a stated amount of funds in his pos-
19 session as a contingent fund for the payment of freight,
20 postage, commodities purchased on authority of the director
21 involved on a cash basis, salaries, and bills granting dis-
22 count for cash. If necessary, the director shall make proper
23 requisition upon the state comptroller for a warrant on the
24 treasurer of state to secure the contingent fund for each
25 institution. A monthly report of the status of the contin-
26 gent fund shall be submitted by the business manager of the
27 institution to the director, according to rules prescribed
28 by the director.

29 Sec. 57. NEW SECTION. SUPPLIES--COMPETITION. The direc-
30 tor shall, in the purchase of supplies, afford all reason-
31 able opportunity for competition, and shall give preference
32 to local dealers and Iowa producers when such can be done
33 without loss to the state. Jobbers or others desirous of
34 selling supplies shall, by filing with the director a memoran-
35 dum showing their address and business, be afforded an oppor-

1 tunity to compete for the furnishing of supplies, under rules
2 as the director may prescribe.

3 Sec. 58. NEW SECTION. PURCHASE OF SUPPLIES. The direc-
4 tor shall, from time to time, adopt and make of record, rules
5 governing the purchase of all articles and supplies needed
6 at the various institutions and the form and verification
7 of vouchers for the purchases. When purchases are made by
8 sample, the same shall be properly marked and retained until
9 after an award or delivery of the items is made. The director
10 may purchase supplies of any institution under his control,
11 for use in any other institution, and reasonable payment
12 therefor shall be made as in case of other purchases.

13 Sec. 59. NEW SECTION. CENTRAL WAREHOUSE AND SUPPLY DEPOT.
14 The department shall establish a fund for maintaining and
15 operating a central warehouse as a supply depot and
16 distribution facility for surplus government products, carload
17 canned goods, paper products, other staples and such other
18 items as determined by the department. The fund shall be
19 permanent and shall be composed of the receipts from the sales
20 of merchandise, recovery of handling, operating and delivery
21 charges of such merchandise and from the funds contributed
22 by the institutions now in a contingent fund being used for
23 this purpose. All claims for purchases of merchandise,
24 operating and salary expenses shall be subject to the
25 provisions of sections twenty-one (21), twenty-two (22),
26 twenty-six (26), and twenty-seven (27) of this Act.

27 Sec. 60. NEW SECTION. COMBINING APPROPRIATIONS. The
28 state comptroller may combine the balances carried in all
29 specific appropriations into a special account for each
30 institution under the control of the director, except that
31 the support fund for each institution shall be carried as
32 a separate account.

33 Sec. 61. NEW SECTION. STATE ARCHITECT. The director
34 may employ a competent architect, and such draftsmen as may
35 be authorized by law. The architect shall, in addition to

1 salary, be reimbursed for his actual and necessary expenses
2 within the state while engaged in official business. In
3 cases of sufficient magnitude the director may secure the
4 advice of a consulting architect, or may secure plans and
5 specifications from other architects, at a cost not exceeding
6 one thousand five hundred dollars in any year, unless a larger
7 amount is approved by the budget and financial control commit-
8 tee.

9 Sec. 62. NEW SECTION. PLANS AND SPECIFICATIONS. The
10 director shall cause plans and specifications to be prepared
11 for all improvements authorized and costing over five thousand
12 dollars. An appropriation for any improvement shall not be
13 expended until the adoption of suitable plans and
14 specifications, prepared by a competent architect, and
15 accompanied by a detailed statement of the amount, quality,
16 and description of all material and labor required for the
17 completion of the improvement.

18 No plans shall be adopted, and no improvement shall be
19 constructed, which contemplates an expenditure of money in
20 excess of the appropriation.

21 Sec. 63. NEW SECTION. LETTING OF CONTRACTS--REPAIRS OR
22 ALTERATIONS. The director shall, in writing, let all contracts
23 for authorized improvements costing in excess of five thousand
24 dollars to the lowest responsible bidder, after such advertise-
25 ment for bids as the director may deem proper in order to
26 secure full competition. The director may reject all bids
27 and readvertise. A preliminary deposit of money, or certified
28 check upon a solvent bank in such amount as the director may
29 prescribe, shall be required as an evidence of good faith,
30 upon all proposals for the construction of improvements.
31 The deposit or certified check shall be held under the direc-
32 tion of the director. However, if the improvement is the
33 repair or alteration of any building or grounds and is not
34 new construction and the estimated cost of the improvement
35 does not exceed twenty-five thousand dollars, the director

1 with the approval of the budget and financial control com-
2 mittee may proceed with the repairs or alterations under a
3 negotiated contract on such terms as the director and the
4 budget and financial control committee may determine to be
5 for the best interests of the state. Upon prior authorization
6 by the director, improvements costing five thousand dollars
7 or less may be made by the executive head of any institution
8 by day labor subject to the approval of the director.

9 Contracts shall not be required for improvements at any
10 state institution where the labor of inmates may be utilized
11 on the particular work to be done, to the advantage of the
12 inmates or of the state.

13 Sec. 64. NEW SECTION. PAYMENT FOR IMPROVEMENTS. Pay-
14 ment shall not be authorized for construction purposes until
15 satisfactory proof has been furnished to the director, by
16 the proper officer or supervising architect, that the contract
17 has been complied with by the parties; and all payments shall
18 be made in a manner similar to that in which the current
19 expenses of the institutions are paid.

20 Sec. 65. NEW SECTION. PROPERTY OF DECEASED INMATE. The
21 superintendent or business manager of each institution shall,
22 upon the death of any inmate, immediately take possession
23 of the property of the deceased left at the institution, and
24 shall deliver the same to the duly appointed and qualified
25 representative of the deceased. However, if administration
26 is not granted within one year from the date of the death
27 of the decedent, and the value of the estate of decedent is
28 so small as to make the granting of administration inadvisable,
29 then delivery of the money and other property left by the
30 decedent may be made to the surviving spouse and heirs of
31 the decedent. If administration is not granted within one
32 year from the death of decedent, and no surviving spouse or
33 heir is known, the superintendent may convert the property
34 into money and in so doing he shall have the powers possessed
35 by a general administrator.

