

Angelo Maddox Frause

SSB 1172

Judiciary

Succeeded By

SF/HF 395

SENATE/HOUSE FILE _____

BY (PROPOSED DEPARTMENT OF CORRECTIONS BILL)

Passed Senate, Date _____ Passed House, Date _____

Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act relating to the department of corrections by providing for
2 purchases from Iowa prison industries, the establishment of
3 reserve peace officers by judicial district departments of
4 correctional services, the applicability of occupational
5 health and safety provisions to inmate workers, the
6 establishment of a criminal offense for attempts to escape,
7 the crediting of time served by inmates, inmate work program
8 agreements, the revolving farm fund, and deductions from
9 inmate work program earnings, and making penalties applicable.

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

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1 Section 1. Section 8.62, subsection 2, Code 1999, is
2 amended to read as follows:

3 2. Notwithstanding the provisions of section 8.33 or any
4 other provision of law to the contrary, if on June 30 of a
5 fiscal year, a balance of an operational appropriation remains
6 unexpended or unencumbered, not more than fifty percent of the
7 balance may be encumbered by the agency to which the
8 appropriation was made and used as provided in this section
9 and the remaining balance shall be deposited in the cash
10 reserve fund created in section 8.56. Moneys encumbered under
11 this section shall only be used by the agency during the
12 succeeding fiscal year for employee training ~~and-for,~~
13 technology enhancement, or purchases of goods and services
14 from Iowa prison industries. Unused moneys encumbered under
15 this section shall be deposited in the cash reserve fund on
16 June 30 of the succeeding fiscal year.

17 Sec. 2. Section 80D.1, Code 1999, is amended to read as
18 follows:

19 80D.1 ESTABLISHMENT OF A FORCE OF RESERVE PEACE OFFICERS.

20 The governing body of a city, a county, or the state of
21 Iowa, or the judicial district department of correctional
22 services may provide for the establishment of a force of
23 reserve peace officers, and may limit the size of the reserve
24 force. In the case of the state, the department of public
25 safety shall act as the governing body.

26 This chapter constitutes the only procedure for appointing
27 reserve peace officers.

28 Sec. 3. Section 80D.4, Code 1999, is amended to read as
29 follows:

30 80D.4 TRAINING.

31 Training for individuals appointed as reserve peace
32 officers shall be provided by that law enforcement agency, but
33 may be obtained in a community college or other facility
34 selected by the individual and approved by the law enforcement
35 agency. Upon satisfactory completion of training, the chief

1 of police, sheriff, or commissioner of public safety, or
2 director of the judicial district department of correctional
3 services shall certify the individual as a reserve peace
4 officer.

5 Sec. 4. Section 80D.6, Code 1999, is amended to read as
6 follows:

7 80D.6 STATUS OF RESERVE PEACE OFFICERS.

8 Reserve peace officers shall serve as peace officers on the
9 orders and at the discretion of the chief of police, sheriff,
10 or commissioner of public safety or the commissioner's
11 designee, or director of the judicial district department of
12 correctional services or the director's designee, as the case
13 may be.

14 While in the actual performance of official duties, reserve
15 peace officers shall be vested with the same rights,
16 privileges, obligations, and duties as any other peace
17 officers.

18 Sec. 5. Section 80D.7, Code 1999, is amended to read as
19 follows:

20 80D.7 CARRYING WEAPONS.

21 A member of a reserve force shall not carry a weapon in the
22 line of duty until the member has been approved by the
23 governing body and certified by the Iowa law enforcement
24 academy council to carry weapons. After approval and
25 certification, a reserve peace officer may carry a weapon in
26 the line of duty only when authorized by the chief of police,
27 sheriff, or commissioner of public safety or the
28 commissioner's designee, or director of the judicial district
29 department of correctional services or the director's
30 designee, as the case may be.

31 Sec. 6. Section 80D.9, Code 1999, is amended to read as
32 follows:

33 80D.9 SUPERVISION OF RESERVE PEACE OFFICERS.

34 Reserve peace officers shall be subordinate to regular
35 peace officers, shall not serve as peace officers unless under

1 the direction of regular peace officers, and shall wear a
2 uniform prescribed by the chief of police, sheriff, or
3 commissioner of public safety, or director of the judicial
4 district department of correctional services unless that
5 superior officer designates alternate apparel for use when
6 engaged in assignments involving special investigation, civil
7 process, court duties, jail duties and the handling of mental
8 patients. The reserve peace officer shall not wear an
9 insignia of rank. Each department for which a reserve force
10 is established shall appoint a regular force peace officer as
11 the reserve force co-ordinating and supervising officer. That
12 regular peace officer shall report directly to the chief of
13 police, sheriff, or commissioner of public safety or the
14 commissioner's designee, or director of the judicial district
15 department of correctional services or the director's
16 designee, as the case may be.

17 Sec. 7. Section 80D.11, Code 1999, is amended to read as
18 follows:

19 80D.11 EMPLOYEE -- PAY.

20 While performing official duties, each reserve peace
21 officer shall be considered an employee of the governing body
22 which the officer represents and shall be paid a minimum of
23 one dollar per year. The governing body of a city, a county,
24 or the state, or judicial district department of correctional
25 services may provide additional monetary assistance for the
26 purchase and maintenance of uniforms and equipment used by
27 reserve peace officers.

28 Sec. 8. Section 88.3, subsection 4, Code 1999, is amended
29 to read as follows:

30 4. "Employee" means an employee of an employer who is
31 employed in a business of the employer. ~~"Employee"-also-means~~
32 ~~an-inmate-as-defined-in-section-85-597-when-the-inmate-works~~
33 ~~in-connection-with-the-maintenance-of-the-institution7-in-an~~
34 ~~industry-maintained-in-the-institution7-or-while-otherwise-on~~
35 ~~detail-to-perform-services-for-pay7~~ "Employee" also means a

1 volunteer involved in responses to hazardous waste incidences.
2 The employer of a volunteer is that entity which provides or
3 which is required to provide workers' compensation coverage
4 for the volunteer.

5 Sec. 9. Section 719.4, subsections 1 and 2, Code 1999, are
6 amended to read as follows:

7 1. A person convicted of a felony, or charged with or
8 arrested for the commission of a felony, who intentionally
9 escapes, or attempts to escape, from a detention facility,
10 community-based correctional facility, or institution to which
11 the person has been committed by reason of the conviction,
12 charge, or arrest, or from the custody of any public officer
13 or employee to whom the person has been entrusted, commits a
14 class "D" felony.

15 2. A person convicted of, charged with, or arrested for a
16 misdemeanor, who intentionally escapes, or attempts to escape,
17 from a detention facility, community-based correctional
18 facility, or institution to which the person has been
19 committed by reason of the conviction, charge, or arrest, or
20 from the custody of any public officer or employee to whom the
21 person has been entrusted, commits a serious misdemeanor.

22 Sec. 10. Section 903A.5, Code 1999, is amended to read as
23 follows:

24 903A.5 TIME TO BE SERVED -- CREDIT.

25 An inmate shall not be discharged from the custody of the
26 director of the Iowa department of corrections until the
27 inmate has served the full term for which the inmate was
28 sentenced, less good conduct time earned and not forfeited,
29 unless the inmate is pardoned or otherwise legally released.
30 Good conduct time earned and not forfeited shall apply to
31 reduce a mandatory minimum sentence being served pursuant to
32 section 124.406, 124.413, 902.7, 902.8, or 902.11. An inmate
33 shall be deemed to be serving the sentence from the day on
34 which the inmate is received into the institution. However,
35 ~~if~~ If an inmate was confined to a county jail or other

1 correctional or mental facility at any time prior to
2 sentencing, or after sentencing but prior to the case having
3 been decided on appeal, because of failure to furnish bail or
4 because of being charged with a nonbailable offense, the
5 inmate shall be given credit for the days already served upon
6 the term of the sentence. However, if a person commits any
7 offense while confined in a county jail or other correctional
8 or mental health facility, the person shall not be granted
9 jail credit for that offense. The sheriff of the county in
10 which the inmate was confined shall certify to the ~~clerk of~~
11 ~~the district court from which the inmate was sentenced~~
12 department of corrections' records administrator at the Iowa
13 medical and classification center the number of days so
14 served. ~~The clerk of the district court~~ department of
15 corrections' records administrator shall forward a copy of the
16 certification of the number of days served to the warden and
17 the clerk of the district court from which the inmate was
18 sentenced.

19 An inmate shall not receive credit upon the inmate's
20 sentence for time spent in custody in another state resisting
21 return to Iowa following an escape, or for time served in an
22 institution or jail of another jurisdiction during any period
23 of time the person is receiving credit upon a sentence of that
24 other jurisdiction.

25 Sec. 11. Section 904.703, Code 1999, is amended to read as
26 follows:

27 904.703 SERVICES OF INMATES -- INSTITUTIONS AND PUBLIC
28 SERVICE.

29 Inmates shall work on state account in the maintenance of
30 state institutions, in the erection, repair, authorized
31 demolition, or operation of buildings and works used in
32 connection with the institutions, and in industries
33 established and maintained in connection with the institutions
34 by the director. The director shall encourage the making of
35 agreements, including chapter 28E agreements, with departments

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1 and agencies of the state or its political subdivisions to
 2 provide products or services under an inmate work program to
 3 the departments and agencies. The director may implement an
 4 inmate work program for trustworthy inmates of state
 5 correctional institutions, under proper supervision, whether
 6 at work centers located outside the state correctional
 7 institutions or in construction or maintenance work at public
 8 or charitable facilities and for other agencies of state,
 9 county, or local government. The supervision, security, and
 10 transportation of, and allowances paid to inmates used in
 11 public service projects shall be provided pursuant to
 12 agreements, including chapter 28E agreements, made by the
 13 director and the agency for which the work is done. Housing
 14 and maintenance shall also be provided pursuant to the
 15 agreement, including a chapter 28E agreement, unless the
 16 inmate is housed and maintained in the correctional facility.
 17 All such work, including but not limited to that provided in
 18 this section, shall have as its primary purpose the
 19 development of attitudes, skills, and habit patterns which are
 20 conducive to inmate rehabilitation. The director may adopt
 21 rules allowing inmates participating in an inmate work program
 22 to receive educational or vocational training outside the
 23 state correctional institutions and away from the work centers
 24 or public or charitable facilities used under a program.

