

State Book

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SENATE FILE 2262

By JUNKINS

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 the
2 powers and duties thereof, appropriating moneys and
3 providing penalties.

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

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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 Sec. 2. NEW SECTION. DEPARTMENT ESTABLISHED. There is
10 established a department of corrections which shall be
11 responsible for the control, treatment, and rehabilitation
12 of adult and juvenile offenders committed under law to the
13 following institutions:

14 1. Iowa training school for boys.

15 2. Iowa training school for girls.

16 3. Women's reformatory.

17 4. Men's reformatory.

18 5. State penitentiary.

19 6. Iowa security medical facility.

20 7. Correctional release center.

21 8. Camps.

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

24 The department shall administer the institutions listed
25 in subsections one (1) through nine (9) of this section.

26 Sec. 3. NEW SECTION. BOARD CREATED. There is created
27 within the department a board of corrections which shall
28 consist of five members appointed by the governor with the
29 consent of two-thirds of the senate. Not more than three
30 of the members shall be from the same political party. Members
31 shall be electors of this state and each member shall be a
32 resident of a different congressional district. The term
33 of each member shall be four years.

34 Vacancies occurring during a term of office shall be filled
35 in the same manner as the original appointment was made, for

1 the balance of the unexpired term subject to the approval
2 of the senate at its next regular session.

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

5 1. Organize annually and select a chairperson and vice
6 chairperson.

7 2. Adopt and establish policies for the operation and
8 conduct of the department and the implementation of all
9 department programs.

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

12 4. Report immediately to the governor any failure by the
13 director of the department to carry out any of the policy
14 decisions or directives of the board.

15 5. Approve the budget of the department prior to submission
16 to the governor.

17 6. Adopt rules in accordance with the provisions of chapter
18 seventeen A (17A) of the Code as the board deems necessary
19 to transact its business and for the administration and
20 exercise of its powers and duties.

21 7. Perform other functions as provided by law.

22 Sec. 5. NEW SECTION. MEETINGS. The board shall meet
23 at least twelve times a year. Special meetings may be called
24 by the chairperson or upon written request of any three members
25 of the board. The chairperson shall preside at all meetings
26 or in the chairperson's absence, the vice chairperson shall
27 preside. The members of the board shall be paid forty dollars
28 per diem while in session, and their reasonable and necessary
29 expenses while attending the meetings.

30 Sec. 6. NEW SECTION. DIRECTOR--APPOINTMENT AND
31 QUALIFICATIONS. There shall be a director of corrections
32 who shall be the chief administrative officer for the
33 department of corrections. The director shall be appointed
34 by the board and shall serve at the pleasure of the board.
35 The director shall be qualified in reformatory and prison

1 management. The director shall also have experience in the
2 field of criminology and discipline and in the supervision
3 of inmates in corrective penal institutions. The director
4 shall not be selected on the basis of political affiliation
5 and shall not engage in political activity while employed
6 as the director. The director shall not hold any other office
7 under the laws of the United States or of this or any state
8 or hold any position for profit and shall devote his or her
9 entire time to the duties of office.

10 Sec. 7. NEW SECTION. DIRECTOR--DUTIES AND RESPONSI-
11 BILITIES. The director shall have the following powers,
12 duties and responsibilities:

13 1. Supervise the operations of the institutions under
14 the department's control.

15 2. Supervise state agents whose duties relate primarily
16 to the department.

17 3. Establish and maintain acceptable standards of
18 treatment, training, education and rehabilitation in the
19 various state penal and corrective institutions.

20 4. Employ personnel as necessary for the performance of
21 duties and responsibilities assigned to the department.
22 Employees shall be selected on the basis of fitness for work
23 to be performed with due regard to training and experience
24 and shall be subject to the provisions of chapter nineteen
25 A (19A) of the Code.

26 5. Examine all state institutions which are penal,
27 reformatory or corrective to determine their efficiency for
28 adequate care, custody and training of their inmates and
29 report the findings to the board.

30 6. Prepare a budget for the department, subject to the
31 approval of the board, and other reports as required by law.

32 7. Supervise persons placed on parole by the parole board
33 and develop and administer additional programs of
34 rehabilitation for persons on parole that will insure their
35 adjustment to society.

1 8. Supervise rehabilitation camps within the state.
2 Persons committed to institutions under the department may
3 be transferred to the facilities of the camp system and upon
4 transfer shall be subject to the same laws as pertain to the
5 transferring institution.

6 9. The director, with the express approval of the board,
7 may establish for any inmate sentenced pursuant to section
8 nine hundred two point three (902.3) of the Code a furlough
9 program under which inmates sentenced to and confined in any
10 institution under the jurisdiction of the department may be
11 temporarily released. Furloughs for a period not to exceed
12 fourteen days may be granted when an immediate member of the
13 inmate's family is seriously ill or has died, when an inmate
14 is to be interviewed by a prospective employer, or when an
15 inmate is authorized to participate in a training program
16 not available within the institution. Furloughs for a period
17 not to exceed fourteen days may also be granted in order to
18 allow the inmate to participate in programs or activities
19 that serve rehabilitative objectives.

20 10. The director shall promulgate rules subject to the
21 approval of the board, pertaining to the internal management
22 of institutions and agencies under the director's charge and
23 necessary to carry out the duties and responsibilities outlined
24 in this section.

25 Sec. 8. NEW SECTION. OFFICIAL SEAL. The department shall
26 have an official seal with the words "Iowa Department of
27 Corrections" and such other design as the department prescribes
28 engraved thereon. Every commission, order, or other paper
29 of an official nature executed by the department may be
30 attested with the seal.

31 Sec. 9. NEW SECTION. TRAVEL EXPENSES. The director of
32 the department, staff members, assistants and employees shall,
33 in addition to salary, receive their necessary traveling ex-
34 penses by the nearest traveled and practicable route, when
35 engaged in the performance of official business. Permis-

1 sion shall not be granted to any person to travel to another
2 state except by approval of the board and the executive
3 council.

4 Sec. 10. NEW SECTION. REPORT BY DEPARTMENT. Annually
5 at the time provided by law the department shall make a re-
6 port to the governor and the general assembly, which shall
7 cover the annual period ending with June thirtieth preceding
8 the date of the report and shall include:

9 1. An itemized statement of the department's expendi-
10 tures for each program under the department's administra-
11 tion.

12 2. Adequate and complete statistical reports for the state
13 as a whole concerning payments made under the department's
14 administration.

15 3. Recommendations concerning changes in laws under the
16 department's administration as the board deems necessary.

17 4. Observations and recommendations of the board and the
18 director relative to the programs of the department.

19 5. Other information the board or the director deems
20 advisable, or which is requested by the governor or the general
21 assembly.

22 Sec. 11. NEW SECTION. CONFIDENTIALITY OF RECORDS--RE-
23 PORT.

24 1. The following information relative to individuals
25 receiving services from the department shall be held con-
26 fidential:

27 a. Names and addresses of individuals receiving services
28 from the department, and the types of services or amounts
29 of assistance provided, except as otherwise provided in
30 subsection four (4) of this section.

31 b. Information concerning the social or economic con-
32 ditions or circumstances of particular individuals who are
33 receiving or have received services or assistance from the
34 department.

35 c. Agency evaluations of information about a particular

1 individual.

2 d. Medical or psychiatric data, including diagnosis and
3 past history of disease or disability, concerning a particular
4 individual.

5 2. Information described in subsection one (1) of this
6 section shall not be disclosed to or used by any person or
7 agency except for purposes of administration of the depart-
8 ment's programs of services or assistance and shall not in
9 any case, except as otherwise provided in subsection four
10 (4), unnumbered paragraph two (2) of this section, be disclosed
11 to or used by persons or agencies outside the department
12 unless they are subject to standards of confidentiality
13 comparable to those imposed on the department by this section.

14 3. This section does not restrict the disclosure or use
15 of information regarding the cost, purpose, number of persons
16 served or assisted by, and results of any program administered
17 by the department, and other general and statistical
18 information, so long as the information does not identify
19 particular individuals served or assisted.

20 4. The general assembly finds and determines that the
21 use and disclosure of information as provided in this sub-
22 section are for purposes directly connected with the adminis-
23 tration of the programs of services and assistance referred
24 to in this section and are essential for their proper
25 administration.

26 Confidential information described in subsection one (1),
27 paragraphs a, b and c of this section shall be disclosed
28 to public officials for use in connection with their official
29 duties relating to law enforcement, audits and other purposes
30 directly connected with the administration of the programs,
31 upon written application to and with the approval of the
32 director or the director's designee.

33 5. If it is definitely established that a provision of
34 this section would cause any of the department's programs
35 of services or assistance to be ineligible for federal funds,

1 the provision shall be limited or restricted to the extent
2 which is essential to make the program eligible for federal
3 funds. The department shall adopt, pursuant to chapter seven-
4 teen A (17A) of the Code, any rules necessary to implement
5 this subsection.

6 6. Violation of this section is a serious misdemeanor.

7 7. This section takes precedence over section seventeen
8 A point twelve (17A.12), subsection seven (7) of the Code.

9 Sec. 12. NEW SECTION. ACTION FOR DAMAGES. Any person
10 may institute a civil action for damages under chapter twenty-
11 five A (25A) of the Code or to restrain the dissemination
12 of confidential records set out in subsection one (1),
13 paragraphs b, c, or d of section eleven (11) of this Act,
14 in violation of that section, and any person, agency or
15 governmental body proven to have disseminated or to have re-
16 quested and received confidential records in violation of
17 subsection one (1), paragraphs b, c, or d of section eleven
18 (11) of this Act, is liable for actual damages and exemplary
19 damages for each violation and is liable for court costs,
20 expenses, and reasonable attorneys' fees incurred by the party
21 bringing the action. The award for damages shall not be less
22 than one hundred dollars.

23 Any reasonable grounds to believe that a public employee
24 has violated any provision of section eleven (11) of this
25 Act is grounds for immediate removal from access of any kind
26 to confidential records or suspension from duty without pay.

27 Sec. 13. NEW SECTION. INSTITUTIONS CONTROLLED. The
28 director of the department shall control, manage, direct and
29 operate the institutions under the jurisdiction of the
30 department, and may delegate the powers and authorities given
31 the director by statute to any one of the officers or employees
32 of the department.

33 Sec. 14. NEW SECTION. POWERS OF GOVERNOR--REPORT OF
34 ABUSES. Section thirteen (13) of this Act does not limit
35 the general supervisory or examining powers vested in the

1 governor by the laws or constitution of the state, or legally
2 vested by the governor in a committee appointed by the
3 governor.

4 The superintendent of an institution shall make reports
5 to the board and the director as requested by the board and
6 the director and the director shall report, in writing, to
7 the governor any abuses found to exist in any of the
8 institutions.

9 Sec. 15. NEW SECTION. APPOINTMENT OF SUPERINTENDENTS.
10 The director shall appoint, subject to the approval of the
11 board, the superintendents of the state penitentiary, the
12 men's reformatory, the Iowa security medical facility, the
13 women's reformatory, the Iowa training school for boys, and
14 the Iowa training school for girls.

15 The superintendent has the immediate custody and control,
16 subject to the orders and policies of the director, of all
17 property used in connection with the institution except
18 otherwise as provided by statute. The tenure of office of
19 a superintendent shall be at the pleasure of the appointing
20 authority but a superintendent may be removed for inability
21 or refusal to properly perform the duties of the office.
22 Removal shall occur only after an opportunity is given the
23 person to be heard before the board and the director and upon
24 preferred written charges. The removal when made shall be
25 final.

26 Sec. 16. NEW SECTION. BUSINESS MANAGERS. The superin-
27 tendent of each of the institutions shall appoint a business
28 manager with the approval of the director and the board.
29 The business manager shall hold no other office and shall
30 act in no other capacity at the institution to which he or
31 she has been appointed, nor shall the business manager be
32 eligible for any other office, elective or appointive, in
33 the state during his or her term of service but shall devote
34 his or her time entirely to the duties as business manager
35 of the institution to which he or she is appointed. The

1 business manager shall receive compensation as ordered by
2 the director and shall hold office at the pleasure of the
3 director and the board.

4 Sec. 17. NEW SECTION. DUTIES OF BUSINESS MANAGERS AND
5 PROHIBITIONS. Subject to the direction of the director and
6 to the written request of the auditor of state made to the
7 director, the business manager shall:

8 1. Be the general business manager of the institution
9 to which appointed and have complete charge and supervision
10 over all business matters and financial affairs relating to
11 the institution, including the general institution, farms
12 and gardens and all industries engaged in at the institution.

13 2. Have the powers and be charged with the duties and
14 responsibilities of paying inmate wages as provided for in
15 section forty-three (43) of this Act.

16 3. Have complete charge of all of the accounting and all
17 other statistical records and keep them in a manner as
18 prescribed by the state comptroller.

19 4. Have complete control and be charged with the full
20 accountability of property and moneys of the institution.

21 5. Have complete charge and supervision over the condition
22 and repair of buildings, improvements, equipment and property
23 of the institution subject to the approval of the
24 superintendent in instances where the equipment is used
25 directly in the medical, mental, moral or therapeutic treatment
26 or care of the inmates.

27 6. Have charge and be accountable for all of the livestock
28 at the institution but the business manager shall not exhibit
29 the livestock at state and county fairs or livestock shows.

30 7. Have the power to appoint, direct and discharge all
31 employees excepting doctors, nurses, ward attendants,
32 laboratory technicians or assistants and all other personnel
33 charged with the medical, mental or therapeutical treatment
34 or care of any inmate of the institution, which personnel
35 shall be appointed, directed and discharged by the

1 superintendent. However, the business manager shall be charged
2 with the keeping of all records provided for in section twenty-
3 one (21) of this Act relating to the entire personnel of the
4 institution.

5 8. Exercise no control or direction over the medical,
6 mental, moral or therapeutical care or treatment of any inmate
7 of the institution, or over the doctors, orderlies, nurses,
8 ward attendants, laboratory technicians and all other personnel
9 directly charged with the medical, mental or therapeutical
10 care or treatment of any inmate but shall report all violations
11 to the superintendent. The control and direction of employees
12 by the superintendent, is confined to the doctors, orderlies,
13 nurses, ward attendants, laboratory and other personnel
14 directly charged with the medical, mental, moral or
15 therapeutical care or treatment of any inmate of the
16 institution.

17 Sec. 18. NEW SECTION. ACCOUNTING AND REPORTS. The di-
18 rector shall have sole charge of abstracting and certifying
19 claims for payment and the keeping of central and uniform
20 accounts in the institutions. The system shall be prescribed
21 by the state comptroller according to section eight point
22 six (8.6), subsection four (4) of the Code, and shall show
23 the detailed facts relative to the handling and use of all
24 purchases. The business manager shall be responsible to the
25 director and shall file accounting and other statistical
26 reports and statements with the auditor of state, as the
27 auditor may designate by written request to the director,
28 at times and periods as the auditor requires.

