

Human Resources: Spear, Chair; Clark, Connors, Hermann and Sherzan.

Amended per 5202 & Do Pass 2/16 (p. 427)

FILED JAN 27 1984

SENATE FILE **2084**

BY COMMITTEE ON STATE GOVERNMENT

(FORMERLY SSB 2006)

Approved 1/23 (p. 205)

Passed Senate, Date 1-26-84 (p. 232) Passed House, Date 3-26-84 (p. 1274)

Vote: Ayes 47 Nays 0 Vote: Ayes 76 Nays 0

Approved May 4, 1984

*Repassed Senate as amended by House
4-2-84 (p. 1229)
45-0*

A BILL FOR

1 An Act relating to transition legislation for the Iowa
2 department of corrections.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
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S. 2084

1 Section 1. Section 217A.2, subsection 4, Code Supplement
2 1983, is amended by striking the subsection and inserting
3 in lieu thereof the following:

4 4. Iowa medical and classification center.

5 Sec. 2. Section 217A.52, Code Supplement 1983, is amended
6 to read as follows:

7 217A.52 ~~DIAGNOSTIC CLINIC~~ INTAKE CENTER--CENTRAL INMATE
8 CLASSIFICATION. The director may provide facilities and
9 personnel for a diagnostic ~~clinic~~ intake center. The work
10 of the ~~clinic~~ center shall include a scientific study of each
11 inmate, the inmate's career and life history, the causes of
12 the inmate's criminal acts and recommendations for the inmate's
13 custody, care, training, employment, and counseling with a
14 view to rehabilitation and to the protection of society.
15 To facilitate the work of the ~~clinic~~ center and to aid in
16 the rehabilitation of the inmates, the trial judge, prosecuting
17 attorney, and presentence investigators shall furnish the
18 director upon request with a full statement of facts and
19 circumstances attending the commission of the offense so far
20 as known or believed by them. If the department develops
21 and utilizes an inmate classification system, it must, within
22 a reasonable time, present evidence from independent experts
23 as to the effectiveness and validity of the classification
24 system.

25 Sec. 3. Section 223.1, Code Supplement 1983, is amended
26 to read as follows:

27 223.1 INSTITUTION ESTABLISHED. There is established an
28 institution for persons displaying evidence of mental illness
29 or psychosocial disorders and requiring diagnostic services
30 and treatment in a security setting. The institution may
31 also be used for persons only requiring confinement in a
32 security setting. The institution is under the jurisdiction
33 of the Iowa department of corrections and shall be known as
34 the Iowa ~~security-and medical facility~~ and classification
35 center.

1 Sec. 4. Section 223.2, Code Supplement 1983, is amended
2 to read as follows:

3 223.2 SUPERINTENDENT. A superintendent of the Iowa
4 ~~security-and~~ medical facility and classification center shall
5 be appointed by the director of the Iowa department of
6 corrections with the approval of the board of corrections.
7 The superintendent shall be a reputable and qualified person
8 experienced in the administration of programs for the care
9 and treatment of persons afflicted with mental disorders and
10 have other qualifications the director and board deem
11 necessary.

12 Sec. 5. Section 223.4, unnumbered paragraph 3, Code
13 Supplement 1983, is amended to read as follows:

14 The director of the Iowa department of corrections may
15 house inmates from any penal institution at the Iowa ~~security~~
16 ~~and medical facility~~ and classification center in order to
17 provide the inmates with either suitable security or medical
18 treatment, or both. Unless an inmate is determined to be
19 mentally ill, the inmate shall not be subjected involuntarily
20 to psychiatric treatment.

21 Sec. 6. Section 245.1, Code Supplement 1983, is amended
22 by striking the section and inserting in lieu thereof the
23 following:

24 245.1 OFFICIAL DESIGNATION--DEFINITIONS. The state correc-
25 tional facilities for women at Mitchellville and Oakdale shall
26 be known as the "Iowa correctional institution for women--
27 Mitchellville", and the "Iowa medical and classification
28 center--female unit--Oakdale". For the purpose of this chapter
29 "director" or "state director" means the director of the Iowa
30 department of corrections.

