

SENATE FILE 267
BY COMMITTEE ON APPROPRIATIONS
Substituted for HF 590 3/30/93
(SUCCESSOR TO LSB 1054JA.1)

Passed Senate, Date ^(P.626) 3-16-93 Passed House, Date _____
Vote: Ayes 50 Nays 0 Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to and making appropriations to the justice
2 system, providing for other related matters concerning the
3 justice system, and providing effective and retroactive
4 applicability dates.

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

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HF 267

1 Section 1. DEPARTMENT OF JUSTICE. There is appropriated
2 from the general fund of the state to the department of
3 justice for the fiscal year beginning July 1, 1993, and ending
4 June 30, 1994, the following amounts, or so much thereof as is
5 necessary, to be used for the purposes designated:

6 1. For the general office of attorney general for
7 salaries, support, maintenance, miscellaneous purposes
8 including odometer fraud enforcement, and for not more than
9 the following full-time equivalent positions:

10	.....	\$	4,613,628
11	.....	FTEs	169.00

12 2. Prosecuting attorney training program for salaries,
13 support, maintenance, miscellaneous purposes, and for not more
14 than the following full-time equivalent positions:

15	.....	\$	110,000
16	.....	FTEs	4.00

17 a. In addition to the funds appropriated in this
18 subsection for the fiscal year beginning July 1, 1993, and
19 ending June 30, 1994, the attorney general shall provide up to
20 \$41,000 in state matching funds from moneys retained by the
21 attorney general from property forfeited pursuant to section
22 809.13, for the prosecuting attorney training program, the
23 prosecuting intern program, or both. Counties participating
24 in the prosecuting intern program shall match the state funds.

25 b. In addition to the funds appropriated in this
26 subsection for the fiscal year beginning July 1, 1993, and
27 ending June 30, 1994, and the moneys retained by the attorney
28 general pursuant to paragraph "a", the attorney general shall
29 provide up to \$10,000 in state matching funds from moneys
30 retained by the attorney general from property forfeited
31 pursuant to section 809.13, for the office of the prosecuting
32 attorneys training coordinator to use for continuation of the
33 domestic violence response enhancement program established in
34 accordance with 1992 Iowa Acts, chapter 1240, section 1,
35 subsection 2, paragraph "b".

1 c. The prosecuting attorney training program shall use a
2 portion of the funds appropriated in this subsection for
3 educational purposes to implement the recommendations of the
4 equality in the courts task force.

5 3. In addition to the funds appropriated in subsection 1,
6 there is appropriated from the general fund of the state to
7 the department of justice for the fiscal year beginning July
8 1, 1993, and ending June 30, 1994, an amount not exceeding
9 \$200,000 to be used for the enforcement of the Iowa
10 competition law. The expenditure of the funds appropriated in
11 this subsection is contingent upon receipt by the general fund
12 of the state of an amount at least equal to either the
13 expenditures from damages awarded to the state or a political
14 subdivision of the state by a civil judgment under chapter
15 553, if the judgment authorizes the use of the award for
16 enforcement purposes or costs or attorneys fees awarded the
17 state in state or federal antitrust actions. However, if the
18 funds received as a result of these judgments are in excess of
19 \$200,000, the excess funds shall not be appropriated to the
20 department of justice pursuant to this subsection.

21 4. In addition to the funds appropriated in subsection 1,
22 there is appropriated from the general fund of the state to
23 the department of justice for the fiscal year beginning July
24 1, 1993, and ending June 30, 1994, an amount not exceeding
25 \$125,000 to be used for public education relating to consumer
26 fraud and for enforcement of section 714.16, and an amount not
27 exceeding \$75,000 for investigation, prosecution, and consumer
28 education relating to consumer and criminal fraud against
29 older Iowans. The expenditure of the funds appropriated in
30 this subsection is contingent upon receipt by the general fund
31 of the state of an amount at least equal to the expenditures
32 from damages awarded to the state or a political subdivision
33 of the state by a civil consumer fraud judgment or settlement,
34 if the judgment or settlement authorizes the use of the award
35 for public education on consumer fraud. However, if the funds

1 received as a result of these judgments and settlements are in
2 excess of \$200,000, the excess funds shall not be appropriated
3 to the department of justice pursuant to this subsection.

4 5. For victim assistance grants:
5 \$ 1,359,812

6 a. The funds appropriated in this subsection shall be used
7 to provide grants to care providers providing services to
8 crime victims of domestic abuse or to crime victims of rape
9 and sexual assault.

10 b. Notwithstanding section 8.33 or 8.39, any balance
11 remaining from the appropriation made pursuant to this
12 subsection shall not revert to the general fund of the state
13 but shall be available for expenditure during the subsequent
14 fiscal year for the same purpose, and shall not be transferred
15 to any other program.

16 6. For the GASA prosecuting attorney program and for not
17 more than the following full-time equivalent positions:
18 \$ 98,290
19 FTEs 3.00

20 7. The balance of the victim compensation fund established
21 under section 912.14 may be used to provide salary and support
22 of not more than 9.00 FTEs and to provide maintenance for the
23 victim compensation functions of the department of justice.

24 8. The department of justice shall submit monthly
25 financial statements to the legislative fiscal bureau and the
26 department of management containing all appropriated accounts
27 in the same manner as provided in the monthly financial status
28 reports and personal services usage reports of the department
29 of revenue and finance. The monthly financial statements
30 shall include comparisons of the moneys and percentage spent
31 of budgeted to actual revenues and expenditures on a
32 cumulative basis for full-time equivalent positions and
33 available moneys.

34 Sec. 2. OFFICE OF CONSUMER ADVOCATE. There is
35 appropriated from the general fund of the state to the office

1 of consumer advocate of the department of justice for the
2 fiscal year beginning July 1, 1993, and ending June 30, 1994,
3 the following amount, or so much thereof as is necessary, to
4 be used for the purposes designated:

5 For salaries, support, maintenance, miscellaneous purposes,
6 and for not more than the following full-time equivalent
7 positions:

8 \$ 1,999,524
9 FTEs 32.00

10 Sec. 3. BOARD OF PAROLE. There is appropriated from the
11 general fund of the state to the board of parole for the
12 fiscal year beginning July 1, 1993, and ending June 30, 1994,
13 the following amount, or so much thereof as is necessary, to
14 be used for the purposes designated:

15 For salaries, support, maintenance, including maintenance
16 of an automated docket and the board's automated risk
17 assessment model, employment of two statistical research
18 analysts to assist with the application of the risk assessment
19 model in the parole decision-making process, miscellaneous
20 purposes, and for not more than the following full-time
21 equivalent positions:

22 \$ 801,421
23 FTEs 17.00

24 1. The board of parole shall require the board's
25 administrative staff to be cross-trained to assure that each
26 individual on that staff is familiar with all tasks performed
27 by the staff.

28 2. The department of corrections and the board of parole
29 shall review, and implement as necessary, the findings and
30 recommendations contained in the final report prepared by the
31 consultant and presented to the corrections system review task
32 force which was established by 1988 Iowa Acts, chapter 1271,
33 as they relate to the department of corrections and the board
34 of parole. The board shall report to the joint appropriations
35 subcommittee on the justice system during the 1994 session of

1 the general assembly, at the request of the subcommittee,
2 steps taken to implement any of the recommendations, or the
3 reasons for failing to implement the recommendations.

4 3. The board of parole shall conduct a study of the parole
5 process to identify and eliminate bias in the parole system
6 based upon race, creed, color, sex, national origin, religion,
7 or disability. The board of parole shall report its findings
8 and recommendations to the co-chairpersons and ranking members
9 of the joint appropriations subcommittee on the justice system
10 and the legislative fiscal bureau on or before January 15,
11 1994.

12 Sec. 4. DEPARTMENT OF CORRECTIONS -- FACILITIES. There is
13 appropriated from the general fund of the state to the
14 department of corrections for the fiscal year beginning July
15 1, 1993, and ending June 30, 1994, the following amounts, or
16 so much thereof as is necessary, to be used for the purposes
17 designated:

18 1. For the operation of adult correctional institutions,
19 to be allocated as follows:

20 a. For the operation of the Fort Madison correctional
21 facility, including salaries, support, maintenance, employment
22 of 310 correctional officers, miscellaneous purposes, and for
23 not more than the following full-time equivalent positions:
24 \$ 24,109,476
25 FTEs 490.50

26 b. For the operation of the Anamosa correctional facility,
27 including salaries, support, maintenance, employment of 211
28 correctional officers and a part-time chaplain to provide
29 religious counseling to inmates of a minority race,
30 miscellaneous purposes, and for not more than the following
31 full-time equivalent positions:
32 \$ 17,797,651
33 FTEs 351.00

34 Moneys are provided within this appropriation for 2 full-
35 time substance abuse counselors for the Luster Heights

1 facility, for the purpose of certification of a substance
2 abuse program at that facility.

3 c. For the operation of the Oakdale correctional facility,
4 including salaries, support, maintenance, miscellaneous
5 purposes, and for not more than the following full-time
6 equivalent positions:

7 \$ 15,017,948
8 FTEs 320.80

9 d. For the operation of the Newton correctional facility,
10 including salaries, support, maintenance, miscellaneous
11 purposes, and for not more than the following full-time
12 equivalent positions:

13 \$ 5,100,087
14 FTEs 110.25

15 e. For the operation of the Mt. Pleasant correctional
16 facility, including salaries, support, maintenance, employment
17 of 141 correctional officers and a full-time chaplain to
18 provide religious counseling at the Oakdale and Mt. Pleasant
19 correctional facilities, miscellaneous purposes, and for not
20 more than the following full-time equivalent positions:

21 \$ 12,872,534
22 FTEs 260.23

23 f. For the operation of the Rockwell City correctional
24 facility, including salaries, support, maintenance,
25 miscellaneous purposes, and for not more than the following
26 full-time equivalent positions:

27 \$ 5,184,980
28 FTEs 112.00

29 g. For the operation of the Clarinda correctional
30 facility, including salaries, support, maintenance,
31 miscellaneous purposes, and for not more than the following
32 full-time equivalent positions:

33 \$ 6,164,753
34 FTEs 136.20

35 h. For the operation of the Mitchellville correctional

1 facility, including salaries, support, maintenance,
2 miscellaneous purposes, and for not more than the following
3 full-time equivalent positions:

4	\$	5,918,485
5	FTEs	134.50

6 2. The department of corrections shall provide a report to
7 the co-chairpersons and ranking members of the joint
8 appropriations subcommittee on the justice system and the
9 legislative fiscal bureau on or before January 15, 1994,
10 outlining the implementation of the centralized education
11 program for the correctional system. The report shall include
12 a listing of the educational institutions that are involved,
13 the amount of any federal funds received for use with these
14 programs, and any other pertinent information.

15 3. If the inmate tort claim fund for inmate claims of less
16 than \$50 is exhausted during the fiscal year, sufficient funds
17 shall be transferred from the institutional budgets to pay
18 approved tort claims for the balance of the fiscal year. The
19 warden or superintendent of each institution or correctional
20 facility shall designate an employee to receive, investigate,
21 and recommend whether to pay any properly filed inmate tort
22 claim for less than the above amount. The designee's
23 recommendation shall be approved or denied by the warden or
24 superintendent and forwarded to the department of corrections
25 for final approval and payment. The amounts appropriated to
26 this fund pursuant to 1987 Iowa Acts, chapter 234, section
27 304, subsection 2, are not subject to reversion under section
28 8.33.

29 Tort claims denied at the institution shall be forwarded to
30 the state appeal board for their consideration as if
31 originally filed with that body. This procedure shall be used
32 in lieu of chapter 669 for inmate tort claims of less than
33 \$50.

34 4. The department of corrections shall submit a plan to
35 the general assembly prior to January 1, 1994, to establish in

1 the institutions a mandatory literacy requirement for all
2 inmates. The plan shall include the following:

3 a. Statistics indicating the current reading and education
4 levels of the average inmate.

5 b. The funding and number of years necessary for
6 implementation.

7 c. The feasibility of mandating participation and the need
8 for exemptions.

9 d. The availability of sanctions and incentives.

10 e. The special education services for inmates under the
11 age of twenty-one.

12 f. The continuation of educational programming after
13 release.

14 5. The department of corrections, in consultation and
15 cooperation with the judicial district departments of
16 correctional services, board of parole, division of criminal
17 and juvenile justice planning of the department of human
18 rights, and any other applicable state agencies, shall provide
19 a report detailing the steps taken to implement the reports of
20 the consultants retained by the corrections system review task
21 force established by 1988 Iowa Acts, chapter 1271, section 14.
22 The department shall provide the report to the co-chairpersons
23 and ranking members of the joint appropriations subcommittee
24 on the justice system and the legislative fiscal bureau, on or
25 before January 15, 1994.

26 Sec. 5. DEPARTMENT OF CORRECTIONS -- ADMINISTRATION.

27 There is appropriated from the general fund of the state to
28 the department of corrections for the fiscal year beginning
29 July 1, 1993, and ending June 30, 1994, the following amounts,
30 or so much thereof as is necessary, to be used for the
31 purposes designated:

32 1. For general administration, including salaries,
33 support, maintenance, employment of an education director and
34 clerk to administer a centralized education program for the
35 correctional system, miscellaneous purposes, and for not more

1 than the following full-time equivalent positions:

2	\$	2,101,088
3	FTEs	41.52

4 The department shall monitor the use of the classification
5 model by the judicial district departments of correctional
6 services and has the authority to override a district
7 department's decision regarding classification of community-
8 based clients. The department shall notify a district
9 department of the reasons for the override.

10 2. For reimbursement of counties for temporary confinement
11 of work release and parole violators, as provided in sections
12 901.7, 904.908, and 906.17 and for offenders confined pursuant
13 to section 904.513:

14	\$	237,038
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15 3. For federal prison reimbursement, reimbursements for
16 out-of-state placements, and miscellaneous contracts:

17	\$	341,334
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18 The department of corrections shall use funds appropriated
19 by this subsection to continue to contract for the services of
20 a Muslim imam.

21 4. For salaries, support, maintenance, miscellaneous
22 purposes, and for not more than the following full-time
23 equivalent positions at the correctional training center at
24 Mt. Pleasant:

25	\$	374,385
26	FTEs	8.19

27 5. For annual payment relating to the financial
28 arrangement for the construction of expansion in prison
29 capacity as provided in 1989 Iowa Acts, chapter 316, section
30 7, subsection 6:

31	\$	625,860
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32 6. For annual payment relating to the financial
33 arrangement for the construction of expansion in prison
34 capacity as provided in 1990 Iowa Acts, chapter 1257, section
35 24:

1 \$ 3,188,273

2 Sec. 6. JUDICIAL DISTRICT DEPARTMENTS OF CORRECTIONAL
3 SERVICES.

4 1. There is appropriated from the general fund of the
5 state to the department of corrections for the fiscal year
6 beginning July 1, 1993, and ending June 30, 1994, the
7 following amounts, or so much thereof as is necessary, to be
8 allocated as follows:

9 a. For the first judicial district department of
10 correctional services, the following amount, or so much
11 thereof as is necessary:

12 \$ 5,889,249

13 (1) The district department shall continue the intensive
14 supervision program established within the district in 1988
15 Iowa Acts, chapter 1271, section 6, subsection 1, paragraph
16 "a", and the sex offender treatment program established within
17 the district in 1989 Iowa Acts, chapter 316, section 8,
18 subsection 1, paragraph "a".

19 (2) The district department, in cooperation with the chief
20 judge of the judicial district, shall continue the
21 implementation of a plan to divert low-risk offenders to the
22 least restrictive sanction available.

23 b. For the second judicial district department of
24 correctional services, including the treatment and supervision
25 of probation and parole violators who have been released from
26 the department of corrections violator program, the following
27 amount, or so much thereof as is necessary:

28 \$ 4,614,141

29 (1) The district department shall continue the sex
30 offender treatment program established within the district in
31 1988 Iowa Acts, chapter 1271, section 6, subsection 1,
32 paragraph "b".

33 (2) The district department, in cooperation with the chief
34 judge of the judicial district, shall continue the
35 implementation of a plan to divert low-risk offenders to the

1 least restrictive sanction available.

2 (3) The district department shall provide a report
3 concerning the treatment and supervision of probation and
4 parole violators who have been released from the department of
5 corrections violator program, to the co-chairpersons and
6 ranking members of the joint appropriations subcommittee on
7 the justice system and the legislative fiscal bureau, on or
8 before January 15, 1994.

9 c. For the third judicial district department of
10 correctional services, the following amount, or so much
11 thereof as is necessary:

12 \$ 2,905,849

13 (1) The district department shall continue the sex
14 offender treatment program established within the district in
15 1988 Iowa Acts, chapter 1271, section 6, subsection 1,
16 paragraph "c", and the intensive supervision program
17 established within the district in 1990 Iowa Acts, chapter
18 1268, section 6, subsection 3, paragraph "d".

19 (2) The district department, in cooperation with the chief
20 judge of the judicial district, shall continue the
21 implementation of a plan to divert low-risk offenders to the
22 least restrictive sanction available.

23 d. For the fourth judicial district department of
24 correctional services, the following amount, or so much
25 thereof as is necessary:

26 \$ 2,035,925

27 (1) The district department shall continue the sex
28 offender treatment program established within the district in
29 1988 Iowa Acts, chapter 1271, section 6, subsection 1,
30 paragraph "d".

31 (2) The district department, in cooperation with the chief
32 judge of the judicial district, shall continue the
33 implementation of a plan to divert low-risk offenders to the
34 least restrictive sanction available.

35 e. For the fifth judicial district department of

1 correctional services, the following amount, or so much
2 thereof as is necessary:

3 \$ 7,877,469

4 (1) The district department shall continue the intensive
5 supervision program established within the district in 1988
6 Iowa Acts, chapter 1271, section 6, subsection 1, paragraph
7 "e", and shall continue to provide for the rental of
8 electronic monitoring equipment.

9 (2) The district department, in cooperation with the chief
10 judge of the judicial district, shall continue the
11 implementation of a plan to divert low-risk offenders to the
12 least restrictive sanction available.

13 f. For the sixth judicial district department of
14 correctional services, including implementation of an
15 intermediate criminal sanctions plan, the following amount, or
16 so much thereof as is necessary:

17 \$ 5,974,310

18 (1) The district department shall continue the intensive
19 supervision program established within the district in 1988
20 Iowa Acts, chapter 1271, section 6, subsection 1, paragraph
21 "f", and the sex offender treatment program established within
22 the district in 1989 Iowa Acts, chapter 316, section 8,
23 subsection 1, paragraph "f".

24 (2) The district department, in cooperation with the chief
25 judge of the judicial district, shall continue the
26 implementation of a plan to divert low-risk offenders to the
27 least restrictive sanction available.

28 (3) The district department, in consultation with the
29 intermediate criminal sanctions task force established in this
30 Act, shall develop and implement a plan providing for the
31 expanded use of intermediate criminal sanctions. The plan
32 shall emphasize sanctions which involve a high degree of
33 offender control within the community. The district
34 department shall provide a report to the co-chairpersons and
35 ranking members of the joint appropriations subcommittee on

1 the justice system and the legislative fiscal bureau on or
2 before January 15, 1994, outlining its activities in
3 implementing the plan.

4 g. For the seventh judicial district department of
5 correctional services, including the treatment and supervision
6 of probation and parole violators who have been released from
7 the department of corrections violator program, the following
8 amount, or so much thereof as is necessary:

9 \$ 4,141,823

10 (1) The district department shall continue the intensive
11 supervision program established within the district in 1988
12 Iowa Acts, chapter 1271, section 6, subsection 1, paragraph
13 "g", and shall continue the sex offender treatment program
14 established within the district in 1989 Iowa Acts, chapter
15 316, section 8, subsection 1, paragraph "g".

16 (2) The district department shall continue the job
17 development program established within the district in 1990
18 Iowa Acts, chapter 1268, section 6, subsection 7, paragraph
19 "e".

20 (3) The district department, in cooperation with the chief
21 judge of the judicial district, shall continue the
22 implementation of a plan to divert low-risk offenders to the
23 least restrictive sanction available.

24 (4) The district department shall provide a report
25 concerning the treatment and supervision of probation and
26 parole violators who have been released from the department of
27 corrections violator program, to the co-chairpersons and
28 ranking members of the joint appropriations subcommittee on
29 the justice system and the legislative fiscal bureau, on or
30 before January 15, 1994.

31 h. For the eighth judicial district department of
32 correctional services, including the treatment and supervision
33 of probation and parole violators who have been released from
34 the department of corrections violator program, the following
35 amount, or so much thereof as is necessary:

1 \$ 3,550,631

2 (1) The district department shall continue the intensive
3 supervision program established within the district in 1988
4 Iowa Acts, chapter 1271, section 6, subsection 1, paragraph
5 "h", and shall continue the sex offender treatment program
6 established within the district in 1989 Iowa Acts, chapter
7 316, section 8, subsection 1, paragraph "h".

8 (2) The district department, in cooperation with the chief
9 judge of the judicial district, shall continue the
10 implementation of a plan to divert low-risk offenders to the
11 least restrictive sanction available.

12 (3) The district department shall provide a report
13 concerning the treatment and supervision of probation and
14 parole violators who have been released from the department of
15 corrections violator program, to the co-chairpersons and
16 ranking members of the joint appropriations subcommittee on
17 the justice system and the legislative fiscal bureau, on or
18 before January 15, 1994.

19 i. For the department of corrections for the assistance
20 and support of each judicial district department of
21 correctional services, the following amount, or so much
22 thereof as is necessary:

23 \$ 85,817

24 2. The department of corrections shall continue the OWI
25 facilities established in 1986 Iowa Acts, chapter 1246,
26 section 402, in compliance with the conditions specified in
27 that section.

28 3. The department of corrections shall continue to
29 contract with a judicial district department of correctional
30 services to provide for the rental of electronic monitoring
31 equipment which shall be available statewide.

32 4. Each judicial district department of correctional
33 services and the department of corrections shall continue the
34 treatment alternatives to street crime programs established in
35 1989 Iowa Acts, chapter 225, section 9.

1 5. The first, sixth, and eighth judicial district
2 departments of correctional services and the department of
3 corrections shall continue the job training and development
4 grant programs established in 1989 Iowa Acts, chapter 316,
5 section 7, subsection 2.

6 6. The department of corrections shall not make an
7 intradepartmental transfer of moneys appropriated to the
8 department, unless notice of the intradepartmental transfer is
9 given prior to its effective date to the legislative fiscal
10 bureau. The notice shall include information on the
11 department's rationale for making the transfer and details
12 concerning the work load and performance measures upon which
13 the transfers are based.

14 7. The governor's alliance on substance abuse shall
15 consider federal grants made to the department of corrections
16 for the benefit of each of the eight judicial district
17 departments of correctional services as local government
18 grants, as defined pursuant to federal regulations.

