

1976 REPORT

ADULT PENAL AND CORRECTIONAL SYSTEMS STUDY COMMITTEE

At its meeting of August 4, 1976, the Legislative Council authorized continuation of the Adult Penal and Correctional Systems Study Committee.

The Adult Penal and Correctional Systems Study Committee named Representative Donald V. Doyle as its Chairperson and Senator Robert M. Carr as its Vice Chairperson. Other legislators appointed to the Study Committee were Senator Lucas J. DeKoster, Senator Minnette F. Doderer, Senator Charles P. Miller, Senator Richard R. Ramsey, Representative John H. Clark, Representative Frank Crabb, Representative Peter Middleton, and Representative Scott D. Newhard. Representative Lyle Scheelhaase was chosen to replace Representative Peter Middleton when it was learned that Representative Middleton would no longer serve in the Iowa General Assembly.

During the 1976 interim, the Adult Penal and Correctional Systems Study Committee held a total of seven meetings: five one-day meetings and two two-day meetings. Four of the meetings were held at the State House in Des Moines. The other three meetings were held, in order, at the following state institutions: the Men's Reformatory at Anamosa, the State Penitentiary at Fort Madison and the site of the new men's medium security institution at Mount Pleasant, and the Women's Reformatory at Rockwell City. A bibliography of persons who attended at least one meeting of the 1976 Adult Penal and Correctional Systems Study Committee is attached to this report.

A prime concern of the Adult Penal and Correctional Systems Study Committee has been to keep the line of communication and exchange open between the Iowa General Assembly and administrators, staff, and inmates of the penal institutions. The Study Committee made a point of meeting separately with representatives of administrators, staff, and inmates at each of the penal institutions visited.

In the course of its meetings, the Study Committee heard testimony on the following subjects: inmate employment, state and local agency use of products made and sold by Iowa State Industries, use of inmates to work in county parks and on other public works projects, conditions prevailing in Iowa county jails, formulation of jail standards, the Iowa Crime Commission's Master Plan for Adult Corrections, progress of the Advisory Commission on Corrections Relief, progress made in developing new residential community-based corrections facilities, pre-trial release programs in Iowa, plans for the new medium security facility for 150 men on the grounds of the Mental Health Institute at Mount Pleasant, and compensation of state prisoners injured on the job. The Study

Committee also met with the Iowa Board of Parole and considered recommendations made by that Board.

A second prime concern of this year's Study Committee was inmate employment because many inmates at the Men's Reformatory and at the State Penitentiary simply do not have jobs or their jobs are very menial. In response to the concern about jobs, some institutional farms have been opened or reopened. For instance, farm 3 is opening at the State Penitentiary. It will provide housing for 65 inmates. The Study Committee was pleased that a new shirt manufacturing factory was opened at the Women's Reformatory. Twenty-one clients are now employed at the shirt factory. Superintendent Wallman told the Study Committee that there are now jobs available for all clients at the Women's Reformatory.

Since inmates are employed by Iowa State Industries at both the Men's Reformatory and State Penitentiary, the Study Committee investigated the extent to which state and local agencies buy products made and sold by the prison industries. Products of Iowa State Industries include: furniture, soap and other janitorial products, tires, signs, mattresses, and garments. Furniture restoration and printing are also done by inmates. The Study Committee had letters of inquiry sent to 15 of the larger state agencies to determine the extent to which they use prison industries. Section 246.23 of the 1975 Code mandated purchase of prison-made products by state and local agencies. This section was repealed by the Criminal Code Revision, Senate File 85. The Study Committee decided that a stronger mandatory purchase section should be drafted.

Other prime concerns of the Study Committee involved the whole area of county jails and pre-trial release programs in Iowa.

Recommendations to the Legislative Council made by the Adult Penal and Correctional Systems Study Committee follow in two parts. Part one contains Committee recommendations for which Committee bills have been drafted. Part two contains other Committee recommendations.

Part 1. Recommendations For Which Committee Bills Have Been Drafted

1. State, county, city, and certain other entities should be required to purchase products such as office furniture, signs, and janitorial supplies from Iowa State Industries if such items can be furnished in a reasonable length of time. The Commissioner of Social Services should recommend a rule setting specific delivery schedules for items produced and sold by Iowa State Industries. The delivery terms should still be negotiable. A dispute-settling mechanism should be provided.

2. In addition to work within the penal institutions, inmates should be available to perform services on public works projects for the state or any political subdivision of the state.

3. A midshift meal should be provided to correctional officers of the Women's Reformatory. The Code now provides for giving a midshift meal to the correctional officers at the Men's Reformatory and the State Penitentiary. This recommendation would make midshift meals available on the same basis to correctional officers at the Women's Reformatory, the Men's Reformatory, and the State Penitentiary.

4. The Citizens' Aide should be allowed to examine documents which are otherwise confidential. However, access to income tax, medical, and student records should still require a written release. Section 601G.9 of the Code should be so amended and desexed.

