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Reprinted 3/25/83

SENATE FILE 503

BY COMMITTEE ON JUDICIARY
Approved 3/21/83 (p. 278)
(FORMERLY SSB "J")

Passed Senate, Date 3-23-83 (p. 921) Passed House, Date 4-27-83 (p. 1582)
Vote: Ayes 46 Nays 0 Vote: Ayes 98 Nays 0
Approved _____

A BILL FOR

1 An Act relating to inmates in correctional facilities.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
SENATE FILE 503

S-3292

- 1 Amend Senate File 503 as follows:
- 2 1. Page 1, by striking lines 14 through 19, and
- 3 inserting in lieu thereof the following:
- 4 "Sec. 2. Chapter 218, Code 1983, is amended by
- 5 adding the following new section:
- 6 NEW SECTION. CONFISCATION OF CONTRABAND CURRENCY.
- 7 1. Except as provided for by the director of the
- 8 division of adult corrections by rule, it is unlawful
- 9 for an inmate of one of the penal or correctional
- 10 facilities under the division of adult corrections
- 11 to possess United States currency in the penal or
- 12 correctional facility.
- 13 2. The director of the division of adult
- 14 corrections shall adopt rules as to circumstances
- 15 under which the possession of United States currency
- 16 by an inmate of a penal or correctional facility under
- 17 the division, is authorized.
- 18 3. The division of adult corrections may confiscate
- 19 United States currency unlawfully possessed in
- 20 violation of this section. Money confiscated pursuant
- 21 to this section shall be deposited in a special fund
- 22 in the state treasury which fund shall be established
- 23 by the treasurer of state. Money deposited in the
- 24 fund may be drawn upon by the division of adult
- 25 corrections to pay for expenses incurred in operating
- 26 the division's penal and correctional facilities and
- 27 programs."
- 28 2. Page 2, line 22, by striking the words "a
- 29 public service pursuant to" and inserting in lieu
- 30 thereof the following: "provided by chapter 216 or".

S-3292 FILED
MARCH 22, 1983
Adopted 3/23/83 (p. 921)

BY DONALD V. DOYLE

1 Section 1. NEW SECTION. 247A.11 WORK RELEASE VIOLATORS-
2 -REIMBURSEMENT TO THE DIVISION OF ADULT CORRECTIONS FOR TRANS-
3 PORTATION COSTS. A work release client who escapes or partic-
4 ipates in an act of absconding from the facility the client
5 is assigned to shall reimburse the division of adult correc-
6 tions for the cost of transportation incurred because of the
7 escape or act of absconding. The amount of reimbursement
8 shall be the actual cost incurred by the division and shall
9 be credited to the support account from which the billing
10 occurred. The director of the division of adult corrections
11 shall recommend rules pursuant to chapter 17A, subject to
12 approval by the council of social services pursuant to section
13 217.3, subsection 6, to implement this section.

14 Sec. 2. NEW SECTION. 218.101 CONFISCATED CONTRABAND.
15 The director in control of a correctional institution shall
16 confiscate contraband currency not authorized by the
17 institution. The confiscated currency shall be credited to
18 the account of the institution and shall be used to defray
19 the cost of the institution.

20 Sec. 3. Section 246.18, Code 1983, is amended to read
21 as follows:

22 246.18 EMPLOYMENT OF PRISONERS INMATES--INSTITUTIONS AND
23 PARKS PUBLIC SERVICE. ~~Prisoners-in-the-penitentiary-or-men's~~
24 ~~reformatory~~ Inmates shall be employed only on state account
25 in the maintenance of the institutions, in the erection,
26 repair, or operation of buildings and works used in connection
27 with ~~said~~ the institutions, and in ~~such~~ industries ~~as-may~~
28 ~~be~~ established and maintained in connection ~~therewith~~ with
29 the institutions by the state director. The state director
30 may detail prisoners, classed as trusties, from the state
31 penitentiary or reformatory to perform ~~services~~ public service
32 for the conservation commission ~~within-the-state-parks~~ and
33 other agencies of state, county, or local government. The
34 ~~conservation-commission-shall-provide-proper~~ public agency
35 receiving the inmate service is responsible for the

1 supervision, housing and maintenance ~~for said prisoners but~~
 2 of the inmates and the surveillance of said prisoners the
 3 inmates shall remain under employees of the state director.
 4 The department of social services may also enter into an
 5 agreement with the agency receiving the public service to
 6 determine the party responsible for the costs of transpor-
 7 tation of the inmates. All such employment, including but
 8 not limited to that provided in this section, shall have as
 9 its primary purpose, and shall provide for, inculcation or
 10 the reactivation of attitudes, skills, and habit patterns
 11 which will be conducive to ~~prisoner~~ inmate rehabilitation.

12 Sec. 4. Section 246.25, Code 1983, is amended to read
 13 as follows:

14 246.25 LIMITATION ON CONTRACT. The state director or
 15 ~~the warden of the state penitentiary or the warden of the~~
 16 reformatory wardens and superintendents of the institutions
 17 shall not, nor shall any other person employed by the state,
 18 make any contract by which the labor or time of any a prisoner
 19 or inmate in ~~such penitentiary or reformatory shall be~~
 20 contracted, let, farmed out, the institution is given, loaned,
 21 or sold to any person, firm, association, or corporation
 22 unless as a public service pursuant to section 246.18.

23 EXPLANATION

24 This bill relates to inmates in correctional facilities.

25 Section 1 requires an inmate who escapes or absconds from
 26 a correctional facility to pay for the cost of transportation
 27 upon the return of the inmate to the facility.

28 Section 2 requires the director in control of a correctional
 29 institution to confiscate contraband currency and to use the
 30 currency to defray the cost of the institution.

31 Section 3 permits an inmate to be employed by public service
 32 agencies in addition to the conservation commission allowed
 33 currently. The inmate labor shall not be used to displace
 34 current or future employees. The department of social services
 35 is permitted to enter into an agreement with the agency for

1 the cost of transporting the inmates.

2 Section 4 permits the wardens and superintendents of correc-
3 tional institutions to make a contract regarding inmate labor
4 for public service.