1 Sec. 66. NEW SECTION. MONLY DEPOSITED WITH TREASURER
2 OF STATE. Money from property converted pursuant to section
3 sixty-five (65) of this Act shall be transmitted to the
4 treasurer of state as soon after one year after the death
5 of the intestate as practicable, and be credited to the support
6 fund of the institution of which the intestate was an inmate.
7 A complete permanent record of the money so sent, showing
8 by whom and with whom it was left, its amount, the date of
9 the death of the owner, his reputed place of residence before
10 he became an inmate of the institution, the date on which
11 it was sent to the treasurer of state and any other facts
12 which may tend to identify the intestate and explain the case,
13 shall be kept by the superintendent or business manager of
14 the institution and a transcript thereof shall be sent to,
15 and kept by, the treasurer of state.

16 Money deposited with the treasurer of state pursuant to
17 this section shall be paid, at any time within ten years from
18 the death of the intestate, to any person who is shown to
19 be entitled thereto. Payment shall be made from the state
20 treasury out of the support fund of the institution in the
21 manner provided for the payment of other claims from that
22 fund.

23 Sec. 67. NEW SECTION. SPECIAL POLICEMEN. The director
24 may, by order entered of record, commission one or more of
25 the employees at each of the institutions as special police.
26 The police shall, on the premises of the institution of which
27 they are employees, and in taking an inmate into custody,
28 have and exercise the powers of regular peace officers. No
29 additional salary shall be granted by reason of such
30 appointment.

31 Sec. 68. NEW SECTION. TEMPORARY QUARTERS IN EMERGENCY.
32 In case the buildings at any institution under the management
33 of the director are destroyed or rendered unfit for habitation
34 by reason of fire, storms, or other like causes, to such an
35 extent that the inmates cannot be confined and cared for at

1 the institution, the director shall make temporary provision
2 for the confinement and care of the inmates at some other
3 place in the state. Like provision may be made in case of
4 an epidemic among the inmates. The reasonable cost of the
5 change, including transfer of inmates, shall be paid from
6 any money in the state treasury not otherwise appropriated.

7 Sec. 69. NEW SECTION. INDUSTRIES. The director may
8 establish such industries as he may deem advisable at or in
9 connection with any of the institutions under his control.

10 Sec. 70. NEW SECTION. SALE OF AGRICULTURAL PRODUCTS.
11 The proceeds from the sale of any livestock or agricultural
12 product by any institution under the control of the department
13 shall be deposited with the treasurer of state and credited
14 to the account of the institution making the sale to be used
15 for farm operating expenses and repairs.

16 Sec. 71. NEW SECTION. COOPERATION. The department and
17 the director shall cooperate with any department or agency
18 of the state government in any manner, including the exchange
19 of employees, calculated to improve administration of the
20 affairs of the institutions under the control of the
21 department.

22 Sec. 72. NEW SECTION. BOYS TRANSFERRED FROM TRAINING
23 SCHOOL TO REFORMATORY. The director may order the transfer
24 of inmates of the training school for boys to the men's re-
25 formatory for custodial care whenever it is determined that
26 such action will be conducive to the welfare of the other
27 inmates of the school. The transfer shall be effected by
28 application in writing to the district court, or any judge
29 thereof, of the county in which the training school is
30 situated. Upon the granting of the order of transfer, the
31 transfer shall take place. The county attorney of the county
32 shall appear in support of the application. The cost of the
33 transfer shall be paid from the funds of the training school
34 for boys. Subsequent to a transfer made under this section,
35 the person transferred shall be subject to all the provisions

1 of law and regulations of the institution to which he is
2 transferred, and for the purposes of chapter seven hundred
3 forty-five (745) of the Code the person shall be regarded
4 as having been committed to the institution.

5 Sec. 73. NEW SECTION. DANGEROUS MENTAL PATIENTS. When-
6 ever a patient in any state hospital-school for the mentally
7 retarded, any mental health institute, or any institution
8 under the administration of the director of the division of
9 mental health of the department of social services, has be-
10 come so mentally disturbed as to constitute a danger to self,
11 to other patients in the institution or to the public, and
12 the institution involved cannot provide adequate security,
13 the director of the institution with the consent of the
14 director of the department of corrections may order the patient
15 to be transferred to the Iowa security medical facility,
16 provided that the executive head of the institution involved
17 with the support of a majority of his medical staff recommends
18 the transfer in the interest of the patient, other patients
19 or the public. The order of the director of the division
20 of mental health shall have the same force and effect as a
21 warrant of commitment for mental illness. The cost of the
22 transfer shall be paid from the funds of the institution from
23 which the transfer is made.

24 Sec. 74. NEW SECTION. CONSULTANTS. The director may
25 secure the services of consultants to furnish advice on
26 administrative, professional or technical problems to the
27 director, or the employees of institutions under his
28 jurisdiction or to provide in-service training and instruction
29 for the employees. The director may pay the consultants at
30 a rate to be determined by them from funds appropriated to
31 the department or to any institution under the department's
32 jurisdiction as the director may determine.

33 Sec. 75. NEW SECTION. DIRECTOR MAY BUY AND SELL REAL
34 ESTATE--OPTIONS. The director shall have full power, subject
35 to the approval of the board and executive council to secure

1 options to purchase real estate and to acquire and sell real
2 estate for the proper uses of the institutions. Real estate
3 shall be acquired and sold upon such terms and conditions
4 as the director may recommend subject to the approval of the
5 board and the executive council. Upon sale of the real estate,
6 the proceeds thereof shall be deposited with the treasurer
7 of state and credited to the general fund of the state. There
8 is hereby appropriated from the general fund of the state
9 a sum equal to the proceeds so deposited and credited to the
10 general fund of the state to the department which with the
11 prior approval of the executive council may be used to purchase
12 other real estate or for capital improvements upon property
13 under the director's supervision.

14 The costs incident to the securing of options, acquisition
15 and sale of the real estate including, but not limited to,
16 appraisals, invitations for offers, abstracts, and other
17 necessary costs, may be paid from moneys appropriated for
18 support and maintenance to the institution at which the real
19 estate is located. The fund shall be reimbursed from the
20 proceeds of the sale.