25 However, an inmate shall not work in a public service
 26 project if the work of that inmate would replace a person
 27 employed by the state agency or political subdivision, which
 28 employee is performing the work of the public service project
 29 at the time the inmate is being considered for work in the
 30 project.

31 ~~The director may enter into a chapter 28E agreement with a~~
 32 ~~county board of supervisors or county conservation board to~~
 33 ~~provide inmate services for environmental maintenance~~
 34 ~~including but not limited to brush and weed cutting, tree~~
 35 ~~planting, and erosion control.~~

1 Sec. 12. Section 904.706, unnumbered paragraph 1, Code
2 1999, is amended to read as follows:

3 A revolving farm fund is created in the state treasury in
4 which the department shall deposit receipts from agricultural
5 products, nursery stock, agricultural land rentals, and the
6 sale of livestock. However, before any agricultural operation
7 is phased out, the department which proposes to discontinue
8 this operation shall notify the governor, chairpersons and
9 ranking members of the house and senate appropriations
10 committees, and cochairpersons and ranking members of the
11 subcommittee in the senate and house of representatives which
12 has handled the appropriation for this department in the past
13 session of the general assembly. Before the department sells
14 farmland under the control of the department, the director
15 shall notify the governor, chairpersons and ranking members of
16 the house and senate appropriations committees, and
17 cochairpersons and ranking members of the joint appropriations
18 subcommittee that handled the appropriation for the department
19 during the past session of the general assembly. The
20 department may pay from the fund for the operation,
21 maintenance, and improvement of farms and agricultural or
22 nursery property under the control of the department. A
23 purchase order for five thousand dollars or less payable from
24 the fund is exempt from the general purchasing requirements of
25 chapter 18. Notwithstanding section 8.33, unencumbered or
26 unobligated receipts in the revolving farm fund at the end of
27 a fiscal year shall not revert to the general fund of the
28 state. Notwithstanding section 12C.7, interest or earnings on
29 moneys in the fund shall be credited to the fund.

30 Sec. 13. Section 904.809, subsection 5, Code 1999, is
31 amended to read as follows:

32 5. An inmate of a correctional institution employed
33 pursuant to this section shall surrender to the department of
34 corrections the inmate's total earnings less deductions for
35 federal, state, and local taxes, and any other payroll

1 deductions required by law. The department of corrections
2 shall deduct twenty percent of the balance to be credited to
3 the inmate's general account. The department shall then
4 deduct from the earnings remaining as follows:

5 a. The department shall first deduct the following amounts
6 in the following order of priority:

7 (1) Five percent of the balance to the victim compensation
8 fund created in section 915.94.

9 (2) An amount the inmate may be legally obligated to pay
10 for the support of the inmate's dependents, the amount of
11 which shall be paid to the dependents through the department
12 of human services collection services center.

13 ~~(2)~~ (3) Restitution as ordered by the court pursuant to
14 chapter 910.

15 ~~(3)--Five-percent-of-the-balance-to-the-victim-compensation~~
16 ~~fund-created-in-section-915-94-~~

17 ~~(4)--An-amount-the-inmate-is-legally-obligated-to-pay-for~~
18 ~~any-other-financial-obligation-~~

19 ~~(5)~~ (4) An-amount-determined-to-be Any balance remaining
20 shall be deposited in a special account for reimbursement to
21 the department of corrections for the cost to the department
22 of corrections for in providing for the incarceration of the
23 inmate.

24 b. ~~Of the balance-remaining-after-deductions-and-payments~~
25 ~~required-pursuant-to-paragraph-"a",-the-department-shall~~
26 ~~deposit-in-the-Iowa-state-industries-revolving-fund-created-in~~
27 ~~section-904-813,-an-amount-equal-to-the-costs-incurred-by-the~~
28 ~~fund-related-to-the-inmate's-employment-pursuant-to-this~~
29 ~~section:--Any-balance-remaining-after-the-deductions-and~~
30 ~~payments-required-by-this-subsection-shall-be amount~~ credited
31 to the inmate's general account, the department shall deduct
32 an amount representing any other legal or administrative
33 financial obligations.

34 Sec. 14. Section 907.3, subsection 3, unnumbered paragraph
35 1, Code 1999, is amended to read as follows:

1 By record entry at the time of or after sentencing, the
2 court may suspend the sentence and place the defendant on
3 probation upon such terms and conditions as it may require
4 including commitment to an alternate jail facility or a
5 community correctional residential treatment facility ~~for a~~
6 ~~specific-number-of-days~~ to be followed by a term of probation
7 as specified in section 907.7, or commitment of the defendant
8 to the judicial district department of correctional services
9 for supervision or services under section 901B.1 at the level
10 of sanctions which the district department determines to be
11 appropriate and the payment of fees imposed under section
12 905.14. A person so committed who has probation revoked shall
13 be given credit for such time served. However, the court
14 shall not suspend any of the following sentences:

15 EXPLANATION

16 This bill makes several changes related to the department
17 of corrections.

18 Code section 8.62 is amended to permit agencies to purchase
19 goods and services from Iowa prison industries from moneys
20 appropriated to the agencies for operational expenses that
21 would otherwise revert to the general fund at the end of the
22 fiscal year. Currently, agencies can use up to 50 percent of
23 this nonreversion money for only employee training or
24 technology.

25 Code chapter 80D is amended to permit a judicial district
26 department of correctional services to provide for the
27 establishment of a force of reserve peace officers. The
28 applicable director of the judicial district department of
29 correctional services is given supervisory authority over
30 these reserve officers.

31 Code section 88.3 is amended to exclude inmates from the
32 definition of an employee covered by Code chapter 88, relating
33 to occupational safety and health.

34 Code section 719.4 is amended to provide that a person
35 convicted of a felony or misdemeanor who intentionally

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1 attempts to escape from a detention facility, correctional
2 facility, or institution commits a class "D" felony, or a
3 serious misdemeanor, respectively. Currently, these
4 particular criminal penalties only apply to a person who
5 intentionally escapes.

6 Code section 903A.5, concerning the crediting of time
7 served by inmates, is amended. The bill provides that the
8 sheriff of the county in which an inmate is confined shall
9 certify the number of days served by the inmate to the records
10 administrator at the Iowa medical and classification center
11 and not to the applicable clerk of the district court. The
12 records administrator shall then forward a copy of the
13 certification of the number of days to the warden of the
14 inmate and to the applicable clerk of the district court. The
15 bill also provides that an inmate who has committed an offense
16 while confined shall not receive jail credit for that offense.

17 Code section 904.703 is amended to specifically provide
18 that agreements by the department of corrections with the
19 state or its political subdivisions for the purpose of
20 providing services through an inmate work program can be made
21 through a chapter 28E agreement. Specific authority to enter
22 into a chapter 28E agreement with a county board of
23 supervisors or conservation board to provide inmate services
24 for environmental maintenance, such as weed control, is
25 eliminated.

26 Code section 904.706 is amended to provide that interest
27 earned from moneys in the revolving farm fund shall be
28 credited to the fund and shall not revert at the end of the
29 fiscal year.

30 Code section 904.809, subsection 5, governing deductions
31 from moneys earned by inmates who work for a private sector
32 employer, is amended. The bill provides that, of the inmate's
33 gross earnings, after deducting taxes and depositing 20
34 percent of the remainder in the inmate's general account, 5
35 percent shall be credited to the victim's compensation fund.

1 The bill then provides that of the balance remaining, an
2 amount shall be deducted for the inmate's legally determined
3 obligation, if any, to support the inmate's dependents, and an
4 amount for restitution, with the remainder going to the
5 department of corrections to defray the costs of incarcerating
6 the inmate. The bill further requires that of the amount to
7 be deposited in the inmate's general account, deductions shall
8 be made for any other legal or administrative financial
9 obligations of the inmate.

10 Code section 907.3 is amended to eliminate reference to a
11 sentence of a specific number of days for probation.

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3/23/99 Motion to R/C by Doorsky
3/29/99 Motion to R/C Revoked

FILED MAR 10 1999

SENATE FILE 395

BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 1172)

Passed Senate, ^(P. 742) Date 3/23/99
Vote: Ayes 46 Nays 0

Passed House, ^(P. 1341) Date 4/15/99
Vote: Ayes 89 Nays 1

Passed 3/29/99 Approved May 26, 1999
Vote 48-0

A BILL FOR

1 An Act relating to the department of corrections by providing for
2 purchases from Iowa prison industries, the study of inmate
3 worker safety issues, the establishment of a criminal offense
4 for attempts to escape, the crediting of time served by
5 inmates, inmate work program agreements, the revolving farm
6 fund, and deductions from inmate work program earnings, and
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SF 395

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27 2. A person convicted of, charged with, or arrested for a
28 misdemeanor, who intentionally escapes, or attempts to escape,
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15 been decided on appeal, because of failure to furnish bail or
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17 inmate shall be given credit for the days already served upon
18 the term of the sentence. However, if a person commits any
19 offense while confined in a county jail or other correctional
20 or mental health facility, the person shall not be granted
21 jail credit for that offense. The Unless the inmate was
22 confined in a correctional facility, the sheriff of the county
23 in which the inmate was confined shall certify to the clerk of
24 the district court from which the inmate was sentenced and to
25 the department of corrections' records administrator at the
26 Iowa medical and classification center the number of days so
27 served. The ~~clerk-of-the-district-court~~ department of
28 corrections' records administrator, or the administrator's
29 designee, shall apply jail credit as ordered by the court of
30 proper jurisdiction or as authorized by this section and
31 section 907.3, subsection 3, and shall forward a copy of the
32 certification-of-the number of days served to the-warden the
33 clerk of the district court from which the inmate was
34 sentenced.