5 The bill creates new sections 247A.11 and 218.101.

6 The bill takes effect July 1 following its enactment.

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See Judiciary 3/29/83

Senate File 503

Judiciary and Law Enforcement: Knapp, Chair; Maulsby and Parker. ATE FILE 503

Amended per 3585 + Do Pass 4/8/83

BY COMMITTEE ON JUDICIARY

(AS AMENDED AND PASSED BY THE SENATE MARCH 23, 1983)

Be Passed Senate, Date 4-27-83 (p. 1425) Passed House, Date 4-27-83 (p. 1582)

Vote: Ayes 42 Nays 1 Vote: Ayes 98 Nays 0

Approved April 28, 1983 (p. 1473)
Repassed House as further amended by Senate
4-28-83 (p. 1639)
82-11

A BILL FOR

1 An Act relating to inmates in correctional facilities.

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

3

4

121st Day

TUESDAY, MAY 10, 1983

1641

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6

COMMUNICATION FROM THE SECRETARY OF STATE

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May 9, 1983

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Ms. K. Marie Thayer
Secretary of the Senate
State Capitol Building
LOCAL

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Dear Ms. Thayer:

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I hereby certify that Senate File 503 was published in the Quad City Times, Davenport, Iowa, on May 5, 1983, and in The Onawa Sentinel, Onawa, Iowa, on May 5, 1983.

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Respectfully submitted,
MARY JANE ODELL
Secretary of State

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1 Section 1. NEW SECTION. 247A.11 WORK RELEASE VIOLATORS--
2 -REIMBURSEMENT TO THE DIVISION OF ADULT CORRECTIONS FOR TRANS-
3 PORTATION COSTS. A work release client who escapes or partic-
4 ipates in an act of absconding from the facility the client
5 is assigned to shall reimburse the division of adult correc-
6 tions for the cost of transportation incurred because of the
7 escape or act of absconding. The amount of reimbursement
8 shall be the actual cost incurred by the division and shall
9 be credited to the support account from which the billing
10 occurred. The director of the division of adult corrections
11 shall recommend rules pursuant to chapter 17A, subject to
12 approval by the council of social services pursuant to section
13 217.3, subsection 6, to implement this section.

14 Sec. 2. Chapter 218, Code 1983, is amended by adding the
15 following new section:

16 NEW SECTION. CONFISCATION OF CONTRABAND CURRENCY.

17 1. Except as provided for by the director of the division
18 of adult corrections by rule, it is unlawful for an inmate
19 of one of the penal or correctional facilities under the
20 division of adult corrections to possess United States currency
21 in the penal or correctional facility.

22 2. The director of the division of adult corrections shall
23 adopt rules as to circumstances under which the possession
24 of United States currency by an inmate of a penal or
25 correctional facility under the division, is authorized.

26 3. The division of adult corrections may confiscate United
27 States currency unlawfully possessed in violation of this
28 section. Money confiscated pursuant to this section shall
29 be deposited in a special fund in the state treasury which
30 fund shall be established by the treasurer of state. Money
31 deposited in the fund may be drawn upon by the division of
32 adult corrections to pay for expenses incurred in operating
33 the division's penal and correctional facilities and programs.

34 Sec. 3. Section 246.18, Code 1983, is amended to read
35 as follows:

1 246.18 EMPLOYMENT OF PRISONERS INMATES--INSTITUTIONS AND
 2 PARKS PUBLIC SERVICE. ~~Prisoners-in-the-penitentiary-or-men's~~
 3 ~~reformatory~~ Inmates shall be employed only on state account
 4 in the maintenance of the institutions, in the erection,
 5 repair, or operation of buildings and works used in connection
 6 with ~~said~~ the institutions, and in ~~such~~ industries ~~as may~~
 7 be established and maintained in connection ~~therewith~~ with
 8 the institutions by the state director. The state director
 9 may detail prisoners, classed as trustees, from the state
 10 penitentiary or reformatory to perform ~~services~~ public service
 11 for the conservation commission ~~within-the-state-parks and~~
 12 other agencies of state, county, or local government. The
 13 ~~conservation-commission-shall-provide-proper~~ public agency
 14 receiving the inmate service is responsible for the
 15 supervision, housing and maintenance ~~for-said-prisoners-but~~
 16 of the inmates and the surveillance of said-prisoners the
 17 inmates shall remain under ~~employees-of~~ the state director.
 18 The department of social services may also enter into an
 19 agreement with the agency receiving the public service to
 20 determine the party responsible for the costs of transpor-
 21 tation of the inmates. All such employment, including but
 22 not limited to that provided in this section, shall have as
 23 its primary purpose, and shall provide for, inculcation or
 24 the reactivation of attitudes, skills, and habit patterns
 25 which will be conducive to ~~prisoner~~ inmate rehabilitation.

26 Sec. 4. Section 246.25, Code 1983, is amended to read
 27 as follows:

28 246.25 LIMITATION ON CONTRACT. The state director or
 29 the ~~warden-of-the-state-penitentiary-or-the-warden-of-the~~
 30 ~~reformatory~~ wardens and superintendents of the institutions
 31 shall not, nor shall any other person employed by the state,
 32 make any contract by which the labor or time of any a prisoner
 33 or inmate in ~~each-penitentiary-or-reformatory-shall-be~~
 34 ~~contracted, let, farmed-out,~~ the institution is given, loaned,
 35 or sold to any person, ~~firm, association, or corporation~~

1 unless as provided by chapter 216 or section 246.18.

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SF 503
sl/slc/26c

SENATE FILE 503

H-3736

1 Amend Senate File 503, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 2, by striking lines 13 through 21, and
4 inserting in lieu thereof the following: "~~conservation~~
5 ~~commission-shall-provide-proper-supervision,-housing~~
6 ~~and-maintenance-for-said-prisoners-but-the-surveillance~~
7 ~~of-said-prisoners-shall-remain-under-employees-of~~
8 ~~the-state-director~~ supervision, security,
9 transportation, and compensation of inmates used in
10 public service projects shall be provided pursuant
11 to agreements made by the director of the division
12 of adult corrections and the agency of state, local,
13 or county government for which the work is done.
14 Housing and maintenance shall also be provided pursuant
15 to the agreement unless the inmate is housed and
16 maintained in the correctional facility. All such
17 employment, including but".

H-3736 FILED APRIL 13, 1983 BY SPEAR of Lee
Adopted 4/20/83 (p. 1460)

SENATE FILE 503

H-3729

1 Amend Senate File 503, as amended, passed, and
2 reprinted, by the Senate, as follows:
3 1. Page 1, line 20, by inserting after the word
4 "States" the words "or foreign".
5 2. Page 1, line 24, by striking the words "United
6 States".
7 3. Page 1, line 26, by striking the word "United".
8 4. Page 1, line 27, by striking the word "States".

