

FILED MAR 20 1987

SENATE FILE 4169
BY COMMITTEE ON JUDICIARY
(Formerly SSB 195)
Approved (p. 827)

Passed Senate, Date 3-27-87 (p. 946) Passed House, Date 4/21/87 (p. 1549)
Vote: Ayes 38 Nays 3 Vote: Ayes 95 Nays 0

Approved May 6, 1987

*Revised to recommend (p. 952)
" with 3/50 (p. 966)*

A BILL FOR

1 An Act relating to the confinement and treatment of persons
 2 convicted of a violation of operating a motor vehicle while
 3 intoxicated by requiring counties to provide temporary
 4 confinement for offenders under the supervision of the
 5 department of corrections who violate the conditions of
 6 treatment programs, by providing that a work release program
 7 may include out-of-state work or treatment placement, by
 8 specifying that an offender committing a third offense shall
 9 serve the minimum thirty-day term in the county jail, and may
 10 be sentenced to up to one year in the county jail, by
 11 providing that a person convicted of a second or subsequent
 12 offense shall be ordered to undergo a substance abuse
 13 evaluation, by providing that a person convicted of a third or
 14 subsequent offense or an offender whose substance abuse
 15 evaluation recommended treatment may be sentenced to the
 16 custody of the department of corrections who shall assign the
 17 person to a facility pursuant to section 246.513 or to
 18 treatment in the community under supervision of the
 19 department, by requiring judicial district departments of
 20 correctional services to provide programs for offenders under
 21 chapter 321J, by providing that a requirement for a mandatory
 22 minimum sentence for repeat offenders shall not apply to
 23 offenders under chapter 321J, and by providing that an
 24 offender under chapter 321J who is under the supervision of

SF 4169

SF469

1 the department of corrections shall receive a clothing
2 allowance and expense money allotted to inmates when the
3 offender is assigned to a community-based corrections program.

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

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TLSB 2198SC 72

ME/jw/5

1 Section 1. Section 246.513, Code 1987, is amended by
2 adding the following new subsection after subsection 3, and
3 renumbering the subsequent subsection:

4 NEW SUBSECTION. 4. Upon request by the director a county
5 shall provide temporary confinement for offenders allegedly
6 violating the conditions of assignment to a treatment program
7 if space is available. The department shall negotiate a
8 reimbursement rate with each county for the temporary
9 confinement of offenders allegedly violating the conditions of
10 assignment to a treatment program who are in the custody of
11 the director or who are housed or supervised by the judicial
12 district department of correctional services. The amount to
13 be reimbursed shall be determined by multiplying the number of
14 days a person is confined by the average daily cost of
15 confining a person in the county facility as negotiated with
16 the department. Payment shall be made upon submission of a
17 voucher executed by the sheriff and approved by the director.

18 Sec. 2. Section 246.901, Code 1987, is amended to read as
19 follows:

20 246.901 PROGRAM.

21 The Iowa department of corrections, in consultation with
22 the board of parole, shall establish a work release program
23 under which the board of parole may grant inmates sentenced to
24 an institution under the jurisdiction of the department the
25 privilege of leaving actual confinement during necessary and
26 reasonable hours for the purpose of working at gainful
27 employment. Under appropriate conditions the program may also
28 include an out-of-state work or treatment placement or release
29 for the purpose of seeking employment and attendance at an
30 educational institution. An inmate may be placed on work
31 release status in the inmate's own home, under appropriate
32 circumstances, which may include child care and housekeeping
33 in the inmate's own home.

34 Sec. 3. Section 321J.2, subsection 2, paragraph c, Code
35 1987, is amended to read as follows:

1 c. A class "D" felony for a third offense and each
2 subsequent offense and shall be imprisoned in the county jail
3 ~~or community-based correctional facility~~ for a determinate
4 sentence of not more than one year but not less than thirty
5 days, which minimum term cannot be suspended notwithstanding
6 section 901.57 subsection 3, and section 907.37 subsection 2
7 or committed to the custody of the director of the department
8 of corrections, and assessed a fine of not less than seven
9 hundred fifty dollars. The minimum jail term of thirty days
10 cannot be suspended notwithstanding section 901.5, subsection
11 3, and section 907.3, subsection 2, however, the person
12 sentenced shall receive credit for any time the person was
13 confined in a jail or detention facility following arrest. If
14 a person is committed to the custody of the director of the
15 department of corrections pursuant to this paragraph and the
16 sentence is suspended, the sentencing court shall order that
17 the offender serve the thirty-day minimum term in the county
18 jail. If the sentence which commits the person to the custody
19 of the director of the department of corrections is later
20 imposed by the court, all time served in a county jail toward
21 the thirty-day minimum term shall count as time served toward
22 the sentence which committed the person to the custody of the
23 director of the department of corrections. A person convicted
24 of a second or subsequent offense shall be ordered to undergo
25 a substance abuse evaluation prior to sentencing. If a person
26 is convicted of a third or subsequent offense or if the
27 evaluation recommends treatment, the offender may be committed
28 to the custody of the director of the department of
29 corrections, who, if the sentence is not suspended, shall
30 assign the person to a facility pursuant to section 246.513 or
31 the offender may be committed to treatment in the community
32 under the supervision of the department of corrections.

33 Sec. 4. Section 321J.3, subsection 1, Code 1987, is
34 amended to read as follows:

35 1. On a conviction for a violation of section 321J.2, the

1 court may order the defendant to attend a course for drinking
2 drivers under section 321J.22. If the defendant submitted to
3 a chemical test on arrest for the violation of section 321J.2
4 and the test indicated an alcohol concentration of .20 or
5 higher, or if the defendant is charged with a second or
6 subsequent offense, the court shall order the defendant, on
7 conviction, to undergo a substance abuse evaluation and the
8 court may order the defendant to follow the recommendations
9 proposed in the substance abuse evaluation for appropriate
10 substance abuse treatment for the defendant. Court-ordered
11 substance abuse treatment is subject to the periodic reporting
12 requirements of section 125.86. If a defendant is committed
13 by the court to a substance abuse treatment facility, the
14 administrator of the facility shall report to the court when
15 it is determined that the defendant has received the maximum
16 benefit of treatment at the facility and the defendant shall
17 be released from the facility. The time for which the
18 defendant is committed for treatment shall be credited against
19 the defendant's sentence. The court may prescribe the length
20 of time for the evaluation and treatment or it may request
21 that the area school conducting the course for drinking
22 drivers which the person is ordered to attend or the treatment
23 program to which the person is committed immediately report to
24 the court when the person has received maximum benefit from
25 the course for drinking drivers or treatment program or has
26 recovered from the person's addiction, dependency, or tendency
27 to chronically abuse alcohol or drugs. A person committed
28 under this section who does not possess sufficient income or
29 estate to make payment of the costs of the treatment in whole
30 or in part shall be considered a state patient and the costs
31 of treatment shall be paid as provided in section 125.44. A
32 defendant who fails to carry out the order of the court or who
33 fails to successfully complete or attend a course for drinking
34 drivers or an ordered substance abuse treatment program shall
35 be confined in the county jail for twenty days in addition to

1 any other imprisonment ordered by the court or may be ordered
2 to perform unpaid community service work, and shall be placed
3 on probation for one year with a violation of this probation
4 punishable as contempt of court.