29 Sec. 19. NEW SECTION. ABSTRACT OF CLAIMS. When vouchers
30 for expenditures other than salaries have been duly audited
31 as provided for in section eight point six (8.6) of the Code,
32 the audited vouchers shall be submitted to the state
33 comptroller who shall prepare in triplicate an abstract of
34 claims submitted showing the name of the claimant and the
35 institutions and fund from which the payment is made. The

1 claims and abstracts of claims shall then be returned to the
2 director for certification as to their correctness. The
3 original abstract shall be delivered to the state comptroller,
4 the duplicate shall be retained in the office of the director
5 and the triplicate forwarded to the proper institution to
6 be retained there as a record of claims paid.

7 Sec. 20. NEW SECTION. WARRANTS ISSUED BY COMPTROLLER.

8 Upon certification by the director the state comptroller
9 shall, if the institution named has sufficient funds, issue
10 warrants upon the treasurer of state for the amounts and to
11 the claimants indicated. The comptroller shall deliver the
12 warrants to the director who shall cause the warrants to be
13 transmitted to the payees.

14 Sec. 21. NEW SECTION. SUBORDINATE OFFICERS AND EMPLOYEES.

15 The director shall determine the number and compensation of
16 subordinate officers and employees for each institution.
17 Subject to sections one (1) through seventy-two (72) of this
18 Act, the officers and employees shall be appointed and
19 discharged by the superintendent or business manager. Such
20 officer shall keep, in the record of each subordinate officer
21 and employee, the date of employment, the compensation, and
22 the date of and reasons for each discharge. All employees
23 except physicians and surgeons shall be bona fide residents
24 and citizens of the state of Iowa at the time of employment.
25 An exception to this provision of residence may be granted
26 by the director for the sole purpose of securing professional
27 or scientific services which are unavailable from among the
28 citizens of the state of Iowa.

29 Sec. 22. NEW SECTION. BONDS. The director shall re-
30 quire officers and employees of institutions under the
31 director's control who are charged with the custody or control
32 of money or property belonging to the state, to give an
33 official bond properly conditioned and signed by sufficient
34 sureties in a sum to be fixed by the director. The bond shall
35 be subject to approval by the director and filed in the office

1 of the secretary of state.

2 Sec. 23. NEW SECTION. SALARIES. Annually on each
3 employee's employment anniversary date the director shall
4 review and fix the annual, monthly, or semimonthly salaries
5 of the employees, except salaries fixed by the general
6 assembly. The director shall classify the officers and
7 employees into grades and the salary and wages to be paid
8 in each grade shall be uniform in similar institutions. The
9 salaries and wages shall be included in the semimonthly
10 payrolls and paid in the same manner as other expenses of
11 the institutions.

12 Sec. 24. NEW SECTION. INSTITUTIONAL PAYROLLS. At the
13 close of each pay period, the superintendent of each institu-
14 tion or business manager, shall prepare and forward to the
15 director a semimonthly payroll which shall show the name of
16 each officer and employee, the semimonthly pay, time paid
17 for, amount of pay, and any deductions. A substitute shall
18 not be permitted to receive compensation in the name of the
19 employee for whom the substitute is acting.

20 Sec. 25. NEW SECTION. ABSTRACTS OF PAYROLL. After the
21 payroll has been audited as provided for in section eight
22 point six (8.6) of the Code, audited payroll vouchers shall
23 be submitted to the state comptroller who shall prepare in
24 triplicate an abstract, and shall draw one warrant for the
25 total of the payroll in favor of the institution which
26 submitted the payroll voucher.

27 Sec. 26. NEW SECTION. DWELLING HOUSE AND PROVISIONS.
28 The director may furnish the superintendent of each insti-
29 tution, in addition to salary, with a dwelling house or with
30 appropriate quarters in lieu of a house or the director may
31 compensate the superintendent of each institution in lieu
32 of furnishing a house or quarters. If a superintendent is
33 furnished with a dwelling house or quarters, either of which
34 is owned by the state, the superintendent may also be furnished
35 with water, heat, and electricity.

1 Sec. 27. NEW SECTION. ANNUITY CONTRACTS FOR EMPLOYEES.

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

16 Sec. 28. NEW SECTION. AUTHORITY FOR VACATION. Vaca-

17 tions and sick leave with pay as authorized in section seventy-
18 nine point one (79.1) of the Code shall only be taken at such
19 times as the superintendent or the business manager, whichever
20 is in charge of the officer or employee, directs, and only
21 after written authorization by that officer, and for the
22 number of days specified in the authorization. A copy of
23 the permit shall be attached to the institution's copy of
24 the payroll of the institution, for audit purposes, for the
25 period during which the vacation was taken, and the semimonthly
26 payroll shall show the number of days the person was absent
27 under the permit.

28 Sec. 29. NEW SECTION. RECORD OF EMPLOYEES AND INMATES.

29 The director shall require the proper officer of each insti-
30 tution to keep a record prepared for the purpose, with entries
31 to be made each day, of the number of hours of service of
32 each employee. The semimonthly payroll shall be made from
33 and in accord with the record. When an appropriation is based
34 on the number of inmates in or persons at an institution the
35 director shall require a daily record to be kept of the persons

1 actually residing at and domiciled in the institution.

2 Sec. 30. NEW SECTION. TRANSFER OF INMATES. The director
3 may transfer at the expense of the state an inmate of one
4 institution to another similar institution under the director's
5 control. The director may transfer an inmate under the
6 director's jurisdiction from any institution supervised by
7 the director to another institution under the control of a
8 director of a division of the department of social services
9 with the consent and approval of the other director and may
10 transfer an inmate to any other institution for mental or
11 physical examination or treatment retaining jurisdiction over
12 the inmate when so transferred.

13 Sec. 31. NEW SECTION. RECORD OF INMATES. The director
14 shall keep the following record of every person committed
15 to any of the department's institutions: Name, residence,
16 sex, age, place of birth, occupation, civil condition, date
17 of entrance or commitment, date of discharge, whether a
18 discharge is final, condition of the person when discharged,
19 the name of the institutions from which and to which the
20 person has been transferred, and if the person is dead, the
21 date and cause of death.

22 Sec. 32. NEW SECTION. RECORD PRIVILEGED. Except with
23 the consent of the director, or on an order of the district
24 court, the record provided in section thirty-one (31) of this
25 Act shall be accessible only to the board and the director
26 and to assistants and proper clerks authorized by the director.
27 The director may permit the state libraries and the Iowa state
28 historical department's division of historical museum and
29 archives to copy or reproduce by any photographic, photostatic,
30 microfilm, microcard or other process which accurately
31 reproduces in a durable medium and to destroy in the manner
32 described by law the records of inmates required in section
33 thirty-one (31) of this Act.

34 Sec. 33. NEW SECTION. REPORTS TO DIRECTOR. The superin-
35 tendent of each institution shall, within ten days after the

1 commitment or entrance of a person to the institution, cause
2 a true copy of the person's entrance record to be made and
3 forwarded to the director. When an inmate leaves, is dis-
4 charged, transferred, or dies in any institution, the super-
5 intendent or person in charge shall within ten days thereafter
6 send the information to the office of the director on forms
7 which the director prescribes.

8 Sec. 34. NEW SECTION. QUESTIONABLE COMMITMENT. The
9 superintendent is required to immediately notify the director
10 if there is any question as to the propriety of the commit-
11 ment or detention of any person received at the institution,
12 and the director upon notification shall inquire into the
13 matter presented, and take action proper in the premises.

14 Sec. 35. NEW SECTION. RELIGIOUS BELIEFS. The superin-
15 tendent receiving a person committed to any of the institu-
16 tions shall determine the person's religious preference and
17 enter the same in a book kept for that purpose, and cause
18 the person to sign the entry. If the inmate is a minor and
19 has formed no choice, his or her preference may be expressed
20 at any later time by the minor.

21 Sec. 36. NEW SECTION. RELIGIOUS WORSHIP. Any inmate,
22 during the time of detention, shall be allowed for at least
23 one hour on each Sunday or other holy day in times of extreme
24 sickness, and at other suitable and reasonable times consistent
25 with proper discipline in the institution, to receive spiritual
26 advice, instruction, and ministration from any recognized
27 clergyman of the denomination which represents the inmate's
28 religious belief.

29 Sec. 37. NEW SECTION. INVESTIGATION. The director or
30 an authorized officer or employee of the director shall visit
31 and inspect, at least once in six months or more often if
32 necessary or required by law, the institutions under the
33 director's control, and the financial condition and management
34 thereof.

35 Sec. 38. NEW SECTION. SCOPE OF INVESTIGATION. The di-

1 rector shall during the investigation and as far as possible,
2 see every inmate of each institution, especially those admitted
3 since the preceding visit, and shall give the inmates suitable
4 opportunity to converse with the director apart from the
5 officers and attendants.

6 Sec. 39. NEW SECTION. INVESTIGATION OF OTHER INSTITUTIONS.
7 The director may investigate charges of abuse, neglect or
8 mismanagement on the part of any officer or employee of any
9 public or private institution which is subject to the
10 director's supervision or control.

11 Sec. 40. NEW SECTION. WITNESSES. In aid of any
12 investigation, the director may:

13 1. Summon and compel the attendance of witnesses.

14 2. Examine the witnesses under oath, which the director
15 may administer.

16 3. Have access to all books, papers, and property material
17 to the investigation.

18 4. Order the production of any other books or papers
19 material to the investigation.

20 Witnesses other than those in the employ of the state are
21 entitled to the same fees as in civil cases in the district
22 court.

23 Sec. 41. NEW SECTION. CONTEMPT. Any person failing or
24 refusing to obey the orders of the director issued under
25 section forty (40) of this Act, or failing or refusing to
26 give or produce evidence when required, shall be reported
27 by the director to the district court in the county where
28 the offense occurs and shall be dealt with by the court as
29 for contempt of court.

30 Sec. 42. NEW SECTION. TRANSCRIPT OF TESTIMONY. The di-
31 rector shall cause the testimony taken at the investigation
32 to be transcribed and filed in the director's office at the
33 seat of government within ten days after the testimony is
34 taken, or as soon as practicable, and when filed the testimony
35 shall be open for the inspection of any person.

1 Sec. 43. NEW SECTION. SERVICES REQUIRED--WAGES. Inmates
2 of the institutions subject to the provisions of sections
3 one (1) through seventy-two (72) of this Act may be required
4 to render any proper and reasonable service either in the
5 institutions proper or in the industries established in
6 connection with them. When an inmate of an institution is
7 working outside the institution proper, the inmate shall be
8 deemed at all times in the actual custody of the superintendent
9 of the institution.

10 The director may when practicable pay the inmate a wage
11 as the director deems proper in view of the circumstances,
12 and in view of the cost attending the maintenance of the
13 inmate. The wage shall not exceed the amount paid to free
14 labor for a like or equivalent service.

15 Sec. 44. NEW SECTION. DEDUCTION TO PAY COURT COSTS OR
16 DEPENDENTS--DEPOSITS. If wages are paid pursuant to section
17 forty-three (43) of this Act, the director may deduct an
18 amount sufficient to pay all or a part of the costs taxed
19 to the inmate by reason of the inmate's commitment to the
20 institution. The amount deducted shall be forwarded to the
21 clerk of the district court or proper official. The director
22 may pay all or any part of wages paid pursuant to section
23 forty-three (43) of this Act directly to a dependent of the
24 inmate, or may deposit the wage to the account of the inmate,
25 or may deposit a portion and allow the inmate a portion for
26 the inmate's personal use.

27 Sec. 45. 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 the
30 director's jurisdiction, for the consideration of all matters
31 relative to the management of the institutions. Full minutes
32 of the meetings shall be preserved in the records of the
33 director. The director may cause papers to be prepared and
34 read at the conferences on appropriate subjects.

35 Sec. 46. NEW SECTION. SCIENTIFIC INVESTIGATION.

1 1. The director shall encourage the scientific investiga-
2 tion, on the part of the superintendents and medical staffs
3 of the institutions, as to the most successful methods of
4 managing the institutions and treating the persons committed
5 to them, shall procure and furnish to the superintendents
6 and staffs information relative to management and treatment,
7 and shall publish bulletins and reports of scientific and
8 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 the director's responsibility.
12 Application by, or on behalf of any person for such services
13 and facilities shall be made to the director in charge of
14 the particular institution involved and shall be made on forms
15 furnished by the director. The time and place of admission
16 of any person to outpatient or clinical services and facilities
17 for scientific observation, rechecking and treatment and the
18 use of the services and facilities for the benefit of per-
19 sons who have already been hospitalized for psychiatric
20 evaluation and appropriate treatment or involuntarily
21 hospitalized as seriously mentally ill shall be in accordance
22 with rules adopted by the director.

23 Sec. 47. NEW SECTION. DIAGNOSTIC CLINIC--INFORMATION
24 FURNISHED. The director may provide facilities and personnel
25 for a diagnostic clinic. The work of the clinic shall in-
26 clude a scientific study of each inmate, the inmate's career
27 and life history, the causes of the inmate's criminal acts
28 and recommendations for the inmate's custody, care, training,
29 employment and counseling with a view to rehabilitation and
30 to the protection of society. To facilitate the work of the
31 clinic and to aid in the rehabilitation of the inmates, the
32 trial judge and prosecuting attorney, and presentence
33 investigators shall furnish the director upon request with
34 a full statement of facts and circumstances attending the
35 commission of the offense so far as known or believed by them.

1 Sec. 48. NEW SECTION. MONTHLY REPORT. On the first day
2 of each month, the superintendent of each institution or
3 business manager shall account to the director for all state
4 funds received during the preceding month and at the same
5 time shall remit the same to the treasurer of state.

6 Sec. 49. NEW SECTION. ANNUAL REPORTS. The superinten-
7 dent or business manager of each institution shall make an
8 annual report to the director. The report shall include a
9 detailed and accurate inventory of the stock and supplies
10 on hand, and the amount and value thereof, under the following
11 headings; livestock, farm produce on hand, vehicles,
12 agricultural implements, machinery, mechanical fixtures, real
13 estate, furniture, and bedding in inmates' department, state
14 property in superintendent's department, clothing, dry goods,
15 provisions and groceries, drugs and medicine, fuel, library,
16 and all other state property under appropriate headings to
17 be determined by the director.

18 Sec. 50. NEW SECTION. CONTINGENT FUND. The director
19 may permit the superintendent or the business manager of each
20 institution to retain a stated amount of funds in his or her
21 possession as a contingent fund for the payment of freight,
22 postage, commodities purchased on authority of the director
23 involved on a cash basis, salaries, and bills granting dis-
24 count for cash. If necessary, the director shall make proper
25 requisition upon the state comptroller for a warrant on the
26 treasurer of state to secure the contingent fund for each
27 institution. A monthly report of the status of the contin-
28 gent fund shall be submitted by the business manager of the
29 institution to the director, according to rules prescribed
30 by the director.

31 Sec. 51. NEW SECTION. SUPPLIES--COMPETITION. In the
32 purchase of supplies, the director shall afford all reason-
33 able opportunity for competition, and shall give preference
34 to local dealers and Iowa producers when it can be done without
35 loss to the state. Jobbers or others who wish to sell

1 supplies, by filing with the director a memorandum showing
2 their address and business, shall be afforded an opportunity
3 to compete for the furnishing of supplies, under rules the
4 director prescribes.