5. The county should be billed at the same ratio for patients in the Iowa Security Medical Facility as for patients in the state hospitals for the mentally ill. The current appropriation for support of the state hospitals requires counties to be billed at 80 percent. In addition, the determination of cost and charges for the care and treatment of all mentally ill patients at the Iowa Security Medical Facility should be governed by chapter 230 of the Code. At the present time, chapter 230 only governs the determination of costs and charges for the care and treatment of mentally ill patients admitted to the Iowa Security Medical Facility as direct civil commitments upon authorization of the district court or as persons having no legal settlement in this state.

6. Chapter 85 of the Code should be amended to provide workmen's compensation for inmates of state penal institutions or facilities who are injured in the performance of their work in connection with the maintenance of the institution, any industry maintained therein, or with any highway or public works activity outside the institution. If death results from such injury, death benefits should be awarded and paid to dependents of the inmate. Payment should be made out of moneys appropriated for that purpose or out of other moneys in the general fund of the state.

7. The state should have authority to provide the salary for commissary personnel at the major correctional institutions.

8. Senate File 85, chapter 3, section 403, should be amended to provide for expiration of one Parole Board member's term in "1982" instead of "1983" in order to prevent expiration of two members' terms in the same year.

9. Counties should be required to either furnish 24-hour staffing of their jails when prisoners are confined in them or make provisions to confine their prisoners in another county or city

jail which has 24-hour staffing. At the present time, 24-hour staffing is only required by law when female prisoners are confined in a jail.

10. Section 356.41 of the Code should be amended to allow the Department of Social Services to write rules pursuant to chapter 17A of the Code to further define the "safety and suitability" of jails.

11. The correctional officers at the Women's Reformatory should work eight-hour shifts.

12. Senate File 85, chapter 3, section 613, should be amended to provide that discharge from parole or by expiration of sentence shall have the effect of automatically restoring an inmate's right to vote and hold public office. This restoration of rights provision was originally in Senate File 85 as passed by the Senate on February 27, 1975.

Part 2. Other Recommendations

1. The cell houses at the Men's Reformatory and State Penitentiary should be cleaner. Blankets should be washed more often than twice a year. The cell houses should be free of rats.

2. New guards at the penal institutions should be more extensively trained and made more aware of their responsibilities.

3. Money should be appropriated for addition of another ombudsman to the Citizens' Aide Office to specialize in the areas of county jails and community-based corrections.

4. The appropriate standing committee should consider proper fire, construction, and space standards for community-based corrections facilities. Some local inspectors are applying jail building standards to community-based corrections facilities.

5. The Department of Social Services should submit to the Sixty-seventh General Assembly, not later than April 1, 1977, recommendations for long-term care of mentally disturbed inmates of the State Penitentiary and Men's and Women's Reformatories.

6. The Department of Social Services should study the need for a women's wing at the Iowa Security Medical Facility at Oakdale. Recommendations should be made to the Sixty-seventh General Assembly in the report mentioned in item 5.

7. Cooking classes should be taught in the Women's Reformatory in the kitchens that were closed since the establishment of a central kitchen.

8. Inmates at the Women's Reformatory should be better informed of the availability of local attorneys to consult on civil matters.

9. More musical equipment should be made available to the clients at the Women's Reformatory.

10. The appropriate standing committee should investigate the Ohio visitation policy which allows certain citizens to monitor correctional institutions.

11. The Legislative Council should authorize continuation of the Adult Penal and Correctional Systems Study Committee during the 1977 interim, and the Study Committee should have Iowa's county jail system as one of its priorities of study. A Concurrent Resolution to this effect is attached to be introduced in both houses during the 1977 Session.

The minutes of Study Committee meetings, written testimony presented to the Study Committee, and other supportive materials are on file at the Legislative Service Bureau. A bibliography of persons attending meetings, drafts of Study Committee bills, and a Concurrent Resolution to this report.

BIBLIOGRAPHY

The following persons attended at least one meeting of the 1976 Adult Penal and Correctional Systems Study Committee:

