

SENATE FILE 189  
BY MURPHY

FILED FEB 18 1991

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

A BILL FOR

1 An Act relating to the establishment of a division of corrections  
2 within the department of human services to replace the  
3 department of corrections.

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

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SF 189

1 Section 1. Section 7E.5, subsection 1, paragraph o, Code  
2 1991, is amended by striking the paragraph.

3 Sec. 2. Section 25A.2, subsection 4, Code 1991, is amended  
4 to read as follows:

5 4. "Employee of the state" includes any one or more  
6 officers, agents, or employees of the state or any state  
7 agency, including members of the general assembly, and persons  
8 acting on behalf of the state or any state agency in any  
9 official capacity, temporarily or permanently in the service  
10 of the state of Iowa, whether with or without compensation but  
11 does not include a contractor doing business with the state.  
12 Professional personnel, including physicians, osteopathic  
13 physicians and surgeons, osteopathic physicians, optometrists  
14 and dentists, who render services to patients and inmates of  
15 state institutions under the jurisdiction of the department of  
16 human services ~~or the Iowa department of corrections~~ are to be  
17 considered employees of the state, whether the personnel are  
18 employed on a full-time basis or render services on a part-  
19 time basis on a fee schedule or other arrangement. Criminal  
20 defendants while performing unpaid community service ordered  
21 by the district court, board of parole, or judicial district  
22 department of correctional services, or an inmate providing  
23 services pursuant to a chapter 28E agreement entered into  
24 pursuant to section 246.703, are to be considered employees of  
25 the state.

26 Sec. 3. Section 217.3, subsection 2, Code 1991, is amended  
27 to read as follows:

28 2. Adopt and establish policy for the operation and  
29 conduct of the department of human services with the exception  
30 of policy for the operation and conduct of the division of  
31 corrections, subject to any guidelines which may be adopted by  
32 the general assembly, and the implementation of all services  
33 and programs thereunder under those guidelines.

34 Sec. 4. Section 217.6, unnumbered paragraph 2, Code 1991,  
35 is amended to read as follows:

1 The department of human services may be initially divided  
2 into the following divisions of responsibility: The division  
3 of child and family services, the division of mental health,  
4 mental retardation, and developmental disabilities, the  
5 division of administration, the division of corrections, and  
6 the division of planning, research and statistics.

7 Sec. 5. Section 246.101, subsections 1 and 3, Code 1991,  
8 are amended to read as follows:

9 1. "Department Division" means the Iowa department  
10 division of corrections established in section 246.102.

11 3. "Director Administrator" means the director  
12 administrator of the department division.

13 Sec. 6. Section 246.102, unnumbered paragraph 1, Code  
14 1991, is amended to read as follows:

15 The Iowa-department division of corrections is established  
16 within the department of human services to be responsible for  
17 the control, treatment, and rehabilitation of offenders  
18 committed under law to the following institutions:

19 Sec. 7. Section 246.103, unnumbered paragraph 1, Code  
20 1991, is amended to read as follows:

21 The department division shall administer the institutions  
22 listed in section 246.102. The department division shall be  
23 responsible to the extent provided for by law for all of the  
24 following:

25 Sec. 8. Section 246.104, Code 1991, is amended to read as  
26 follows:

27 246.104 BOARD CREATED.

28 A board of corrections is created within the department  
29 division. The board shall consist of seven members appointed  
30 by the governor subject to confirmation by the senate. Not  
31 more than four of the members shall be from the same political  
32 party. Members shall be electors of this state. Six of the  
33 seven members shall each be a resident of a different  
34 congressional district. Members of the board shall serve  
35 four-year staggered terms.

1 Sec. 9. Section 246.105, subsections 2, 3, 4, and 5, Code  
2 1991, are amended to read as follows:

3 2. Adopt and establish policies for the operation and  
4 conduct of the department division and the implementation of  
5 all department division programs.

6 3. Recommend to the governor the names of individuals  
7 qualified for the position of director administrator when a  
8 vacancy exists in the office.

9 4. Report immediately to the governor any failure by the  
10 director administrator of the department division to carry out  
11 any of the policy decisions or directives of the board.

12 5. Approve the budget of the department division prior to  
13 submission to the governor.

14 Sec. 10. Section 246.107, Code 1991, is amended to read as  
15 follows:

16 246.107 DIRECTOR ADMINISTRATOR -- APPOINTMENT AND  
17 QUALIFICATIONS.

18 The chief administrative officer for the department  
19 division is the director administrator. The director  
20 administrator shall be appointed by the governor subject to  
21 confirmation by the senate and shall serve at the pleasure of  
22 the governor. The director administrator shall be qualified  
23 in reformatory and prison management, knowledgeable in  
24 community-based corrections, and shall possess administrative  
25 ability. The director administrator shall also have  
26 experience in the field of criminology and discipline and in  
27 the supervision of inmates in corrective penal institutions.  
28 The director administrator shall not be selected on the basis  
29 of political affiliation, and while employed as the director  
30 administrator, shall not be a member of a political committee,  
31 participate in a political campaign, be a candidate for a  
32 partisan elective office, and shall not contribute to a  
33 political campaign fund, except that the director  
34 administrator may designate on the checkoff portion of the  
35 state or federal income tax return, or both, a party or

1 parties to which a contribution is made pursuant to the  
2 checkoff. The director administrator shall not hold any other  
3 office under the laws of the United States or of this or any  
4 state or hold any position for profit and shall devote full  
5 time to the duties of office.

6 Sec. 11. Section 246.108, Code 1991, is amended to read as  
7 follows:

8 246.108 DIRECTOR ADMINISTRATOR -- DUTIES, POWERS.

9 1. The director administrator shall:

10 a. Supervise the operations of the institutions under the  
11 department's division's jurisdiction and may delegate the  
12 powers and authorities given the director administrator by  
13 statute to officers or employees of the department division.

14 b. Supervise state agents whose duties relate primarily to  
15 the department division.

16 c. Establish and maintain a program to oversee women's  
17 institutional and community corrections programs and to  
18 provide community support to ensure continuity and consistency  
19 of programs. The person responsible for implementing this  
20 section shall report to the director administrator.

21 d. Establish and maintain acceptable standards of  
22 treatment, training, education, and rehabilitation in the  
23 various state penal and corrective institutions which shall  
24 include habilitative services and treatment for mentally  
25 retarded offenders. For the purposes of this paragraph,  
26 habilitative services and treatment means medical, mental  
27 health, social, educational, counseling, and other services  
28 which will assist a mentally retarded person to become self-  
29 reliant. However, the director administrator may also provide  
30 rehabilitative treatment and services to other persons who  
31 require the services. The director administrator shall  
32 identify all individuals entering the correctional system who  
33 are mentally retarded, as defined in section 222.2, subsection  
34 5. Identification shall be made by a qualified mental  
35 retardation professional. In assigning a mentally retarded

1 offender, or an offender with an inadequately developed  
2 intelligence or with impaired mental abilities, to a  
3 correctional facility, the director administrator shall  
4 consider both the program needs and the security needs of the  
5 offender. The director administrator shall consult with other  
6 divisions of the department of human services in providing  
7 habilitative services and treatment to mentally ill and  
8 mentally retarded offenders.

9 e. Employ, assign, and reassign personnel as necessary for  
10 the performance of duties and responsibilities assigned to the  
11 department division. Employees shall be selected on the basis  
12 of fitness for work to be performed with due regard to  
13 training and experience and are subject to chapter 19A.

14 f. Establish standards of mental fitness which shall  
15 govern the initial recruitment, selection, and appointment of  
16 correctional officers. To promote these standards, the  
17 director administrator shall by rule require a battery of  
18 psychological tests to determine cognitive skills, personality  
19 characteristics and suitability of all applicants for a  
20 correctional career.

21 g. Examine all state institutions which are penal,  
22 reformatory, or corrective to determine their efficiency for  
23 adequate care, custody, and training of their inmates and  
24 report the findings to the board.

25 h. Prepare a budget for the department division, subject  
26 to the approval of the board, and other reports as required by  
27 law.

28 i. Develop long-range correctional planning and an on-  
29 going five-year corrections master plan. The director  
30 administrator shall annually report to the general assembly to  
31 inform its members as to the status and content of the  
32 planning and master plan.

33 j. Supervise rehabilitation camps within the state as may  
34 be established by the director administrator. Persons  
35 committed to institutions under the department division may be

1 transferred to the facilities of the camp system and upon  
2 transfer shall be subject to the same laws as pertain to the  
3 transferring institution.

4 k. Adopt rules subject to the approval of the board,  
5 pertaining to the internal management of institutions and  
6 agencies under the ~~director's~~ administrator's charge and  
7 necessary to carry out the duties and powers outlined in this  
8 section.

9 l. Adopt rules, policies, and procedures, subject to the  
10 approval of the board, pertaining to the supervision of parole  
11 and work release.

12 m. Provide routine administrative and support services to  
13 the board of parole.

14 n. Cooperate with Iowa State University of science and  
15 technology to provide, for purposes of agricultural research,  
16 development, and testing, the use of resources, including  
17 property, facilities, labor, and services, connected with  
18 institutions listed in section 246.102. However, use of the  
19 resources by the university is subject to approval by the  
20 ~~director~~ administrator. Before granting approval, the  
21 ~~director~~ administrator shall require that the university  
22 compensate the ~~department~~ division for the use of the  
23 resources, on terms specified by the ~~director~~ administrator.

24 o. Establish and maintain a correctional training center  
25 at the Mount Pleasant correctional facility.

26 2. The ~~director~~ administrator, with the express approval  
27 of the board, may establish for any inmate sentenced pursuant  
28 to section 902.3 a furlough program under which inmates  
29 sentenced to and confined in any institution under the  
30 jurisdiction of the ~~department~~ division may be temporarily  
31 released. A furlough for a period not to exceed fourteen days  
32 may be granted when an immediate member of an inmate's family  
33 is seriously ill or has died, when an inmate is to be  
34 interviewed by a prospective employer, or when an inmate is  
35 authorized to participate in a training program not available

1 within the institution. Furloughs for a period not to exceed  
2 fourteen days may also be granted in order to allow inmates to  
3 participate in programs or activities that serve  
4 rehabilitative objectives.

5 3. The director administrator may establish a sales bonus  
6 system for the sales representatives for prison industry  
7 products. If a sales bonus system is established, the system  
8 shall not affect the status of the sales representatives under  
9 chapter 19A.

10 4. The director administrator may expend moneys from the  
11 support allocation of the department division as reimbursement  
12 for replacement or repair of personal items of the  
13 department's division's employees damaged or destroyed by  
14 clients of the department division during the employee's tour  
15 of duty. However, the reimbursement shall not exceed one  
16 hundred fifty dollars for each item. The director  
17 administrator shall establish rules in accordance with chapter  
18 17A to carry out the purpose of this subsection.

19 5. The director administrator may obtain assistance for  
20 the department division for construction, facility planning,  
21 and project accomplishment with the department of general  
22 services and by contracting under chapter 28E for data  
23 processing with the department-of-human-services-or-the  
24 department of general services.

25 6. The director administrator or the director's  
26 administrator's designee, having probable cause to believe  
27 that a person has escaped from a state correctional  
28 institution or a person released on work release has absconded  
29 from a work release facility, may make a complaint before a  
30 judge or magistrate. If it is determined from the complaint  
31 or accompanying affidavits that there is probable cause to  
32 believe that the person has escaped from a state correctional  
33 institution or absconded from a work release facility, the  
34 judge or magistrate shall issue a warrant for the arrest of  
35 the person.

1 Sec. 12. Section 246.109, unnumbered paragraph 2, Code  
2 1991, is amended to read as follows:

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

8 Sec. 13. Section 246.110, Code 1991, is amended to read as  
9 follows:

10 246.110 OFFICIAL SEAL.

11 The ~~department~~ division shall have an official seal with  
12 the words "Iowa-~~Department~~ Division of Corrections" and other  
13 engraved design as the board prescribes. Every commission,  
14 order, or other paper of an official nature executed by the  
15 ~~department~~ division may be attested with the seal.

16 Sec. 14. Section 246.111, Code 1991, is amended to read as  
17 follows:

18 246.111 CHAPTER 28E AGREEMENTS.