19 Sec. 7. JUDICIAL DEPARTMENT. There is appropriated from
20 the general fund of the state to the judicial department for
21 the fiscal year beginning July 1, 1993, and ending June 30,
22 1994, the following amounts, or so much thereof as is
23 necessary, to be used for the purposes designated:

24 1. For salaries of supreme court justices, appellate court
25 judges, district court judges, district associate judges,
26 judicial magistrates and staff, state court administrator,
27 clerk of the supreme court, district court administrators,
28 clerks of the district court, trial court supervisors, trial
29 court technicians II, financial supervisors I and II, juvenile
30 court officers, board of law examiners and board of examiners
31 of shorthand reporters and judicial qualifications commission,
32 receipt and disbursement of child support payments,
33 reimbursement of the auditor of state for expenses incurred in
34 completing audits of the offices of the clerks of the district
35 court during the fiscal year beginning July 1, 1993, and

1 maintenance, equipment, and miscellaneous purposes:
2 \$ 79,686,348

3 a. The judicial department, except for purposes of
4 internal processing, shall use the current state budget
5 system, the state payroll system, and the Iowa finance and
6 accounting system in administration of programs and payments
7 for services, and shall not duplicate the state payroll,
8 accounting, and budgeting systems.

9 b. The judicial department shall submit monthly financial
10 statements to the legislative fiscal bureau and the department
11 of management containing all appropriated accounts in the same
12 manner as provided in the monthly financial status reports and
13 personal services usage reports of the department of revenue
14 and finance. The monthly financial statements shall include a
15 comparison of the dollars and percentage spent of budgeted
16 versus actual revenues and expenditures on a cumulative basis
17 for full-time equivalent positions and dollars.

18 c. It is the intent of the general assembly that counties
19 installing new telephone systems shall provide those systems
20 to all judicial department offices within the county at no
21 cost.

22 d. Of the funds appropriated in this subsection, not more
23 than \$1,897,728 may be transferred into the revolving fund
24 established pursuant to section 602.1302, subsection 3, to be
25 used for the payment of jury and witness fees and mileage.

26 e. The judicial department shall use a portion of the
27 funds appropriated in this subsection for educational purposes
28 to implement the recommendations of the equality in the courts
29 task force.

30 f. Of the funds appropriated in this subsection, not more
31 than \$35,008 shall be used for salary, support, maintenance,
32 and miscellaneous purposes related to employment of an
33 additional juvenile court officer in the third judicial
34 district.

35 g. Of the funds appropriated in this subsection, the

1 judicial department shall use not more than \$200,000 for the
2 purchase of equipment. However, the funds appropriated
3 pursuant to this subsection shall not be used for the purchase
4 of new furniture.

5 2. For the juvenile victim restitution program:
6 \$ 98,000

7 Sec. 8. IOWA COURT INFORMATION SYSTEM. There is
8 appropriated from the general fund of the state to the
9 judicial department for the fiscal year beginning July 1,
10 1993, and ending June 30, 1994, the following amount, or so
11 much thereof as is necessary, to be used for the purpose
12 designated:

13 For the Iowa court information system:
14 \$ 857,500

15 1. The judicial department shall not change the
16 appropriations from the amounts appropriated in this section,
17 unless notice of the revisions is given prior to their
18 effective date to the legislative fiscal bureau. The notice
19 shall include information on the department's rationale for
20 making the changes and details concerning the work load and
21 performance measures upon which the changes are based.

22 2. The judicial department shall provide a report
23 semiannually to the co-chairpersons and ranking members of the
24 joint appropriations subcommittee on the justice system and
25 the legislative fiscal bureau specifying the amounts of fines,
26 surcharges, and court costs collected using the Iowa court
27 information system. The report shall demonstrate and specify
28 how the Iowa court information system is used to improve the
29 collection process. The report shall also compare fines,
30 surcharges, and court costs collected in selected counties
31 which are using an automated system versus the amounts
32 collected in at least three counties which are not using an
33 automated system.

34 3. Of the funds appropriated in this section, not more
35 than \$100,000 shall be used for increasing the existing

1 capacity of the Iowa court information system, and the funds
2 referred to in this subsection shall not be used for the
3 purchase or installation of additional terminals.

4 Sec. 9. AUTOMATED DATA SYSTEM. The department of
5 corrections, judicial district departments of correctional
6 services, board of parole, and the judicial department shall
7 continue to develop an automated data system for use in the
8 sharing of information between the department of corrections,
9 judicial district departments of correctional services, board
10 of parole, and the judicial department. The information to be
11 shared shall concern any individual who may, as the result of
12 an arrest or infraction of any law, be subject to the
13 jurisdiction of the department of corrections, judicial
14 district departments of correctional services, or board of
15 parole. The department of corrections, in consultation and
16 cooperation with the judicial district departments of
17 correctional services, the board of parole, and the judicial
18 department, shall provide a report concerning the development
19 of the automated data system to the co-chairpersons and
20 ranking members of the joint appropriations subcommittee on
21 the justice system and the legislative fiscal bureau, on or
22 before January 15, 1994.

23 Sec. 10. PLACEMENTS FOR ELDERLY OR INFIRM INMATES. The
24 department of corrections, board of parole, Iowa department of
25 public health, department of human services, department of
26 elder affairs, and department of inspections and appeals shall
27 cooperate in developing community-based placements for elderly
28 or infirm inmates who, by nature of their medical and criminal
29 histories, are deemed to be low-risk for committing future
30 public offenses. Community-based placements may include, but
31 are not limited to, county care facilities, retirement homes,
32 or veterans homes. The departments shall consider the
33 potential for these community-based placement facilities to
34 obtain federal funds for providing services to these inmates.
35 The department of corrections shall develop a parole plan for

1 these inmates once a community-based placement has been
2 developed. The department of corrections shall provide a
3 report concerning the activities of developing community-based
4 placements for elderly or infirm inmates to the co-
5 chairpersons and ranking members of the joint appropriations
6 subcommittee on the justice system and the legislative fiscal
7 bureau, on or before January 15, 1994.

8 Sec. 11. INTERMEDIATE CRIMINAL SANCTIONS TASK FORCE.

9 1. An intermediate criminal sanctions task force is
10 established to develop a plan for the use of intermediate
11 criminal sanctions as sentencing options. The membership of
12 the task force shall include the following persons:

13 a. Four members of the senate, with two members appointed
14 by the senate majority leader and two members appointed by the
15 senate minority leader, and four members of the house of
16 representatives, with two members appointed by the speaker of
17 the house of representatives and two members appointed by the
18 minority leader of the house of representatives.

19 b. The directors of each of the judicial district
20 departments of correctional services or their designees.

21 c. The chief judges of each judicial district or their
22 designees.

23 d. A representative of the prosecuting attorneys training
24 coordination council, appointed by the chairperson of the
25 council.

26 e. The state public defender or the state public
27 defender's designee.

28 f. A member of the criminal law section of the Iowa state
29 bar association, appointed by the president of the
30 association.

31 g. The director of the department of corrections or the
32 director's designee.

33 h. A representative of the division of substance abuse and
34 health promotion of the Iowa department of public health,
35 appointed by the director of the Iowa department of public

1 health.

2 i. A representative of the governor's alliance on
3 substance abuse, appointed by the alliance.

4 j. The chairperson of the board of parole or the
5 chairperson's designee.

6 Vacancies shall be filled in the same manner as original
7 appointments. Legislative members of the task force shall be
8 paid the per diem and expenses specified in section 2.10,
9 subsection 6, from the funds appropriated under section 2.12.
10 However, legislative members shall not be paid pursuant to
11 this section when the general assembly is actually in session
12 at the seat of government. Nonlegislative members who are
13 state officers or employees shall be paid their actual and
14 necessary expenses incurred in the performance of their duties
15 from funds appropriated to their respective state agencies and
16 departments, and nonlegislative members who are not state
17 officers or employees shall receive a per diem and their
18 actual and necessary expenses incurred in the performance of
19 their duties as specified in section 7E.6, from the funds
20 appropriated under section 2.12, for each day of service.

21 2. The criminal and juvenile justice planning advisory
22 council shall convene the task force and provide staff support
23 from the division of criminal and juvenile justice planning of
24 the department of human rights. The task force shall select a
25 chairperson from among its members. The criminal and juvenile
26 justice planning advisory council shall convene the initial
27 meeting no later than July 30, 1993. Subsequent meetings
28 shall be held at the request of the chairperson.

29 3. The task force shall develop a plan for the use of
30 intermediate criminal sanctions as sentencing options. The
31 plan shall include the following components:

32 a. The plan shall define intermediate criminal sanctions.
33 The definition shall emphasize sanctions which involve a high
34 degree of offender control within the community, including
35 residential treatment facilities, house arrest and intensive

1 supervision programs utilizing electronic monitoring, day
2 reporting, and community work projects with participation
3 involving groups of offenders.

4 b. The plan shall be designed to consider the need to
5 reduce prison overcrowding and unwarranted disparities in
6 sentences.

7 c. The plan shall recommend a statewide intermediate
8 criminal sanctions structure which includes uniform policies
9 and guidelines for the use of the sanctions and identifies
10 persons with the authority to impose the sanctions, both at
11 the imposition of sentence and in response to noncompliant
12 behavior after sentencing.

13 d. The plan shall identify ways to restructure the use of
14 resources for existing correctional programs in a manner that
15 minimizes the need for additional resources. However, the
16 plan may include recommendations for the use of intermediate
17 criminal sanctions which require additional resources, if the
18 recommendations are designed to enhance rather than form the
19 basis of the plan. Recommendations shall include fiscal
20 impact analyses.

21 e. The plan shall define a process for conducting a
22 comprehensive review of the Iowa criminal code, as defined in
23 section 701.1, and shall include recommendations for changes
24 to the Code of Iowa as appropriate to implement the plan.

25 4. The task force shall submit the plan to the governor
26 and the general assembly on or before June 30, 1994.

27 Sec. 12. CORRECTIONAL INSTITUTIONS -- VOCATIONAL TRAINING.

28 1. The state prison industries board and the department of
29 corrections shall develop a plan to enhance vocational
30 training opportunities within the correctional institutions
31 listed in section 904.102. The board and the department shall
32 develop the plan in cooperation and consultation with the
33 following:

34 a. The department of education.

35 b. The department of economic development.

1 c. The state board for community colleges.

2 d. The board of directors of each community college
3 located within a merged area in which the community college
4 serves a correctional institution listed in section 904.102.

5 2. The plan shall provide for increased vocational
6 training opportunities within the correctional institutions,
7 including the possibility of approving community college
8 credit for inmates working in prison industries.

9 3. The department of corrections shall provide a report
10 concerning the plan to the co-chairpersons and ranking members
11 of the joint appropriations subcommittee on the justice system
12 and the legislative fiscal bureau, on or before January 15,
13 1994.

14 Sec. 13. Section 2.50, Code 1993, is amended by adding the
15 following new subsection:

16 NEW SUBSECTION. 4. Perform the duties pertaining to the
17 preparation of correctional impact statements, as provided in
18 section 2.56.

19 Sec. 14. NEW SECTION. 2.56 CORRECTIONAL IMPACT
20 STATEMENTS.

21 1. Prior to debate on the floor of a chamber of the
22 general assembly, a correctional impact statement shall be
23 attached to any bill, joint resolution, or amendment which
24 proposes a change in the law which creates a public offense,
25 significantly changes an existing public offense or the
26 penalty for an existing offense, or changes existing
27 sentencing, parole, or probation procedures. The statement
28 shall include information concerning the estimated number of
29 criminal cases per year that the legislation will impact, the
30 fiscal impact of confining persons pursuant to the
31 legislation, the impact of the legislation upon existing
32 correctional institutions, community-based correctional
33 facilities and services, and jails, the likelihood that the
34 legislation may create a need for additional prison capacity,
35 and other relevant matters. The statement shall be factual

1 and shall, if possible, provide a reasonable estimate of both
2 the immediate effect and the long-range impact upon prison
3 capacity.

4 2. a. The preliminary determination of whether a bill,
5 joint resolution, or amendment appears to require a
6 correctional impact statement shall be made by the legislative
7 service bureau, which shall send a copy of the bill, joint
8 resolution, or amendment, upon completion of the draft, to the
9 legislative fiscal director for review, unless the requestor
10 specifies the request is to be confidential.

11 b. When a committee of the general assembly reports a
12 bill, joint resolution, or amendment to the floor, the
13 committee shall state in the report whether a correctional
14 impact statement is or is not required.

15 c. The legislative fiscal director shall review all bills
16 and joint resolutions placed on the calendar of either chamber
17 of the general assembly, as well as amendments filed to bills
18 or joint resolutions on the calendar, to determine whether a
19 correctional impact statement is required.

20 d. A member of the general assembly may request the
21 preparation of a correctional impact statement by submitting a
22 request to the legislative fiscal bureau.

23 3. The legislative fiscal director shall cause to be
24 prepared and shall approve a correctional impact statement
25 within a reasonable time after receiving a request or
26 determining that a proposal is subject to this section. All
27 correctional impact statements approved by the legislative
28 fiscal director shall be transmitted immediately to either the
29 chief clerk of the house or the secretary of the senate, after
30 notifying the sponsor of the legislation that the statement
31 has been prepared, for publication in the daily clip sheet.
32 The chief clerk of the house or the secretary of the senate
33 shall attach the statement to the bill, joint resolution, or
34 amendment affected as soon as it is available.

35 4. The legislative fiscal director may request the

1 cooperation of any state department or agency or political
2 subdivision in preparing a correctional impact statement.

3 5. A revised correctional impact statement shall be
4 prepared if the correctional impact has been changed by the
5 adoption of an amendment, and may be requested by a member of
6 the general assembly or be prepared upon a determination made
7 by the legislative fiscal director. However, a request for a
8 revised correctional impact statement shall not delay action
9 on the bill, joint resolution, or amendment unless so ordered
10 by the presiding officer of the chamber.

11 Sec. 15. Section 13.25, Code 1993, is amended to read as
12 follows:

13 13.25 REPEAL OF FARM MEDIATION AND LEGAL ASSISTANCE
14 PROVISIONS.

15 This subchapter is repealed on July 1, ~~1993~~ 1995.

16 Sec. 16. Section 13A.2, subsection 3, Code 1993, is
17 amended by striking the subsection and inserting in lieu
18 thereof the following:

19 3. The attorney general shall, with the advice and consent
20 of the council, appoint an attorney with knowledge and
21 experience in prosecution to the office of prosecuting
22 attorneys training coordinator. The prosecuting attorneys
23 training coordinator shall be the administrator of the office
24 of the prosecuting attorneys training coordinator. The
25 coordinator's term of office is four years, beginning on July
26 1 of the year of appointment and ending on June 30 of the year
27 of expiration.

28 Sec. 17. Section 13A.2, Code 1993, is amended by adding
29 the following new subsections:

30 NEW SUBSECTION. 4. If a vacancy occurs in the office of
31 prosecuting attorneys training coordinator, the vacancy shall
32 be filled for the unexpired portion of the term in the same
33 manner as the original appointment was made.

34 NEW SUBSECTION. 5. The attorney general may, with the
35 advice of the council, remove the prosecuting attorney

1 training coordinator for malfeasance or nonfeasance in office,
2 for any cause which renders the coordinator ineligible for
3 appointment, or for any cause which renders the coordinator
4 incapable or unfit to discharge the duties of office. The
5 prosecuting attorneys training coordinator may also be removed
6 upon the unanimous vote of the council. The removal of a
7 prosecuting attorneys training coordinator under this section
8 is final.

9 Sec. 18. NEW SECTION. 602.6111 IDENTIFICATION NUMBERS ON
10 DOCUMENTS FILED WITH THE CLERK.

11 1. Each petition or complaint, answer, appearance, first
12 motion, or any document filed with the clerk of the district
13 court which brings new parties into an action shall bear a
14 personal identification number. The personal identification
15 number shall be the employer identification number or the
16 social security number of each separate party. If an
17 individual party's driver's license lists a distinguishing
18 number other than the party's social security number, the
19 document filed with the clerk of the district court shall also
20 contain the distinguishing number from the party's driver's
21 license.

22 2. The clerk of the district court shall affix the
23 identification numbers required pursuant to subsection 1 to
24 any judgment, sentence, dismissal, or other paper finally
25 disposing of an action.

26 Sec. 19. Section 654A.17, Code 1993, is amended to read as
27 follows:

28 654A.17 REPEAL OF CHAPTER.

29 This chapter is repealed on July 1, ~~1993~~ 1995.

30 Sec. 20. Section 654B.12, Code 1993, is amended to read as
31 follows:

32 654B.12 REPEAL OF CHAPTER.

33 This chapter is repealed on July 1, ~~1993~~ 1995.

34 Sec. 21. Section 905.7, Code 1993, is amended by adding
35 the following new subsection:

1 NEW SUBSECTION. 8. Provide for standards for mental
2 fitness which shall govern the initial recruitment, selection,
3 and appointment of parole and probation officers. To promote
4 these standards, the department of corrections shall by rule
5 require a battery of psychological tests to determine
6 cognitive skills, personality characteristics, and suitability
7 of all applicants for a correctional career, as is required
8 for correctional officers pursuant to section 904.108.

9 Sec. 22. 1992 Iowa Acts, Second Extraordinary Session,
10 chapter 1001, section 407, is amended by adding the following
11 new subsection:

12 NEW SUBSECTION. 3. Notwithstanding section 8.33 or 8.39,
13 any balance remaining from the appropriation made pursuant to
14 this section shall not revert to the general fund of the state
15 but shall be available for expenditure during the subsequent
16 fiscal year for the same purpose, and shall not be transferred
17 to any other program.

18 Sec. 23. APPLICABILITY. Section 18 of this Act applies to
19 any action commenced on or after the effective date of section
20 18 of this Act, as well as documents filed on or after the
21 effective date of section 18 of this Act in actions which are
22 pending as of the effective date of section 18 of this Act.

23 Sec. 24. EFFECTIVE DATE.

24 1. Section 1, subsections 3 and 4, of this Act, relating
25 to Iowa competition law or antitrust actions and to civil
26 consumer fraud actions, being deemed of immediate importance,
27 take effect upon enactment.

28 2. Section 22 of this Act, being deemed of immediate
29 importance, takes effect upon enactment and applies
30 retroactively to July 1, 1992.

31 EXPLANATION

32 The bill makes appropriations for the fiscal year beginning
33 July 1, 1993, to the department of justice, the board of
34 parole, the department of corrections, the judicial
35 department, and other components of the justice system.

1 The bill includes intent language concerning the following:
2 a study by the board of parole concerning the identification
3 and elimination of bias in the parole system; the development
4 of a plan concerning inmate literacy; the development and
5 implementation of a plan in the sixth judicial district
6 department of correctional services pertaining to intermediate
7 criminal sanctions; the implementation of the recommendations
8 of the equality in the courts task force; the employment of an
9 additional juvenile court officer; the purchase of equipment
10 and prohibition against the purchase of new furniture by the
11 judicial department; the use of funds for increasing capacity
12 of the Iowa court information system (ICIS); and a variety of
13 reporting requirements by different state agencies and
14 departments.

15 The bill establishes a task force concerning intermediate
16 criminal sanctions. The bill also requires the state prison
17 industries board and the department of corrections to develop
18 a plan concerning vocational training of inmates.

19 The bill requires that the legislative fiscal bureau
20 prepare correctional impact statements concerning certain
21 legislation prior to its debate on the floor of a chamber of
22 the general assembly. The bill also extends the repeal of the
23 farm mediation and farm legal assistance programs, as well as
24 related statutory provisions, from July 1, 1993, to July 1,
25 1995.

26 The bill provides that the attorney general may under
27 certain circumstances remove the prosecuting attorney training
28 coordinator. The bill further requires that certain documents
29 filed with the clerk of court contain identification numbers
30 and contains an applicability provision. The bill requires
31 the department of corrections to adopt rules requiring parole
32 and probation officers to undergo psychological tests similar
33 to those required for correctional officers.

34 The bill contains a provision prohibiting the reversion or
35 transfer of funds appropriated for FY 92-93 concerning a model

1 program managed by the Sioux City community school district to
2 provide a summer work and learn alternative for inner city
3 youth.

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SENATE FILE 267

S-3124

1 Amend Senate File 267 as follows:

2 1. Page 22, line 15, by striking the word
3 "subsection" and inserting the following:
4 "subsections".

5 2. Page 22, by inserting after line 18 the
6 following:

7 "NEW SUBSECTION. 5. Perform the duties pertaining
8 to the preparation of judicial impact statements, as
9 provided in section 2.57."

10 3. Page 24, by inserting after line 10 the
11 following:

12 "Sec. ____ . NEW SECTION. 2.57 JUDICIAL IMPACT
13 STATEMENTS.

14 1. Prior to debate on the floor of a chamber of
15 the general assembly, a judicial impact statement
16 shall be attached to any bill, joint resolution, or
17 amendment which proposes a change in the law which
18 creates a public offense, creates a civil cause of
19 action, significantly changes an existing public
20 offense or the penalty for an existing public offense,
21 significantly changes civil actions or procedures, or
22 changes existing criminal sentencing, parole, or
23 probation procedures. The statement shall include
24 information concerning the estimated number of
25 criminal and civil cases per year that the legislation
26 will impact, the impact upon the courts and upon
27 existing court cases, including any impact upon the
28 time necessary for the courts to hear cases, the
29 impact upon judicial caseloads, the likelihood that
30 the proposal may create a need for additional judges,
31 court personnel, or court space, and other relevant
32 matters. The statement shall be factual and shall, if
33 possible, provide a reasonable estimate of both the
34 immediate effect and the long-range impact upon the
35 court system.

36 2. a. The preliminary determination of whether a
37 bill, joint resolution, or amendment appears to
38 require a judicial impact statement shall be made by
39 the legislative service bureau, which shall send a
40 copy of the bill, joint resolution, or amendment, upon
41 completion of the draft, to the legislative fiscal
42 director for review, unless the requestor specifies
43 the request is to be confidential.

44 b. When a committee of the general assembly
45 reports a bill, joint resolution, or amendment to the
46 floor, the committee shall state in the report whether
47 a judicial impact statement is or is not required.

48 c. The legislative fiscal director shall review
49 all bills and joint resolutions placed on the calendar
50 of either chamber of the general assembly, as well as

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S-3124

Page 2

1 amendments filed to bills or joint resolutions on the
2 calendar, to determine whether a judicial impact
3 statement is required.

4 d. A member of the general assembly may request
5 the preparation of a judicial impact statement by
6 submitting a request to the legislative fiscal bureau.

7 3. The legislative fiscal director shall cause to
8 be prepared and shall approve a judicial impact
9 statement within a reasonable time after receiving a
10 request or determining that a proposal is subject to
11 this section. All judicial impact statements approved
12 by the legislative fiscal director shall be
13 transmitted immediately to either the chief clerk of
14 the house or the secretary of the senate, after
15 notifying the sponsor of the legislation that the
16 statement has been prepared, for publication in the
17 daily clip sheet. The chief clerk of the house or the
18 secretary of the senate shall attach the statement to
19 the bill, joint resolution, or amendment affected as
20 soon as it is available.

21 4. The legislative fiscal director may request the
22 cooperation of any state department or agency or
23 political subdivision in preparing a judicial impact
24 statement.

25 5. A revised judicial impact statement shall be
26 prepared if the judicial impact has been changed by
27 the adoption of an amendment, and may be requested by
28 a member of the general assembly or be prepared upon a
29 determination made by the legislative fiscal director.
30 However, a request for a revised judicial impact
31 statement shall not delay action on the bill, joint
32 resolution, or amendment unless so ordered by the
33 presiding officer of the chamber."

34 4. By renumbering and correcting internal
35 references as necessary.