31 Sec. 7. Section 245.3, Code Supplement 1983, is amended
32 to read as follows:

33 245.3 SERVICE REQUIRED. The ~~superintendent~~ superintendents
34 may, with the approval of the director, require an inmate
35 to perform any service suited to her strength and attainments

1 and which may be needed for the benefit of the Iowa
2 ~~correctional-institution-for-women~~ respective institutions
3 or for the welfare of the inmate.

4 Sec. 8. Section 245.8, Code Supplement 1983, is amended
5 to read as follows:

6 245.8 MANNER OF COMMITTING FEMALES. Females committed
7 to the ~~Iowa-correctional-institution-for-women~~ custody of
8 the director shall be taken to the ~~institution~~ Iowa medical
9 and classification center--female unit by a woman, or by a
10 peace officer accompanied by a woman, ~~appointed-by-the-court.~~

11 Sec. 9. Section 245.9, Code Supplement 1983, is amended
12 to read as follows:

13 245.9 COSTS OF COMMITMENT. The costs and expenses allowed
14 for taking females to the Iowa ~~correctional-institution-for~~
15 ~~women~~ medical and classification center--female unit shall
16 be the same as those allowed by law for taking girls to the
17 training school, and shall be audited and paid in like manner
18 by the counties from which they are sent.

19 Sec. 10. Section 245.12, Code Supplement 1983, is amended
20 to read as follows:

21 245.12 TRANSFER OF MENTALLY ILL. The director may cause
22 any woman committed to ~~the-Iowa~~ a state correctional
23 institution ~~for-women~~ and suspected of being mentally ill
24 to be examined by one of the superintendents or the
25 superintendent's qualified designee of a state hospital for
26 the mentally ill or transferred to the Iowa ~~security-and~~
27 ~~medical facility~~ and classification center for examination.
28 If the woman is found to be mentally ill, the Iowa department
29 of corrections may order the woman transferred to or retained
30 at a state hospital or ~~the-Iowa-security-and-medical-facility~~
31 the Iowa medical and classification center where she shall
32 thereafter be maintained and treated at the expense of the
33 state until she regains good mental health when she shall
34 be returned to ~~the-Iowa-correctional-institution-for-women~~
35 her former institution or unit. The cost of transfer and

1 return shall be paid as provided for other transfers.

2 Sec. 11. Section 245.15, Code Supplement 1983, is amended
3 to read as follows:

4 245.15 ESCAPE. Any An inmate of the-Iowa a state
5 correctional institution ~~for-women~~ who escapes from it may
6 be arrested and returned to the institution, by an officer
7 or employee of the a state correctional institution without
8 any other authority than this chapter, and by any peace officer
9 or other person on the request in writing of the superintendent
10 or the state director.

11 Sec. 12. Section 246.11, Code Supplement 1983, is amended
12 to read as follows:

13 246.11 FEDERAL PRISONERS. ~~Male-inmates~~ Inmates sentenced
14 for any term by any court of the United States may be received
15 by the warden ~~into-the-penitentiary-or-the-men's-reformatory~~
16 or superintendent of a state correctional institution and
17 ~~there~~ kept there in pursuance of their sentences. Inmates
18 at ~~either-the-penitentiary-or-men's-reformatory~~ state
19 correctional institutions may also be transferred to the
20 federal bureau of prisons.

21 Sec. 13. Section 246.16, Code Supplement 1983, is amended
22 to read as follows:

23 246.16 TRANSFER OF MENTALLY ILL. When the state director
24 has cause to believe that a prisoner in ~~the-penitentiary-or~~
25 ~~reformatory~~ a state correctional institution is mentally ill,
26 the Iowa department of corrections may cause that prisoner
27 to be transferred to the Iowa ~~security-and~~ medical facility
28 and classification center for examination, diagnosis, or
29 treatment. The prisoner shall be confined at that institution
30 or a state hospital for the mentally ill until the expiration
31 of the prisoner's sentence or until the prisoner is pronounced
32 in good mental health. If the prisoner is pronounced in good
33 mental health before the expiration of the prisoner's sentence,
34 the prisoner shall be returned to the ~~penitentiary-or~~
35 ~~reformatory~~ state correctional institution until the expiration

1 of the prisoner's sentence. The provisions of the Code
2 applicable to an inmate at the correctional institution from
3 which the prisoner is transferred remain applicable during
4 the inmate's stay at the Iowa ~~security-and~~ medical facility
5 and classification center. However, section 246.32 applies
6 to the total inmate population, including both convicts and
7 patients.