19 The ~~department-of-corrections~~ division may enter into  
20 agreements, as provided for in chapter 28E, with a district  
21 department of correctional services as necessary.

22 Sec. 15. Section 246.112, Code 1991, is amended to read as  
23 follows:

24 246.112 INSTITUTIONAL RECEIPTS.

25 All institutional receipts of the ~~department~~ division of  
26 corrections shall be deposited in the general fund except for  
27 reimbursements for services provided to another institution or  
28 state agency, rentals charged to employees or other persons  
29 for room, apartment, or housing, and charges for meals.

30 Sec. 16. Section 246.113, Code 1991, is amended to read as  
31 follows:

32 246.113 GIFTS.

33 The ~~department~~ division may accept gifts of real or  
34 personal property from the federal government or any source.  
35 The ~~director~~ administrator may exercise powers with reference

1 to the property so accepted as necessary or appropriate to its  
2 preservation and the purposes for which it is given.

3 Sec. 17. Section 246.114, Code 1991, is amended to read as  
4 follows:

5 246.114 TRAVEL EXPENSES.

6 The director administrator, staff members, assistants, and  
7 employees, in addition to salary, shall receive their  
8 necessary traveling expenses by the nearest practicable route,  
9 when engaged in the performance of official business.  
10 Permission shall not be granted to any person to travel to  
11 another state except by approval of the board and the  
12 executive council.

13 Sec. 18. Section 246.115, Code 1991, is amended to read as  
14 follows:

15 246.115 REPORT BY DEPARTMENT DIVISION.

16 Annually at the time provided by law, the department  
17 division shall make a report to the governor and the general  
18 assembly, which shall cover the annual period ending with June  
19 thirtieth preceding the date of the report and shall include:

20 1. An itemized statement of the department's division's  
21 expenditures for each program under the department's  
22 division's administration.

23 2. Adequate and complete statistical reports for the state  
24 as a whole concerning payments made under the department's  
25 division's administration.

26 3. Recommendations concerning changes in laws under the  
27 department's division's administration as the board deems  
28 necessary.

29 4. Observations and recommendations of the board and the  
30 director administrator relative to the programs of the  
31 department division.

32 5. Information concerning long-range planning and the  
33 master plan as provided by section 246.108, subsection 1,  
34 paragraph "i".

35 6. Other information the board or the director

1 administrator deems advisable, or which is requested by the  
2 governor or the general assembly.

3 Sec. 19. Section 246.116, Code 1991, is amended to read as  
4 follows:

5 246.116 INSTITUTIONAL APPROPRIATIONS AND EXPENDITURES --  
6 LEGISLATIVE OVERSIGHT.

7 1. The ~~department-of-corrections~~ division shall not revise  
8 the allocations to the correctional institutions under the  
9 control of the ~~department~~ division from the amounts allocated  
10 to the institutions, unless notice of the revisions is given  
11 prior to their effective date to the legislative fiscal  
12 bureau. The notice shall include information on the  
13 ~~department's~~ division's rationale for making the changes and  
14 details concerning the workload and performance measures upon  
15 which the revisions are based.

16 2. The ~~department-of-corrections~~ division shall report to  
17 the legislative fiscal bureau on a monthly basis the current  
18 expenditures and full-time equivalent positions of the  
19 ~~department's~~ division's various allocations with a comparison  
20 of actual to budgeted expenditures and full-time equivalent  
21 positions.

22 The ~~department-of-corrections~~ division shall furnish  
23 performance measure data designed to enable comparison of this  
24 data with historical expenditure information, and shall assist  
25 the legislative fiscal bureau in developing information to be  
26 used in legislative oversight of all programs operated by the  
27 department division.

28 Sec. 20. Section 246.201, subsection 3, paragraph a, Code  
29 1991, is amended to read as follows:

30 a. Residents transferred from an institution under the  
31 jurisdiction of the department of human services ~~or-the-Iowa~~  
32 department including the division of corrections.

33 Sec. 21. Section 246.201, subsections 5 and 6, Code 1991,  
34 are amended to read as follows:

35 5. The ~~director~~ administrator may house inmates from any

1 correctional institution at the center in order to provide the  
2 inmates with suitable security or medical treatment, or both.  
3 Unless an inmate is determined to be mentally ill, the inmate  
4 shall not be subjected involuntarily to psychiatric treatment.  
5 6. All admissions to the forensic psychiatric hospital  
6 shall be by written application only. Application shall be  
7 made by the head of the state institution, agency,  
8 governmental body, or court requesting admission to the  
9 superintendent of the center. An application may be denied by  
10 the superintendent, with the approval of the director  
11 administrator, if the admission will result in an overcrowded  
12 condition or if adequate staff or facilities are not  
13 available. The decision regarding admission and discharge of  
14 persons shall be made by the superintendent of the center,  
15 subject to approval of the director administrator.

16 Sec. 22. Section 246.202, Code 1991, is amended to read as  
17 follows:

18 246.202 INTAKE AND CLASSIFICATION CENTER.

19 The director administrator may provide facilities and  
20 personnel for a diagnostic intake and classification center.  
21 The work of the center shall include a scientific study of  
22 each inmate, the inmate's career and life history, the causes  
23 of the inmate's criminal acts and recommendations for the  
24 inmate's custody, care, training, employment, and counseling  
25 with a view to rehabilitation and to the protection of  
26 society. To facilitate the work of the center and to aid in  
27 the rehabilitation of the inmates, the trial judge,  
28 prosecuting attorney, and presentence investigators shall  
29 furnish the director upon request with a full statement of  
30 facts and circumstances attending the commission of the  
31 offense so far as known or believed by them. If the  
32 department division develops and utilizes an inmate  
33 classification system, it must, within a reasonable time,  
34 present evidence from independent experts as to the  
35 effectiveness and validity of the classification system.

1 Sec. 23. Section 246.301, Code 1991, is amended to read as  
2 follows:

3 246.301 APPOINTMENT OF SUPERINTENDENTS.

4 The ~~director~~ administrator shall appoint, subject to the  
5 approval of the board, the superintendents of the institutions  
6 provided for in section 246.102.

7 The superintendent has the immediate custody and control,  
8 subject to the orders and policies of the ~~director~~  
9 administrator, of all property used in connection with the  
10 institution except as otherwise provided by statute. The  
11 tenure of office of a superintendent shall be at the pleasure  
12 of the appointing authority but a superintendent may be  
13 removed for inability or refusal to properly perform the  
14 duties of the office. Removal shall occur only after an  
15 opportunity is given the person to be heard before the board  
16 and the ~~director~~ administrator and upon preferred written  
17 charges. The removal when made is final.

18 Sec. 24. Section 246.302, unnumbered paragraph 1, Code  
19 1991, is amended to read as follows:

20 The ~~director~~ administrator may appoint a farm operations  
21 administrator for institutions under the control of the  
22 ~~departments-of-corrections-and~~ department of human services.  
23 If appointed, the farm operations administrator, subject to  
24 the direction of the ~~director~~ administrator shall do all of  
25 the following:

26 Sec. 25. Section 246.302, subsections 1, 3, and 9, Code  
27 1991, are amended to read as follows:

28 1. Manage and supervise all farming and nursery operations  
29 at institutions, farms and gardens of the ~~departments-of~~  
30 ~~corrections-and~~ department of human services.

31 3. Develop an annual operations plan for crop and  
32 livestock production and utilization that will provide work  
33 experience and contribute to developing vocational skills of  
34 the institutions' inmates and residents. ~~The-department-of~~  
35 ~~human-services-must-approve-the-parts-of-the-plan-that-affect~~

1 farm-operations-on-property-of-institutions-having-programs-of  
2 the-department-of-human-services-

3 9. Do any other farm management duties assigned by the  
4 director administrator.

5 Sec. 26. Section 246.303, Code 1991, is amended to read as  
6 follows:

7 246.303 OFFICERS AND EMPLOYEES -- COMPENSATION.

8 The director administrator shall determine the number and  
9 compensation of subordinate officers and employees for each  
10 institution subject to chapter 19A. Subject to this chapter,  
11 the officers and employees shall be appointed and discharged  
12 by the superintendent who shall keep in the record of each  
13 subordinate officer and employee, the date of employment, the  
14 compensation, and the date of and the reasons for each  
15 discharge.

16 The superintendents and employees of the correctional  
17 institutions shall receive salaries or compensation as  
18 determined by the director administrator, shall receive a  
19 midshift meal when on duty, and shall be provided uniforms if  
20 uniforms are required to be worn when on duty. The uniforms  
21 shall be maintained and replaced by the department division at  
22 no cost to the employees and shall remain the property of the  
23 department division.

24 Sec. 27. Section 246.304, Code 1991, is amended to read as  
25 follows:

26 246.304 BONDS.

27 The director administrator shall require officers and  
28 employees of institutions under the director's administrator's  
29 control who are charged with the custody or control of money  
30 or property belonging to the state, to give an official bond  
31 properly conditioned and signed by sufficient sureties in a  
32 sum to be fixed by the director administrator. The bond is  
33 subject to approval by the director administrator and shall be  
34 filed in the office of the secretary of state.

35 Sec. 28. Section 246.305, Code 1991, is amended to read as

1 follows:

2 246.305 DWELLING HOUSE OR QUARTERS.

3 The director administrator may furnish the superintendent  
4 of each of the institutions, in addition to salary, with a  
5 dwelling house or with appropriate quarters in lieu of a  
6 house, or the director administrator may compensate the  
7 superintendent of each of the institutions in lieu of  
8 furnishing a house or quarters. If a superintendent of the  
9 institution is furnished with a dwelling house or quarters,  
10 either of which is owned by the state, the superintendent may  
11 also be furnished with water, heat, and electricity.

12 The director administrator may furnish assistant  
13 superintendents or other employees, or both, with dwelling  
14 houses or with appropriate quarters, owned by the state. The  
15 assistant superintendent or employee, who is so furnished  
16 shall pay rent for the dwelling house or quarters in an amount  
17 to be determined by the superintendent of the institution,  
18 which shall be the fair market rental value of the house or  
19 quarters. If an assistant superintendent or employee is  
20 furnished with a dwelling house or quarters either of which is  
21 owned by the state, the assistant superintendent or employee  
22 may also be furnished with water, heat, and electricity.  
23 However, the furnishing of these utilities shall be considered  
24 in determining the fair market rental value of the house or  
25 quarters.

26 Sec. 29. Section 246.306, Code 1991, is amended to read as  
27 follows:

28 246.306 CONFERENCES.

29 Quarterly conferences of the superintendents of the  
30 institutions shall be held with the director administrator for  
31 the consideration of all matters relative to the management of  
32 the institutions. Full minutes of the meetings shall be  
33 preserved in the records of the director administrator. The  
34 director administrator may cause papers to be prepared and  
35 read at the conferences on appropriate subjects.

1 Sec. 30. Section 246.307, Code 1991, is amended to read as  
2 follows:

3 246.307 ANNUAL REPORTS.

4 The superintendent of each institution shall make an annual  
5 report to the director administrator.

6 Sec. 31. Section 246.308, Code 1991, is amended to read as  
7 follows:

8 246.308 COOPERATION.

9 The department division and the director administrator  
10 shall cooperate with any department or agency of the state  
11 government in any manner, including the exchange of employees,  
12 calculated to improve administration of the affairs of the  
13 institutions. Joint use of facilities by the department  
14 division and another public agency as defined in section 28E.2  
15 shall be only according to an agreement entered into under  
16 chapter 28E. All joint campuses shall have one superintendent  
17 and one business manager who shall be employed by the  
18 department division with supervisory responsibility for the  
19 majority of the facility's population. Employment of the  
20 superintendent and business manager shall be done in  
21 consultation with the department division which has  
22 responsibility for services for the other population at the  
23 facility.

24 Sec. 32. Section 246.309, Code 1991, is amended to read as  
25 follows:

26 246.309 CONSULTANTS.

27 The director administrator may secure the services of  
28 consultants to furnish advice on administrative, professional,  
29 or technical problems to the director administrator or the  
30 employees of institutions under the director's administrator's  
31 jurisdiction or to provide in-service training and instruction  
32 for the employees. The director administrator may pay the  
33 consultants from funds appropriated to the department division  
34 or to any institution under the department's division's  
35 jurisdiction.