21 Sec. 76. NEW SECTION. FIRE PROTECTION CONTRACTS. The
22 director may enter into contracts with the governing body
23 of any city or other municipal corporation for the protection
24 from fire of any property under the director's primary control,
25 located in any municipal corporation or in territory contiguous
26 thereto, upon terms as may be agreed upon.

27 The state fire marshal shall cause to be made an annual
28 inspection of all the institutions listed in section fifteen
29 (15) of this Act and shall make written report thereof to
30 the director of the department.

31 Sec. 77. NEW SECTION. GIFTS, GRANTS AND DEVISES. The
32 department may accept gifts, grants, devises or bequests of
33 real or personal property from the federal government or any
34 source. The director may exercise such powers with reference
35 to the property so accepted as may be deemed essential to

1 its preservation and the purposes for which given, devised
2 or bequeathed.

3 Sec. 78. NEW SECTION. CANTEEN MAINTAINED. The director
4 may maintain a canteen at any institution under his juris-
5 diction for the sale to persons confined therein of toilet
6 articles, candy, tobacco products, notions, and other sun-
7 dries, and may provide the necessary facilities, equipment,
8 personnel, and merchandise therefor. The director shall
9 specify what commodities will be sold in the canteen. The
10 sale prices of the articles offered for sale shall be fixed
11 by the director at amounts that will, as far as possible,
12 render each canteen self-supporting. The department may
13 establish and maintain a permanent operating fund for each
14 canteen. The fund shall consist of the receipts from the
15 sale of commodities at the canteen.

16 Sec. 79. Section two hundred seventeen point one (217.1),
17 Code 1977, is amended to read as follows:

18 217.1 PROGRAMS OF DEPARTMENT. There is hereby established
19 a department of social services to administer programs designed
20 to improve the well-being and productivity of the people of
21 the state of Iowa. The department shall concern itself with
22 the problems of human behavior, adjustment and daily living
23 through the administration of programs of family, child and
24 adult welfare, economic assistance (including costs of medical
25 care), rehabilitation toward self-care and support, delinquency
26 prevention and control, ~~treatment-and-rehabilitation-of-adult~~
27 ~~and-juvenile-offenders~~, care and treatment of the mentally
28 ill and mentally retarded, and other related programs as
29 provided by law.

30 Sec. 80. Section two hundred seventeen point six (217.6),
31 unnumbered paragraph two (2), Code 1977, is amended to read
32 as follows:

33 The department of social services may be initially divided
34 into the following divisions of responsibility: The division
35 of child and family services, the division of mental health,

1 the division of administration, ~~the division of corrections~~
2 and the division of planning, research and statistics.

3 Sec. 81. Section two hundred eighteen point one (218.1),
4 Code 1977, is amended by striking subsections eight (8), nine
5 (9), eleven (11), twelve (12), thirteen (13), fourteen (14),
6 fifteen (15), sixteen (16), and seventeen (17).

7 Sec 82. Section two hundred eighteen point three (218.3),
8 subsection one (1), Code 1977, is amended to read as follows:

9 1. The director of the division of child and family
10 services of the department of social services shall have
11 primary authority and responsibility relative to the following
12 said institutions: Iowa veterans home, ~~the training school~~
13 ~~for girls, the training school for boys~~ and the Iowa juvenile
14 home.

15 Sec. 83. Section two hundred eighteen point three (218.3),
16 Code 1977, is amended by striking subsection three (3).

17 Sec. 84. Section two hundred eighteen point four (218.4),
18 unnumbered paragraph one (1), Code 1977, is amended to read
19 as follows:

20 The directors of particular institutions shall recommend
21 to the council on social services for adoption such rules
22 not inconsistent with law as they may deem necessary for the
23 discharge of their duties, the management of each of such
24 institutions, the admission of ~~inmates~~ residents thereto and
25 the treatment, care, custody, education and discharge of
26 ~~inmates~~ residents. It is made the duty of the particular
27 directors to establish rules by which danger to life and
28 property from fire will be minimized. In the discharge of
29 their duties and in the enforcement of their rules, they may
30 require any of their appointees to perform duties in addition
31 to those required by statute.

32 Sec. 85. Section two hundred eighteen point eight (218.8),
33 subsections five (5), seven (7), and eight (8), Code 1977,
34 are amended to read as follows:

35 5. He shall have complete charge and supervision over

1 the condition and repair of all buildings, improvements,
2 equipment and property of ~~such~~ the institution to which he
3 has been appointed, subject however, to the approval of the
4 superintendent in instances where ~~such~~ the equipment is used
5 directly in the medical, mental, moral or therapeutic treatment
6 or care of the patients or ~~inmates~~ residents.

7 7. He shall have the power to appoint, direct and discharge
8 all employees excepting doctors, nurses, ward attendants,
9 laboratory technicians or assistants and all other personnel
10 charged with the medical, mental or therapeutical treatment
11 or care of any patient or ~~inmate~~ resident of said the
12 institution, which personnel shall be appointed, directed
13 and discharged by the superintendent. However, he shall be
14 charged with the keeping of all records relating to the entire
15 personnel of the institution as provided for in section 218.10.

16 8. He shall exercise no control or direction whatsoever
17 over the medical, mental, moral or therapeutical care or
18 treatment of any patient or ~~inmate~~ resident of said the
19 institution, or over the doctors, orderlies, nurses, ward
20 attendants, laboratory technicians and all other personnel
21 directly charged with the medical, mental or therapeutical
22 care or treatment of any patient or ~~inmate~~ resident, employed
23 by the superintendent, but will report all violations to the
24 superintendent. Likewise, the control and direction of
25 employees, by the superintendent, is hereby confined to the
26 doctors, orderlies, nurses, ward attendants, laboratory and
27 all other personnel directly charged with the medical, mental,
28 moral or therapeutical care or treatment of any patient or
29 ~~inmates~~ resident of said the institution.

30 Sec. 86. Section two hundred eighteen point nine (218.9),
31 Code 1977, is amended by striking unnumbered paragraph two
32 (2).