5 Sec. 5. Section 905.7, subsection 1, Code 1987, is amended
6 to read as follows:

7 1. Provide pretrial release, presentence investigations,
8 probation services, parole services, work release services,
9 programs for offenders under chapter 321J, and residential
10 treatment centers throughout the district, as necessary.

11 Sec. 6. Section 905.10, Code 1987, is amended to read as
12 follows:

13 905.10 POSTINSTITUTIONAL PROGRAMS AND SERVICES.

14 Persons participating in postinstitutional services, except
15 those persons paroled and those persons contracted to the
16 district department, remain under the jurisdiction of the Iowa
17 department of corrections. The district department of
18 correctional services shall maintain adequate personnel to
19 provide postinstitutional residential services, programs for
20 offenders under chapter 321J, parole services, and supervision
21 of persons transferred into the state under the interstate
22 compact for supervision of parolees and probationers.

23 Sec. 7. Section 906.5, unnumbered paragraph 2, Code 1987,
24 is amended to read as follows:

25 If the person who is under consideration for parole is
26 serving a sentence for conviction of a felony and has a
27 criminal record of one or more prior convictions for a
28 forcible felony or a crime of a similar gravity in this or any
29 other state, parole shall be denied unless the person has
30 served at least one-half of the maximum term of the
31 defendant's sentence. However, the mandatory sentence
32 provided for by this section does not apply if the:

33 1. The sentence being served is for a felony other than a
34 forcible felony and the sentences for the prior forcible
35 felonies expired at least five years before the date of

1 conviction for the present felony.

2 2. The sentence being served is for operating a motor
3 vehicle while under the influence of alcohol or a drug under
4 chapter 321J.

5 Sec. 8. Section 906.9, Code 1987, is amended to read as
6 follows:

7 906.9 CLOTHING, TRANSPORTATION, AND MONEY.

8 When an inmate is discharged, paroled, or placed on work
9 release, or placed in a community-based correctional program
10 under section 246.513, the warden or superintendent shall
11 furnish the inmate, at state expense, appropriate clothing and
12 transportation to the place in this state indicated in the
13 inmate's discharge, parole, or work release plan, or
14 community-based corrections assignment. When an inmate is
15 discharged, paroled, or placed on work release, or placed in a
16 community-based correctional program under section 246.513,
17 the warden or superintendent shall provide the inmate, at
18 state expense, money in accordance with the following
19 schedule:

- 20 1. Upon discharge or parole, one hundred dollars.
- 21 2. Upon being placed on work release, fifty dollars.
- 22 3. Upon going from an educational work release to parole
23 or discharge, fifty dollars.
- 24 4. Upon being placed in a community-based correctional
25 program under section 246.513, fifty dollars.

26 Those inmates receiving payment under subsection 2, or 3,
27 ~~or 4 of this section~~ shall not be eligible for payment under
28 subsection 1 ~~of this section~~ unless they are returned to the
29 institution. The warden or superintendent shall maintain an
30 account of all funds expended pursuant to this section.

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EXPLANATION

32 This bill provides that a person convicted for a third or
33 subsequent OWI offense may be sentenced for a determinate term
34 of not less than thirty days nor more than one year in a
35 county jail or sentenced to the custody of the director of the

1 department of corrections. It clarifies that if the minimum
2 sentence is imposed, it shall be served in the county jail.
3 The bill also provides that a person convicted of a third or
4 subsequent offense shall be ordered by the court to undergo a
5 substance abuse evaluation.

6 The bill requires counties, upon the request of the
7 director of the department of corrections, to provide
8 temporary confinement for OWI offenders who allegedly violate
9 the conditions of assignment to a treatment program. The
10 department is required to reimburse counties who provide space
11 for those OWI offenders.

12 The bill provides for application of programs for OWI
13 offenders under work release. It requires the department to
14 adopt rules as guidelines for judicial districts in
15 establishing OWI programs. It requires the district
16 department of correctional services to maintain adequate
17 personnel to provide programs for OWI offenders.

18 Under the Code a felony offender must serve one-half of a
19 felony sentence before being considered for parole. This bill
20 exempts those offenders serving a felony sentence for an OWI
21 violation from that rule.

22 The bill also provides that an offender under the custody
23 of the department of corrections shall receive a clothing
24 allowance and expense money upon assignment to a community-
25 based correctional program for OWI offenders.

26

SENATE FILE 469

S-3308

1 Amend Senate File 469 as follows:

- 2 1. Page 2, line 32, by striking the words
- 3 "supervision of the department of corrections" and
- 4 inserting the following: "provisions of section
- 5 907.6".

S-3308

Filed March 27, 1987

BY DONALD V. DOYLE

ADOPTED (p. 945)

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SENATE FILE 469
AS PASSED BY THE SENATEFISCAL NOTE

DRAFTED BY REPRESENTATIVE SIEGRIST

In compliance with a written request received April 13, 1987, a fiscal note for SENATE FILE 469 AS PASSED BY THE SENATE is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note are available from the Legislative Fiscal Bureau to members of the Legislature upon request.

Senate File 469 makes a number of changes in the statutes pertaining to the Department of Corrections and OWI offenders. The sections that are estimated to have a fiscal effect are as follows:

Section 1 requires the Department of Corrections to reimburse counties for the costs involved in confining offenders accused of violating the conditions of assignment to a treatment program. The Department is required to negotiate a reimbursement rate with each county, and the amount to be reimbursed is determined by multiplying the number of days a person is confined by the negotiated reimbursement rate.