5 Sec. 52. NEW SECTION. PURCHASE OF SUPPLIES. The direc-
6 tor shall adopt and make of record rules governing the purchase
7 of all articles and supplies needed at the various institutions
8 and the form and verification of vouchers for the purchases.
9 When purchases are made by sample, the sample shall be properly
10 marked and retained until after an award or delivery of the
11 items is made. The director may purchase supplies of any
12 institution under the director's control, for use in any other
13 institution, and reasonable payment shall be made as in case
14 of other purchases.

15 Sec. 53. NEW SECTION. CENTRAL WAREHOUSE AND SUPPLY DEPOT.
16 The department shall establish a fund for maintaining and
17 operating a central warehouse as a supply depot and
18 distribution facility for surplus government products, carload
19 canned goods, paper products, other staples and other items
20 as determined by the department. The fund shall be permanent
21 and shall be composed of the receipts from the sales of
22 merchandise, recovery of handling, operating and delivery
23 charges of merchandise and from the funds contributed by the
24 institutions in a contingent fund established pursuant to
25 section two hundred eighteen point one hundred (218.100) of
26 the Code, being used for this purpose. All claims for
27 purchases of merchandise, operating and salary expenses are
28 subject to the provisions of sections nineteen (19), twenty
29 (20), twenty-four (24) and twenty-five (25) of this Act.

30 Sec. 54. NEW SECTION. COMBINING APPROPRIATIONS. The
31 state comptroller may combine the balances carried in all
32 specific appropriations into a special account for each
33 institution under the control of the director, except that
34 the support fund for each institution shall be carried as
35 a separate account.

1 Sec. 55. NEW SECTION. STATE ARCHITECT. The director
2 may employ a competent architect, and draftsmen as authorized
3 by law. The architect shall, in addition to salary, be
4 reimbursed for his or her actual and necessary expenses within
5 the state while engaged in official business. The director
6 may make arrangements with the commissioner of the department
7 of social services for use of the department's architect
8 employed pursuant to section two hundred eighteen point fifty-
9 eight (218.58) of the Code. The director may secure the
10 advice of a consulting architect, or may secure plans and
11 specifications from other architects, at a cost not exceeding
12 one thousand five hundred dollars in any year, unless a larger
13 amount is approved by the executive council.

14 Sec. 56. NEW SECTION. PLANS AND SPECIFICATIONS. The
15 director shall cause plans and specifications to be prepared
16 for all improvements authorized and costing over five thousand
17 dollars. An appropriation for any improvement shall not be
18 expended until the adoption of suitable plans and
19 specifications, prepared by a competent architect and
20 accompanied by a detailed statement of the amount, quality,
21 and description of all material and labor required for the
22 completion of the improvement.

23 A plan shall not be adopted, and an improvement shall not
24 be constructed, which contemplates an expenditure of money
25 in excess of the appropriation.

26 Sec. 57. NEW SECTION. LETTING OF CONTRACTS--REPAIRS OR
27 ALTERATIONS. The director shall, in writing, let all contracts
28 for authorized improvements costing in excess of five thousand
29 dollars to the lowest responsible bidder, after advertise-
30 ment for bids as the director deems proper in order to secure
31 full competition. The director may reject all bids and
32 readvertise. A preliminary deposit of money or certified
33 check upon a solvent bank in an amount as the director pre-
34 scribes shall be required as an evidence of good faith, upon
35 all proposals for the construction of improvements. The

1 deposit or certified check shall be held under the direc-
2 tion of the director. However, if the improvement is the
3 repair or alteration of any building or grounds and is not
4 new construction and the estimated cost of the improvement
5 does not exceed twenty-five thousand dollars, the director
6 with the approval of the board may proceed with the repairs
7 or alterations under a negotiated contract on terms the
8 director and the board determine to be for the best interests
9 of the state. Upon prior authorization by the director,
10 improvements costing five thousand dollars or less may be
11 made by the superintendent of any institution by day labor
12 subject to the approval of the director.

13 Contracts are not required for improvements at any state
14 institution where the labor of inmates is to be utilized on
15 the particular work to be done, to the advantage of the inmates
16 or of the state.

17 Sec. 58. NEW SECTION. PAYMENT FOR IMPROVEMENTS. Pay-
18 ment shall not be authorized for construction purposes until
19 satisfactory proof has been furnished to the director by the
20 proper officer or supervising architect, that the contract
21 has been complied with by the parties. All payments shall
22 be made in a manner similar to that in which the current
23 expenses of the institutions are paid.

24 Sec. 59. NEW SECTION. PROPERTY OF DECEASED INMATE. Upon
25 the death of an inmate, the superintendent or business manager
26 of the institution shall immediately take possession of the
27 decedent's property left at the institution and shall deliver
28 the property to the duly appointed and qualified represen-
29 tative of the deceased. However, if administration is not
30 granted within one year from the date of the death of the
31 decedent and the value of the estate of decedent is so small
32 as to make the granting of administration inadvisable, then
33 delivery of the money and other property left by the decedent
34 may be made to the surviving spouse and heirs of the decedent.
35 If administration is not granted within one year from the

1 death of decedent and no surviving spouse or heir is known,
2 the superintendent may convert the property into money and
3 in so doing the superintendent shall have the powers possessed
4 by a general administrator.

5 Sec. 60. NEW SECTION. MONEY DEPOSITED WITH TREASURER
6 OF STATE. Money from property converted pursuant to section
7 fifty-nine (59) of this Act shall be transmitted to the
8 treasurer of state as soon after one year after the death
9 of the inmate as practicable, and shall be credited to the
10 support fund of the institution of which the decedent was
11 an inmate. A complete permanent record of the money so sent,
12 showing by whom and with whom it was left, its amount, the
13 date of the death of the owner, the owner's reputed place
14 of residence before he or she became an inmate of the
15 institution, the date on which the money was sent to the
16 treasurer of state and any other facts which may tend to
17 identify the decedent and explain the case, shall be kept
18 by the superintendent or business manager of the institution
19 and a transcript of the record shall be sent to and kept by
20 the treasurer of state.

21 Money deposited with the treasurer of state pursuant to
22 this section shall be paid at any time within ten years from
23 the death of the inmate to any person who is shown to be en-
24 titled to it. Payment shall be made from the state treasury
25 out of the support fund of the institution in the manner pro-
26 vided for the payment of other claims from that fund.

27 Sec. 61. NEW SECTION. TEMPORARY QUARTERS IN EMERGENCY.
28 If the buildings at any institution under the management of
29 the director are destroyed or rendered unfit for habitation
30 by reason of fire, storms, or other like causes, to such an
31 extent that the inmates cannot be confined and cared for at
32 the institution, the director shall make temporary provision
33 for the confinement and care of the inmates at some other
34 place in the state. Like provision may be made in case of
35 an epidemic among the inmates. The reasonable cost of the

1 change including the cost of transfer of inmates, shall be
2 paid from any money in the state treasury not otherwise
3 appropriated.

4 Sec. 62. NEW SECTION. INDUSTRIES. The director may
5 establish industries as the director deems advisable at or
6 in connection with any of the institutions under the director's
7 control.

8 Sec. 63. NEW SECTION. SALE OF AGRICULTURAL PRODUCTS.
9 The proceeds from the sale of any livestock or agricultural
10 products by an institution under the control of the department
11 shall be deposited with the treasurer of state and credited
12 to the account of the institution making the sale, to be used
13 for farm operating expenses and repairs.

14 Sec. 64. NEW SECTION. COOPERATION. The department and
15 the director shall cooperate with any department or agency
16 of the state government in any manner, including the exchange
17 of employees, calculated to improve administration of the
18 affairs of the institutions under the control of the
19 department.

20 Sec. 65. NEW SECTION. BOYS TRANSFERRED FROM TRAINING
21 SCHOOL TO REFORMATORY. The director may order the transfer
22 of inmates of the Iowa training school for boys to the men's
23 reformatory for custodial care whenever it is determined that
24 such action will be conducive to the welfare of the other
25 inmates of the school. The transfer shall be effected by
26 application in writing to the district court of the county
27 in which the training school is situated. Upon the granting
28 of the order of transfer, the transfer shall take place.
29 The county attorney of the county shall appear in support
30 of the application. The cost of the transfer shall be paid
31 from the funds of the Iowa training school for boys. Sub-
32 sequent to a transfer made under this section, the person
33 transferred shall be subject to all the provisions of law
34 and regulations of the institution to which the person is
35 transferred, and for the purposes of section seven hundred

1 nineteen point four (719.4) of the Code the person shall be
2 regarded as having been committed to the institution.

3 Sec. 66. NEW SECTION. DANGEROUS MENTAL PATIENTS. Whenever
4 a patient in any state hospital-school for the mentally
5 retarded, any mental health institute, or any institution
6 under the administration of the director of the division of
7 mental health of the department of social services, has become
8 so mentally disturbed as to constitute a danger to self, to
9 other patients in the institution or to the public, and the
10 institution involved cannot provide adequate security, the
11 director of mental health with the consent of the director
12 of the department of corrections may order the patient to
13 be transferred to the Iowa security medical facility, provided
14 that the executive head of the institution from which the
15 patient is to be transferred, with the support of a majority
16 of the patient's medical staff recommends the transfer in
17 the interest of the patient, other patients or the public.
18 If the patient transferred was hospitalized pursuant to
19 sections two hundred twenty-nine point six (229.6) and two
20 hundred twenty-nine point fifteen (229.15) of the Code, the
21 transfer shall be promptly reported to the court which
22 hospitalized the patient, as required by section two hundred
23 twenty-nine point fifteen (229.15), subsection three (3) of
24 the Code. The Iowa security medical facility shall have the
25 same rights, duties and responsibilities with respect to the
26 patient as the institution from which the patient was
27 transferred had while the patient was hospitalized there.
28 The cost of the transfer shall be paid from the funds of the
29 institution from which the transfer is made.

30 Sec. 67. NEW SECTION. CONSULTANTS. The director may
31 secure the services of consultants to furnish advice on
32 administrative, professional or technical problems to the
33 director, or the employees of institutions under the director's
34 jurisdiction or to provide in-service training and instruction
35 for the employees. The director may pay the consultants at

1 a rate to be determined by them from funds appropriated to
2 the department or to any institution under the department's
3 jurisdiction.

4 Sec. 68. NEW SECTION. DIRECTOR MAY BUY AND SELL REAL
5 ESTATE--OPTIONS. The director, subject to the approval of
6 the board and executive council, may secure options to purchase
7 real estate and acquire and sell real estate for the proper
8 uses of the institutions. Real estate shall be acquired and
9 sold upon terms and conditions the director recommends subject
10 to the approval of the board and the executive council. Upon
11 sale of the real estate, the proceeds shall be deposited with
12 the treasurer of state and credited to the general fund of
13 the state. There is hereby appropriated from the general
14 fund of the state to the department a sum equal to the proceeds
15 so deposited and credited to the general fund of the state
16 which, with the prior approval of the executive council, may
17 be used to purchase other real estate or for capital
18 improvements upon property under the director's supervision.

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

26 Sec. 69. NEW SECTION. FIRE PROTECTION CONTRACTS. The
27 director may enter into contracts with the governing body
28 of any city for the protection from fire of any property under
29 the director's primary control, located in any city or in
30 territory contiguous to a city, upon terms as may be agreed
31 upon.

32 The state fire marshal shall cause an annual inspection
33 to be made of all the institutions listed in section two (2)
34 of this Act and shall make written report of the inspection
35 to the director of the department.

1 Sec. 70. NEW SECTION. GIFTS. The department may accept
2 gifts of real or personal property from the federal government
3 or any source. The director may exercise powers with reference
4 to the property so accepted as essential to its preservation
5 and the purposes for which it is given.

6 Sec. 71. NEW SECTION. CANTEEN MAINTAINED. The director
7 may maintain a canteen at any institution under the director's
8 jurisdiction for the sale to persons confined in the
9 institution of toilet articles, candy, tobacco products,
10 notions, and other sundries, and may provide the necessary
11 facilities, equipment, personnel, and merchandise for the
12 canteen. The director shall specify what commodities will
13 be sold in the canteen. The department may establish and
14 maintain a permanent operating fund for each canteen. The
15 fund shall consist of the receipts from the sale of commodities
16 at the canteen.

17 Sec. 72. NEW SECTION. TRANSFER HEARING. An inmate who
18 objects to confinement in a receiving state pursuant to the
19 interstate corrections compact or transfer to the federal
20 bureau of prisons may request a hearing before a board
21 appointed by the governor and serving at the governor's
22 pleasure and composed of three members of the general public,
23 one of whom shall be a former inmate. Members of the board
24 shall be paid forty dollars per diem and actual and necessary
25 expenses from appropriated funds.

26 The board shall bar the transfer of the inmate to a
27 receiving state or the federal bureau of prisons when a
28 majority of its members are of the opinion that the transfer
29 does not serve to promote the treatment, rehabilitation, or
30 best interests of the offender or the orderly functioning
31 of the institution. The burden of proof lies with the
32 department of corrections and all decisions of the hearing
33 board are final.

34 Sec. 73. Section twenty-five A point two (25A.2), subsec-
35 tion three (3), Code 1979, is amended to read as follows:

1 3. "Employee of the state" includes any one or more
2 officers, agents, or employees of the state or any state
3 agency, including members of the general assembly, and persons
4 acting on behalf of the state or any state agency in any
5 official capacity, temporarily or permanently in the service
6 of the state of Iowa, whether with or without compensation
7 but does not include a contractor doing business with the
8 state. Professional personnel, including medical doctors,
9 osteopathic physicians and surgeons, osteopathic physicians,
10 optometrists and dentists, who render services to patients
11 and inmates of state institutions under the jurisdiction of
12 the department of social services or the department of
13 corrections are to be considered employees of the state,
14 whether such personnel are employed on a full-time basis or
15 render such services on a part-time basis on a fee schedule
16 or arrangement, ~~but shall not include any contractor doing~~
17 ~~business with the state.~~

18 Sec. 74. Section two hundred sixteen point two (216.2),
19 subsections two (2) and three (3), Code 1979, are amended
20 to read as follows:

21 2. "Iowa state industries" means prison industries that
22 are established and maintained by the ~~division~~ department
23 of ~~adult~~ corrections, in consultation with the industries
24 board, at or adjacent to the state's adult correctional
25 institutions.

26 3. "State director" means the director of the ~~division~~
27 department of ~~adult~~ corrections ~~of the department of social~~
28 ~~services~~, or ~~that~~ the director's designee.

29 Sec. 75. Section two hundred seventeen point one (217.1),
30 Code 1979, is amended to read as follows:

31 217.1 PROGRAMS OF DEPARTMENT. There is hereby established
32 a department of social services to administer programs designed
33 to improve the well-being and productivity of the people of
34 the state of Iowa. The department shall concern itself with
35 the problems of human behavior, adjustment and daily living

1 through the administration of programs of family, child and
2 adult welfare, economic assistance (including costs of medical
3 care), rehabilitation toward self-care and support, ~~delinquency~~
4 ~~prevention-and-control,-treatment-and-rehabilitation-of-adult~~
5 ~~and-juvenile-offenders,~~ care and treatment of the mentally
6 ill and mentally retarded, and other related programs as
7 provided by law.

