

Substitute for HF 2481

3/19/01

P. 849

REPRINTED

FILED FEB 21 2002

SENATE FILE 2278

BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SF 2038)

Passed Senate, <sup>(P. 496)</sup> Date 3/5/02 Passed House, <sup>(P. 851)</sup> Date 3/19/02  
 Vote: Ayes 49 Nays 0 Vote: Ayes 88 Nays 5  
 Approved April 1, 2002  
 Re Passed 3-25-02  
 Vote 49-0

A BILL FOR

1 An Act relating to analyzing the confinement and detention needs  
 2 of jails, and other local or regional confinement facilities,  
 3 prohibiting certain financial interests in the construction of  
 4 a jail or facility, and providing an effective date.

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

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1 Section 1. NEW SECTION. 356.36A CONFINEMENT AND  
2 DETENTION REPORT -- DESIGN PROPOSALS.

3 The division of criminal and juvenile justice planning of  
4 the department of human rights, in consultation with the  
5 department of corrections, the Iowa state sheriff's  
6 association, the Iowa association of chiefs of police and  
7 peace officers, a statewide organization representing rural  
8 property taxpayers, the Iowa league of cities, and the Iowa  
9 board of supervisors association, shall prepare a report  
10 analyzing the confinement and detention needs of jails,  
11 alternative jails, municipal holding facilities, and  
12 facilities established pursuant to chapter 356A. The report  
13 for each type of jail or facility shall include but is not  
14 limited to an inventory of prisoner space, daily prisoner  
15 counts, the compliance status under section 356.36 for each  
16 jail or facility, and an estimate by the department of  
17 corrections of the amount of additional prisoner space needed  
18 in the next two, five, and ten years, on a county, geographic  
19 region, and statewide basis. The report shall contain an  
20 inventory of jail or facility construction projects in which  
21 voters have approved the issuance of general obligation bonds,  
22 essential county purpose bonds, revenue bonds, or bonds issued  
23 pursuant to section 422B.12. The report shall be revised  
24 periodically as directed by the administrator of the division  
25 of criminal and juvenile justice planning.

26 The governing body of a political subdivision shall not  
27 appropriate funds to a person to prepare a design proposal for  
28 the construction of or major modification to a jail,  
29 alternative jail, municipal holding facility, or a facility  
30 established pursuant to chapter 356A if the person has a  
31 financial interest in the construction or modification. For  
32 purposes of this section, "political subdivision" means a  
33 county, city, or authority created pursuant to section 346.27.

34 Sec. 2. EFFECTIVE DATE. This Act, being deemed of  
35 immediate importance, takes effect upon enactment.

EXPLANATION

1  
2 This bill relates to analyzing the confinement and  
3 detention needs of jails, and other local or regional  
4 confinement facilities, and prohibiting certain financial  
5 interests in the construction of a jail or facility.

6 The bill provides that the division of criminal and  
7 juvenile justice planning of the department of human rights,  
8 in consultation with the department of corrections, the Iowa  
9 state sheriff's association, the Iowa association of chiefs of  
10 police and peace officers, a statewide organization  
11 representing rural property taxpayers, the Iowa league of  
12 cities, and the Iowa board of supervisors association, shall  
13 prepare a report analyzing the confinement and detention needs  
14 of jails, alternative jails, municipal holding facilities, and  
15 facilities established pursuant to Code chapter 356A. The  
16 bill provides that the analysis for each type of jail or  
17 facility shall include but is not limited to daily prisoner  
18 counts, the compliance status under Code section 356.36 of  
19 each jail or facility, and an estimate by the department of  
20 corrections of the amount of additional prisoner space needed  
21 in each county, geographic region, and statewide over the next  
22 two, five, and 10 years. The report shall also contain an  
23 inventory of jail or facility construction projects in which  
24 voters have approved the issuance of general obligation bonds,  
25 essential county purpose bonds, revenue bonds, or bonds issued  
26 pursuant to Code section 422B.12.