1       Sec. 33. Section 246.310, Code 1991, is amended to read as  
2 follows:

3       246.310   CANTEENS.

4       The ~~director~~ administrator may maintain a canteen at any  
5 institution under the ~~director's~~ administrator's jurisdiction  
6 for the sale to persons confined in the institution of items  
7 such as toilet articles, candy, tobacco products, notions, and  
8 other sundries, and may provide the necessary facilities,  
9 equipment, personnel, and merchandise for the canteen. The  
10 ~~director~~ administrator shall specify the items to be sold in  
11 the canteen. The ~~department~~ division may establish and  
12 maintain a permanent operating fund for each canteen. The  
13 fund shall consist of the receipts from the sale of  
14 commodities at the canteen and any interest earned on the  
15 fund. Any money in the fund over the amount needed to do  
16 normal business transactions, and to reimburse any accounts  
17 which have subsidized the canteen fund, shall be considered  
18 profit. This money may remain in the canteen fund and be used  
19 for any purchase which the superintendent approves that will  
20 directly and collectively benefit the inmates of the  
21 institution.

22       Sec. 34. Section 246.310A, Code 1991, is amended to read  
23 as follows:

24       246.310A   INSTITUTION READING ROOMS.

25       The ~~director~~ administrator shall, as necessary, provide for  
26 the provision of suitable space for reading material for  
27 inmates. For purposes of this section, "suitable reading  
28 materials" does not include material depicting or describing  
29 the genitals, sex acts, masturbation, excretory functions, or  
30 sadomasochistic abuse which the average person, taking the  
31 material as a whole and applying contemporary community  
32 standards with respect to what is suitable material for  
33 inmates, would find appeals to the prurient interest and is  
34 patently offensive; and the material, taken as a whole, lacks  
35 serious literary, scientific, political, or artistic value.

1 The space shall be located so that any visitors, other than  
2 those authorized pursuant to section 246.512, shall not be  
3 able to view the space or the materials located within that  
4 space.

5 Sec. 35. Section 246.311, Code 1991, is amended to read as  
6 follows:

7 246.311 CONTINGENT FUND.

8 The ~~director~~ administrator may permit the superintendent of  
9 each institution to retain a stated amount of funds in  
10 possession as a contingent fund for the payment of freight,  
11 postage, commodities purchased on authority of the ~~director~~  
12 administrator on a cash basis, salaries, inmate allowances,  
13 and bills granting discount for cash. If necessary, the  
14 ~~director~~ administrator shall make proper requisition upon the  
15 director of revenue and finance for a warrant on the treasurer  
16 of state to secure the contingent fund for each institution.

17 Sec. 36. Section 246.312, Code 1991, is amended to read as  
18 follows:

19 246.312 PURCHASE OF SUPPLIES.

20 The ~~director~~ administrator shall adopt rules governing the  
21 purchase of all articles and supplies needed at the various  
22 institutions and the form and verification of vouchers for  
23 purchases. When purchases are made by sample, the sample  
24 shall be properly marked and retained until after an award or  
25 delivery of the items is made. The ~~director~~ administrator may  
26 purchase supplies from any institution under the ~~director's~~  
27 administrator's control, for use in any other institution, and  
28 reasonable reimbursement shall be made for these purchases.

29 Sec. 37. Section 246.313, Code 1991, is amended to read as  
30 follows:

31 246.313 EMERGENCY PURCHASES.

32 The purchase of materials or equipment for penal or  
33 correctional institutions under the ~~department~~ division is  
34 exempted from the requirements of centralized purchasing and  
35 bidding by the department of general services if the materials

1 or equipment are needed to make an emergency repair at an  
2 institution or the security of the institution would be  
3 jeopardized because the materials or equipment could not be  
4 purchased soon enough through centralized purchasing and  
5 bidding and, in either case, if the director administrator  
6 approves the emergency purchase.

7 Sec. 38. Section 246.314, Code 1991, is amended to read as  
8 follows:

9 246.314 PLANS AND SPECIFICATIONS FOR IMPROVEMENTS.

10 The director administrator shall cause plans and  
11 specifications to be prepared by the department of general  
12 services for all improvements authorized and costing over  
13 twenty-five thousand dollars. An appropriation for any  
14 improvement costing over twenty-five thousand dollars shall  
15 not be expended until the adoption of suitable plans and  
16 specifications, prepared by a competent architect and  
17 accompanied by a detailed statement of the amount, quality,  
18 and description of all material and labor required for the  
19 completion of the improvement.

20 A plan shall not be adopted, and an improvement shall not  
21 be constructed, which contemplates an expenditure of money in  
22 excess of the appropriation.

23 Sec. 39. Section 246.315, unnumbered paragraph 1, Code  
24 1991, is amended to read as follows:

25 The director of the department of general services shall,  
26 in writing, let all contracts for authorized improvements  
27 costing in excess of twenty-five thousand dollars under  
28 chapter 18. Upon prior authorization by the director  
29 administrator, improvements costing five thousand dollars or  
30 less may be made by the superintendent of any institution.

31 Sec. 40. Section 246.317, Code 1991, is amended to read as  
32 follows:

33 246.317 DIRECTOR ADMINISTRATOR MAY BUY AND SELL REAL  
34 ESTATE -- OPTIONS.

35 The director administrator, subject to the approval of the

1 board, may secure options to purchase real estate and acquire  
2 and sell real estate for the proper uses of the institutions.  
3 Real estate shall be acquired and sold upon terms and  
4 conditions the director administrator recommends subject to  
5 the approval of the board. Upon sale of the real estate, the  
6 proceeds shall be deposited with the treasurer of state and  
7 credited to the general fund of the state. There is  
8 appropriated from the general fund of the state to the  
9 department division a sum equal to the proceeds so deposited  
10 and credited to the general fund of the state which may be  
11 used to purchase other real estate or for capital improvements  
12 upon property under the director's administrator's  
13 supervision.

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

21 Sec. 41. Section 246.318, Code 1991, is amended to read as  
22 follows:

23 246.318 FIRE PROTECTION CONTRACTS.

24 The director administrator may enter into contracts with  
25 the governing body of any city for the protection from fire of  
26 any property under the director's administrator's primary  
27 control, located in any city or in territory contiguous to a  
28 city.

29 The state fire marshal shall cause an annual inspection to  
30 be made of all the institutions listed in section 246.102 and  
31 shall make a written report of the inspection to the director  
32 administrator.

33 Sec. 42. Section 246.319, Code 1991, is amended to read as  
34 follows:

35 246.319 TEMPORARY QUARTERS IN EMERGENCY.

1 If the buildings at any institution under the management of  
2 the director administrator are destroyed or rendered unfit for  
3 habitation by reason of fire, storms, or other like causes, to  
4 such an extent that the inmates cannot be confined and cared  
5 for at the institution, the director administrator shall make  
6 temporary provision for the confinement and care of the  
7 inmates at some other place in the state. Like provision may  
8 be made in case of an epidemic among the inmates. The  
9 reasonable cost of the change including the cost of transfer  
10 of inmates, shall be paid from any money in the state treasury  
11 not otherwise appropriated.

12 Sec. 43. Section 246.401, Code 1991, is amended to read as  
13 follows:

14 246.401 INVESTIGATION.

15 The director administrator or director's administrator's  
16 designee shall visit and inspect the institutions under the  
17 director's administrator's control, and investigate the  
18 financial condition and management of the institutions at  
19 least once in six months.

20 During the investigation the director administrator or  
21 designee shall see every inmate of each institution as far as  
22 practicable, especially those admitted since the preceding  
23 visit, and shall give the inmates suitable opportunity to  
24 converse with the director administrator or designee apart  
25 from the officers and attendants.

26 Sec. 44. Section 246.402, Code 1991, is amended to read as  
27 follows:

28 246.402 INVESTIGATION OF OTHER INSTITUTIONS.

29 The director administrator may investigate charges of  
30 abuse, neglect or mismanagement on the part of any officer or  
31 employee of any public or private institution subject to the  
32 director's administrator's supervision or control.

33 Sec. 45. Section 246.403, Code 1991, is amended to read as  
34 follows:

35 246.403 INVESTIGATORY POWERS -- WITNESSES.

1 The ~~director~~ administrator may exercise the following  
2 powers in an investigation:

- 3 1. Summon and compel the attendance of witnesses.
- 4 2. Examine the witnesses under oath, which the ~~director~~  
5 administrator may administer.
- 6 3. Have access to all books, papers, and property material  
7 to the investigation.
- 8 4. Order the production of books or papers material to the  
9 investigation.

10 Witnesses other than those in the employ of the state are  
11 entitled to the same fees as in civil cases in the district  
12 court.

13 Sec. 46. Section 246.404, Code 1991, is amended to read as  
14 follows:

15 246.404 CONTEMPT.

16 If a person fails or refuses to obey the orders of the  
17 ~~director~~ administrator issued under section 246.403, or fails  
18 or refuses to give or produce evidence when required, the  
19 ~~director~~ administrator shall petition the district court in  
20 the county where the offense occurs for an order of contempt  
21 and the court shall proceed as for contempt of court.

22 Sec. 47. Section 246.405, Code 1991, is amended to read as  
23 follows:

24 246.405 TRANSCRIPT OF TESTIMONY.

25 The ~~director~~ administrator shall cause the testimony taken  
26 at the investigation to be transcribed and filed in the  
27 ~~director's~~ administrator's office at the seat of government  
28 within ten days after the testimony is taken, or as soon as  
29 practicable, and when filed the testimony shall be open for  
30 the inspection of any person.

31 Sec. 48. Section 246.501, Code 1991, is amended to read as  
32 follows:

33 246.501 REPORTS TO ~~DIRECTOR~~ ADMINISTRATOR.

34 The superintendent of each institution shall, within ten  
35 days after the commitment or entrance of a person to the

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

8 Sec. 49. Section 246.502, Code 1991, is amended to read as  
9 follows:

10 246.502 QUESTIONABLE COMMITMENT.

11 The superintendent shall within three days of the  
12 commitment or entrance of a person at the institution notify  
13 the director administrator if there is any question as to the  
14 propriety of the commitment or detention of any person  
15 received at the institution, and the director administrator  
16 upon notification shall inquire into the matter presented, and  
17 take appropriate action.

18 Sec. 50. Section 246.503, Code 1991, is amended to read as  
19 follows:

20 246.503 TRANSFERS -- MENTALLY ILL.

21 1. The director administrator may transfer at the expense  
22 of the department division an inmate of one institution to  
23 another institution under the director's administrator's  
24 control if the director administrator is satisfied that the  
25 transfer is in the best interests of the institutions or  
26 inmates.

27 The director administrator may transfer at the expense of  
28 the department division an inmate under the director's  
29 administrator's jurisdiction from any institution supervised  
30 by the director administrator to another institution under the  
31 control of an administrator of a another division of the  
32 department of human services with the consent and approval of  
33 the administrator of that other division and may transfer an  
34 inmate to any other institution for mental or physical  
35 examination or treatment retaining jurisdiction over the

1 inmate when so transferred.

2 If the juvenile court waives its jurisdiction over a child  
3 over thirteen and under eighteen years of age pursuant to  
4 section 232.45 so that the child may be prosecuted as an adult  
5 and if the child is convicted of a public offense in the  
6 district court and committed to the custody of the ~~director~~  
7 administrator under section 901.7, the ~~director~~ administrator  
8 may request transfer of the child to the state training school  
9 under this section. If the administrator of ~~a~~ another  
10 division of the department of human services consents and  
11 approves the transfer, the child may be retained in temporary  
12 custody by the state training school until attaining the age  
13 of eighteen, at which time the child shall be returned to the  
14 custody of the ~~director-of-the-department-of-corrections~~  
15 administrator to serve the remainder of the sentence imposed  
16 by the district court. If the child becomes a security risk  
17 or becomes a danger to other residents of the state training  
18 school at any time before reaching eighteen years of age, the  
19 administrator of the that division of the department of human  
20 services may immediately return the child to the custody of  
21 the ~~director~~ administrator of the ~~department~~ division of  
22 corrections to serve the remainder of the sentence.

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

35 3. When If the ~~director~~ administrator has reason to

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

12 Sec. 51. Section 246.504, Code 1991, is amended to read as  
13 follows:

14 246.504 FEDERAL PRISONERS.