8 Sec. 76. Section two hundred seventeen point six (217.6),
9 unnumbered paragraph two (2), Code 1979, is amended to read
10 as follows:

11 The department of social services may be initially divided
12 into the following divisions of responsibility: The division
13 of child and family services, the division of mental health,
14 the division of administration, ~~the division of corrections~~
15 and the division of planning, research and statistics.

16 Sec. 77. Section two hundred seventeen point eight (217.8),
17 Code 1979, is amended to read as follows:

18 217.8 DIVISION OF CHILD AND FAMILY SERVICES. The director
19 of the division of child and family services shall be qualified
20 by training, experience and education in the field of welfare
21 and social problems. He The director shall be entrusted with
22 the administration of programs involving neglected, and
23 dependent ~~and-delinquent~~ children, child welfare, aid to
24 dependent children, aid to disabled persons and shall
25 administer and be in control of the Iowa juvenile home, ~~the~~
26 ~~state-training-schools-for-boys-and-for-girls,~~ the Iowa
27 soldiers home and ~~such~~ other related programs established
28 for the general welfare of families, adults and children as
29 directed by the commissioner.

30 Sec. 78. Section two hundred seventeen point twelve
31 (217.12), subsection one (1), Code 1979, is amended to read
32 as follows:

33 1. Establish psychiatric services for all institutions
34 under the control of the commissioner of the department of
35 social services or under the control of the director of the

1 department of corrections, in order that patients in such
2 the institutions shall receive the psychiatric services that
3 are necessary and proper.

4 Sec. 79. Section two hundred eighteen point one (218.1),
5 subsections eight (8), nine (9), and eleven (11) through six-
6 teen (16), Code 1979, are amended by striking the subsections.

7 Sec. 80. Section two hundred eighteen point three (218.3),
8 subsection one (1), Code 1979, 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. 81. Section two hundred eighteen point three (218.3),
16 subsection three (3), Code 1979, is amended by striking the
17 subsection.

18 Sec. 82. Section two hundred eighteen point four (218.4),
19 unnumbered paragraph one (1), Code 1979, is amended to read
20 as follows:

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

33 Sec. 83. Section two hundred eighteen point nine (218.9),
34 Code 1979, is amended to read as follows:

35 .218.9 APPOINTMENT OF SUPERINTENDENTS. The director of

1 the division of mental health of the department of social
2 services, subject to the approval of the commissioner of ~~such~~
3 the department, shall appoint the superintendents of the state
4 hospital-schools for the mentally retarded and the mental
5 health institutes.

6 ~~The director of the division of corrections of the~~
7 ~~department of social services, subject to the approval of~~
8 ~~the commissioner of such department, shall appoint the wardens~~
9 ~~of the state penitentiary and the men's reformatory and the~~
10 ~~superintendents of the Iowa security medical facility and~~
11 ~~of the women's reformatory.~~

12 The director of the division of child and family services
13 of the department of social services, subject to the approval
14 of the commissioner of ~~such~~ the department shall appoint the
15 ~~superintendents~~ superintendent of the Iowa juvenile home,
16 ~~the training school for boys, the training school for girls~~
17 and the commandant of the veterans home.

18 The superintendent, ~~warden~~ or other executive officer shall
19 have the immediate custody and control, subject to the orders
20 and policies of the director in charge of ~~his~~ the institution,
21 of all property used in connection with the institution except
22 as provided in this chapter. The tenure of office of the
23 officers shall be at the pleasure of the appointing authority
24 but they may be removed for inability or refusal to properly
25 perform the duties of the office. Such removal shall be had
26 only after an opportunity is given the person to be heard
27 before the director of the department of social services in
28 charge of the ~~particular~~ institution involved and upon
29 ~~preferred~~ written charges. The removal when made shall be
30 final.

31 Sec. 84. Section two hundred eighteen point eighteen
32 (218.18), Code 1979, is amended to read as follows:

33 218.18 RECORD OF EMPLOYEES AND INMATES RESIDENTS. The
34 director of the department of social services in control of
35 a particular state institution shall require the proper officer

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

9 Sec. 85. Section two hundred eighteen point twenty
10 (218.20), Code 1979, is amended to read as follows:

11 218.20 PLACE OF COMMITMENTS--TRANSFERS. Commitments,
12 unless otherwise permitted by the division director having
13 control over any a state institution, shall be to the
14 institution located in the district embracing the county from
15 which the commitment is issued. The ~~particular~~ division
16 directors may, at the expense of the state, transfer an ~~inmate~~
17 a resident of one institution to another like institution.

18 Sec. 86. Section two hundred eighteen point twenty-one
19 (218.21), Code 1979, is amended to read as follows:

20 218.21 RECORD OF ~~INMATES~~ RESIDENTS. The director of the
21 department of social services in control of a state institution
22 shall, as to every person committed to any of ~~said~~ the
23 institutions, keep the following record: Name, residence,
24 sex, age, nativity, occupation, civil condition, date of
25 entrance or commitment, date of discharge, whether a discharge
26 was final, condition of the person when discharged, the name
27 of the institutions from which and to which ~~such~~ the person
28 has been transferred, and, if dead, the date, and cause of
29 death.

30 Sec. 87. Section two hundred eighteen point twenty-two
31 (218.22), Code 1979, is amended to read as follows:

32 218.22 RECORD PRIVILEGED. Except with the consent of
33 the director in charge of an institution, or on an order of
34 a court of record, the record ~~provided~~ required in section
35 218.21 shall be accessible only to the director of the division

1 of the department of social services in control of ~~such~~ the
2 institution, the commissioner of the department of social
3 services and to assistants and proper clerks authorized by
4 ~~such~~ the director or ~~his~~ the commissioner. The director of
5 the division in charge of ~~such~~ the institution ~~is authorized~~
6 ~~to~~ may permit the state libraries and historical department
7 division of archives to copy or reproduce by any photographic,
8 photostatic, microfilm, microcard or other process which
9 accurately reproduces a durable medium for reproducing the
10 original and to destroy in the manner described by law ~~such~~
11 the records of inmates residents designated in section 218.21.

12 Sec. 88. Section two hundred eighteen point twenty-three
13 (218.23), Code 1979, is amended to read as follows:

14 218.23 REPORTS TO DIRECTOR. The managing officer of each
15 institution shall, within ten days after the commitment or
16 entrance of a person to the institution, cause a true copy
17 of ~~his~~ the person's entrance record to be made and forwarded
18 to the director in control of ~~such~~ the institution. When
19 a patient or ~~inmate~~ resident leaves, ~~or~~ is discharged, ~~or~~
20 transferred, or dies in any an institution, the superintendent
21 or person in charge shall within ten days ~~thereafter~~ send
22 ~~such~~ the information to the office of ~~such~~ the director on
23 forms which the director prescribes.

24 Sec. 89. Section two hundred eighteen point twenty-six
25 (218.26), Code 1979, is amended to read as follows:

26 218.26 RELIGIOUS WORSHIP. ~~Any-such-inmate~~ A resident,
27 during the time of ~~his~~ detention, shall be allowed, for at
28 least one hour on each Sunday and in times of extreme sickness,
29 and at ~~such~~ other suitable and reasonable times ~~as-is~~
30 consistent with proper discipline in ~~said~~ the institution,
31 to receive spiritual advice, instruction, and ministrations
32 from any recognized ~~clergyman~~ member of the clergy of the
33 church or denomination which represents ~~his~~ the resident's
34 religious belief.

35 Sec. 90. Section two hundred eighteen point twenty-seven

1 (218.27), Code 1979, is amended to read as follows:

2 218.27 RELIGIOUS BELIEF OF MINORS. ~~In-case-such-inmates~~
3 If the resident is a minor and has formed no choice, ~~his~~ the
4 minor's preference may, at any time, be expressed by ~~himself~~
5 the minor with the approval of parents or guardian, if he
6 the minor has any ~~such~~.

7 Sec. 91. Section two hundred eighteen point twenty-nine
8 (218.29), Code 1979, is amended to read as follows:

9 218.29 SCOPE OF INVESTIGATION. The director of the
10 department of social services in control of ~~a-particular~~ an
11 institution or ~~his~~ the director's authorized officer or
12 employee shall, during ~~such~~ the investigation and as far as
13 possible, see every ~~inmate~~ resident of each institution,
14 especially those admitted since the preceding visit, and shall
15 give ~~such-inmates-as-may~~ the residents who require it, suitable
16 opportunity to converse with ~~such~~ the director or ~~his~~ the
17 director's authorized officer or employee apart from the
18 officers and attendants.

19 Sec. 92. Section two hundred eighteen point forty (218.40),
20 Code 1979, is amended to read as follows:

21 218.40 SERVICES REQUIRED. ~~Inmates~~ Residents of ~~said~~ the
22 institutions subject to ~~the-provisions-hereinafter-provided~~
23 this chapter, may be required to render any proper and
24 reasonable service either in the institutions ~~proper~~ or in
25 the industries established in connection ~~therewith~~ with the
26 institutions.

27 Sec. 93. Section two hundred eighteen point forty-one
28 (218.41), Code 1979, is amended to read as follows:

29 218.41 CUSTODY. When ~~an-inmate~~ a resident of an
30 institution is ~~se~~ working outside the institution ~~proper~~,
31 ~~he-shall-be~~ the resident is deemed at all times to be in the
32 actual custody of the head of the institution.

33 Sec. 94. Section two hundred eighteen point forty-two
34 (218.42), Code 1979, is amended to read as follows:

35 218.42 WAGES OF ~~INMATES~~ RESIDENTS. When ~~an-inmate~~ a

1 resident performs services for the state at an institution,
2 the director in control of ~~such~~ the institution may, when
3 ~~he~~ the director deems ~~such-course~~ it practicable, pay ~~such~~
4 ~~inmate-such~~ the resident a wage as ~~it-deems~~ proper in view
5 of the circumstances, and in view of the cost attending the
6 maintenance of ~~such-inmate~~ the resident. ~~In-no-case-shall~~
7 ~~such~~ The wage shall not exceed the amount paid to free labor
8 for a like service ~~or-its-equivalent~~.

9 Sec. 95. Section two hundred eighteen point forty-three
10 (218.43), Code 1979, is amended to read as follows:

11 218.43 DEDUCTION TO PAY COURT COSTS. If ~~such~~ a wage ~~be~~
12 is paid, the director in control of ~~such~~ the institution may
13 deduct ~~therefrom~~ from the wage an amount sufficient to pay
14 all or a part of the costs taxed to ~~such-inmate~~ the resident
15 by reason of ~~his~~ the resident's commitment to ~~said~~ the
16 institution. ~~In-such-case-the~~ The amount ~~so~~ deducted shall
17 be forwarded to the clerk of the district court or proper
18 official.

19 Sec. 96. Section two hundred eighteen point forty-four
20 (218.44), Code 1979, is amended to read as follows:

21 218.44 WAGES PAID TO DEPENDENT--DEPOSITS. If ~~such~~ a wage
22 ~~be~~ is paid, the director in control of ~~such~~ the institution
23 may pay all or any part of the ~~same~~ wage directly to ~~any~~ a
24 dependent of ~~such-inmate~~ the resident, or may deposit ~~such~~
25 the wage to the account of ~~such-inmate~~ the resident, or may
26 ~~so~~ deposit part ~~thereof~~ of the wage and allow the ~~inmate~~
27 resident a portion for ~~his-own~~ the resident's personal use,
28 or may pay to the county of commitment all or any part of
29 ~~his~~ the resident's care, treatment or subsistence while at
30 ~~said~~ the institution from any credit balance accruing to the
31 account of ~~said-inmate~~ the resident.

32 Sec. 97. Section two hundred eighteen point sixty-five
33 (218.65), Code 1979, is amended to read as follows:

34 218.65 PROPERTY OF DECEASED ~~INMATE~~ RESIDENT. The chief
35 executive officer or business manager of each institution

1 shall, upon the death of ~~any-inmate~~ a resident or patient,
2 shall immediately take possession of all property of the
3 deceased left at said the institution, and deliver the ~~same~~
4 property to the duly appointed and qualified representative
5 of the deceased.

6 Sec. 98. Section two hundred eighteen point sixty-eight
7 (218.68), Code 1979, is amended to read as follows:

8 218.68 MONEY DEPOSITED WITH TREASURER OF STATE. ~~Said~~
9 The money of a deceased resident shall be transmitted to the
10 treasurer of state as soon after one year after the death
11 of the ~~intestate~~ resident as practicable, and be credited
12 to the support fund of the institution of which the ~~intestate~~
13 deceased was an-inmate a resident.

14 Sec. 99. Section two hundred eighteen point sixty-nine
15 (218.69), Code 1979, is amended to read as follows:

16 218.69 PERMANENT RECORD. A complete permanent record
17 of the money ~~so~~ sent, showing by whom and with whom it was
18 left, its amount, the date of the death of the owner, ~~his~~
19 the owner's reputed place of residence before ~~he-became-an~~
20 inmate becoming a resident of the institution, the date on
21 which it was sent to the state treasurer and any other facts
22 which may tend to identify the ~~intestate~~ owner and explain
23 the case, shall be kept by the chief executive officer of
24 the institution or business manager, ~~as-the-case-may-be,~~ and
25 a transcript ~~thereof~~ of the record shall be sent to, and kept
26 by, the treasurer of state.

27 Sec. 100. Section two hundred eighteen point seventy-
28 two (218.72), Code 1979, is amended to read as follows:

29 218.72 TEMPORARY QUARTERS IN EMERGENCY. ~~In-case~~ If the
30 buildings at any an institution under the management of a
31 director of ~~the~~ a division of the department of social services
32 are destroyed or rendered unfit for habitation by reason of
33 fire, storms, or other like causes, to ~~such~~ an extent that
34 the ~~inmates~~ residents cannot be ~~there~~ confined and cared for,
35 ~~said~~ the director shall make temporary provision for the

1 confinement and care of the ~~inmates~~ residents at some other
2 place in the state. Like provision may be made ~~in case any~~
3 if a pestilence breaks out among the ~~inmates~~ residents. The
4 reasonable cost of the change, including transfer of ~~inmates~~
5 residents, shall be paid from any money in the state treasury
6 not otherwise appropriated.

7 Sec. 101. Section two hundred eighteen point ninety-two
8 (218.92), Code 1979, is amended to read as follows:

9 218.92 DANGEROUS MENTAL PATIENTS. Whenever a patient
10 in any a state hospital-school for the mentally retarded,
11 any a mental health institute, or any an institution under
12 the administration of the director of the division of mental
13 health of the department of social services, has become so
14 mentally disturbed as to constitute a danger to self, to other
15 patients in the institution or to the public, and the
16 institution involved cannot provide adequate security, the
17 director of mental health with the consent of the director
18 of the department of corrections ~~of the department of social~~
19 ~~services~~ may order the patient to be transferred to the Iowa
20 security medical facility, provided that the executive head
21 of the institution from which the patient is to be transferred,
22 with the support of a majority of ~~his~~ the medical staff
23 recommends the transfer in the interest of the patient, other
24 patients or the public. If the patient transferred was
25 hospitalized pursuant to sections 229.6 to 229.15, the transfer
26 shall be promptly reported to the court which hospitalized
27 the patient, as required by section 229.15, subsection 3.
28 The Iowa security medical facility ~~shall have~~ has the same
29 rights, duties and responsibilities with respect to the patient
30 as the institution from which the patient was transferred
31 had while the patient was hospitalized there. The cost of
32 the transfer shall be paid from the funds of the institution
33 from which the transfer is made.