27 The bill also provides that a governing body of a political  
28 subdivision shall not appropriate funds to a person who  
29 prepares a design proposal for the construction of or major  
30 modification to a jail, alternative jail, municipal holding  
31 facility, or a facility established pursuant to Code chapter  
32 356A if the person has a financial interest in the  
33 construction or modification. The bill defines "political  
34 subdivision" to mean a county, city, or authority created  
35 under Code section 346.27.

1 The bill takes effect upon enactment.

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SENATE FILE 2278

S-5105

1 Amend Senate File 2278 as follows:

2 1. Page 1, lines 10 and 11, by striking the words  
3 ", alternative jails, municipal holding facilities,".

4 2. Page 1, line 15, by inserting after the word  
5 "counts," the following: "and".

6 3. Page 1, by striking lines 16 through 19, and  
7 inserting the following: "jail or facility. The  
8 report shall contain an".

9 4. Page 1, line 20, by inserting before the word  
10 "jail" the following: "recent".

11 5. Page 1, line 23, by striking the word and  
12 figure "section 422B.12" and inserting the following:  
13 "chapter 422B".

14 6. Page 1, line 25, by inserting after the word  
15 "planning." the following: "The first submission of  
16 the report shall include recommendations on offender  
17 data needed to estimate jail space needs in the next  
18 two, three, and five years, on a county, geographic  
19 region, and statewide basis, which may be based upon  
20 information submitted pursuant to section 356.49."

By ANDY McKEAN

S-5105 FILED MARCH 5, 2002

ADOPTED

(P. 496)

SENATE FILE 2278  
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SF 2038)

(AS AMENDED AND PASSED BY THE SENATE MARCH 5, 2002)

\_\_\_\_\_ - New Language by the Senate

\* - Language Stricken by the Senate

Passed Senate, Date <sup>(p. 791)</sup> 3/25/02 Passed House, Date <sup>(p. 851)</sup> 3/19/02  
Vote: Ayes 49 Nays 0 Vote: Ayes 88 Nays 5  
Approved April 1, 2002

**A BILL FOR**

1 An Act relating to analyzing the confinement and detention needs  
2 of jails, and other local or regional confinement facilities,  
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4 a jail or facility, and providing an effective date.

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1 Section 1. NEW SECTION. 356.36A CONFINEMENT AND  
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3 The division of criminal and juvenile justice planning of  
4 the department of human rights, in consultation with the  
5 department of corrections, the Iowa state sheriff's  
6 association, the Iowa association of chiefs of police and  
7 peace officers, a statewide organization representing rural  
8 property taxpayers, the Iowa league of cities, and the Iowa  
9 board of supervisors association, shall prepare a report  
\*10 analyzing the confinement and detention needs of jails and  
11 facilities established pursuant to chapter 356A. The report  
12 for each type of jail or facility shall include but is not  
13 limited to an inventory of prisoner space, daily prisoner  
14 counts, and the compliance status under section 356.36 for  
15 each jail or facility. The report shall contain an inventory  
16 of recent jail or facility construction projects in which  
17 voters have approved the issuance of general obligation bonds,  
18 essential county purpose bonds, revenue bonds, or bonds issued  
19 pursuant to chapter 422B. The report shall be revised  
20 periodically as directed by the administrator of the division  
21 of criminal and juvenile justice planning. The first  
22 submission of the report shall include recommendations on  
23 offender data needed to estimate jail space needs in the next  
24 two, three, and five years, on a county, geographic region,  
25 and statewide basis, which may be based upon information  
26 submitted pursuant to section 356.49.

27 The governing body of a political subdivision shall not  
28 appropriate funds to a person to prepare a design proposal for  
29 the construction of or major modification to a jail,  
30 alternative jail, municipal holding facility, or a facility  
31 established pursuant to chapter 356A if the person has a  
32 financial interest in the construction or modification. For  
33 purposes of this section, "political subdivision" means a  
34 county, city, or authority created pursuant to section 346.27.

35 Sec. 2. EFFECTIVE DATE. This Act, being deemed of

- 1 immediate importance, takes effect upon enactment.
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SENATE FILE 2278

H-8307

1 Amend Senate File 2278, as amended, passed, and  
2 reprinted by the Senate, as follows:  
3 1. Page 1, by striking lines 27 through 34.  
4 2. Title page, by striking lines 3 and 4 and  
5 inserting the following: "and providing an effective  
6 date."