33 Sec. 87. Section two hundred eighteen point nine (218.9),
34 unnumbered paragraphs three (3) and four (4), Code 1977, are
35 amended to read as follows:

1 The director of the division of child and family services
2 of the department of social services, subject to the approval
3 of the commissioner of such department shall appoint the
4 ~~superintendents~~ superintendent of the Iowa juvenile home,
5 ~~the-training-school-for-boys, the-training-school-for-girls~~
6 and the commandant of the veterans home.

7 The superintendent~~, warden~~ or other executive officer shall
8 have the immediate custody and control, subject to the orders
9 and policies of the director in charge of his institution,
10 of all property used in connection with the institution except
11 as provided in this chapter. The tenure of office of the
12 officers shall be at the pleasure of the appointing authority
13 but they may be removed for inability or refusal to properly
14 perform the duties of the office. Such removal shall be had
15 only after an opportunity is given the person to be heard
16 before the director of the department of social services in
17 charge of the particular institution involved and upon
18 preferred written charges. The removal when made shall be
19 final.

20 Sec. 88. Section two hundred eighteen point eighteen
21 (218.18), Code 1977, is amended to read as follows:

22 218.18 RECORD OF EMPLOYEES AND INMATES RESIDENTS. The
23 director of the department of social services in control of
24 a particular state institution shall require the proper officer
25 of each institution to keep a record prepared for the purpose,
26 with entries to be made each day, of the number of hours of
27 service of each employee. The semimonthly payroll shall be
28 made from ~~such~~ the record, and shall be in accord therewith.
29 When an appropriation is based on the number of ~~inmates~~
30 residents in or persons at an institution the director shall
31 require a daily record to be kept of the persons actually
32 residing at and domiciled in such institution.

33 Sec. 89. Section two hundred eighteen point twenty
34 (218.20), Code 1977, is amended to read as follows:

35 218.20 PLACE OF COMMITMENTS--TRANSFERS. Commitments,

1 unless otherwise permitted by the division director having
2 control over any state institution, shall be to the institution
3 located in the district embracing the county from which the
4 commitment is issued. The particular division directors may,
5 at the expense of the state, transfer ~~an inmate~~ a resident
6 of one institution to another like institution.

7 Sec. 90. Section two hundred eighteen point twenty-one
8 (218.21), Code 1977, is amended to read as follows:

9 218.21 RECORD OF ~~INMATES~~ RESIDENTS. The director of the
10 department of social services in control of a state institution
11 shall, as to every person committed to any of ~~said~~ the
12 institutions, keep the following record: Name, residence,
13 sex, age, nativity, occupation, civil condition, date of
14 entrance or commitment, date of discharge, whether a discharge
15 was final, condition of the person when discharged, the name
16 of the institutions from which and to which ~~such~~ the person
17 has been transferred, and, if dead, the date, and cause of
18 death.

19 Sec. 91. Section two hundred eighteen point twenty-two
20 (218.22), Code 1977, is amended to read as follows:

21 218.22 RECORD PRIVILEGED. Except with the consent of
22 the director in charge of an institution, or on an order of
23 a court of record, the record provided in section 218.21 shall
24 be accessible only to the director of the division of the
25 department of social services in control of ~~such~~ the
26 institution, the commissioner of the department of social
27 services and to assistants and proper clerks authorized by
28 ~~such~~ the director or his commissioner. The director of the
29 division of ~~such~~ the institution is authorized to permit the
30 state libraries and historical department division of archives
31 to copy or reproduce by any photographic, photostatic,
32 microfilm, microcard or other process which accurately
33 reproduces a durable medium for reproducing the original and
34 to destroy in the manner described by law such records of
35 ~~inmates~~ residents designated in section 218.21.

1 Sec. 92. Section two hundred eighteen point twenty-three
2 (218.23), Code 1977, is amended to read as follows:

3 218.23 REPORTS TO DIRECTOR. The managing officer of each
4 institution shall, within ten days after the commitment or
5 entrance of a person to the institution, cause a true copy
6 of his entrance record to be made and forwarded to the director
7 in control of such institution. When a patient or ~~inmate~~
8 resident leaves, or is discharged, or transferred, or dies
9 in any institution, the superintendent or person in charge
10 shall within ten days thereafter send ~~such~~ the information
11 to the office of ~~such~~ the director on forms which the director
12 prescribes.

13 Sec. 93. Section two hundred eighteen point twenty-six
14 (218.26), Code 1977, is amended to read as follows:

15 218.26 RELIGIOUS WORSHIP. Any ~~such-inmate~~ resident,
16 during the time of his detention, shall be allowed, for at
17 least one hour on each Sunday and in times of extreme sickness,
18 and at such other suitable and reasonable times as is
19 consistent with proper discipline in said institution, to
20 receive spiritual advice, instruction, and ministrations from
21 any recognized clergyman of the church or denomination which
22 represents his religious belief.

23 Sec. 94. Section two hundred eighteen point twenty-seven
24 (218.27), Code 1977, is amended to read as follows:

25 218.27 RELIGIOUS BELIEF OF MINORS. In case ~~such-inmate~~
26 the resident is a minor and has formed no choice, his
27 preference may, at any time, be expressed by himself with
28 the approval of parents or guardian, if he has any such.

29 Sec. 95. Section two hundred eighteen point twenty-nine
30 (218.29), Code 1977, is amended to read as follows:

31 218.29 SCOPE OF INVESTIGATION. The director of the
32 department of social services in control of a particular
33 institution or his authorized officer or employee shall,
34 during ~~such~~ the investigation and as far as possible, see
35 every ~~inmate~~ resident of each institution, especially those

1 admitted since the preceding visit, and shall give ~~such-inmates~~
2 the residents as may require it, suitable opportunity to
3 converse with ~~such~~ the director or his authorized officer
4 or employee apart from the officers and attendants.