- Mr. Calvin Auger, Acting Director, Division of Adult Corrections,
Department of Social Services
- Mr. Jack M. Bedell, Board of Parole
- Mr. Lou Brewer, Warden, State Penitentiary
- Sheriff Dennis Carr, President of the Iowa State Sheriffs' and
Deputies' Association
- Ms. Mary Louise Conley, Catholic Council of Social Concern
- Mr. Raymond Cornell, Prison Ombudsman, Citizens' Aide Office
- Ms. Virginia Cullen, Staff, Women's Reformatory
- Ms. Mic Denfeld, Assistant Superintendent, Women's Reformatory
- Ms. Mabel Dwyer, Staff, Women's Reformatory
- Mr. David Edgar, Director of Court Services, Eighth Judicial
District
- Mr. John Emmett, Personnel Officer, State Penitentiary
- Mr. Silas S. Ewing, Board of Parole
- Mr. Hal Farrier, Superintendent, Iowa Security Medical Facility
- Ms. Barbara C. Freeman, Administrative Assistant, Board of Parole
- Mr. Paul Hedgepeth, Deputy Warden, State Penitentiary
- Mr. James Hullinger, Education Director, Women's Reformatory
- Ms. Janet Johnson, Board of Parole
- Mr. Gene Kennedy, Iowa State Sheriffs' and Deputies' Association
- Mr. Dick Kurtz, Business Manager, Men's Reformatory
- Mr. Larren LaBorge, Director of Correctional Services, Men's
Reformatory
- Mr. Mike Lang, Business Manager, State Penitentiary
- Mr. Rowland Lutz, Treatment Director, State Penitentiary
- Mr. Jerome S. Manternach, Director of Treatment, Men's
Reformatory
- Ms. Clarice Martz, Business Manager, Women's Reformatory
- Mr. Thomas Mayer, Director, Citizens' Aide Office
- Mr. James Meude
- Mr. John McCarroll, KRNT Radio
- Mr. Timothy McCarthy, Iowa Catholic Conference
- Ms. Opal Miller, State Representative
- Ms. Ruth Mosher, Deputy, Citizens' Aide Office
- Mr. Larry Nelson, Director of Court Services, Sixth Judicial
District
- Mr. Donald L. Olson, Board of Parole
- Mr. Richard Otte, Prison Industries, State Penitentiary
- Ms. Virginia Peterson, Ecumenical Commission on Legislative
Issues and Strategy
- Mr. Victor Richardson, Prison Industries, Men's Reformatory
- Mr. Ron Rohn, WHO Radio
- Mr. Charles Schulz, Southeastern Community College
- Mr. John Sissel, Acting Warden, Men's Reformatory
- Mr. Richard Sorci, Liaison Officer, Board of Parole
- Mr. Clay Spear, State Representative

Bibliography

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Mr. John Thalacker, Deputy Director, Division of Adult
Corrections, Department of Social Services
Mr. Ted Wallman, Superintendent, Women's Reformatory
Mr. William Winkelman, State Senator
Mr. Harry Woods, Bureau Chief, Bureau of Community Cor-
rectional Services, Department of Social Services

HOUSE FILE _____

By ADULT PENAL AND CORRECTIONAL
SYSTEMS STUDY COMMITTEE

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

A BILL FOR

1 An Act rewriting the requirement that all departments and
2 officials of the state, counties, cities and certain other
3 entities empowered to make purchase of supplies for public
4 purposes purchase such supplies from Iowa state industries
5 under certain circumstances.

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

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1 Section 1. Acts of the Sixty-sixth General Assembly, 1976
2 Session, chapter one thousand two hundred forty-five (1245),
3 section five hundred twenty-five (525) of chapter four (4)
4 is amended to read as follows:

5 Sec. 525. Sections one hundred point thirty-seven (100.37),
6 two hundred forty-five point fourteen (245.14), two hundred
7 forty-six point nine (246.9), two hundred forty-six point
8 ten (246.10), ~~two-hundred-forty-six-point-twenty-three~~
9 ~~(246.23)~~, two hundred forty-six point forty-four (246.44),
10 two hundred forty-seven point one (247.1), two hundred forty-
11 seven point two (247.2), two hundred forty-seven point three
12 (247.3), two hundred forty-seven point four (247.4), two
13 hundred forty-seven point five (247.5), two hundred forty-
14 seven point six (247.6), two hundred forty-seven point seven
15 (247.7), two hundred forty-seven point eight (247.8), two
16 hundred forty-seven point nine (247.9), two hundred forty-
17 seven point ten (247.10), two hundred forty-seven point eleven
18 (247.11), two hundred forty-seven point twelve (247.12), two
19 hundred forty-seven point thirteen (247.13), two hundred
20 forty-seven point fourteen (247.14), two hundred forty-seven
21 point fifteen (247.15), two hundred forty-seven point sixteen
22 (247.16), two hundred forty-seven point seventeen (247.17),
23 two hundred forty-seven point eighteen (247.18), two hundred
24 forty-seven point nineteen (247.19), two hundred forty-seven
25 point twenty-four (247.24), two hundred forty-seven point
26 twenty-five (247.25), two hundred forty-seven point twenty-
27 six (247.26), two hundred forty-seven point twenty-seven
28 (247.27), two hundred forty-seven point twenty-eight (247.28),
29 two hundred forty-seven point thirty-three (247.33), two
30 hundred forty-seven A point six (247A.6), two hundred fifty-
31 two point nineteen (252.19), two hundred eighty-seven point
32 four (287.4), two hundred ninety-nine point twelve (299.12),
33 three hundred twenty-one point seventy-six (321.76), three
34 hundred twenty-one point seventy-seven (321.77), three hundred
35 twenty-one point eighty (321.80), three hundred twenty-one