Section 4 requires defendants charged with second or subsequent offense OWI to undergo a substance abuse evaluation upon their conviction, and permits the court to order the offender to follow the recommendations contained in the evaluation. Under current law only defendants who took a chemical test on arrest and the test indicated an alcohol concentration of .20 or higher are required to undergo evaluation and treatment. The costs of the evaluation and treatment of a person without sufficient income to pay shall be paid by the state.

Section 7 exempts offenders serving a sentence for OWI from the mandatory minimum provisions of 906.5.

Section 8 requires the Department of Corrections to furnish inmates placed in a community-based correctional program with appropriate clothing, transportation and fifty dollars.

Fiscal Effect:

Section 1: Expenditures from the county confinement budget are expected to increase by a maximum of \$2,000 (based upon 50 people each being confined for one day at \$40 per day average reimbursement rate).

Section 4: In FY 1986 there were 2,237 convictions for 2nd and subsequent offense OWI. Many of these offenders are already undergoing substance abuse evaluation and treatment at state expense. Although there is insufficient data to make a precise estimate, assuming there will be the state will be required to pay for 1,000 additional evaluations and 250 additional treatments, a rough estimate of the added annual cost is \$120,000 (evaluations) and \$450,000 (treatment). If additional funding is not appropriated, the waiting list for evaluations is likely to increase from the current four to eight weeks, resulting in fewer evaluations being completed prior to sentencing.

Section 7: Excluding OWI offenders from the mandatory minimum statute is not expected to have any significant effect upon prison population or costs.

Section 8: The Department of Corrections is currently using funds appropriated for the community-based OWI facilities to pay for clothing,

Page Two, Fiscal Note, Senate File 469 as passed by the Senate

-2-

transportation and "gate money." The section is not expected to cause any additional expenditures.

Sources: Departments of Corrections, Public Health (LSB 2198S, JMN)

FILED APRIL 20, 1987

BY DENNIS PROUTY, FISCAL DIRECTOR

SENATE FILE 274
Amendment H-3750 to H-3735

FISCAL NOTE

REQUESTED BY REPRESENTATIVE MAY

In compliance with a written request received April 15, 1987, a fiscal note for Amendment H-3750 to Amendment H-3735 to Senate File 274 is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note are available from the Legislative Fiscal Bureau to members of the Legislature upon request.

Amendment H-3750 to Amendment H-3735 to Senate File 274 reduces the number of persons to be employed by the Farm Commodity Division of the Department of Agriculture and Land Stewardship to assist the Iowa Export Trading Board from four to two.

Fiscal Effect

The Department of Agriculture and Land Stewardship estimates that Amendment H-3750 to Amendment H-3735 to Senate File 274 would have an administrative expense of \$267,300, including \$131,200 in salaries for 4 FTE, \$51,100 in travel costs, and \$85,000 for general office expense. The estimate for travel costs includes \$23,600 for in-state travel and \$27,500 for out of state travel. The estimate for general office expense includes \$18,000 for two vehicles, \$17,000 for computers and software, and \$50,000 for supplies and communication equipment.

(dollars in thousands)

	Fiscal Year 1988			Fiscal Year 1989		
	Current Law	Proposed Law	Increase (Decrease)	Current Law	Proposed Law	Increase (Decrease)
EXPENDITURES						
Salaries (FTE's)	\$ 0	\$ 131	\$ 131	\$ 0	\$ 135	\$ 135
Travel	(0)	(4.0)	(4.0)	(0)	(4.0)	(4.0)
Office	0	51	51	0	56	56
	0	85	85	0	53	53
Total	\$ 0	\$ 267	\$ 267	\$ 0	\$ 244	\$ 244
NET EFFECT	\$ 0	\$ - 267	\$ - 267	\$ 0	\$ - 244	\$ - 244

Source: Department of Agriculture and Land Stewardship (LSB 4028S.2, JKH)

FILED APRIL 20, 1987

BY DENNIS PROUTY, FISCAL DIRECTOR

1 offenders under chapter 321J, and by providing that an
2 offender under chapter 321J who is under the supervision of
3 the department of corrections shall receive a clothing
4 allowance and expense money allotted to inmates when the
5 offender is assigned to a community-based corrections program.

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

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1 Section 1. Section 246.513, Code 1987, is amended by
2 adding the following new subsection after subsection 3, and
3 renumbering the subsequent subsection:

4 NEW SUBSECTION. 4. Upon request by the director a county
5 shall provide temporary confinement for offenders allegedly
6 violating the conditions of assignment to a treatment program
7 if space is available. The department shall negotiate a
8 reimbursement rate with each county for the temporary
9 confinement of offenders allegedly violating the conditions of
10 assignment to a treatment program who are in the custody of
11 the director or who are housed or supervised by the judicial
12 district department of correctional services. The amount to
13 be reimbursed shall be determined by multiplying the number of
14 days a person is confined by the average daily cost of
15 confining a person in the county facility as negotiated with
16 the department. Payment shall be made upon submission of a
17 voucher executed by the sheriff and approved by the director.

18 Sec. 2. Section 246.901, Code 1987, is amended to read as
19 follows:

20 246.901 PROGRAM.

21 The Iowa department of corrections, in consultation with
22 the board of parole, shall establish a work release program
23 under which the board of parole may grant inmates sentenced to
24 an institution under the jurisdiction of the department the
25 privilege of leaving actual confinement during necessary and
26 reasonable hours for the purpose of working at gainful
27 employment. Under appropriate conditions the program may also
28 include an out-of-state work or treatment placement or release
29 for the purpose of seeking employment and attendance at an
30 educational institution. An inmate may be placed on work
31 release status in the inmate's own home, under appropriate
32 circumstances, which may include child care and housekeeping
33 in the inmate's own home.