8 Sec. 14. Section 247A.7, Code Supplement 1983, is amended
9 to read as follows:

10 247A.7 SURRENDER OF EARNINGS. An inmate employed in the
11 community under a work release plan shall surrender to the
12 ~~institution-from-which-released-his~~ judicial district
13 department of correctional services the inmate's total earnings
14 less payroll deductions required by law. The ~~institution~~
15 judicial district department of correctional services shall
16 deduct from such the earnings in the following order of
17 priority:

18 1. An amount determined to be the cost to the judicial
19 district department of correctional services for providing
20 food, lodging and clothing for the inmate while under the
21 program. ~~The-judicial-district-department-of-correctional~~
22 ~~services-shall-be-reimbursed-this-amount-unless-the-contract~~
23 ~~with-the-department-of-corrections-provides-otherwise-~~

24 2. The actual and necessary food, travel and other expenses
25 of the inmate when released from actual confinement under
26 the program.

27 3. An amount the inmate may be legally obligated to pay
28 for the support of ~~his~~ the inmate's dependents, the amount
29 of which shall be paid to the dependents through the local
30 department of human services in the county or city in which
31 the dependents reside.

32 4. Court costs.

33 Any balance remaining after deductions and payments shall
34 be credited to the inmate's personal account at the ~~institution~~
35 judicial district department of correctional services and

1 shall be paid to ~~him~~ the inmate upon release. Any An inmate
2 so employed shall be paid a fair and reasonable wage in
3 accordance with the prevailing wage scale for such work and
4 shall work at fair and reasonable hours per day and per week.

5 Sec. 15. Section 255.29, Code Supplement 1983, is amended
6 to read as follows:

7 255.29 MEDICAL CARE FOR PAROLEES AND PERSONS ON WORK
8 RELEASE. The director of the Iowa department of corrections
9 may send former inmates of the institutions provided for in
10 section 217A.2, while on parole or work release, to the
11 hospital of the college of medicine of the state University
12 of Iowa for treatment and care as provided in this chapter,
13 without securing the order of the court required in other
14 cases. The director may pay the traveling expenses of any
15 patient thus committed, and when necessary the traveling
16 expenses of an attendant of the patient out of funds
17 appropriated for the use of the ~~division~~ department.

18 Sec. 16. Section 690.4, unnumbered paragraph 2, Code
19 Supplement 1983, is amended to read as follows:

20 It ~~shall~~ is also be the duty of the wardens and super-
21 intendants to procure the taking of five- by seven-inch
22 photographic negative showing a full length view of each
23 ~~convict, prisoner or inmate of the penitentiary, men's~~
24 ~~reformatory, and Iowa~~ inmate of a state correctional insti-
25 tution ~~for women~~ in the inmate's release clothing immediately
26 prior to the inmate's discharge from the institution either
27 upon expiration of sentence or commitment or on parole, and
28 to forward the photographic negative within two days after
29 it is taken to the division of criminal investigation and
30 bureau of identification, Iowa department of public safety.

31 Sec. 17. 1983 Iowa Acts, chapter 96, section 155, is
32 amended to read as follows:

33 SEC. 155. 1981 Iowa Acts, chapter 9, section 7, subsection
34 6, is amended to read as follows:

35 6. The following are range four positions: superintendent

1 of banking, director of the Iowa beer and liquor control
2 department, chairperson and members of the Iowa state commerce
3 commission, director of the state conservation commission,
4 director of the Iowa development commission, director of the
5 educational radio and television facility board, director
6 of the Iowa department of job service, director of the
7 department of general services, commissioner of health,
8 director of the office for planning and programming, ~~director~~
9 ~~of the department of corrections~~, and commissioner of public
10 safety.