35 An inmate shall not receive credit upon the inmate's

1 sentence for time spent in custody in another state resisting
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9 employee is performing the work of the public service project
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23 is phased out, the department which proposes to discontinue
24 this operation shall notify the governor, chairpersons and
25 ranking members of the house and senate appropriations
26 committees, and cochairpersons and ranking members of the
27 subcommittee in the senate and house of representatives which
28 has handled the appropriation for this department in the past
29 session of the general assembly. Before the department sells
30 farmland under the control of the department, the director
31 shall notify the governor, chairpersons and ranking members of
32 the house and senate appropriations committees, and
33 cochairpersons and ranking members of the joint appropriations
34 subcommittee that handled the appropriation for the department
35 during the past session of the general assembly. The

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2 maintenance, and improvement of farms and agricultural or
3 nursery property under the control of the department. A
4 purchase order for five thousand dollars or less payable from
5 the fund is exempt from the general purchasing requirements of
6 chapter 18. Notwithstanding section 8.33, unencumbered or
7 unobligated receipts in the revolving farm fund at the end of
8 a fiscal year shall not revert to the general fund of the
9 state. Notwithstanding section 12C.7, interest or earnings on
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14 pursuant to this section shall surrender to the department of
15 corrections the inmate's total earnings less deductions for
16 federal, state, and local taxes, and any other payroll
17 deductions required by law. The department of corrections
18 shall deduct twenty percent of the balance to be credited to
19 the inmate's general account. The department shall then
20 deduct from the earnings remaining as follows:

21 a. The department shall first deduct the following amounts
22 in the following order of priority:

23 (1) Five percent of the balance to the victim compensation
24 fund created in section 915.94.

25 (2) An amount the inmate may be legally obligated to pay
26 for the support of the inmate's dependents, the amount of
27 which shall be paid to the dependents through the department
28 of human services collection services center.

29 ~~(2)~~ (3) Restitution as ordered by the court pursuant to
30 chapter 910.

31 ~~(3)--Five-percent-of-the-balance-to-the-victim-compensation~~
32 ~~fund-created-in-section-915-94-~~

33 ~~(4)--An-amount-the-inmate-is-legally-obligated-to-pay-for~~
34 ~~any-other-financial-obligation-~~

35 ~~(5)~~ (4) An-amount-determined-to-be Any balance remaining

1 shall be deposited in a special account for reimbursement to
2 the department of corrections for the cost to the department
3 of corrections for in providing for the incarceration of the
4 inmate.

5 b. ~~Of the balance remaining after deductions and payments~~
6 ~~required pursuant to paragraph "a", the department shall~~
7 ~~deposit in the Iowa state industries revolving fund created in~~
8 ~~section 904.813, an amount equal to the costs incurred by the~~
9 ~~fund related to the inmate's employment pursuant to this~~
10 ~~section. Any balance remaining after the deductions and~~
11 ~~payments required by this subsection shall be amount~~ credited
12 to the inmate's general account, the department shall deduct
13 an amount representing any other legal or administrative
14 financial obligations.

15 Sec. 7. Section 907.3, subsection 3, unnumbered paragraph
16 1, Code 1999, is amended to read as follows:

17 By record entry at the time of or after sentencing, the
18 court may suspend the sentence and place the defendant on
19 probation upon such terms and conditions as it may require
20 including commitment to an alternate jail facility or a
21 community correctional residential treatment facility ~~for a~~
22 ~~specific number of days~~ to be followed by a term of probation
23 as specified in section 907.7, or commitment of the defendant
24 to the judicial district department of correctional services
25 for supervision or services under section 901B.1 at the level
26 of sanctions which the district department determines to be
27 appropriate and the payment of fees imposed under section
28 905.14. A person so committed who has probation revoked shall
29 be given credit for such time served. However, the court
30 shall not suspend any of the following sentences:

31 Sec. 8. INMATE WORKER SAFETY -- STUDY -- REPORT. The
32 department of corrections, in consultation with the division
33 of labor services of the department of workforce development,
34 shall conduct a study on issues concerning the safety of
35 inmate workers. The study shall consider, among other things,

1 whether all or a part of chapter 88 should be applicable to
2 inmates, whether substitute guidelines should be adopted
3 governing inmate worker safety, including guidelines on the
4 reporting and investigation of unsafe conditions, and the
5 legal consequences of any proposed recommendation or new
6 guideline. The department of corrections shall submit the
7 findings and any recommendations of the study to the general
8 assembly by January 1, 2000.

9

EXPLANATION

10 This bill makes several changes related to the department
11 of corrections.

12 Code section 8.62 is amended to permit agencies to purchase
13 goods and services from Iowa prison industries from moneys
14 appropriated to the agencies for operational expenses that
15 would otherwise revert to the general fund at the end of the
16 fiscal year. Currently, agencies can use up to 50 percent of
17 this nonreversion money for only employee training or
18 technology.

19 Code section 719.4 is amended to provide that a person
20 convicted of a felony or misdemeanor who intentionally
21 attempts to escape from a detention facility, correctional
22 facility, or institution commits a class "D" felony, or a
23 serious misdemeanor, respectively. Currently, these
24 particular criminal penalties only apply to a person who
25 intentionally escapes.

26 Code section 903A.5, concerning the crediting of time
27 served by inmates, is amended. The bill provides that, unless
28 the inmate was confined in a correctional facility, the
29 sheriff of the county in which an inmate is confined shall
30 certify the number of days served by the inmate to the records
31 administrator at the Iowa medical and classification center
32 and to the applicable clerk of the district court. The
33 records administrator, or designee, is required to apply jail
34 credit as ordered by the court or as otherwise authorized, and
35 shall then forward a copy of the number of days served to the

1 applicable clerk of the district court. The bill also
2 provides that an inmate who has committed an offense while
3 confined shall not receive jail credit for that offense.

4 Code section 904.703 is amended to specifically provide
5 that agreements by the department of corrections with the
6 state or its political subdivisions for the purpose of
7 providing services through an inmate work program can be made
8 through a chapter 28E agreement. Specific authority to enter
9 into a chapter 28E agreement with a county board of
10 supervisors or conservation board to provide inmate services
11 for environmental maintenance, such as weed control, is
12 eliminated.

13 Code section 904.706 is amended to provide that interest
14 earned from moneys in the revolving farm fund shall be
15 credited to the fund and shall not revert at the end of the
16 fiscal year.

17 Code section 904.809, subsection 5, governing deductions
18 from moneys earned by inmates who work for a private sector
19 employer, is amended. The bill provides that, of the inmate's
20 gross earnings, after deducting taxes and depositing 20
21 percent of the remainder in the inmate's general account, 5
22 percent shall be credited to the victim's compensation fund.
23 The bill then provides that of the balance remaining, an
24 amount shall be deducted for the inmate's legally determined
25 obligation, if any, to support the inmate's dependents, and an
26 amount for restitution, with the remainder going to the
27 department of corrections to defray the costs of incarcerating
28 the inmate. The bill further requires that of the amount to
29 be deposited in the inmate's general account, deductions shall
30 be made for any other legal or administrative financial
31 obligations of the inmate.

32 Code section 907.3 is amended to eliminate reference to a
33 sentence of a specific number of days for probation.

34 The bill also requires the department of corrections, in
35 consultation with the division of labor services of the

1 department of workforce development, to study inmate worker
2 safety issues and to submit a report to the general assembly
3 by January 1, 2000.

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**SENATE FILE 395
FISCAL NOTE**

The estimate for **House Amendment H-1391 to Senate File 395** is hereby submitted as a fiscal note pursuant to Joint Rule 17 and as a correctional impact statement pursuant to Section 2.56, Code of Iowa. Data used in developing this fiscal note and correctional impact statement are available from the Legislative Fiscal Bureau to members of the Legislature upon request.

Amendment H-1391 to Senate File 395 makes three substantive changes to SF 395. The amendment:

1. Eliminates the 10.0% of reversions that could have been carried forward to the next fiscal year and used for purchases from Prison Industries. The amendment does not affect the use of carried forward funds that otherwise would have reverted; they may still be used for technology enhancements, training, and purchases from Prison Industries.
2. Strikes the change that would have allowed the Prison Farms Account to retain interest earnings. The interest from the Prison Farm Account will continue to be deposited into the General Fund.
3. Modifies the distribution of the earnings by inmates employed in private sector jobs.

ASSUMPTIONS

1. There is on average \$5.9 million available annually for reversion to the General Fund and carry forward for employee training and technological enhancements.
2. The Prison Farm Account has a typical cash balance between \$300,000 and \$400,000. It earns 5.0% interest on the balance.
3. Approximately 200 inmates are employed in private sector jobs.
4. Gross wages will total \$2.6 million.
5. The inmates receive 20.0% of net wages under current law and will receive 20.0% of gross wages under the proposed law.
6. Victims Compensation is 5.0% of net wages under current law and will be 5.0% of gross wages under the proposed law.
7. Child support is currently 37.5% of wages net of all of the above deductions under current law and will be 50.0% of wages net of taxes and FICA deductions under the proposed law.
8. Restitution is 37.5% of wages net of all of the above deductions under current law and will continue to be deducted in the same manner under the proposed law.
9. Inmates with private sector jobs rarely have other financial obligations.
10. Any remaining balance under the proposed law transfers to the Department of Corrections in FY 2000 and to the General Fund in FY 2001 and following years.

FISCAL IMPACT

Amendment H-1391 to SF 395 will have the following effects.