34 Sec. 3. Section 321J.2, subsection 2, paragraph c, Code
35 1987, is amended to read as follows:

1 c. A class "D" felony for a third offense and each
2 subsequent offense and shall be imprisoned in the county jail
3 ~~or community-based correctional facility~~ for a determinate
4 sentence of not more than one year but not less than thirty
5 days, which minimum term cannot be suspended notwithstanding
6 section 901.5, subsection 3, and section 907.3, subsection 2
7 or committed to the custody of the director of the department
8 of corrections, and assessed a fine of not less than seven
9 hundred fifty dollars. The minimum jail term of thirty days
10 cannot be suspended notwithstanding section 901.5, subsection
11 3, and section 907.3, subsection 2, however, the person
12 sentenced shall receive credit for any time the person was
13 confined in a jail or detention facility following arrest. If
14 a person is committed to the custody of the director of the
15 department of corrections pursuant to this paragraph and the
16 sentence is suspended, the sentencing court shall order that
17 the offender serve the thirty-day minimum term in the county
18 jail. If the sentence which commits the person to the custody
19 of the director of the department of corrections is later
20 imposed by the court, all time served in a county jail toward
21 the thirty-day minimum term shall count as time served toward
22 the sentence which committed the person to the custody of the
23 director of the department of corrections. A person convicted
24 of a second or subsequent offense shall be ordered to undergo
25 a substance abuse evaluation prior to sentencing. If a person
26 is convicted of a third or subsequent offense or if the
27 evaluation recommends treatment, the offender may be committed
28 to the custody of the director of the department of
29 corrections, who, if the sentence is not suspended, shall
30 assign the person to a facility pursuant to section 246.513 or
31 the offender may be committed to treatment in the community
32 under the provisions of section 907.6.

33 Sec. 4. Section 321J.3, subsection 1, Code 1987, is
34 amended to read as follows:

35 1. On a conviction for a violation of section 321J.2, the

1 court may order the defendant to attend a course for drinking
2 drivers under section 321J.22. If the defendant submitted to
3 a chemical test on arrest for the violation of section 321J.2
4 and the test indicated an alcohol concentration of .20 or
5 higher, or if the defendant is charged with a second or
6 subsequent offense, the court shall order the defendant, on
7 conviction, to undergo a substance abuse evaluation and the
8 court may order the defendant to follow the recommendations
9 proposed in the substance abuse evaluation for appropriate
10 substance abuse treatment for the defendant. Court-ordered
11 substance abuse treatment is subject to the periodic reporting
12 requirements of section 125.86. If a defendant is committed
13 by the court to a substance abuse treatment facility, the
14 administrator of the facility shall report to the court when
15 it is determined that the defendant has received the maximum
16 benefit of treatment at the facility and the defendant shall
17 be released from the facility. The time for which the
18 defendant is committed for treatment shall be credited against
19 the defendant's sentence. The court may prescribe the length
20 of time for the evaluation and treatment or it may request
21 that the area school conducting the course for drinking
22 drivers which the person is ordered to attend or the treatment
23 program to which the person is committed immediately report to
24 the court when the person has received maximum benefit from
25 the course for drinking drivers or treatment program or has
26 recovered from the person's addiction, dependency, or tendency
27 to chronically abuse alcohol or drugs. A person committed
28 under this section who does not possess sufficient income or
29 estate to make payment of the costs of the treatment in whole
30 or in part shall be considered a state patient and the costs
31 of treatment shall be paid as provided in section 125.44. A
32 defendant who fails to carry out the order of the court or who
33 fails to successfully complete or attend a course for drinking
34 drivers or an ordered substance abuse treatment program shall
35 be confined in the county jail for twenty days in addition to

1 any other imprisonment ordered by the court or may be ordered
2 to perform unpaid community service work, and shall be placed
3 on probation for one year with a violation of this probation
4 punishable as contempt of court.

5 Sec. 5. Section 905.7, subsection 1, Code 1987, is amended
6 to read as follows:

7 1. Provide pretrial release, presentence investigations,
8 probation services, parole services, work release services,
9 programs for offenders under chapter 321J, and residential
10 treatment centers throughout the district, as necessary.

11 Sec. 6. Section 905.10, Code 1987, is amended to read as
12 follows:

13 905.10 POSTINSTITUTIONAL PROGRAMS AND SERVICES.

14 Persons participating in postinstitutional services, except
15 those persons paroled and those persons contracted to the
16 district department, remain under the jurisdiction of the Iowa
17 department of corrections. The district department of
18 correctional services shall maintain adequate personnel to
19 provide postinstitutional residential services, programs for
20 offenders under chapter 321J, parole services, and supervision
21 of persons transferred into the state under the interstate
22 compact for supervision of parolees and probationers.

23 Sec. 7. Section 906.5, unnumbered paragraph 2, Code 1987,
24 is amended to read as follows:

25 If the person who is under consideration for parole is
26 serving a sentence for conviction of a felony and has a
27 criminal record of one or more prior convictions for a
28 forcible felony or a crime of a similar gravity in this or any
29 other state, parole shall be denied unless the person has
30 served at least one-half of the maximum term of the
31 defendant's sentence. However, the mandatory sentence
32 provided for by this section does not apply if the:

33 1. The sentence being served is for a felony other than a
34 forcible felony and the sentences for the prior forcible
35 felonies expired at least five years before the date of

1 conviction for the present felony.

2 2. The sentence being served is for operating a motor
3 vehicle while under the influence of alcohol or a drug under
4 chapter 321J.

5 Sec. 8. Section 906.9, Code 1987, is amended to read as
6 follows:

7 906.9 CLOTHING, TRANSPORTATION, AND MONEY.

8 When an inmate is discharged, paroled, or placed on work
9 release, or placed in a community-based correctional program
10 under section 246.513, the warden or superintendent shall
11 furnish the inmate, at state expense, appropriate clothing and
12 transportation to the place in this state indicated in the
13 inmate's discharge, parole, or work release plan, or
14 community-based corrections assignment. When an inmate is
15 discharged, paroled, or placed on work release, or placed in a
16 community-based correctional program under section 246.513,
17 the warden or superintendent shall provide the inmate, at
18 state expense, money in accordance with the following
19 schedule:

- 20 1. Upon discharge or parole, one hundred dollars.
- 21 2. Upon being placed on work release, fifty dollars.
- 22 3. Upon going from an educational work release to parole
23 or discharge, fifty dollars.
- 24 4. Upon being placed in a community-based correctional
25 program under section 246.513, fifty dollars.

26 Those inmates receiving payment under subsection 2, or 3,
27 or 4 of this section shall not be eligible for payment under
28 subsection 1 of this section unless they are returned to the
29 institution. The warden or superintendent shall maintain an
30 account of all funds expended pursuant to this section.

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SENATE FILE 469

H-3766

1 Amend Senate File 469 as amended, passed, and
2 reprinted by the Senate as follows:

3 1. Page 2, by inserting after line 32 the
4 following:

5 "Sec. 4. Section 321J.2, Code 1987, is amended by
6 adding the following new subsection:

7 NEW SUBSECTION 10. The court may order a
8 defendant convicted of or receiving a deferred
9 judgment for a violation of this section to publish an
10 apology for the offense including a picture of the
11 person in a newspaper of local circulation."