11 Sec. 18. 1983 Iowa Acts, chapter 96, section 159,
12 unnumbered paragraph 1, is amended to read as follows:

13 This bill takes effect October 1, 1983 except that this
14 section and section 157 and 158 of this Act take effect July
15 1, 1983 and parole and work release programs and
16 responsibilities assigned to community-based corrections under
17 section 217A.3, subsection 1, shall be performed by the Iowa
18 department of corrections until ~~July 1~~ June 14, 1984. On
19 July 1, 1983 the initial appointees to the board of corrections
20 shall commence serving their terms as provided in section
21 158 of this Act and shall organize, promulgate rules, and
22 shall perform all duties as provided for in section 217A.5
23 as necessary to insure the commencement of the operation of
24 the department of corrections on October 1, 1983. As soon
25 as practicable after the effective date of this section the
26 board shall recommend and the governor shall appoint a person
27 to act as director of the department. The acting director
28 shall perform those duties of section 217A.8 and any other
29 duties assigned by the board, necessary to insure commencement
30 of the operation of the department on October 1, 1983. The
31 department of human services shall provide staffing and support
32 for the board of corrections until October 1, 1983. In
33 addition to the staffing and support provided by the department
34 of human services, the acting director shall employ a
35 transition team to help organize the department to identify

1 with the department of human services the administrative
2 support staff, equipment, and other resources to be transferred
3 to the department of corrections, consistent with the purposes
4 of this Act, and to insure the commencement of the department
5 on October 1, 1983.

6 Sec. 19. 1983 Iowa Acts, chapter 96, is amended by adding
7 the following new section:

8 NEW SECTION. The department of corrections may enter into
9 agreements, as provided for in chapter 28E, with a district
10 department of correctional services as necessary.

11 Sec. 20. 1981 Iowa Acts, chapter 9, section 7, subsection
12 7, is amended to read as follows:

13 7. The following are range five positions: state
14 comptroller, superintendent of public instruction, executive
15 secretary of the state board of regents, director of the
16 department of revenue, commissioner of ~~social~~ human services,
17 director of the department of corrections, and director of
18 the department of transportation.

19 Sec. 21. Sections 85.60, 218.73, and 218.74, Code
20 Supplement 1983, are repealed.

21 Sec. 22. The Code editor shall change any reference to
22 "Iowa security and medical facility" remaining in the Code
23 or Acts to "Iowa medical and classification center".

24 Sec. 23. Section 18 of this Act, being deemed of immediate
25 importance, takes effect from and after its publication in
26 the Muscatine Journal, a newspaper published in Muscatine,
27 Iowa, and in The Daily Nonpareil, a newspaper published in
28 Council Bluffs, Iowa.

29 **EXPLANATION**

30 This bill provides for legislation pertaining to the
31 department of corrections which has become needed due to the
32 department's transition to a separate agency. This bill
33 accomplishes that purpose generally as follows:

34 Sections 1 through 13 and 16 of the bill amend various
35 sections included in S.F. 464 to be reflective of the

1 department's functions and to confirm current and anticipated
2 practices of the department.

3 Section 14 of the bill authorizes the judicial district
4 departments of correctional services to handle the income
5 of work release residents.

6 Section 15 of the bill authorizes the treatment of persons
7 on work release at the university hospitals as is presently
8 authorized for parolees.

9 Sections 17 and 20 of the bill change the position of the
10 director of the department of corrections from a range four
11 position to a range five position to conform to current
12 practices.

13 Section 18 of the bill changes the time for which the
14 department of corrections is responsible for parole and work
15 release programs from July 1, 1984 to June 14, 1985.

16 Section 19 of the bill allows the department to enter into
17 chapter 28E agreements with a district department of correc-
18 tional services.

19 Section 21 of the bill repeals the section of the Code
20 which authorized the department of corrections to include
21 inmates as employees, allowing them to be eligible for workers'
22 compensation, and also repeals two sections of the Code
23 rendered obsolete by the creation of the department of
24 corrections.

25 Section 22 of the bill requires the Code editor to change
26 references to the "Iowa security and medical facility" to
27 "Iowa medical and classification center".