H-3729 FILED APRIL 13, 1983 BY SPEAR of Lee
Adopted 4/20 (p. 1459)

SENATE FILE 503

H-3863

1 Amend amendment H-3754 to Senate File 503 as amended,
2 passed and reprinted by the Senate as follows:
3 1. Page 1, by striking lines 5 through 36.

H-3863 FILED APRIL 27, 1983 BY HALVORSON of Clayton
ADOPTED BY UNANIMOUS CONSENT *(p. 1578)*

SENATE FILE 503

H-3867

1 Amend Senate File 503, as amended, passed and
2 reprinted by the Senate as follows:
3 1. Title page, line 1, by striking the word
4 "inmates" and inserting in lieu thereof the following:
5 "persons who are or may be incarcerated".

H-3867 FILED APRIL 27, 1983 BY NORLAND of Worth
ADOPTED BY UNANIMOUS CONSENT *(p. 1592)*

SENATE FILE 503

H-3585

- 1 Amend Senate File 503, as amended, passed, and
- 2 reprinted by the Senate as follows:
- 3 1. Page 2, by striking lines 9 and 10, and
- 4 inserting in lieu thereof the following: "may detail
- 5 prisoners, classified as trustees, from ~~the state~~
- 6 penitentiary-ex-reformatory correctional institutions
- 7 under the control of the state director to perform
- 8 services public service".

H-3585 FILED APRIL 8, 1983 BY COMMITTEE ON JUDICIARY AND
Adopted as amended by 3731 4/20/83 (p. 1454) LAW ENFORCEMENT

SENATE FILE 503

H-3728

- 1 Amend Senate File 503 as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 2, line 5, by inserting after the word
- 4 "repair," the words "authorized demolition,".

H-3728 FILED APRIL 13, 1983 BY SPEAR of Lee
Adopted 4/20 (p. 1454)

SENATE FILE 503

H-3730

- 1 Amend H-3585 to Senate File 503, as amended, passed,
- 2 and reprinted by the Senate, as follows:
- 3 1. Page 1, line 5, by striking the word "trustees"
- 4 and inserting in lieu thereof the word "trusties".

H-3730 FILED APRIL 13, 1983 BY SPEAR of Lee
Adopted 4/20 (p. 1458)

SENATE FILE 503

H-3731

- 1 Amend Senate File 503 as amended, passed and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 2, by inserting after line 25 the
- 4 following:
- 5 "However, an inmate shall not be employed in a
- 6 public service project if the employment of that
- 7 inmate would replace a person employed by the state
- 8 agency or political subdivision which employee is
- 9 performing the work of the public service project
- 10 at the time the inmate is being considered for
- 11 employment in the project."

H-3731 FILED APRIL 13, 1983 BY SPEAR of Lee
Adopted 4/27/83 (p. 1574)

SENATE FILE 503

-3754

1 Amend Senate File 503, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 3, by inserting after line 1, the
4 following:

5 "Sec. ____ Chapter 684, Code 1983, is amended
6 by adding the following new section:

7 NEW SECTION. RULES OF SENTENCING.

8 1. The supreme court may prescribe advisory rules
9 to the district court which establish:

10 a. The circumstances under which imprisonment
11 of an offender is proper.

12 b. Appropriate sanctions for offenders for whom
13 imprisonment is not proper, including but not limited
14 to noninstitutional sanctions such as fines,
15 restitution, work release, community service
16 sentencing, community-based correctional programs,
17 probation, deferred judgment, deferred sentence, and
18 suspended sentence.

19 2. In establishing the rules of sentencing, the
20 court may take into consideration current sentencing
21 and release practices and correctional resources,
22 including but not limited to the capacities of local
23 and state correctional facilities.

24 Sec. ____ Section 901.6, Code 1983, is amended
25 to read as follows:

26 901.6 JUDGMENT ENTERED. If judgment is not
27 deferred, and no sufficient cause is shown why judgment
28 should not be pronounced and none appears to the court
29 upon the record, judgment shall be pronounced and
30 entered. In every case in which judgment is entered,
31 the court shall include in the judgment entry the
32 number of the particular section of the Code and the
33 name of the offense under which the defendant is
34 sentenced and a statement of the days credited pursuant
35 to section 246.38 shall be incorporated into the
36 sentence.

37 Sec. ____ Section 906.3, Code 1983, is amended
38 to read as follows:

39 906.3 AUTHORITY OF PAROLE BOARD.

40 1. The board of parole shall ~~promulgate-regulations~~
41 adopt rules regarding a system of paroles from
42 correctional institutions, and shall direct, control,
43 and supervise the administration of ~~such~~ the system
44 of paroles. The board shall determine which of those
45 persons who have been committed to the custody of
46 the director of the division of adult corrections,
47 by reason of their conviction of a public offense,
48 shall be released on parole. The grant or denial
49 of parole shall not be deemed a contested case as
50 defined in section 17A.2.

1 2. The board of parole shall adopt rules pursuant
2 to chapter 17A of the Code, as to the timing and
3 frequency of parole interviews and paroles, as to
4 the shortest possible time of incarceration which
5 an offender shall serve prior to eligibility for
6 release on parole, and as to the length and conditions
7 of paroles. These rules shall take into consideration
8 the offender's past conviction record including the
9 number of prior forcible felonies, nonforcible
10 felonies, and aggravated misdemeanors, the length
11 of time since conviction for the prior offenses, use
12 of a firearm in the commission of the offense, and
13 other relevant factors.

14 Sec. ____ . Section 906.5, unnumbered paragraph
15 1, Code 1983, is amended to read as follows:

16 Within one year after the commitment of ~~any a~~
17 ~~person other than a class-"A"-felon~~ to the custody
18 of the director of the division of adult corrections,
19 a ~~member~~ designee of the board shall interview the
20 person. Thereafter, at regular intervals, not to
21 ~~exceed one-year;~~ the time provided for by rules adopted
22 pursuant to section 906.3, subsection 2, the board
23 shall interview the person and shall consider his
24 ~~or-her~~ the person's prospects for parole. At ~~such~~
25 ~~time~~ the interview, the board shall consider all
26 pertinent information regarding this person, including
27 the circumstances of the person's offense, any
28 presentence report which may be available, the previous
29 social history and criminal record of ~~such~~ the person,
30 the person's conduct, employment and attitude in
31 prison, and the reports of ~~such~~ physical and mental
32 examinations as which have been made.