1 point eighty-two (321.82), three hundred twenty-one point
2 eighty-three (321.83), three hundred thirty-four point four
3 (334.4), three hundred thirty-eight point ten (338.10), three
4 hundred forty-three point six (343.6), three hundred fifty-
5 six point thirty-six (356.36), four hundred forty-one point
6 fifty-three (441.53), four hundred fifty-four point twenty-
7 seven (454.27), four hundred seventy-four point forty-one
8 (474.41), four hundred seventy-seven point fifty-eight
9 (477.58), four hundred seventy-seven point fifty-nine (477.59),
10 four hundred seventy-seven point sixty (477.60), four hundred
11 seventy-nine point nineteen (479.19), four hundred seventy-
12 nine point one hundred nine (479.109), four hundred seventy-
13 nine point one hundred ten (479.110), four hundred seventy-
14 nine point one hundred eleven (479.111), four hundred seventy-
15 nine point one hundred twelve (479.112), four hundred seventy-
16 nine point one hundred thirteen (479.113), four hundred
17 seventy-nine point one hundred fourteen (479.114), four hundred
18 seventy-nine point one hundred fifteen (479.115), five hundred
19 eleven point nineteen (511.19), five hundred fifty-two point
20 three (552.3), six hundred two point fifteen (602.15), seven
21 hundred thirteen point one (713.1), seven hundred thirteen
22 point two (713.2), seven hundred thirteen point three (713.3),
23 seven hundred thirteen point four (713.4), seven hundred
24 thirteen point five (713.5), seven hundred thirteen point
25 six (713.6), seven hundred thirteen point seven (713.7), seven
26 hundred thirteen point eight (713.8), seven hundred thirteen
27 point nine (713.9), seven hundred thirteen point ten (713.10),
28 seven hundred thirteen point eleven (713.11), seven hundred
29 thirteen point twelve (713.12), seven hundred thirteen point
30 thirteen (713.13), seven hundred thirteen point fourteen
31 (713.14), seven hundred thirteen point fifteen (713.15), seven
32 hundred thirteen point sixteen (713.16), seven hundred thirteen
33 point twenty-two (713.22), seven hundred thirteen point twenty-
34 three (713.23), seven hundred thirteen point twenty-six
35 (713.26), seven hundred thirteen point twenty-seven (713.27),

1 seven hundred thirteen point twenty-eight (713.28), seven
2 hundred thirteen point twenty-nine (713.29), seven hundred
3 thirteen point thirty (713.30), seven hundred thirteen point
4 thirty-one (713.31), seven hundred thirteen point thirty-two
5 (713.32), seven hundred thirteen point thirty-three (713.33),
6 seven hundred thirteen point thirty-four (713.34), seven
7 hundred thirteen point thirty-five (713.35), seven hundred
8 thirteen point thirty-six (713.36), seven hundred thirteen
9 point thirty-seven (713.37), seven hundred thirteen point
10 thirty-eight (713.38), seven hundred thirteen point thirty-
11 nine (713.39), seven hundred thirteen point forty (713.40),
12 seven hundred thirteen point forty-one (713.41), seven hundred
13 thirteen point forty-two (713.42), seven hundred thirteen
14 point forty-three (713.43), seven hundred forty point one
15 (740.1), seven hundred forty point two (740.2), seven hundred
16 forty point three (740.3), seven hundred forty point four
17 (740.4), seven hundred forty point five (740.5), seven hundred
18 forty point six (740.6), seven hundred forty point seven
19 (740.7), seven hundred forty point eight (740.8), seven hundred
20 forty point nine (740.9), seven hundred forty point ten
21 (740.10), seven hundred forty point eleven (740.11), seven
22 hundred forty point twelve (740.12), seven hundred forty point
23 nineteen (740.19), seven hundred forty point twenty (740.20),
24 seven hundred fifty-three point one (753.1), seven hundred
25 fifty-three point two (753.2), seven hundred fifty-three point
26 three (753.3), seven hundred fifty-three point four (753.4),
27 seven hundred fifty-three point five (753.5), seven hundred
28 fifty-three point six (753.6), seven hundred fifty-three point
29 seven (753.7), seven hundred fifty-three point eight (753.8),
30 and seven hundred fifty-three point nine (753.9), Code 1975,
31 are repealed.

32 Sec. 2. Section eighteen point six (18.6), subsection
33 one (1), Code 1977, is amended to read as follows:

34 1. All items purchased by the department shall be purchased
35 by a competitive bidding procedure. However, the director

1 may exempt by regulation purchases of noncompetitive items
2 and purchases in lots of quantities too small to be effectively
3 purchased by competitive bidding. The director shall exempt
4 by regulation all purchases of items produced and sold by
5 Iowa state industries. Preference shall be given to purchasing
6 Iowa products and purchases from Iowa based businesses if
7 the bids submitted therefor are comparable in price to bids
8 submitted by out-of-state businesses and otherwise meet the
9 required specifications.