28 Section 23 of the bill provides for the publication of
29 the Act.

30 This bill, except for section 18, takes effect July 1
31 following its enactment.

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HOUSE AMENDMENT TO SENATE FILE 2084

S-5588

- 1 Amend Senate File 2084 as passed by the Senate
2 as follows:
- 3 1. Page 1, by striking lines 7 and 8, and inserting
4 in lieu thereof the following:
5 "217A.52 ~~DIAGNOSTIC-CLINIC-INMATE~~ INTAKE AND
6 CLASSIFICATION CENTER. The director may provide
7 facilities and".
- 8 2. Page 1, line 9, by inserting after the word
9 "intake" the words "and classification".
- 10 3. Page 1, by inserting after line 24 the
11 following:
12 "Sec. 3. NEW SECTION. 217A.80 INSTITUTIONAL
13 RECEIPTS. All institutional receipts of the department
14 of corrections shall be deposited in the general fund
15 except for reimbursements for services provided to
16 another institution or state agency, rentals charged
17 to employees or other persons for room, apartment,
18 or housing, and charges for meals."
- 19 4. Page 2, line 15, by striking the word "penal"
20 and inserting in lieu thereof the words "penal
21 correctional".
- 22 5. Page 2, line 17, by striking the word "either"
23 and inserting in lieu thereof the words "either".
- 24 6. Page 2, line 28, by striking the word "female"
25 and inserting in lieu thereof the word "women's".
- 26 7. Page 3, by striking line 6, and inserting in
27 lieu thereof the following:
28 "245.8 MANNER OF COMMITTING FEMALES WOMEN. Females
29 Women committed".
- 30 8. Page 3, by striking line 9, and inserting in
31 lieu thereof the following: "and classification
32 center--women's unit--Oakdale by a woman, or by a
33 male".
- 34 9. Page 3, by striking lines 13 through 18, and
35 inserting in lieu thereof the following:
36 "245.9 COST OF COMMITMENT. The costs and expenses
37 allowed for taking females women to the Iowa
38 correctional-institution-for-women medical and
39 classification center--women's unit--Oakdale shall
40 be the same as those allowed by law for-taking-girls
41 to-the-training-school under section 331.655,
42 subsection 1, and shall be audited and paid in-like
43 manner by the counties from which they are sent."
- 44 10. By striking page 3, line 19 through page 4,
45 line 1 and inserting in lieu thereof the following:
46 "Sec. 10. Section 245.12, Code Supplement 1983,
47 is amended by striking the section and inserting in
48 lieu thereof the following:
49 245.12 TRANSFER OF MENTALLY ILL. The provisions
50 for the transfer of mentally ill persons under this

1 chapter shall be the same as provided in sections
2 246.16 and 246.17."

3 11. Page 5, by inserting before line 8 the
4 following:

5 "Sec. 14. Section 246.17, Code 1983, is amended
6 to read as follows:

7 246.17 DISCHARGE OF MENTALLY ILL. When the state
8 director has reason to believe that a prisoner in
9 ~~the penitentiary or reformatory~~ a state correctional
10 institution, whose sentence has expired, is mentally
11 ill, ~~it~~ the director shall cause examination to be
12 made of the prisoner by competent physicians who shall
13 certify to the state director whether the prisoner
14 is in good mental health or mentally ill. The state
15 director may make further investigation and if
16 satisfied that the prisoner is mentally ill, the state
17 director may cause the prisoner to be transferred
18 to one of the hospitals for the mentally ill, or may
19 order the prisoner to be confined in the Iowa ~~security~~
20 ~~and medical facility~~ and classification center."

21 12. Page 5, by striking line 32, and inserting
22 in lieu thereof the following:

23 "4. Restitution as ordered by the court pursuant
24 to chapter 910."

25 13. By striking page 7, line 11 through page 8,
26 line 18, and inserting in lieu thereof the following:

27 "Sec. 18. 1983 Iowa Acts, chapter 96, is amended
28 by adding the following new section:

29 NEW SECTION. The department of corrections may
30 enter into agreements, as provided for in chapter
31 28E, with a district department of correctional
32 services as necessary.

33 Sec. 19. 1983 Iowa Acts, chapter 205, section
34 7, subsection 6, is amended to read as follows:

35 6. The following are range five positions: state
36 comptroller, superintendent of public instruction,
37 executive secretary of the state board of regents,
38 director of the department of revenue, director of
39 the Iowa development commission, commissioner of
40 ~~social human services or its successor agency~~, director
41 of the department of corrections, chairperson and
42 members of the Iowa state commerce commission, consumer
43 advocate, and director of the department of
44 transportation."

