

House Judiciary Law
D.P. 155-4-89 (p. 251)

FILED MAR 03 1989

SENATE FILE 339
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 190)

Passed Senate, Date 3-14-89 (p. 765) Passed House, Date 4-11-89 (p. 1468)
Vote: Ayes 49 Nays 0 Vote: Ayes 90 Nays 0
Approved 4-25-89 (p. 1663)

A BILL FOR

1 An Act providing for delivering a deceased inmate's property to a
2 designated person by the department of corrections.

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

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SF 339

1 Section 2 Section 246.03, unnumbered paragraph 2, Code
2 1989, is amended to read as follows:

3 Upon the death of an inmate, the superintendent of the
4 institution shall immediately take possession of the
5 decedent's property left at the institution and shall deliver
6 the property to the duly-appointed-representative-of-the
7 deceased person designated by the inmate to be contacted in
8 case of an emergency. However, if administration-is-not
9 granted-within-one-year-from-the-date-of-the-death-of-the
10 decedent-and-the-value-of-the-estate-of-decedent-is-so-small
11 as-to-make-the-granting-of-administration-inadvisable, then
12 delivery-of-the-money-and-other the property left by the
13 decedent cannot be delivered to the designated person,
14 delivery may be made to the surviving spouse or heir of the
15 decedent. If administration-is-not-granted-within-one-year
16 from-the-death-of-decedent, the decedent's property cannot be
17 delivered to the designated person and no surviving spouse or
18 heir is known, the superintendent shall convert deliver the
19 property into-money to the treasurer of state for disposition
20 as unclaimed property pursuant to chapter 566, after deducting
21 expenses incurred in disposing of the decedent's body or
22 property.

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EXPLANATION

24 This bill provides for the delivery of a deceased inmate's
25 property by the department of corrections to the person
26 designated by the inmate to be contacted in case of an
27 emergency, or where delivery to the designated person cannot
28 be made, the property will be delivered to the inmate's
29 surviving spouse or heir. Any unclaimed property is to be
30 delivered to the treasurer of state after expenses are
31 deducted.

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CARR, C.
DOYLE
FURNMAN

SSB 190
JUDICIARY

SENATE FILE 339
BY (PROPOSED DEPARTMENT OF
CORRECTIONS BILL)

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

A BILL FOR

1 An Act providing for delivering a deceased inmate's property to a
2 designated person by the department of corrections.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 246.508, unnumbered paragraph 2, Code
2 1989, is amended to read as follows:

3 Upon the death of an inmate, the superintendent of the
4 institution shall immediately take possession of the
5 decedent's property left at the institution and shall deliver
6 the property to the ~~duty-appointed-representative-of-the~~
7 deceased person designated by the inmate to be contacted in
8 case of an emergency. However, if ~~administration-is-not~~
9 ~~granted-within-one-year-from-the-date-of-the-death-of-the~~
10 ~~decedent-and-the-value-of-the-estate-of-decedent-is-so-small~~
11 ~~as-to-make-the-granting-of-administration-inadvisable,~~ then
12 ~~delivery-of-the-money-and-other~~ the property left by the
13 decedent cannot be delivered to the designated person,
14 delivery may be made to the surviving spouse or an heir of the
15 decedent. If ~~administration-is-not-granted-within-one-year~~
16 ~~from-the-death-of-decedent~~ the decedent's property cannot be
17 delivered to the designated person and no surviving spouse or
18 heir is known, the superintendent shall ~~convert~~ deliver the
19 property ~~into-money~~ to the treasurer of state for disposition
20 as unclaimed property pursuant to chapter 556, after deducting
21 expenses incurred in disposing of the decedent's body or
22 property.

23 EXPLANATION

24 This bill provides for the delivery of a deceased inmate's
25 property by the department of corrections to the person
26 designated by the inmate to be contacted in case of an
27 emergency, or where delivery to the designated person cannot
28 be made, the property will be delivered to the inmate's
29 surviving spouse or heir. Any unclaimed property is to be
30 delivered to the treasurer of state after expenses are
31 deducted.

32 BACKGROUND STATEMENT

33 SUBMITTED BY THE AGENCY

34 Inmates are allowed only a small amount of personal
35 property of little monetary value. Typically, an inmate's

1 property might include some clothing, pictures, publications,
2 jewelry (of less than \$50 value), and small appliances such as
3 a clock, radio, or TV. Both inmate families and corrections
4 administrators have been frustrated by delays which now occur
5 because of the need for a designated administrator to become
6 involved in the disbursement of a deceased inmate's personal
7 effects. Often the value of an inmate's property is so small
8 that involvement of an administrator is fiscally unwise. In
9 these cases, a year must pass before the inmate's property is
10 returned to the family. In addition, the institutions incur
11 storage and administrative costs as a result of these
12 requirements.

13 The proposed change will result in more equitable treatment
14 of inmate families as well as providing a small cost savings
15 to the department.

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expenses incurred in disposing of the decedent's body or property.

SENATE FILE 339

AN ACT
PROVIDING FOR DELIVERING OF DECEASED INMATE'S PROPERTY TO A
DESIGNATED PERSON BY THE DEPARTMENT OF CORRECTIONS.

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

Section 1. Section 246.508, unnumbered paragraph 2, Code 1989, is amended to read as follows:

Upon the death of an inmate, the superintendent of the institution shall immediately take possession of the decedent's property left at the institution and shall deliver the property to the ~~duly-appointed-representative-of-the-deceased person designated by the inmate to be contacted in case of an emergency.~~ However, if ~~administration-is-not-granted-within-one-year-from-the-date-of-the-death-of-the-decedent-and-the-value-of-the-estate-of-decedent-is-so-small-as-to-make-the-granting-of-administration-inadvisable,~~ then ~~delivery-of-the-money-and-other~~ the property left by the decedent ~~cannot be delivered to the designated person,~~ delivery may be made to the surviving spouse or an heir of the decedent. If ~~administration-is-not-granted-within-one-year-from-the-death-of-decedent~~ the decedent's property cannot be delivered to the designated person and no surviving spouse or heir is known, the superintendent shall ~~convert~~ deliver the property ~~into-money to the treasurer of state for disposition as unclaimed property pursuant to chapter 556, after deducting~~

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 339, Seventy-third General Assembly.

JOHN F. DWYER
Secretary of the Senate

Approved 4/25, 1989

TERRY E. BRANSTAD
Governor

SF 339