33 Sec. ____ . Section 908.6, Code 1983, is amended
34 to read as follows:

35 908.6 DISPOSITION BY LIAISON OFFICER. If it
36 appears from the evidence that there is no probable
37 cause to believe that the arrested person has violated
38 the conditions of parole, the liaison officer shall
39 order the arrested person to be released from custody
40 and continued on parole. If it appears that there
41 is probable cause to believe that the arrested person
42 has violated the conditions of parole, the liaison
43 officer shall commit the arrested person to the custody
44 of the ~~department-of-social-services~~ director of the
45 division of adult corrections, and the procedure
46 prescribed in section 901.7 shall apply to ~~such~~ the
47 commitment; or the liaison officer may recommend that
48 the arrested person be admitted to bail as provided
49 in section 908.2. The liaison officer shall make
50 a summary of the testimony and other evidence

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Page Three

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

Sec. ____ . Section 908.8, Code 1983, is amended to read as follows:

908.8 PROCEEDING WITHOUT ARREST OR PROBABLE CAUSE. The board of parole may receive from a parole officer a charge or complaint of parole violation against any parolee and may proceed to a hearing on such the charge in any case where the alleged violator has not been arrested or has been arrested and discharged by the liaison officer on a finding of no probable cause. The presence of the alleged violator at such the hearing shall be secured by summons. A statement of the charge against the alleged violator shall accompany the summons, and the parole officer shall give the alleged violator such assistance as is needed to get to the place of the hearing. Travel expenses, if any, shall be paid by the ~~board~~ department of social services. If the alleged violator fails without good cause to appear as commanded by the summons, such the failure shall be considered a violation of the parole, and the board may proceed to revoke parole. If the parole is revoked, the board shall issue a warrant for the person's arrest and return to the custody of the department of social services. Upon ~~his-or-her~~ the person's return to custody, the board shall, upon request, give the person an opportunity to present any matters in defense or mitigation of the conduct.

Sec. ____ . Section 908.9, Code 1983, is amended to read as follows:

908.9 DISPOSITION OF VIOLATOR. If the parole of any parole violator is revoked, the violator shall remain in the custody of the ~~department-of-social services~~ director of the division of adult corrections under the terms of the parolee's original commitment. If the parole of any parole violator is not revoked, the board shall order ~~his-or-her~~ the violator's release subject to the terms of ~~his-or-her~~ parole with any modifications that the board ~~shall-determine~~ determines are proper.

Sec. ____ . Rule of criminal procedure 6, subsection 6, Iowa court rules, second edition, is amended to

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Page Four

1 read as follows:

2 6. ALLEGATIONS OF USE OF A FIREARM. If the offense
3 charged is one for which the defendant, if convicted,
4 will be subject by reason of the Code to a ~~minimum~~
5 sentence an increased penalty because of use of a
6 firearm, the allegation of such use, if any, shall
7 be contained in the indictment. If use of a firearm
8 is alleged as provided by this rule, and if the
9 allegation is supported by the evidence, the court
10 shall submit to the jury a special interrogatory
11 concerning this matter, as provided in R.Cr.P. 21(2)
12 Ia. Ct. Rules, 2d ed.

13 Sec. ____ Rule of criminal procedure 26, subsection
14 1, Iowa court rules, second edition, is amended to
15 read as follows:

16 1. REPRESENTATION. Every defendant who is an
17 indigent person as defined in section 331.775,
18 subsection 4, ~~The Code (1981 Code Sup.)~~, is entitled
19 to have counsel appointed to represent ~~him or her~~
20 the defendant at every stage of the proceedings from
21 the defendant's initial appearance before the
22 magistrate or the court through appeal, including
23 probation and parole revocation hearings, unless the
24 defendant waives such the appointment.

25 Sec. ____ Section 906.5, as amended by this Act
26 is effective January 1, 1984."

H-3754 FILED APRIL 13, 1983

BY HALVORSON of Clayton

*Bill not germane, motion to amend
Rule 4/27/83 (p. 1579)*

SENATE FILE 503

H-3839

1 Amend Senate File 503 as amended, passed and
2 reprinted by the Senate as follows:

3 1. Page 3, by inserting after line 1 the following:
4 "Sec. ____ Any reference to the "division of adult
5 corrections" and the "department of social services"
6 appearing in this Act shall be changed to the
7 "department of corrections" and other corrective
8 changes in this Act and in the Code shall be made
9 consistent with the intent of Senate File 464 if
10 Senate File 464 is enacted into law."

H-3839 FILED APRIL 21, 1983

BY KNAPP of Dubuque

Adopted 4/27/83 (p. 1580)

SENATE FILE 503

7-3845

1 Amend Senate File 503, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 3, by inserting after line 1, the
4 following:

5 "Sec. _____. Section 804.1, unnumbered paragraph
6 2, Code 1983, is amended to read as follows:
7 ~~Whenever~~ If the complaint charges a ~~simple~~
8 ~~misdemeanor~~ public offense, the magistrate may issue
9 a citation instead of a warrant of arrest. The
10 citation shall set forth substantially the nature
11 of the offense and shall command the person against
12 whom the complaint was made to appear before the
13 magistrate issuing the citation at a time and place
14 ~~stated therein~~ in the citation. The magistrate shall
15 prescribe the manner of service for the citation at
16 the time the citation is issued.

17 Sec. _____. Section 804.21, subsection 1, Code 1983,
18 is amended to read as follows:

19 1. Any A person arrested in obedience to a warrant
20 shall, ~~without unnecessary delay,~~ be taken without
21 unnecessary delay before the nearest or most accessible
22 magistrate ~~to the place where the arrest occurred,~~
23 and the. The officer must shall at the same time
24 deliver to the magistrate the warrant with the
25 officer's return ~~thereon~~ endorsed on it and subscribed
26 by the officer with ~~his or her~~ the officer's official
27 title. However, this section, and sections 804.22
28 and 804.23, do not preclude the release of an arrested
29 person within the period of time the person would
30 otherwise remain incarcerated while waiting to be
31 taken before a magistrate if the release is pursuant
32 to pretrial release guidelines or a bond schedule
33 promulgated by the judicial council acting pursuant
34 to Iowa rule of civil procedure 380. If, however,
35 a person is released pursuant to pretrial release
36 guidelines, a magistrate must, within twenty-four
37 hours of such release, or as soon as practicable on
38 the next subsequent working day of the court, either
39 (1) approve in writing of the release, or (2)
40 disapprove of the release and issue a warrant for
41 the person's arrest.