Up to \$590,000 will continue to be deposited into the General Fund due to the elimination of the carry forward of the 10.0% of General Fund reversions for

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purchases from Prison Industries. No estimate is available regarding the potential increase in sales resulting from purchases with funds carried forward at the end of the fiscal year. A 1.0% increase in Iowa Prison Industries sales would be approximately \$120,000.

The interest earned on the Prison Farm Account is \$15,000 to \$20,000 annually. These funds will continue to be deposited in the General Fund.

The Amendment changes the distribution of the income from the Pay-for-Stay Program for inmates with private sector employment. Under current law the Department of Corrections receives approximately \$783,000 annually. Under this Amendment, the Department will receive approximately \$562,000 (\$221,000 less than current law) in FY 2000, and the General Fund will receive that amount in subsequent years.

Revenues from inmates with private sector employment would be distributed as follows:

	Current Law		Proposed Law	
	Cost	Balance	Cost	Balance
Gross Wages		\$ 2,568,436		\$ 2,568,436
FICA	\$ 161,512		\$ 161,512	
Federal Tax	273,138		273,138	
State Tax	77,858		77,858	
Net Wages		2,055,928		2,055,928
Inmate Savings	411,186		513,687	
Victim Comp.	102,796	1,541,946	128,422	1,413,819
Child Support	289,115	1,252,831	513,982	899,837
Restitution	469,812	783,019	337,439	562,398
Remainder to DOC	783,019	0		
Ending Balance			562,398*	0

*The Ending Balance is transferred to the Department of Corrections in FY 2000, and after FY 2000 is transferred and deposited to the General Fund.

The Department of Corrections is expected to request an increase in appropriations to offset the amount the budget has been reduced for revenues from inmates with private sector employment.

SOURCE

Department of Corrections

(LSB 1322SV.3, MDF)

SENATE FILE 395
FISCAL NOTE

The estimate for Senate File 395 is hereby submitted as a fiscal note pursuant to Joint Rule 17 and as a correctional impact statement pursuant to Section 2.56, Code of Iowa. Data used in developing this fiscal note and correctional impact statement are available from the Legislative Fiscal Bureau to members of the Legislature upon request.

Senate File 395, as passed by the Senate, makes a number of changes related to the Department of Corrections.

1. Current law permits State agencies to carry forward up to 50.0% of their funds that would otherwise revert for employee training and technological enhancements. This Bill would permit an additional 10.0% to be carried forward to be used for purchases from Iowa Prison Industries.
2. Escaping from a detention facility or correctional facility is a Class D felony. This Bill makes attempting to escape from one of these facilities a Class D felony.
3. The Bill addresses how time served in jail is credited to the sentence. If the person is convicted of a second offense while confined to the county jail or other facility, the person is not granted jail credit for that offense.
4. The Bill allows the Department of Corrections to enter into 28E agreements with State agencies and political subdivisions and removes the restriction for 28E agreements only with county boards of supervisors and county conservation boards.
5. The Bill provides that interest earned on moneys in the Revolving Farm Fund is retained by the Fund instead of reverting to the General Fund at the end of the fiscal year.
6. The Bill modifies the order for deductions from the wages of inmates employed by private sector businesses. After taxes are deducted by the employer, the Department of Corrections first places 20.0% of the earnings in the inmates account, then 5.0% is paid to the Victim Compensation Fund, support for dependents is deducted, court-ordered restitution is paid, and last, the Department retains the remainder as room and board. Legal and financial obligations may be deducted from the inmate's account.
7. The Bill removes the requirement that psychological tests for cognitive skills, personality characteristics, and suitability for the occupation be used in the selection of probation/parole officers.
8. The requirement that a judge set the number of days an offender is committed to a jail or residential correctional facility when suspending a sentence is removed.
9. The Bill requires the Department of Corrections, in consultation with the Department of Workforce Development, to study issues of inmate worker safety and report to the General Assembly by January 1, 2000.

ASSUMPTIONS

1. The Department of Corrections reports that prison escape attempts are rare

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with only two incidents occurring in the last five years.

2. There is no data available to estimate the number of escape attempts from residential facilities. The Department states that these individuals are currently revoked to prison, so additional penalties would not be sought.
3. The psychological testing for cognitive skills has not been validated and therefore has not been implemented in the selection of probation/parole officers. Therefore, no cost savings will be realized by eliminating this requirement.
4. There is on average \$5.9 million available annually for reversion to the General Fund and carry-forward for employee training and technological enhancements. Ten percent of this amount would be eligible for carry-forward for Iowa Prison Industries purchases.
5. The Prison Farm Account has a typical cash balance between \$300,000 and \$400,000. It earns 5.0% interest on that balance.

CORRECTIONAL IMPACT

Senate File 395, as passed by the Senate, is expected to have a minimal impact on the inmate population.

FISCAL IMPACT

Senate File 395, as passed by the Senate, is expected to have a minimal General Fund fiscal impact on the prisons and the Community-Based Corrections District Departments of the Department of Corrections.

Currently, there is no estimate for the potential increase in Iowa Prison Industries sales resulting from purchases with funds carried forward at the end of the fiscal year. The maximum amount that could be encumbered is projected to be approximately \$590,000 annually. If Iowa Prison Industries sales increased by 1.0%, the increase in sales would be approximately \$120,000. To the extent that these funds would have reverted, there will be a corresponding decrease in revenues available to the General Fund.

The Iowa Farms Account will retain \$15,000 to \$20,000 in interest income annually. There will be a corresponding reduction in income for the General Fund.

SOURCES

Criminal and Juvenile Justice Planning Division, Department of Human Rights
Department of Corrections

(LSB 1322sv.2, MDF)

FILED APRIL 6, 1999

BY DENNIS PROUTY, FISCAL DIRECTOR

**SENATE FILE 395
FISCAL NOTE**

The estimate for Senate File 395 is hereby submitted as a fiscal note pursuant to Joint Rule 17 and as a correctional impact statement pursuant to Section 2.56, Code of Iowa. Data used in developing this fiscal note and correctional impact statement are available from the Legislative Fiscal Bureau to members of the Legislature upon request.

Senate File 395 makes a number of changes related to the Department of Corrections.

1. Current law permits State agencies to carry forward up to 50.0% of their funds that would otherwise revert for employee training and technological enhancements. This Bill would permit the carried forward funding to also be used for purchases from Iowa Prison Industries.
2. Escaping from a detention facility or correctional facility is a Class D felony. This Bill makes attempting to escape from one of these facilities a Class D felony.
3. The Bill addresses how time served in jail is credited to the sentence. If the person is convicted of a second offense while confined to the county jail or other facility, the person is not granted jail credit for that offense.
4. The Bill allows the Department of Corrections to enter into 28E agreements with State agencies and political subdivisions and removes the restriction for 28E agreements only with county boards of supervisors and county conservation boards.
5. The Bill provides that interest earned on moneys in the Revolving Farm Fund is retained by the Fund instead of reverting to the General Fund at the end of the fiscal year.
6. The Bill modifies the order for deductions from the wages of inmates employed by private sector businesses. After taxes are deducted by the employer, the Department of Corrections first places 20.0% of the earnings in the inmates account, then 5.0% is paid to the Victim Compensation Fund, support for dependents is deducted, court-ordered restitution is paid, and last, the Department retains the remainder as room and board. Legal and financial obligations may be deducted from the inmate's account.
7. The requirement that a judge set the number of days an offender is committed to a jail or residential correctional facility when suspending a sentence is removed.
8. The Bill requires the Department of Corrections, in consultation with the Department of Workforce Development, to study issues of inmate worker safety and report to the General Assembly by January 1, 2000.

ASSUMPTIONS

1. The Department of Corrections reports that prison escape attempts are rare with only two incidents occurring in the last five years.
2. There is no data available to estimate the number of escape attempts from residential facilities. The Department states that these individuals are currently revoked to prison, so additional penalties would not be sought.
3. Sales by the Iowa Prison Industries totalled approximately \$12.8 million in FY 1998 and \$10.5 million in FY 1997.
4. The Prison Farm Account has a typical cash balance between \$300,000 and \$400,000. It earns 5.0% interest on that balance.

CORRECTIONAL IMPACT

Senate File 395 is expected to have a minimal impact on the inmate population.

FISCAL IMPACT

Senate File 395 is expected to have a minimal fiscal impact on the prisons and the Community-Based Corrections District Departments.

Iowa Prison Industries does not have a specific estimate for the potential increase in sales resulting from purchases with funds carried forward at the end of the fiscal year. If sales increased by 1.0%, the increase in sales would be approximately \$120,000. To the extent that these funds would have reverted, there will be a corresponding decrease in revenues available to the General Fund.

The Iowa Farms Account will retain \$15,000 to \$20,000 in interest income annually. There will be a corresponding reduction in income for the General Fund.

SOURCES

Criminal and Juvenile Justice Planning Division, Department of Human Rights
Department of Corrections

(LSB 1322SV, MDF)

FILED MARCH 16, 1999

BY DENNIS PROUTY, FISCAL DIRECTOR

S-3141

1 Amend Senate File 395 as follows:

2 1. Page 1, line 6, by striking the word "fifty"
3 and inserting the following: "fifty sixty".

4 2. Page 1, line 12, by inserting after the word
5 "year" the following: "for the purposes authorized by
6 this subsection. Not more than fifty percent of the
7 balance of an operational appropriation remaining
8 unexpended and unencumbered as described in this
9 subsection shall be used by the agency".

10 3. Page 1, line 14, by inserting after the word
11 "industries." the following: "In addition, not more
12 than ten percent of the balance of an operational
13 appropriation remaining unexpended and unencumbered as
14 described in this subsection shall be used by the
15 agency for purchases of goods and services from Iowa
16 prison industries."

17 4. Page 1, by inserting after line 16 the
18 following:

19 "Sec. ____ . Section 8.62, subsection 4, Code 1999,
20 is amended by striking the subsection."

21 5. By renumbering as necessary.