15 Inmates sentenced for any term by any court of the United  
16 States may be received by the superintendent of a state  
17 correctional institution and kept there in pursuance of their  
18 sentences. The ~~director~~ administrator may transfer inmates at  
19 state correctional institutions to the Federal bureau of  
20 prisons.

21 Sec. 52. Section 246.506, Code 1991, is amended to read as  
22 follows:

23 246.506 CONFISCATION OF CURRENCY.

24 1. Except as provided for by the ~~director~~ administrator by  
25 rule, it is unlawful for an inmate of one of the penal or  
26 correctional facilities under the department division to  
27 possess United States or foreign currency in the penal or  
28 correctional facility.

29 2. The ~~director~~ administrator shall adopt rules as to  
30 circumstances under which the possession of currency by an  
31 inmate of a penal or correctional facility under the  
32 department division is authorized.

33 3. The department division may confiscate currency  
34 unlawfully possessed in violation of this section. Money  
35 confiscated pursuant to this section shall be deposited in a

1 special fund in the state treasury which fund shall be  
2 established by the treasurer of state. Money deposited in the  
3 fund may be drawn upon by the department division to pay for  
4 expenses incurred in operating the division's penal and  
5 correctional facilities and programs.

6 Sec. 53. Section 246.507, Code 1991, is amended to read as  
7 follows:

8 246.507 ESCAPE.

9 An inmate of a state correctional institution who escapes  
10 from it may be arrested and returned to the institution, by an  
11 officer or employee of a state correctional institution  
12 without any other authority than this chapter, and by any  
13 peace officer or other person on the request in writing of the  
14 superintendent or the state-director administrator.

15 Sec. 54. Section 246.512, Code 1991, is amended to read as  
16 follows:

17 246.512 VISITS.

18 Members of the executive council, the attorney general, the  
19 lieutenant governor, members of the general assembly, judges  
20 of the supreme and district court and court of appeals,  
21 judicial magistrates, county attorneys and persons ordained or  
22 designated as regular leaders of a religious community are  
23 authorized to visit all institutions under the control of the  
24 Iowa-department-of-corrections division at reasonable times.

25 No other person shall be granted admission except by  
26 permission of the superintendent.

27 Sec. 55. Section 246.513, subsections 1, 4, and 5, Code  
28 1991, are amended to read as follows:

29 1. The department-of-corrections division, in cooperation  
30 with judicial district departments of correctional services,  
31 shall establish in each judicial district bed space for the  
32 confinement and treatment of offenders convicted of violating  
33 chapter 321J who are sentenced to the custody of the director  
34 administrator. The department-of-corrections division shall  
35 develop standardized assessment criteria for the assignment of

1 offenders to a facility established pursuant to this section.  
2 The offender shall be assigned by the director administrator  
3 to a facility pursuant to section 321J.2, subsection 2,  
4 paragraph "b" or "c", unless initial medical treatment is  
5 necessary or there is insufficient space to accommodate the  
6 person. The offenders shall be assigned to the Iowa medical  
7 classification facility at Oakdale for classification if  
8 medical treatment is necessary or if the offender fails to  
9 satisfactorily perform in a treatment program conducted in a  
10 residential facility operated by a judicial district  
11 department of correctional services. The offender shall be  
12 assigned to an institution following classification. The  
13 facilities established shall meet all the following  
14 requirements:

15 a. Is a treatment facility meeting the licensure standards  
16 of the division of substance abuse of the Iowa department of  
17 public health.

18 b. Is a facility meeting applicable standards of the  
19 American corrections association.

20 c. Is a facility which meets any other rule or requirement  
21 adopted by the department division pursuant to chapter 17A.

22 4. Upon request by the director administrator a county  
23 shall provide temporary confinement for offenders allegedly  
24 violating the conditions of assignment to a treatment program  
25 if space is available. The department division shall  
26 negotiate a reimbursement rate with each county for the  
27 temporary confinement of offenders allegedly violating the  
28 conditions of assignment to a treatment program who are in the  
29 custody of the director administrator or who are housed or  
30 supervised by the judicial district department of correctional  
31 services. The amount to be reimbursed shall be determined by  
32 multiplying the number of days a person is confined by the  
33 average daily cost of confining a person in the county  
34 facility as negotiated with the department division. Payment  
35 shall be made upon submission of a voucher executed by the

1 sheriff and approved by the director administrator.

2 5. The director administrator shall prepare proposed  
3 administrative rules for the consideration of the  
4 administrative rules review committee for the funding of the  
5 program by means of self-contribution by the offenders,  
6 insurance reimbursement on behalf of offenders, or other forms  
7 of funding, program structure, criteria for the evaluation of  
8 facilities and offenders for participation in the programs,  
9 and all other issues the director administrator shall deem  
10 appropriate. Proposed rules prepared pursuant to this  
11 subsection shall be submitted to the administrative rules  
12 review committee on or before September 15, 1986.

13 Sec. 56. Section 246.514, unnumbered paragraphs 1, 3, and  
14 4 are amended to read as follows:

15 A person committed to an institution under the control of  
16 the department division who bites another person, who causes  
17 an exchange of bodily fluids with another person, or who  
18 causes any bodily secretion to be cast upon another person,  
19 shall submit to the withdrawal of a bodily specimen for  
20 testing to determine if the person is infected with a  
21 contagious infectious disease. The bodily specimen to be  
22 taken shall be determined by the staff physician of the  
23 institution. The specimen taken shall be sent to the state  
24 hygienic laboratory at the state university at Iowa City or  
25 some other laboratory approved by the Iowa department of  
26 public health. If a person to be tested pursuant to this  
27 section refuses to submit to the withdrawal of a bodily  
28 specimen, application may be made by the superintendent of the  
29 institution to the district court for an order compelling the  
30 person to submit to the withdrawal and, if infected, to  
31 available treatment. An order authorizing the withdrawal of a  
32 specimen for testing may be issued only by a district judge or  
33 district associate judge upon application by the  
34 superintendent of the institution.

35 Personnel at an institution under the control of the

1 department division or of a residential facility operated by a  
2 judicial district department of correctional services shall be  
3 notified if a person committed to any of these institutions is  
4 found to have a contagious infectious disease.

5 The department division shall adopt policies and procedures  
6 to prevent the transmittal of a contagious infectious disease  
7 to other persons.

8 Sec. 57. Section 246.515, Code 1991, is amended to read as  
9 follows:

10 246.515 HUMAN IMMUNODEFICIENCY VIRUS-RELATED MATTERS --  
11 EXEMPTION.

12 The provisions of chapter 141 relating to knowledge and  
13 consent do not apply to persons committed to the custody of  
14 the department division. The department division may provide  
15 for medically acceptable procedures to inform employees,  
16 visitors, and persons committed to the department division of  
17 possible infection and to protect them from possible  
18 infection.

19 Sec. 58. Section 246.601, Code 1991, is amended to read as  
20 follows:

21 246.601 RECORDS OF INMATES.

22 The director administrator shall keep the following record  
23 of every person committed to any of the department's  
24 division's institutions: Name, residence, sex, age, place of  
25 birth, occupation, civil condition, date of entrance or  
26 commitment, date of discharge, whether a discharge is final,  
27 condition of the person when discharged, the name of the  
28 institutions from which and to which the person has been  
29 transferred, and if the person is dead, the date and cause of  
30 death. The director administrator may permit the library  
31 division and the historical division of the department of  
32 cultural affairs to copy or reproduce by any photographic,  
33 photostatic, microfilm, microcard, or other process which  
34 accurately reproduces in a durable medium and to destroy in  
35 the manner described by law the records of inmates required by

1 this paragraph.

2 The ~~director~~ administrator shall keep other records for the  
3 use of the board of parole as the board of parole may request.

4 Sec. 59. Section 246.602, subsection 1, unnumbered  
5 paragraph 1, Code 1991, is amended to read as follows:

6 The following information regarding individuals receiving  
7 services from the ~~department~~ division or from the judicial  
8 district department of correctional services under chapter 905  
9 is public information and may be given to anyone, except that  
10 the information shall be limited to the offense for which an  
11 individual was last convicted:

12 Sec. 60. Section 246.602, subsection 2, unnumbered  
13 paragraph 1, and paragraphs b, k, l, and o, Code 1991, are  
14 amended to read as follows:

15 The following information regarding individuals receiving  
16 services from the ~~department~~ division or from the judicial  
17 district department of correctional services under chapter 905  
18 is confidential and shall not be disseminated by the  
19 ~~department~~ division to the public:

20 b. Department Division evaluations.

21 k. Investigations by the ~~department~~ division or other  
22 agencies which are contained in the individual's file.

23 l. Department Division committee records which include any  
24 information identified in paragraphs "a" through "k". A  
25 record containing information which is both public and  
26 confidential which is reasonably segregable shall not be  
27 confidential after deletion of the confidential information.

28 o. Correspondence directed to ~~department~~ division officers  
29 or staff from an individual's family, victims, or employers of  
30 a personal or confidential nature. If the custodian of the  
31 record determines that the correspondence is confidential, in  
32 any proceeding under chapter 22 the burden of proof shall be  
33 on the person seeking release of the correspondence, and the  
34 writer of the correspondence shall be notified of the  
35 proceeding.

1       Sec. 61. Section 246.602, subsections 3 through 9, Code  
2 1991, are amended to read as follows:

3       3. Information identified in subsection 2 shall not be  
4 disclosed or used by any person or agency except for purposes  
5 of the administration of the ~~department's~~ division's programs  
6 of services or assistance and shall not, except as otherwise  
7 provided in subsection 4, be disclosed by the ~~department~~  
8 division or be used by persons or agencies outside the  
9 ~~department~~ division unless they are subject to, or agree to,  
10 comply with standards of confidentiality comparable to those  
11 imposed on the ~~department~~ division by this section.

12       4. This section does not restrict the disclosure or use of  
13 information regarding the cost, purpose, number of persons  
14 served or assisted by or results of any program administered  
15 by the ~~department~~ division, and other general statistical  
16 information so long as the information does not identify  
17 particular individuals served or assisted except as provided  
18 in subsection 1 of this section.

19       5. Information restricted in subsection 2 may be disclosed  
20 to persons or agencies with the approval of the ~~director~~  
21 administrator for the limited purpose of research and program  
22 evaluation or educational purposes when those persons or  
23 agencies agree to keep confidential that information  
24 restricted in subsection 2, and any reports of the research  
25 shall not contain any of the information restricted in  
26 subsection 2 except as allowed in subsection 4. However, the  
27 persons or agencies eligible to receive information under this  
28 subsection include only those which are state employees or  
29 those whom the ~~department~~ division retains under contract to  
30 perform the services.

31       6. Confidential information described in subsection 2 may  
32 be disclosed to public officials for use in connection with  
33 their official duties relating to law enforcement, audits and  
34 other purposes directly connected with the administration of  
35 their programs. Full disclosure by the ~~department~~ division of

1 any information on an individual may be made to the board of  
2 parole and to judicial district departments of correctional  
3 services created under chapter 905, and the board and those  
4 departments are subject to the same standards as the  
5 department division in dissemination or redissemination of  
6 information on persons served or supervised by those  
7 departments, and all provisions of this section pertain to the  
8 board of parole and to the judicial district departments as if  
9 they were a part of the department division. Information may  
10 be disseminated about individuals while under the supervision  
11 of the department division to public or private agencies to  
12 which persons served or supervised by the department division  
13 are referred for specific services not otherwise provided by  
14 the department division but only to the extent that the  
15 information is needed by those agencies to provide the  
16 services required, and they shall keep information received  
17 from the department division confidential.

18 7. If it is established that a provision of this section  
19 would cause any of the department's division's programs of  
20 services or assistance to be ineligible for federal funds, the  
21 provision shall be limited or restricted to the extent which  
22 is essential to make the program eligible for federal funds.  
23 The department division shall adopt, pursuant to chapter 17A,  
24 rules necessary to implement this subsection.