42 Sec. _____. Section 804.21, Code 1983, is amended
43 by adding the following new subsections:

44 NEW SUBSECTION. 4. a. The judicial council shall
45 promulgate rules and bond levels to be contained
46 within a bond schedule for the release of an arrested
47 person.

48 b. The bond schedule shall not be used unless
49 both the following conditions are met:

50 (1) The person was arrested for a crime other

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1 than a forcible felony, and
2 (2) The courts are not in session.
3 NEW SUBSECTION. 5. This section does not prevent
4 the release of the arrested person pending initial
5 appearance upon the furnishing of bail in the amount
6 endorsed on the warrant. The initial appearance of
7 a person so released shall be scheduled for a time
8 not more than ten days after the date of release.
9 Sec. _____. Section 804.22, Code 1983, is amended
10 by adding the following new unnumbered paragraph:
11 NEW UNNUMBERED PARAGRAPH. This section and the
12 rules of criminal procedure do not affect the
13 provisions of chapter 805 authorizing the release
14 of a person on citation or bail prior to initial
15 appearance. The initial appearance of a person so
16 released shall be scheduled for a time not more than
17 ten days after the date of release.
18 Sec. _____. Section 811.2, Code 1983, is amended
19 by adding the following new subsection 3 and
20 renumbering the remaining subsections:
21 NEW SUBSECTION. 3. This chapter does not preclude
22 the release of an arrested person as authorized by
23 section 804.21.
24 Sec. _____. This Act, being deemed of immediate
25 importance, takes effect from and after its publication
26 in the Quad City Times, a newspaper published in
27 Davenport, Iowa, and in The Onawa Sentinel, a newspaper
28 published in Onawa, Iowa."

BY SCHROEDER of Pottawattamie
JAY of Appanoose

H-3845 FILED APRIL 25, 1983

Adopted 4/27/83 (p. 1582)

SENATE FILE 503

H-3842

1 Amend Senate File 503, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 2, line 4, by striking the words "the
4 institutions" and inserting in lieu thereof the words
5 "the state institutions".
6 2. Page 3, by inserting after line 1, the
7 following:
8 "Sec. _____. Section 246.19 is repealed."

H-3842 FILED APRIL 25, 1983

BY SPEAR of Lee

Adopted 4/27/83 (p. 1582)

S-3684

- 1 Amend Senate File 503 as amended, passed and
2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 20, by inserting after the word
4 "States" the words "or foreign".
- 5 2. Page 1, line 24, by striking the words "United
6 States".
- 7 3. Page 1, line 26, by striking the word "United".
- 8 4. Page 1, line 27, by striking the word "States".
- 9 5. Page 2, line 4, by striking the words "the
10 institutions" and inserting in lieu thereof the words
11 "the state institutions".
- 12 6. Page 2, line 5, by inserting after the word
13 "repair," the words "authorized demolition".
- 14 7. Page 2, by striking lines 9 and 10, and
15 inserting in lieu thereof the following: "may detail
16 prisoners, classified as trusties, from the state
17 penitentiary-or-reformatory correctional institutions
18 under the control of the state director to perform
19 services public service".
- 20 8. Page 2, by striking lines 13 through 21, and
21 inserting in lieu thereof the following: "conservation
22 commission-shall-provide-proper-supervision,-housing
23 and-maintenance-for-said-prisoners-but-the-surveillance
24 of-said-prisoners-shall-remain-under-employees-of
25 the-state-director supervision, security,
26 transportation, and compensation of inmates used in
27 public service projects shall be provided pursuant
28 to agreements made by the director of the division
29 of adult corrections and the agency of state, local,
30 or county government for which the work is done.
31 Housing and maintenance shall also be provided pursuant
32 to the agreement unless the inmate is housed and
33 maintained in the correctional facility. All such
34 employment, including but".
- 35 9. Page 2, by inserting after line 25 the
36 following:
37 "However, an inmate shall not be employed in a
38 public service project if the employment of that
39 inmate would replace a person employed by the state
40 agency or political subdivision which employee is
41 performing the work of the public service project
42 at the time the inmate is being considered for
43 employment in the project."
- 44 10. Page 3, by inserting after line 1, the
45 following:
46 "Sec. ____ . Section 804.1, unnumbered paragraph
47 2, Code 1983, is amended to read as follows:
48 Whenever If the complaint charges a simple
49 misdemeanor public offense, the magistrate may issue
50 a citation instead of a warrant of arrest. The

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1 citation shall set forth substantially the nature
2 of the offense and shall command the person against
3 whom the complaint was made to appear before the
4 magistrate issuing the citation at a time and place
5 stated therein in the citation. The magistrate shall
6 prescribe the manner of service for the citation at
7 the time the citation is issued.

8 Sec. _____. Section 804.21, subsection 1, Code 1983,
9 is amended to read as follows:

10 1. Any A person arrested in obedience to a warrant
11 shall, ~~without unnecessary delay,~~ be taken without
12 unnecessary delay before the nearest or most accessible
13 ~~magistrate to the place where the arrest occurred,~~
14 ~~and the.~~ The officer must shall at the same time
15 deliver to the magistrate the warrant with the
16 officer's return thereon endorsed on it and subscribed
17 by the officer with his or her the officer's official
18 title. However, this section, and sections 804.22
19 and 804.23, do not preclude the release of an arrested
20 person within the period of time the person would
21 otherwise remain incarcerated while waiting to be
22 taken before a magistrate if the release is pursuant
23 to pretrial release guidelines or a bond schedule
24 promulgated by the judicial council acting pursuant
25 to Iowa rule of civil procedure 380. If, however,
26 a person is released pursuant to pretrial release
27 guidelines, a magistrate must, within twenty-four
28 hours of such release, or as soon as practicable on
29 the next subsequent working day of the court, either
30 (1) approve in writing of the release, or (2)
31 disapprove of the release and issue a warrant for
32 the person's arrest.

33 Sec. _____. Section 804.21, Code 1983, is amended
34 by adding the following new subsections:

35 NEW SUBSECTION. 4. a. The judicial council shall
36 promulgate rules and bond levels to be contained
37 within a bond schedule for the release of an arrested
38 person.