12 2. Page 4, by striking line 5 and inserting the
13 following:

14 "Sec. 5. Section 905.7, subsections 1 and 3, Code
15 1987, are amended".

16 3. Page 4, by inserting after line 10 the
17 following:

18 "3. Follow practices and procedures which maximize
19 the availability of federal funding for the district
20 department's community-based correctional program and
21 the department of transportation."

22 4. Page 4, by inserting before line 11 the
23 following:

24 "Sec. 6. Section 905.7, Code 1987, is amended by
25 adding the following new subsection:

26 NEW SUBSECTION. 8. Provide guidelines to the
27 district court for sentences to offenders under
28 section 321J.2, subsection 10."

29 5. By renumbering as necessary.

BY PAULIN of Plymouth
MILLER of Cherokee

H-3766 FILED APRIL 14, 1987

A- *Land*

B- *Adopted as amended by 3780 4/21/87 (p 1549)*

SENATE FILE 469

H-3780

1 Amend amendment H-3766 to Senate File 469 as
2 amended, passed and reprinted by the Senate as
3 follows:

4 1. Page 1, line 20, by inserting after the word
5 "and", the word "assist".

6 2. Page 1, line 21, by inserting after the word
7 "transportation", the following: "which is authorized
8 to follow practices and procedures designed to
9 maximize the availability of federal funding for the
10 enforcement and implementation of drunk driver
11 prevention and other highway safety programs".

BY PAULIN of Plymouth
MILLER of Cherokee

H-3780 FILED APRIL 15, 1987

Adopted 4/21/87 (p 1549)

SENATE FILE 469

H-3880

1 Amend Senate File 469 as amended, passed and
2 reprinted by the Senate as follows:

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

5 "Section 1. Section 246.513, subsection 1,
6 unnumbered paragraph 1, Code 1987, is amended by
7 striking the paragraph and inserting in lieu thereof
8 the following:

9 — The department of corrections in cooperation with
10 judicial district departments of corrections services
11 shall establish in each judicial district bed space
12 for the confinement and treatment of offenders
13 convicted of violating chapter 321J who are sentenced
14 to the custody of the director. The offenders shall
15 first be assigned to the Iowa medical classification
16 facility at Oakdale for classification and after
17 classification may be assigned to a residential
18 facility operated by any judicial district department
19 of corrections services. The facilities established
20 shall meet all the following requirements:"

21 2. Page 4, line 9, by inserting after the word
22 "offenders" the following: "convicted".

23 3. Page 4, line 20, by inserting after the word
24 "offenders" the following: "convicted".

25 4. Page 5, line 2, by inserting after the word
26 "is" the following: "on a conviction".

27 5. By renumbering as required.

H-3880 FILED APRIL 20, 1987 BY SHERZAN of Polk

Adopted 4/21/87 (p. 1547)

HOUSE AMENDMENT TO
SENATE FILE 469

S-3757

1 Amend Senate File 469 as amended, passed and
2 reprinted by the Senate as follows:

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

5 "Section 1. Section 246.513, subsection 1,
6 unnumbered paragraph 1, Code 1987, is amended by
7 striking the paragraph and inserting in lieu thereof
8 the following:

9 The department of corrections in cooperation with
10 judicial district departments of corrections services
11 shall establish in each judicial district bed space
12 for the confinement and treatment of offenders
13 convicted of violating chapter 321J who are sentenced
14 to the custody of the director. The offenders shall
15 first be assigned to the Iowa medical classification
16 facility at Oakdale for classification and after
17 classification may be assigned to a residential
18 facility operated by any judicial district department
19 of corrections services. The facilities established
20 shall meet all the following requirements:"

21 2. Page 4, by striking line 5 and inserting the
22 following:

23 "Sec. 5. Section 905.7, subsections 1 and 3, Code
24 1987, are amended".

25 3. Page 4, line 9, by inserting after the word
26 "offenders" the following: "convicted".

27 4. Page 4, by inserting after line 10 the
28 following:

29 "3. Follow practices and procedures which maximize
30 the availability of federal funding for the district
31 department's community-based correctional program and
32 assist the department of transportation which is
33 authorized to follow practices and procedures designed
34 to maximize the availability of federal funding for
35 the enforcement and implementation of drunk driver
36 prevention and other highway safety programs."

37 5. Page 4, line 20, by inserting after the word
38 "offenders" the following: "convicted".

39 6. Page 5, line 2, by inserting after the word
40 "is" the following: "on a conviction".

41 7. By renumbering, relettering, or redesignating
42 and correcting internal references as necessary.

S-3757

Filed April 23, 1987

RECEIVED FROM THE HOUSE

Senate concurred 4/24/87 (p. 1504)

SSB #195 *passed*
Judiciary *5/1/72*

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
JUDICIARY BILL)

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

A BILL FOR

1 An Act relating to the confinement and treatment of persons
2 convicted of a violation of operating a motor vehicle while
3 intoxicated.

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

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1 Section 1. Section 246.513, Code 1987, is amended by
2 adding the following new subsection after subsection 3, and
3 renumbering the subsequent subsection:

4 NEW SUBSECTION. 4. Upon request by the director a county
5 shall provide temporary confinement for offenders allegedly
6 violating the conditions of assignment to a treatment program
7 if space is available. The department shall negotiate a
8 reimbursement rate with each county for the temporary
9 confinement of offenders allegedly violating the conditions of
10 assignment to a treatment program who are in the custody of
11 the director or who are housed or supervised by the judicial
12 district department of correctional services. The amount to
13 be reimbursed shall be determined by multiplying the number of
14 days a person is confined by the average daily cost of
15 confining a person in the county facility as negotiated with
16 the department. Payment shall be made upon submission of a
17 voucher executed by the sheriff and approved by the director.

18 Sec. 2. Section 246.901, Code 1987, is amended to read as
19 follows:

20 246.901 PROGRAM.

21 The Iowa department of corrections, in consultation with
22 the board of parole, shall establish a work release program
23 under which the board of parole may grant inmates sentenced to
24 an institution under the jurisdiction of the department the
25 privilege of leaving actual confinement during necessary and
26 reasonable hours for the purpose of working at gainful
27 employment. Under appropriate conditions the program may also
28 include an out-of-state work or treatment placement or release
29 for the purpose of seeking employment and attendance at an
30 educational institution. An inmate may be placed on work
31 release status in the inmate's own home, under appropriate
32 circumstances, which may include child care and housekeeping
33 in the inmate's own home.