34 Sec. 102. Section two hundred eighteen point ninety-nine
35 (218.99), Code 1979, is amended to read as follows:

1 218.99 COUNTY AUDITORS TO BE NOTIFIED OF PATIENTS' OR
 2 RESIDENTS' PERSONAL ACCOUNTS. The director of the division
 3 of the department of social services in control of a state
 4 institution shall direct the business manager of each
 5 institution under ~~his~~ the director's jurisdiction mentioned
 6 in section 444.12, to quarterly inform the auditor of the
 7 patient's or ~~inmate's~~ resident's county of legal settlement
 8 of any patient or ~~inmate~~ resident who has an amount in excess
 9 of two hundred dollars to his or her account in the patients'
 10 or residents' personal deposit fund and the amount thereof
 11 of the fund. ~~Such~~ The directors shall direct the business
 12 manager to ~~further~~ notify the auditor of ~~such~~ the county at
 13 least fifteen days before the release of ~~such~~ funds in excess
 14 of two hundred dollars or upon the death of ~~such~~ the patient
 15 ~~or-inmate~~ resident. If ~~any-such~~ the patient or ~~inmate~~-shall
 16 resident does not have ~~no~~ a county of legal settlement, notice
 17 as required by this section shall be ~~made~~ given to the
 18 commissioner of the department of social services and the
 19 director of a the division of ~~such~~ the department in control
 20 of the particular institution involved.

21 Sec. 103. Section two hundred eighteen B point three
 22 (218B.3), Code 1979, is amended to read as follows:

23 218B.3 DUTY OF COMMISSIONER DIRECTOR. The ~~commissioner~~
 24 director of ~~social-services-is-authorized-and-directed-to~~
 25 the department of corrections shall do all things necessary
 26 or incidental to the carrying out of the compact ~~in-every~~
 27 ~~particular-and-he-may-in-his-discretion-delegate-this-authority~~
 28 ~~to-the-director-of-the-division-of-corrections.~~

29 Sec. 104. Section two hundred two hundred twenty-two point
 30 seven (222.7), unnumbered paragraph one (1), Code 1979, is
 31 amended to read as follows:

32 The state director may transfer patients from one state
 33 hospital-school to the other and may at any time transfer
 34 ~~any-patient~~ patients from the hospital-schools to the hos-
 35 pitals for the mentally ill, or transfer patients in the

1 hospital-schools to a special unit or vice versa, or make
2 ~~such~~ transfers as ~~are~~ permitted in section ~~218-92~~ sixty-six
3 (66) of this Act. The state director may also transfer pa-
4 tients from a hospital for the mentally ill to a hospital-
5 school if:

6 Sec. 105. Section two hundred twenty-three point one
7 (223.1), Code 1979, is amended to read as follows:

8 223.1 INSTITUTION ESTABLISHED. There is ~~hereby~~ established
9 an institution for persons displaying evidence of mental
10 illness or psychosocial disorders and requiring diagnostic
11 services and treatment in a security setting. The institution
12 ~~shall-be~~ is under the jurisdiction of the department of ~~social~~
13 ~~services~~ corrections and shall be known as the Iowa security
14 medical facility.

15 Sec. 106. Section two hundred twenty-three point two
16 (223.2), Code 1979, is amended to read as follows:

17 223.2 SUPERINTENDENT. A superintendent of the Iowa
18 security medical facility shall be appointed ~~as-designated~~
19 ~~in-section-218-9~~ by the director of the department of
20 corrections with the approval of the board of corrections.
21 The superintendent shall be a reputable and qualified person
22 experienced in the administration of programs for the care
23 and treatment of persons afflicted with mental disorders and
24 ~~with-such~~ have other qualifications as the ~~department-deems~~
25 director and board deem necessary.

26 Sec. 107. Section two hundred twenty-three point three
27 (223.3), subsections one (1) and four (4), Code 1979, are
28 amended to read as follows:

29 1. Perform all duties required by law and by the state
30 department of ~~social-services~~ corrections not inconsistent
31 with this chapter.

32 4. Retain custody of all patients, in such the manner
33 ~~as-deemed~~ necessary and in the best interest of the patients,
34 subject to the ~~regulations~~ rules of the department of ~~social~~
35 ~~services~~ corrections.

1 Sec. 108. Section two hundred twenty-three point four
2 (223.4), subsection one (1), Code 1979, is amended to read
3 as follows:

4 1. Residents of ~~any~~ an institution under the jurisdiction
5 of the department of social services or the department of
6 corrections.

7 Sec. 109. Section two hundred twenty-three point five
8 (223.5), Code 1979, as amended by Acts of the Sixty-eighth
9 General Assembly, 1979 Session, chapter fifty-three (53),
10 section two (2), is amended to read as follows:

11 223.5 ADMISSIONS IN WRITING ONLY. All admissions to the
12 facility shall be by written application only. Application
13 shall be made by the head of the state institution, agency,
14 governmental body, or court requesting ~~same~~ admission to the
15 superintendent of the facility. An application may be denied
16 by the superintendent, with the approval of the director of
17 the ~~division~~ department of corrections, if the admission will
18 result in an overcrowded condition or if adequate staff or
19 facilities are not available.

20 Sec. 110. Section two hundred twenty-three point six
21 (223.6), Code 1979, as amended by Acts of the Sixty-eighth
22 General Assembly, 1979 Session, chapter fifty-three (53),
23 section three (3), is amended to read as follows:

24 223.6 FINAL DECISION. The decision regarding admission
25 and discharge of patients shall be made by the superintendent
26 of the facility, subject to approval of the director of the
27 ~~division~~ department of corrections.

28 Sec. 111. Section two hundred thirty-two point fifty-
29 two (232.52), subsection two (2), paragraph e, Code 1979,
30 as the section is amended by the Acts of the Sixty-eighth
31 General Assembly, 1979 Session, chapter fifty-six (56), section
32 nine (9), is amended to read as follows:

33 e. An order transferring the guardianship of the child,
34 subject to the continuing jurisdiction of the court for the
35 purposes of section 232.54, to the commissioner of the

1 department of social services for purposes of placement in
2 the Iowa juvenile home at Toledo, or to the director of the
3 department of corrections for placement in the Iowa training
4 school for boys, or the Iowa training school for girls, or
5 other facility provided that:

6 Sec. 112. Section two hundred thirty-four point thirty-
7 five (234.35), Code 1979, is amended to read as follows:

8 234.35 WHEN STATE TO PAY FOSTER CARE COSTS. The department
9 of social services ~~shall be~~ is initially responsible for
10 paying the cost of foster care for a child under any of the
11 following circumstances:

12 1. When a court has committed the child to the commissioner
13 of social services or ~~his~~ the commissioner's designee or to
14 the director of the department of corrections or the director's
15 designee.

16 2. When a court has transferred legal custody of the child
17 to the department of social services or the department of
18 corrections.

19 3. When the department of social services or the de-
20 partment of corrections has agreed to provide foster care
21 services for the child on the basis of a signed placement
22 agreement between the department and the child's parent or
23 guardian.

24 4. When the child has been placed in emergency care for
25 a period of not more than thirty days upon approval of the
26 commissioner of social services or ~~his~~ the commissioner's
27 designee.

28 Sec. 113. Section two hundred thirty-four point thirty-
29 six (234.36), Code 1979, is amended to read as follows:

30 234.36 WHEN COUNTY TO PAY FOSTER CARE COSTS. Each county
31 shall pay from the county mental health and institutions fund
32 as provided by section 444.12, subsection 2, the cost of
33 foster care for a child placed by a court as provided in
34 section 232.50 or section 232.99. However, in any fiscal
35 year for which the general assembly appropriates state funds

1 to pay for foster care for children placed by courts under
2 the statute or sections of chapter 232 cited in this section,
3 the county shall become responsible for these costs only when
4 the funds so appropriated to the department of social services
5 or to the department of corrections for that fiscal year have
6 been exhausted. The rate of payment by the county or the
7 state, ~~as the case may be~~, under this section shall be that
8 fixed by the department of social services or by the department
9 of corrections pursuant to section 234.38.

10 Sec. 114. Section two hundred thirty-four point thirty-
11 eight (234.38), Code 1979, as amended by Acts of the Sixty-
12 eighth General Assembly, 1979 Session, chapter eight (8),
13 section nine (9), is amended to read as follows:

14 234.38 DEPARTMENT MAY PAY FOSTER PARENTS DIRECTLY.

15 1. For purposes of this section, "department" means the
16 department of social services or the department of corrections,
17 whichever is applicable.

18 2. The department ~~of social services~~ is authorized to
19 make payments directly to foster parents for services provided
20 to children pursuant to section 234.6, subsection 7, paragraph
21 "b", or sections 234.35 and 234.36. The rate of payment by
22 the department for foster care shall be fixed by the department
23 by rules adopted pursuant to chapter 17A. Payments may be
24 made from any money legally available to the department for
25 that purpose, including but not limited to funds appropriated
26 by the general assembly, money available under section 234.37,
27 and money received from the parent or legal guardian of a
28 child to pay for that child's foster care.

29 Sec. 115. Section two hundred forty-two point one (242.1),
30 Code 1979, is amended to read as follows:

31 242.1 OFFICIAL DESIGNATION. The state training school
32 at Eldora shall be known as the "Iowa Training School for
33 Boys". The state training school at Mitchellville shall be
34 known as the "Iowa Training School for Girls". For the purpose
35 of this chapter the word "director" or "state director" shall

1 ~~mean~~ means the director of ~~the-division-of-child-and-family~~
2 ~~services-of~~ the department of ~~social-services~~ corrections.

3 Sec. 116. Section two hundred forty-two point fourteen
4 (242.14), Code 1979, is amended to read as follows:

5 242.14 TRANSFERS TO OTHER INSTITUTIONS. The state director
6 may transfer to the schools minor wards of the state from
7 any institution under ~~his~~ the director's charge but no person
8 shall be so transferred who is mentally ill or mentally
9 retarded or who has been adjudicated a delinquent. Any child
10 in the schools who is mentally ill or mentally retarded may
11 be transferred by the director to the proper state institution.
12 The director may accept children from the Iowa juvenile home
13 upon request from the director of the division of child and
14 family services of the department of social services.

15 Sec. 117. Section two hundred forty-two point fifteen
16 (242.15), unnumbered paragraph one (1), Code 1979, is amended
17 to read as follows:

18 The state director may detail boys and girls, classed as
19 trustworthy, from the Iowa training schools for boys at Eldora
20 and the Iowa training school for girls at Mitchellville, to
21 perform services for the state conservation commission within
22 the state parks, state game and forest areas and other lands
23 under the jurisdiction of ~~said~~ the commission. The
24 conservation commission shall provide ~~such~~ permanent housing
25 and work guidance supervision, but the care and custody of
26 ~~said~~ the boys and girls shall remain under employees ~~of-the~~
27 ~~division-of-child-and-family-services~~ of the department of
28 ~~social-services~~ corrections. ~~All-such~~ The programs shall
29 have as their primary purpose and shall provide for inculcation
30 or the activation of attitudes, skills and habit patterns
31 which will be conducive to the habilitation of ~~said~~ the youths.

32 Sec. 118. Section two hundred forty-four point five
33 (244.5), Code 1979, is amended to read as follows:

34 244.5 TRANSFERS. The state director may transfer to the
35 home, minor wards of the state from any institution under

1 the state director's charge ~~or~~, under the charge of any other
 2 director of a division of the department of social services,
 3 ~~but~~ or under the charge of the director of the department
 4 of corrections subject to his or her approval. However, no
 5 person shall be so transferred who is not mentally normal,
 6 or who is incorrigible, or has any vicious habits, or whose
 7 presence in the home would be inimical to the moral or physical
 8 welfare of normal children ~~therein~~ in the home, and any such
 9 child in the home may be transferred to the proper state
 10 institution.

11 Sec. 119. Section two hundred forty-five point one (245.1),
 12 Code 1979, is amended to read as follows:

13 245.1 DEFINITIONS--OBJECTS. For the purpose of this
 14 chapter "director" or "state director" ~~shall-mean~~ means the
 15 director ~~of-the-division-of-corrections~~ of the department
 16 of ~~social-services~~ corrections.

17 Sec. 120. Section two hundred forty-five point ten
 18 (245.10), Code 1979, is amended to read as follows:

19 245.10 TRANSFER OF INMATES--COSTS. The state director
 20 ~~in-co-operation-with-the-commissioner-of-the-department-of~~
 21 ~~social-services-and-the-directors-of-the-other-divisions-of~~
 22 ~~the-department-of-social-services~~ may transfer inmates from
 23 the said reformatory to the Iowa training school for girls,
 24 and from ~~such~~ the training school to ~~such~~ the reformatory,
 25 whenever ~~such~~ the course will be conducive to the welfare
 26 of the institution or of the other inmates ~~therein~~, or of
 27 the inmates ~~so~~ transferred. The costs of ~~such~~ the transfer
 28 shall be paid from the funds of the institution from which
 29 the transfer is made.

30 Sec. 121. Section two hundred forty-five point twelve
 31 (245.12), Code 1979, is amended to read as follows:

32 245.12 TRANSFER OF MENTALLY ILL. The ~~said~~ state director
 33 may cause any woman committed to ~~said~~ the reformatory and
 34 suspected of being mentally ill, to be examined by one of
 35 the superintendents or ~~his~~ the superintendent's qualified

1 designee of a state hospital for the mentally ill or
2 transferred to the Iowa security medical facility for
3 examination. If the woman is found to be mentally ill, the
4 department of corrections may order ~~such~~ the woman transferred
5 to or retained at a state hospital or the Iowa security medical
6 facility where she shall thereafter be maintained and treated
7 at the expense of the state until such time as she regains
8 ~~her~~ good mental health when she shall be returned to ~~said~~
9 the reformatory. The cost of ~~such~~ the transfer and return
10 shall be paid as ~~heretofore~~ provided in this chapter for other
11 transfers.

12 Sec. 122. Section two hundred forty-five point twenty
13 (245.20), Code 1979, is amended to read as follows:

14 245.20 FEDERAL PRISONERS. Inmates sentenced for any term
15 by any court of the United States may be received by the
16 superintendent into the women's reformatory and there kept
17 ~~in~~ pursuant ~~of~~ to their sentences. Inmates at the women's
18 reformatory may also be transferred to the federal bureau
19 of prisons. If an inmate objects to her transfer to the
20 federal bureau of prisons, the inmate shall be afforded a
21 hearing as provided in section ~~217.22~~ seventy-two (72) of
22 this Act.

23 Sec. 123. Section two hundred forty-six point one (246.1),
24 Code 1979, is amended to read as follows:

25 246.1 DEFINITIONS. For the purpose of this chapter
26 "director" or "state director" ~~shall-mean~~ means the director
27 ~~of-the-division-of-adult-corrections~~ of the department of
28 ~~social-services~~ corrections, or that director's designee.