By JEFF ANGELO

S-3141 FILED MARCH 24, 1999

adopted

3/29/99

(p. 831)

SENATE FILE 395

S-3129

1 Amend Senate File 395 as follows:

2 1. Page 6, by inserting after line 14 the
3 following:

4 "Sec. ____ . Section 905.7, subsection 8, Code 1999,
5 is amended to read as follows:

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

15 2. Title page, line 6, by inserting after the
16 word "earnings," the following: "standards for the
17 employment of probation and parole officers,".

18 3. By renumbering as necessary.

By ROBERT E. DVORSKY
JEFF ANGELO

S-3129 FILED MARCH 23, 1999

adapted
3/29/99

(p. 831)

1 Section 1. Section 8.62, subsection 2, Code 1999, is
2 amended to read as follows:

3 2. Notwithstanding the provisions of section 8.33 or any
4 other provision of law to the contrary, if on June 30 of a
5 fiscal year, a balance of an operational appropriation remains
6 unexpended or unencumbered, not more than fifty sixty percent
7 of the balance may be encumbered by the agency to which the
8 appropriation was made and used as provided in this section
9 and the remaining balance shall be deposited in the cash
10 reserve fund created in section 8.56. Moneys encumbered under
11 this section shall only be used by the agency during the
12 succeeding fiscal year for the purposes authorized by this
13 subsection. Not more than fifty percent of the balance of an
14 operational appropriation remaining unexpended and
15 unencumbered as described in this subsection shall be used by
16 the agency for employee training and-for, technology
17 enhancement, or purchases of goods and services from Iowa
18 prison industries. In addition, not more than ten percent of
19 the balance of an operational appropriation remaining
20 unexpended and unencumbered as described in this subsection
21 shall be used by the agency for purchases of goods and
22 services from Iowa prison industries. Unused moneys
23 encumbered under this section shall be deposited in the cash
24 reserve fund on June 30 of the succeeding fiscal year.

25 Sec. 2. Section 8.62, subsection 4, Code 1999, is amended
26 by striking the subsection.

27 Sec. 3. Section 719.4, subsections 1 and 2, Code 1999, are
28 amended to read as follows:

29 1. A person convicted of a felony, or charged with or
30 arrested for the commission of a felony, who intentionally
31 escapes, or attempts to escape, from a detention facility,
32 community-based correctional facility, or institution to which
33 the person has been committed by reason of the conviction,
34 charge, or arrest, or from the custody of any public officer
35 or employee to whom the person has been entrusted, commits a

1 class "D" felony.

2 2. A person convicted of, charged with, or arrested for a
3 misdemeanor, who intentionally escapes, or attempts to escape,
4 from a detention facility, community-based correctional
5 facility, or institution to which the person has been
6 committed by reason of the conviction, charge, or arrest, or
7 from the custody of any public officer or employee to whom the
8 person has been entrusted, commits a serious misdemeanor.

9 Sec. 4. Section 903A.5, Code 1999, is amended to read as
10 follows:

11 903A.5 TIME TO BE SERVED -- CREDIT.

12 An inmate shall not be discharged from the custody of the
13 director of the Iowa department of corrections until the
14 inmate has served the full term for which the inmate was
15 sentenced, less good conduct time earned and not forfeited,
16 unless the inmate is pardoned or otherwise legally released.
17 Good conduct time earned and not forfeited shall apply to
18 reduce a mandatory minimum sentence being served pursuant to
19 section 124.406, 124.413, 902.7, 902.8, or 902.11. An inmate
20 shall be deemed to be serving the sentence from the day on
21 which the inmate is received into the institution. ~~However,~~
22 ~~if~~ If an inmate was confined to a county jail or other
23 correctional or mental facility at any time prior to
24 sentencing, or after sentencing but prior to the case having
25 been decided on appeal, because of failure to furnish bail or
26 because of being charged with a nonbailable offense, the
27 inmate shall be given credit for the days already served upon
28 the term of the sentence. However, if a person commits any
29 offense while confined in a county jail or other correctional
30 or mental health facility, the person shall not be granted
31 jail credit for that offense. ~~The~~ Unless the inmate was
32 confined in a correctional facility, the sheriff of the county
33 in which the inmate was confined shall certify to the clerk of
34 the district court from which the inmate was sentenced and to
35 the department of corrections' records administrator at the

1 Iowa medical and classification center the number of days so
2 served. The clerk-of-the-district-court department of
3 corrections' records administrator, or the administrator's
4 designee, shall apply jail credit as ordered by the court of
5 proper jurisdiction or as authorized by this section and
6 section 907.3, subsection 3, and shall forward a copy of the
7 certification-of-the number of days served to the-warden the
8 clerk of the district court from which the inmate was
9 sentenced.

10 An inmate shall not receive credit upon the inmate's
11 sentence for time spent in custody in another state resisting
12 return to Iowa following an escape, or for time served in an
13 institution or jail of another jurisdiction during any period
14 of time the person is receiving credit upon a sentence of that
15 other jurisdiction.

16 Sec. 5. Section 904.703, Code 1999, is amended to read as
17 follows:

18 904.703 SERVICES OF INMATES -- INSTITUTIONS AND PUBLIC
19 SERVICE.

20 Inmates shall work on state account in the maintenance of
21 state institutions, in the erection, repair, authorized
22 demolition, or operation of buildings and works used in
23 connection with the institutions, and in industries
24 established and maintained in connection with the institutions
25 by the director. The director shall encourage the making of
26 agreements, including chapter 28E agreements, with departments
27 and agencies of the state or its political subdivisions to
28 provide products or services under an inmate work program to
29 the departments and agencies. The director may implement an
30 inmate work program for trustworthy inmates of state
31 correctional institutions, under proper supervision, whether
32 at work centers located outside the state correctional
33 institutions or in construction or maintenance work at public
34 or charitable facilities and for other agencies of state,
35 county, or local government. The supervision, security, and

1 transportation of, and allowances paid to inmates used in
2 public service projects shall be provided pursuant to
3 agreements, including chapter 28E agreements, made by the
4 director and the agency for which the work is done. Housing
5 and maintenance shall also be provided pursuant to the
6 agreement, including a chapter 28E agreement, unless the
7 inmate is housed and maintained in the correctional facility.
8 All such work, including but not limited to that provided in
9 this section, shall have as its primary purpose the
10 development of attitudes, skills, and habit patterns which are
11 conducive to inmate rehabilitation. The director may adopt
12 rules allowing inmates participating in an inmate work program
13 to receive educational or vocational training outside the
14 state correctional institutions and away from the work centers
15 or public or charitable facilities used under a program.

16 However, an inmate shall not work in a public service
17 project if the work of that inmate would replace a person
18 employed by the state agency or political subdivision, which
19 employee is performing the work of the public service project
20 at the time the inmate is being considered for work in the
21 project.

22 ~~The director may enter into a chapter 28E agreement with a~~
23 ~~county board of supervisors or county conservation board to~~
24 ~~provide inmate services for environmental maintenance~~
25 ~~including but not limited to brush and weed cutting, tree~~
26 ~~planting, and erosion control.~~

27 Sec. 6. Section 904.706, unnumbered paragraph 1, Code
28 1999, is amended to read as follows:

29 A revolving farm fund is created in the state treasury in
30 which the department shall deposit receipts from agricultural
31 products, nursery stock, agricultural land rentals, and the
32 sale of livestock. However, before any agricultural operation
33 is phased out, the department which proposes to discontinue
34 this operation shall notify the governor, chairpersons and
35 ranking members of the house and senate appropriations

1 committees, and cochairpersons and ranking members of the
2 subcommittee in the senate and house of representatives which
3 has handled the appropriation for this department in the past
4 session of the general assembly. Before the department sells
5 farmland under the control of the department, the director
6 shall notify the governor, chairpersons and ranking members of
7 the house and senate appropriations committees, and
8 cochairpersons and ranking members of the joint appropriations
9 subcommittee that handled the appropriation for the department
10 during the past session of the general assembly. The
11 department may pay from the fund for the operation,
12 maintenance, and improvement of farms and agricultural or
13 nursery property under the control of the department. A
14 purchase order for five thousand dollars or less payable from
15 the fund is exempt from the general purchasing requirements of
16 chapter 18. Notwithstanding section 8.33, unencumbered or
17 unobligated receipts in the revolving farm fund at the end of
18 a fiscal year shall not revert to the general fund of the
19 state. Notwithstanding section 12C.7, interest or earnings on
20 moneys in the fund shall be credited to the fund.

21 Sec. 7. Section 904.809, subsection 5, Code 1999, is
22 amended to read as follows:

23 5. An inmate of a correctional institution employed
24 pursuant to this section shall surrender to the department of
25 corrections the inmate's total earnings less deductions for
26 federal, state, and local taxes, and any other payroll
27 deductions required by law. The department of corrections
28 shall deduct twenty percent of the balance to be credited to
29 the inmate's general account. The department shall then
30 deduct from the earnings remaining as follows:

31 a. The department shall first deduct the following amounts
32 in the following order of priority:

33 (1) Five percent of the balance to the victim compensation
34 fund created in section 915.94.

35 (2) An amount the inmate may be legally obligated to pay

1 for the support of the inmate's dependents, the amount of
 2 which shall be paid to the dependents through the department
 3 of human services collection services center.

4 ~~{2}~~ (3) Restitution as ordered by the court pursuant to
 5 chapter 910.

6 ~~{3}--Five-percent-of-the-balance-to-the-victim-compensation~~
 7 ~~fund-created-in-section-915.94-~~

8 ~~{4}--An-amount-the-inmate-is-legally-obligated-to-pay-for~~
 9 ~~any-other-financial-obligation-~~

10 ~~{5}~~ (4) An-amount-determined-to-be Any balance remaining
 11 shall be deposited in a special account for reimbursement to
 12 the department of corrections for the cost to the department
 13 of corrections for in providing for the incarceration of the
 14 inmate.