34 Sec. 3. Section 321J.2, subsection 2, paragraph c, Code
35 1987, is amended to read as follows:

1 c. A class "D" felony for a third offense and each
 2 subsequent offense and shall be imprisoned in the county jail
 3 ~~or community-based correctional facility~~ for a determinate
 4 sentence of not more than one year but not less than thirty
 5 days, which minimum term cannot be suspended notwithstanding
 6 section 901.5, subsection 3, and section 907.3, subsection 2
 7 or committed to the custody of the director of the department
 8 of corrections, and assessed a fine of not less than seven
 9 hundred fifty dollars. The minimum jail term of thirty days
 10 cannot be suspended notwithstanding section 901.5, subsection
 11 3, and section 907.3, subsection 2, however, the person
 12 sentenced shall receive credit for any time the person was
 13 confined in a jail or detention facility following arrest. If
 14 a person is committed to the custody of the director of the
 15 department of corrections pursuant to this paragraph and the
 16 sentence is suspended, the sentencing court shall order that
 17 the offender serve the thirty-day minimum term in the county
 18 jail. If the sentence which commits the person to the custody
 19 of the director of the department of corrections is later
 20 imposed by the court, all time served in a county jail toward
 21 the thirty-day minimum term shall count as time served toward
 22 the sentence which committed the person to the custody of the
 23 director of the department of corrections. A person convicted
 24 of a second or subsequent offense shall be ordered to undergo
 25 a substance abuse evaluation prior to sentencing. If a person
 26 is convicted of a third or subsequent offense or if the
 27 evaluation recommends treatment, the offender may be committed
 28 to the custody of the director of the department of
 29 corrections, who, if the sentence is not suspended, shall
 30 assign the person to a facility pursuant to section 246.513 or
 31 the offender may be committed to treatment in the community
 32 under the supervision of the department of corrections.

33 Sec. 4. Section 321J.3, subsection 1, Code 1987, is
 34 amended to read as follows:

35 1. On a conviction for a violation of section 321J.2, the

1 court may order the defendant to attend a course for drinking
2 drivers under section 321J.22. If the defendant submitted to
3 a chemical test on arrest for the violation of section 321J.2
4 and the test indicated an alcohol concentration of .20 or
5 higher, or if the defendant is charged with a second or
6 subsequent offense, the court shall order the defendant, on
7 conviction, to undergo a substance abuse evaluation and the
8 court may order the defendant to follow the recommendations
9 proposed in the substance abuse evaluation for appropriate
10 substance abuse treatment for the defendant. Court-ordered
11 substance abuse treatment is subject to the periodic reporting
12 requirements of section 125.86. If a defendant is committed
13 by the court to a substance abuse treatment facility, the
14 administrator of the facility shall report to the court when
15 it is determined that the defendant has received the maximum
16 benefit of treatment at the facility and the defendant shall
17 be released from the facility. The time for which the
18 defendant is committed for treatment shall be credited against
19 the defendant's sentence. The court may prescribe the length
20 of time for the evaluation and treatment or it may request
21 that the area school conducting the course for drinking
22 drivers which the person is ordered to attend or the treatment
23 program to which the person is committed immediately report to
24 the court when the person has received maximum benefit from
25 the course for drinking drivers or treatment program or has
26 recovered from the person's addiction, dependency, or tendency
27 to chronically abuse alcohol or drugs. A person committed
28 under this section who does not possess sufficient income or
29 estate to make payment of the costs of the treatment in whole
30 or in part shall be considered a state patient and the costs
31 of treatment shall be paid as provided in section 125.44. A
32 defendant who fails to carry out the order of the court or who
33 fails to successfully complete or attend a course for drinking
34 drivers or an ordered substance abuse treatment program shall
35 be confined in the county jail for twenty days in addition to

1 any other imprisonment ordered by the court or may be ordered
2 to perform unpaid community service work, and shall be placed
3 on probation for one year with a violation of this probation
4 punishable as contempt of court.

5 Sec. 5. Section 905.7, subsection 1, Code 1987, is amended
6 to read as follows:

7 1. Provide pretrial release, presentence investigations,
8 probation services, parole services, work release services,
9 programs for offenders under chapter 321J, and residential
10 treatment centers throughout the district, as necessary.

11 Sec. 6. Section 905.10, Code 1987, is amended to read as
12 follows:

13 905.10 POSTINSTITUTIONAL PROGRAMS AND SERVICES.

14 Persons participating in postinstitutional services, except
15 those persons paroled and those persons contracted to the
16 district department, remain under the jurisdiction of the Iowa
17 department of corrections. The district department of
18 correctional services shall maintain adequate personnel to
19 provide postinstitutional residential services, programs for
20 offenders under chapter 321J, parole services, and supervision
21 of persons transferred into the state under the interstate
22 compact for supervision of parolees and probationers.

23 Sec. 7. Section 906.5, unnumbered paragraph 2, Code 1987,
24 is amended to read as follows:

25 If the person who is under consideration for parole is
26 serving a sentence for conviction of a felony and has a
27 criminal record of one or more prior convictions for a
28 forcible felony or a crime of a similar gravity in this or any
29 other state, parole shall be denied unless the person has
30 served at least one-half of the maximum term of the
31 defendant's sentence. However, the mandatory sentence
32 provided for by this section does not apply if the:

33 1. The sentence being served is for a felony other than a
34 forcible felony and the sentences for the prior forcible
35 felonies expired at least five years before the date of

1 conviction for the present felony.

2 2. The sentence being served is for operating a motor
3 vehicle while under the influence of alcohol or a drug under
4 chapter 321J.

5 Sec. 8. Section 906.9, Code 1987, is amended to read as
6 follows:

7 906.9 CLOTHING, TRANSPORTATION, AND MONEY.

8 When an inmate is discharged, paroled, or placed on work
9 release, or placed in a community-based correctional program
10 under section 246.513, the warden or superintendent shall
11 furnish the inmate, at state expense, appropriate clothing and
12 transportation to the place in this state indicated in the
13 inmate's discharge, parole, or work release plan, or
14 community-based corrections assignment. When an inmate is
15 discharged, paroled, or placed on work release, or placed in a
16 community-based correctional program under section 246.513,
17 the warden or superintendent shall provide the inmate, at
18 state expense, money in accordance with the following
19 schedule:

- 20 1. Upon discharge or parole, one hundred dollars.
- 21 2. Upon being placed on work release, fifty dollars.
- 22 3. Upon going from an educational work release to parole
23 or discharge, fifty dollars.
- 24 4. Upon being placed in a community-based correctional
25 program under section 246.513, fifty dollars.