By RALPH ROSENBERG
MICHAEL E. GRONSTAL

S-3124 FILED MARCH 15, 1993

ADOPTED

SENATE FILE 267

S-3125

1 Amend Senate File 267 as follows:
2 1. Page 10, line 10, by inserting after the word
3 "services" the following: "including the treatment
4 and supervision of probation and parole violators who
5 have been released from the department of corrections
6 violator program,".
7 2. Page 10, line 12, by striking the figure
8 "5,889,249" and inserting the following: "5,904,249".
9 3. Page 11, by striking lines 2 through 8.
10 4. Page 11, line 10, by inserting after the word
11 "services" the following: "including the treatment
12 and supervision of probation and parole violators who
13 have been released from the department of corrections
14 violator program,".
15 5. Page 11, line 12, by striking the figure
16 "2,905,849" and inserting the following: "2,935,849".
17 6. Page 11, line 24, by inserting after the word
18 "services" the following: "including the treatment
19 and supervision of probation and parole violators who
20 have been released from the department of corrections
21 violator program,".
22 7. Page 11, line 26, by striking the figure
23 "2,035,925" and inserting the following: "2,110,925".
24 8. Page 12, line 1, by inserting after the word
25 "services" the following: "including the treatment
26 and supervision of probation and parole violators who
27 have been released from the department of corrections
28 violator program,".
29 9. Page 12, line 3, by striking the figure
30 "7,877,469" and inserting the following: "7,887,469".
31 10. Page 12, line 14, by inserting after the word
32 "services," the following: "including the treatment
33 and supervision of probation and parole violators who
34 have been released from the department of corrections
35 violator program,".
36 11. Page 12, line 17, by striking the figure
37 "5,974,310" and inserting the following: "5,939,158".
38 12. Page 13, line 9, by striking the figure
39 "4,141,823" and inserting the following: "4,101,993".
40 13. Page 13, by striking lines 24 through 30.
41 14. Page 14, line 1, by striking the figure
42 "3,550,631" and inserting the following: "3,495,613".
43 15. Page 14, by striking lines 12 through 18.
44 16. Page 15, by inserting after line 18 the
45 following:
46 "____. Each judicial district department of
47 correctional services shall provide a report
48 concerning the treatment and supervision of probation
49 and parole violators who have been released from the
50 department of corrections violator program, to the co-

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MARCH 16, 1993

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Page 2

1 chairpersons and ranking members of the joint
2 appropriations subcommittee on the justice system and
3 the legislative fiscal bureau, on or before January
4 15, 1994."

5 17. By renumbering, relettering, and correcting
6 internal references as necessary.

By MICHAEL E. GRONSTAL
RALPH ROSENBERG
LARRY MURPHY

PAUL D. PATE
RAY TAYLOR

S-3125 FILED MARCH 15, 1993
ADOPTED

SENATE FILE 267

S-3126

1 Amend Senate File 267 as follows:
2 1. Page 22, by striking lines 21 through 27 and
3 inserting the following:
4 "1. When a committee of the general assembly
5 reports a bill, joint resolution, or amendment to the
6 floor, the committee may request the preparation of a
7 correctional impact statement. A member of the
8 general assembly may also request the preparation of a
9 correctional impact statement by submitting a request
10 to the legislative fiscal bureau. A correctional
11 impact statement".
12 2. Page 23, by striking lines 4 through 22.
13 3. Page 23, lines 25 and 26, by striking the
14 words "or determining that a proposal is subject to
15 this section".
16 4. By renumbering and correcting internal
17 references as necessary.

By BRAD BANKS

S-3126 FILED MARCH 15, 1993
LOST

SENATE FILE 267

S-3127

1 Amend Senate File 267 as follows:
2 1. Page 17, by inserting after line 4 the
3 following:
4 "____. The judicial department shall require that
5 the offices of the clerks of the district court shall
6 remain open to the public in each county during the
7 same days and same time periods."
8 2. By renumbering as necessary.

By PAUL D. PATE
WAYNE D. BENNETT
RAY TAYLOR

S-3127 FILED MARCH 15, 1993
DEFERRED

WITHDRAWN

SENATE FILE 267

S-3122

1 Amend Senate File 267 as follows:
2 1. Page 17, by inserting after line 4 the
3 following:
4 "____. Of the funds appropriated in this
5 subsection, not more than \$100,000 shall be used for
6 increasing the existing capacity of the Iowa court
7 information system, and the funds referred to in this
8 paragraph shall not be used for the purchase or
9 installation of additional terminals."
10 2. By striking page 17, line 34, through page 18,
11 line 3.
12 3. By renumbering, relettering, and correcting
13 internal references as necessary.
By MICHAEL E. GRONSTAL LARRY MURPHY
PAUL D. PATE RALPH ROSENBERG
RAY TAYLOR

S-3122 FILED MARCH 15, 1993

ADOPTED

SENATE FILE 267

S-3123

1 Amend Senate File 267 as follows:
2 1. Page 26, by inserting after line 8 the
3 following:
4 "Sec. 100. 1990 Iowa Acts, chapter 1143, section
5 32, subsection 2, is amended to read as follows:
6 2. Sections 28 and 29 of this Act take effect on
7 July 1, ~~1993~~ 1995."
8 2. Page 26, line 23, by striking the word "DATE"
9 and inserting the following: "DATES".
10 3. Page 26, by inserting after line 27 the
11 following:
12 "____. Sections 15, 19, 20, and 100 of this Act,
13 relating to farm mediation and legal assistance
14 provisions, being deemed of immediate importance, take
15 effect upon enactment."
16 4. By renumbering and correcting internal
17 references as necessary.
By MICHAEL E. GRONSTAL LARRY MURPHY
PAUL D. PATE RALPH ROSENBERG
RAY TAYLOR

S-3123 FILED MARCH 15, 1993

ADOPTED

SENATE FILE 267

S-3134

1 Amend Senate File 267 as follows:

2 1. Page 17, by inserting after line 4 the
3 following:

4 "____. The judicial department shall require that
5 the offices of the clerks of the district court shall
6 remain open to the public in each county for
7 approximately the same number of hours during each
8 week."

9 2. By renumbering as necessary.

By PAUL D. PATE

WAYNE D. BENNETT

JACK W. HESTER

S-3134 FILED MARCH 16, 1993

LOST

SENATE FILE 267

S-3137

1 Amend Senate File 267 as follows:

2 1. Page 17, by inserting after line 4 the
3 following:

4 "____. It is the intent of the general assembly
5 that the clerk of court offices operate in all ninety-
6 nine counties and be accessible to the public as much
7 as is reasonably possible in order to address the
8 relative needs of the citizens of each county."

9 2. By renumbering as necessary.

By RAY TAYLOR

MICHAEL E. GRONSTAL

S-3137 FILED MARCH 16, 1993

ADOPTED

SENATE FILE 267

S-3138

1 Amend Senate File 267 as follows:

2 1. Page 17, by inserting after line 4 the
3 following:

4 "____. The judicial department shall report to the
5 co-chairpersons and ranking members of the joint
6 appropriations subcommittee on the justice system by
7 February 1, 1994, concerning an evaluation of the
8 needs of the court system, particularly resources
9 necessary to meet the increasing demands on the
10 courts. The report shall also identify legislative
11 changes which would reduce or alleviate the workload
12 of the courts."

By RAY TAYLOR

MICHAEL E. GRONSTAL

S-3138 FILED MARCH 16, 1993

ADOPTED

3.17.93 Approp. (House)
3.23.93 House - Amend/Do Pass
w/H. 3385

SENATE FILE 267
BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO LSB 1054JA.1)

(AS AMENDED AND PASSED BY THE SENATE MARCH 16, 1993)

_____ - New Language by the Senate
* - Language Stricken by the Senate

Passed Senate, Date ^(P.1179) 4/15/93 Passed House, Date ^(P.933) 3/30/93
Vote: Ayes 48 Nays 0 Vote: Ayes 53 Nays 44

Approved April 26, 1993 Repassed 4/20/93 (P.1443)
89/9

A BILL FOR

1 An Act relating to and making appropriations to the justice
2 system, providing for other related matters concerning the
3 justice system, and providing effective and retroactive
4 applicability dates.

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

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S.F. 267

1 Section 1. DEPARTMENT OF JUSTICE. There is appropriated
2 from the general fund of the state to the department of
3 justice for the fiscal year beginning July 1, 1993, and ending
4 June 30, 1994, the following amounts, or so much thereof as is
5 necessary, to be used for the purposes designated:

6 1. For the general office of attorney general for
7 salaries, support, maintenance, miscellaneous purposes
8 including odometer fraud enforcement, and for not more than
9 the following full-time equivalent positions:

10	\$	4,613,628
11	FTEs	169.00

12 2. Prosecuting attorney training program for salaries,
13 support, maintenance, miscellaneous purposes, and for not more
14 than the following full-time equivalent positions:

15	\$	110,000
16	FTEs	4.00

17 a. In addition to the funds appropriated in this
18 subsection for the fiscal year beginning July 1, 1993, and
19 ending June 30, 1994, the attorney general shall provide up to
20 \$41,000 in state matching funds from moneys retained by the
21 attorney general from property forfeited pursuant to section
22 809.13, for the prosecuting attorney training program, the
23 prosecuting intern program, or both. Counties participating
24 in the prosecuting intern program shall match the state funds.

25 b. In addition to the funds appropriated in this
26 subsection for the fiscal year beginning July 1, 1993, and
27 ending June 30, 1994, and the moneys retained by the attorney
28 general pursuant to paragraph "a", the attorney general shall
29 provide up to \$10,000 in state matching funds from moneys
30 retained by the attorney general from property forfeited
31 pursuant to section 809.13, for the office of the prosecuting
32 attorneys training coordinator to use for continuation of the
33 domestic violence response enhancement program established in
34 accordance with 1992 Iowa Acts, chapter 1240, section 1,
35 subsection 2, paragraph "b".

1 c. The prosecuting attorney training program shall use a
2 portion of the funds appropriated in this subsection for
3 educational purposes to implement the recommendations of the
4 equality in the courts task force.

5 3. In addition to the funds appropriated in subsection 1,
6 there is appropriated from the general fund of the state to
7 the department of justice for the fiscal year beginning July
8 1, 1993, and ending June 30, 1994, an amount not exceeding
9 \$200,000 to be used for the enforcement of the Iowa
10 competition law. The expenditure of the funds appropriated in
11 this subsection is contingent upon receipt by the general fund
12 of the state of an amount at least equal to either the
13 expenditures from damages awarded to the state or a political
14 subdivision of the state by a civil judgment under chapter
15 553, if the judgment authorizes the use of the award for
16 enforcement purposes or costs or attorneys fees awarded the
17 state in state or federal antitrust actions. However, if the
18 funds received as a result of these judgments are in excess of
19 \$200,000, the excess funds shall not be appropriated to the
20 department of justice pursuant to this subsection.

21 4. In addition to the funds appropriated in subsection 1,
22 there is appropriated from the general fund of the state to
23 the department of justice for the fiscal year beginning July
24 1, 1993, and ending June 30, 1994, an amount not exceeding
25 \$125,000 to be used for public education relating to consumer
26 fraud and for enforcement of section 714.16, and an amount not
27 exceeding \$75,000 for investigation, prosecution, and consumer
28 education relating to consumer and criminal fraud against
29 older Iowans. The expenditure of the funds appropriated in
30 this subsection is contingent upon receipt by the general fund
31 of the state of an amount at least equal to the expenditures
32 from damages awarded to the state or a political subdivision
33 of the state by a civil consumer fraud judgment or settlement,
34 if the judgment or settlement authorizes the use of the award
35 for public education on consumer fraud. However, if the funds

1 received as a result of these judgments and settlements are in
2 excess of \$200,000, the excess funds shall not be appropriated
3 to the department of justice pursuant to this subsection.

4 5. For victim assistance grants:

5 \$ 1,359,812

6 a. The funds appropriated in this subsection shall be used
7 to provide grants to care providers providing services to
8 crime victims of domestic abuse or to crime victims of rape
9 and sexual assault.

10 b. Notwithstanding section 8.33 or 8.39, any balance
11 remaining from the appropriation made pursuant to this
12 subsection shall not revert to the general fund of the state
13 but shall be available for expenditure during the subsequent
14 fiscal year for the same purpose, and shall not be transferred
15 to any other program.

16 6. For the GASA prosecuting attorney program and for not
17 more than the following full-time equivalent positions:

18 \$ 98,290

19 FTEs 3.00

20 7. The balance of the victim compensation fund established
21 under section 912.14 may be used to provide salary and support
22 of not more than 9.00 FTEs and to provide maintenance for the
23 victim compensation functions of the department of justice.

24 8. The department of justice shall submit monthly
25 financial statements to the legislative fiscal bureau and the
26 department of management containing all appropriated accounts
27 in the same manner as provided in the monthly financial status
28 reports and personal services usage reports of the department
29 of revenue and finance. The monthly financial statements
30 shall include comparisons of the moneys and percentage spent
31 of budgeted to actual revenues and expenditures on a
32 cumulative basis for full-time equivalent positions and
33 available moneys.

34 Sec. 2. OFFICE OF CONSUMER ADVOCATE. There is
35 appropriated from the general fund of the state to the office

1 of consumer advocate of the department of justice for the
2 fiscal year beginning July 1, 1993, and ending June 30, 1994,
3 the following amount, or so much thereof as is necessary, to
4 be used for the purposes designated:

5 For salaries, support, maintenance, miscellaneous purposes,
6 and for not more than the following full-time equivalent
7 positions:

8	\$	1,999,524
9	FTEs	32.00

10 Sec. 3. BOARD OF PAROLE. There is appropriated from the
11 general fund of the state to the board of parole for the
12 fiscal year beginning July 1, 1993, and ending June 30, 1994,
13 the following amount, or so much thereof as is necessary, to
14 be used for the purposes designated:

15 For salaries, support, maintenance, including maintenance
16 of an automated docket and the board's automated risk
17 assessment model, employment of two statistical research
18 analysts to assist with the application of the risk assessment
19 model in the parole decision-making process, miscellaneous
20 purposes, and for not more than the following full-time
21 equivalent positions:

22	\$	801,421
23	FTEs	17.00

24 1. The board of parole shall require the board's
25 administrative staff to be cross-trained to assure that each
26 individual on that staff is familiar with all tasks performed
27 by the staff.

28 2. The department of corrections and the board of parole
29 shall review, and implement as necessary, the findings and
30 recommendations contained in the final report prepared by the
31 consultant and presented to the corrections system review task
32 force which was established by 1988 Iowa Acts, chapter 1271,
33 as they relate to the department of corrections and the board
34 of parole. The board shall report to the joint appropriations
35 subcommittee on the justice system during the 1994 session of

1 the general assembly, at the request of the subcommittee,
2 steps taken to implement any of the recommendations, or the
3 reasons for failing to implement the recommendations.

4 3. The board of parole shall conduct a study of the parole
5 process to identify and eliminate bias in the parole system
6 based upon race, creed, color, sex, national origin, religion,
7 or disability. The board of parole shall report its findings
8 and recommendations to the co-chairpersons and ranking members
9 of the joint appropriations subcommittee on the justice system
10 and the legislative fiscal bureau on or before January 15,
11 1994.

12 Sec. 4. DEPARTMENT OF CORRECTIONS -- FACILITIES. There is
13 appropriated from the general fund of the state to the
14 department of corrections for the fiscal year beginning July
15 1, 1993, and ending June 30, 1994, the following amounts, or
16 so much thereof as is necessary, to be used for the purposes
17 designated:

18 1. For the operation of adult correctional institutions,
19 to be allocated as follows:

20 a. For the operation of the Fort Madison correctional
21 facility, including salaries, support, maintenance, employment
22 of 310 correctional officers, miscellaneous purposes, and for
23 not more than the following full-time equivalent positions:
24 \$ 24,109,476
25 FTEs 490.50

26 b. For the operation of the Anamosa correctional facility,
27 including salaries, support, maintenance, employment of 211
28 correctional officers and a part-time chaplain to provide
29 religious counseling to inmates of a minority race,
30 miscellaneous purposes, and for not more than the following
31 full-time equivalent positions:
32 \$ 17,797,651
33 FTEs 351.00

34 Moneys are provided within this appropriation for 2 full-
35 time substance abuse counselors for the Luster Heights

1 facility, for the purpose of certification of a substance
2 abuse program at that facility.

3 c. For the operation of the Oakdale correctional facility,
4 including salaries, support, maintenance, miscellaneous
5 purposes, and for not more than the following full-time
6 equivalent positions:

7 \$ 15,017,948
8 FTEs 320.80

9 d. For the operation of the Newton correctional facility,
10 including salaries, support, maintenance, miscellaneous
11 purposes, and for not more than the following full-time
12 equivalent positions:

13 \$ 5,100,087
14 FTEs 110.25

15 e. For the operation of the Mt. Pleasant correctional
16 facility, including salaries, support, maintenance, employment
17 of 141 correctional officers and a full-time chaplain to
18 provide religious counseling at the Oakdale and Mt. Pleasant
19 correctional facilities, miscellaneous purposes, and for not
20 more than the following full-time equivalent positions:

21 \$ 12,872,534
22 FTEs 260.23

23 f. For the operation of the Rockwell City correctional
24 facility, including salaries, support, maintenance,
25 miscellaneous purposes, and for not more than the following
26 full-time equivalent positions:

27 \$ 5,184,980
28 FTEs 112.00

29 g. For the operation of the Clarinda correctional
30 facility, including salaries, support, maintenance,
31 miscellaneous purposes, and for not more than the following
32 full-time equivalent positions:

33 \$ 6,164,753
34 FTEs 136.20

35 h. For the operation of the Mitchellville correctional

1 facility, including salaries, support, maintenance,
2 miscellaneous purposes, and for not more than the following
3 full-time equivalent positions:

4	\$	5,918,485
5	FTEs	134.50

6 2. The department of corrections shall provide a report to
7 the co-chairpersons and ranking members of the joint
8 appropriations subcommittee on the justice system and the
9 legislative fiscal bureau on or before January 15, 1994,
10 outlining the implementation of the centralized education
11 program for the correctional system. The report shall include
12 a listing of the educational institutions that are involved,
13 the amount of any federal funds received for use with these
14 programs, and any other pertinent information.

15 3. If the inmate tort claim fund for inmate claims of less
16 than \$50 is exhausted during the fiscal year, sufficient funds
17 shall be transferred from the institutional budgets to pay
18 approved tort claims for the balance of the fiscal year. The
19 warden or superintendent of each institution or correctional
20 facility shall designate an employee to receive, investigate,
21 and recommend whether to pay any properly filed inmate tort
22 claim for less than the above amount. The designee's
23 recommendation shall be approved or denied by the warden or
24 superintendent and forwarded to the department of corrections
25 for final approval and payment. The amounts appropriated to
26 this fund pursuant to 1987 Iowa Acts, chapter 234, section
27 304, subsection 2, are not subject to reversion under section
28 8.33.

29 Tort claims denied at the institution shall be forwarded to
30 the state appeal board for their consideration as if
31 originally filed with that body. This procedure shall be used
32 in lieu of chapter 669 for inmate tort claims of less than
33 \$50.

34 4. The department of corrections shall submit a plan to
35 the general assembly prior to January 1, 1994, to establish in

1 the institutions a mandatory literacy requirement for all
2 inmates. The plan shall include the following:
3 a. Statistics indicating the current reading and education
4 levels of the average inmate.
5 b. The funding and number of years necessary for
6 implementation.
7 c. The feasibility of mandating participation and the need
8 for exemptions.
9 d. The availability of sanctions and incentives.
10 e. The special education services for inmates under the
11 age of twenty-one.
12 f. The continuation of educational programming after
13 release.
14 5. The department of corrections, in consultation and
15 cooperation with the judicial district departments of
16 correctional services, board of parole, division of criminal
17 and juvenile justice planning of the department of human
18 rights, and any other applicable state agencies, shall provide
19 a report detailing the steps taken to implement the reports of
20 the consultants retained by the corrections system review task
21 force established by 1988 Iowa Acts, chapter 1271, section 14.
22 The department shall provide the report to the co-chairpersons
23 and ranking members of the joint appropriations subcommittee
24 on the justice system and the legislative fiscal bureau, on or
25 before January 15, 1994.

26 Sec. 5. DEPARTMENT OF CORRECTIONS -- ADMINISTRATION.
27 There is appropriated from the general fund of the state to
28 the department of corrections for the fiscal year beginning
29 July 1, 1993, and ending June 30, 1994, the following amounts,
30 or so much thereof as is necessary, to be used for the
31 purposes designated:

32 1. For general administration, including salaries,
33 support, maintenance, employment of an education director and
34 clerk to administer a centralized education program for the
35 correctional system, miscellaneous purposes, and for not more

1 than the following full-time equivalent positions:

2 \$ 2,101,088

3 FTEs 41.52

4 The department shall monitor the use of the classification
5 model by the judicial district departments of correctional
6 services and has the authority to override a district
7 department's decision regarding classification of community-
8 based clients. The department shall notify a district
9 department of the reasons for the override.

10 2. For reimbursement of counties for temporary confinement
11 of work release and parole violators, as provided in sections
12 901.7, 904.908, and 906.17 and for offenders confined pursuant
13 to section 904.513:

14 \$ 237,038

15 3. For federal prison reimbursement, reimbursements for
16 out-of-state placements, and miscellaneous contracts:

17 \$ 341,334

18 The department of corrections shall use funds appropriated
19 by this subsection to continue to contract for the services of
20 a Muslim imam.

21 4. For salaries, support, maintenance, miscellaneous
22 purposes, and for not more than the following full-time
23 equivalent positions at the correctional training center at
24 Mt. Pleasant:

25 \$ 374,385

26 FTEs 8.19

27 5. For annual payment relating to the financial
28 arrangement for the construction of expansion in prison
29 capacity as provided in 1989 Iowa Acts, chapter 316, section
30 7, subsection 6:

31 \$ 625,860

32 6. For annual payment relating to the financial
33 arrangement for the construction of expansion in prison
34 capacity as provided in 1990 Iowa Acts, chapter 1257, section
35 24:

1 \$ 3,188,273

2 Sec. 6. JUDICIAL DISTRICT DEPARTMENTS OF CORRECTIONAL
3 SERVICES.

4 1. There is appropriated from the general fund of the
5 state to the department of corrections for the fiscal year
6 beginning July 1, 1993, and ending June 30, 1994, the
7 following amounts, or so much thereof as is necessary, to be
8 allocated as follows:

9 a. For the first judicial district department of
10 correctional services, including the treatment and supervision
11 of probation and parole violators who have been released from
12 the department of corrections violator program, the following
13 amount, or so much thereof as is necessary:

14 \$ 5,904,249

15 (1) The district department shall continue the intensive
16 supervision program established within the district in 1988
17 Iowa Acts, chapter 1271, section 6, subsection 1, paragraph
18 "a", and the sex offender treatment program established within
19 the district in 1989 Iowa Acts, chapter 316, section 8,
20 subsection 1, paragraph "a".

21 (2) The district department, in cooperation with the chief
22 judge of the judicial district, shall continue the
23 implementation of a plan to divert low-risk offenders to the
24 least restrictive sanction available.

25 b. For the second judicial district department of
26 correctional services, including the treatment and supervision
27 of probation and parole violators who have been released from
28 the department of corrections violator program, the following
29 amount, or so much thereof as is necessary:

30 \$ 4,614,141

31 (1) The district department shall continue the sex
32 offender treatment program established within the district in
33 1988 Iowa Acts, chapter 1271, section 6, subsection 1,
34 paragraph "b".