25 8. A supervised individual or former supervised individual  
26 shall be given access to the individual's own records in the  
27 custody of the department division, except that records which  
28 could result in physical or psychological harm to another  
29 person or the supervised individual or adversely affect an  
30 investigation into a supervised individual's possible  
31 violation of departmental rules of the division, shall not be  
32 disclosed without a court order. Psychiatric information may  
33 be withheld by the department division if its release would  
34 jeopardize the supervised individual's treatment. Upon the  
35 supervised individual's written authorization, that

1 information which the supervised individual has access to may  
2 be released to any third party. A reasonable fee for copying  
3 and services may be charged.

4 9. Regulations, procedures, and policies that govern the  
5 internal administration of the ~~department~~ division and the  
6 judicial district departments of correctional services under  
7 chapter 905, which if released may jeopardize the secure  
8 operation of a correctional institution operation or program  
9 are confidential unless otherwise ordered by a court. These  
10 records include procedures on inmate movement and control,  
11 staffing patterns and regulations, emergency plans, internal  
12 investigations, equipment use and security, building plans,  
13 operation, and security, security procedures for inmate,  
14 staff, and visits, daily operation records, and contraband and  
15 medicine control.

16 These records are exempt from the public inspection  
17 requirements in section 17A.3 and section 22.2.

18 Sec. 62. Section 246.701, unnumbered paragraph 2, Code  
19 1991, is amended to read as follows:

20 The ~~director~~ administrator may when practicable pay the  
21 inmate an allowance as the ~~director~~ administrator deems proper  
22 in view of the circumstances, and in view of the cost  
23 attending the maintenance of the inmate. The allowance is a  
24 gratuitous payment and is not a wage arising out of an  
25 employment relationship. The payment shall not exceed the  
26 amount paid to free labor for a like or equivalent service.

27 Sec. 63. Section 246.702, Code 1991, is amended to read as  
28 follows:

29 246.702 DEDUCTION TO PAY COURT COSTS, INDUSTRIES PROGRAM  
30 COSTS, INCARCERATION COSTS, OR DEPENDENTS -- DEPOSITS.

31 If allowances are paid pursuant to section 246.701, the  
32 ~~director~~ administrator may deduct an amount established by the  
33 inmate's restitution plan of payment or an amount sufficient  
34 to pay all or part of the court costs taxed as a result of the  
35 inmate's commitment. The amount deducted shall be forwarded

1 to the clerk of the district court or proper official. The  
2 director administrator may deduct and disburse an amount  
3 sufficient for industries' programs to qualify under the  
4 eligibility requirements established in the Justice Assistance  
5 Act of 1984, Pub. L. No. 98-473, including an amount to pay  
6 all or part of the cost of the inmate's incarceration. The  
7 director administrator may pay all or any part of remaining  
8 allowances paid pursuant to section 246.701 directly to a  
9 dependent of the inmate, or may deposit the allowance to the  
10 account of the inmate, or may deposit a portion and allow the  
11 inmate a portion for the inmate's personal use.

12 Sec. 64. Section 246.703, unnumbered paragraphs 1 and 3,  
13 Code 1991, are amended to read as follows:

14 Inmates shall work on state account in the maintenance of  
15 state institutions, in the erection, repair, authorized  
16 demolition, or operation of buildings and works used in  
17 connection with the institutions, and in industries  
18 established and maintained in connection with the institutions  
19 by the director administrator. The director administrator  
20 shall encourage the making of agreements with departments and  
21 agencies of the state or its political subdivisions to provide  
22 products or services under an inmate work program to the  
23 departments and agencies. The director administrator may  
24 implement an inmate work program for trustworthy inmates of  
25 state correctional institutions, under proper supervision,  
26 whether at work centers located outside the state correctional  
27 institutions or in construction or maintenance work at public  
28 or charitable facilities and for other agencies of state,  
29 county, or local government. The supervision, security, and  
30 transportation of, and allowances paid to inmates used in  
31 public service projects shall be provided pursuant to  
32 agreements made by the director administrator and the agency  
33 for which the work is done. Housing and maintenance shall  
34 also be provided pursuant to the agreement unless the inmate  
35 is housed and maintained in the correctional facility. All

1 such work, including but not limited to that provided in this  
2 section, shall have as its primary purpose the development of  
3 attitudes, skills, and habit patterns which are conducive to  
4 inmate rehabilitation. The director administrator may adopt  
5 rules allowing inmates participating in an inmate work program  
6 to receive educational or vocational training outside the  
7 state correctional institutions and away from the work centers  
8 or public or charitable facilities used under a program.

9 The director administrator may enter into a chapter 28E  
10 agreement with a county board of supervisors or county  
11 conservation board to provide inmate services for  
12 environmental maintenance including but not limited to brush  
13 and weed cutting, tree planting, and erosion control. The  
14 board of supervisors or conservation board shall reimburse the  
15 department division of corrections for the allowance paid the  
16 inmates by the director administrator. The supervision,  
17 security, and transportation of inmates used pursuant to the  
18 chapter 28E agreement shall be provided by the department  
19 division of corrections.

20 Sec. 65. Section 246.704, Code 1991, is amended to read as  
21 follows:

22 246.704 LIMITATION ON CONTRACTS.

23 The director administrator or the superintendents of the  
24 institutions shall not, nor shall any other person employed by  
25 the state, make any contract by which the labor or time of an  
26 inmate in the institution is given, loaned, or sold to any  
27 person unless as provided by division VIII or section 246.703.

28 Sec. 66. Section 246.705, Code 1991, is amended to read as  
29 follows:

30 246.705 INDUSTRIES -- FORESTRY NURSERIES.

31 The director administrator may establish industries at or  
32 in connection with any of the institutions under the  
33 director's administrator's control and may make contractual  
34 agreements with the United States, other states, state  
35 departments and agencies, and subdivisions of the state, for

1 purchase of industry products.

2 The ~~director~~ administrator may with the assistance of the  
3 department of natural resources establish and operate forestry  
4 nurseries on state-owned land under the control of the  
5 department division. Residents of the adult correctional  
6 institutions shall provide the labor for the operation.  
7 Nursery stock shall be sold in accordance with the rules of  
8 the natural resource commission. The department division  
9 shall pay the costs of establishing and operating the forestry  
10 nurseries out of the revolving farm fund created in section  
11 246.706. The department of natural resources shall pay the  
12 costs of transporting, sorting, and distributing nursery stock  
13 to and from or on state-owned land under the control of the  
14 department of natural resources. Receipts from the sale of  
15 nursery stock produced under this section shall be divided  
16 between the department division and the department of natural  
17 resources in direct proportion to their respective costs as a  
18 percentage of the total costs. The department division shall  
19 deposit its receipts in the revolving farm fund created in  
20 section 246.706.

21 Sec. 67. Section 246.706, Code 1991, is amended to read as  
22 follows:

23 246.706 REVOLVING FARM FUND.

24 A revolving farm fund is created in the state treasury in  
25 which the department division shall deposit receipts from  
26 agricultural products, nursery stock, agricultural land  
27 rentals, and the sale of livestock. However, before any  
28 agricultural operation is phased out, the department which  
29 proposes to discontinue this operation shall notify the  
30 governor, chairpersons and ranking members of the house and  
31 senate appropriations committees, and cochairpersons and  
32 ranking members of the subcommittee in the senate and house of  
33 representatives which has handled the appropriation for this  
34 department the division in the past session of the legislature  
35 general assembly. Before the department division sells

1 farmland under the control of the department division, the  
2 director administrator shall notify the governor, chairpersons  
3 and ranking members of the house and senate appropriations  
4 committees, and cochairpersons and ranking members of the  
5 joint appropriations subcommittee that handled the  
6 appropriation for the department division during the past  
7 legislative session. The department division may pay from the  
8 fund for the operation, maintenance, and improvement of farms  
9 and agricultural or nursery property under the control of the  
10 department division. A purchase order for five thousand  
11 dollars or less payable from the fund is exempt from the  
12 general purchasing requirements of chapter 18.

13 Notwithstanding section 8.33, unencumbered or unobligated  
14 receipts in the revolving farm fund at the end of a fiscal  
15 year shall not revert to the general fund of the state and the  
16 investment proceeds earned from the balance of the fund shall  
17 be credited to the fund and used for the purposes provided for  
18 in this section.

19 Notwithstanding section 8.36, the department division shall  
20 annually prepare a financial statement covering the previous  
21 calendar year to provide for an accounting of the funds in the  
22 revolving farm fund. The financial statement shall be filed  
23 with the legislative fiscal bureau on or before February 1  
24 each year.

25 As used in this section, "department" means the Iowa  
26 ~~department-of-corrections-and-the-iowa~~ department of human  
27 services.

28 The farm operations administrator appointed under section  
29 246.302 shall perform the functions described under section  
30 246.302 for agricultural operations on property of the Iowa  
31 ~~department of-human-services~~.

32 ~~The-Iowa-department-of-human-services-shall-enter-into-an~~  
33 ~~agreement-under-chapter-269-with-the-iowa-department-of~~  
34 ~~corrections-to-implement-this-section.~~

35 Sec. 68. Section 246.802, subsections 2 and 3, Code 1991,

1 are amended to read as follows:

2 2. "Iowa state industries" means prison industries that  
3 are established and maintained by the Iowa-department division  
4 of corrections, in consultation with the industries board, at  
5 or adjacent to the state's adult correctional institutions,  
6 except that an inmate work program established by the state  
7 director administrator under section 246.805, subsection 7 is  
8 not restricted to industries at or adjacent to the  
9 institutions.

10 3. "State-director Administrator" means the director  
11 administrator of the Iowa-department division of corrections,  
12 or the director's administrator's designee.

13 Sec. 69. Section 246.803, subsection 1, paragraph b, Code  
14 1991, is amended to read as follows:

15 b. One member each shall be designated by and shall serve  
16 at the pleasure of the state-director administrator and the  
17 state board of parole, respectively.

18 Sec. 70. Section 246.803, subsection 3, Code 1991, is  
19 amended to read as follows:

20 3. The state-director administrator shall provide such  
21 administrative and technical assistance as is necessary to  
22 enable the industries board to discharge its duties. The  
23 industries board shall be provided necessary office and  
24 meeting space at the seat of government.

25 Sec. 71. Section 246.804, Code 1991, is amended to read as  
26 follows:

27 246.804 DUTIES OF INDUSTRIES BOARD.

28 The industries board's principal duties shall be to  
29 ~~promulgate-and~~ adopt rules and to advise the state-director  
30 administrator regarding the management of Iowa state  
31 industries so as to further the intent stated by section  
32 246.801.

33 Sec. 72. Section 246.806, Code 1991, is amended to read as  
34 follows:

35 246.806 AUTHORITY OF STATE-DIRECTOR ADMINISTRATOR NOT

1 IMPAIRED.

2 Nothing in this division shall be construed to impair the  
3 authority of the ~~state-director~~ administrator over the adult  
4 correctional institutions of this state, ~~nor~~ and over the  
5 inmates thereof of the adult correctional institutions. It  
6 is, however, the duty of the ~~state-director~~ administrator to  
7 obtain the advice of the industries board to further the  
8 intent stated by section 246.801.

9 Sec. 73. Section 246.807, Code 1991, is amended to read as  
10 follows:

11 246.807 PRICE LISTS TO PUBLIC OFFICIALS.

12 The ~~state-director~~ administrator shall cause to be prepared  
13 from time to time classified and itemized price lists of the  
14 products manufactured by Iowa state industries. Such lists  
15 shall be furnished to all boards of supervisors, boards of  
16 directors of school corporations, city councils, and all other  
17 state, county, city and school departments and officials  
18 empowered to purchase supplies and equipment for public  
19 purposes.

20 Sec. 74. Section 246.808, Code 1991, is amended to read as  
21 follows:

22 246.808 STATE PURCHASING REQUIREMENTS -- EXCEPTIONS.

23 1. A product possessing the performance characteristics of  
24 a product listed in the price lists prepared pursuant to  
25 section 246.807 shall not be purchased by any department or  
26 agency of state government from a source other than Iowa state  
27 industries, except under any of the following circumstances:

28 a. When the purchase is made under emergency  
29 circumstances, which shall be explained in writing by the  
30 public body or officer who made or authorized the purchase if  
31 the ~~state-director~~ administrator so requests; ~~or~~.