10 Sec. 3. Section two hundred forty-six point one (246.1),
11 Code 1977, is amended by adding the following new paragraph:

12 NEW PARAGRAPH. "Iowa state industries" shall mean prison
13 industries that are established and maintained by the state
14 director in connection with the state penitentiary and men's
15 and women's reformatories.

16 Sec. 4. Section two hundred forty-six point twenty-three
17 (246.23), Code 1977, is amended to read as follows:

18 246.23 PURCHASE MANDATORY. No articles or supplies so
19 listed, except in case of emergency, shall be purchased for
20 public use by the aforesaid public officials, bodies, and
21 departments from any private source unless the state director
22 is unable to promptly furnish such similar articles or supplies
23 of comparable quality at comparable prices in a reasonable
24 length of time. The commissioner of the department of social
25 services shall recommend and the council on social services
26 shall adopt a rule setting a specific delivery schedule for
27 the various items produced and sold by Iowa state industries.
28 This delivery schedule shall define what constitutes a
29 reasonable length of time. However, any other delivery
30 schedule may be negotiated by Iowa state industries and a
31 purchaser.

32 Regardless of a requirement to the contrary appearing
33 anywhere else in the Code, bids need not be taken for the
34 purchase of items produced and sold by Iowa state industries.

35 Any public officer who willfully refuses or willfully

1 neglects to comply with this section shall be punished by
2 a fine of not more than one hundred dollars.

3 In the event of a dispute between the purchasing authority
4 and Iowa state industries based on similarity of articles
5 or comparability of quality or price, the matter shall be
6 referred to the director of the department of general services
7 whose decision shall be subject to appeal as provided for
8 in section eighteen point seven (18.7) of the Code.

9 Sec. 5. This Act is effective January 1, 1978.

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EXPLANATION

11 This bill strikes the section of the criminal code revision
12 bill (S.F. 85) which repealed the mandatory purchase section
13 of chapter 246 of the Code as of January 1, 1978.

14 This bill rewrites the current mandatory purchase section
15 to require the state, counties, cities, and certain other
16 entities to purchase certain items (such as office furniture,
17 signs, and janitorial supplies) from Iowa State Industries
18 if such items can be furnished in a reasonable length of time.
19 The commissioner of social services must recommend and the
20 council on social services must adopt a rule setting specific
21 delivery schedules for items produced and sold by Iowa State
22 Industries. Other delivery terms can be negotiated. A
23 dispute-settling mechanism is also provided.

24 The bill is recommended by the Adult Penal and Correctional
25 Systems Study Committee in order to expand industry at the
26 correctional institutions and thereby employ many inmates
27 who do not have jobs at the present time.

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PREPARED BY THE LEGISLATIVE SERVICE
BUREAU AT THE REQUEST OF THE ADULT
PENAL AND CORRECTIONAL SYSTEMS STUDY
COMMITTEE FOR CONSIDERATION BY THE
IOWA GENERAL ASSEMBLY.

January, 1977

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

A BILL FOR

1 An Act relating to the employment of state inmate labor in
2 public works projects for the state and political subdi-
3 visions.

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

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1 Section 1. Section two hundred forty-six point eighteen
2 (246.18), Code 1977, is amended by striking the section and
3 inserting in lieu thereof the following:

4 246.18 EMPLOYMENT OF PRISONERS. Prisoners in the peni-
5 tentiary, men's reformatory or other state correctional
6 facilities may be employed in the maintenance of those
7 institutions, and in the erection, repair, or operation of
8 buildings and works used in connection with those institutions.
9 Prisoners may also be employed in such industries as may be
10 established and maintained in connection therewith by the
11 state director.

12 The state director may detail prisoners in his or her
13 custody to perform services in public works projects for the
14 state or any political subdivision of the state.

15 Supervision, security, compensation, transportation and
16 maintenance of prisoners used in public works projects shall
17 be provided pursuant to an agreement made by the state director
18 and the state agency or political subdivision for which work
19 is done.

20 Employment described in this section shall have as its
21 primary purpose the inculcation or reactivation of attitudes,
22 skills, and habit patterns which will be conducive to pris-
23 oner rehabilitation.

24 Sec. 2. Section two hundred forty-six point twenty-five
25 (246.25), Code 1977, is amended to read as follows:

26 246.25 LIMITATION ON CONTRACT. The state director or
27 the warden of the state penitentiary or the warden of the
28 reformatory shall not, nor shall any other person employed
29 by the state, make any contract by which the labor or time
30 of any prisoner or inmate in such penitentiary or reformatory
31 shall be contracted, let, farmed out, given, or sold to any
32 person, firm, association, or corporation except as provided
33 for in section one (1) of this Act.