15 ~~b. Of the balance-remaining-after-deductions-and-payments~~
 16 ~~required-pursuant-to-paragraph-"a",-the-department-shall~~
 17 ~~deposit-in-the-Iowa-state-industries-revolving-fund-created-in~~
 18 ~~section-904.813,-an-amount-equal-to-the-costs-incurred-by-the~~
 19 ~~fund-related-to-the-inmate's-employment-pursuant-to-this~~
 20 ~~section:--Any-balance-remaining-after-the-deductions-and~~
 21 ~~payments-required-by-this-subsection-shall-be~~ amount credited
 22 to the inmate's general account, the department shall deduct
 23 an amount representing any other legal or administrative
 24 financial obligations.

25 Sec. 8. Section 905.7, subsection 8, Code 1999, is amended
 26 to read as follows:

27 8. Provide for standards for mental fitness which shall
 28 govern the initial recruitment, selection, and appointment of
 29 parole and probation officers. ~~To-promote-these-standards,~~
 30 ~~the-department-of-corrections-shall-by-rule-require-a-battery~~
 31 ~~of-psychological-tests-to-determine-cognitive-skills,~~
 32 ~~personality-characteristics,-and-suitability-of-all-applicants~~
 33 ~~for-a-correctional-career,-as-is-required-for-correctional~~
 34 ~~officers-pursuant-to-section-904.108-~~

35 Sec. 9. Section 907.3, subsection 3, unnumbered paragraph

1 1, Code 1999, is amended to read as follows:

2 By record entry at the time of or after sentencing, the
3 court may suspend the sentence and place the defendant on
4 probation upon such terms and conditions as it may require
5 including commitment to an alternate jail facility or a
6 community correctional residential treatment facility ~~for a~~
7 ~~specific-number-of-days~~ to be followed by a term of probation
8 as specified in section 907.7, or commitment of the defendant
9 to the judicial district department of correctional services
10 for supervision or services under section 901B.1 at the level
11 of sanctions which the district department determines to be
12 appropriate and the payment of fees imposed under section
13 905.14. A person so committed who has probation revoked shall
14 be given credit for such time served. However, the court
15 shall not suspend any of the following sentences:

16 Sec. 10. INMATE WORKER SAFETY -- STUDY -- REPORT. The
17 department of corrections, in consultation with the division
18 of labor services of the department of workforce development,
19 shall conduct a study on issues concerning the safety of
20 inmate workers. The study shall consider, among other things,
21 whether all or a part of chapter 88 should be applicable to
22 inmates, whether substitute guidelines should be adopted
23 governing inmate worker safety, including guidelines on the
24 reporting and investigation of unsafe conditions, and the
25 legal consequences of any proposed recommendation or new
26 guideline. The department of corrections shall submit the
27 findings and any recommendations of the study to the general
28 assembly by January 1, 2000.

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SENATE FILE 395

H-1391

1 Amend Senate File 395, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, line 6, by striking the words "fifty
4 sixty" and inserting the following: "fifty".

5 2. Page 1, by striking lines 18 through 22 and
6 inserting the following: "prison industries. Unused
7 moneys".

8 3. By striking page 4, line 27, through page 5,
9 line 20.

10 4. By striking page 5, line 27, through page 6,
11 line 14, and inserting the following: "deductions
12 required by law. ~~The department of corrections shall~~
13 ~~deduct twenty percent of the balance to be credited to~~
14 ~~the inmate's general account. The department shall~~
15 ~~then deduct from the earnings remaining as follows:~~

16 a. ~~The department shall first deduct the following~~
17 ~~amounts in the following order of priority:~~

18 The inmate's employer shall provide each employed
19 inmate with the withholding statement required under
20 section 422.16, and any other employment information
21 necessary for the receipt of the remainder of an
22 inmate's payroll earnings.

23 b. From the inmate's gross payroll earnings, the
24 following amounts shall be deducted:

25 (1) ~~An amount the inmate may be legally obligated~~
26 ~~to pay for the support of the inmate's dependents, the~~
27 ~~amount of which shall be paid to the dependents~~
28 ~~through the department of human services collection~~
29 ~~services center. Twenty percent, to be deposited in~~
30 ~~the inmate's general account.~~

31 (2) ~~Restitution as ordered by the court pursuant~~
32 ~~to chapter 910. All required tax deductions, to be~~
33 ~~collected by the inmate's employer.~~

34 (3) Five percent, of the balance to be deducted
35 for the victim compensation fund created in section
36 915.94.

37 (4) ~~An amount the inmate is legally obligated to~~
38 ~~pay for any other financial obligation.~~

39 (5) ~~An amount determined to be the cost to the~~
40 ~~department of corrections for providing for the~~
41 ~~incarceration of the inmate.~~

42 c. From the balance remaining after deduction of
43 the amounts under paragraph "b", the following amounts
44 shall be deducted in the following order of priority:

45 (1) An amount which the inmate may be legally
46 obligated to pay for the support of the inmate's
47 dependents, which shall be paid through the department
48 of human services collection services center, and
49 which shall include an amount for delinquent child
50 support not to exceed fifty percent of net earnings.

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-1-

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- 1 (2) Restitution as ordered by the court under
- 2 chapter 910.
- 3 (3) Any balance remaining after the deductions
- 4 made under subparagraphs (1) and (2) shall represent
- 5 the costs of the inmate's incarceration and shall be
- 6 deposited, effective July 1, 2000, in the general fund
- 7 of the state."
- 8 5. Page 6, line 27, by inserting after the word
- 9 "standards" the following: "by rule".
- 10 6. Title page, lines 5 and 6, by striking the
- 11 words "the revolving farm fund,".
- 12 7. By renumbering as necessary.

By COMMITTEE ON JUDICIARY
LARSON of Linn, Chairperson

H-1391 FILED APRIL 5, 1999

Adopted 4/15/99

(P. 1340) SENATE FILE 395

H-1414

- 1 Amend Senate File 395, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by striking lines 25 and 26.
- 4 2. By renumbering as necessary.

By MILLAGE of Scott

H-1414 FILED APRIL 5, 1999

W/D 4/15/99 P. 1340

SENATE FILE 395

H-1454

- 1 Amend the amendment, H-1391, to Senate File 395, as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, by inserting after line 4 the
- 5 following:
- 6 "____. Page 1, by striking lines 12 through 16 and
- 7 inserting the following: "succeeding fiscal year for
- 8 employee training ~~and-for,~~ technology"."

By KREIMAN of Davis
KETTERING of Sac

H-1454 FILED APRIL 6, 1999

4/15/99 adopted P. 1340

SENATE FILE 395

H-1533

- 1 Amend the amendment, H-1391, to Senate File 395, as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, by inserting after line 9 the
- 5 following:
- 6 "____". Page 5, line 23, by inserting after the
- 7 figure "5." the following: "a."
- 8 2. Page 2, by inserting after line 7 the
- 9 following:
- 10 "____". Page 6, line 15, by striking the letter
- 11 "b.", and inserting the following: "b d."
- 12 3. By renumbering as necessary.

By KETTERING of Sac

H-1533 FILED APRIL 12, 1999

adopted
4/15/99
(P 1340)

HOUSE AMENDMENT TO
SENATE FILE 395

S-3405

1 Amend Senate File 395, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, line 6, by striking the words "fifty
4 sixty" and inserting the following: "fifty".

5 2. Page 1, by striking lines 12 through 16 and
6 inserting the following: "succeeding fiscal year for
7 employee training ~~and-for,~~ technology".

8 3. Page 1, by striking lines 18 through 22 and
9 inserting the following: "prison industries. Unused
10 moneys".

11 4. By striking page 4, line 27, through page 5,
12 line 20.

13 5. Page 5, line 23, by inserting after the figure
14 "5." the following: "a."

15 6. By striking page 5, line 27, through page 6,
16 line 14, and inserting the following: "deductions
17 required by law. ~~The department of corrections shall~~
18 ~~deduct twenty percent of the balance to be credited to~~
19 ~~the inmate's general account. The department shall~~
20 ~~then deduct from the earnings remaining as follows:~~

21 ~~a. The department shall first deduct the following~~
22 ~~amounts in the following order of priority:~~

23 The inmate's employer shall provide each employed
24 inmate with the withholding statement required under
25 section 422.16, and any other employment information
26 necessary for the receipt of the remainder of an
27 inmate's payroll earnings.

28 b. From the inmate's gross payroll earnings, the
29 following amounts shall be deducted:

30 ~~(1) An amount the inmate may be legally obligated~~
31 ~~to pay for the support of the inmate's dependents, the~~
32 ~~amount of which shall be paid to the dependents~~
33 ~~through the department of human services collection~~
34 ~~services center. Twenty percent, to be deposited in~~
35 ~~the inmate's general account.~~

36 ~~(2) Restitution as ordered by the court pursuant~~
37 ~~to chapter 910. All required tax deductions, to be~~
38 ~~collected by the inmate's employer.~~

39 ~~(3) Five percent, of the balance to be deducted~~
40 ~~for the victim compensation fund created in section~~
41 ~~915.94.~~

42 ~~(4) An amount the inmate is legally obligated to~~
43 ~~pay for any other financial obligation.~~

44 ~~(5) An amount determined to be the cost to the~~
45 ~~department of corrections for providing for the~~
46 ~~incarceration of the inmate.~~

47 c. From the balance remaining after deduction of
48 the amounts under paragraph "b", the following amounts
49 shall be deducted in the following order of priority:

50 (1) An amount which the inmate may be legally

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1 obligated to pay for the support of the inmate's
2 dependents, which shall be paid through the department
3 of human services collection services center, and
4 which shall include an amount for delinquent child
5 support not to exceed fifty percent of net earnings.

6 (2) Restitution as ordered by the court under
7 chapter 910.