32 b. When the ~~state-director~~ administrator releases, in  
33 writing, the obligation of the department or agency to  
34 purchase the product from Iowa state industries, after  
35 determining that Iowa state industries is unable to meet the

1 performance characteristics of the purchase request for the  
2 product, and a copy of the release is attached to the request  
3 to the director of revenue and finance for payment for a  
4 similar product, or when Iowa state industries is unable to  
5 furnish needed products, comparable in both quality and price  
6 to those available from alternative sources, within a  
7 reasonable length of time. Any disputes arising between a  
8 purchasing department or agency and Iowa state industries  
9 regarding similarity of products, or comparability of quality  
10 or price, or the availability of the product, shall be  
11 referred to the director of the department of general  
12 services, whose decision shall be subject to appeal as  
13 provided in section 18.7. However, if the purchasing  
14 department is the department of general services, any matter  
15 which would be referred to the director under this paragraph  
16 shall be referred to the executive council in the same manner  
17 as if the matter were to be heard by the director of the  
18 department of general services. The decision of the executive  
19 council is final.

20 2. The ~~state-director~~ administrator shall adopt and update  
21 ~~as-necessary~~ rules setting specific delivery schedules for  
22 each of the products manufactured by Iowa state industries.  
23 These delivery schedules shall not apply where a different  
24 delivery schedule is specifically negotiated by Iowa state  
25 industries and a particular purchaser.

26 3. A department or agency of the state shall cooperate and  
27 enter into agreements, if possible, for the provision of  
28 products and services under an inmate work program established  
29 by the ~~state-director~~ administrator under section 246.805,  
30 subsection 7.

31 Sec. 75. Section 246.809, subsections 1 and 2, Code 1991,  
32 are amended to read as follows:

33 1. Any other provision of the Code to the contrary  
34 notwithstanding, the ~~state-director~~ may administrator, after  
35 obtaining the advice of the industries board, may lease one or

1 more buildings or portions thereof of the buildings on the  
2 grounds of any state adult correctional institution, together  
3 with the real estate needed for reasonable access to and  
4 egress from the leased buildings, for a term not to exceed  
5 twenty years, to a private corporation for the purpose of  
6 establishing and operating a factory for the manufacture and  
7 processing of products, or any other commercial enterprise  
8 deemed by the ~~state-director~~ administrator to be consistent  
9 with the intent stated in section 246.801.

10 2. Each lease negotiated and concluded under subsection 1  
11 shall include, and shall be valid only so long as the lessee  
12 adheres to, the following provisions:

13 a. All persons working in the factory or other commercial  
14 enterprise operated in the leased property, except the  
15 lessee's supervisory employees and necessary training  
16 personnel approved by the industries board, shall be inmates  
17 of the institution where the leased property is located who  
18 are approved for such work by the ~~state-director~~ administrator  
19 and the lessee.

20 b. The factory or other commercial enterprise operated in  
21 the leased property shall observe at all times such practices  
22 and procedures regarding security as the lease may specify, or  
23 as the ~~state-director~~ administrator may temporarily stipulate  
24 during periods of emergency.

25 c. The factory or other commercial enterprise operated in  
26 the leased property shall be deemed a private enterprise and  
27 subject to all the laws and lawfully adopted rules of this  
28 state governing the operation of similar business enterprises  
29 elsewhere.

30 Sec. 76. Section 246.810, Code 1991, is amended to read as  
31 follows:

32 246.810 PRIVATE INDUSTRY WORK FORCE.

33 The ~~state-director~~ administrator with the advice of the  
34 prison industries advisory board may provide an inmate work  
35 force to private industry. Under the program inmates will be

1 employees of a private business and eligible for all benefits  
2 and wages the same as other employees of the business engaged  
3 in similar work. The ~~state-director~~ administrator shall  
4 ensure that security and screening procedures will protect the  
5 safety of the public. In administering this program the ~~state~~  
6 ~~director~~ administrator shall comply with the intent stated in  
7 section 246.801.

8 Sec. 77. Section 246.811, subsections 3 and 4, Code 1991,  
9 are amended to read as follows:

10 3. The ~~state-director~~ administrator shall ensure that  
11 security and screening procedures protect the safety of the  
12 public.

13 4. The ~~state-director~~ administrator shall comply with the  
14 intent of section 246.801.

15 Sec. 78. Section 246.812, Code 1991, is amended to read as  
16 follows:

17 246.812 RESTRICTION ON GOODS MADE AVAILABLE.

18 Effective July 1, 1978, and notwithstanding any other  
19 provisions of this division, goods made available by Iowa  
20 state industries shall be restricted to items, materials,  
21 supplies and equipment which are formulated or manufactured by  
22 Iowa state industries and shall not include goods, materials,  
23 supplies or equipment which are merely purchased by Iowa state  
24 industries for repacking or resale except with approval of the  
25 ~~state-director~~ administrator when such repacking for resale  
26 items are directly related to product lines.

27 Sec. 79. Section 246.813, subsection 1, Code 1991, is  
28 amended to read as follows:

29 1. There is established in the treasury of the state a  
30 permanent Iowa state industries revolving fund. This  
31 ~~revolving fund shall be created by the transfer thereto of all~~  
32 ~~moneys in the revolving fund formerly established under~~  
33 ~~section 246.26 as that section appeared in the Code of 1977~~  
34 ~~and prior editions,~~ and shall be maintained by depositing  
35 therein in the fund all receipts from the sale of products

1 manufactured by Iowa state industries, and from sale of any  
2 property of Iowa state industries found by the ~~state-director~~  
3 administrator to be obsolete or unneeded.

4 Sec. 80. Section 246.813, subsection 2, paragraphs a and  
5 c, Code 1991, are amended to read as follows:

6 a. Establishment, maintenance, transfer, or closure of  
7 industrial operations, or vocational, technical, and related  
8 training facilities and services for inmates as authorized by  
9 the ~~state-director~~ administrator in consultation with the  
10 industries board.

11 c. Direct purchases from vendors of raw materials and  
12 capital items used for the manufacturing processes of Iowa  
13 state industries, in accordance with rules which meet state  
14 bidding requirements. The rules shall be adopted by the state  
15 ~~director~~ administrator in consultation with the industries  
16 board.

17 Sec. 81. Section 246.814, Code 1991, is amended to read as  
18 follows:

19 246.814 INMATE ALLOWANCE SUPPLEMENT REVOLVING FUND.

20 There is established in the treasury of the state a  
21 permanent adult correctional institutions inmate allowance  
22 supplement revolving fund, consisting solely of money paid as  
23 board and maintenance by inmates working in Iowa state  
24 industries, or working pursuant to section 246.809. The fund  
25 established by this section may be used to supplement the  
26 allowances of inmates who perform other institutional work  
27 within and about the adult correctional institutions including  
28 those who are working in Iowa state industries. Payments made  
29 from the fund shall supplement and not replace all or any part  
30 of the allowances otherwise received by, and shall be equably  
31 distributed among such inmates. The work of inmates in other  
32 institutional or industry work shall, to the greatest extent  
33 feasible, be in accord with the intent stated in section  
34 246.801. The fund may also be used to supplement other  
35 rehabilitation activities within the adult correctional

1 institutions. Determination of the use of the funds is the  
2 responsibility of the ~~state-director~~ administrator who shall  
3 first seek the advice of the prison industries advisory board.

4 Sec. 82. Section 246.901, Code 1991, is amended to read as  
5 follows:

6 246.901 PROGRAM.

7 The  ~~Iowa-department~~ division of corrections, in  
8 consultation with the board of parole, shall establish a work  
9 release program under which the board of parole may grant  
10 inmates sentenced to an institution under the jurisdiction of  
11 the ~~department~~ division the privilege of leaving actual  
12 confinement during necessary and reasonable hours for the  
13 purpose of working at gainful employment. Under appropriate  
14 conditions the program may also include an out-of-state work  
15 or treatment placement or release for the purpose of seeking  
16 employment and attendance at an educational institution. An  
17 inmate may be placed on work release status in the inmate's  
18 own home, under appropriate circumstances, which may include  
19 child care and housekeeping in the inmate's own home.

20 Sec. 83. Section 246.904, Code 1991, is amended to read as  
21 follows:

22 246.904 HOUSING FACILITIES -- HALFWAY HOUSES.

23 Unless the inmate is transferred to the correctional  
24 release center, or returns after working hours to the  
25 institution under jurisdiction of the ~~department~~ division of  
26 corrections, the ~~department~~ division of corrections shall  
27 contract with a judicial district department of correctional  
28 services for the quartering and supervision of the inmate in  
29 local housing facilities. The board of parole shall include  
30 as a specific term or condition in the work release plan of  
31 any inmate the place where the inmate is to be housed when not  
32 on the work assignment. The board of parole shall not place  
33 an inmate on work release for longer than six months in any  
34 twelve-month period unless approval is given by a majority of  
35 the full board of parole. Inmates may be temporarily released

1 to the supervision of a responsible person to participate in  
2 family and selected community, religious, educational, social,  
3 civic, and recreational activities when it is determined that  
4 the participation will directly facilitate the release  
5 transition from institution to community. The department  
6 division of corrections shall provide a copy of the work  
7 release plan and a copy of any restitution plan of payment to  
8 the judicial district department of correctional services  
9 quartering and supervising the inmate.

10 Sec. 84. Section 246.906, Code 1991, is amended to read as  
11 follows:

12 246.906 STATUS OF INMATES ON WORK RELEASE.

13 An inmate employed in the community under this chapter is  
14 not an agent, employee, or involuntary servant of the  
15 department division of corrections, the board of parole, or  
16 the judicial district department of correctional services  
17 while released from confinement under the terms of a work  
18 release plan. If an inmate suffers an injury arising out of  
19 or in the course of the inmate's employment under this  
20 chapter, the inmate's recovery shall be from the insurance  
21 carrier of the employer of the project and no proceedings for  
22 compensation shall be maintained against the insurance carrier  
23 of the state institution, the state, the insurance carrier of  
24 the judicial district department of correctional services, or  
25 the judicial district department of correctional services, and  
26 there is no employer-employee relationship between the inmate  
27 and the state institution, the board of parole, or the  
28 judicial district department of correctional services.

29 Sec. 85. Section 246.908, Code 1991, is amended to read as  
30 follows:

31 246.908 ALLEGED WORK RELEASE VIOLATORS -- TEMPORARY  
32 CONFINEMENT BY COUNTIES -- REIMBURSEMENT.

33 1. Upon request by the Iowa-department division of  
34 corrections, the board of parole, or a judicial district  
35 department of correctional services a county shall provide

1 temporary confinement for alleged violators of work release  
2 conditions if space is available.

3 2. The Iowa-department division of corrections shall  
4 negotiate a reimbursement rate with each county for the  
5 temporary confinement of alleged violators of work release  
6 conditions who are in the custody of the director of the Iowa  
7 department division of corrections or who are housed or  
8 supervised by the judicial district department of correctional  
9 services. The amount to be reimbursed shall be determined by  
10 multiplying the number of days a person is confined by the  
11 average daily cost of confining a person in the county  
12 facility as negotiated with the department division. Payment  
13 shall be made upon submission of a voucher executed by the  
14 sheriff and approved by the director administrator of the Iowa  
15 department division of corrections.

16 Sec. 86. Section 246.909, Code 1991, is amended to read as  
17 follows:

18 246.909 WORK RELEASE VIOLATORS -- REIMBURSEMENT TO THE  
19 DEPARTMENT DIVISION OF CORRECTIONS FOR TRANSPORTATION COSTS.

20 The department division of corrections shall arrange for  
21 the return of a work release client who escapes or  
22 participates in an act of absconding from the facility to  
23 which the client is assigned. The client shall reimburse the  
24 department division of corrections for the cost of  
25 transportation incurred because of the escape or act of  
26 absconding. The amount of reimbursement shall be the actual  
27 cost incurred by the department division and shall be credited  
28 to the support account from which the billing occurred. The  
29 director administrator of the department division of  
30 corrections shall recommend rules pursuant to chapter 17A,  
31 subject to approval by the board of corrections pursuant to  
32 section 246.105, subsection 7, to implement this section.