29 Sec. 124. Section two hundred forty-six point eleven
30 (246.11), Code 1979, is amended to read as follows:

31 246.11 FEDERAL PRISONERS. Inmates sentenced for any term
32 by any court of the United States may be received by the
33 warden into the penitentiary or the men's reformatory and
34 there kept in pursuance of their sentences. Inmates at either
35 the penitentiary or men's reformatory may also be transferred

1 to the federal bureau of prisons. If an inmate objects to
2 his transfer to the federal bureau of prisons, the inmate
3 shall be afforded a hearing as provided in section ~~217-22~~
4 seventy-two (72) of this Act.

5 Sec. 125. Section two hundred forty-six point sixteen
6 (246.16), Code 1979, is amended to read as follows:

7 246.16 TRANSFER OF MENTALLY ILL. When the ~~said~~ state
8 director has cause to believe that a ~~prisoner~~ an inmate in
9 the penitentiary or reformatory is mentally ill, the department
10 of corrections may cause ~~such prisoner~~ the inmate to be
11 transferred to the Iowa security medical facility for
12 examination, diagnosis, or treatment. The ~~prisoner~~ inmate
13 shall be confined at ~~such~~ the institution or a state hospital
14 for the mentally ill until the expiration of his sentence
15 or until he is pronounced in good mental health. If the
16 ~~prisoner~~ inmate is pronounced in good mental health before
17 the expiration of his sentence, he shall be returned to the
18 penitentiary or reformatory until the expiration of his
19 sentence. The provisions of the Code applicable to an inmate
20 at the correctional institution from which transferred shall
21 remain applicable during the inmate's stay at the Iowa security
22 medical facility. However, sections 246.32 and 246.33 ~~shall~~
23 apply to the total inmate population, including both convicts
24 and patients.

25 Sec. 126. Section two hundred forty-six point forty-eight
26 (246.48), subsection one (1), Code 1979, is amended to read
27 as follows:

28 1. Beginning April 1, 1978, the medium security
29 correctional facility at Mount Pleasant shall be utilized
30 as a secure facility for treatment of inmates of adult
31 correctional institutions who exhibit treatable personality
32 disorders, with or without accompanying history of drug or
33 alcohol abuse. Such inmates may apply for and upon their
34 application may be selected for treatment by the staff of
35 the treatment facility at Mount Pleasant in accordance with

1 section ~~218-90~~ thirty (30) of this Act.

2 Sec. 127. Section two hundred forty-six A point one
3 (246A.1), Code 1979, is amended to read as follows:

4 246A.1 ESTABLISHED BY DEPARTMENT OF ~~SOCIAL-SERVICES~~
5 CORRECTIONS. The department of ~~social-services~~ corrections
6 is ~~hereby~~ authorized to establish a facility for the
7 preparation of all inmates of the corrective institutions
8 under the department's jurisdiction for discharge or parole.
9 The facility shall be known as the correctional release center
10 and shall be operated in conjunction with and utilize the
11 facilities of the prison honor farm at Newton, Iowa.

12 Sec. 128. Section two hundred forty-six A point two
13 (246A.2), Code 1979, is amended to read as follows:

14 246A.2 SUPERINTENDENT. The director of ~~division~~ the
15 department of corrections, subject to approval of the
16 department board of corrections, shall appoint a superintendent
17 who shall serve as the chief executive of the correctional
18 release center. The superintendent shall be a reputable and
19 qualified person experienced in the administration of programs
20 for the rehabilitation and preparation of ~~prisoners~~ inmates
21 for their return to society.

22 Sec. 129. Section two hundred forty-six A point three
23 (246A.3), Code 1979, is amended to read as follows:

24 246A.3 TRANSFER OF PRISONERS TO CENTER. The department
25 of corrections may transfer any inmate of a corrective
26 institution within ninety days of the inmate's approaching
27 release from custody to the release center for intensive
28 training to assist the inmate in the transition to civilian
29 living.

30 Sec. 130. Section two hundred forty-seven point twenty-
31 three (247.23), Code 1979, is amended to read as follows:

32 247.23 EXPENSE. Any necessary expense contracted by the
33 board in the care of a person committed to it under probation
34 by the court shall be paid from the appropriation for the
35 general expenditures of ~~said~~ the board, except costs connected

1 with the delivery of a person ~~so~~ granted probation to the
2 institution to which sentenced upon revocation of the probation
3 and the expenses of the chief parole officer shall be a part
4 of and paid from the budget of the ~~division~~ department of
5 corrections ~~of-the-department-of-social-services~~.

6 Sec. 131. Section two hundred forty-seven point twenty-
7 nine (247.29), unnumbered paragraph one (1), Code 1979, is
8 amended to read as follows:

9 The clerk of the district court shall, on or before July
10 15 each year, report to the board of parole and the director
11 of the ~~division~~ department of corrections ~~of-the-department~~
12 ~~of-social-services~~:

13 Sec. 132. Section two hundred forty-seven point thirty-
14 one (247.31), Code 1979, is amended to read as follows:

15 247.31 AUDITOR TO REPORT STATISTICS TO CLERK. The county
16 auditor shall report to the clerk of the district court, on
17 or before July 5 of each year, the expenses of the county
18 in criminal prosecutions during the year ending June 30
19 preceding, including but distinguishing the compensation of
20 the county attorney. ~~Such~~ The report shall include all the
21 items of criminal expenses which appear in the records of
22 ~~his~~ the clerk's office and which are required to be reported
23 by the clerk of the district court to the board of parole
24 and the director of the ~~division~~ department of corrections
25 ~~of-the-department-of-social-services~~. The clerk of the
26 district court shall furnish to the auditor the blanks to
27 be used in making ~~such~~ the report.

28 Sec. 133. Section two hundred forty-seven point thirty-
29 two (247.32), Code 1979, is amended to read as follows:

30 247.32 BIENNIAL REPORT. The board of parole and the chief
31 parole officer shall make ~~such~~ detailed reports to the director
32 of the ~~division~~ department of corrections ~~of-the-department~~
33 ~~of-social-services~~ as are requested by ~~him~~ the director and
34 ~~he~~ the director shall forward ~~such~~ the reports along with
35 ~~his~~ personal recommendations to the ~~commissioner~~ board of

1 corrections of the department of ~~social-services~~ corrections.
2 The ~~commissioner~~ board of corrections in turn shall,
3 biannually, at the time provided by law, report to the governor
4 a summary of paroles granted and releases recommended, the
5 names of all ~~prisoners~~ inmates who have violated their paroles,
6 and ~~such~~ other information concerning this departmental
7 operation as ~~may-be~~ deemed advisable, including an abstract
8 for each year of the returns relative to criminal matters.

9 Sec. 134. Section two hundred forty-seven A point two
10 (247A.2), Code 1979, is amended to read as follows:

11 247A.2 PROGRAM. The department of ~~social-services~~
12 corrections shall establish a work release program under which
13 inmates sentenced to an institution under the jurisdiction
14 of the department may be granted the privilege of leaving
15 actual confinement during necessary and reasonable hours for
16 the purpose of working at gainful employment. Under
17 appropriate conditions the program may also include release
18 for the purpose of seeking employment and attendance at an
19 educational institution. In the case of inmates who have
20 children in their homes under the age of eighteen years, the
21 program may include child care and housekeeping in their
22 homes.

23 Sec. 135. Section two hundred forty-seven A point three
24 (247A.3), Code 1979, is amended to read as follows:

25 247A.3 COMMITTEE. A committee shall be designated by
26 the department of corrections consisting of one member of
27 the parole board or its designee, one representative of the
28 ~~division~~ department of corrections and one representative
29 of the institution in which the inmate is confined at the
30 time of application.

31 Sec. 136. Section two hundred forty-seven A point five
32 (247A.5), Code 1979, is amended to read as follows:

33 247A.5 HOUSING FACILITIES--HALF-WAY HOUSES. The department
34 of corrections shall designate and adopt facilities in the
35 institutions and camps under its jurisdiction for the housing

1 of inmates granted work release privileges. In areas where
2 facilities are not within reasonable proximity of the place
3 of employment of an inmate so released, the department may
4 contract with the proper authorities of political subdivisions
5 of the state or suitable public or private agencies for the
6 quartering of the inmate in local housing facilities. The
7 committee shall include as a specific term or condition in
8 the work release plan of any inmate the place where the inmate
9 is to be housed when not on the work assignment. The committee
10 shall not place an inmate on work release for longer than
11 six months in any twelve-month period, ~~provided, however,~~
12 that an inmate may be placed on work release for a period
13 in excess of six months in any twelve-month period if unanimous
14 approval is given by the committee. Inmates may be temporarily
15 released to the supervision of a responsible person to
16 participate in family and selected community, religious,
17 educational, social, civic and recreational activities when
18 it is determined that the participation will directly
19 facilitate the release transition from institution to
20 community.

21 Sec. 137. Section two hundred forty-seven A point eight
22 (247A.8), Code 1979, is amended to read as follows:

23 247A.8 STATUS OF INMATES ON WORK RELEASE. ~~No~~ An inmate
24 employed in the community under the provisions of this chapter
25 ~~shall-be-deemed-to-be~~ is not an agent, employee, or involuntary
26 servant of the department of ~~social-services~~ corrections while
27 released from confinement under the terms of any work release
28 plan. ~~Should-any~~ If an inmate ~~suffer~~ suffers an injury arising
29 out of or in the course of the inmate's employment under this
30 chapter, the inmate's recovery shall be from the insurance
31 carrier of the employer of the project and no proceedings
32 for compensation shall be maintained against the insurance
33 carrier of the state institution or the state, and ~~it-is~~
34 ~~understood-that~~ there is no employer-employee relationship
35 between the inmate and the state institution.

1 Sec. 138. Section two hundred forty-seven A point ten
2 (247A.10), Code 1979, is amended to read as follows:

3 247A.10 ALLEGED WORK RELEASE VIOLATORS--REIMBURSEMENT
4 TO COUNTIES FOR TEMPORARY CONFINEMENT. The ~~division~~ department
5 of ~~adult~~ corrections shall negotiate a reimbursement rate
6 with each county for the temporary confinement of alleged
7 violators of work release conditions who are in the custody
8 of the director of the ~~division~~ department of ~~adult~~
9 corrections. The amount to be reimbursed shall be determined
10 by multiplying the number of days ~~so~~ a person is confined
11 by the average daily cost of confining a person in the county
12 facility as negotiated with the department. Payment shall
13 be made upon submission of a voucher executed by the sheriff
14 and approved by the director of the ~~division~~ department of
15 ~~adult~~ corrections. The money shall be deposited in the county
16 general fund to be credited to the jail account.

17 Sec. 139. Section two hundred fifty-five point twenty-
18 eight (255.28), Code 1979, is amended to read as follows:

19 255.28 TRANSFER OF PATIENTS FROM STATE INSTITUTIONS.
20 The commissioner of the department of social services ~~and,~~
21 in respect to institutions under the commissioner's control,
22 the director of any of the divisions of ~~such~~ the department,
23 in respect to the institutions under the director's control,
24 the director of the department of corrections, in respect
25 to the institutions under the department's control, and the
26 state board ~~in-control~~ of regents in respect to the Iowa
27 braille and sight-saving school, and the Iowa school for the
28 deaf, may, ~~respectively,~~ send any inmate, student or patient
29 of any ~~of-said~~ institutions, or any person committed or
30 applying for admission thereto, to the hospital of the medical
31 college of the state university for treatment and care as
32 provided in this chapter, without securing the order of court
33 required in other cases. ~~Said-state~~ The department of social
34 services, the department of corrections and the state board
35 ~~in-control~~ of regents ~~the-Iowa-braille-and-sight-saving-school~~

1 ~~and-the-iowa-school-for-the-deaf,~~ shall respectively pay the
2 traveling expenses of any patient thus committed, and when
3 necessary the traveling expenses of an attendant for ~~such~~
4 the patient, out of funds appropriated for the use of the
5 institution from which ~~he~~ the patient is sent.

6 Sec. 140. Section two hundred fifty-five point twenty-
7 nine (255.29), Code 1979, is amended to read as follows:

8 255.29 MEDICAL CARE FOR PAROLEES. The director of the
9 ~~division~~ department of corrections ~~of-the-department-of-social~~
10 ~~services~~ may send former inmates of the Iowa state penitentiary
11 and men's or women's reformatory, while on parole, to the
12 hospital of the college of medicine of the state University
13 of Iowa for treatment and care as provided in this chapter,
14 without securing the order of the court required in other
15 cases. ~~Said~~ The director may pay the traveling expenses of
16 any patient thus committed, and, when necessary, the traveling
17 expenses of an attendant of ~~such~~ the patient out of funds
18 appropriated for the use of ~~such~~ the division.

19 Sec. 141. Section three hundred fifty-six point fourteen
20 (356.14), Code 1979, is amended to read as follows:

21 356.14 REFRACTORY PRISONERS. If any person confined in
22 a jail is refractory or disorderly or willfully destroys or
23 injures any part ~~thereof~~ of the jail or of its contents, the
24 sheriff may secure ~~such~~ the person or cause ~~him-or-her~~ the
25 person to be kept in solitary confinement not more than ten
26 days for any one offense, during which time the person may
27 be fed minimum diet requirements as established by the
28 department of ~~social-services~~ corrections unless other food
29 is necessary for the preservation of the person's health.

30 Sec. 142. Section three hundred fifty-six point forty-
31 three (356.43), Code 1979, as amended by Acts of the Sixty-
32 eighth General Assembly, 1979 Session, chapter fifty-three
33 (53), section five (5), is amended to read as follows:

34 356.43 INSPECTION BY DEPARTMENT--REPORT OF INSPECTION.

35 The ~~state-department~~ of ~~social-services~~ corrections and its

1 inspectors and agents shall ~~have-the-power-and-duty-to~~ make
2 periodic inspections of each ~~such~~ jail and all ~~such~~ facilities
3 established pursuant to chapter 356A, and officially ~~to~~ notify
4 the county board of supervisors in writing to comply fully
5 with the provisions of Acts of the Sixty-eighth General
6 Assembly, 1979 Session, chapter fifty-three (53), section
7 four (4).

8 The department of ~~social-services~~ corrections may order
9 the governing body of a political subdivision to either correct
10 any violations found in the inspection of a jail within a
11 designated period, or may prohibit the confinement of prisoners
12 in the jail. If the governing body fails to comply with the
13 order within the period designated, the department of ~~social~~
14 ~~services~~ corrections may schedule a hearing on the alleged
15 violation. The department may subpoena witnesses, documents,
16 and other information deemed necessary to determine the
17 validity of the alleged violation. The department shall upon
18 written request from the governing body of the political
19 subdivision grant representatives of the political subdivision
20 the right to appear before the department at the hearing.
21 ~~Such~~ The representatives ~~shall~~ have the right to counsel and
22 may produce witnesses and present statements, documents, and
23 other information with respect to the alleged violation for
24 consideration at the hearing.