5 Sec. 96. Section two hundred eighteen point thirty-four
6 (218.34), Code 1977, is amended to read as follows:

7 218.34 STATE AGENTS. A sufficient number of persons shall
8 be appointed as state agents for ~~the-two-training-schools,~~
9 ~~the Iowa juvenile home,-and-the-women's-reformatory.~~

10 Sec. 97. Section two hundred eighteen point thirty-six
11 (218.36), subsections two (2), five (5), and six (6), Code
12 1977, are amended to read as follows:

13 2. Find suitable homes and employment for inmates residents
14 of ~~said-institutions~~ the institution who are to be or who
15 have been released.

16 5. Return to the institution from which released, all
17 inmates residents who have been conditionally released and
18 whose conduct has been bad, or in violation of their release.

19 6. Obtain new homes or new employment for released inmates
20 residents when their environment is bad.

21 Sec. 98. Section two hundred eighteen point thirty-nine
22 (218.39), unnumbered paragraph one (1), Code 1977, is amended
23 to read as follows:

24 The stewards of the hospitals for the mentally ill, ~~the~~
25 ~~clerks-of-the-prisons,~~ and the proper officers, who shall
26 be designated by the director of a division of the department
27 of social services in control of the particular institution,
28 of the other institutions, shall each:

29 Sec. 99. Section two hundred eighteen point forty (218.40),
30 Code 1977, is amended to read as follows:

31 218.40 SERVICES REQUIRED. Inmates Residents of said the
32 institutions subject to the provisions hereinafter provided,
33 may be required to render any proper and reasonable service
34 either in the institutions proper or in the industries
35 established in connection therewith.

1 Sec. 100. Section two hundred eighteen point forty-one
2 (218.41), Code 1977, is amended to read as follows:

3 218.41 CUSTODY. When ~~an-inmate~~ a resident of an
4 institution is so working outside the institution proper,
5 he shall be deemed at all times in the actual custody of the
6 head of the institution.

7 Sec. 101. Section two hundred eighteen point forty-two
8 (218.42), Code 1977, is amended to read as follows:

9 218.42 WAGES OF ~~INMATES~~ RESIDENTS. When ~~an-inmate~~ a
10 resident performs services for the state at an institution,
11 the director in control of ~~such the~~ the institution may, when
12 he deems such course practicable, pay ~~such-inmate~~ the resident
13 such wage as he deems proper in view of the circumstances,
14 and in view of the cost attending the maintenance of ~~such~~
15 inmate the resident. In no case shall such wage exceed the
16 amount paid to free labor for a like service or its equivalent.

17 Sec. 102. Section two hundred eighteen point forty-three
18 (218.43), Code 1977, is amended to read as follows:

19 218.43 DEDUCTION TO PAY COURT COSTS. If ~~such~~ a wage be
20 paid, the director in control of ~~such the~~ the institution may
21 deduct therefrom an amount sufficient to pay all or a part
22 of the costs taxed to ~~such-inmate~~ the resident by reason of
23 his commitment to ~~said the~~ the institution. In such case the
24 amount so deducted shall be forwarded to the clerk of the
25 district court or proper official.

26 Sec. 103. Section two hundred eighteen point forty-four
27 (218.44), Code 1977, is amended to read as follows:

28 218.44 WAGES PAID TO DEPENDENT--DEPOSITS. If such wage
29 be paid, the director in control of ~~such the~~ the institution may
30 pay all or any part of the same directly to any dependent
31 of ~~such-inmate~~ the resident, or may deposit such wage to the
32 account of ~~such-inmate~~ the resident, or may so deposit part
33 thereof and allow the ~~inmate~~ resident a portion for his own
34 personal use, or may pay to the county of commitment all or
35 any part of his care, treatment or subsistence while at ~~said~~

1 the institution from any credit balance accruing to the account
2 of ~~said-inmate~~ the resident.

3 Sec. 104. Section two hundred eighteen point sixty-five
4 (218.65), Code 1977, is amended to read as follows:

5 218.65 PROPERTY OF DECEASED ~~INMATE~~ RESIDENT. The chief
6 executive officer or business manager of each institution
7 shall, upon the death of any ~~inmate~~ resident or patient,
8 immediately take possession of all property of the deceased
9 left at ~~said~~ the institution, and deliver the same to the
10 duly appointed and qualified representative of the deceased.

11 Sec. 105. Section two hundred eighteen point seventy-two
12 (218.72), Code 1977, is amended to read as follows:

13 218.72 TEMPORARY QUARTERS IN EMERGENCY. In case the
14 buildings at any institution under the management of a director
15 of the division of the department of social services are
16 destroyed or rendered unfit for habitation by reason of fire,
17 storms, or other like causes, to such an extent that the
18 ~~inmates~~ residents cannot be there confined and cared for,
19 ~~said~~ the director shall make temporary provision for the
20 confinement and care of the ~~inmates~~ residents at some other
21 place in the state. Like provision may be made in case any
22 pestilence epidemic breaks out among the ~~inmates~~ residents.
23 The reasonable cost of the change, including transfer of
24 ~~inmates~~ residents, shall be paid from any money in the state
25 treasury not otherwise appropriated.

26 Sec. 106. Section two hundred eighteen point ninety-two
27 (218.92), Code 1977, is amended to read as follows:

28 218.92 DANGEROUS MENTAL PATIENTS. Whenever a patient
29 in any state hospital-school for the mentally retarded, any
30 mental health institute, or any institution under the
31 administration of the director of the division of mental
32 health of the department of social services, has become so
33 mentally disturbed as to constitute a danger to self, to other
34 patients in the institution or to the public, and the insti-
35 tution involved cannot provide adequate security, the director

1 of mental health with the consent of the director of the
 2 department of corrections of the department of social services
 3 may order the patient to be transferred to the Iowa security
 4 medical facility, provided that the executive head of the
 5 institution from which the patient is to be transferred, with
 6 the support of a majority of his medical staff recommends
 7 the transfer in the interest of the patient, other patients
 8 or the public. If the patient transferred was hospitalized
 9 pursuant to sections 229.6 to 229.15, the transfer shall be
 10 promptly reported to the court which hospitalized the patient,
 11 as required by section 229.15, subsection 3. The Iowa security
 12 medical facility shall have the same rights, duties and
 13 responsibilities with respect to the patient as the institution
 14 from which the patient was transferred had while the patient
 15 was hospitalized there. The cost of the transfer shall be
 16 paid from the funds of the institution from which the transfer
 17 is made.