33 Sec. 87. Section 255.29, Code 1991, is amended to read as  
34 follows:

35 255.29 MEDICAL CARE FOR PAROLEES AND PERSONS ON WORK

1 RELEASE.

2 The ~~director~~ administrator of the Iowa-department division  
3 of corrections may send former inmates of the institutions  
4 provided for in section 246.102, while on parole or work  
5 release, to the hospital of the college of medicine of the  
6 state University of Iowa for treatment and care as provided in  
7 this chapter, without securing the order of the court required  
8 in other cases. The ~~director~~ administrator may pay the  
9 traveling expenses of any patient thus committed, and when  
10 necessary the traveling expenses of an attendant of the  
11 patient out of funds appropriated for the use of the  
12 department division.

13 Sec. 88. Section 266.37, Code 1991, is amended to read as  
14 follows:

15 266.37 USE OF CORRECTIONS DEPARTMENT DIVISION  
16 INSTITUTIONAL FACILITIES AND RESOURCES.

17 Iowa State University of science and technology shall use  
18 resources, including property, facilities, labor, and  
19 services, connected with institutions listed in section  
20 246.102, under the authority of the Iowa-department division  
21 of corrections, to the extent practicable, for research,  
22 development, and testing of technological, horticultural,  
23 biological, and economic factors involved in improving the  
24 performance of Iowa agricultural products. However, use by  
25 the university is subject to the approval of the ~~director~~  
26 administrator of the department division of corrections.

27 Sec. 89. Section 321J.2, subsection 2, paragraph c,  
28 unnumbered paragraph 1, Code 1991, is amended to read as  
29 follows:

30 A class "D" felony for a third offense and each subsequent  
31 offense and shall be imprisoned in the county jail for a  
32 determinate sentence of not more than one year: but not less  
33 than thirty days, or committed to the custody of the director  
34 of the department of corrections, and assessed a fine of not  
35 less than seven hundred fifty dollars. The minimum jail term

1 of thirty days cannot be suspended notwithstanding section  
 2 901.5, subsection 3, and section 907.3, subsection 3, however,  
 3 the person sentenced shall receive credit for any time the  
 4 person was confined in a jail or detention facility following  
 5 arrest. If a person is committed to the custody of the  
 6 director administrator of the department division of  
 7 corrections pursuant to this paragraph and the sentence is  
 8 suspended, the sentencing court shall order that the offender  
 9 serve the thirty-day minimum term in the county jail. If the  
 10 sentence which commits the person to the custody of the  
 11 director administrator of the department division of  
 12 corrections is later imposed by the court, all time served in  
 13 a county jail toward the thirty-day minimum term shall count  
 14 as time served toward the sentence which committed the person  
 15 to the custody of the director administrator of the department  
 16 division of corrections. A person convicted of a second or  
 17 subsequent offense shall be ordered to undergo a substance  
 18 abuse evaluation prior to sentencing. If a person is  
 19 convicted of a third or subsequent offense or if the  
 20 evaluation recommends treatment, the offender may be committed  
 21 to the custody of the director administrator of the department  
 22 division of corrections, who, if the sentence is not  
 23 suspended, shall assign the person to a facility pursuant to  
 24 section 246.513 or the offender may be committed to treatment  
 25 in the community under the provisions of section 907.6.

26 Sec. 90. Section 331.756, subsection 41, Code 1991, is  
 27 amended to read as follows:

28 41. Provide the  ~~Iowa~~-department division of corrections  
 29 with information relating to the background and criminal acts  
 30 committed by each person sentenced to a state correctional  
 31 institution from the county as provided in section 246.202.

32 Sec. 91. Section 901.3, subsection 7, Code 1991, is  
 33 amended to read as follows:

34 7. The defendant's potential as a candidate for assignment  
 35 to a treatment facility pursuant to section 246.513 based upon

1 the standardized assessment criteria developed by the  
2 department division of corrections. The presentence  
3 investigation report shall contain the assessment criteria  
4 commencing January 1, 1991.

5 Sec. 92. Section 901.4, Code 1991, is amended to read as  
6 follows:

7 901.4 PRESENTENCE INVESTIGATION REPORT CONFIDENTIAL.

8 The presentence investigation report is confidential and  
9 the court shall provide safeguards to ensure its  
10 confidentiality, including but not limited to sealing the  
11 report, which may be opened only by further court order. At  
12 least three days prior to the date set for sentencing, the  
13 court shall serve all of the presentence investigation report  
14 upon the defendant's attorney and the attorney for the state,  
15 and the report shall remain confidential except upon court  
16 order. However, the court may conceal the identity of the  
17 person who provided confidential information. The report of a  
18 medical examination or psychological or psychiatric evaluation  
19 shall be made available to the attorney for the state and to  
20 the defendant upon request. The reports are part of the  
21 record but shall be sealed and opened only on order of the  
22 court. If the defendant is committed to the custody of the  
23 Iowa department of corrections and is not a class "A" felon, a  
24 copy of the presentence investigation report shall be  
25 forwarded to the ~~director~~ administrator with the order of  
26 commitment by the clerk of the district court and to the board  
27 of parole at the time of commitment. The defendant or the  
28 defendant's attorney may file with the presentence  
29 investigation report, a denial or refutation of the  
30 allegations, or both, contained in the report. The denial or  
31 refutation shall be included in the report.

32 Sec. 93. Section 901.7, Code 1991, is amended to read as  
33 follows:

34 901.7 COMMITMENT TO CUSTODY.

35 In imposing a sentence of confinement for more than one

1 year, the court shall commit the defendant to the custody of  
2 the director administrator of the Iowa-department division of  
3 corrections. Upon entry of judgment and sentence, the clerk  
4 of the district court immediately shall notify the director  
5 administrator of the commitment. The court shall make an  
6 order as appropriate for the temporary custody of the  
7 defendant pending the defendant's transfer to the custody of  
8 the director administrator. The court shall order the county  
9 where a person was convicted to pay the cost of temporarily  
10 confining the person and of transporting the person to the  
11 state institution where the person is to be confined in  
12 execution of the judgment. The order shall require that a  
13 person transported to a state institution pursuant to this  
14 section shall be accompanied by a person of the same sex.

15 Sec. 94. Section 901.8, Code 1991, is amended to read as  
16 follows:

17 901.8 CONSECUTIVE SENTENCES.

18 If a person is sentenced for two or more separate offenses,  
19 the sentencing judge may order the second or further sentence  
20 to begin at the expiration of the first or succeeding  
21 sentence. If a person is sentenced for escape under section  
22 719.4 or for a crime committed while confined in a detention  
23 facility or penal institution, the sentencing judge shall  
24 order the sentence to begin at the expiration of any existing  
25 sentence. If the person is presently in the custody of the  
26 director administrator of the Iowa-department division of  
27 corrections, the sentence shall be served at the facility or  
28 institution in which the person is already confined unless the  
29 person is transferred by the director administrator. If  
30 consecutive sentences are specified in the order of  
31 commitment, the several terms shall be construed as one  
32 continuous term of imprisonment.

33 Sec. 95. Section 901.9, Code 1991, is amended to read as  
34 follows:

35 901.9 INFORMATION FOR PAROLE BOARD.

1 At the time of committing a defendant to the custody of the  
2 ~~director~~ administrator of the Iowa-department division of  
3 corrections for incarceration, the trial judge and prosecuting  
4 attorney shall, and the defense attorney may, furnish the  
5 board of parole with a full statement of their recommendations  
6 relating to release or parole.

7 Sec. 96. Section 902.3, Code 1991, is amended to read as  
8 follows:

9 902.3 INDETERMINATE SENTENCE.

10 When a judgment of conviction of a felony other than a  
11 class "A" felony is entered against a person, the court, in  
12 imposing a sentence of confinement, shall commit the person  
13 into the custody of the ~~director~~ administrator of the Iowa  
14 department division of corrections for an indeterminate term,  
15 the maximum length of which shall not exceed the limits as  
16 fixed by section 707.3 or section 902.9 nor shall the term be  
17 less than the minimum term imposed by law, if a minimum  
18 sentence is provided. However, the court may sentence a  
19 person convicted of a class "D" felony for a violation of  
20 section 321J.2 to imprisonment for up to one year in a county  
21 jail under section 902.9, subsection 4, and the person shall  
22 not be under the custody of the ~~director~~ administrator of the  
23 Iowa-department division of corrections.

24 Sec. 97. Section 902.4, Code 1991, is amended to read as  
25 follows:

26 902.4 RECONSIDERATION OF FELON'S SENTENCE.

27 For a period of ninety days from the date when a person  
28 convicted of a felony, other than a class "A" felony or a  
29 felony for which a minimum sentence of confinement is imposed,  
30 begins to serve a sentence of confinement, the court, on its  
31 own motion or on the recommendation of the ~~director~~  
32 administrator of the Iowa-department division of corrections,  
33 may order the person to be returned to the court, at which  
34 time the court may review its previous action and reaffirm it  
35 or substitute for it any sentence permitted by law. The court

1 shall not disclose its decision to reconsider or not to  
2 reconsider the sentence of confinement until the date  
3 reconsideration is ordered or the date the ninety-day period  
4 expires, whichever occurs first. The district court retains  
5 jurisdiction for the limited purposes of conducting such  
6 review and entering an appropriate order notwithstanding the  
7 timely filing of a notice of appeal. The court's final order  
8 in the proceeding shall be delivered to the defendant  
9 personally or by certified mail. The court's decision to take  
10 the action or not to take the action is not subject to appeal.  
11 However, for the purposes of appeal, a judgment of conviction  
12 of a felony is a final judgment when pronounced.

13 Sec. 98. Section 902.5, Code 1991, is amended to read as  
14 follows:

15 902.5 PLACE OF CONFINEMENT.

16 The ~~director~~ administrator of the ~~Iowa~~-~~department~~ division  
17 of corrections shall determine the appropriate place of  
18 confinement of any person committed to the ~~director's~~  
19 administrator's custody, in any institution administered by  
20 the ~~director~~ administrator, and may transfer the person from  
21 one institution to another during the person's period of  
22 confinement.

23 Sec. 99. Section 902.6, Code 1991, is amended to read as  
24 follows:

25 902.6 RELEASE.

26 A person who has been committed to the custody of the  
27 ~~director~~ administrator of the ~~Iowa~~-~~department~~ division of  
28 corrections shall remain in custody until released by the  
29 order of the board of parole, in accordance with the law  
30 governing paroles, or by order of the judge after  
31 reconsideration of a felon's sentence pursuant to section  
32 902.4 or until the maximum term of the person's confinement,  
33 as fixed by law, has been completed.

34 Sec. 100. Section 902.10, Code 1991, is amended to read as  
35 follows:

1 902.10 APPLICATION FOR INVOLUNTARY HOSPITALIZATION.

2 For the purposes of chapter 229, the ~~director~~ administrator  
3 of the  ~~Iowa-department~~ division of corrections is an  
4 interested person and all applicable provisions of chapter  
5 229, relating to involuntary hospitalization, apply to persons  
6 who have been committed to the custody of the  ~~Iowa-department~~  
7 division of corrections as a result of a conviction of a  
8 public offense.

9 Sec. 101. Section 903.4, Code 1991, is amended to read as  
10 follows:

11 903.4 PROVIDING PLACE OF CONFINEMENT.

12 All persons sentenced to confinement for a period of one  
13 year or less shall be confined in a place to be furnished by  
14 the county where the conviction was had unless the person is  
15 presently committed to the custody of the ~~director~~  
16 administrator of the  ~~Iowa-department~~ division of corrections,  
17 in which case the provisions of section 901.8 apply. All  
18 persons sentenced to confinement for a period of more than one  
19 year shall be committed to the custody of the ~~director~~  
20 administrator of the  ~~Iowa-department~~ division of corrections  
21 to be confined in a place to be designated by the director and  
22 the cost of the confinement shall be borne by the state. The  
23 ~~director~~ administrator may contract with local governmental  
24 units for the use of detention or correctional facilities  
25 maintained by the units for the confinement of such persons.

26 Sec. 102. Section 903.5, Code 1991, is amended to read as  
27 follows:

28 903.5 LOCAL FACILITIES PREFERRED FOR MISDEMEANANTS.

29 In designating places of confinement of misdemeanants, the  
30 ~~department~~ division shall make optimum use of local facilities  
31 offering correctional programs, where such are available.  
32 Where a choice of facilities is offered, a choice of the  
33 facility nearest the prisoner's home shall be preferred, if  
34 such choice is compatible with the rehabilitation of the  
35 prisoner.