26 Those inmates receiving payment under subsection 2, or 3,
27 ~~or 4 of this section~~ shall not be eligible for payment under
28 subsection 1 ~~of this section~~ unless they are returned to the
29 institution. The warden or superintendent shall maintain an
30 account of all funds expended pursuant to this section.

31 EXPLANATION

32 This bill provides that a person convicted for a third or
33 subsequent OWI offense may be sentenced for a determinate term
34 of not less than thirty days nor more than one year in a
35 county jail or sentenced to the custody of the director of the

1 department of corrections. It clarifies that if the minimum
2 sentence is imposed, it shall be served in the county jail.
3 The bill also provides that a person convicted of a third or
4 subsequent offense shall be ordered by the court to undergo a
5 substance abuse evaluation.

6 The bill requires counties, upon the request of the
7 director of the department of corrections, to provide
8 temporary confinement for OWI offenders who allegedly violate
9 the conditions of assignment to a treatment program. The
10 department is required to reimburse counties who provide space
11 for those OWI offenders.

12 The bill provides for application of programs for OWI
13 offenders under work release. It requires the department to
14 adopt rules as guidelines for judicial districts in
15 establishing OWI programs. It requires the district
16 department of correctional services to maintain adequate
17 personnel to provide programs for OWI offenders.

18 Under the Code a felony offender must serve one-half of a
19 felony sentence before being considered for parole. This bill
20 exempts those offenders serving a felony sentence for an OWI
21 violation from that rule.

22 The bill also provides that an offender under the custody
23 of the department of corrections shall receive a clothing
24 allowance and expense money upon assignment to a community-
25 based correctional program for OWI offenders.

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SENATE FILE 469

AN ACT

RELATING TO THE CONFINEMENT AND TREATMENT OF PERSONS CONVICTED OF A VIOLATION OF OPERATING A MOTOR VEHICLE WHILE INTOXICATED BY REQUIRING COUNTIES TO PROVIDE TEMPORARY CONFINEMENT FOR OFFENDERS UNDER THE SUPERVISION OF THE DEPARTMENT OF CORRECTIONS WHO VIOLATE THE CONDITIONS OF TREATMENT PROGRAMS, BY PROVIDING THAT A WORK RELEASE PROGRAM MAY INCLUDE OUT-OF-STATE WORK OR TREATMENT PLACEMENT, BY SPECIFYING THAT AN OFFENDER COMMITTING A THIRD OFFENSE SHALL SERVE THE MINIMUM THIRTY-DAY TERM IN THE COUNTY JAIL, AND MAY BE SENTENCED TO UP TO ONE YEAR IN THE COUNTY JAIL, BY PROVIDING THAT A PERSON CONVICTED OF A SECOND OR SUBSEQUENT OFFENSE SHALL BE ORDERED TO UNDERGO A SUBSTANCE ABUSE EVALUATION, BY PROVIDING THAT A PERSON CONVICTED OF A THIRD OR SUBSEQUENT OFFENSE OR AN OFFENDER WHOSE SUBSTANCE ABUSE EVALUATION RECOMMENDED TREATMENT MAY BE SENTENCED TO THE CUSTODY OF THE DEPARTMENT OF CORRECTIONS WHO SHALL ASSIGN THE PERSON TO A FACILITY PURSUANT TO SECTION 246.513 OR TO TREATMENT IN THE COMMUNITY UNDER SUPERVISION OF THE DEPARTMENT, BY REQUIRING JUDICIAL DISTRICT DEPARTMENTS OF CORRECTIONAL SERVICES TO PROVIDE PROGRAMS FOR OFFENDERS UNDER CHAPTER 321J, BY PROVIDING THAT A REQUIREMENT FOR A MANDATORY MINIMUM SENTENCE FOR REPEAT OFFENDERS SHALL NOT APPLY TO OFFENDERS UNDER CHAPTER 321J, AND BY PROVIDING THAT AN OFFENDER UNDER CHAPTER 321J WHO IS UNDER THE SUPERVISION OF THE DEPARTMENT OF CORRECTIONS SHALL RECEIVE A CLOTHING ALLOWANCE AND EXPENSE MONEY ALLOTTED TO INMATES WHEN THE OFFENDER IS ASSIGNED TO A COMMUNITY-BASED CORRECTIONS PROGRAM.

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

Section 1. Section 246.513, subsection 1, unnumbered paragraph 1, Code 1987, is amended by striking the paragraph and inserting in lieu thereof the following:

The department of corrections in cooperation with judicial district departments of correctional services shall establish in each judicial district bed space for the confinement and treatment of offenders convicted of violating chapter 321J who are sentenced to the custody of the director. The offenders shall first be assigned to the Iowa medical classification facility at Oakdale for classification and after classification may be assigned to a residential facility operated by any judicial district department of correctional services. The facilities established shall meet all the following requirements:

Sec. 2. Section 246.513, Code 1987, is amended by adding the following new subsection after subsection 3, and renumbering the subsequent subsection:

NEW SUBSECTION. 4. Upon request by the director a county shall provide temporary confinement for offenders allegedly violating the conditions of assignment to a treatment program if space is available. The department shall negotiate a reimbursement rate with each county for the temporary confinement of offenders allegedly violating the conditions of assignment to a treatment program who are in the custody of the director or who are housed or supervised by the judicial district department of correctional services. The amount to be reimbursed shall be determined by multiplying the number of days a person is confined by the average daily cost of confining a person in the county facility as negotiated with the department. Payment shall be made upon submission of a voucher executed by the sheriff and approved by the director.

Sec. 3. Section 246.901, Code 1987, is amended to read as follows:

246.901 PROGRAM.

The Iowa department of corrections, in consultation with the board of parole, shall establish a work release program under which the board of parole may grant inmates sentenced to an institution under the jurisdiction of the department the privilege of leaving actual confinement during necessary and

reasonable hours for the purpose of working at gainful employment. Under appropriate conditions the program may also include an out-of-state work or treatment placement or release for the purpose of seeking employment and attendance at an educational institution. An inmate may be placed on work release status in the inmate's own home, under appropriate circumstances, which may include child care and housekeeping in the inmate's own home.