39 b. The bond schedule shall not be used unless
40 both the following conditions are met:

41 (1) The person was arrested for a crime other
42 than a forcible felony, and

43 (2) The courts are not in session.

44 NEW SUBSECTION. 5. This section does not prevent
45 the release of the arrested person pending initial
46 appearance upon the furnishing of bail in the amount
47 endorsed on the warrant. The initial appearance of
48 a person so released shall be scheduled for a time
49 not more than ten days after the date of release.

50 Sec. _____. Section 804.22, Code 1983, is amended

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PAGE 3

1 by adding the following new unnumbered paragraph:
2 NEW UNNUMBERED PARAGRAPH. This section and the
3 rules of criminal procedure do not affect the
4 provisions of chapter 805 authorizing the release
5 of a person on citation or bail prior to initial
6 appearance. The initial appearance of a person so
7 released shall be scheduled for a time not more than
8 ten days after the date of release.

9 Sec. _____. Section 811.2, Code 1983, is amended
10 by adding the following new subsection 3 and
11 renumbering the remaining subsections:

12 NEW SUBSECTION. 3. This chapter does not preclude
13 the release of an arrested person as authorized by
14 section 804.21.

15 Sec. _____. Any reference to the "division of adult
16 corrections" and the "department of social services"
17 appearing in this Act shall be changed to the
18 "department of corrections" and other corrective
19 changes in this Act and in the Code shall be made
20 consistent with the intent of Senate File 464 if
21 Senate File 464 is enacted into law.

22 Sec. _____. Section 246.19 is repealed.

23 Sec. _____. This Act, being deemed of immediate
24 importance, takes effect from and after its publication
25 in the Quad City Times, a newspaper published in
26 Davenport, Iowa, and in The Onawa Sentinel, a newspaper
27 published in Onawa, Iowa."

28 11. Title page, line 1, by striking the word
29 "inmates" and inserting in lieu thereof the following:
30 "persons who are or may be incarcerated".

S-3684 FILED
APRIL 27, 1983

RECEIVED FROM THE HOUSE

Senate amended (3687) - Concurred 4/27/83 (p.1424)

S-3687

1 Amend House amendment S-3684 to Senate File 503
2 as amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 1, by striking line 46 through page 3,
5 line 14, and inserting in lieu thereof the following:

6 ""Sec. _____. Section 804.21, Code 1983, is amended
7 by adding the following new subsection:

8 NEW SUBSECTION. When the court is not in session,
9 a person arrested and placed in jail may be released
10 on the person's own recognizance with or without other
11 conditions, by the verbal or written order of a judge
12 or magistrate. The verbal order may be communicated
13 by telephone. The judge or magistrate may issue such
14 order of release only upon the request of an attorney
15 or person believed by the judge or magistrate to be
16 reliable.

17 Sec. _____. Section 805.1, Code 1983, as amended
18 by 1983 Iowa Acts, Senate File 334, section 5, is
19 amended by striking the section and inserting in lieu
20 thereof the following:

21 805.1 WHEN POLICE CITATION MAY ISSUE.

22 1. Except for an offense for which an accused
23 would not be eligible for bail under section 811.1,
24 a peace officer having grounds to make an arrest may
25 issue a citation in lieu of making an arrest without
26 a warrant or, if a warrantless arrest has been made,
27 a citation may be issued in lieu of continued custody.

28 2. The citation procedure for traffic and other
29 violations designated as scheduled violations is
30 governed by sections 805.6 through 805.15.

31 3. a. State and local law enforcement agencies
32 in the state of Iowa may cooperate to formulate uniform
33 guidelines that will provide for the maximum possible
34 use of citations in lieu of arrest and in lieu of
35 continued custody for offenses for which citations
36 are authorized. These guidelines shall be submitted
37 to the Iowa law enforcement academy council for review.
38 The Iowa law enforcement academy council shall then
39 submit recommendations to the general assembly no
40 later than January 1, 1984.

41 b. Factors to be considered by the agencies in
42 formulating the guidelines relating to the issuance
43 of citations for simple misdemeanors not governed
44 by subsection 2, shall include but shall not be limited
45 to all of the following:

46 (1) Whether a person refuses or fails to produce
47 means for a satisfactory identification.

48 (2) Whether a person refuses to sign the citation.

49 (3) Whether detention appears reasonably necessary
50 in order to halt a continuing offense or disturbance

1 or to prevent harm to a person or persons.

2 (4) Whether a person appears to be under the
3 influence of intoxicants or drugs and no one is
4 available to take custody of the person and be
5 responsible for the person's safety.

6 (5) Whether a person has insufficient ties to
7 the jurisdiction to assure that the person will appear
8 or it reasonably appears that there is a substantial
9 likelihood that the person will refuse to appear in
10 response to a citation.

11 (6) Whether a person has previously failed to
12 appear in response to a citation or after release
13 on pretrial release guidelines.

14 c. Additional factors to be considered in the
15 formulation of guidelines relating to the issuance
16 of citations for other offenses for which citations
17 are authorized shall include but shall not be limited
18 to all of the following concerning the person:

19 (1) Place and length of residence.

20 (2) Family relationships.

21 (3) References.

22 (4) Present and past employment.

23 (5) Criminal record.

24 (6) Nature and circumstances of the alleged
25 offense.

26 (7) Other facts relevant to the likelihood of
27 the person's response to a citation.

28 4. The issuance of a citation in lieu of arrest
29 or in lieu of continued custody does not affect the
30 officer's authority to conduct an otherwise lawful
31 search. The issuance of a citation in lieu of arrest
32 shall be deemed an arrest for the purpose of the
33 speedy indictment requirements of R.Cr.P. section
34 27, subsection 2, paragraph a, Ia. Ct. Rules, 2d ed.

35 5. Even if a citation is issued, the officer may
36 take the cited person to an appropriate medical
37 facility if it reasonably appears that the person
38 needs care.

39 6. When a citation is not issued for an offense
40 for which a citation is authorized, the arrested
41 person may be released pending initial appearance
42 on bail or on other conditions determined by pretrial
43 release guidelines. When an arrested person furnishes
44 bail, the officer then in charge of the place of
45 detention shall secure it in safekeeping and shall
46 see that it is forwarded to the office of the clerk
47 of court during the clerk's next regular business
48 day.