H-8307 FILED MARCH 18, 2002

*Adapted 3/19/01 (p. 850)*

By BROERS of Cerro Gordo

HOUSE AMENDMENT TO  
SENATE FILE 2278

S-5226

1 Amend Senate File 2278, as amended, passed, and  
2 reprinted by the Senate, as follows:  
3 1. Page 1, line 5, by inserting after the word  
4 "corrections," the following: "the Iowa county  
5 attorneys association,"  
6 2. Page 1, line 14, by inserting after the word  
7 "counts," the following: "options for detention of  
8 prisoners with mental illness or substance abuse  
9 service needs,"  
10 3. Page 1, by striking lines 27 through 34.  
11 4. Title page, by striking lines 3 and 4 and  
12 inserting the following: "and providing an effective  
13 date."

RECEIVED FROM THE HOUSE

S-5226 FILED MARCH 19, 2002

*Senate Concurred 3/25/02 (p. 791)*

SENATE FILE 2278

H-8328

1 Amend the amendment, H-8307, to Senate File 2278,  
2 as amended, passed, and reprinted by the Senate as  
3 follows:  
4 1. Page 1, by inserting before line 3, the  
5 following:  
6 "\_\_\_". Page 1, line 14, by inserting after the  
7 word "counts," the following: "options for detention  
8 of prisoners with mental illness or substance abuse  
9 service needs,"".  
10 2. By renumbering as necessary.

By GRUNDBERG of Polk

H-8328 FILED MARCH 19, 2002

*Adopted*  
*3-19-01*  
*(p. 850)*

SENATE FILE 2278

H-8331

1 Amend the amendment, H-8307, to Senate File 2278,  
2 as amended, passed, and reprinted by the Senate as  
3 follows:  
4 1. Page 1, by inserting before line 3, the  
5 following:  
6 "\_\_\_". Page 1, line 5, by inserting after the word  
7 "corrections," the following: "the Iowa county  
8 attorneys association,"".  
9 2. By renumbering as necessary.

By TREMMEL of Wapello

H-8331 FILED MARCH 19, 2002

*Adopted*  
*3/19/01*  
*(p. 850)*

SENATE FILE 2278

AN ACT

RELATING TO ANALYZING THE CONFINEMENT AND DETENTION NEEDS  
OF JAILS, AND OTHER LOCAL OR REGIONAL CONFINEMENT FACILITIES,  
AND PROVIDING AN EFFECTIVE DATE.

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

Section 1. NEW SECTION. 356.36A CONFINEMENT AND  
DETENTION REPORT -- DESIGN PROPOSALS.

The division of criminal and juvenile justice planning of the department of human rights, in consultation with the department of corrections, the Iowa county attorneys association, the Iowa state sheriff's association, the Iowa association of chiefs of police and peace officers, a statewide organization representing rural property taxpayers, the Iowa league of cities, and the Iowa board of supervisors association, shall prepare a report analyzing the confinement and detention needs of jails and facilities established pursuant to chapter 356A. The report for each type of jail or facility shall include but is not limited to an inventory of prisoner space, daily prisoner counts, options for detention of prisoners with mental illness or substance abuse service needs, and the compliance status under section 356.36 for each jail or facility. The report shall contain an inventory of recent jail or facility construction projects in which voters have approved the issuance of general obligation bonds, essential county purpose bonds, revenue bonds, or bonds issued pursuant to chapter 422B. The report shall be revised periodically as directed by the administrator of the division of criminal and juvenile justice planning. The first submission of the report shall include recommendations on

offender data needed to estimate jail space needs in the next two, three, and five years, on a county, geographic region, and statewide basis, which may be based upon information submitted pursuant to section 356.49.

Sec. 2. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

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MARY E. KRAMER  
President of the Senate

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BRENT SIEGRIST  
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2278, Seventy-ninth General Assembly.

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MICHAEL E. MARSHALL  
Secretary of the Senate

Approved April, 2002

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THOMAS J. VILSACK  
Governor