Sec. 4. Section 321J.2, subsection 2, paragraph c, Code 1987, is amended to read as follows:

c. A class "D" felony for a third offense and each subsequent offense and shall be imprisoned in the county jail or community-based correctional facility for a determinate sentence of not more than one year but not less than thirty days, which minimum term cannot be suspended notwithstanding section 901.5, subsection 3, and section 907.3, subsection 2, or committed to the custody of the director of the department of corrections, and assessed a fine of not less than seven hundred fifty dollars. The minimum jail term of thirty days cannot be suspended notwithstanding section 901.5, subsection 3, and section 907.3, subsection 2, however, the person sentenced shall receive credit for any time the person was confined in a jail or detention facility following arrest. If a person is committed to the custody of the director of the department of corrections pursuant to this paragraph and the sentence is suspended, the sentencing court shall order that the offender serve the thirty-day minimum term in the county jail. If the sentence which commits the person to the custody of the director of the department of corrections is later imposed by the court, all time served in a county jail toward the thirty-day minimum term shall count as time served toward the sentence which committed the person to the custody of the director of the department of corrections. A person convicted of a second or subsequent offense shall be ordered to undergo a substance abuse evaluation prior to sentencing. If a person is convicted of a third or subsequent offense or if the

evaluation recommends treatment, the offender may be committed to the custody of the director of the department of corrections, who, if the sentence is not suspended, shall assign the person to a facility pursuant to section 246.513 or the offender may be committed to treatment in the community under the provisions of section 907.6.

Sec. 5. Section 321J.3, subsection 1, Code 1987, is amended to read as follows:

1. On a conviction for a violation of section 321J.2, the court may order the defendant to attend a course for drinking drivers under section 321J.22. If the defendant submitted to a chemical test on arrest for the violation of section 321J.2 and the test indicated an alcohol concentration of .20 or higher, or if the defendant is charged with a second or subsequent offense, the court shall order the defendant, on conviction, to undergo a substance abuse evaluation and the court may order the defendant to follow the recommendations proposed in the substance abuse evaluation for appropriate substance abuse treatment for the defendant. Court-ordered substance abuse treatment is subject to the periodic reporting requirements of section 125.86. If a defendant is committed by the court to a substance abuse treatment facility, the administrator of the facility shall report to the court when it is determined that the defendant has received the maximum benefit of treatment at the facility and the defendant shall be released from the facility. The time for which the defendant is committed for treatment shall be credited against the defendant's sentence. The court may prescribe the length of time for the evaluation and treatment or it may request that the area school conducting the course for drinking drivers which the person is ordered to attend or the treatment program to which the person is committed immediately report to the court when the person has received maximum benefit from the course for drinking drivers or treatment program or has recovered from the person's addiction, dependency, or tendency to chronically abuse alcohol or drugs. A person committed

under this section who does not possess sufficient income or estate to make payment of the costs of the treatment in whole or in part shall be considered a state patient and the costs of treatment shall be paid as provided in section 125.44. A defendant who fails to carry out the order of the court or who fails to successfully complete or attend a course for drinking drivers or an ordered substance abuse treatment program shall be confined in the county jail for twenty days in addition to any other imprisonment ordered by the court or may be ordered to perform unpaid community service work, and shall be placed on probation for one year with a violation of this probation punishable as contempt of court.

Sec. 6. Section 905.7, subsections 1 and 3, Code 1987, are amended to read as follows:

1. Provide pretrial release, presentence investigations, probation services, parole services, work release services, programs for offenders convicted under chapter 321J, and residential treatment centers throughout the district, as necessary.

3. Follow practices and procedures which maximize the availability of federal funding for the district department's community-based correctional program and assist the department of transportation which is authorized to follow practices and procedures designed to maximize the availability of federal funding for the enforcement and implementation of drunk driver prevention and other highway safety programs.

Sec. 7. Section 905.10, Code 1987, is amended to read as follows:

905.10 POSTINSTITUTIONAL PROGRAMS AND SERVICES.

Persons participating in postinstitutional services, except those persons paroled and those persons contracted to the district department, remain under the jurisdiction of the Iowa department of corrections. The district department of correctional services shall maintain adequate personnel to provide postinstitutional residential services, programs for offenders convicted under chapter 321J, parole services, and

supervision of persons transferred into the state under the interstate compact for supervision of parolees and probationers.

Sec. 8. Section 906.5, unnumbered paragraph 2, Code 1987, is amended to read as follows:

If the person who is under consideration for parole is serving a sentence for conviction of a felony and has a criminal record of one or more prior convictions for a forcible felony or a crime of a similar gravity in this or any other state, parole shall be denied unless the person has served at least one-half of the maximum term of the defendant's sentence. However, the mandatory sentence provided for by this section does not apply if the:

1. The sentence being served is for a felony other than a forcible felony and the sentences for the prior forcible felonies expired at least five years before the date of conviction for the present felony.

2. The sentence being served is on a conviction for operating a motor vehicle while under the influence of alcohol or a drug under chapter 321J.

Sec. 9. Section 906.9, Code 1987, is amended to read as follows:

906.9 CLOTHING, TRANSPORTATION, AND MONEY.

When an inmate is discharged, paroled, or placed on work release, or placed in a community-based correctional program under section 246.513, the warden or superintendent shall furnish the inmate, at state expense, appropriate clothing and transportation to the place in this state indicated in the inmate's discharge, parole, or work release plan, or community-based corrections assignment. When an inmate is discharged, paroled, or placed on work release, or placed in a community-based correctional program under section 246.513, the warden or superintendent shall provide the inmate, at state expense, money in accordance with the following schedule:

1. Upon discharge or parole, one hundred dollars.

2. Upon being placed on work release, fifty dollars.
3. Upon going from an educational work release to parole or discharge, fifty dollars.
4. Upon being placed in a community-based correctional program under section 246.513, fifty dollars.

Those inmates receiving payment under subsection 2, or 3, or 4 of this section shall not be eligible for payment under subsection 1 of this section unless they are returned to the institution. The warden or superintendent shall maintain an account of all funds expended pursuant to this section.

JO ANN ZIMMERMAN
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 469, Seventy-second General Assembly.

JOHN F. DWYER
Secretary of the Senate

Approved May 16, 1987

TERRY E. BRANSTAD
Governor