49 7. When the offense is one for which a citation
50 is not authorized, the person does not qualify for

1 release under pretrial release guidelines and the
2 person cannot be released under a bond schedule, the
3 person may be released on bail or otherwise only after
4 initial appearance before a magistrate as provided
5 in chapter 804 and the rules of criminal procedure."

APRIL 29, 1983

PAGE TWO

SENATE AMENDMENT TO
HOUSE AMENDMENT TO SENATE FILE 503

3877

Amend House amendment S-3684 to Senate File 503
as amended, passed, and reprinted by the Senate, as
follows:

1. Page 1, by striking line 46 through page 3,
line 14, and inserting in lieu thereof the following:

"Sec. ____ . Section 804.21, Code 1983, is amended
by adding the following new subsection:

NEW SUBSECTION. When the court is not in session,
a person arrested and placed in jail may be released
on the person's own recognizance with or without other
conditions, by the verbal or written order of a judge
or magistrate. The verbal order may be communicated
by telephone. The judge or magistrate may issue such
order of release only upon the request of an attorney
or person believed by the judge or magistrate to be
reliable.

Sec. ____ . Section 805.1, Code 1983, as amended
by 1983 Iowa Acts, Senate File 334, section 5, is
amended by striking the section and inserting in lieu
thereof the following:

805.1 WHEN POLICE CITATION MAY ISSUE.

1. Except for an offense for which an accused
would not be eligible for bail under section 811.1,
a peace officer having grounds to make an arrest may
issue a citation in lieu of making an arrest without
a warrant or, if a warrantless arrest has been made,
a citation may be issued in lieu of continued custody.

2. The citation procedure for traffic and other
violations designated as scheduled violations is
governed by sections 805.6 through 805.15.

3. a. State and local law enforcement agencies
in the state of Iowa may cooperate to formulate uniform
guidelines that will provide for the maximum possible
use of citations in lieu of arrest and in lieu of
continued custody for offenses for which citations
are authorized. These guidelines shall be submitted
to the Iowa law enforcement academy council for review.
The Iowa law enforcement academy council shall then
submit recommendations to the general assembly no
later than January 1, 1984.

b. Factors to be considered by the agencies in
formulating the guidelines relating to the issuance
of citations for simple misdemeanors not governed
by subsection 2, shall include but shall not be limited
to all of the following:

(1) Whether a person refuses or fails to produce
means for a satisfactory identification.

(2) Whether a person refuses to sign the citation.

(3) Whether detention appears reasonably necessary
in order to halt a continuing offense or disturbance

1 or to prevent harm to a person or persons.

2 (4) Whether a person appears to be under the
3 influence of intoxicants or drugs and no one is
4 available to take custody of the person and be
5 responsible for the person's safety.

6 (5) Whether a person has insufficient ties to
7 the jurisdiction to assure that the person will appear
8 or it reasonably appears that there is a substantial
9 likelihood that the person will refuse to appear in
10 response to a citation.

11 (6) Whether a person has previously failed to
12 appear in response to a citation or after release
13 on pretrial release guidelines.

14 c. Additional factors to be considered in the
15 formulation of guidelines relating to the issuance
16 of citations for other offenses for which citations
17 are authorized shall include but shall not be limited
18 to all of the following concerning the person:

19 (1) Place and length of residence.

20 (2) Family relationships.

21 (3) References.

22 (4) Present and past employment.

23 (5) Criminal record.

24 (6) Nature and circumstances of the alleged
25 offense.

26 (7) Other facts relevant to the likelihood of
27 the person's response to a citation.

28 4. The issuance of a citation in lieu of arrest
29 or in lieu of continued custody does not affect the
30 officer's authority to conduct an otherwise lawful
31 search. The issuance of a citation in lieu of arrest
32 shall be deemed an arrest for the purpose of the
33 speedy indictment requirements of R.Cr.P. section
34 27, subsection 2, paragraph a, Ia. Ct. Rules, 2d ed.

35 5. Even if a citation is issued, the officer may
36 take the cited person to an appropriate medical
37 facility if it reasonably appears that the person
38 needs care.

39 6. When a citation is not issued for an offense
40 for which a citation is authorized, the arrested
41 person may be released pending initial appearance
42 on bail or on other conditions determined by pretrial
43 release guidelines. When an arrested person furnishes
44 bail, the officer then in charge of the place of
45 detention shall secure it in safekeeping and shall
46 see that it is forwarded to the office of the clerk
47 of court during the clerk's next regular business
48 day.

49 7. When the offense is one for which a citation
50 is not authorized, the person does not qualify for

1 release under pretrial release guidelines and the
2 person cannot be released under a bond schedule, the
3 person may be released on bail or otherwise only after
4 initial appearance before a magistrate as provided
5 in chapter 804 and the rules of criminal procedure." "

SENATE FILE 503

AN ACT

RELATING TO PERSONS WHO ARE OR MAY BE INCARCERATED IN CORRECTIONAL FACILITIES.

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

Section 1. NEW SECTION. 247A.11 WORK RELEASE VIOLATORS--REIMBURSEMENT TO THE DIVISION OF ADULT CORRECTIONS FOR TRANSPORTATION COSTS. A work release client who escapes or participates in an act of absconding from the facility the client is assigned to shall reimburse the division of adult corrections for the cost of transportation incurred because of the escape or act of absconding. The amount of reimbursement shall be the actual cost incurred by the division and shall be credited to the support account from which the billing occurred. The director of the division of adult corrections shall recommend rules pursuant to chapter 17A, subject to approval by the council of social services pursuant to section 217.3, subsection 6, to implement this section.

Sec. 2. Chapter 218, Code 1983, is amended by adding the following new section:

NEW SECTION. CONFISCATION OF CONTRABAND CURRENCY.

1. Except as provided for by the director of the division of adult corrections by rule, it is unlawful for an inmate of one of the penal or correctional facilities under the division of adult corrections to possess United States or foreign currency in the penal or correctional facility.
2. The director of the division of adult corrections shall adopt rules as to circumstances under which the possession of currency by an inmate of a penal or correctional facility under the division, is authorized.
3. The division of adult corrections may confiscate currency unlawfully possessed in violation of this section. Money confiscated pursuant to this section shall be deposited

in a special fund in the state treasury which fund shall be established by the treasurer of state. Money deposited in the fund may be drawn upon by the division of adult corrections to pay for expenses incurred in operating the division's penal and correctional facilities and programs.