8 (3) Any balance remaining after the deductions
9 made under subparagraphs (1) and (2) shall represent
10 the costs of the inmate's incarceration and shall be
11 deposited, effective July 1, 2000, in the general fund
12 of the state."

13 7. Page 6, line 15, by striking the letter "b.",
14 and inserting the following: "b d."

15 8. Page 6, line 27, by inserting after the word
16 "standards" the following: "by rule".

17 9. Title page, lines 5 and 6, by striking the
18 words "the revolving farm fund,".

19 10. By renumbering as necessary.

RECEIVED FROM THE HOUSE

S-3405 FILED APRIL 15, 1999

Senate Concurred
4/22/99
(P.1263)

SENATE FILE 395

AN ACT

RELATING TO THE DEPARTMENT OF CORRECTIONS BY PROVIDING FOR PURCHASES FROM IOWA PRISON INDUSTRIES, THE STUDY OF INMATE WORKER SAFETY ISSUES, THE ESTABLISHMENT OF A CRIMINAL OFFENSE FOR ATTEMPTS TO ESCAPE, THE CREDITING OF TIME SERVED BY INMATES, INMATE WORK PROGRAM AGREEMENTS, AND DEDUCTIONS FROM INMATE WORK PROGRAM EARNINGS, STANDARDS FOR THE EMPLOYMENT OF PROBATION AND PAROLE OFFICERS, AND MAKING PENALTIES APPLICABLE.

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

Section 1. Section 8.62, subsection 2, Code 1999, is amended to read as follows:

2. Notwithstanding the provisions of section 8.33 or any other provision of law to the contrary, if on June 30 of a fiscal year, a balance of an operational appropriation remains unexpended or unencumbered, not more than fifty percent of the balance may be encumbered by the agency to which the appropriation was made and used as provided in this section and the remaining balance shall be deposited in the cash reserve fund created in section 8.56. Moneys encumbered under this section shall only be used by the agency during the succeeding fiscal year for employee training ~~and for~~ technology enhancement, or purchases of goods and services from Iowa prison industries. Unused moneys encumbered under this section shall be deposited in the cash reserve fund on June 30 of the succeeding fiscal year.

Sec. 2. Section 8.62, subsection 4, Code 1999, is amended by striking the subsection.

Sec. 3. Section 719.4, subsections 1 and 2, Code 1999, are amended to read as follows:

1. A person convicted of a felony, or charged with or arrested for the commission of a felony, who intentionally escapes, or attempts to escape, from a detention facility, community-based correctional facility, or institution to which the person has been committed by reason of the conviction, charge, or arrest, or from the custody of any public officer or employee to whom the person has been entrusted, commits a class "D" felony.

2. A person convicted of, charged with, or arrested for a misdemeanor, who intentionally escapes, or attempts to escape, from a detention facility, community-based correctional facility, or institution to which the person has been committed by reason of the conviction, charge, or arrest, or from the custody of any public officer or employee to whom the person has been entrusted, commits a serious misdemeanor.

Sec. 4. Section 903A.5, Code 1999, is amended to read as follows:

903A.5 TIME TO BE SERVED -- CREDIT.

An inmate shall not be discharged from the custody of the director of the Iowa department of corrections until the inmate has served the full term for which the inmate was sentenced, less good conduct time earned and not forfeited, unless the inmate is pardoned or otherwise legally released. Good conduct time earned and not forfeited shall apply to reduce a mandatory minimum sentence being served pursuant to section 124.406, 124.413, 902.7, 902.8, or 902.11. An inmate shall be deemed to be serving the sentence from the day on which the inmate is received into the institution. ~~However,~~ if ~~if~~ an inmate was confined to a county jail or other correctional or mental facility at any time prior to sentencing, or after sentencing but prior to the case having

been decided on appeal, because of failure to furnish bail or because of being charged with a nonbailable offense, the inmate shall be given credit for the days already served upon the term of the sentence. However, if a person commits any offense while confined in a county jail or other correctional or mental health facility, the person shall not be granted jail credit for that offense. The Unless the inmate was confined in a correctional facility, the sheriff of the county in which the inmate was confined shall certify to the clerk of the district court from which the inmate was sentenced and to the department of corrections' records administrator at the Iowa medical and classification center the number of days so served. The clerk-of-the-district-court department of corrections' records administrator, or the administrator's designee, shall apply jail credit as ordered by the court of proper jurisdiction or as authorized by this section and section 907.3, subsection 3, and shall forward a copy of the certification-of-the number of days served to the warden the clerk of the district court from which the inmate was sentenced.

An inmate shall not receive credit upon the inmate's sentence for time spent in custody in another state resisting return to Iowa following an escape, or for time served in an institution or jail of another jurisdiction during any period of time the person is receiving credit upon a sentence of that other jurisdiction.

Sec. 5. Section 904.703, Code 1999, is amended to read as follows:

904.703 SERVICES OF INMATES -- INSTITUTIONS AND PUBLIC SERVICE.

Inmates shall work on state account in the maintenance of state institutions, in the erection, repair, authorized demolition, or operation of buildings and works used in

connection with the institutions, and in industries established and maintained in connection with the institutions by the director. The director shall encourage the making of agreements, including chapter 28E agreements, with departments and agencies of the state or its political subdivisions to provide products or services under an inmate work program to the departments and agencies. The director may implement an inmate work program for trustworthy inmates of state correctional institutions, under proper supervision, whether at work centers located outside the state correctional institutions or in construction or maintenance work at public or charitable facilities and for other agencies of state, county, or local government. The supervision, security, and transportation of, and allowances paid to inmates used in public service projects shall be provided pursuant to agreements, including chapter 28E agreements, made by the director and the agency for which the work is done. Housing and maintenance shall also be provided pursuant to the agreement, including a chapter 28E agreement, unless the inmate is housed and maintained in the correctional facility. All such work, including but not limited to that provided in this section, shall have as its primary purpose the development of attitudes, skills, and habit patterns which are conducive to inmate rehabilitation. The director may adopt rules allowing inmates participating in an inmate work program to receive educational or vocational training outside the state correctional institutions and away from the work centers or public or charitable facilities used under a program.

However, an inmate shall not work in a public service project if the work of that inmate would replace a person employed by the state agency or political subdivision, which employee is performing the work of the public service project at the time the inmate is being considered for work in the project.

~~The director may enter into a chapter 28E agreement with a county board of supervisors or county conservation board to provide inmate services for environmental maintenance including but not limited to brush and weed cutting, tree planting, and erosion control.~~

Sec. 6. Section 904.809, subsection 5, Code 1999, is amended to read as follows:

5. a. An inmate of a correctional institution employed pursuant to this section shall surrender to the department of corrections the inmate's total earnings less deductions for federal, state, and local taxes, and any other payroll deductions required by law. ~~The department of corrections shall deduct twenty percent of the balance to be credited to the inmate's general account. The department shall then deduct from the earnings remaining as follows:~~

~~a. The department shall first deduct the following amounts in the following order of priority:~~

The inmate's employer shall provide each employed inmate with the withholding statement required under section 422.16, and any other employment information necessary for the receipt of the remainder of an inmate's payroll earnings.

b. From the inmate's gross payroll earnings, the following amounts shall be deducted:

(1) An amount the inmate may be legally obligated to pay for the support of the inmate's dependents, the amount of which shall be paid to the dependents through the department of human services collection services center. Twenty percent, to be deposited in the inmate's general account.

(2) Restitution as ordered by the court pursuant to chapter 910. All required tax deductions, to be collected by the inmate's employer.

(3) Five percent, of the balance to be deducted for the victim compensation fund created in section 915.94.

~~(4) An amount the inmate is legally obligated to pay for any other financial obligation.~~

~~(5) An amount determined to be the cost to the department of corrections for providing for the incarceration of the inmate.~~

c. From the balance remaining after deduction of the amounts under paragraph "b", the following amounts shall be deducted in the following order of priority:

(1) An amount which the inmate may be legally obligated to pay for the support of the inmate's dependents, which shall be paid through the department of human services collection services center, and which shall include an amount for delinquent child support not to exceed fifty percent of net earnings.

(2) Restitution as ordered by the court under chapter 910.

(3) Any balance remaining after the deductions made under subparagraphs (1) and (2) shall represent the costs of the inmate's incarceration and shall be deposited, effective July 1, 2000, in the general fund of the state.

b d. Of the balance remaining after deductions and payments required pursuant to paragraph "a", the department shall deposit in the Iowa state industries revolving fund created in section 904.813, an amount equal to the costs incurred by the fund related to the inmate's employment pursuant to this section. Any balance remaining after the deductions and payments required by this subsection shall be amount credited to the inmate's general account, the department shall deduct an amount representing any other legal or administrative financial obligations.

Sec. 7. Section 905.7, subsection 8, Code 1999, is amended to read as follows:

8. Provide for standards by rule 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 904-100.~~

Sec. 8. Section 907.3, subsection 3, unnumbered paragraph 1, Code 1999, is amended to read as follows:

By record entry at the time of or after sentencing, the court may suspend the sentence and place the defendant on probation upon such terms and conditions as it may require including commitment to an alternate jail facility or a community correctional residential treatment facility for a specific number of days to be followed by a term of probation as specified in section 907.7, or commitment of the defendant to the judicial district department of correctional services for supervision or services under section 901B.1 at the level of sanctions which the district department determines to be appropriate and the payment of fees imposed under section 905.14. A person so committed who has probation revoked shall be given credit for such time served. However, the court shall not suspend any of the following sentences:

Sec. 9. INMATE WORKER SAFETY -- STUDY -- REPORT. The department of corrections, in consultation with the division of labor services of the department of workforce development, shall conduct a study on issues concerning the safety of inmate workers. The study shall consider, among other things, whether all or a part of chapter 88 should be applicable to inmates, whether substitute guidelines should be adopted governing inmate worker safety, including guidelines on the reporting and investigation of unsafe conditions, and the legal consequences of any proposed recommendation or new guideline. The department of corrections shall submit the

findings and any recommendations of the study to the general assembly by January 1, 2000.