35 (2) The district department, in cooperation with the chief

1 judge of the judicial district, shall continue the
2 implementation of a plan to divert low-risk offenders to the
3 least restrictive sanction available.

* 4 c. For the third judicial district department of
5 correctional services, including the treatment and supervision
6 of probation and parole violators who have been released from
7 the department of corrections violator program, the following
8 amount, or so much thereof as is necessary:

9 \$ 2,935,849

10 (1) The district department shall continue the sex
11 offender treatment program established within the district in
12 1988 Iowa Acts, chapter 1271, section 6, subsection 1,
13 paragraph "c", and the intensive supervision program
14 established within the district in 1990 Iowa Acts, chapter
15 1268, section 6, subsection 3, paragraph "d".

16 (2) The district department, in cooperation with the chief
17 judge of the judicial district, shall continue the
18 implementation of a plan to divert low-risk offenders to the
19 least restrictive sanction available.

20 d. For the fourth judicial district department of
21 correctional services, including the treatment and supervision
22 of probation and parole violators who have been released from
23 the department of corrections violator program, the following
24 amount, or so much thereof as is necessary:

25 \$ 2,110,925

26 (1) The district department shall continue the sex
27 offender treatment program established within the district in
28 1988 Iowa Acts, chapter 1271, section 6, subsection 1,
29 paragraph "d".

30 (2) The district department, in cooperation with the chief
31 judge of the judicial district, shall continue the
32 implementation of a plan to divert low-risk offenders to the
33 least restrictive sanction available.

34 e. For the fifth judicial district department of
35 correctional services, including the treatment and supervision

1 of probation and parole violators who have been released from
2 the department of corrections violator program, the following
3 amount, or so much thereof as is necessary:

4 \$ 7,887,469

5 (1) The district department shall continue the intensive
6 supervision program established within the district in 1988
7 Iowa Acts, chapter 1271, section 6, subsection 1, paragraph
8 "e", and shall continue to provide for the rental of
9 electronic monitoring equipment.

10 (2) The district department, in cooperation with the chief
11 judge of the judicial district, shall continue the
12 implementation of a plan to divert low-risk offenders to the
13 least restrictive sanction available.

14 f. For the sixth judicial district department of
15 correctional services, including the treatment and supervision
16 of probation and parole violators who have been released from
17 the department of corrections violator program, including
18 implementation of an intermediate criminal sanctions plan, the
19 following amount, or so much thereof as is necessary:

20 \$ 5,939,158

21 (1) The district department shall continue the intensive
22 supervision program established within the district in 1988
23 Iowa Acts, chapter 1271, section 6, subsection 1, paragraph
24 "f", and the sex offender treatment program established within
25 the district in 1989 Iowa Acts, chapter 316, section 8,
26 subsection 1, paragraph "f".

27 (2) The district department, in cooperation with the chief
28 judge of the judicial district, shall continue the
29 implementation of a plan to divert low-risk offenders to the
30 least restrictive sanction available.

31 (3) The district department, in consultation with the
32 intermediate criminal sanctions task force established in this
33 Act, shall develop and implement a plan providing for the
34 expanded use of intermediate criminal sanctions. The plan
35 shall emphasize sanctions which involve a high degree of

1 offender control within the community. The district
2 department shall provide a report to the co-chairpersons and
3 ranking members of the joint appropriations subcommittee on
4 the justice system and the legislative fiscal bureau on or
5 before January 15, 1994, outlining its activities in
6 implementing the plan.

7 g. For the seventh judicial district department of
8 correctional services, including the treatment and supervision
9 of probation and parole violators who have been released from
10 the department of corrections violator program, the following
11 amount, or so much thereof as is necessary:

12 \$ 4,101,993

13 (1) The district department shall continue the intensive
14 supervision program established within the district in 1988
15 Iowa Acts, chapter 1271, section 6, subsection 1, paragraph
16 "g", and shall continue the sex offender treatment program
17 established within the district in 1989 Iowa Acts, chapter
18 316, section 8, subsection 1, paragraph "g".

19 (2) The district department shall continue the job
20 development program established within the district in 1990
21 Iowa Acts, chapter 1268, section 6, subsection 7, paragraph
22 "e".

23 (3) The district department, in cooperation with the chief
24 judge of the judicial district, shall continue the
25 implementation of a plan to divert low-risk offenders to the
26 least restrictive sanction available.

* 27 h. For the eighth judicial district department of
28 correctional services, including the treatment and supervision
29 of probation and parole violators who have been released from
30 the department of corrections violator program, the following
31 amount, or so much thereof as is necessary:

32 \$ 3,495,613

33 (1) The district department shall continue the intensive
34 supervision program established within the district in 1988
35 Iowa Acts, chapter 1271, section 6, subsection 1, paragraph

1 "h", and shall continue the sex offender treatment program
2 established within the district in 1989 Iowa Acts, chapter
3 316, section 8, subsection 1, paragraph "h".

4 (2) The district department, in cooperation with the chief
5 judge of the judicial district, shall continue the
6 implementation of a plan to divert low-risk offenders to the
7 least restrictive sanction available.

* 8 i. For the department of corrections for the assistance
9 and support of each judicial district department of
10 correctional services, the following amount, or so much
11 thereof as is necessary:

12 \$ 85,817

13 2. The department of corrections shall continue the OWI
14 facilities established in 1986 Iowa Acts, chapter 1246,
15 section 402, in compliance with the conditions specified in
16 that section.

17 3. The department of corrections shall continue to
18 contract with a judicial district department of correctional
19 services to provide for the rental of electronic monitoring
20 equipment which shall be available statewide.

21 4. Each judicial district department of correctional
22 services and the department of corrections shall continue the
23 treatment alternatives to street crime programs established in
24 1989 Iowa Acts, chapter 225, section 9.

25 5. The first, sixth, and eighth judicial district
26 departments of correctional services and the department of
27 corrections shall continue the job training and development
28 grant programs established in 1989 Iowa Acts, chapter 316,
29 section 7, subsection 2.

30 6. The department of corrections shall not make an
31 intradepartmental transfer of moneys appropriated to the
32 department, unless notice of the intradepartmental transfer is
33 given prior to its effective date to the legislative fiscal
34 bureau. The notice shall include information on the
35 department's rationale for making the transfer and details

1 concerning the work load and performance measures upon which
2 the transfers are based.

3 7. The governor's alliance on substance abuse shall
4 consider federal grants made to the department of corrections
5 for the benefit of each of the eight judicial district
6 departments of correctional services as local government
7 grants, as defined pursuant to federal regulations.

8 8. Each judicial district department of correctional
9 services shall provide a report concerning the treatment and
10 supervision of probation and parole violators who have been
11 released from the department of corrections violator program,
12 to the co-chairpersons and ranking members of the joint
13 appropriations subcommittee on the justice system and the
14 legislative fiscal bureau, on or before January 15, 1994.

15 Sec. 7. JUDICIAL DEPARTMENT. There is appropriated from
16 the general fund of the state to the judicial department for
17 the fiscal year beginning July 1, 1993, and ending June 30,
18 1994, the following amounts, or so much thereof as is
19 necessary, to be used for the purposes designated:

20 1. For salaries of supreme court justices, appellate court
21 judges, district court judges, district associate judges,
22 judicial magistrates and staff, state court administrator,
23 clerk of the supreme court, district court administrators,
24 clerks of the district court, trial court supervisors, trial
25 court technicians II, financial supervisors I and II, juvenile
26 court officers, board of law examiners and board of examiners
27 of shorthand reporters and judicial qualifications commission,
28 receipt and disbursement of child support payments,
29 reimbursement of the auditor of state for expenses incurred in
30 completing audits of the offices of the clerks of the district
31 court during the fiscal year beginning July 1, 1993, and
32 maintenance, equipment, and miscellaneous purposes:

33 \$ 79,686,348

34 a. The judicial department, except for purposes of
35 internal processing, shall use the current state budget

1 system, the state payroll system, and the Iowa finance and
2 accounting system in administration of programs and payments
3 for services, and shall not duplicate the state payroll,
4 accounting, and budgeting systems.

5 b. The judicial department shall submit monthly financial
6 statements to the legislative fiscal bureau and the department
7 of management containing all appropriated accounts in the same
8 manner as provided in the monthly financial status reports and
9 personal services usage reports of the department of revenue
10 and finance. The monthly financial statements shall include a
11 comparison of the dollars and percentage spent of budgeted
12 versus actual revenues and expenditures on a cumulative basis
13 for full-time equivalent positions and dollars.

14 c. It is the intent of the general assembly that counties
15 installing new telephone systems shall provide those systems
16 to all judicial department offices within the county at no
17 cost.

18 d. Of the funds appropriated in this subsection, not more
19 than \$1,897,728 may be transferred into the revolving fund
20 established pursuant to section 602.1302, subsection 3, to be
21 used for the payment of jury and witness fees and mileage.

22 e. The judicial department shall use a portion of the
23 funds appropriated in this subsection for educational purposes
24 to implement the recommendations of the equality in the courts
25 task force.

26 f. Of the funds appropriated in this subsection, not more
27 than \$35,008 shall be used for salary, support, maintenance,
28 and miscellaneous purposes related to employment of an
29 additional juvenile court officer in the third judicial
30 district.

31 g. Of the funds appropriated in this subsection, the
32 judicial department shall use not more than \$200,000 for the
33 purchase of equipment. However, the funds appropriated
34 pursuant to this subsection shall not be used for the purchase
35 of new furniture.

1 h. Of the funds appropriated in this subsection, not more
2 than \$100,000 shall be used for increasing the existing
3 capacity of the Iowa court information system, and the funds
4 referred to in this paragraph shall not be used for the
5 purchase or installation of additional terminals.

6 i. It is the intent of the general assembly that the clerk
7 of court offices operate in all ninety-nine counties and be
8 accessible to the public as much as is reasonably possible in
9 order to address the relative needs of the citizens of each
10 county.

11 j. The judicial department shall report to the co-
12 chairpersons and ranking members of the joint appropriations
13 subcommittee on the justice system by February 1, 1994,
14 concerning an evaluation of the needs of the court system,
15 particularly resources necessary to meet the increasing
16 demands on the courts. The report shall also identify
17 legislative changes which would reduce or alleviate the
18 workload of the courts.

19 2. For the juvenile victim restitution program:
20 \$ 98,000

21 Sec. 8. IOWA COURT INFORMATION SYSTEM. There is
22 appropriated from the general fund of the state to the
23 judicial department for the fiscal year beginning July 1,
24 1993, and ending June 30, 1994, the following amount, or so
25 much thereof as is necessary, to be used for the purpose
26 designated:

27 For the Iowa court information system:
28 \$ 857,500

29 1. The judicial department shall not change the
30 appropriations from the amounts appropriated in this section,
31 unless notice of the revisions is given prior to their
32 effective date to the legislative fiscal bureau. The notice
33 shall include information on the department's rationale for
34 making the changes and details concerning the work load and
35 performance measures upon which the changes are based.

1 2. The judicial department shall provide a report
2 semiannually to the co-chairpersons and ranking members of the
3 joint appropriations subcommittee on the justice system and
4 the legislative fiscal bureau specifying the amounts of fines,
5 surcharges, and court costs collected using the Iowa court
6 information system. The report shall demonstrate and specify
7 how the Iowa court information system is used to improve the
8 collection process. The report shall also compare fines,
9 surcharges, and court costs collected in selected counties
10 which are using an automated system versus the amounts
11 collected in at least three counties which are not using an
12 automated system.

*13 Sec. 9. AUTOMATED DATA SYSTEM. The department of
14 corrections, judicial district departments of correctional
15 services, board of parole, and the judicial department shall
16 continue to develop an automated data system for use in the
17 sharing of information between the department of corrections,
18 judicial district departments of correctional services, board
19 of parole, and the judicial department. The information to be
20 shared shall concern any individual who may, as the result of
21 an arrest or infraction of any law, be subject to the
22 jurisdiction of the department of corrections, judicial
23 district departments of correctional services, or board of
24 parole. The department of corrections, in consultation and
25 cooperation with the judicial district departments of
26 correctional services, the board of parole, and the judicial
27 department, shall provide a report concerning the development
28 of the automated data system to the co-chairpersons and
29 ranking members of the joint appropriations subcommittee on
30 the justice system and the legislative fiscal bureau, on or
31 before January 15, 1994.

32 Sec. 10. PLACEMENTS FOR ELDERLY OR INFIRM INMATES. The
33 department of corrections, board of parole, Iowa department of
34 public health, department of human services, department of
35 elder affairs, and department of inspections and appeals shall

1 cooperate in developing community-based placements for elderly
2 or infirm inmates who, by nature of their medical and criminal
3 histories, are deemed to be low-risk for committing future
4 public offenses. Community-based placements may include, but
5 are not limited to, county care facilities, retirement homes,
6 or veterans homes. The departments shall consider the
7 potential for these community-based placement facilities to
8 obtain federal funds for providing services to these inmates.
9 The department of corrections shall develop a parole plan for
10 these inmates once a community-based placement has been
11 developed. The department of corrections shall provide a
12 report concerning the activities of developing community-based
13 placements for elderly or infirm inmates to the co-
14 chairpersons and ranking members of the joint appropriations
15 subcommittee on the justice system and the legislative fiscal
16 bureau, on or before January 15, 1994.

17 Sec. 11. INTERMEDIATE CRIMINAL SANCTIONS TASK FORCE.

18 1. An intermediate criminal sanctions task force is
19 established to develop a plan for the use of intermediate
20 criminal sanctions as sentencing options. The membership of
21 the task force shall include the following persons:

22 a. Four members of the senate, with two members appointed
23 by the senate majority leader and two members appointed by the
24 senate minority leader, and four members of the house of
25 representatives, with two members appointed by the speaker of
26 the house of representatives and two members appointed by the
27 minority leader of the house of representatives.

28 b. The directors of each of the judicial district
29 departments of correctional services or their designees.

30 c. The chief judges of each judicial district or their
31 designees.

32 d. A representative of the prosecuting attorneys training
33 coordination council, appointed by the chairperson of the
34 council.

35 e. The state public defender or the state public

1 defender's designee.

2 f. A member of the criminal law section of the Iowa state
3 bar association, appointed by the president of the
4 association.

5 g. The director of the department of corrections or the
6 director's designee.

7 h. A representative of the division of substance abuse and
8 health promotion of the Iowa department of public health,
9 appointed by the director of the Iowa department of public
10 health.

11 i. A representative of the governor's alliance on
12 substance abuse, appointed by the alliance.

13 j. The chairperson of the board of parole or the
14 chairperson's designee.

15 Vacancies shall be filled in the same manner as original
16 appointments. Legislative members of the task force shall be
17 paid the per diem and expenses specified in section 2.10,
18 subsection 6, from the funds appropriated under section 2.12.
19 However, legislative members shall not be paid pursuant to
20 this section when the general assembly is actually in session
21 at the seat of government. Nonlegislative members who are
22 state officers or employees shall be paid their actual and
23 necessary expenses incurred in the performance of their duties
24 from funds appropriated to their respective state agencies and
25 departments, and nonlegislative members who are not state
26 officers or employees shall receive a per diem and their
27 actual and necessary expenses incurred in the performance of
28 their duties as specified in section 7E.6, from the funds
29 appropriated under section 2.12, for each day of service.

30 2. The criminal and juvenile justice planning advisory
31 council shall convene the task force and provide staff support
32 from the division of criminal and juvenile justice planning of
33 the department of human rights. The task force shall select a
34 chairperson from among its members. The criminal and juvenile
35 justice planning advisory council shall convene the initial

1 meeting no later than July 30, 1993. Subsequent meetings
2 shall be held at the request of the chairperson.

3 3. The task force shall develop a plan for the use of
4 intermediate criminal sanctions as sentencing options. The
5 plan shall include the following components:

6 a. The plan shall define intermediate criminal sanctions.
7 The definition shall emphasize sanctions which involve a high
8 degree of offender control within the community, including
9 residential treatment facilities, house arrest and intensive
10 supervision programs utilizing electronic monitoring, day
11 reporting, and community work projects with participation
12 involving groups of offenders.

13 b. The plan shall be designed to consider the need to
14 reduce prison overcrowding and unwarranted disparities in
15 sentences.

16 c. The plan shall recommend a statewide intermediate
17 criminal sanctions structure which includes uniform policies
18 and guidelines for the use of the sanctions and identifies
19 persons with the authority to impose the sanctions, both at
20 the imposition of sentence and in response to noncompliant
21 behavior after sentencing.

22 d. The plan shall identify ways to restructure the use of
23 resources for existing correctional programs in a manner that
24 minimizes the need for additional resources. However, the
25 plan may include recommendations for the use of intermediate
26 criminal sanctions which require additional resources, if the
27 recommendations are designed to enhance rather than form the
28 basis of the plan. Recommendations shall include fiscal
29 impact analyses.

30 e. The plan shall define a process for conducting a
31 comprehensive review of the Iowa criminal code, as defined in
32 section 701.1, and shall include recommendations for changes
33 to the Code of Iowa as appropriate to implement the plan.

34 4. The task force shall submit the plan to the governor
35 and the general assembly on or before June 30, 1994.

1 Sec. 12. CORRECTIONAL INSTITUTIONS -- VOCATIONAL TRAINING.

2 1. The state prison industries board and the department of
3 corrections shall develop a plan to enhance vocational
4 training opportunities within the correctional institutions
5 listed in section 904.102. The board and the department shall
6 develop the plan in cooperation and consultation with the
7 following:

8 a. The department of education.

9 b. The department of economic development.

10 c. The state board for community colleges.

11 d. The board of directors of each community college
12 located within a merged area in which the community college
13 serves a correctional institution listed in section 904.102.

14 2. The plan shall provide for increased vocational
15 training opportunities within the correctional institutions,
16 including the possibility of approving community college
17 credit for inmates working in prison industries.

18 3. The department of corrections shall provide a report
19 concerning the plan to the co-chairpersons and ranking members
20 of the joint appropriations subcommittee on the justice system
21 and the legislative fiscal bureau, on or before January 15,
22 1994.

23 Sec. 13. Section 2.50, Code 1993, is amended by adding the
24 following new subsections:

25 NEW SUBSECTION. 4. Perform the duties pertaining to the
26 preparation of correctional impact statements, as provided in
27 section 2.56.

28 NEW SUBSECTION. 5. Perform the duties pertaining to the
29 preparation of judicial impact statements, as provided in
30 section 2.57.

31 Sec. 14. NEW SECTION. 2.56 CORRECTIONAL IMPACT
32 STATEMENTS.

33 1. Prior to debate on the floor of a chamber of the
34 general assembly, a correctional impact statement shall be
35 attached to any bill, joint resolution, or amendment which

1 proposes a change in the law which creates a public offense,
2 significantly changes an existing public offense or the
3 penalty for an existing offense, or changes existing
4 sentencing, parole, or probation procedures. The statement
5 shall include information concerning the estimated number of
6 criminal cases per year that the legislation will impact, the
7 fiscal impact of confining persons pursuant to the
8 legislation, the impact of the legislation upon existing
9 correctional institutions, community-based correctional
10 facilities and services, and jails, the likelihood that the
11 legislation may create a need for additional prison capacity,
12 and other relevant matters. The statement shall be factual
13 and shall, if possible, provide a reasonable estimate of both
14 the immediate effect and the long-range impact upon prison
15 capacity.

16 2. a. The preliminary determination of whether a bill,
17 joint resolution, or amendment appears to require a
18 correctional impact statement shall be made by the legislative
19 service bureau, which shall send a copy of the bill, joint
20 resolution, or amendment, upon completion of the draft, to the
21 legislative fiscal director for review, unless the requestor
22 specifies the request is to be confidential.

23 b. When a committee of the general assembly reports a
24 bill, joint resolution, or amendment to the floor, the
25 committee shall state in the report whether a correctional
26 impact statement is or is not required.

27 c. The legislative fiscal director shall review all bills
28 and joint resolutions placed on the calendar of either chamber
29 of the general assembly, as well as amendments filed to bills
30 or joint resolutions on the calendar, to determine whether a
31 correctional impact statement is required.

32 d. A member of the general assembly may request the
33 preparation of a correctional impact statement by submitting a
34 request to the legislative fiscal bureau.

35 3. The legislative fiscal director shall cause to be

1 prepared and shall approve a correctional impact statement
2 within a reasonable time after receiving a request or
3 determining that a proposal is subject to this section. All
4 correctional impact statements approved by the legislative
5 fiscal director shall be transmitted immediately to either the
6 chief clerk of the house or the secretary of the senate, after
7 notifying the sponsor of the legislation that the statement
8 has been prepared, for publication in the daily clip sheet.
9 The chief clerk of the house or the secretary of the senate
10 shall attach the statement to the bill, joint resolution, or
11 amendment affected as soon as it is available.

12 4. The legislative fiscal director may request the
13 cooperation of any state department or agency or political
14 subdivision in preparing a correctional impact statement.

15 5. A revised correctional impact statement shall be
16 prepared if the correctional impact has been changed by the
17 adoption of an amendment, and may be requested by a member of
18 the general assembly or be prepared upon a determination made
19 by the legislative fiscal director. However, a request for a
20 revised correctional impact statement shall not delay action
21 on the bill, joint resolution, or amendment unless so ordered
22 by the presiding officer of the chamber.

23 Sec. 15. NEW SECTION. 2.57 JUDICIAL IMPACT STATEMENTS.

24 1. Prior to debate on the floor of a chamber of the
25 general assembly, a judicial impact statement shall be
26 attached to any bill, joint resolution, or amendment which
27 proposes a change in the law which creates a public offense,
28 creates a civil cause of action, significantly changes an
29 existing public offense or the penalty for an existing public
30 offense, significantly changes civil actions or procedures, or
31 changes existing criminal sentencing, parole, or probation
32 procedures. The statement shall include information
33 concerning the estimated number of criminal and civil cases
34 per year that the legislation will impact, the impact upon the
35 courts and upon existing court cases, including any impact

1 upon the time necessary for the courts to hear cases, the
2 impact upon judicial caseloads, the likelihood that the
3 proposal may create a need for additional judges, court
4 personnel, or court space, and other relevant matters. The
5 statement shall be factual and shall, if possible, provide a
6 reasonable estimate of both the immediate effect and the long-
7 range impact upon the court system.

8 2. a. The preliminary determination of whether a bill,
9 joint resolution, or amendment appears to require a judicial
10 impact statement shall be made by the legislative service
11 bureau, which shall send a copy of the bill, joint resolution,
12 or amendment, upon completion of the draft, to the legislative
13 fiscal director for review, unless the requestor specifies the
14 request is to be confidential.

15 b. When a committee of the general assembly reports a
16 bill, joint resolution, or amendment to the floor, the
17 committee shall state in the report whether a judicial impact
18 statement is or is not required.

19 c. The legislative fiscal director shall review all bills
20 and joint resolutions placed on the calendar of either chamber
21 of the general assembly, as well as amendments filed to bills
22 or joint resolutions on the calendar, to determine whether a
23 judicial impact statement is required.

24 d. A member of the general assembly may request the
25 preparation of a judicial impact statement by submitting a
26 request to the legislative fiscal bureau.