18 Sec. 107. Section two hundred eighteen point ninety-five
 19 (218.95), Code 1977, is amended by striking subsection five
 20 (5).

21 Sec. 108. Section two hundred twenty-three point one
 22 (223.1), Code 1977, is amended to read as follows:

23 223.1 INSTITUTION ESTABLISHED. There is hereby established
 24 an institution for persons displaying evidence of mental
 25 illness or psychosocial disorders and requiring diagnostic
 26 services and treatment in a security setting. The institution
 27 shall be under the jurisdiction of the department of ~~social~~
 28 ~~services~~ corrections and shall be known as the Iowa security
 29 medical facility.

30 Sec. 109. Section two hundred twenty-three point two
 31 (223.2), Code 1977, is amended to read as follows:

32 223.2 SUPERINTENDENT. A superintendent of the Iowa medical
 33 facility shall be appointed ~~as designated in section 248.9~~
 34 by the director of the department of corrections with the
 35 approval of the board of corrections. The superintendent

1 shall be a reputable and qualified person experienced in the
2 administration of programs for the care and treatment of
3 persons afflicted with mental disorders and with such other
4 qualifications as the department deems necessary.

5 Sec. 110. Section two hundred twenty-three point three
6 (223.3), subsections one (1) and four (4), Code 1977, are
7 amended to read as follows:

8 1. Perform all duties required by law and by the state
9 department of ~~social-services~~ corrections not inconsistent
10 with this chapter.

11 4. Retain custody of all patients in such manner as deemed
12 necessary and in the best interest of the patients subject
13 to the regulations of the department of ~~social-services~~
14 corrections.

15 Sec. 111. Section two hundred twenty-three point four
16 (223.4), subsection one (1), Code 1977, is amended to read
17 as follows:

18 1. Residents of any institution under the jurisdiction
19 of the department of social services or the department of
20 corrections.

21 Sec. 112. Section two hundred twenty-three point eight
22 (223.8), subsection seven (7), Code 1977, is amended to read
23 as follows:

24 7. Transferees from other institutions under the juris-
25 diction of the department of social services or the department
26 of corrections shall be considered a responsibility of the
27 state.

28 Sec. 113. Section two hundred thirty-two point thirty-
29 four (232.34), subsection four (4), Code 1977, is amended
30 to read as follows:

31 4. Commit the child to the ~~commissioner-of-social-ser-~~
32 ~~vices~~ director of the department of corrections or his designee
33 for placement.

34 Sec. 114. Section two hundred thirty-two point thirty-
35 five (232.35), Code 1977, is amended to read as follows:

1 232.35 COMMITMENT TO STATE COMMISSIONER OR DIRECTOR.

2 Commitment to the state commissioner or the director of the
3 department of corrections shall vest guardianship of the per-
4 son of the child so committed in the state commissioner or
5 the director and shall terminate the court's jurisdiction.

6 Sec. 115. Section two hundred thirty-four point thirty-
7 five (234.35), subsections one (1) and two (2), Code 1977,
8 are amended to read as follows:

9 1. When a court has committed the child to the commissioner
10 of social services or his designee or the director of correc-
11 tions or his designee.

12 2. When a court has transferred legal custody of the child
13 to the department of social services or the department of
14 corrections.

15 Sec. 116. Section two hundred thirty-four point thirty-
16 six (234.36), Code 1977, is amended to read as follows:

17 234.36 WHEN COUNTY TO PAY FOSTER CARE COSTS. Each county
18 shall pay from the county mental health and institutions fund
19 as provided by section 444.12, subsection 2, the cost of
20 foster care for a child placed by a court as provided in
21 section 232.33, subsection 3 or 4, or section 232.34,
22 subsection 3 or 4. However, in any fiscal year for which
23 the general assembly appropriates state funds to pay for
24 foster care for children placed by courts under the statutes
25 cited in this section, the county shall become responsible
26 for these costs only when the funds so appropriated to the
27 department of social services or the department of corrections
28 for that fiscal year have been exhausted. The rate of payment
29 by the county or the state, as the case may be, under this
30 section shall be that fixed by the department of social
31 services or the department of corrections pursuant to section
32 234.38.

33 Sec. 117. Section two hundred thirty-four point thirty-
34 eight (234.38), unnumbered paragraph one (1), Code 1977, is
35 amended to read as follows:

1 For purposes of this section, "department" means the
2 department of social services or the department of corrections,
3 whichever is applicable. The department ~~of social services~~
4 ~~is authorized to~~ may make payments directly to foster parents
5 for services provided to children pursuant to section 234.6,
6 subsection 7, paragraph "b", or sections 234.35 and 234.36.
7 The rate of payment by the department for foster care shall
8 be fixed by the department by rules adopted pursuant to chapter
9 17A. Payments may be made from any money legally available
10 to the department for that purpose, including but not limited
11 to funds appropriated by the general assembly, money available
12 under section 234.37, and money received from the parent or
13 legal guardian of a child to pay for that child's foster care.

14 Sec. 118. Section two hundred forty-two point one (242.1),
15 Code 1977, is amended to read as follows:

16 242.1 OFFICIAL DESIGNATION. The state training school
17 at Eldora shall be known as the "Iowa Training School for
18 Boys". The state training school at Mitchellville shall be
19 known as the "Iowa Training School for Girls". For the purpose
20 of this chapter the word "director" or "state director" shall
21 mean the director of the ~~division of child and family ser-~~
22 ~~vices of the~~ department of ~~social services~~ corrections.

23 Sec. 119. Section two hundred forty-two point fourteen
24 (242.14), Code 1977, is amended to read as follows:

25 242.14 TRANSFERS TO OTHER INSTITUTIONS. The state direc-
26 tor may transfer to the schools minor wards of the state from
27 any institution under his charge but no person shall be so
28 transferred who is mentally ill or mentally retarded. Any
29 child in the schools who is mentally ill or mentally retarded
30 may be transferred by the director to the proper state
31 institution. The director may accept children from the Iowa
32 juvenile home upon request from the director of the division
33 of child and family services.