34 Sec. 3. Section two hundred eighteen point sixty-three
35 (218.63), Code 1977, is amended to read as follows:

SENATE FILE _____

By ADULT PENAL AND CORRECTIONAL
SYSTEMS STUDY COMMITTEE

Passed Senate, Date _____ Passed House, Date _____

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

Approved _____

A BILL FOR

1 An Act to provide a midshift meal to employees of the
2 correctional institutions.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
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1 Section 1. Chapter two hundred forty-five (245), Code
2 1977, is amended by adding the following new section:

3 NEW SECTION. The employees of the women's reformatory
4 shall receive a midshift meal when on duty.

5 Sec. 2. Section two hundred forty-six point three (246.3),
6 unnumbered paragraphs one (1) and two (2), Code 1977, are
7 amended to read as follows:

8 The warden~~7~~-deputy-warden~~7~~-assistant-deputy-warden~~7~~-chief
9 clerk~~7~~-chaplain~~7~~-additional-chaplain~~7~~-physician~~7~~-storekeeper~~7~~
10 record-clerk~~7~~-and-receiving-officer and other employees of
11 the penitentiary and men's reformatory shall receive such
12 salaries ~~as shall be determined by the state director.~~

13 Captains~~7~~-inspectors~~7~~-turnkeys~~7~~-guards-first-class~~7~~-guards
14 second-class~~7~~-and-guards-third-class shall receive or such
15 compensation as shall be determined by the state director
16 and in addition shall receive a midshift meal when on duty.

17 Sec. 3. This Act is effective January 1, 1978.

18 EXPLANATION

19 The bill provides for the giving of a midshift meal to
20 the employees of the Women's Reformatory, the Men's Reforma-
21 tory, and the State Penitentiary. Currently the Code only
22 provides for giving a midshift meal to the correctional
23 officers at the Men's Reformatory and the State Penitentiary.

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PREPARED BY THE LEGISLATIVE
SERVICE BUREAU AT THE REQUEST
OF THE ADULT PENAL AND CORREC-
TIONAL SYSTEMS STUDY COMMITTEE
FOR CONSIDERATION BY THE IOWA
GENERAL ASSEMBLY.

January 1977

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

A BILL FOR

1 An Act relating to access to information by the citizens' aide.

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

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1 Section 1. Section six hundred one G point nine (601G.9),
2 Code 1977, is amended to read as follows:

3 601G.9 POWERS. The citizens' aide shall have the fol-
4 lowing powers:

5 1. He The citizens' aide may investigate, on complaint
6 or on his or her own motion, any administrative action of
7 any agency, without regard to the finality of the
8 administrative action, except that he the citizens' aide shall
9 not investigate the complaint of an employee of an agency
10 in regard to that employee's employment relationship with
11 the agency.

12 2. He The citizens' aide may prescribe the methods by
13 which complaints are to be made, received, and acted upon;
14 determine the scope and manner of investigations to be made;
15 and, subject to the requirements of this chapter, he the
16 citizens' aide may determine the form, frequency, and
17 distribution of his or her conclusions and recommendations.

18 3. He The citizens' aide may request and shall be given
19 by each agency such assistance ~~and information~~ as may be
20 necessary in the performance of his or her duties. He The
21 citizens' aide may examine the records and documents of all
22 agencies ~~not specifically made confidential by law~~ except
23 income tax records, personal medical records, or student
24 records unless a written release is executed by the person
25 authorized by law to release such information. He The
26 citizens' aide may enter and inspect premises within any
27 agency's control.

28 4. He The citizens' aide may issue a subpoena to compel
29 any person to appear, give sworn testimony, or produce
30 documentary or other evidence deemed relevant to a matter
31 under his or her inquiry. The citizens' aide, his or her
32 deputy and his assistants shall have the power to administer
33 oaths to persons giving testimony before them. If a witness
34 either fails or refuses to obey a subpoena issued by the
35 citizens' aide, the citizens' aide may petition the district

1 court having jurisdiction for an order directing obedience
2 to the subpoena. In the event the court finds that the
3 subpoena should be obeyed, it shall enter an order requiring
4 obedience to the subpoena, and refusal to obey such court
5 order shall be subject to punishment for contempt.

6 EXPLANATION

7 The bill allows the citizens' aide to examine documents
8 which are otherwise confidential. Access to income tax, med-
9 ical, and student records is restricted by the requirement
10 of a written release. The section is also desexed.

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PREPARED BY THE LEGISLATIVE SERVICE BUREAU AT THE REQUEST OF THE ADULT PENAL AND CORRECTIONAL SYSTEMS STUDY COMMITTEE FOR CONSIDERATION BY THE IOWA GENERAL ASSEMBLY.

January 1977

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

A BILL FOR

1 An Act relating to costs of patients at the Iowa security medi-
2 cal facility.

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

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1 Section 1. Section two hundred twenty-three point eight
2 (223.8), Code 1977, is amended by striking the section and
3 inserting in lieu thereof the following:

4 223.8 COSTS AND CHARGES. Chapter two hundred thirty
5 (230), Code 1977, shall govern the determination of costs
6 and charges for the care and treatment of mentally ill patients
7 admitted to the Iowa security medical facility. Counties
8 shall be billed at the same ratio for patients at the Iowa
9 security medical facility as for patients at state hospitals
10 for the mentally ill as set forth in section two hundred
11 thirty point twenty (230.20) of the Code.