27 3. The legislative fiscal director shall cause to be
28 prepared and shall approve a judicial impact statement within
29 a reasonable time after receiving a request or determining
30 that a proposal is subject to this section. All judicial
31 impact statements approved by the legislative fiscal director
32 shall be transmitted immediately to either the chief clerk of
33 the house or the secretary of the senate, after notifying the
34 sponsor of the legislation that the statement has been
35 prepared, for publication in the daily clip sheet. The chief

1 clerk of the house or the secretary of the senate shall attach
2 the statement to the bill, joint resolution, or amendment
3 affected as soon as it is available.

4 4. The legislative fiscal director may request the
5 cooperation of any state department or agency or political
6 subdivision in preparing a judicial impact statement.

7 5. A revised judicial impact statement shall be prepared
8 if the judicial impact has been changed by the adoption of an
9 amendment, and may be requested by a member of the general
10 assembly or be prepared upon a determination made by the
11 legislative fiscal director. However, a request for a revised
12 judicial impact statement shall not delay action on the bill,
13 joint resolution, or amendment unless so ordered by the
14 presiding officer of the chamber.

15 Sec. 16. Section 13.25, Code 1993, is amended to read as
16 follows:

17 13.25 REPEAL OF FARM MEDIATION AND LEGAL ASSISTANCE
18 PROVISIONS.

19 This subchapter is repealed on July 1, ~~1993~~ 1995.

20 Sec. 17. Section 13A.2, subsection 3, Code 1993, is
21 amended by striking the subsection and inserting in lieu
22 thereof the following:

23 3. The attorney general shall, with the advice and consent
24 of the council, appoint an attorney with knowledge and
25 experience in prosecution to the office of prosecuting
26 attorneys training coordinator. The prosecuting attorneys
27 training coordinator shall be the administrator of the office
28 of the prosecuting attorneys training coordinator. The
29 coordinator's term of office is four years, beginning on July
30 1 of the year of appointment and ending on June 30 of the year
31 of expiration.

32 Sec. 18. Section 13A.2, Code 1993, is amended by adding
33 the following new subsections:

34 NEW SUBSECTION. 4. If a vacancy occurs in the office of
35 prosecuting attorneys training coordinator, the vacancy shall

1 be filled for the unexpired portion of the term in the same
2 manner as the original appointment was made.

3 NEW SUBSECTION. 5. The attorney general may, with the
4 advice of the council, remove the prosecuting attorney
5 training coordinator for malfeasance or nonfeasance in office,
6 for any cause which renders the coordinator ineligible for
7 appointment, or for any cause which renders the coordinator
8 incapable or unfit to discharge the duties of office. The
9 prosecuting attorneys training coordinator may also be removed
10 upon the unanimous vote of the council. The removal of a
11 prosecuting attorneys training coordinator under this section
12 is final.

13 Sec. 19. NEW SECTION. 602.6111 IDENTIFICATION NUMBERS ON
14 DOCUMENTS FILED WITH THE CLERK.

15 1. Each petition or complaint, answer, appearance, first
16 motion, or any document filed with the clerk of the district
17 court which brings new parties into an action shall bear a
18 personal identification number. The personal identification
19 number shall be the employer identification number or the
20 social security number of each separate party. If an
21 individual party's driver's license lists a distinguishing
22 number other than the party's social security number, the
23 document filed with the clerk of the district court shall also
24 contain the distinguishing number from the party's driver's
25 license.

26 2. The clerk of the district court shall affix the
27 identification numbers required pursuant to subsection 1 to
28 any judgment, sentence, dismissal, or other paper finally
29 disposing of an action.

30 Sec. 20. Section 654A.17, Code 1993, is amended to read as
31 follows:

32 654A.17 REPEAL OF CHAPTER.

33 This chapter is repealed on July 1, ~~1993~~ 1995.

34 Sec. 21. Section 654B.12, Code 1993, is amended to read as
35 follows:

1 654B.12 REPEAL OF CHAPTER.

2 This chapter is repealed on July 1, ~~1993~~ 1995.

3 Sec. 22. Section 905.7, Code 1993, is amended by adding
4 the following new subsection:

5 NEW SUBSECTION. 8. Provide for standards for mental
6 fitness which shall govern the initial recruitment, selection,
7 and appointment of parole and probation officers. To promote
8 these standards, the department of corrections shall by rule
9 require a battery of psychological tests to determine
10 cognitive skills, personality characteristics, and suitability
11 of all applicants for a correctional career, as is required
12 for correctional officers pursuant to section 904.108.

13 Sec. 23. 1990 Iowa Acts, chapter 1143, section 32,
14 subsection 2, is amended to read as follows:

15 2. Sections 28 and 29 of this Act take effect on July 1,
16 1993 1995.

17 Sec. 24. 1992 Iowa Acts, Second Extraordinary Session,
18 chapter 1001, section 407, is amended by adding the following
19 new subsection:

20 NEW SUBSECTION. 3. Notwithstanding section 8.33 or 8.39,
21 any balance remaining from the appropriation made pursuant to
22 this section shall not revert to the general fund of the state
23 but shall be available for expenditure during the subsequent
24 fiscal year for the same purpose, and shall not be transferred
25 to any other program.

26 Sec. 25. APPLICABILITY. Section 19 of this Act applies to
27 any action commenced on or after the effective date of section
28 19 of this Act, as well as documents filed on or after the
29 effective date of section 19 of this Act in actions which are
30 pending as of the effective date of section 19 of this Act.

31 Sec. 26. EFFECTIVE DATES.

32 1. Section 1, subsections 3 and 4, of this Act, relating
33 to Iowa competition law or antitrust actions and to civil
34 consumer fraud actions, being deemed of immediate importance,
35 take effect upon enactment.

1 2. Sections 16, 20, 21, and 23 of this Act, relating to
2 farm mediation and legal assistance provisions, being deemed
3 of immediate importance, take effect upon enactment.

4 3. Section 24 of this Act, being deemed of immediate
5 importance, takes effect upon enactment and applies
6 retroactively to July 1, 1992.

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SENATE FILE 267

H-3403

1 Amend Senate File 267, as amended, passed, and
2 reprinted by the Senate, as follows:

- 3 1. Page 6, line 4, by inserting after the word
4 "maintenance," the following: "full-time equivalent
5 employment of 132.40 correctional officers,".
- 6 2. Page 6, line 10, by inserting after the word
7 "maintenance," the following: "full-time equivalent
8 employment of 28 correctional officers,".
- 9 3. Page 6, line 24, by inserting after the word
10 "maintenance," the following: "full-time equivalent
11 employment of 39 correctional officers,".
- 12 4. Page 6, line 30, by inserting after the word
13 "maintenance," the following: "full-time equivalent
14 employment of 68 correctional officers,".
- 15 5. Page 7, line 1, by inserting after the word
16 "maintenance," the following: "full-time equivalent
17 employment of 54 correctional officers,".

By LARKIN of Lee
DVORSKY of Johnson
BELL of Jasper

BRAMMER of Linn
PETERSON of Carroll

H-3403 FILED MARCH 23, 1993

Lost 3/29/93 (P. 896)

SENATE FILE 267

H-3406

1 Amend the amendment, H-3385, to Senate File 267, as
2 amended, passed, and reprinted by the Senate, as
3 follows:

- 4 1. Page 1, by striking lines 3 through 8.
- 5 2. By renumbering as necessary.

Lost 3/29/93 (P. 891)

By DVORSKY of Johnson
BRAMMER of Linn

H-3406 FILED MARCH 23, 1993

SENATE FILE 267

H-3413

1 Amend Senate File 267, as amended, passed, and
2 reprinted by the Senate, as follows:

- 3 1. Page 15, line 33, by striking the figure
4 "79,686,348" and inserting the following:
5 "80,686,348".
- 6 2. Page 17, by inserting after line 18 the
7 following:
8 "____. Of the funds appropriated in this
9 subsection, not more than \$434,860 shall be used for
10 salary, support, maintenance, and miscellaneous
11 purposes related to employment of an additional 18.24
12 FTEs in the offices of the clerks of the district
13 court in Polk, Pottawattamie, Scott, and Woodbury
14 counties."

15 3. By renumbering as necessary.

By MORELAND of Wapello

H-3413 FILED MARCH 23, 1993

WITHDRAWN 3/29/93 (P. 904)

SENATE FILE 267

H-3385

1 Amend Senate File 267, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 1, line 15, by striking the figure
 4 "110,000" and inserting the following: "139,215".
 5 2. Page 1, line 16, by striking the figure "4.00"
 6 and inserting the following: "4.75".
 7 3. Page 3, line 5, by striking the figure
 8 "1,359,812" and inserting the following: "1,330,597".
 9 4. Page 7, line 8, by inserting after the word
 10 "system" the following: "and the joint appropriations
 11 subcommittee on education, the chairpersons and
 12 ranking members of the senate and house standing
 13 committees on education,".
 14 5. Page 20, line 6, by inserting after the word
 15 "designee" the following: ", the deputy director of
 16 the division of community services or the deputy
 17 director's designee, the deputy director of the
 18 division of administration or the deputy director's
 19 designee, and a warden or superintendent of a
 20 correctional institution listed in section 904.102,
 21 appointed by the director of the department".
 22 6. Page 27, by striking lines 8 through 10 and
 23 inserting the following: "incapable or unfit to
 24 discharge the duties of office. The removal of a".
 25 7. Page 28, by inserting after line 12 the
 26 following:
 27 "Sec. ____ . NEW SECTION. 909.10 COLLECTION OF
 28 DELINQUENT AMOUNTS BY THE COURT.
 29 1. As used in this section, unless the context
 30 otherwise requires, "delinquent amounts" means a fine,
 31 court-imposed court costs in a criminal proceeding, or
 32 criminal surcharge imposed pursuant to section 911.2,
 33 which remains unpaid after two years from the date
 34 that the fine, court costs, or surcharge was imposed,
 35 and which is not collected by the county attorney
 36 pursuant to section 909.9. However, if the fine may
 37 be paid in installments pursuant to section 909.3, the
 38 fine is not a delinquent amount unless the installment
 39 remains unpaid after two years from the date the
 40 installment was due.
 41 2. Notwithstanding the disposition sections of
 42 sections 602.8106 and 911.3, upon the collection of
 43 delinquent amounts, the clerks of the district court
 44 shall remit the delinquent amounts to the treasurer of
 45 state for deposit into the revolving fund established
 46 pursuant to section 602.1302, to be used for the
 47 payment of jury and witness fees and mileage."
 48 8. By renumbering and correcting internal
 49 references as necessary.

By COMMITTEE ON APPROPRIATIONS
CORBETT of Linn, Chairperson

H-3385 FILED MARCH 23, 1993

A. Adopted 3/29/93 (p.892)

B. Lost 3/29/93 (p.809)

HOUSE CLIP SHEET

SENATE FILE 267

H-3492

WT

1 Amend Senate File 267, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 22, by inserting after line 22 the
4 following:

5 "Sec. ____ . STATE SALARY CEILINGS. Effective July
6 1, 1993, the annual salary of a state officer or
7 employee of the department of justice, the board of
8 parole, the department of corrections, and the
9 judicial department, other than a judicial officer as
10 defined in section 602.1101, shall not exceed fifty
11 thousand dollars. However, on July 1, 1993, if the
12 annual salary of a state officer or employee exceeds
13 fifty thousand dollars, the amount of the annual
14 salary in excess of fifty thousand dollars shall be
15 divided by four and the total annual salary of the
16 officer or employee shall be reduced by one-fourth of
17 the excess annual salary each year for the next four
18 fiscal years beginning July 1, 1993. Thereafter, the
19 maximum annual salary of the state officer or employee
20 shall remain at fifty thousand dollars. For the
21 purpose of this paragraph, employer-paid benefits to a
22 state officer or employee shall not be included as
23 part of an annual salary."

24 2. By renumbering and correcting internal
25 references as necessary.

By FALLON of Polk **WITHDRAWN**
3-29-93

H-3492 FILED MARCH 25, 1993

SENATE FILE 267

H-3500

1 Amend Senate File 267 as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 22, by inserting after line 22 the
4 following:

5 "Sec. ____ . REDUCTION OF UPPER LEVEL MANAGEMENT.
6 In order to right size upper level management in state
7 government, the department of management, in
8 consultation with the department of personnel, shall,
9 after discussion and collaboration with the
10 departments of justice and corrections and the board
11 of parole, make reductions of upper level management
12 staff and employees with salaries over \$60,000 per
13 year from those existing in those departments and the
14 board of parole on July 1, 1993, as part of the effort
15 across all departments and agencies of state
16 government to achieve a net state general fund savings
17 of at least \$2,000,000 by June 30, 1994. The judicial
18 department shall review all staff positions in the
19 department with particular emphasis on upper level
20 management staff and shall determine whether there are
21 superfluous positions and management responsibilities
22 which can be reorganized in order to eliminate
23 positions. As part of the effort for general fund
24 savings under this section, the judicial department
25 shall make reductions of those positions which are
26 determined to be superfluous or are possible to
27 eliminate through reorganization."

28 2. By renumbering as necessary.

By PETERSON of Carroll

dot 3/29/93
H-3500 FILED MARCH 25, 1993

SENATE FILE 267

H-3512

1 Amend the amendment, H-3413, to Senate File 267, as
2 amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 1, by striking line 5 and inserting the
5 following: ""80,121,208"".

By DVORSKY of Johnson

H-3512 FILED MARCH 26, 1993

WITHDRAWN 3.29-93

SENATE FILE 267

H-3513

1 Amend Senate File 267, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, line 10, by striking the figure
4 "4,613,628" and inserting the following: "4,804,497".

By DVORSKY of Johnson

BELL of Jasper

H-3513 FILED MARCH 26, 1993

Let 3/29/93 (p892)

SENATE FILE 267

3517

Amend Senate File 267, as amended, passed, and reprinted by the Senate, as follows:

1. Page 21, by inserting after line 33 the following:

"____. The plan shall consider whether a boot camp program should be established to meet the needs of youthful offenders with intensive programming needs, and make recommendations as to how a boot camp program should be structured."

2. By renumbering, relettering, and correcting internal references as necessary.

By CONNORS of Polk

H-3517 FILED MARCH 26, 1993

adopted 3/29/93 (P905)

SENATE FILE 267

H-3518

Amend Senate File 267, as amended, passed, and reprinted by the Senate, as follows:

1. Page 27, by inserting after line 29 the following:

"Sec. ____ . Section 602.8102, subsection 1, Code 1993, is amended to read as follows:

1. Keep the office of the clerk at the county seat, and assure that the office at the county seat is open to the public at least thirty-two hours every week. However, for those weeks which include a paid holiday as specified in section 1C.2, subsections 1 through 9, the clerk shall assure that the office of the clerk is open to the public for a period of time which is at least thirty-two hours, reduced by the number of hours in the week that are paid to state employees for the holidays specified in section 1C.2, subsections 1 through 9."

2. By renumbering and correcting internal references as necessary.

By IVERSON of Wright

GRIES of Crawford

VANDE HOEF of Osceola

lost 3/29/93 (P920)

H-3518 FILED MARCH 26, 1993

SENATE FILE 267

H-3522

Amend Senate File 267, as amended, passed, and reprinted by the Senate, as follows:

1. By striking page 22, line 23 through page 26, line 14.

2. By renumbering and correcting internal references as necessary.

By VANDE HOEF of Osceola

H-3522 FILED MARCH 26, 1993

adopted 3/29/93 (P909)

SENATE FILE 267

H-3514

1 Amend Senate File 267, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 4, line 8, by striking the figure
 4 "1,999,524" and inserting the following: "2,100,000".
 5 2. Page 4, line 9, by striking the figure "32.00"
 6 and inserting the following: "34.00".
 By DVORSKY of Johnson HOLVECK of Polk
 OSTERBERG of Linn BELL of Jasper

H-3514 FILED MARCH 26, 1993

Lost 3/29/93 (P. 895)

SENATE FILE 267

H-3515

1 Amend Senate File 267, as amended, passed, and re-
 2 printed by the Senate, as follows:
 3 1. Page 6, line 13, by striking the figure
 4 "5,100,087" and inserting the following: "5,188,404".
 By BELL of Jasper
 BLACK of Jasper

H-3515 FILED MARCH 26, 1993

Lost 3/29/93 (P. 896)

SENATE FILE 267

H-3516

1 Amend Senate File 267, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 15, line 33, by striking the figure
 4 "79,686,348" and inserting the following:
 A 5 "80,121,208".
 6 2. Page 17, by inserting after line 18 the
 7 following:
 8 "_____. Of the funds appropriated in this
 9 subsection, not more than \$434,860 shall be used for
 10 salary, support, maintenance, and miscellaneous
 11 purposes related to employment of an additional 18.24
 B 12 FTEs in the offices of the clerks of the district
 13 court in Polk, Pottawattamie, Scott, and Woodbury
 14 counties."
 15 3. By renumbering as necessary.

By DVORSKY of Johnson
 BELL of Jasper

H-3516 FILED MARCH 26, 1993

A. Withdrawn 3/29/93
B. Lost

SENATE FILE 267

H-3525

1 Amend Senate File 267, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 3, by inserting after line 19 the
4 following:

5 " ____ . For the farm mediation service program:
6 \$ 94,815

7 This appropriation is contingent upon a decision by
8 the executive council which would revoke funding
9 extended to the farm mediation program for the 1993-
10 1994 fiscal year.

11 ____ . For the legal assistance for farmers program:
12 \$ 94,815

13 This appropriation is contingent upon a decision by
14 the executive council which would revoke funding
15 extended to the legal assistance for farmers program
16 for the 1993-1994 fiscal year."

17 2. By renumbering as necessary.

By OSTERBERG of Linn	KOENIGS of Mitchell
DVORSKY of Johnson	HAMMOND of Story
BEATTY of Warren	MORELAND of Wapello
NEUHAUSER of Johnson	MCKINNEY of Dallas
SHOULTZ of Black Hawk	MUNDIE of Webster
HANSEN of Woodbury	DODERER of Johnson
BRAND of Benton	KREIMAN of Davis
FOGARTY of Palo Alto	MURPHY of Dubuque
BRAMMER of Linn	BERNAU of Story

H-3525 FILED MARCH 26, 1993

*Lost 3/29/93
(p. 894)*

SENATE FILE 267

H-3523

1 Amend Senate File 267, as amended, passed, and re-
2 printed by the Senate, as follows:

- 3 1. Page 10, line 14, by striking the figure
4 "5,904,249" and inserting the following: "5,922,999".
5 2. Page 10, line 30, by striking the figure
6 "4,614,141" and inserting the following: "4,632,891".
7 3. Page 11, line 9, by striking the figure
8 "2,935,849" and inserting the following: "2,954,599".
9 4. Page 11, line 25, by striking the figure
10 "2,110,925" and inserting the following: "2,129,675".
11 5. Page 12, line 4, by striking the figure
12 "7,887,469" and inserting the following: "7,906,219".
13 6. Page 12, line 20, by striking the figure
14 "5,939,158" and inserting the following: "5,957,908".
15 7. Page 13, line 12, by striking the figure
16 "4,101,993" and inserting the following: "4,120,743".
17 8. Page 13, line 32, by striking the figure
18 "3,495,613" and inserting the following: "3,514,363".

By DVORSKY of Johnson

H-3523 FILED MARCH 26, 1993

lost 3/29/93 (p.901)

SENATE FILE 267

H-3524

1 Amend Senate File 267, as amended, passed, and re-
2 printed by the Senate, as follows:

- 3 1. Page 28, by inserting after line 2 the follow-
4 ing:
5 "Sec. ____ . Section 904.512, Code 1993, is amended
6 to read as follows:
7 904.512 VISITS.
8 Members of the executive council, the attorney
9 general, the lieutenant governor, members of the
10 general assembly, judges of the supreme and district
11 court and court of appeals, judicial magistrates,
12 county attorneys and persons ordained or designated as
13 regular leaders of a religious community are
14 authorized to visit all institutions under the control
15 of the Iowa department of corrections at reasonable
16 times. No other person shall be granted admission
17 except by permission of the superintendent. However,
18 the superintendent shall not preclude a person from
19 visiting an inmate merely because the individual is on
20 the approved visiting list of other inmates."

21 2. By renumbering as necessary.

By NELSON of Polk

NELSON of Pottawattamie

DVORSKY of Johnson

DODERER of Johnson

H-3524 FILED MARCH 26, 1993

*Not German
3/29/93
(p.921)*

SENATE FILE 267

H-3528

1 Amend Senate File 267, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 8, by inserting after line 25 the
4 following:

5 " a. The department of corrections shall
6 construct a five hundred bed correctional facility and
7 to do so shall issue negotiable bonds and notes in
8 principal amounts as are necessary to provide
9 sufficient funds for the construction and equipping of
10 the facility, for the payment of interest on the bonds
11 and notes, for the establishment of reserves to secure
12 the bonds and notes, and for all other expenditures
13 incident to and necessary or convenient to carry out
14 its duties to construct and equip the facility through
15 the issuance of negotiable bonds and notes. The bonds
16 and notes shall be deemed to be investment securities
17 and negotiable instruments within the meaning of and
18 for all purposes of the uniform commercial code.

19 b. The bonds and notes shall be payable solely and
20 only out of the moneys, assets, or revenues of the
21 department of corrections contained in a correctional
22 facility construction fund which is hereby created in
23 the state treasury under the control of the department
24 of corrections. Notwithstanding section 12C.7,
25 subsection 2, all interests or earnings on moneys in
26 the fund shall be deposited in the fund, and
27 notwithstanding section 8.33, moneys in the fund shall
28 not revert to the general fund of the state at the end
29 of any fiscal year. The correctional facility
30 construction fund shall consist of moneys appropriated
31 specifically for deposit in the fund by the general
32 assembly, of moneys paid to the department of
33 corrections by the federal government or other states
34 for the care of federal or other state inmates in Iowa
35 correctional facilities, and such other public or
36 private moneys which are specifically designated for
37 and deposited in the correctional facility
38 construction fund.

39 c. The bonds and notes are not an obligation of
40 this state or any political subdivision of this state
41 other than the department of corrections within the
42 meaning of any constitutional or statutory debt
43 limitations, but are special obligations of the
44 department of corrections payable solely and only from
45 the sources of revenue established by this subsection
46 for the correctional facility construction fund. The
47 department of corrections shall not pledge the credit
48 or taxing power of this state or any political
49 subdivision of this state or make its debts with
50 respect to the bonds and notes payable out of moneys

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SENATE FILE 267

H-3526

1 Amend Senate File 267, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 7, by inserting after line 5 the
4 following:
5 "The department of corrections shall analyze and
6 compare policies and guidelines directed to inmates at
7 the correctional facilities. The department shall
8 revise the policies and guidelines as necessary to
9 ensure that inmates at the Mitchellville correctional
10 facility, as compared to inmates at other correctional
11 facilities controlled by the department, have
12 equitable opportunities for education, vocational
13 education, and treatment and that other requirements
14 applicable to inmates at the Mitchellville
15 correctional facility, including but not limited to
16 requirements for funeral leave, are equivalent to the
17 requirements applicable to inmates of other
18 correctional facilities. The department's analysis
19 and comparison of the policies and guidelines and any
20 changes made in the policies and guidelines shall be
21 reported to the chairpersons and ranking members of
22 the joint appropriations subcommittee on the justice
23 system and the legislative fiscal bureau on or before
24 December 15, 1993."