34 Sec. 120. Section two hundred forty-two point fifteen
35 (242.15), unnumbered paragraph one (1), Code 1977, is amended

1 to read as follows:

2 242.15 TRANSFERS TO WORK IN PARKS. The state director
3 may detail boys and girls, classed as trustworthy, from the
4 Iowa training schools for boys at Eldora and the Iowa training
5 school for girls at Mitchellville, to perform services for
6 the state conservation commission within the state parks,
7 state game and forest areas and other lands under the
8 jurisdiction of ~~said~~ the commission. The conservation
9 commission shall provide such permanent housing and work
10 guidance supervision, but the care and custody of ~~said~~ the
11 boys and girls shall remain under employees of the ~~division~~
12 ~~of-child-and-family-services-of-the~~ department of ~~social~~
13 ~~services~~ corrections. All such programs shall have as their
14 primary purpose and shall provide for inculcation or the
15 activation of attitudes, skills and habit patterns which will
16 be conducive to the habilitation of ~~said~~ the youths.

17 Sec. 121. Section two hundred forty-four point three
18 (244.3), subsection two (2), Code 1977, is amended to read
19 as follows:

20 2. Neglected, or dependent ~~or-delinquent~~ children committed
21 thereto by the juvenile court.

22 Sec. 122. Section two hundred forty-four point five
23 (244.5), Code 1977, is amended to read as follows:

24 244.5 TRANSFERS. The state director may transfer to the
25 home minor wards of the state from any institution under the
26 state director's charge or under the charge of any other
27 director of the department of social services or under the
28 charge of the director of the department of corrections subject
29 to the director's approval; but no person shall be so
30 transferred who is not mentally normal, or who is incorrigible,
31 or has any vicious habits, or whose presence in the home would
32 be inimical to the moral or physical welfare of normal children
33 therein, and any such child in the home may be transferred
34 to the proper state institution.

35 Sec. 123. Section two hundred forty-five point one (245.1),

1 unnumbered paragraph one (1), Code 1977, is amended to read
2 as follows:

3 For the purpose of this chapter "director" or "state
4 director" shall mean the director of the division department
5 of corrections of-the-department-of-social-services.

6 Sec. 124. Section two hundred forty-five point ten
7 (245.10), Code 1977, is amended to read as follows:

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

19 Sec. 125. Section two hundred forty-five point twelve
20 (245.12), Code 1977, is amended to read as follows:

21 245.12 TRANSFER OF MENTALLY ILL. The ~~said~~ state director
22 may cause any woman committed to ~~said~~ the reformatory and
23 suspected of being mentally ill to be examined by one of the
24 superintendents or his qualified designee of a state hospital
25 for the mentally ill or transferred to the Iowa security
26 medical facility for examination. If the woman is found to
27 be mentally ill, the department of corrections may order such
28 woman transferred to or retained at a state hospital or the
29 Iowa security medical facility where she shall thereafter
30 be maintained and treated at the expense of the state until
31 such time as she regains her good mental health when she shall
32 be returned to ~~said~~ the reformatory. The cost of ~~such~~ the
33 transfer and return shall be paid as ~~heretofore~~ provided in
34 this chapter for other transfers.

35 Sec. 126. Section two hundred forty-six point one (246.1),

1 Code 1977, is amended to read as follows:

2 246.1 DEFINITIONS. For the purpose of this chapter,
3 "director" or "state director" ~~shall-mean~~ means the director
4 of the ~~division~~ department of corrections ~~of-the-department~~
5 ~~of-social-services~~.

6 Sec. 127. Section two hundred forty-six point sixteen
7 (246.16), Code 1977, is amended to read as follows:

8 246.16 TRANSFER OF MENTALLY ILL. When the ~~said~~ state
9 director has cause to believe that a ~~prisoner~~ inmate in
10 the penitentiary or reformatory is mentally ill, the department
11 of corrections may cause ~~such the~~ prisoner to be transferred
12 to the Iowa security medical facility for examination,
13 diagnosis, or treatment. The ~~prisoner~~ inmate shall be confined
14 at such institution or a state hospital for the mentally ill
15 until the expiration of his sentence or until he is pronounced
16 in good mental health. If the ~~prisoner~~ inmate is pronounced
17 in good mental health before the expiration of his sentence,
18 he shall be returned to the penitentiary or reformatory until
19 the expiration of his sentence. The provisions of the Code
20 applicable to an inmate at the correctional institution from
21 which transferred shall remain applicable during the inmate's
22 stay at the Iowa security medical facility. However, sec-
23 tions 246.32 and 246.33 shall apply to the total inmate
24 population, including both convicts and patients.

25 Sec. 128. Section two hundred forty-six A point one
26 (246A.1), Code 1977, is amended to read as follows:

27 246A.1 ESTABLISHED BY DEPARTMENT OF SOCIAL-SERVICES
28 CORRECTIONS. The department of ~~social-services-is-hereby~~
29 ~~authorized-to~~ corrections may establish a facility for the
30 preparation of all inmates of the corrective institutions
31 under the department's jurisdiction for discharge or parole.
32 The facility shall be known as the correctional release center
33 and shall be operated in conjunction with and utilize the
34 facilities of the prison honor farm at Newton, Iowa.

35 Sec. 129. Section two hundred forty-six A point two

1 (246A.2), Code 1977, is amended to read as follows:

2 246A.2 SUPERINTENDENT. The director of ~~division~~ the
3 department of corrections, subject to approval of the
4 ~~department~~ board of corrections, shall appoint a super-
5 intendent who shall serve as the chief executive of the cor-
6 rectional release center. The superintendent shall be a
7 reputable and qualified person experienced in the administra-
8 tion of programs for the rehabilitation and preparation of
9 prisoners for their return to society.