12 Sec. 2. This Act is effective January 1, 1978.

13 EXPLANATION

14 This bill provides that counties will be billed at the
15 same ratio for patients in the Iowa security medical facility
16 as for patients in state hospitals for the mentally ill.
17 The current appropriation for support of the state hospitals
18 provides that counties will be billed at 80 percent.

19 The bill also provides that the determination of costs
20 and charges for the care and treatment of all mentally ill
21 patients at the Iowa security medical facility be governed
22 by chapter 230 of the Code. At the present time, chapter
23 230 only governs the determination of costs and charges for
24 the care and treatment of mentally ill patients admitted
25 to the Iowa security medical facility as direct civil
26 commitments upon authorization of the district court or as
27 persons having no legal settlement in this state.

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HOUSE FILE _____

By ADULT PENAL AND CORRECTIONAL
SYSTEMS STUDY COMMITTEE

Passed House, Date _____ Passed Senate, Date _____

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

Approved _____

A BILL FOR

1 An Act relating to workmen's compensation for inmates who
2 work in state penal or correctional facilities.

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

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1 Section 1. Section eighty-five point sixty-one (85.61),
2 subsection two (2), Code 1977, is amended by adding the fol-
3 lowing new paragraph:

4 NEW PARAGRAPH. "Workman" or "employee" also means a per-
5 son confined against his or her will in a reformatory, state
6 penitentiary, release center, or other state penal or correc-
7 tional institution while the person works in connection with
8 the maintenance of the institution or in an industry main-
9 tained therein.

10 Sec. 2. Chapter eighty-five (85), Code 1977, is amended
11 by adding the following new section:

12 NEW SECTION. For the purposes of this section the term
13 "inmate" includes any person confined against his or her will
14 in a reformatory, state penitentiary, release center, or other
15 state penal or correctional institution.

16 If an inmate, in the performance of his or her work in
17 connection with the maintenance of the institution or in an
18 industry maintained therein is injured so as to incapacitate
19 him or her permanently or to reduce materially his or her
20 earning power, he or she may, upon being released from the
21 institution either upon parole or upon final discharge, be
22 awarded and paid compensation at the minimum rate under the
23 provisions of this chapter. If death results from the injury,
24 death benefits shall be awarded and paid to the dependents
25 of the inmate. The time limit for filing a claim under this
26 section shall date from the death or from the time of parole
27 or final discharge. If a person who has been awarded
28 compensation under the provisions of this section is
29 recommitted to an institution covered by this section, the
30 compensation shall immediately cease. However, the
31 compensation shall resume upon subsequent parole or discharge.
32 Payment under this section shall be made promptly out of
33 appropriations which have been made for such purpose, if any.
34 An amount or part thereof which cannot be paid promptly from
35 such appropriations shall be paid promptly out of money in

1 the state treasury not otherwise appropriated.

2 Sec. 3. This Act is effective January 1, 1978.

3 EXPLANATION

4 This bill provides workmen's compensation for inmates of
5 state penal institutions or facilities who work in those
6 institutions or facilities.

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LSB 116H
can/rh/8A

SENATE FILE _____

By ADULT PENAL AND CORRECTIONAL
SYSTEMS STUDY COMMITTEE

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

A BILL FOR

1 An Act providing that the director of the division of correc-
2 tions of the department of social services shall pay the
3 salary for commissary personnel at the penitentiary and
4 men's and women's reformatories.

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

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1 Section 1. Chapter two hundred forty-five (245), Code
2 1977, is amended by adding the following new section:

3 NEW SECTION. COMMISSARY PERSONNEL. Commissary person-
4 nel at the women's reformatory shall receive a salary as de-
5 termined by the state director.

6 Sec. 2. Section two hundred forty-six point three (246.3),
7 unnumbered paragraph one (1), Code 1977, is amended to read
8 as follows:

9 The warden, deputy warden, assistant deputy warden, chief
10 clerk, chaplain, additional chaplain, physician, storekeeper,
11 record clerk, commissary personnel, and receiving officer
12 of the penitentiary and men's reformatory shall receive such
13 salaries as shall be determined by the state director.

14 Sec. 3. This Act is effective January 1, 1978.

15 EXPLANATION

16 This bill requires the director of the division of cor-
17 rections of the department of social services to establish
18 the salary for commissary personnel at the penitentiary and
19 men's and women's reformatories. This bill was recommended
20 by the 1976 Adult Penal and Correctional Systems Study
21 Committee.