By DODERER of Johnson
DVORSKY of Johnson

H-3526 FILED MARCH 26, 1993

Adopted
3-29-93
(p. 897)

SENATE FILE 267

H-3529

1 Amend Senate File 267 as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 7, by inserting after line 5 the
4 following:

5 "i. To provide for financial arrangements for and
6 to begin construction of a \$16,233,893 expansion in
7 prison capacity in the manner provided in this
8 paragraph:

9 \$ 1,835,400

10 (1) Construction of an additional 76 minimum
11 security beds at the Anamosa correctional facility.

12 (2) Construction of an additional 120 minimum
13 security beds at the Rockwell City correctional
14 facility.

15 (3) Construction of an additional 50 infirmary
16 beds at the Oakdale correctional facility.

17 (4) Construction of an additional 20 minimum
18 security beds at the Fort Madison correctional
19 facility."

20 2. By renumbering, relettering, and correcting
21 internal references as necessary.

By DVORSKY of Johnson
MUNDIE of Webster

H-3529 FILED MARCH 26, 1993

WITHDRAWN

3.29-93

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1 except those in the correctional facility construction
2 fund. In authorizing and issuing the bonds and notes,
3 the department of corrections shall adhere to the
4 requirements applicable to the authorization and
5 issuance of bonds by the Iowa finance authority under
6 chapter 16.

7 d. The department of corrections shall use the
8 facility to house the following percentages of types
9 of inmates in its first ten years of operation: in
10 its first year of operation, 10 percent Iowa inmates
11 and 90 percent interstate or federal compact inmates;
12 in its second year of operation, 20 percent Iowa
13 inmates and 80 percent interstate or federal compact
14 inmates; in its third year of operation, 30 percent
15 Iowa inmates and 70 percent interstate or federal
16 compact inmates; in its fourth year of operation, 40
17 percent Iowa inmates and 60 percent interstate or
18 federal compact inmates; in its fifth year of
19 operation, 50 percent Iowa inmates and 50 percent
20 interstate or federal compact inmates; in its sixth
21 year of operation, 60 percent Iowa inmates and 40
22 percent interstate or federal compact inmates; in its
23 seventh year of operation, 70 percent Iowa inmates and
24 30 percent interstate or federal compact inmates; in
25 its eighth year of operation, 80 percent Iowa inmates
26 and 20 percent interstate or federal compact inmates;
27 in its ninth year of operation, 90 percent Iowa
28 inmates and 10 percent interstate or federal compact
29 inmates; in its tenth year of operation, 100 percent
30 Iowa inmates."

31 2. By renumbering as necessary.

By BRAMMER of Linn

H-3528 FILED MARCH 26, 1993

Not Hermann
3-29-93

SENATE FILE 267

3530

Amend Senate File 267, as amended, passed, and re-printed by the Senate, as follows:

1. Page 27, by inserting after line 12 the following:

"Sec. ____ . Section 80B.11, subsections 2 and 3, Code 1993, are amended to read as follows:

2. Minimum basic training requirements law enforcement officers employed after July 1, 1968, must complete in order to remain eligible for continued employment and the time within which such basic training must be completed. Minimum requirements shall mandate training devoted to the ~~topic~~ topics of domestic abuse and mental illness. The council shall submit an annual report to the general assembly by January 15 of each year relating to the continuing education requirements devoted to the topic of domestic abuse, including the number of hours required, the substance of the classes offered, and other related matters.

3. Categories or classifications of advanced in-service training program and minimum courses of study and attendance requirements for such categories or classifications.

In-service training under this subsection shall include the requirement that by December 31, 1994, all law enforcement officers complete a course on investigation, identification, and reporting of public offenses based on the race, color, religion, ancestry, national origin, political affiliation, sex, sexual orientation, age, or disability of the victim. The director shall consult with the civil rights commission, the department of public safety, and the prosecuting attorneys training coordinator in developing the requirements for this course and may contract with outside providers for this course. In-service training under this subsection shall also include advanced training relating to the detection of the presence of severe mental illness in individuals who are detained or who are to be placed under arrest and appropriate action to be taken with persons who are suffering from mental illness.

Sec. ____ . NEW SECTION. 147.162 MENTAL HEALTH PROFESSIONALS -- PRO BONO SERVICES.

1. Any mental health professional as defined under section 228.1, subsection 6, who is licensed under this subtitle and who is employed by a facility that is accredited by the state shall spend a minimum of six hours in on-site training in a jail or community correctional facility every three years.

2. Any mental health professional as defined under

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1 section 228.1, subsection 6, who is licensed under
2 this subtitle but who is not employed by a facility
3 that is accredited by the state shall annually provide
4 services free of charge to persons who are confined in
5 jails. The department shall adopt rules specifying
6 the number of hours of free services that shall be
7 annually required.

8 Sec. ____ . Section 356.4, Code 1993, is amended to
9 read as follows:

10 356.4 SEPARATION OF MEN-AND-WOMEN PRISONERS.

11 All jails shall be equipped with separate cells for
12 men and women. Men and women prisoners shall not be
13 allowed in the same cell within a jail at the same
14 time. Jails with more than fifty beds shall, to the
15 extent practicable, provide separate cells for persons
16 suffering from mental illness.

17 Sec. ____ . Section 356.5, Code 1993, is amended by
18 adding the following new subsection:

19 NEW SUBSECTION. 7. If the jail has more than
20 fifty beds, keep a trained mental health professional
21 on the premises to evaluate prisoners upon intake and
22 provide psychiatric services, including administration
23 of medications.

24 Sec. ____ . NEW SECTION. 356.9 DIVERSION PROGRAM -
25 - PRISONERS WITH MENTAL ILLNESS.

26 1. Each jail or municipal holding facility and all
27 facilities established under chapter 356A shall
28 establish a jail diversion program to provide for the
29 confinement of persons with mental illness, who have
30 been charged with a criminal offense and are being
31 held in a jail or a municipal or other holding
32 facility, in a secure setting that is separate from
33 the place where the general population of the jail,
34 municipal holding facility, or facility established
35 under chapter 356A is held. The alternative setting
36 shall be staffed by persons knowledgeable about mental
37 illness and who possess appropriate training related
38 to persons with mental illness.

39 2. As part of the jail diversion program, each
40 jail or municipal holding facility, and all facilities
41 established under chapter 356A, shall establish a
42 mental illness assessment committee, consisting of
43 representatives from the jail, municipal holding
44 facility, or facility established under chapter 356A,
45 a representative from a local community mental health
46 center, a member of the county board of supervisors or
47 city council, an appropriately licensed mental health
48 professional from a local public or private inpatient
49 mental health facility, a representative of an
50 organization which represents the interests of persons

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1 and families of persons with mental illness, and a
2 representative from the area mental illness, mental
3 retardation, and brain injury planning council. The
4 committee shall be responsible for creating and
5 supervising a screening process for the identification
6 of prisoners who are being held in a jail or facility
7 and who are suffering from mental illness, are in need
8 of treatment, or should be placed in a secure setting
9 other than in a jail or municipal holding facility, or
10 a facility established under chapter 356A. If, as a
11 result of screening a prisoner, the person conducting
12 the screening believes that the prisoner is seriously
13 mentally impaired, the person shall file a statement
14 under section 812.3A stating that the person believes
15 the prisoner to be seriously mentally impaired and the
16 basis for the conclusion."

17 2. Page 28, by inserting after line 2 the follow-
18 ing:

19 "Sec. ____ . Section 811.2, subsection 1, Code 1993,
20 is amended to read as follows:

21 1. CONDITIONS FOR RELEASE OF DEFENDANT. All
22 bailable defendants shall be ordered released from
23 custody pending judgment or entry of deferred judgment
24 on their personal recognizance, or upon the execution
25 of an unsecured appearance bond in an amount specified
26 by the magistrate unless the magistrate determines in
27 the exercise of the magistrate's discretion, that such
28 a release will not reasonably assure the appearance of
29 the defendant as required or that release will
30 jeopardize the personal safety of another person or
31 persons. When such determination is made, the
32 magistrate shall, either in lieu of or in addition to
33 the above methods of release, impose the first of the
34 following conditions of release which will reasonably
35 assure the appearance of the person for trial or
36 deferral of judgment and the safety of other persons,
37 or, if no single condition gives that assurance, any
38 combination of the following conditions:

39 a. Place the defendant in the custody of a
40 designated person or organization agreeing to
41 supervise the defendant.

42 b. Place restrictions on the travel, association
43 or place of abode of the defendant during the period
44 of release.

45 c. Require the execution of an appearance bond in
46 a specified amount and the deposit with the clerk of
47 the district court or a public officer designated
48 under section 602.1211, subsection 4, in cash or other
49 qualified security, of a sum not to exceed ten percent
50 of the amount of the bond, the deposit to be returned

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1 to the person who deposited the specified amount with
2 the clerk upon the performance of the appearances as
3 required in section 811.6.

4 d. Require the execution of a bail bond with
5 sufficient surety, or the deposit of cash in lieu of
6 bond. However, except as provided in section 811.1,
7 bail initially given remains valid until final
8 disposition of the offense or entry of an order
9 deferring judgment. If the amount of bail is deemed
10 insufficient by the court before whom the offense is
11 pending, the court may order an increase of bail and
12 the defendant must provide the additional undertaking,
13 written or in cash, to secure release.

14 e. If the defendant is suffering from, or is
15 suspected to be suffering from, a mental illness,
16 require that the defendant seek and obtain appropriate
17 medical or psychiatric assistance and abide by any
18 recommendations made by the medical or mental health
19 professionals who provide the assistance.

20 e f. Impose any other condition deemed reasonably
21 necessary to assure appearance as required, or the
22 safety of another person or persons including a
23 condition requiring that the defendant return to
24 custody after specified hours.

25 Sec. . NEW SECTION. 812.3A MENTAL ILLNESS OF
26 A DEFENDANT.

27 1. If at any stage of a criminal proceeding it
28 reasonably appears that a defendant is seriously
29 mentally impaired as defined in section 229.1,
30 subsection 14, the court shall do all of the
31 following:

32 a. If the information is in writing, treat the
33 information as an application for involuntary
34 hospitalization under chapter 229. If the information
35 is not in writing, cause the county attorney, or the
36 county attorney's designee, to interview the person
37 providing the information to determine whether an
38 application under chapter 229 should be filed. If,
39 after a review of the information, the county attorney
40 or the county attorney's designee determines that
41 there is probable cause to believe that the defendant
42 is seriously mentally impaired, the county attorney or
43 the county attorney's designee shall file an
44 application with the court for the involuntary
45 hospitalization.

46 b. After an application has been filed, determine
47 whether the defendant has an attorney who is
48 representing the defendant in the criminal proceeding
49 and, if so, whether the attorney can represent the
50 defendant in a hospitalization hearing. If the

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1 defendant does not have an attorney, or if the
2 defendant's attorney cannot represent the defendant in
the hospitalization hearing, the court shall determine
if the defendant is financially able to employ an
5 attorney. In accordance with the outcome of the
6 determinations, the court shall either allow the
7 defendant to select, or shall assign to the defendant,
8 an attorney. If the respondent is financially unable
9 to pay an attorney, the attorney shall be compensated
10 in substantially the manner provided by section 815.7,
11 except that if the county has a public defender, the
12 court may designate the public defender or an attorney
13 on the public defender's staff to act as the
14 defendant's attorney.

15 c. Cause copies of the application to be sent to
16 the defendant and the defendant's attorney.

17 d. Issue an order setting a time and place for a
18 hearing on whether the defendant should be
19 hospitalized, which shall be at the earliest
20 practicable time, but not less than forty-eight hours
21 after notice is given to the defendant.

22 e. Order that the defendant be examined, prior to
23 the hearing, by one or more licensed physicians who
24 shall submit a written report to the court on the
25 results of the examination.

26 2. Physician's examinations and hearings on the
27 issue of whether a defendant is seriously mentally
impaired shall be conducted in the manner provided for
involuntary hospitalization proceedings under chapter
229. If, as a result of the hearing, the court finds
31 that the defendant is seriously mentally impaired, but
32 the defendant has not been released from custody in
33 the criminal proceeding, the court shall order that
34 the defendant be provided with the medications
35 prescribed by the examining physicians while the
36 defendant is in custody or that the defendant be
37 transferred to a hospital or other inpatient facility
38 for treatment. If, as a result of the hearing, the
39 court finds that the defendant is seriously mentally
40 impaired and the defendant has been released from
41 custody in the criminal proceeding, the court shall,
42 if the defendant may be treated on an outpatient
43 basis, require that the defendant cooperate with the
44 treatment provider and comply with the course of
45 treatment as an additional condition of release in the
46 criminal proceeding.

47 3. If a defendant is found to be seriously
48 mentally impaired and that the nature of the
49 defendant's condition requires inpatient placement in
50 a hospital or other facility licensed to care for

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1 persons with mental illness, the hospital or other
2 facility shall not release the defendant from the
3 facility without notifying and obtaining the prior
4 consent of the court. The chief medical officer of
5 the facility shall submit the reports required under
6 section 229.14, regarding the need for full-time
7 custody, care, and treatment in the hospital or
8 facility. Upon receipt of a report recommending that
9 a defendant who is still in custody in a criminal
10 matter be treated on an outpatient basis, the court
11 shall enter an order regarding the defendant's
12 custodial arrangements and requiring that the
13 defendant be transported from the hospital to the jail
14 or other correctional facility indicated in the order.

15 4. The records of a proceeding held under this
16 section shall be confidential in the same manner as
17 provided in sections 229.24 and 229.25 and an order
18 for hospitalization or treatment under this section
19 does not, standing alone, constitute a finding that
20 the defendant is incapable of appreciating any
21 criminal charges, understanding criminal proceedings,
22 or assisting effectively in the defense. Testimony of
23 the person given during the hearing shall not be
24 admissible on the issue of guilt in any other judicial
25 proceedings, subject to the following exceptions: The
26 testimony shall be admissible in proceedings under
27 section 811.2, subsections 6, 7, and 8, section 811.8,
28 section 812.3, and in perjury proceedings.

29 5. This section shall not apply to a person who
30 has been convicted of a criminal charge and who is an
31 inmate of an institution under the supervision of the
32 director of the department of corrections.

33 Sec. _____. Section 901.5, subsection 8, Code 1993,
34 is amended to read as follows:

35 8. The court may order the defendant to complete
36 any treatment indicated by a substance abuse
37 evaluation ordered pursuant to section 901.4A or any
38 other section. If the defendant is suffering from a
39 mental illness, the court may order that the defendant
40 submit to a psychiatric examination and abide by any
41 recommendations that result from the examination.

42 Sec. _____. Section 904.108, subsection 1, paragraph
43 d, Code 1993, is amended to read as follows:

44 d. Establish and maintain acceptable standards of
45 treatment, training, education, and rehabilitation in
46 the various state penal and corrective institutions
47 which shall include habilitative services and
48 treatment for mentally retarded offenders. For the
49 purposes of this paragraph, habilitative services and
50 treatment means medical, mental health, social,

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1 educational, counseling, and other services which will
2 assist a mentally retarded person to become self-
3 reliant. However, the director may also provide
4 rehabilitative treatment and services to other persons
5 who require the services. The director shall identify
6 all individuals entering the correctional system who
7 are mentally retarded, as defined in section 222.2,
8 subsection 3. Identification shall be made by a
9 qualified mental retardation professional. In
10 assigning a mentally retarded offender, or an offender
11 with an inadequately developed intelligence or with
12 impaired mental abilities, to a correctional facility,
13 the director shall consider both the program needs and
14 the security needs of the offender. The director
15 shall also identify and maintain statistics on all
16 individuals entering the correctional system who are
17 mentally ill. The director shall consult with the
18 department of human services in providing habilitative
19 services and treatment to mentally ill and mentally
20 retarded offenders and shall provide statistics to the
21 department of human services relating to the numbers
22 of mentally ill persons within the correctional
23 system.

24 Sec. _____. Section 904.503, Code 1993, is amended
25 to read as follows:

26 904.503 TRANSFERS -- MENTALLY ILL.

27 1. The director may transfer at the expense of the
28 department an inmate of one institution to another
29 institution under the director's control if the
30 director is satisfied that the transfer is in the best
31 interests of the institutions or inmates.

32 The director may transfer at the expense of the
33 department an inmate under the director's jurisdiction
34 from any institution supervised by the director to
35 another institution under the control of an
36 administrator of a division of the department of human
37 services with the consent and approval of the
38 administrator and. The director may transfer an
39 inmate to any other institution for mental-~~or~~ physical
40 examination or treatment retaining jurisdiction over
41 the inmate when so transferred. The director shall
42 proceed as provided under subsection 2, if the
43 director has cause to believe that the inmate is
44 mentally ill.

45 If the juvenile court waives its jurisdiction over
46 a child over thirteen and under eighteen years of age
47 pursuant to section 232.45 so that the child may be
48 prosecuted as an adult and if the child is convicted
49 of a public offense in the district court and
50 committed to the custody of the director under section

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1 901.7, the director may request transfer of the child
2 to the state training school under this section. If
3 the administrator of a division of the department of
4 human services consents and approves the transfer, the
5 child may be retained in temporary custody by the
6 state training school until attaining the age of
7 eighteen, at which time the child shall be returned to
8 the custody of the director of the department of
9 corrections to serve the remainder of the sentence
10 imposed by the district court. If the child becomes a
11 security risk or becomes a danger to other residents
12 of the state training school at any time before
13 reaching eighteen years of age, the administrator of
14 the division of the department of human services may
15 immediately return the child to the custody of the
16 director of the department of corrections to serve the
17 remainder of the sentence.

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

33 3. When the director has reason to believe that a
34 prisoner in a state correctional institution, whose
35 sentence has expired, is mentally ill, the director
36 shall cause examination to be made of the prisoner by
37 competent physicians who shall certify to the director
38 whether the prisoner is in good mental health or
39 mentally ill. The director may make further
40 investigation and if satisfied that the prisoner is
41 mentally ill, the director may shall cause the
42 prisoner to be transferred to one of the hospitals for
43 the mentally ill; ~~or may order the prisoner to be~~
44 ~~confined in the Iowa medical and classification~~
45 ~~center.~~

46 Sec. _____. Section 905.4, Code 1993, is amended by
47 adding the following new subsection:

48 NEW SUBSECTION. 11. Annually file a report with
49 the Iowa department of corrections relating to the
50 numbers of persons subject to supervision or confined

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1 in the district's community corrections program who
2 are suffering from mental illness and the local
3 treatment and service resources utilized in connection
4 with those persons."

5 3. Page 28, by inserting after line 12 the
6 following:

7 "Sec. _____. Section 906.4, Code 1993, is amended by
8 adding the following new unnumbered paragraph:

9 NEW UNNUMBERED PARAGRAPH. The board shall, if the
10 person is mentally ill, establish as a condition of
11 parole or other release, that the person abide by the
12 terms of any course of treatment or treatment plan
13 established for that person.

14 Sec. _____. Section 907.6, Code 1993, is amended to
15 read as follows:

16 907.6 CONDITIONS OF PROBATION -- REGULATIONS.

17 Probationers are subject to the conditions
18 established by the judicial district department of
19 correctional services subject to the approval of the
20 court, and any additional reasonable conditions which
21 the court may impose to promote rehabilitation of the
22 defendant or protection of the community. Conditions
23 may include but are not limited to adherence to
24 regulations generally applicable to persons released
25 on parole and including requiring unpaid community
26 service as allowed pursuant to section 907.13.

27 Conditions shall include adherence to any mental
28 health treatment plan for a person who is mentally
29 ill."

30 4. By renumbering as necessary.

By HARPER of Black Hawk

H-3530 FILED MARCH 26, 1993

Nat Hermone 3/29/93
(P. 919)

SENATE FILE 267

H-3531

1 Amend the amendment, H-3518, to Senate File 267, as
2 amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 1, line 17, by inserting after the figure
5 "9." the following: "The clerk of the district court
6 for Pottawattamie county shall assure that the clerk's
7 office at Avoca shall be open to the public at least
8 twenty-four hours every week, regardless of whether
9 the week includes a paid holiday."

By DRAKE of Pottawattamie

H-3531 FILED MARCH 29, 1993
LOST

SENATE FILE 267

H-3532

1 Amend the amendment, H-3525, to Senate File 267, as
2 amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 1, line 12, by striking the figure
5 "94,815" and inserting the following: "150,000".

By OSTERBERG of Linn

H-3532 FILED MARCH 29, 1993
OUT OF ORDER

SENATE FILE 267

H-3542

1 Amend the amendment, H-3385, to Senate File 267, as
2 amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 1, by inserting after line 13 the
5 following:
6 "____. Page 17, line 10, by inserting after the
7 word "county." the following: "However, in counties
8 with a population of three hundred thousand or
9 greater, as determined pursuant to the 1990 federal
10 census, the offices of the clerks of the district
11 court shall be kept open at least five days a week,
12 excluding days which are paid holidays as specified in
13 section 1C.2, subsections 1 through 9."
14 2. By renumbering as necessary.

By GRUNDBERG of Polk
CARPENTER of Polk
CHURCHILL of Polk

H-3542 FILED MARCH 29, 1993
ADOPTED

SENATE FILE 267

H-3544

1 Amend the amendment, H-3525, to Senate File 267, as
2 amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 1, line 6, by striking the figure
5 "94,815" and inserting the following: "24,815".
6 2. Page 1, by striking lines 7 through 10.
7 3. Page 1, line 12, by striking the figure
8 "94,815" and inserting the following: "24,815".
9 4. Page 1, by striking lines 13 through 16.

By OSTERBERG of Linn
PETERSON of Carroll

H-3544 FILED MARCH 29, 1993
ADOPTED

SENATE FILE 267

H-3539

1 Amend the amendment, H-3413, to Senate File 267, as
2 amended, passed, and reprinted by the Senate, as
3 follows:

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

6 "_____. Page 1, line 10, by striking the figure
7 "4,613,628" and inserting the following:
8 "4,396,198"."

9 2. Page 1, by striking line 5 and inserting the
10 following: ""79,903,778"."

11 3. Page 1, line 9, by striking the figure
12 "434,860" and inserting the following: "217,430".

13 4. Page 1, line 11, by striking the figure
14 "18.24" and inserting the following: "9.12".

15 5. By renumbering as necessary.

By MILLAGE of Scott

H-3539 FILED MARCH 29, 1993

ADOPTED

SENATE FILE 267

H-3540

1 Amend the amendment, H-3516, to Senate File 267, as
2 amended, passed, and reprinted by the Senate, as
3 follows:

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

6 "_____. Page 1, line 10, by striking the figure
7 "4,613,628" and inserting the following:
8 "4,396,198"."

9 2. Page 1, by striking line 5 and inserting the
10 following: ""79,903,778"."

11 3. Page 1, line 9, by striking the figure
12 "434,860" and inserting the following: "217,430".

13 4. Page 1, line 11, by striking the figure
14 "18.24" and inserting the following: "9.12".

15 5. By renumbering as necessary.

By MILLAGE of Scott

H-3540 FILED MARCH 29, 1993

WITHDRAWN

SENATE FILE 267

H-3547

1 Amend the amendment, H-3516, to Senate File 267, as
2 amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 1, by inserting after line 14 the
5 following:

6 "____. Page 27, by inserting after line 29 the
7 following:

8 "Sec. ____ Section 602.8102, subsection 1, Code
9 1993, is amended to read as follows:

10 1. Keep the office of the clerk at the county
11 seat, and assure that the office at the county seat is
12 open to the public at least forty hours every week.
13 However, for those weeks which include a paid holiday
14 as specified in section 1C.2, subsections 1 through 9,
15 the clerk shall assure that the office of the clerk is
16 open to the public for a period of time which is at
17 least forty hours, reduced by the number of hours in
18 the week that are paid to state employees for the
19 holidays specified in section 1C.2, subsections 1
20 through 9."