10 Sec. 130. Section two hundred forty-seven point five
11 (247.5), unnumbered paragraph one (1), Code 1977, is amended
12 to read as follows:

13 The board of parole shall determine which of the inmates
14 of the state penal institutions qualify and thereafter shall
15 be placed upon parole. Once an inmate is placed on parole
16 he shall be under the supervision of the director of the
17 ~~division-of-corrections-of-the~~ department of ~~social-services~~
18 corrections. There shall be a sufficient number of parole
19 agents to insure proper supervision of all persons placed
20 on parole. Parole agents shall not revoke the parole of any
21 person but may recommend that the board of parole revoke such
22 parole.

23 Sec. 131. Section two hundred forty-seven point six
24 (247.6), unnumbered paragraph two (2), Code 1977, is amended
25 to read as follows:

26 The director of the ~~division-of-corrections-of-the~~
27 department of ~~social-services~~ corrections shall also establish
28 rules and conditions subject to the approval of the board
29 of corrections which shall be enforced by the chief parole
30 officer and his staff regarding the supervision of parolees
31 and probationers.

32 Sec. 132. Section two hundred forty-seven point thirty-
33 one (247.31), Code 1977, is amended to read as follows:

34 247.31 AUDITOR TO REPORT STATISTICS TO CLERK. The county
35 auditor shall report to the clerk of the district court, on

1 or before July 5 of each year, the expenses of the county
2 in criminal prosecutions during the year ending June 30 pre-
3 ceding, including but distinguishing the compensation of the
4 county attorney. ~~Such~~ The report shall include all the items
5 of criminal expenses which appear in the records of his office
6 and which are required to be reported by the clerk of the
7 district court to the board of parole and the director of
8 ~~the division of corrections of the~~ department of ~~social~~
9 ~~services~~ corrections. The clerk of the district court shall
10 furnish to the auditor the blanks to be used in making such
11 report.

12 Sec. 133. Section two hundred forty-seven point thirty-
13 two (247.32), Code 1977, is amended to read as follows:

14 247.32 BIENNIAL REPORT. The board of parole and the chief
15 parole officer shall make such detailed reports to the board
16 of corrections and to the director of the division of cor-
17 ~~rections of the~~ department of ~~social-services~~ corrections
18 as are requested by ~~him and he shall forward such reports~~
19 ~~along with his personal recommendations to the commissioner~~
20 ~~of the department of social services~~ the board or the director.
21 ~~The commissioner in turn~~ director shall, biannually, at the
22 time provided by law, report to the governor a summary of
23 paroles granted and releases recommended, the names of all
24 prisoners who have violated their paroles, and such other
25 information concerning this departmental operation as may
26 be deemed advisable, including an abstract for each year of
27 the returns relative to criminal matters.

28 Sec. 134. Section two hundred forty-seven A point two
29 (247A.2), Code 1977, is amended to read as follows:

30 247A.2 PROGRAM. The department of ~~social-services~~ cor-
31 rections shall establish a work release program under which
32 inmates sentenced to an institution under the jurisdiction
33 of the department may be granted the privilege of leaving
34 actual confinement during necessary and reasonable hours for
35 the purpose of working at gainful employment in this state.

1 Under appropriate conditions the program may also include
2 release for the purpose of seeking employment and attendance
3 at an educational institution. In the case of inmates who
4 have children in their homes under the age of eighteen years,
5 the program may include child care and housekeeping in their
6 homes.

7 Sec. 135. Section two hundred forty-seven A point three
8 (247A.3), Code 1977, is amended to read as follows:

9 247A.3 COMMITTEE. A committee shall be designated by
10 the department of corrections consisting of one member of
11 the parole board or its designee, one representative of the
12 ~~division-of-corrections~~ department and one representative
13 of the institution in which the inmate is confined at the
14 time of application.

15 Sec. 136. Section two hundred forty-seven A point eight
16 (247A.8), Code 1977, is amended to read as follows:

17 247A.8 STATUS OF INMATES ON WORK RELEASE. No inmate
18 employed in the community under the provisions of this chapter
19 shall be deemed to be an agent, employee, or involuntary
20 servant of the department of ~~social-services~~ corrections while
21 released from confinement under the terms of any work release
22 plan. Should any inmate suffer an injury arising out of or
23 in the course of the inmate's employment under this chapter,
24 the inmate's recovery shall be from the insurance carrier
25 of the employer of the project and no proceedings for
26 compensation shall be maintained against the insurance carrier
27 of the state institution or the state, and it is understood
28 that there is no employer-employee relationship between the
29 inmate and the state institution.

30 Sec. 137. Sections two hundred seventeen point thirteen
31 (217.13), two hundred seventeen point fourteen (217.14), two
32 hundred seventeen point twenty-two (217.22), two hundred
33 seventeen point twenty-four (217.24), two hundred seventeen
34 point twenty-five (217.25), two hundred seventeen point twenty-
35 six (217.26), two hundred seventeen point twenty-seven

1 (217.27), two hundred seventeen point twenty-eight (217.28),
2 two hundred seventeen point twenty-nine (217.29), two hundred
3 eighteen point ninety (218.90), two hundred eighteen point
4 ninety-one (218.91) and two hundred eighteen point ninety-
5 seven (218.97), Code 1977, are repealed.

6 Sec. 138. The terms of the initial members of the board
7 of corrections appointed pursuant to section three (3) of
8 this Act shall be as follows:

9 One member shall serve until June 30, 1979.

10 Two members shall serve until June 30, 1980.

11 Two members shall serve until June 30, 1981.

12 Sec. 139. This Act is effective January 1, 1978.

13 EXPLANATION

14 This bill creates a department of corrections to assume
15 the duties and responsibilities of the present division of
16 corrections of the department of social services and a portion
17 of the responsibilities presently vested in the division of
18 child and family services. The new department would be
19 responsible for the administration of, and the control,
20 treatment and rehabilitation of persons committed to, the
21 training school for boys, the training school for girls, the
22 women's reformatory, the men's reformatory, the state
23 penitentiary, the Iowa security medical facility, the
24 correctional release center, camps, and other institutions
25 not attached to the campus of the main institution as program
26 developments require.

27 The general administration of the department is placed
28 with the board of corrections created in this Act, while the
29 director, who is appointed by the board, performs supervisory
30 responsibilities.

31
32
33
34
35