MARY E. KRAMER
President of the Senate

RON J. CORBETT
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 395, Seventy-eighth General Assembly.

MICHAEL E. MARSHALL
Secretary of the Senate

Approved _____, 1999

THOMAS J. VILSACK
Governor

AN ACT

RELATING TO PRACTICES INVOLVING THE MARKETING OF LIVESTOCK
CONCERNING PACKERS, BY PROVIDING FOR THE REGULATION OF CERTAIN
PURCHASE INFORMATION AND CONTRACTING, AND PROVIDING PENALTIES
AND EFFECTIVE DATES.

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

Section 1. Section 22.7, Code 1999, is amended by adding the following new subsection:

NEW SUBSECTION. 38. Information revealing the identity of a packer or a person who sells livestock to a packer as reported to the department of agriculture and land stewardship pursuant to section 172C.2.

Sec. 2. NEW SECTION. 172C.1 DEFINITIONS.

1. "Department" means the department of agriculture and land stewardship.
2. "Livestock" means live cattle, swine, or sheep.
3. "Packer" means a person who is engaged in the business of slaughtering livestock or receiving, purchasing, or soliciting livestock for slaughter, if the meat products of the slaughtered livestock which are directly or indirectly to be offered for resale or for public consumption and the meat products have a total annual value of ten million dollars or more. As used in this chapter, "packer" includes an agent of the packer engaged in buying or soliciting livestock for slaughter on behalf of a packer. "Packer" does not include a frozen food locker plant regulated under chapter 172.

Sec. 3. NEW SECTION. 172C.2 PURCHASE REPORTS -- FILING.

1. A packer shall file purchase reports with the department which include information relating to the purchase of livestock as required by the department. The purchase reports shall be completed in a manner prescribed by the department. The department may require that purchase reports be filed in an electronic format. A packer shall file

purchase reports at times determined practicable by the department, but not later than two business days following the event being reported.

2. a. The information required to be reported may include but is not limited to livestock purchased, committed for delivery, or slaughtered. The information may include the volume of daily purchases and the weight, grade, and price paid for livestock, including all premiums, discounts, or adjustments. If livestock is purchased pursuant to contract, the department may require that information in the purchase report be categorized by the type of contract. The purchase reports shall allow the department to compare prices paid under contract with cash market prices.

b. This section does not require that information reported include future plans, events, or transactions, unless provided for by contract.

3. The department may provide for the public dissemination of information contained in purchase reports.

a. The department may enter into an agreement with the United States department of agriculture or any private marketing service in order to disseminate information contained in purchase reports.

b. The department, in consultation with the office of attorney general, shall designate information in purchase reports that reveals the identity of a packer or livestock seller as confidential pursuant to section 22.7.

Sec. 4. NEW SECTION. 172C.3 PURCHASE NOTICE -- POSTING.

1. a. A packer shall post a purchase notice which includes information relating to the purchase of livestock as required by the department. The information contained in the purchase notice shall include a summary of information required to be filed in purchase reports as provided in section 172C.2.

b. This section does not require that information contained in a purchase notice include future plans, events, or transactions unless provided for by contract.

3. The information contained in the purchase notice shall appear in a format that can be understood by a reasonable person familiar with selling livestock. The notice shall be posted in a conspicuous place at the point of delivery in a manner prescribed by the department.

Sec. 5. NEW SECTION. 172C.4 CONFIDENTIALITY PROVISIONS IN CONTRACTS PROHIBITED.

1. A packer shall not include a provision in a contract executed on or after the effective date of this section for the purchase of livestock providing that information contained in the contract is confidential.

2. A provision which is part of a contract for the purchase of livestock executed on and after the effective date of this section for the purchase of livestock is void, if the provision states that information contained in the contract is confidential. The provision is void regardless of whether the confidentiality provision is express or implied; oral or written; required or conditional; contained in the contract, another contract, or in a related document, policy, or agreement. This section does not affect other provisions of a contract or a related document, policy, or agreement which can be given effect without the voided provision. This section does not require either party to the contract to divulge the information in the contract to another person.

Sec. 6. NEW SECTION. 172C.5 RULES.

1. The department, in consultation with the office of attorney general, shall adopt rules necessary in order to administer this chapter.

2. The department may establish different rules according to the species of livestock governing all of the following:

a. Purchase reporting requirements pursuant to section 172C.2.

b. Purchase notice posting requirements pursuant to section 172C.3.

Sec. 7. NEW SECTION. 172C.6 ENFORCEMENT.

1. a. The attorney general's office is the primary agency responsible for enforcing this chapter.

b. The department shall notify the attorney general's office if the department has reason to believe that a violation of section 172C.2 has occurred.

2. In enforcing the provisions of this chapter, the attorney general may do all of the following:

a. Apply to the district court for an injunction to do any of the following:

(1) Restrain a packer from engaging in conduct or practices in violation of this chapter.

(2) Require a packer to comply with a provision of this chapter.

b. Apply to district court for the issuance of a subpoena to obtain contracts, documents, or other records for purposes of enforcing this chapter.

c. Bring an action in district court to enforce penalties provided in this chapter, including the imposition, assessment, and collection of monetary penalties.

3. The attorney general shall have access to all information reported by packers pursuant to section 172C.2, regardless of whether the information is confidential. The attorney general may use the information in order to enforce this chapter or may submit the information to a federal agency.

Sec. 8. NEW SECTION. 172C.7 PENALTIES.

1. A packer who fails to file a timely, accurate, or complete purchase report as required pursuant to section 172C.2 is subject to a civil penalty of not more than five thousand dollars. Each failure by a packer to file a timely, accurate, or complete purchase report constitutes a separate violation.

2. A packer who fails to post a timely, accurate, or complete purchase notice as required pursuant to section 172C.3 is subject to a civil penalty of not more than one thousand dollars. Each failure by a packer to post a timely, accurate, or complete purchase notice constitutes a separate violation.

3. A packer who includes a confidentiality provision in a contract with a livestock seller in violation of section 172C.4 is guilty of a fraudulent practice as provided in section 714.8.

Sec. 9. Section 714.8, Code 1999, is amended by adding the following new subsection:

NEW SUBSECTION. 17. A packer who includes a confidentiality provision in a contract with a livestock seller in violation of section 172C.4.

Sec. 10. APPLICABILITY. A packer shall provide purchase reports to the department of agriculture and land stewardship as required in section 172C.2 and shall post a purchase notice as provided in section 172C.3, as enacted in this Act, for each species of livestock as defined in section 172C.1, as enacted in this Act, in accordance with rules adopted by the department governing that species.

Sec. 11. FUTURE REPEAL OF SECTIONS AND ELIMINATION OF PROVISIONS -- IMPLEMENTATION OF FEDERAL STATUTES AND REGULATIONS.

1. Subject to subsection 2, all of the following shall apply:

a. If the federal government implements a statute or regulation that is substantially similar to or more stringent than purchase reporting requirements provided in section 172C.2 and penalties provided in section 172C.7, subsection 1, as enacted by this Act, all of the following shall apply:

(1) Section 172C.2 is repealed.

(2) All of the following sections are amended as follows:

(a) Section 22.7, subsection 38, by striking the subsection.

(b) Section 172C.5, subsection 2, paragraph "a", by striking the paragraph.

(c) Section 172C.6, subsection 1, paragraph "b", by striking the paragraph.

(d) Section 172C.6, subsection 3, by striking the subsection.

(e) Section 172C.7, subsection 1, by striking the subsection.

b. If the federal government implements a statute or regulation that is substantially similar to or more stringent than purchase notice requirements provided in section 172C.3 and penalties provided in section 172C.7, subsection 2, as enacted by this Act, all of the following shall apply:

(1) Section 172C.3 is repealed.

(2) All of the following sections are amended as follows:

(a) Section 172C.5, subsection 2, paragraph "b", by striking the paragraph.

(b) Section 172C.7, subsection 2, by striking the subsection.

c. If the federal government implements a statute or regulation that is substantially similar to or more stringent than purchase reporting requirements and penalties as described in paragraph "a" and purchase notice requirements and penalties as described in paragraph "b", section 172C.5, subsection 2, is amended by striking the subsection.

2. Paragraph "a", "b", or "c", as provided in subsection 1, shall become applicable only upon a finding by the secretary of agriculture that the federal government has implemented a statute or regulation as provided in that specific paragraph in accordance with an order issued by the secretary of agriculture and filed with the secretary of state. The secretary of agriculture shall issue an order only after consulting with the attorney general.

3. The secretary of agriculture shall forward a copy of an order issued under this section to all of the following:

a. The governor.

b. The secretary of the senate and the chief clerk of the house of representatives.

c. The attorney general.

d. The Code editor and the administrative code editor.

4. The Code editor may recommend that any provision of chapter 172C, as enacted in this Act, be amended or eliminated in a Code editor's bill as necessary in order to conform the provisions of the chapter as provided in this section.

Sec. 12. RULEMAKING. The department of agriculture and land stewardship shall commence rulemaking as required in section 172C.5, as enacted in this Act, as soon as practicable upon the enactment of this Act. However, rules adopted by the department shall not be made effective prior to July 1, 2000, for a provision of this Act that takes effect on that date.

Sec. 13. EFFECTIVE DATES.

1. Except as provided in subsection 2, this Act takes effect on July 1, 2000.

2. Section 172C.4, section 172C.6, subsection 2, section 172C.7, subsection 3, section 714.8, subsection 17, section 12, and this section as enacted by this Act, being deemed of immediate importance, take effect upon enactment.

MARY E. KRAMER
President of the Senate

RON J. CORBETT
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 436, Seventy-eighth General Assembly.

MICHAEL E. MARSHALL
Secretary of the Senate

Approved May 26, 1999

THOMAS J. VILSACK
Governor