21 2. By renumbering and correcting internal
22 references as necessary.

By WEIGEL of Chickasaw
WISE of Lee
DVORSKY of Johnson
MERTZ of Kossuth
MAY of Worth
MUNDIE of Webster

FOGARTY of Palo Alto
LARKIN of Lee
McKINNEY of Dallas
HENDERSON of Scott
DICKINSON of Jackson
KOENIGS of Mitchell

H-3547 FILED MARCH 29, 1993
WITHDRAWN

SENATE FILE 267

H-3548

1 Amend Senate File 267, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, line 10, by striking the figure
4 "4,613,628" and inserting the following: "4,396,198".

5 2. Page 15, line 33, by striking the figure
6 "79,686,348" and inserting the following:
7 "79,903,778".

8 3. Page 17, by inserting after line 18 the
9 following:

10 "____. Of the funds appropriated in this
11 subsection, not more than \$217,430 shall be used for
12 salary, support, maintenance, and miscellaneous
13 purposes related to employment of an additional 9.12
14 FTEs in the offices of the clerks of the district
15 court in Polk, Pottawattamie, Scott, and Woodbury
16 counties."

17 4. By renumbering as necessary.

By MILLAGE of Scott

H-3548 FILED MARCH 29, 1993
PENDING

WITHDRAWN
3/30/93

SENATE FILE 267

H-3546

1 Amend the amendment, H-3413, to Senate File 267, as
2 amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 1, by inserting after line 14 the
5 following:

6 "____. Page 27, by inserting after line 29 the
7 following:

8 "Sec. ____ . Section 502.8102, subsection 1, Code
9 1993, is amended to read as follows:

10 1. Keep the office of the clerk at the county
11 seat, and assure that the office at the county seat is
12 open to the public at least forty hours every week.
13 However, for those weeks which include a paid holiday
14 as specified in section iC.2, subsections 1 through 9,
15 the clerk shall assure that the office of the clerk is
16 open to the public for a period of time which is at
17 least forty hours, reduced by the number of hours in
18 the week that are paid to state employees for the
19 holidays specified in section iC.2, subsections 1
20 through 9."

21 2. By renumbering and correcting internal
22 references as necessary.

By WEIGEL of Chickasaw
WISE of Lee
DVORSKY of Johnson
MERTZ of Kossuth
MAY of Worth
MUNDIE of Webster

KOENIGS of Mitchell
FOGARTY of Palo Alto
LARKIN of Lee
Dickinson of Jackson
McKINNEY of Dallas
HENDERSON of Scott

H-3546 FILED MARCH 29, 1993
LOST

SENATE AMENDMENT TO HOUSE AMENDMENT TO SENATE FILE 267

3989

Amend the House amendment, S-3300, to Senate File 267, as amended, passed, and reprinted by the Senate, as follows:

1. Page 1, by striking lines 3 through 8.

2. Page 1, by striking lines 11 through 30 and inserting the following:

"The department of corrections shall analyze and compare policies and guidelines concerning inmates at the correctional facilities, and shall propose revisions to the general assembly as necessary to ensure that male and female inmates have comparable opportunities for education, vocational education, and treatment at the state correctional facilities. Where legislative action is not necessary to ensure comparable opportunities, the department shall take administrative action to implement the policies or guidelines needed to accomplish the comparable opportunities mandated by this paragraph. The department shall report the progress on the analysis and comparison of the policies and guidelines, and any changes made, to the co-chairpersons and ranking members of the joint appropriations subcommittee on the justice system and the legislative fiscal bureau on or before December 15, 1993."

3. Page 1, by striking lines 36 through 43.

4. Page 2, by striking lines 9 and 10 and inserting the following:

"Page 22, line 24, by striking the word 'subsections' and inserting the following: 'subsection'.

5. Page 22, by striking lines 28 through 30.

6. By striking page 24, line 23 through page 26, line 14."

7. By renumbering as necessary.

RECEIVED FROM THE SENATE

H-3989 FILED APRIL 15, 1993

House Concurred
4/20/93
(P. 1443)

HOUSE AMENDMENT TO
SENATE FILE 267

S-3300

1 Amend Senate File 267, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, line 15, by striking the figure
4 "110,000" and inserting the following: "139,215".

5 2. Page 1, line 16, by striking the figure "4.00"
6 and inserting the following: "4.75".

7 3. Page 3, line 5, by striking the figure
8 "1,359,812" and inserting the following: "1,330,597".

9 4. Page 7, by inserting after line 5 the
10 following:

11 "The department of corrections shall analyze and
12 compare policies and guidelines directed to inmates at
13 the correctional facilities. The department shall
14 revise the policies and guidelines as necessary to
15 ensure that inmates at the Mitchellville correctional
16 facility, as compared to inmates at other correctional
17 facilities controlled by the department, have
18 equitable opportunities for education, vocational
19 education, and treatment and that other requirements
20 applicable to inmates at the Mitchellville
21 correctional facility, including but not limited to
22 requirements for funeral leave, are equivalent to the
23 requirements applicable to inmates of other
24 correctional facilities. The department's analysis
25 and comparison of the policies and guidelines and any
26 changes made in the policies and guidelines shall be
27 reported to the chairpersons and ranking members of
28 the joint appropriations subcommittee on the justice
29 system and the legislative fiscal bureau on or before
30 December 15, 1993."

31 5. Page 7, line 8, by inserting after the word
32 "system" the following: "and the joint appropriations
33 subcommittee on education, the chairpersons and
34 ranking members of the senate and house standing
35 committees on education,".

36 6. Page 17, line 10, by inserting after the word
37 "county." the following: "However, in counties with a
38 population of three hundred thousand or greater, as
39 determined pursuant to the 1990 federal census, the
40 offices of the clerks of the district court shall be
41 kept open at least five days a week, excluding days
42 which are paid holidays as specified in section 1C.2,
43 subsections 1 through 9."

44 7. Page 20, line 6, by inserting after the word
45 "designee" the following: ", the deputy director of
46 the division of community services or the deputy
47 director's designee, the deputy director of the
48 division of administration or the deputy director's
49 designee, and a warden or superintendent of a
50 correctional institution listed in section 904.102,

S-3300

S-3300

Page 2

1 appointed by the director of the department".

2 8. Page 21, by inserting after line 33 the
3 following:

4 "____. The plan shall consider whether a boot camp
5 program should be established to meet the needs of
6 youthful offenders with intensive programming needs,
7 and make recommendations as to how a boot camp program
8 should be structured."

9 9. By striking page 22, line 23 through page 26,
10 line 14.

11 10. Page 28, by inserting after line 12 the
12 following:

13 "Sec. ____ . NEW SECTION. 909.10 COLLECTION OF
14 DELINQUENT AMOUNTS BY THE COURT.

15 1. As used in this section, unless the context
16 otherwise requires, "delinquent amounts" means a fine,
17 court-imposed court costs in a criminal proceeding, or
18 criminal surcharge imposed pursuant to section 911.2,
19 which remains unpaid after two years from the date
20 that the fine, court costs, or surcharge was imposed,
21 and which is not collected by the county attorney
22 pursuant to section 909.9. However, if the fine may
23 be paid in instalments pursuant to section 909.3, the
24 fine is not a delinquent amount unless the installment
25 remains unpaid after two years from the date the
26 installment was due.

27 2. Notwithstanding the disposition sections of
28 sections 602.8106 and 911.3, upon the collection of
29 delinquent amounts, the clerks of the district court
30 shall remit the delinquent amounts to the treasurer of
31 state for deposit into the revolving fund established
32 pursuant to section 602.1302, to be used for the
33 payment of jury and witness fees and mileage."

34 11. By renumbering, relettering, or redesignating
35 and correcting internal references as necessary.

RECEIVED FROM THE HOUSE

S-3300 FILED MARCH 30, 1993

Senate Concurrence
4-15-93
(P. 1179)

S-3500

1 Amend the House amendment, S-3300, to Senate File
2 267, as amended, passed, and reprinted by the Senate,
3 as follows:

A 4 1. Page 1, by striking lines 3 through 8.

B 5 2. Page 1, by inserting before line 9 the fol-
6 lowing:

7 "_____. Page 3, by inserting after line 33 the
8 following:

9 "_____. The administrative costs and expenses
10 incurred by the attorney general, the treasurer of
11 state, the second injury fund, or the department of
12 revenue and finance, in connection with the second
13 injury fund, may be paid from the fund. However, the
14 payment of administrative costs and expenses incurred
15 by the attorney general, the treasurer of state, the
16 second injury fund, and the department of revenue and
17 finance, as authorized in this subsection, shall only
18 be permitted for administrative costs and expenses
19 incurred in the fiscal year commencing July 1, 1993,
20 and shall not exceed \$170,000."

A 21 3. Page 1, by striking lines 11 through 30 and
22 inserting the following:

23 "The department of corrections shall analyze and
24 compare policies and guidelines concerning inmates at
25 the correctional facilities, and shall propose
26 revisions to the general assembly as necessary to
27 ensure that male and female inmates have comparable
28 opportunities for education, vocational education, and
29 treatment at the state correctional facilities. Where
30 legislative action is not necessary to ensure
31 comparable opportunities, the department shall take
32 administrative action to implement the policies or
33 guidelines needed to accomplish the comparable
34 opportunities mandated by this paragraph. The de-
35 partment shall report the progress on the analysis and
36 comparison of the policies and guidelines, and any
37 changes made, to the co-chairpersons and ranking
38 members of the joint appropriations subcommittee on
39 the justice system and the legislative fiscal bureau
40 on or before December 15, 1993."

41 4. Page 1, by striking lines 36 through 43.

42 5. Page 2, by striking lines 9 and 10 and
43 inserting the following:

44 "_____. Page 22, line 24, by striking the word
45 "subsections" and inserting the following:
46 "subsection".

47 _____. Page 22, by striking lines 28 through 30.

48 _____. By striking page 24, line 23 through page
49 26, line 14."

50 6. By renumbering as necessary.

By MICHAEL E. GRONSTAL

S-3500 FILED APRIL 15, 1993

DIV. A-ADOPTED, DIV. B-LOST

SENATE FILE 267

AN ACT

RELATING TO AND MAKING APPROPRIATIONS TO THE JUSTICE SYSTEM, PROVIDING FOR OTHER RELATED MATTERS CONCERNING THE JUSTICE SYSTEM, AND PROVIDING EFFECTIVE AND RETROACTIVE APPLICABILITY DATES.

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

Section 1. DEPARTMENT OF JUSTICE. There is appropriated from the general fund of the state to the department of justice for the fiscal year beginning July 1, 1993, and ending June 30, 1994, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

- 1. For the general office of attorney general for salaries, support, maintenance, miscellaneous purposes including odometer fraud enforcement, and for not more than the following full-time equivalent positions:

.....	\$	4,613,628
.....	FTEs	169.00
- 2. Prosecuting attorney training program for salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	110,000
.....	FTEs	4.00

a. In addition to the funds appropriated in this subsection for the fiscal year beginning July 1, 1993, and ending June 30, 1994, the attorney general shall provide up to \$41,000 in state matching funds from moneys retained by the attorney general from property forfeited pursuant to section 809.13, for the prosecuting attorney training program, the prosecuting intern program, or both. Counties participating in the prosecuting intern program shall match the state funds.

b. In addition to the funds appropriated in this subsection for the fiscal year beginning July 1, 1993, and ending June 30, 1994, and the moneys retained by the attorney general pursuant to paragraph "a", the attorney general shall provide up to \$10,000 in state matching funds from moneys retained by the attorney general from property forfeited pursuant to section 809.13, for the office of the prosecuting attorneys training coordinator to use for continuation of the domestic violence response enhancement program established in accordance with 1992 Iowa Acts, chapter 1240, section 1, subsection 2, paragraph "b".

c. The prosecuting attorney training program shall use a portion of the funds appropriated in this subsection for educational purposes to implement the recommendations of the equality in the courts task force.

3. In addition to the funds appropriated in subsection 1, there is appropriated from the general fund of the state to the department of justice for the fiscal year beginning July 1, 1993, and ending June 30, 1994, an amount not exceeding \$200,000 to be used for the enforcement of the Iowa competition law. The expenditure of the funds appropriated in this subsection is contingent upon receipt by the general fund of the state of an amount at least equal to either the expenditures from damages awarded to the state or a political subdivision of the state by a civil judgment under chapter 553, if the judgment authorizes the use of the award for enforcement purposes or costs or attorneys fees awarded the state in state or federal antitrust actions. However, if the funds received as a result of these judgments are in excess of \$200,000, the excess funds shall not be appropriated to the department of justice pursuant to this subsection.

4. In addition to the funds appropriated in subsection 1, there is appropriated from the general fund of the state to the department of justice for the fiscal year beginning July 1, 1993, and ending June 30, 1994, an amount not exceeding

\$125,000 to be used for public education relating to consumer fraud and for enforcement of section 714.16, and an amount not exceeding \$75,000 for investigation, prosecution, and consumer education relating to consumer and criminal fraud against older Iowans. The expenditure of the funds appropriated in this subsection is contingent upon receipt by the general fund of the state of an amount at least equal to the expenditures from damages awarded to the state or a political subdivision of the state by a civil consumer fraud judgment or settlement, if the judgment or settlement authorizes the use of the award for public education on consumer fraud. However, if the funds received as a result of these judgments and settlements are in excess of \$200,000, the excess funds shall not be appropriated to the department of justice pursuant to this subsection.

5. For victim assistance grants:

..... \$ 1,359,812

a. The funds appropriated in this subsection shall be used to provide grants to care providers providing services to crime victims of domestic abuse or to crime victims of rape and sexual assault.

b. Notwithstanding section 8.33 or 8.39, any balance remaining from the appropriation made pursuant to this subsection shall not revert to the general fund of the state but shall be available for expenditure during the subsequent fiscal year for the same purpose, and shall not be transferred to any other program.

6. For the GASA prosecuting attorney program and for not more than the following full-time equivalent positions:

..... \$ 98,290
..... FTEs 3.00

7. The balance of the victim compensation fund established under section 912.14 may be used to provide salary and support of not more than 9.00 FTEs and to provide maintenance for the victim compensation functions of the department of justice.

8. The department of justice shall submit monthly financial statements to the legislative fiscal bureau and the department of management containing all appropriated accounts in the same manner as provided in the monthly financial status reports and personal services usage reports of the department of revenue and finance. The monthly financial statements shall include comparisons of the moneys and percentage spent of budgeted to actual revenues and expenditures on a cumulative basis for full-time equivalent positions and available moneys.

Sec. 2. OFFICE OF CONSUMER ADVOCATE. There is appropriated from the general fund of the state to the office of consumer advocate of the department of justice for the fiscal year beginning July 1, 1993, and ending June 30, 1994, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 1,999,524
..... FTEs 32.00

Sec. 3. BOARD OF PAROLE. There is appropriated from the general fund of the state to the board of parole for the fiscal year beginning July 1, 1993, and ending June 30, 1994, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, including maintenance of an automated docket and the board's automated risk assessment model, employment of two statistical research analysts to assist with the application of the risk assessment model in the parole decision-making process, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 801,421
..... FTEs 17.00

1. The board of parole shall require the board's administrative staff to be cross-trained to assure that each individual on that staff is familiar with all tasks performed by the staff.

2. The department of corrections and the board of parole shall review, and implement as necessary, the findings and recommendations contained in the final report prepared by the consultant and presented to the corrections system review task force which was established by 1988 Iowa Acts, chapter 1271, as they relate to the department of corrections and the board of parole. The board shall report to the joint appropriations subcommittee on the justice system during the 1994 session of the general assembly, at the request of the subcommittee, steps taken to implement any of the recommendations, or the reasons for failing to implement the recommendations.

3. The board of parole shall conduct a study of the parole process to identify and eliminate bias in the parole system based upon race, creed, color, sex, national origin, religion, or disability. The board of parole shall report its findings and recommendations to the co-chairpersons and ranking members of the joint appropriations subcommittee on the justice system and the legislative fiscal bureau on or before January 15, 1994.

Sec. 4. DEPARTMENT OF CORRECTIONS -- FACILITIES. There is appropriated from the general fund of the state to the department of corrections for the fiscal year beginning July 1, 1993, and ending June 30, 1994, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For the operation of adult correctional institutions, to be allocated as follows:

a. For the operation of the Port Madison correctional facility, including salaries, support, maintenance, employment of 310 correctional officers, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 24,109,476
..... FTEs 490.50

b. For the operation of the Anamosa correctional facility, including salaries, support, maintenance, employment of 211 correctional officers and a part-time chaplain to provide religious counseling to inmates of a minority race, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 17,797,651
..... FTEs 351.00

Moneys are provided within this appropriation for 2 full-time substance abuse counselors for the Luster Heights facility, for the purpose of certification of a substance abuse program at that facility.

c. For the operation of the Oakdale correctional facility, including salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 15,017,948
..... FTEs 320.80

d. For the operation of the Newton correctional facility, including salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 5,100,087
..... FTEs 110.25

e. For the operation of the Mt. Pleasant correctional facility, including salaries, support, maintenance, employment of 141 correctional officers and a full-time chaplain to provide religious counseling at the Oakdale and Mt. Pleasant correctional facilities, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 12,872,534
..... FTEs 260.23

f. For the operation of the Rockwell City correctional facility, including salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 5,184,980
..... FTEs 112.00

g. For the operation of the Clarinda correctional facility, including salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 6,164,753
..... FTEs 136.20

h. For the operation of the Mitchellville correctional facility, including salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 5,918,485
..... FTEs 134.50

The department of corrections shall analyze and compare policies and guidelines concerning inmates at the correctional facilities, and shall propose revisions to the general assembly as necessary to ensure that male and female inmates have comparable opportunities for education, vocational education, and treatment at the state correctional facilities. Where legislative action is not necessary to ensure comparable opportunities, the department shall take administrative action to implement the policies or guidelines needed to accomplish the comparable opportunities mandated by this paragraph. The department shall report the progress on the analysis and comparison of the policies and guidelines, and any changes made, to the co-chairpersons and ranking members of the joint appropriations subcommittee on the justice system and the legislative fiscal bureau on or before December 15, 1993.

2. The department of corrections shall provide a report to the co-chairpersons and ranking members of the joint

appropriations subcommittee on the justice system and the joint appropriations subcommittee on education, the chairpersons and ranking members of the senate and house standing committees on education, and the legislative fiscal bureau on or before January 15, 1994, outlining the implementation of the centralized education program for the correctional system. The report shall include a listing of the educational institutions that are involved, the amount of any federal funds received for use with these programs, and any other pertinent information.

3. If the inmate tort claim fund for inmate claims of less than \$50 is exhausted during the fiscal year, sufficient funds shall be transferred from the institutional budgets to pay approved tort claims for the balance of the fiscal year. The warden or superintendent of each institution or correctional facility shall designate an employee to receive, investigate, and recommend whether to pay any properly filed inmate tort claim for less than the above amount. The designee's recommendation shall be approved or denied by the warden or superintendent and forwarded to the department of corrections for final approval and payment. The amounts appropriated to this fund pursuant to 1987 Iowa Acts, chapter 234, section 304, subsection 2, are not subject to reversion under section 8.33.

Tort claims denied at the institution shall be forwarded to the state appeal board for their consideration as if originally filed with that body. This procedure shall be used in lieu of chapter 669 for inmate tort claims of less than \$50.

4. The department of corrections shall submit a plan to the general assembly prior to January 1, 1994, to establish in the institutions a mandatory literacy requirement for all inmates. The plan shall include the following:

a. Statistics indicating the current reading and education levels of the average inmate.

- b. The funding and number of years necessary for implementation.
- c. The feasibility of mandating participation and the need for exemptions.
- d. The availability of sanctions and incentives.
- e. The special education services for inmates under the age of twenty-one.
- f. The continuation of educational programming after release.

5. The department of corrections, in consultation and cooperation with the judicial district departments of correctional services, board of parole, division of criminal and juvenile justice planning of the department of human rights, and any other applicable state agencies, shall provide a report detailing the steps taken to implement the reports of the consultants retained by the corrections system review task force established by 1988 Iowa Acts, chapter 1271, section 14. The department shall provide the report to the co-chairpersons and ranking members of the joint appropriations subcommittee on the justice system and the legislative fiscal bureau, on or before January 15, 1994.

Sec. 5. DEPARTMENT OF CORRECTIONS -- ADMINISTRATION.

There is appropriated from the general fund of the state to the department of corrections for the fiscal year beginning July 1, 1993, and ending June 30, 1994, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

- 1. For general administration, including salaries, support, maintenance, employment of an education director and clerk to administer a centralized education program for the correctional system, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	2,101,088
.....	FTEs	41.52

The department shall monitor the use of the classification model by the judicial district departments of correctional services and has the authority to override a district department's decision regarding classification of community-based clients. The department shall notify a district department of the reasons for the override.

2. For reimbursement of counties for temporary confinement of work release and parole violators, as provided in sections 901.7, 904.908, and 906.17 and for offenders confined pursuant to section 904.513:

.....	\$	237,038
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3. For federal prison reimbursement, reimbursements for out-of-state placements, and miscellaneous contracts:

.....	\$	341,334
-------	----	---------

The department of corrections shall use funds appropriated by this subsection to continue to contract for the services of a Muslim imam.

4. For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions at the correctional training center at Mt. Pleasant:

.....	\$	374,385
.....	FTEs	8.19

5. For annual payment relating to the financial arrangement for the construction of expansion in prison capacity as provided in 1989 Iowa Acts, chapter 316, section 7, subsection 6:

.....	\$	625,860
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6. For annual payment relating to the financial arrangement for the construction of expansion in prison capacity as provided in 1990 Iowa Acts, chapter 1257, section 24:

.....	\$	3,188,273
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Sec. 6. JUDICIAL DISTRICT DEPARTMENTS OF CORRECTIONAL SERVICES.

1. There is appropriated from the general fund of the state to the department of corrections for the fiscal year beginning July 1, 1993, and ending June 30, 1994, the following amounts, or so much thereof as is necessary, to be allocated as follows:

a. For the first judicial district department of correctional services, including the treatment and supervision of probation and parole violators who have been released from the department of corrections violator program, the following amount, or so much thereof as is necessary:
..... \$ 5,904,249

(1) The district department shall continue the intensive supervision program established within the district in 1988 Iowa Acts, chapter 1271, section 6, subsection 1, paragraph "a", and the sex offender treatment program established within the district in 1989 Iowa Acts, chapter 316, section 8, subsection 1, paragraph "a".

(2) The district department, in cooperation with the chief judge of the judicial district, shall continue the implementation of a plan to divert low-risk offenders to the least restrictive sanction available.

b. For the second judicial district department of correctional services, including the treatment and supervision of probation and parole violators who have been released from the department of corrections violator program, the following amount, or so much thereof as is necessary:
..... \$ 4,614,141

(1) The district department shall continue the sex offender treatment program established within the district in 1988 Iowa Acts, chapter 1271, section 6, subsection 1, paragraph "b".