25 The department after the hearing shall affirm, revoke,
26 or modify the original order. If the order is upheld, the
27 department may include a schedule for correction of the
28 ~~violation-or~~ violations and designate the date ~~before~~ by which
29 each violation shall be corrected.

30 If the political subdivision does not comply with the order
31 within the designated period, the department may petition
32 the attorney general to institute proceedings to enjoin the
33 political subdivision from confining prisoners in the jail
34 and require the transfer of prisoners to a jail declared by
35 the director to be suitable for confinement. The county or

1 municipality from which prisoners are transferred shall be
2 is liable for the cost of transfer and expenditures incurred
3 in the confinement of prisoners in the jail to which
4 transferred. Following inspection of any county jail, a
5 report of the ~~same~~ inspection shall be filed with the director
6 of the ~~division~~ department of corrections ~~of the department~~
7 ~~of social services~~, a copy with the sheriff, the county board
8 of supervisors, and one copy with the county attorney, which
9 shall be presented at the next session of the grand jury of
10 that county.

11 Sec. 143. Section three hundred fifty-six point forty-
12 five (356.45), Code 1979, is amended to read as follows:

13 356.45 EXPENSE AT REGIONAL DETENTION FACILITY. Each
14 county from which a person sentenced to the county jail is
15 transferred to serve all or any part of such sentence in the
16 regional detention facility shall reimburse the department
17 of ~~social services~~ corrections for the full cost of maintenance
18 of ~~such~~ the person in the facility. The average daily cost
19 of maintenance of an individual in the facility shall be
20 computed, and the respective counties shall be advised of
21 the amounts due the department of ~~social services~~ corrections
22 under this section and shall remit ~~such~~ the amounts, at the
23 times and in the manner provided by law for the support of
24 patients of state mental health institutes. ~~Such~~ The amounts
25 ~~shall be deemed~~ are a charge the county is required to pay
26 under section 356.15. The amounts ~~so~~ received by the
27 department of ~~social services~~ corrections from the respective
28 counties may be used by the department to supplement
29 appropriated funds for the cost of operating the regional
30 detention facility.

31 Sec. 144. Acts of the Sixty-eighth General Assembly, 1979
32 Session, chapter fifty-three (53), section four (4), is amended
33 to read as follows:

34 SEC. 4. Chapter three hundred fifty-six (356), Code 1979,
35 is amended by adding the following new section:

1 NEW SECTION. ESTABLISHMENT OF JAIL STANDARDS. The depart-
2 ment of ~~social-services~~ corrections, in consultation with
3 the Iowa state sheriff's association and the Iowa board of
4 supervisors association, shall draw up minimum standards for
5 the regulation of jails and alternative jails. When completed
6 by the department, the standards shall be promulgated as rules
7 pursuant to chapter 17A.

8 Sec. 145. Section six hundred ninety-two point one (692.1),
9 subsection seven (7), Code 1979, is amended to read as follows:

10 7. "Correctional data" means information pertaining to
11 the status, location and activities of persons under the
12 supervision of the county sheriff, the ~~division~~ department
13 of corrections ~~of-the-department-of-social-services~~, the board
14 of parole or any other state or local agency performing the
15 same or similar function, but does not include investigative,
16 sociological, psychological, economic or other subjective
17 information maintained by the division of corrections of the
18 department of social services or board of parole.

19 Sec. 146. Section seven hundred seven point two (707.2),
20 subsection four (4), Code 1979, is amended to read as follows:

21 4. The person intentionally kills a peace officer,
22 correctional officer, public employee, or hostage while ~~such~~
23 the person is imprisoned in a correctional institution under
24 the jurisdiction of the department of ~~social-services~~
25 corrections or in a city or county jail.

26 Sec. 147. Section seven hundred nineteen point four
27 (719.4), subsection three (3), Code 1979, is amended to read
28 as follows:

29 3. Any A person who has been committed to any an
30 institution under the control of the ~~division~~ department of
31 ~~adult~~ corrections, or to any a jail or correctional
32 institution, who knowingly and voluntarily absents himself
33 or herself from any a place where the person is required to
34 be, commits a serious misdemeanor.

35 Sec. 148. Section seven hundred nineteen point seven

1 (719.7), Code 1979, is amended to read as follows:

2 719.7 FURNISHING INTOXICANT TO INMATES. Any A person
3 not authorized by law who furnishes or knowingly makes
4 available any an intoxicating beverage to any an inmate at
5 any a detention facility, correctional institution or any
6 an institution under the management of the department of
7 ~~social-services~~ corrections, or who introduces any an
8 intoxicating beverage into the premises of any such an
9 institution, commits a simple misdemeanor.

10 Sec. 149. Section seven hundred nineteen point eight
11 (719.8), Code 1979, is amended to read as follows:

12 719.8 FURNISHING CONTROLLED SUBSTANCE TO INMATES. Any
13 A person not authorized by law who furnishes or knowingly
14 makes available any a controlled substance to any an inmate
15 at any a detention facility or correctional institution, or
16 at any an institution under the management of the department
17 of ~~social-services~~ corrections, or who introduces any a
18 controlled substance into the premises of any such an
19 institution, commits a class "D" felony.

20 Sec. 150. Section seven hundred twenty-four point two
21 (724.2), subsection four (4), Code 1979, is amended to read
22 as follows:

23 4. Any A correctional officer, serving in an institution
24 under the authority of the ~~division~~ department of ~~adult~~
25 corrections.

26 Sec. 151. Section seven hundred twenty-four point four
27 (724.4), subsection four (4), Code 1979, is amended to read
28 as follows:

29 4. Any A correctional officer, when ~~his-or-her~~ the
30 officer's duties require, serving under the authority of the
31 ~~division~~ department of ~~adult~~ corrections.

32 Sec. 152. Section nine hundred one point four (901.4),
33 Code 1979, is amended to read as follows:

34 901.4 PRESENTENCE INVESTIGATION REPORT CONFIDENTIAL.
35 The court may, ~~in its discretion,~~ make the presentence

1 investigation report or parts of it available to the defendant,
2 or the court may make the report or parts of it available
3 while concealing the identity of the person who provided
4 confidential information. The report of any a medical
5 examination or psychiatric evaluation shall be made available
6 to the attorney for the state and to the defendant upon
7 request. ~~Such~~ The reports shall be part of the record but
8 shall be sealed and opened only on order of the court. ~~In~~
9 ~~any-case-where~~ If the defendant is committed to the custody
10 of the ~~division~~ department of ~~adult~~ corrections and is not
11 a class "A" felon, a copy of the presentence investigation
12 report shall be sent to the director at the time of commitment.

13 Sec. 153. Section nine hundred one point seven (901.7),
14 Code 1979, is amended to read as follows:

15 901.7 COMMITMENT TO CUSTODY. In imposing a sentence of
16 confinement for more than one year, the court shall commit
17 the defendant to the custody of the director of the ~~division~~
18 department of ~~adult~~ corrections. Upon entry of judgment and
19 sentence, the clerk of the district court immediately shall
20 notify the director of ~~such~~ the commitment. The court shall
21 make ~~such~~ an order as ~~is~~ appropriate for the temporary custody
22 of the defendant pending the defendant's transfer to the
23 custody of the director. The court shall order the county
24 where a person was convicted to pay the cost of temporarily
25 confining the person and of transporting the person to the
26 state institution where ~~he-or-she~~ the person is to be confined
27 in execution of the judgment.

28 Sec. 154. Section nine hundred two point one (902.1),
29 Code 1979, is amended to read as follows:

30 902.1 CLASS "A" FELONY. Upon a plea of guilty, a verdict
31 of guilty, or a special verdict upon which a judgment of
32 conviction of a class "A" felony may be rendered, the court
33 shall enter a judgment of conviction and shall commit the
34 defendant into the custody of the director of the ~~division~~
35 department of ~~adult~~ corrections for the rest of the defendant's

1 life. Nothing in the Iowa corrections code pertaining to
2 deferred judgment, deferred sentence, suspended sentence or
3 reconsideration of sentence ~~shall-apply~~ applies to a class
4 "A" felony, and ~~no~~ a person convicted of a class "A" felony
5 shall not be released on parole unless the governor commutes
6 the sentence to a term of years.

7 Sec. 155. Section nine hundred two point three (902.3),
8 Code 1979, is amended to read as follows:

9 902.3 INDETERMINATE SENTENCE. When a judgment of
10 conviction of a felony other than a class "A" felony is entered
11 against ~~any~~ a person, the court, in imposing a sentence of
12 confinement, shall commit the person into the custody of the
13 director of the ~~division~~ department of ~~adult~~ corrections for
14 an indeterminate term, the maximum length of which shall not
15 exceed the limits as fixed by section 902.9 nor shall the
16 term be less than the minimum term imposed by law, if a minimum
17 sentence is provided.

18 Sec. 156. Section nine hundred two point four (902.4),
19 Code 1979, is amended to read as follows:

20 902.4 RECONSIDERATION OF FELON'S SENTENCE. For a period
21 of ninety days from the date when a person convicted of a
22 felony, other than a class "A" felony or a felony for which
23 a minimum sentence of confinement is imposed, begins to serve
24 a sentence of confinement, the court, on its own motion or
25 on the recommendation of the ~~commissioner~~ director of ~~social~~
26 ~~services~~ the department of corrections, may order the person
27 to be returned to the court, at which time the court may
28 review its previous action and reaffirm it or substitute for
29 it any sentence permitted by law. The court's final order
30 in ~~any-such~~ the proceeding shall be delivered to the defendant
31 personally or by certified mail. ~~Such-action-is-discretionary~~
32 ~~with-the-court,-and-its~~ The court's decision to take such
33 action or not to take such action is not subject to appeal.
34 ~~The-provisions-of-this-section-notwithstanding~~ However, for
35 the purposes of appeal, a judgment of conviction of a felony

1 is a final judgment when pronounced.

2 Sec. 157. Section nine hundred two point five (902.5),
3 Code 1979, is amended to read as follows:

4 902.5 PLACE OF CONFINEMENT. The director of the ~~division~~
5 department of ~~adult~~ corrections shall determine the appropriate
6 place of confinement of any person committed to the director's
7 custody, in any institution administered by the director,
8 and may transfer the person from one institution to another
9 during the person's period of confinement.

10 Sec. 158. Section nine hundred two point six (902.6),
11 Code 1979, is amended to read as follows:

12 902.6 RELEASE. A person who has been committed to the
13 custody of the director of the ~~division~~ department of ~~adult~~
14 corrections shall remain in ~~such~~ custody until released by
15 the order of the board of parole, in accordance with the law
16 governing paroles, or by order of the judge after
17 reconsideration of a felon's sentence pursuant to section
18 902.4 or until the maximum term of the person's confinement,
19 as fixed by law, has been completed.

20 Sec. 159. Section nine hundred two point ten (902.10),
21 Code 1979, is amended to read as follows:

22 902.10 APPLICATION FOR INVOLUNTARY HOSPITALIZATION. For
23 the purposes of chapter 229, the director of the ~~division~~
24 department of corrections ~~shall-be-considered~~ is an interested
25 person and all applicable provisions of chapter 229, relating
26 to involuntary hospitalization, ~~shall~~ apply to ~~any~~ persons
27 who have been committed to the custody of the ~~division~~
28 department of corrections as a result of a conviction of a
29 public offense.

30 Sec. 160. Section nine hundred three point four (903.4),
31 Code 1979, is amended to read as follows:

32 903.4 PROVIDING PLACE OF CONFINEMENT. ~~All-persons~~ Persons
33 sentenced to confinement for a period of one year or less
34 shall be confined in a place to be furnished by the county
35 where the ~~conviction-was-had~~ person was convicted. ~~All-persons~~

1 Persons sentenced to confinement for a period of more than
2 one year shall be committed to the custody of the director
3 of the ~~division~~ department of ~~adult~~ corrections to be confined
4 in a place to be designated by the director and the cost of
5 ~~such~~ the confinement shall be borne by the state. The director
6 may contract with local governmental units for the use of
7 detention or correctional facilities maintained by ~~such~~ the
8 units for the confinement of such persons.

9 Sec. 161. Section nine hundred five point four (905.4),
10 subsections two (2), four (4), and nine (9), Code 1979, are
11 amended to read as follows:

12 2. Employ a director having the qualifications required
13 by section 905.6 to head the district department's community-
14 based correctional program and, within a range established
15 by the state department of ~~social-services~~ corrections, fix
16 the compensation of and have control over the director and
17 the district department's staff. For purposes of collective
18 bargaining under chapter 20, employees of the district board
19 who are not exempt from chapter 20 ~~shall-be~~ are employees
20 of the state, and the employees of all of the district boards
21 shall be included within one collective bargaining unit.

22 4. File with the board of supervisors of each county in
23 the district and with the state department of ~~social-services~~
24 corrections, within thirty days after the close of each fiscal
25 year, a report covering the district board's proceedings and
26 a statement of receipts and expenditures during the preceding
27 fiscal year.

28 9. Arrange, by contract or on ~~such~~ an alternative basis
29 ~~as-may-be~~ mutually acceptable, and with approval of the
30 director of the ~~division~~ department of ~~adult~~ corrections of
31 ~~the-department-of-social-services~~ or that director's designee
32 for utilization of existing local treatment and service
33 resources, including but not limited to employment, job
34 training, general, special or remedial education; psychiatric
35 and marriage counseling; and alcohol and drug abuse treatment

1 and counseling. It is the intent of this chapter that a
2 district board shall approve the development and maintenance
3 of such resources by its own staff only if the resources to
4 be so developed and maintained are otherwise unavailable to
5 the district department within reasonable proximity to the
6 community where these services are needed in connection with
7 the community-based correctional program.

8 Sec. 162. Section nine hundred five point five (905.5),
9 subsection one (1), Code 1979, is amended to read as follows:

10 1. The county designated under section 905.4, subsection
11 3 as administrative agent for each district department shall
12 submit that district department's budget and supporting
13 information to the state department of ~~social-services~~
14 corrections in accordance with the provisions of chapter 8.
15 The state department shall incorporate the budgets of each
16 of the district departments into its own budget request, to
17 be processed as prescribed by the uniform budget, accounting
18 and administrative procedures established by the state
19 comptroller. Funds appropriated pursuant to the budget
20 requests of the respective district departments shall be
21 allocated on a quarterly basis, and the state comptroller
22 shall authorize advancement of the funds so allocated to each
23 district department's administrative agent at the beginning
24 of each fiscal quarter.

25 Sec. 163. Section nine hundred five point six (905.6),
26 subsections one (1), two (2), and six (6), Code 1979, are
27 amended to read as follows:

28 1. Perform the duties and have the responsibilities
29 delegated by the district board or specified by the state
30 department of ~~social-services~~ corrections pursuant to this
31 chapter.

32 2. Manage the district department's community-based
33 correctional program, in accordance with the policies of the
34 district board and the state department of ~~social-services~~
35 corrections.

1 6. Develop and submit to the district board a plan for
2 the establishment, implementation and operation of a community-
3 based correctional program in that judicial district, which
4 program conforms to the guidelines drawn up by the state
5 department of ~~social-services~~ corrections under this chapter.