45 14. Page 8, by inserting after line 20, the
46 following:

47 "Sec. 22. The department of corrections shall
48 cause to be transferred all records, supplies,
49 equipment and property, including automobiles, which
50 are used in the operation of parole services and work.....

PAGE 3

1 release programs to the appropriate community-based
2 corrections judicial district in accordance with
3 section 217A.3, subsection 1.

4 15. Page 8, by striking lines 24 through 28.

5 16. Renumbering to conform to this amendment.

S-5588 FILED
MARCH 28, 1984

RECEIVED FROM THE HOUSE

Senate concurred 4/2 (p 1225)

SENATE FILE 2084

232

1 Amend Senate File 2084 as passed by the Senate
 2 as follows:
 3 1. Page 8, by inserting after line 20, the
 4 following:
 5 "Sec. 22. The department of corrections shall
 6 cause to be transferred all records, supplies, equipment
 7 and property, including automobiles, which are used in
 8 the operation of parole services and work release
 9 programs to the appropriate community-based corrections
 10 judicial district in accordance with section 217A.3,
 11 subsection 1."
 12 2. Renumber as necessary.

H-5832 FILED MARCH 23, 1984 BY SPEAR of Lee

Adopted 2/26 (p. 1204)

SENATE FILE 2084

H-5836

1 Amend House amendment H-5202 to Senate File 2084
 2 as passed by the Senate as follows:
 3 1. Page 2, by striking lines 24 through 35, and
 4 inserting in lieu thereof the following:
 5 "Sec. 19. 1983 Iowa Acts, chapter 205, section
 6 7, subsection 1, is amended by adding the following
 7 new lettered paragraph:
 8 NEW LETTERED PARAGRAPH.
 9 f. Salary range 6 45,400 60,600
 10 Sec. 20. 1983 Iowa Acts, chapter 205, section
 11 7, subsection 6, is amended to read as follows:
 12 6. The following are range ~~five~~ six positions:
 13 state comptroller, superintendent of public
 14 instruction, executive secretary of the state board
 15 of regents, director of the department of revenue,
 16 director of the Iowa development commission,
 17 commissioner of ~~social~~ human services or its successor
 18 agency, director of the department of corrections,
 19 chairperson and members of the Iowa state commerce
 20 commission, consumer advocate, and director of the
 21 department of transportation."

H-5836 FILED MARCH 26, 1984 BY SCHROEDER of Pottawattamie

LOST (p. 1274)

SENATE FILE 2084

5202

1 Amend Senate File 2084 as passed by the Senate,
2 as follows:

3 1. Page 1, by striking lines 7 and 8, and inserting
4 in lieu thereof the following:

5 "217A.52 ~~DIAGNOSTIC-CLINIC-INMATE~~ INTAKE AND
6 CLASSIFICATION CENTER. The director may provide
7 facilities and".

8 2. Page 1, line 9, by inserting after the word
9 "intake" the words "and classification".

10 3. Page 2, line 15, by striking the word "penal"
11 and inserting in lieu thereof the words "penal
12 correctional".

13 4. Page 2, line 17, by striking the word "either"
14 and inserting in lieu thereof the words "either".

15 5. Page 2, line 28, by striking the word "female"
16 and inserting in lieu thereof the word "women's".

17 6. Page 3, by striking line 6, and inserting in
18 lieu thereof the following:

19 "245.8 MANNER OF COMMITTING FEMALES WOMEN. Females
20 Women committed".

21 7. Page 3, by striking line 9, and inserting in
22 lieu thereof the following: "and classification
23 center--women's unit--Oakdale by a woman, or by a
24 male".

25 8. Page 3, by striking lines 13 through 18, and
26 inserting in lieu thereof the following:

27 "245.9 COST OF COMMITMENT. The costs and expenses
28 allowed for taking females women to the Iowa
29 correctional-institution-for-women medical and
30 classification center--women's unit--Oakdale shall
31 be the same as those allowed by law for-taking-girls
32 to-the-training-school under section 331.655,
33 subsection 1, and shall be audited and paid in-like
34 manner by the counties from which they are sent."