(2) The district department, in cooperation with the chief judge of the judicial district, shall continue the implementation of a plan to divert low-risk offenders to the least restrictive sanction available.

c. For the third judicial district department of correctional services, including the treatment and supervision of probation and parole violators who have been released from the department of corrections violator program, the following amount, or so much thereof as is necessary:
..... \$ 2,935,849

(1) The district department shall continue the sex offender treatment program established within the district in 1988 Iowa Acts, chapter 1271, section 6, subsection 1, paragraph "c", and the intensive supervision program established within the district in 1990 Iowa Acts, chapter 1268, section 6, subsection 3, paragraph "d".

(2) The district department, in cooperation with the chief judge of the judicial district, shall continue the implementation of a plan to divert low-risk offenders to the least restrictive sanction available.

d. For the fourth judicial district department of correctional services, including the treatment and supervision of probation and parole violators who have been released from the department of corrections violator program, the following amount, or so much thereof as is necessary:
..... \$ 2,110,925

(1) The district department shall continue the sex offender treatment program established within the district in 1988 Iowa Acts, chapter 1271, section 6, subsection 1, paragraph "d".

(2) The district department, in cooperation with the chief judge of the judicial district, shall continue the implementation of a plan to divert low-risk offenders to the least restrictive sanction available.

e. For the fifth judicial district department of correctional services, including the treatment and supervision of probation and parole violators who have been released from the department of corrections violator program, the following amount, or so much thereof as is necessary:

..... \$ 7,887,469

(1) The district department shall continue the intensive supervision program established within the district in 1988 Iowa Acts, chapter 1271, section 6, subsection 1, paragraph "e", and shall continue to provide for the rental of electronic monitoring equipment.

(2) The district department, in cooperation with the chief judge of the judicial district, shall continue the implementation of a plan to divert low-risk offenders to the least restrictive sanction available.

f. For the sixth judicial district department of correctional services, including the treatment and supervision of probation and parole violators who have been released from the department of corrections violator program, including implementation of an intermediate criminal sanctions plan, the following amount, or so much thereof as is necessary:

..... \$ 5,939,158

(1) The district department shall continue the intensive supervision program established within the district in 1988 Iowa Acts, chapter 1271, section 6, subsection 1, paragraph "f", and the sex offender treatment program established within the district in 1989 Iowa Acts, chapter 316, section 8, subsection 1, paragraph "f".

(2) The district department, in cooperation with the chief judge of the judicial district, shall continue the implementation of a plan to divert low-risk offenders to the least restrictive sanction available.

(3) The district department, in consultation with the intermediate criminal sanctions task force established in this Act, shall develop and implement a plan providing for the expanded use of intermediate criminal sanctions. The plan shall emphasize sanctions which involve a high degree of offender control within the community. The district department shall provide a report to the co-chairpersons and ranking members of the joint appropriations subcommittee on

the justice system and the legislative fiscal bureau on or before January 15, 1994, outlining its activities in implementing the plan.

g. For the seventh judicial district department of correctional services, including the treatment and supervision of probation and parole violators who have been released from the department of corrections violator program, the following amount, or so much thereof as is necessary:

..... \$ 4,101,993

(1) The district department shall continue the intensive supervision program established within the district in 1988 Iowa Acts, chapter 1271, section 6, subsection 1, paragraph "g", and shall continue the sex offender treatment program established within the district in 1989 Iowa Acts, chapter 316, section 8, subsection 1, paragraph "g".

(2) The district department shall continue the job development program established within the district in 1990 Iowa Acts, chapter 1268, section 6, subsection 7, paragraph "e".

(3) The district department, in cooperation with the chief judge of the judicial district, shall continue the implementation of a plan to divert low-risk offenders to the least restrictive sanction available.

h. For the eighth judicial district department of correctional services, including the treatment and supervision of probation and parole violators who have been released from the department of corrections violator program, the following amount, or so much thereof as is necessary:

..... \$ 3,495,613

(1) The district department shall continue the intensive supervision program established within the district in 1988 Iowa Acts, chapter 1271, section 6, subsection 1, paragraph "h", and shall continue the sex offender treatment program established within the district in 1989 Iowa Acts, chapter 316, section 8, subsection 1, paragraph "h".

(2) The district department, in cooperation with the chief judge of the judicial district, shall continue the implementation of a plan to divert low-risk offenders to the least restrictive sanction available.

1. For the department of corrections for the assistance and support of each judicial district department of correctional services, the following amount, or so much thereof as is necessary:

..... \$ 85,817

2. The department of corrections shall continue the OWI facilities established in 1986 Iowa Acts, chapter 1246, section 402, in compliance with the conditions specified in that section.

3. The department of corrections shall continue to contract with a judicial district department of correctional services to provide for the rental of electronic monitoring equipment which shall be available statewide.

4. Each judicial district department of correctional services and the department of corrections shall continue the treatment alternatives to street crime programs established in 1989 Iowa Acts, chapter 225, section 9.

5. The first, sixth, and eighth judicial district departments of correctional services and the department of corrections shall continue the job training and development grant programs established in 1989 Iowa Acts, chapter 316, section 7, subsection 2.

6. The department of corrections shall not make an intradepartmental transfer of moneys appropriated to the department, unless notice of the intradepartmental transfer is given prior to its effective date to the legislative fiscal bureau. The notice shall include information on the department's rationale for making the transfer and details concerning the work load and performance measures upon which the transfers are based.

7. The governor's alliance on substance abuse shall consider federal grants made to the department of corrections for the benefit of each of the eight judicial district departments of correctional services as local government grants, as defined pursuant to federal regulations.

8. Each judicial district department of correctional services shall provide a report concerning the treatment and supervision of probation and parole violators who have been released from the department of corrections violator program, to the co-chairpersons and ranking members of the joint appropriations subcommittee on the justice system and the legislative fiscal bureau, on or before January 15, 1994.

Sec. 7. JUDICIAL DEPARTMENT. There is appropriated from the general fund of the state to the judicial department for the fiscal year beginning July 1, 1993, and ending June 30, 1994, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For salaries of supreme court justices, appellate court judges, district court judges, district associate judges, judicial magistrates and staff, state court administrator, clerk of the supreme court, district court administrators, clerks of the district court, trial court supervisors, trial court technicians II, financial supervisors I and II, juvenile court officers, board of law examiners and board of examiners of shorthand reporters and judicial qualifications commission, receipt and disbursement of child support payments, reimbursement of the auditor of state for expenses incurred in completing audits of the offices of the clerks of the district court during the fiscal year beginning July 1, 1993, and maintenance, equipment, and miscellaneous purposes:

..... \$ 79,686,348

a. The judicial department, except for purposes of internal processing, shall use the current state budget system, the state payroll system, and the Iowa finance and accounting system in administration of programs and payments

for services, and shall not duplicate the state payroll, accounting, and budgeting systems.

b. The judicial department shall submit monthly financial statements to the legislative fiscal bureau and the department of management containing all appropriated accounts in the same manner as provided in the monthly financial status reports and personal services usage reports of the department of revenue and finance. The monthly financial statements shall include a comparison of the dollars and percentage spent of budgeted versus actual revenues and expenditures on a cumulative basis for full-time equivalent positions and dollars.

c. It is the intent of the general assembly that counties installing new telephone systems shall provide those systems to all judicial department offices within the county at no cost.

d. Of the funds appropriated in this subsection, not more than \$1,897,728 may be transferred into the revolving fund established pursuant to section 602.1302, subsection 3, to be used for the payment of jury and witness fees and mileage.

e. The judicial department shall use a portion of the funds appropriated in this subsection for educational purposes to implement the recommendations of the equality in the courts task force.

f. Of the funds appropriated in this subsection, not more than \$35,008 shall be used for salary, support, maintenance, and miscellaneous purposes related to employment of an additional juvenile court officer in the third judicial district.

g. Of the funds appropriated in this subsection, the judicial department shall use not more than \$200,000 for the purchase of equipment. However, the funds appropriated pursuant to this subsection shall not be used for the purchase of new furniture.

h. Of the funds appropriated in this subsection, not more than \$100,000 shall be used for increasing the existing

capacity of the Iowa court information system, and the funds referred to in this paragraph shall not be used for the purchase or installation of additional terminals.

1. It is the intent of the general assembly that the clerk of court offices operate in all ninety-nine counties and be accessible to the public as much as is reasonably possible in order to address the relative needs of the citizens of each county.

j. The judicial department shall report to the co-chairpersons and ranking members of the joint appropriations subcommittee on the justice system by February 1, 1994, concerning an evaluation of the needs of the court system, particularly resources necessary to meet the increasing demands on the courts. The report shall also identify legislative changes which would reduce or alleviate the workload of the courts.

2. For the juvenile victim restitution program:
..... \$ 98,000

Sec. 8. IOWA COURT INFORMATION SYSTEM. There is appropriated from the general fund of the state to the judicial department for the fiscal year beginning July 1, 1993, and ending June 30, 1994, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For the Iowa court information system:
..... \$ 857,500

1. The judicial department shall not change the appropriations from the amounts appropriated in this section, unless notice of the revisions is given prior to their effective date to the legislative fiscal bureau. The notice shall include information on the department's rationale for making the changes and details concerning the work load and performance measures upon which the changes are based.

2. The judicial department shall provide a report semiannually to the co-chairpersons and ranking members of the

joint appropriations subcommittee on the justice system and the legislative fiscal bureau specifying the amounts of fines, surcharges, and court costs collected using the Iowa court information system. The report shall demonstrate and specify how the Iowa court information system is used to improve the collection process. The report shall also compare fines, surcharges, and court costs collected in selected counties which are using an automated system versus the amounts collected in at least three counties which are not using an automated system.

Sec. 9. AUTOMATED DATA SYSTEM. The department of corrections, judicial district departments of correctional services, board of parole, and the judicial department shall continue to develop an automated data system for use in the sharing of information between the department of corrections, judicial district departments of correctional services, board of parole, and the judicial department. The information to be shared shall concern any individual who may, as the result of an arrest or infraction of any law, be subject to the jurisdiction of the department of corrections, judicial district departments of correctional services, or board of parole. The department of corrections, in consultation and cooperation with the judicial district departments of correctional services, the board of parole, and the judicial department, shall provide a report concerning the development of the automated data system to the co-chairpersons and ranking members of the joint appropriations subcommittee on the justice system and the legislative fiscal bureau, on or before January 15, 1994.

Sec. 10. PLACEMENTS FOR ELDERLY OR INFIRM INMATES. The department of corrections, board of parole, Iowa department of public health, department of human services, department of elder affairs, and department of inspections and appeals shall cooperate in developing community-based placements for elderly or infirm inmates who, by nature of their medical and criminal

histories, are deemed to be low-risk for committing future public offenses. Community-based placements may include, but are not limited to, county care facilities, retirement homes, or veterans homes. The departments shall consider the potential for these community-based placement facilities to obtain federal funds for providing services to these inmates. The department of corrections shall develop a parole plan for these inmates once a community-based placement has been developed. The department of corrections shall provide a report concerning the activities of developing community-based placements for elderly or infirm inmates to the co-chairpersons and ranking members of the joint appropriations subcommittee on the justice system and the legislative fiscal bureau, on or before January 15, 1994.

Sec. 11. INTERMEDIATE CRIMINAL SANCTIONS TASK FORCE.

1. An intermediate criminal sanctions task force is established to develop a plan for the use of intermediate criminal sanctions as sentencing options. The membership of the task force shall include the following persons:

a. Four members of the senate, with two members appointed by the senate majority leader and two members appointed by the senate minority leader, and four members of the house of representatives, with two members appointed by the speaker of the house of representatives and two members appointed by the minority leader of the house of representatives.

b. The directors of each of the judicial district departments of correctional services or their designees.

c. The chief judges of each judicial district or their designees.

d. A representative of the prosecuting attorneys training coordination council, appointed by the chairperson of the council.

e. The state public defender or the state public defender's designee.

f. A member of the criminal law section of the Iowa state bar association, appointed by the president of the association.

g. The director of the department of corrections or the director's designee, the deputy director of the division of community services or the deputy director's designee, the deputy director of the division of administration or the deputy director's designee, and a warden or superintendent of a correctional institution listed in section 904.102, appointed by the director of the department.

h. A representative of the division of substance abuse and health promotion of the Iowa department of public health, appointed by the director of the Iowa department of public health.

i. A representative of the governor's alliance on substance abuse, appointed by the alliance.

j. The chairperson of the board of parole or the chairperson's designee.

Vacancies shall be filled in the same manner as original appointments. Legislative members of the task force shall be paid the per diem and expenses specified in section 2.10, subsection 6, from the funds appropriated under section 2.12. However, legislative members shall not be paid pursuant to this section when the general assembly is actually in session at the seat of government. Nonlegislative members who are state officers or employees shall be paid their actual and necessary expenses incurred in the performance of their duties from funds appropriated to their respective state agencies and departments, and nonlegislative members who are not state officers or employees shall receive a per diem and their actual and necessary expenses incurred in the performance of their duties as specified in section 7E.6, from the funds appropriated under section 2.12, for each day of service.

2. The criminal and juvenile justice planning advisory council shall convene the task force and provide staff support

from the division of criminal and juvenile justice planning of the department of human rights. The task force shall select a chairperson from among its members. The criminal and juvenile justice planning advisory council shall convene the initial meeting no later than July 30, 1993. Subsequent meetings shall be held at the request of the chairperson.

3. The task force shall develop a plan for the use of intermediate criminal sanctions as sentencing options. The plan shall include the following components:

a. The plan shall define intermediate criminal sanctions. The definition shall emphasize sanctions which involve a high degree of offender control within the community, including residential treatment facilities, house arrest and intensive supervision programs utilizing electronic monitoring, day reporting, and community work projects with participation involving groups of offenders.

b. The plan shall be designed to consider the need to reduce prison overcrowding and unwarranted disparities in sentences.

c. The plan shall recommend a statewide intermediate criminal sanctions structure which includes uniform policies and guidelines for the use of the sanctions and identifies persons with the authority to impose the sanctions, both at the imposition of sentence and in response to noncompliant behavior after sentencing.

d. The plan shall identify ways to restructure the use of resources for existing correctional programs in a manner that minimizes the need for additional resources. However, the plan may include recommendations for the use of intermediate criminal sanctions which require additional resources, if the recommendations are designed to enhance rather than form the basis of the plan. Recommendations shall include fiscal impact analyses.

e. The plan shall define a process for conducting a comprehensive review of the Iowa criminal code, as defined in

section 701.1, and shall include recommendations for changes to the Code of Iowa as appropriate to implement the plan.

f. The plan shall consider whether a boot camp program should be established to meet the needs of youthful offenders with intensive programming needs, and make recommendations as to how a boot camp program should be structured.

4. The task force shall submit the plan to the governor and the general assembly on or before June 30, 1994.

Sec. 12. CORRECTIONAL INSTITUTIONS -- VOCATIONAL TRAINING.

1. The state prison industries board and the department of corrections shall develop a plan to enhance vocational training opportunities within the correctional institutions listed in section 904.102. The board and the department shall develop the plan in cooperation and consultation with the following:

- a. The department of education.
- b. The department of economic development.
- c. The state board for community colleges.
- d. The board of directors of each community college

located within a merged area in which the community college serves a correctional institution listed in section 904.102.

2. The plan shall provide for increased vocational training opportunities within the correctional institutions, including the possibility of approving community college credit for inmates working in prison industries.

3. The department of corrections shall provide a report concerning the plan to the co-chairpersons and ranking members of the joint appropriations subcommittee on the justice system and the legislative fiscal bureau, on or before January 15, 1994.

Sec. 13. Section 2.50, Code 1993, is amended by adding the following new subsection:

NEW SUBSECTION. 4. Perform the duties pertaining to the preparation of correctional impact statements, as provided in section 2.56.

Sec. 14. NEW SECTION. 2.56 CORRECTIONAL IMPACT STATEMENTS.

1. Prior to debate on the floor of a chamber of the general assembly, a correctional impact statement shall be attached to any bill, joint resolution, or amendment which proposes a change in the law which creates a public offense, significantly changes an existing public offense or the penalty for an existing offense, or changes existing sentencing, parole, or probation procedures. The statement shall include information concerning the estimated number of criminal cases per year that the legislation will impact, the fiscal impact of confining persons pursuant to the legislation, the impact of the legislation upon existing correctional institutions, community-based correctional facilities and services, and jails, the likelihood that the legislation may create a need for additional prison capacity, and other relevant matters. The statement shall be factual and shall, if possible, provide a reasonable estimate of both the immediate effect and the long-range impact upon prison capacity.

2. a. The preliminary determination of whether a bill, joint resolution, or amendment appears to require a correctional impact statement shall be made by the legislative service bureau, which shall send a copy of the bill, joint resolution, or amendment, upon completion of the draft, to the legislative fiscal director for review, unless the requestor specifies the request is to be confidential.

b. When a committee of the general assembly reports a bill, joint resolution, or amendment to the floor, the committee shall state in the report whether a correctional impact statement is or is not required.

c. The legislative fiscal director shall review all bills and joint resolutions placed on the calendar of either chamber of the general assembly, as well as amendments filed to bills or joint resolutions on the calendar, to determine whether a correctional impact statement is required.

d. A member of the general assembly may request the preparation of a correctional impact statement by submitting a request to the legislative fiscal bureau.

3. The legislative fiscal director shall cause to be prepared and shall approve a correctional impact statement within a reasonable time after receiving a request or determining that a proposal is subject to this section. All correctional impact statements approved by the legislative fiscal director shall be transmitted immediately to either the chief clerk of the house or the secretary of the senate, after notifying the sponsor of the legislation that the statement has been prepared, for publication in the daily clip sheet. The chief clerk of the house or the secretary of the senate shall attach the statement to the bill, joint resolution, or amendment affected as soon as it is available.

4. The legislative fiscal director may request the cooperation of any state department or agency or political subdivision in preparing a correctional impact statement.

5. A revised correctional impact statement shall be prepared if the correctional impact has been changed by the adoption of an amendment, and may be requested by a member of the general assembly or be prepared upon a determination made by the legislative fiscal director. However, a request for a revised correctional impact statement shall not delay action on the bill, joint resolution, or amendment unless so ordered by the presiding officer of the chamber.

Sec. 15. Section 13.25, Code 1993, is amended to read as follows:

13.25 REPEAL OF FARM MEDIATION AND LEGAL ASSISTANCE PROVISIONS.

This subchapter is repealed on July 1, 1993 1995.

Sec. 16. Section 13A.2, subsection 3, Code 1993, is amended by striking the subsection and inserting in lieu thereof the following:

3. The attorney general shall, with the advice and consent of the council, appoint an attorney with knowledge and experience in prosecution to the office of prosecuting attorneys training coordinator. The prosecuting attorneys training coordinator shall be the administrator of the office of the prosecuting attorneys training coordinator. The coordinator's term of office is four years, beginning on July 1 of the year of appointment and ending on June 30 of the year of expiration.

Sec. 17. Section 13A.2, Code 1993, is amended by adding the following new subsections:

NEW SUBSECTION. 4. If a vacancy occurs in the office of prosecuting attorneys training coordinator, the vacancy shall be filled for the unexpired portion of the term in the same manner as the original appointment was made.

NEW SUBSECTION. 5. The attorney general may, with the advice of the council, remove the prosecuting attorney training coordinator for malfeasance or nonfeasance in office, for any cause which renders the coordinator ineligible for appointment, or for any cause which renders the coordinator incapable or unfit to discharge the duties of office. The prosecuting attorneys training coordinator may also be removed upon the unanimous vote of the council. The removal of a prosecuting attorneys training coordinator under this section is final.

Sec. 18. NEW SECTION. 602.6111 IDENTIFICATION NUMBERS ON DOCUMENTS FILED WITH THE CLERK.

1. Each petition or complaint, answer, appearance, first motion, or any document filed with the clerk of the district court which brings new parties into an action shall bear a personal identification number. The personal identification number shall be the employer identification number or the social security number of each separate party. If an individual party's driver's license lists a distinguishing number other than the party's social security number, the

document filed with the clerk of the district court shall also contain the distinguishing number from the party's driver's license.

2. The clerk of the district court shall affix the identification numbers required pursuant to subsection 1 to any judgment, sentence, dismissal, or other paper finally disposing of an action.

Sec. 19. Section 654A.17, Code 1993, is amended to read as follows:

654A.17 REPEAL OF CHAPTER.

This chapter is repealed on July 1, 1993 1995.

Sec. 20. Section 654B.12, Code 1993, is amended to read as follows:

654B.12 REPEAL OF CHAPTER.

This chapter is repealed on July 1, 1993 1995.

Sec. 21. Section 905.7, Code 1993, is amended by adding the following new subsection:

NEW SUBSECTION. 8. Provide for standards for mental fitness which shall govern the initial recruitment, selection, and appointment of parole and probation officers. To promote these standards, the department of corrections shall by rule require a battery of psychological tests to determine cognitive skills, personality characteristics, and suitability of all applicants for a correctional career, as is required for correctional officers pursuant to section 904.108.

Sec. 22. NEW SECTION. 909.10 COLLECTION OF DELINQUENT AMOUNTS BY THE COURT.

1. As used in this section, unless the context otherwise requires, "delinquent amounts" means a fine, court-imposed court costs in a criminal proceeding, or criminal surcharge imposed pursuant to section 911.2, which remains unpaid after two years from the date that the fine, court costs, or surcharge was imposed, and which is not collected by the county attorney pursuant to section 909.9. However, if the fine may be paid in installments pursuant to section 909.3,

the fine is not a delinquent amount unless the installment remains unpaid after two years from the date the installment was due.

2. Notwithstanding the disposition sections of sections 602.8106 and 911.3, upon the collection of delinquent amounts, the clerks of the district court shall remit the delinquent amounts to the treasurer of state for deposit into the revolving fund established pursuant to section 602.1302, to be used for the payment of jury and witness fees and mileage.

Sec. 23. 1990 Iowa Acts, chapter 1143, section 32, subsection 2, is amended to read as follows:

2. Sections 28 and 29 of this Act take effect on July 1, 1993 1995.

Sec. 24. 1992 Iowa Acts, Second Extraordinary Session, chapter 1001, section 407, is amended by adding the following new subsection:

NEW SUBSECTION. 3. Notwithstanding section 8.33 or 8.39, any balance remaining from the appropriation made pursuant to this section shall not revert to the general fund of the state but shall be available for expenditure during the subsequent fiscal year for the same purpose, and shall not be transferred to any other program.

Sec. 25. APPLICABILITY. Section 18 of this Act applies to any action commenced on or after the effective date of section 18 of this Act, as well as documents filed on or after the effective date of section 18 of this Act in actions which are pending as of the effective date of section 18 of this Act.

Sec. 26. EFFECTIVE DATES.

1. Section 1, subsections 3 and 4, of this Act, relating to Iowa competition law or antitrust actions and to civil consumer fraud actions, being deemed of immediate importance, take effect upon enactment.

2. Sections 15, 19, 20, and 23 of this Act, relating to farm mediation and legal assistance provisions, being deemed of immediate importance, take effect upon enactment.

3. Section 24 of this Act, being deemed of immediate importance, takes effect upon enactment and applies retroactively to July 1, 1992.

LEONARD L. BOSWELL
President of the Senate

HAROLD VAN MAANEN
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 267, Seventy-fifth General Assembly.

JOHN F. DWYER
Secretary of the Senate

Approved April 26, 1993

TERRY E. BRANSTAD
Governor