6 Sec. 164. Section nine hundred five point seven (905.7),
7 unnumbered paragraph one (1), Code 1979, is amended to read
8 as follows:

9 The state department of ~~social-services~~ corrections shall
10 provide assistance and support to the respective judicial
11 districts to aid them in complying with this chapter, and
12 shall promulgate rules pursuant to chapter 17A establishing
13 guidelines in accordance with and in furtherance of the
14 purposes of this chapter. The guidelines ~~so-adopted~~ shall
15 include, but need not be limited to, requirements that each
16 district department:

17 Sec. 165. Section nine hundred five point eight (905.8),
18 Code 1979, is amended to read as follows:

19 905.8 STATE FUNDS ALLOCATED. The state department of
20 ~~social-services~~ corrections shall provide for the allocation
21 among judicial districts in the state of ~~any~~ state funds
22 appropriated for the establishment, operation, support and
23 evaluation of community-based correctional programs and
24 services. However, ~~no~~ state funds shall not be allocated
25 under this section to ~~any~~ a judicial district unless the state
26 department has reviewed and approved that district department's
27 community-based correctional program for compliance with the
28 requirements of this chapter and the guidelines adopted under
29 section 905.7.

30 Sec. 166. Section nine hundred five point nine (905.9),
31 Code 1979, is amended to read as follows:

32 905.9 REPORT OF REVIEW--SANCTION. Upon completion of
33 a review of a district community-based correctional program,
34 made under section 905.8, the state department of ~~social~~
35 ~~services~~ corrections shall submit its findings to the district

1 board in writing. If the state department concludes that
2 the district department's community-based correctional program
3 fails to meet any of the requirements of this chapter and
4 of the guidelines adopted under section 905.7, it shall also
5 request in writing a response to this finding from the district
6 board. If ~~no~~ a response is not received within sixty days
7 after the date of that request, or if the response is
8 unsatisfactory, the ~~state~~ department may call a public hearing
9 on the matter. If after the hearing, the ~~state~~ department
10 is not satisfied that the district's community-based
11 correctional program will ~~expediously~~ expeditiously be brought
12 into compliance with the requirements of this chapter and
13 of the guidelines adopted under section 905.7, it may assume
14 responsibility for administration of the district's community-
15 based correctional program on an interim basis.

16 Sec. 167. Section nine hundred five point ten (905.10),
17 Code 1979, is amended to read as follows:

18 905.10 POST-INSTITUTIONAL PROGRAMS AND SERVICES. Persons
19 participating in post-institutional services ~~shall~~ remain
20 under the jurisdiction of the ~~state~~ department of ~~social~~
21 ~~services~~-~~division~~-of corrections. The ~~state~~ department shall
22 maintain adequate personnel to provide post-institutional
23 residential services, parole services, and supervision of
24 persons transferred into the state under the interstate compact
25 for supervision of parolees and probationers.

26 Sec. 168. Section nine hundred six point one (906.1),
27 Code 1979, is amended to read as follows:

28 906.1 DEFINITION OF PAROLE. Parole is the release of
29 a person who has been committed to the custody of the
30 ~~commissioner~~ director of ~~social-services~~ the department of
31 corrections by reason of the person's commission of a public
32 offense, which release occurs prior to the expiration of the
33 person's term, is subject to supervision by the department
34 of ~~social-services~~ corrections and on conditions imposed by
35 the department.

1 Sec. 169. Section nine hundred six point three (906.3),
2 Code 1979, is amended to read as follows:

3 906.3 AUTHORITY OF PAROLE BOARD. The board of parole
4 shall promulgate regulations regarding a system of paroles
5 from correctional institutions, and shall direct, control,
6 and supervise the administration of ~~such~~ the system of paroles.
7 The board shall determine which of those persons who have
8 been committed to the custody of the director of the ~~division~~
9 department of adult corrections, by reason of their conviction
10 of a public offense, shall be released on parole. The grant
11 or denial of parole ~~shall~~ is not be deemed a contested case
12 as defined in section 17A.2.

13 Sec. 170. Section nine hundred six point five (906.5),
14 Code 1979, is amended to read as follows:

15 906.5 RECORD REVIEWED--ELIGIBILITY OF PRIOR FORCIBLE FELON
16 FOR PAROLE--RULES. Within one year after the commitment of
17 any a person other than a class "A" felon to the custody of
18 the director of the ~~division~~ department of ~~adult~~ corrections,
19 a member of the board shall interview the person. Thereafter,
20 at regular intervals, not to exceed one year, the board shall
21 interview the person and consider ~~his-or-her~~ the person's
22 prospects for parole. At such time, the board shall consider
23 all pertinent information regarding this person, including
24 the circumstances of the person's offense, any presentence
25 report which may be available, the previous social history
26 and criminal record of ~~such~~ the person, the person's conduct,
27 employment and attitude in prison, and the reports of ~~such~~
28 physical and mental examinations as that have been made.

29 If the person who is under consideration for parole is
30 serving a sentence for conviction of a felony and has a
31 criminal record of one or more prior convictions for a forcible
32 felony or a crime of a similar gravity in this or any other
33 state, parole shall be denied unless the defendant person
34 has served at ~~last~~ least one-half of the maximum term of ~~his~~
35 ~~or-her~~ the sentence.

1 Every A person while on parole ~~shall-be~~ is under the
2 supervision of the department of ~~social-services~~ corrections,
3 which shall prescribe regulations for governing persons on
4 parole. The board may adopt other rules not inconsistent
5 with the ~~above~~ rules of the department as it ~~may-deem~~ deems
6 proper or necessary for the performance of its functions.

7 Sec. 171. Section nine hundred six point ten (906.10),
8 Code 1979, is amended to read as follows:

9 906.10 PAROLE RELIEF FUND. There is ~~hereby~~ established,
10 from any unappropriated funds in the state treasury, a fund
11 of twelve hundred fifty dollars which shall be known as the
12 parole relief fund. The treasurer of ~~the~~ state shall ~~continue~~
13 ~~to~~ maintain ~~said~~ the fund in ~~said~~ that amount. ~~Said~~ The fund
14 may be used for the relief of paroled prisoners who are in
15 distress because of illness, loss of employment, or conditions
16 creating personal need. ~~In-no-instance-shall-the~~ The total
17 amount advanced to a prisoner shall not exceed one hundred
18 dollars. The prisoner, at the time of receiving an
19 advancement, shall execute and deliver to ~~his-or-her~~ the
20 parole officer ~~his-or-her~~ a written obligation to repay the
21 ~~same~~ advance during the period of the prisoner's parole.
22 When ~~so~~ paid, the amount shall be deposited with the treasurer
23 of ~~the~~ state and credited to the fund from which drawn. ~~Such~~
24 ~~fund~~ The advance shall be drawn on vouchers executed by the
25 director of the ~~bureau~~ department of ~~adult~~ corrections in
26 favor of ~~said~~ the needy person. Each voucher shall show that
27 the advancement was ordered by the chief parole officer.

28 Sec. 172. Section nine hundred six point seventeen
29 (906.17), Code 1979, is amended to read as follows:

30 906.17 ALLEGED PAROLE VIOLATORS--REIMBURSEMENT TO COUNTIES
31 FOR TEMPORARY CONFINEMENT. The ~~division~~ department of ~~adult~~
32 corrections shall reimburse a county for the temporary
33 confinement of alleged parole violators. The amount to be
34 reimbursed shall be determined by multiplying the number of
35 days ~~so~~ confined by the average daily cost of confining a

1 person in the county facility as negotiated by the department.
2 Payment shall be made upon submission of a voucher executed
3 by the sheriff and approved by the director of the ~~division~~
4 department of ~~adult~~ corrections. The money shall be deposited
5 in the county general fund to be credited to the jail account.

6 Sec. 173. Section nine hundred eight point five (908.5),
7 Code 1979, is amended to read as follows:

8 908.5 WAIVER OF PROBABLE CAUSE HEARING. The alleged
9 parole violator may waive the probable cause hearing, in which
10 event the liaison officer shall proceed as upon a finding
11 of probable cause. Before accepting a waiver of hearing,
12 the liaison officer shall inform the alleged violator of the
13 charge, of the alleged violator's right to a hearing to
14 determine whether there is probable cause to believe that
15 parole has been violated, and that if the hearing is waived,
16 the alleged violator will be committed to the custody of the
17 department of ~~social-services~~ corrections without further
18 proceedings, to await the determination of the parole board.
19 The liaison officer shall make a verbatim record of the
20 proceedings in which the hearing is waived.

21 Sec. 174. Section nine hundred eight point six (908.6),
22 Code 1979, is amended to read as follows:

23 908.6 DISPOSITION BY LIAISON OFFICER. If it appears from
24 the evidence that there is no probable cause to believe that
25 the arrested person has violated the conditions of parole,
26 the liaison officer shall order the arrested person to be
27 released from custody and continued on parole. If it appears
28 that there is probable cause to believe that the arrested
29 person has violated the conditions of parole, the liaison
30 officer shall commit the arrested person to the custody of
31 the department of ~~social-services~~ corrections, and the
32 procedure prescribed in section 901.7 shall apply to ~~such~~
33 the commitment; or the liaison officer may recommend that
34 the arrested person be admitted to bail as provided in section
35 908.2. The liaison officer shall make a summary of the

1 testimony and other evidence considered and a statement of
2 the facts relied on as a basis for the finding of probable
3 cause or no probable cause, and shall without delay forward
4 them together with all documents relating to the matter to
5 the executive secretary of the parole board. If the alleged
6 parole violator has waived the probable cause hearing, the
7 verbatim record of that proceeding shall be forwarded in lieu
8 of the summary of evidence and statement of facts.

9 Sec. 175. Section nine hundred eight point seven (908.7),
10 Code 1979, is amended to read as follows:

11 908.7 ACTION BY PAROLE BOARD. Upon a finding of probable
12 cause to believe that a parole violation has occurred, the
13 board of parole shall proceed without unreasonable delay to
14 hear the charge of parole violation. Upon receipt of the
15 record prepared and forwarded by the liaison officer, the
16 board shall fix a time and place for ~~such~~ the hearing and
17 shall notify in writing the alleged violator, the alleged
18 violator's attorney of record, if any, and the department
19 of ~~social-services~~ corrections of ~~such~~ the hearing and the
20 claimed violation of parole. The alleged violator shall be
21 given an opportunity to be heard by the board under ~~such~~ rules
22 as the board shall adopt. The inquiry shall be limited to
23 the following two matters:

- 24 1. Did the alleged parole violation actually occur?
25 2. If the violation did occur, should the violator's
26 parole be revoked?

27 PARAGRAPH DIVIDED. If the board determines that the parole
28 should be revoked, it shall make an order revoking the parole.
29 The board shall furnish the violator with a written statement
30 of the facts relied upon to establish a violation and the
31 reasons for revoking parole.

32 Sec. 176. Section nine hundred eight point eight (908.8),
33 Code 1979, is amended to read as follows:

34 908.8 PROCEEDING WITHOUT ARREST OR PROBABLE CAUSE. The
35 board of parole may receive from a parole officer a charge

1 or complaint of parole violation against any parolee and may
2 proceed to a hearing on ~~such~~ the charge in any case where
3 the alleged violator has not been arrested or has been arrested
4 and discharged by the liaison officer on a finding of no
5 probable cause. The presence of the alleged violator at ~~such~~
6 the hearing shall be secured by summons. A statement of the
7 charge against the alleged violator shall accompany the
8 summons, and the parole officer shall give the alleged violator
9 ~~such~~ assistance as ~~is~~ needed to get to the place of the
10 hearing. Travel expenses, if any, shall be paid by the board.
11 If the alleged violator fails without good cause to appear
12 as commanded by the summons, ~~such~~ the failure shall be
13 considered a violation of the parole, and the board may proceed
14 to revoke parole. If the parole is revoked, the board shall
15 issue a warrant for the person's arrest and return to the
16 custody of the department of ~~social-services~~ corrections.
17 Upon ~~his-or-her~~ the person's return to custody, the board
18 ~~shall~~, upon request, shall give the person an opportunity
19 to present any matters in defense or mitigation of the conduct.

20 Sec. 177. Section nine hundred eight point nine (908.9),
21 Code 1979, is amended to read as follows:

22 908.9 DISPOSITION OF VIOLATOR. If the parole of any a
23 parole violator is revoked, the violator shall remain in the
24 custody of the department of ~~social-services~~ corrections under
25 the terms of the parolee's original commitment. If the parole
26 of any a parole violator is not revoked, the board shall order
27 ~~his-or-her~~ the person's release subject to the terms of ~~his~~
28 ~~or-her~~ the person's parole with any modifications that the
29 board ~~shall-determine~~ determines proper.

30 Sec. 178. 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) as amended by
33 Acts of the Sixty-eighth General Assembly, 1979 Session,
34 chapter fifty-three (53), section one (1), two hundred eighteen
35 point ninety (218.90), two hundred eighteen point ninety-one

1 (218.91), two hundred eighteen point ninety-two (218.92),
2 and two hundred eighteen point ninety-seven (218.97), Code
3 1979, are repealed.

4 Sec. 179. INITIAL TERMS. Notwithstanding section three
5 (3) of this Act, the terms of the initial members of the board
6 of corrections appointed pursuant to section three (3) of
7 this Act shall be as follows:

8 One member shall serve until June 30, 1983.

9 Two members shall serve until June 30, 1984.

10 Two members shall serve until June 30, 1985.

11 Sec. 180. TRANSITION. Employees of the division of adult
12 corrections of the department of social services, the Iowa
13 training school for boys and the Iowa training school for
14 girls, shall become employees of the department of corrections
15 on the effective date of this Act. All policies, procedures,
16 and rules established for or by the division of adult
17 corrections of the department of social services, the Iowa
18 training school for boys and the Iowa training school for
19 girls shall apply respectively to the department, its
20 employees, residents, and inmates, until otherwise changed
21 as provided by law or rule. All applicable contracts and
22 leasing arrangements shall be transferred to the jurisdiction
23 of the department of corrections on the effective date of
24 this Act. All equipment, supplies, and property in the custody
25 of the division of adult corrections of the department of
26 social services, the Iowa training school for boys and the
27 Iowa training school for girls, shall be transferred to the
28 department of corrections on the effective date of this Act.
29 Funds appropriated for the division of adult corrections,
30 the Iowa training school for boys, and the Iowa training
31 school for girls, shall be transferred and be available for
32 the use of the department of corrections on and after the
33 effective date of this Act.

34 Sec. 181. This Act becomes effective January 1, 1981.

35 EXPLANATION

1 This bill creates a department of corrections to assume
2 the duties and responsibilities of the present division of
3 corrections of the department of social services and a portion
4 of the responsibilities presently vested in the division of
5 child and family services. The new department would be
6 responsible for the administration of, and the control,
7 treatment and rehabilitation of persons committed to the Iowa
8 training school for boys, the Iowa training school for girls,
9 the women's reformatory, the men's reformatory, the state
10 penitentiary, the Iowa security medical facility, the
11 correctional release center, camps, and other institutions
12 not attached to the campus of the main institution as program
13 developments require.

14 The general administration of the department is placed
15 with the board of corrections created in this Act, while the
16 director, who is appointed by the board, performs supervisory
17 responsibilities.

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