35 9. By striking page 3, line 19 through page 4,
36 line 1 and inserting in lieu thereof the following:

37 "Sec. 10. Section 245.12, Code Supplement 1983,
38 is amended by striking the section and inserting in
39 lieu thereof the following:

40 245.12 TRANSFER OF MENTALLY ILL. The provisions
41 for the transfer of mentally ill persons under this
42 chapter shall be the same as provided in sections
43 246.16 and 246.17."

44 10. Page 5, by inserting before line 8 the
45 following:

46 "Sec. 14. Section 246.17, Code 1983, is amended
47 to read as follows:

48 246.17 DISCHARGE OF MENTALLY ILL. When the state
49 director has reason to believe that a prisoner in
50 the-penitentiary-or-reformatory a state correctional

1 institution, whose sentence has expired, is mentally
 2 ill, ~~at~~ the director shall cause examination to be
 3 made of the prisoner by competent physicians who shall
 4 certify to the state director whether the prisoner
 5 is in good mental health or mentally ill. The state
 6 director may make further investigation and if
 7 satisfied that the prisoner is mentally ill, the state
 8 director may cause the prisoner to be transferred
 9 to one of the hospitals for the mentally ill, or may
 10 order the prisoner to be confined in the Iowa security
 11 and medical facility and classification center."

12 11. Page 5, by striking line 32, and inserting
 13 in lieu thereof the following:

14 "4. Restitution as ordered by the court pursuant
 15 to chapter 910."

16 12. By striking page 7, line 11 through page 8,
 17 line 18, and inserting in lieu thereof the following:

18 "Sec. 18. 1983 Iowa Acts, chapter 96, is amended
 19 by adding the following new section:

20 NEW SECTION. The department of corrections may
 21 enter into agreements, as provided for in chapter
 22 28E, with a district department of correctional
 23 services as necessary.

24 Sec. 19. 1983 Iowa Acts, chapter 205, section
 25 7, subsection 6, is amended to read as follows:

26 6. The following are range five positions: state
 27 comptroller, superintendent of public instruction,
 28 executive secretary of the state board of regents,
 29 director of the department of revenue, director of
 30 the Iowa development commission, commissioner of
 31 ~~social~~ human services or its successor agency, director
 32 of the department of corrections, chairperson and
 33 members of the Iowa state commerce commission, consumer
 34 advocate, and director of the department of
 35 transportation."

36 13. Page 8, by striking lines 24 through 28.

37 14. By renumbering to conform to this amendment.

H-5202 FILED FEB. 16, 1984 BY COMMITTEE ON HUMAN RESOURCES

*Adopted as amended by 5220
 3/26 (p. 1274)*

SENATE FILE 2084

1 Amend Senate File 2084, as passed by the Senate,
 2 as follows:

3 1. Page 1, by inserting after line 24 the
 4 following:

5 "Sec. 3. NEW SECTION. 217A.80 INSTITUTIONAL
 6 RECEIPTS. All institutional receipts of the department
 7 of corrections shall be deposited in the general fund
 8 except for reimbursements for services provided to
 9 another institution or state agency, rentals charged
 10 to employees or other persons for room, apartment,
 11 or housing, and charges for meals."

12 2. By renumbering to conform to this amendment.

H-5220 FILED FEB. 17, 1984 BY SPEAR of Lee

Adopted 3/26 (p. 1264)

the inmate's stay at the Iowa ~~security-and~~ medical facility and classification center. However, section 246.32 applies to the total inmate population, including both convicts and patients.

Sec. 15. Section 246.17, Code 1983, is amended to read as follows:

246.17 DISCHARGE OF MENTALLY ILL. When the state director has reason to believe that a prisoner in the ~~penitentiary or reformatory~~ a state correctional institution, whose sentence has expired, is mentally ill, ~~it~~ the director shall cause examination to be made of the prisoner by competent physicians who shall certify to the state director whether the prisoner is in good mental health or mentally ill. The state director may make further investigation and if satisfied that the prisoner is mentally ill, the state director may cause the prisoner to be transferred to one of the hospitals for the mentally ill, or may order the prisoner to be confined in the Iowa ~~security-and~~ medical facility and classification center.