Sec. 3. Section 246.18, Code 1983, is amended to read as follows:

246.18 EMPLOYMENT OF PRISONERS INMATES--INSTITUTIONS AND PARKS PUBLIC SERVICE. ~~Prisoners-in-the-penitentiary-or-men's reformatory inmates~~ shall be employed only on state account in the maintenance of the state institutions, in the erection, repair, authorized demolition, or operation of buildings and works used in connection with said the institutions, and in such industries as may be established and maintained in connection therewith with the institutions by the state director. The state director may detail prisoners, classified as trustees, from ~~the state penitentiary or reformatory correctional institutions under the control of the state director~~ to perform services public service for the conservation commission within the state parks and other agencies of state, county, or local government. ~~The conservation commission shall provide proper supervision, housing and maintenance for said prisoners but the surveillance of said prisoners shall remain under employees of the state director~~ supervision, security, transportation, and compensation of inmates used in public service projects shall be provided pursuant to agreements made by the director of the division of adult corrections and the agency of state, local, or county government for which the work is done. Housing and maintenance shall also be provided pursuant to the agreement unless the inmate is housed and maintained in the correctional facility. All such employment, including but not limited to that provided in this section, shall have as its primary purpose, and shall provide for, inculcation or the reactivation of attitudes, skills, and habit patterns which will be conducive to ~~prisoner inmate~~ rehabilitation.

However, an inmate shall not be employed in a public service project if the employment of that inmate would replace a person employed by the state agency or political subdivision which employee is performing the work of the public service project at the time the inmate is being considered for employment in the project.

Sec. 4. Section 246.25, Code 1983, is amended to read as follows:

246.25 LIMITATION ON CONTRACT. The state director or ~~the warden of the state penitentiary or the warden of the reformatory~~ wardens and superintendents of the institutions shall not, nor shall any other person employed by the state, make any contract by which the labor or time of any a prisoner or inmate in ~~such penitentiary or reformatory shall be contracted, let, farmed-out,~~ the institution is given, loaned, or sold to any person, ~~firm, association, or corporation~~ unless as provided by chapter 216 or section 246.18.

Sec. 5. Section 804.21, Code 1983, is amended by adding the following new subsection:

NEW SUBSECTION. When the court is not in session, a person arrested and placed in jail may be released on the person's own recognizance with or without other conditions, by the verbal or written order of a judge or magistrate. The verbal order may be communicated by telephone. The judge or magistrate may issue such order of release only upon the request of an attorney or person believed by the judge or magistrate to be reliable.

Sec. 6. Section 805.1, Code 1983, as amended by 1983 Iowa Acts, Senate File 334, section 5, is amended by striking the section and inserting in lieu thereof the following:

805.1 WHEN POLICE CITATION MAY ISSUE.

1. Except for an offense for which an accused would not be eligible for bail under section 811.1, a peace officer having grounds to make an arrest may issue a citation in lieu of making an arrest without a warrant or, if a warrantless arrest has been made, a citation may be issued in lieu of continued custody.

2. The citation procedure for traffic and other violations designated as scheduled violations is governed by sections 805.6 through 805.15.

3. a. State and local law enforcement agencies in the state of Iowa may cooperate to formulate uniform guidelines that will provide for the maximum possible use of citations in lieu of arrest and in lieu of continued custody for offenses for which citations are authorized. These guidelines shall be submitted to the Iowa law enforcement academy council for review. The Iowa law enforcement academy council shall then submit recommendations to the general assembly no later than January 1, 1984.

b. Factors to be considered by the agencies in formulating the guidelines relating to the issuance of citations for simple misdemeanors not governed by subsection 2, shall include but shall not be limited to all of the following:

- (1) Whether a person refuses or fails to produce means for a satisfactory identification.
- (2) Whether a person refuses to sign the citation.
- (3) Whether detention appears reasonably necessary in order to halt a continuing offense or disturbance or to prevent harm to a person or persons.
- (4) Whether a person appears to be under the influence of intoxicants or drugs and no one is available to take custody of the person and be responsible for the person's safety.
- (5) Whether a person has insufficient ties to the jurisdiction to assure that the person will appear or it reasonably appears that there is a substantial likelihood that the person will refuse to appear in response to a citation.
- (6) Whether a person has previously failed to appear in response to a citation or after release on pretrial release guidelines.

c. Additional factors to be considered in the formulation of guidelines relating to the issuance of citations for other offenses for which citations are authorized shall include

but shall not be limited to all of the following concerning the person:

- (1) Place and length of residence.
- (2) Family relationships.
- (3) References.
- (4) Present and past employment.
- (5) Criminal record.
- (6) Nature and circumstances of the alleged offense.
- (7) Other facts relevant to the likelihood of the person's response to a citation.

4. The issuance of a citation in lieu of arrest or in lieu of continued custody does not affect the officer's authority to conduct an otherwise lawful search. The issuance of a citation in lieu of arrest shall be deemed an arrest for the purpose of the speedy indictment requirements of R.Cr.P. section 27, subsection 2, paragraph a, Ia. Ct. Rules, 2d ed.

5. Even if a citation is issued, the officer may take the cited person to an appropriate medical facility if it reasonably appears that the person needs care.

6. When a citation is not issued for an offense for which a citation is authorized, the arrested person may be released pending initial appearance on bail or on other conditions determined by pretrial release guidelines. When an arrested person furnishes bail, the officer then in charge of the place of detention shall secure it in safekeeping and shall see that it is forwarded to the office of the clerk of court during the clerk's next regular business day.

7. When the offense is one for which a citation is not authorized, the person does not qualify for release under pretrial release guidelines and the person cannot be released under a bond schedule, the person may be released on bail or otherwise only after initial appearance before a magistrate as provided in chapter 804 and the rules of criminal procedure.

Sec. 7. Any reference to the "division of adult corrections" and the "department of social services" appearing

in this Act shall be changed to the "department of corrections" and other corrective changes in this Act and in the Code shall be made consistent with the intent of Senate File 464 if Senate File 464 is enacted into law.

Sec. 8. Section 246.19 is repealed.

Sec. 9. This Act, being deemed of immediate importance, takes effect from and after its publication in the Quad City Times, a newspaper published in Davenport, Iowa, and in The Onawa Sentinel, a newspaper published in Onawa, Iowa.

ROBERT T. ANDERSON
President of the Senate

DONALD D. AVENSON
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 503, Seventieth General Assembly.

K. MARIE THAYER
Secretary of the Senate

Approved Sept 28, 1983

TERRY E. BRANSTAD
Governor