1 Sec. 103. Section 903A.1, Code 1991, is amended to read as  
2 follows:

3 903A.1 CONDUCT REVIEW.

4 The ~~director~~ administrator of the ~~Iowa-department~~ division  
5 of corrections shall appoint independent administrative law  
6 judges whose duties shall include but are not limited to  
7 review, as provided in section 903A.3, of the conduct of  
8 inmates in institutions under the ~~department~~ division.

9 Sec. 104. Section 903A.5, unnumbered paragraph 1, Code  
10 1991, is amended to read as follows:

11 An inmate shall not be discharged from the custody of the  
12 ~~director~~ administrator of the ~~Iowa-department~~ division of  
13 corrections until the inmate has served the full term for  
14 which the inmate was sentenced, less good conduct time earned  
15 and not forfeited, unless the inmate is pardoned or otherwise  
16 legally released. Good conduct time earned and not forfeited  
17 shall apply to reduce a mandatory minimum sentence being  
18 served pursuant to section 204.406, 204.413, 902.7, 902.8, or  
19 902.11. An inmate shall be deemed to be serving the sentence  
20 from the day on which the inmate is received into the  
21 institution. However, if an inmate was confined to a county  
22 jail or other correctional or mental facility at any time  
23 prior to sentencing, or after sentencing but prior to the case  
24 having been decided on appeal, because of failure to furnish  
25 bail or because of being charged with a nonbailable offense,  
26 the inmate shall be given credit for the days already served  
27 upon the term of the sentence. The clerk of the district  
28 court of the county from which the inmate was sentenced, shall  
29 certify to the warden the number of days so served.

30 Sec. 105. Section 904A.4A, subsection 5, Code 1991, is  
31 amended to read as follows:

32 5. Supervise the development of rules, policies, and  
33 procedures, subject to the approval of the board, in  
34 cooperation with the ~~department~~ division of corrections,  
35 pertaining to the supervision of executive clemency, parole,

1 and work release.

2 Sec. 106. Section 904A.5, Code 1991, is amended to read as  
3 follows:

4 904A.5 ADMINISTRATION OF BOARD OF PAROLE.

5 The chairperson of the board of parole is responsible  
6 directly to the governor. The board of parole is attached to  
7 the department division of corrections for routine  
8 administrative and support services only.

9 Sec. 107. Section 905.5, subsection 1, Code 1991, is  
10 amended to read as follows:

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

29 Sec. 108. Section 905.7, unnumbered paragraph 1, Code  
30 1991, is amended to read as follows:

31 The Iowa-department division of corrections shall provide  
32 assistance and support to the respective judicial districts to  
33 aid them in complying with this chapter, and shall promulgate  
34 rules pursuant to chapter 17A establishing guidelines in  
35 accordance with and in furtherance of the purposes of this

1 chapter. The guidelines shall include, but need not be  
2 limited to, requirements that each district department:  
3 Sec. 109. Section 905.7, subsection 4, Code 1991, is  
4 amended to read as follows:

5 4. Provide for gathering and evaluating performance data  
6 relative to the district department's community-based  
7 correctional program and make other detailed reports to the  
8 Iowa-department division of corrections as requested by the  
9 board of corrections or the director administrator of the  
10 department division of corrections.

11 Sec. 110. Section 905.8, Code 1991, is amended to read as  
12 follows:

13 905.8 STATE FUNDS ALLOCATED -- LONG-RANGE PLANNING --  
14 REPORTS TO FISCAL BUREAU.

15 The Iowa-department division of corrections shall provide  
16 for the allocation among judicial districts in the state of  
17 state funds appropriated for the establishment, operation,  
18 support, and evaluation of community-based correctional  
19 programs and services. However, state funds shall not be  
20 allocated under this section to a judicial district unless the  
21 Iowa-department division of corrections has reviewed and  
22 approved that district department's community-based  
23 correctional program for compliance with the requirements of  
24 this chapter and the guidelines adopted under section 905.7.

25 The deputy-director administrator of the department  
26 division of corrections responsible for community-based  
27 correctional programs shall reallocate funds allocated by the  
28 department division among the judicial districts as necessary  
29 to assure an equitable allocation of district departmental  
30 staff throughout the state and to comply with section 905.10.

31 The deputy-director administrator of the department  
32 division of corrections responsible for community-based  
33 correctional programs shall comply with section 246.108,  
34 subsection 1, paragraph "i".

35 The department division of corrections shall not revise the

1 allocations to the district departments of correctional  
2 services from the amounts allocated to the district  
3 departments, unless notice of the revisions is given prior to  
4 their effective date to the legislative fiscal bureau. The  
5 notice shall include information on the department's rationale  
6 for making the changes and details concerning the workload and  
7 performance measures upon which the revisions are based.

8 The department division of corrections shall report to the  
9 legislative fiscal bureau on a quarterly basis the current  
10 expenditures of the department's division's various  
11 allocations to the district departments of correctional  
12 services with a comparison of actual to budgeted expenditures.

13 The department division of corrections shall use the  
14 department of management's budget system in developing the  
15 budget information for the eight district departments of  
16 correctional services, and each of the district departments  
17 shall be treated as a separate budget unit with each program  
18 modality classified as a separate organization code.

19 The department division of corrections shall furnish  
20 performance measure data designed to enable comparison of this  
21 data with historical expenditure information, and shall assist  
22 the legislative fiscal bureau in developing information to be  
23 used in legislative oversight of all district department  
24 programs operated by the department division.

25 Sec. 111. Section 905.9, Code 1991, is amended to read as  
26 follows:

27 905.9 REPORT OF REVIEW -- SANCTION.

28 Upon completion of a review of a district community-based  
29 correctional program, made under section 905.8, the Iowa  
30 department division of corrections shall submit its findings  
31 to the district board in writing. If the Iowa-department  
32 division of corrections concludes that the district  
33 department's community-based correctional program fails to  
34 meet any of the requirements of this chapter and of the  
35 guidelines adopted under section 905.7, it shall also request

1 in writing a response to this finding from the district board.  
2 If a response is not received within sixty days after the date  
3 of that request, or if the response is unsatisfactory, the  
4 Iowa-department division of corrections may call a public  
5 hearing on the matter. If after the hearing, the Iowa  
6 department of corrections is not satisfied that the district's  
7 community-based correctional program will expeditiously be  
8 brought into compliance with the requirements of this chapter  
9 and of the guidelines adopted under section 905.7, it may  
10 assume responsibility for administration of the district's  
11 community-based correctional program on an interim basis.

12 Sec. 112. Section 905.10, Code 1991, is amended to read as  
13 follows:

14 905.10 POSTINSTITUTIONAL PROGRAMS AND SERVICES.

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

25 Sec. 113. Section 905.12, unnumbered paragraph 2, Code  
26 1991, is amended to read as follows:

27 Any balance remaining after deductions and payments shall  
28 be credited to the resident's personal account at the district  
29 department and shall be paid to the resident upon release.

30 The deputy-director administrator of the department division  
31 of corrections responsible for community-based correctional  
32 programs shall establish a plan to comply with the provisions  
33 of court orders entered pursuant to this section.

34 Sec. 114. Section 905.13, Code 1991, is amended to read as  
35 follows:

1 905.13 COMPLIANCE WITH BUILDING CODES.

2 The ~~department~~ division of corrections and the district  
3 departments of correctional services shall comply with local  
4 building regulations and zoning ordinances in the  
5 construction, reconstruction, alteration, conversion, repair,  
6 and use of buildings owned and operated by the department  
7 division as part of a community-based correctional program.

8 Sec. 115. Section 906.1, Code 1991, is amended to read as  
9 follows:

10 906.1 DEFINITION OF PAROLE AND WORK RELEASE.

11 Parole is the release of a person who has been committed to  
12 the custody of the ~~director~~ administrator of the  ~~Iowa~~  
13 ~~department~~ division of corrections by reason of the person's  
14 commission of a public offense, which release occurs prior to  
15 the expiration of the person's term, is subject to supervision  
16 by the district department of correctional services, and is on  
17 conditions imposed by the district department.

18 Work release is the release of a person, who has been  
19 committed to the custody of the ~~director~~ administrator of the  
20 ~~Iowa~~-~~department~~ division of corrections, pursuant to sections  
21 246.901 through 246.909.

22 Sec. 116. Section 906.3, Code 1991, is amended to read as  
23 follows:

24 906.3 DUTIES OF PAROLE BOARD.

25 The board of parole shall adopt rules regarding a system of  
26 paroles from correctional institutions, and shall direct,  
27 control, and supervise the administration of the system of  
28 paroles. The board of parole shall consult with the ~~director~~  
29 administrator of the ~~department~~ division of corrections on  
30 rules regarding a system of work release and shall assist in  
31 the direction, control, and supervision of the work release  
32 system. The board shall determine which of those persons who  
33 have been committed to the custody of the ~~director~~  
34 administrator of the ~~Iowa~~-~~department~~ division of corrections,  
35 by reason of their conviction of a public offense, shall be

1 released on parole or work release. The grant or denial of  
2 parole or work release is not a contested case as defined in  
3 section 17A.2.

4 Sec. 117. Section 906.5, subsections 1 and 4, Code 1991,  
5 are amended to read as follows:

6 1. Except as provided in subsection 2, within one year  
7 after the commitment of a person other than a class "A" felon,  
8 class "B" felon convicted of murder in the second degree and  
9 serving a sentence of more than twenty-five years, or a felon  
10 serving a mandatory minimum sentence, other than a class "A"  
11 felon, to the custody of the director administrator of the  
12 towa-department division of corrections, a member of the board  
13 shall interview the person. Thereafter, at regular intervals,  
14 not to exceed one year, the board shall interview the person  
15 and consider the person's prospects for parole or work  
16 release. However, if the registration of a victim prohibits  
17 conducting a timely interview as provided in this subsection,  
18 the interview may be conducted within a reasonable period of  
19 time after the one-year period or interval has expired in  
20 order to provide the victim notice as provided in section  
21 910A.10, subsection 1, paragraph "a".

22 Not less than twenty days prior to conducting a hearing at  
23 which the board will interview the person, the board shall  
24 notify the department division of corrections of the  
25 scheduling of the interview, and the department division shall  
26 make the person available to the board at the person's  
27 institutional residence as scheduled in the notice. However,  
28 if health, safety, or security conditions require moving the  
29 person to another institution or facility prior to the  
30 scheduled interview, the department division of corrections  
31 shall so notify the board.

32 4. A person while on parole or work release is under the  
33 supervision of the district department of correctional  
34 services of the district designated by the board of parole.  
35 The department division of corrections shall prescribe rules

1 for governing persons on parole or work release. The board  
2 may adopt other rules not inconsistent with the rules of the  
3 department division of corrections as the board deems proper  
4 or necessary for the performance of its functions.

5 Sec. 118. Section 906.10, Code 1991, is amended to read as  
6 follows:

7 906.10 PAROLE RELIEF FUND.

8 There is established, from any unappropriated funds in the  
9 state treasury, a fund of twelve hundred fifty dollars which  
10 shall be known as the parole relief fund. The treasurer of  
11 state shall maintain the fund in that amount. The fund may be  
12 used for the relief of paroled prisoners who are in distress  
13 because of illness, loss of employment, or conditions creating  
14 personal need. The total amount advanced to a prisoner shall  
15 not exceed one hundred dollars. The prisoner, at the time of  
16 receiving an advancement, shall execute and deliver to the  
17 parole officer a written obligation to repay the advance  
18 during the period of the prisoner's parole. When paid, the  
19 amount shall be deposited with the treasurer of state and  
20 credited to the fund from which drawn. The advance shall be  
21 drawn on vouchers executed by the director of the Iowa  
22 department division of corrections in favor of the needy  
23 person. Each voucher shall show that the advancement was  
24 ordered by the director of the judicial district department of  
25 correctional services, after approval by the director  
26 administrator of the department division of corrections.

27 Sec. 119. The Code editor may change any reference to the  
28 "department of corrections" to the "division of corrections",  
29 may change any reference to the "director of the department of  
30 corrections" to the "administrator of the division of  
31 corrections", and may make other corrective changes consistent  
32 with this Act.

33 EXPLANATION

34 This bill replaces the Iowa department of corrections with  
35 a division of corrections within the department of human

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