Sec. 16. Section 247A.7, Code Supplement 1983, is amended to read as follows:

247A.7 SURRENDER OF EARNINGS. An inmate employed in the community under a work release plan shall surrender to the ~~institution from which released his~~ judicial district department of correctional services the inmate's total earnings less payroll deductions required by law. The ~~institution~~ judicial district department of correctional services shall deduct from such the earnings in the following order of priority:

1. An amount determined to be the cost to the judicial district department of correctional services for providing food, lodging and clothing for the inmate while under the program. ~~The judicial district department of correctional services shall be reimbursed this amount unless the contract with the department of corrections provides otherwise.~~

2. The actual and necessary food, travel and other expenses of the inmate when released from actual confinement under the program.

3. An amount the inmate may be legally obligated to pay for the support of ~~his~~ the inmate's dependents, the amount of which shall be paid to the dependents through the local department of human services in the county or city in which the dependents reside.

~~4. --Court-costs--~~

4. Restitution as ordered by the court pursuant to chapter 910.

Any balance remaining after deductions and payments shall be credited to the inmate's personal account at the ~~institution~~ judicial district department of correctional services and shall be paid to ~~him~~ the inmate upon release. ~~Any An~~ inmate so employed shall be paid a fair and reasonable wage in accordance with the prevailing wage scale for such work and shall work at fair and reasonable hours per day and per week.

Sec. 17. Section 255.29, Code Supplement 1983, is amended to read as follows:

255.29 MEDICAL CARE FOR PAROLEES AND PERSONS ON WORK RELEASE. The director of the Iowa department of corrections may send former inmates of the institutions provided for in section 217A.2, while on parole or work release, to the hospital of the college of medicine of the state University of Iowa for treatment and care as provided in this chapter, without securing the order of the court required in other cases. The director may pay the traveling expenses of any patient thus committed, and when necessary the traveling expenses of an attendant of the patient out of funds appropriated for the use of the ~~division~~ department.

Sec. 18. Section 690.4, unnumbered paragraph 2, Code Supplement 1983, is amended to read as follows:

It ~~shall~~ is also be the duty of the wardens and superintendents to procure the taking of five- by seven-inch photographic negative showing a full length view of each ~~convict, prisoner or inmate of the penitentiary, men's reformatory, and Iowa~~ inmate of a state correctional institution ~~for women~~ in the inmate's release clothing immediately prior to the inmate's discharge from the institution either

upon expiration of sentence or commitment or on parole, and to forward the photographic negative within two days after it is taken to the division of criminal investigation and bureau of identification, Iowa department of public safety.

Sec. 19. 1983 Iowa Acts, chapter 96, section 155, is amended to read as follows:

SEC. 155. 1981 Iowa Acts, chapter 9, section 7, subsection 6, is amended to read as follows:

6. The following are range four positions: superintendent of banking, director of the Iowa beer and liquor control department, chairperson and members of the Iowa state commerce commission, director of the state conservation commission, director of the Iowa development commission, director of the educational radio and television facility board, director of the Iowa department of job service, director of the department of general services, commissioner of health, director of the office for planning and programming, ~~director of the department of corrections~~, and commissioner of public safety.

Sec. 20. 1983 Iowa Acts, chapter 96, is amended by adding the following new section:

NEW SECTION. The department of corrections may enter into agreements, as provided for in chapter 28E, with a district department of correctional services as necessary.

Sec. 21. 1983 Iowa Acts, chapter 205, section 7, subsection 6, is amended to read as follows:

6. The following are range five positions: state comptroller, superintendent of public instruction, executive secretary of the state board of regents, director of the department of revenue, director of the Iowa development commission, commissioner of ~~social~~ human services ~~or its successor-agency~~, director of the department of corrections, chairperson and members of the Iowa state commerce commission, consumer advocate, and director of the department of transportation.

Sec. 22. Sections 85.60, 218.73, and 218.74, Code Supplement 1983, are repealed.

Sec. 23. The department of corrections shall cause to be transferred all records, supplies, equipment and property, including automobiles, which are used in the operation of parole services and work release programs to the appropriate community-based corrections judicial district in accordance with section 217A.3, subsection 1.

Sec. 24. The Code editor shall change any reference to "Iowa security and medical facility" remaining in the Code or Acts to "Iowa medical and classification center".

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 2084, Seventieth General Assembly.

K. MARIE THAYER
Secretary of the Senate

Approved May 4, 1984

TERRY E. BRANSTAD
Governor