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LSB 241S
can/jw/5

HOUSE FILE _____

By ADULT PENAL AND CORRECTIONAL
SYSTEMS STUDY COMMITTEE

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

A BILL FOR

1 An Act to change the term of one of the two new board of
2 parole members provided for in the criminal code revision.

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

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1 Section 1. Acts of the Sixty-sixth General Assembly, 1976
2 Session, chapter one thousand two hundred forty-five (1245),
3 section four hundred three (403) of chapter three (3), is
4 amended to read as follows:

5 SEC. 403. NEW SECTION. TRANSITION. Persons serving on
6 the board of parole on June 30, 1978 shall continue as members
7 of the board of parole until they have served the term for
8 which they were appointed with the conditions and salary of
9 the initial appointment, and shall be deemed to fill a mem-
10 bership position as provided by section four hundred one (401)
11 of this division. Initial appointment to fill the additional
12 membership positions created by section four hundred one (401)
13 of this division shall serve as follows:

14 1. One member shall serve until June 30, 1980.

15 2. The other member shall serve until June 30, ~~1983~~ 1982.

16 Sec. 2. This Act is effective on the date set forth in
17 chapter one thousand two hundred forty-five (1245) of the
18 Acts of the Sixty-sixth General Assembly, 1976 Session, chapter
19 four (4), section five hundred twenty-nine (529).

20 EXPLANATION

21 This bill changes the term of one of the two new Board
22 of Parole members provided for in the criminal code revision.
23 The change is necessary to prevent the expiration of the terms
24 of two members in the same year. The bill was recommended
25 by the 1976 Adult Penal and Correctional Systems Study
26 Committee at the suggestion of the Board of Parole.

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LSB 222H
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SENATE FILE _____

By ADULT PENAL AND CORRECTIONAL
SYSTEMS STUDY COMMITTEE

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

A BILL FOR

1 An Act relating to the required presence of an attendant on
2 the jail premise when prisoner is incarcerated.

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

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1 Section 1. Section three hundred fifty-six point five
2 (356.5), subsection six (6), Code 1977, is amended to read
3 as follows:

4 6. ~~Fe-have-a-matren~~ Keep an attendant on the jail premises
5 at all times during the incarceration of any one or more
6 female prisoners and to make nighttime inspections while any
7 prisoners are kept in confinement or make provisions to confine
8 prisoners in another county or city jail which has an attendant
9 on the jail premises when prisoners are incarcerated in the
10 jail.

11 Sec. 2. This Act is effective January 1, 1978.

12 EXPLANATION

13 The bill mandates twenty-four hour supervision of all jail
14 inmates. Presently only female jail inmates are required
15 to be so supervised.

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HOUSE FILE _____

BY ADULT PENAL AND CORRECTIONAL
SYSTEMS STUDY COMMITTEE

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

A BILL FOR

1 An Act relating to the safeness and suitability of jails.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Chapter three hundred fifty-six (356), Code
2 1977, is amended by striking sections three hundred fifty-
3 six point thirty-seven (356.37), three hundred fifty-six point
4 thirty-eight (356.38), three hundred fifty-six point thirty-
5 nine (356.39), three hundred fifty-six point forty (356.40),
6 three hundred fifty-six point forty-one (356.41), and three
7 hundred fifty-six point forty-two (356.42) and inserting
8 in lieu thereof the following section:

9 The county boards of supervisors shall provide safe and
10 suitable jails for their respective counties. The department
11 of social services shall issue rules under chapter seventeen
12 A (17A) of the Code to define the words "safe and suitable
13 jails". These rules shall set standards concerning: health,
14 sanitation, safety, the quantity and quality of food to be
15 served inmates, cleanliness of the supplies provided inmates
16 including but not limited to mattresses and blankets,
17 cleanliness and state of repair of the facilities, heating,
18 lighting, ventilation, the structural fitness and soundness
19 of the facility, fire resistance of the facility, the
20 facility's structure and practices of housing inmates together
21 as they relate to the safety and security of inmates and
22 officers, medical practices, inmate exercise routines, and
23 similar or related matters.

24 Sec. 2. Section three hundred fifty-six point forty-three
25 (356.43), unnumbered paragraph one (1), Code 1977, is amended
26 to read as follows:

27 The state department of social services shall have general
28 charge and supervision of the provisions of ~~sections 356.37~~
29 to this Act and of section 356.44. The state department of
30 social services and its inspectors and agents shall have the
31 power and duty to make periodic inspections of each such jail
32 and all such facilities established pursuant to chapter 356A,
33 and officially to notify the county board of supervisors in
34 writing to comply fully with the provisions of ~~sections 356.37~~
35 to this Act and of section 356.44.

PREPARED BY THE LEGISLATIVE
SERVICE BUREAU AT THE REQUEST
OF THE ADULT PENAL AND CORREC-
TIONAL SYSTEMS STUDY COMMITTEE
FOR CONSIDERATION BY THE IOWA
GENERAL ASSEMBLY.

January 1977

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

A BILL FOR

1 An Act relating to the length of the workshift for correc-
2 tional officers at the women's reformatory.

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

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1 Section 1. Chapter two hundred forty-five (245), Code
2 1977, is amended by adding the following new section:

3 NEW SECTION. A normal workday for correctional officers
4 shall be eight hours within a twenty-four hour period.

5 Sec. 2. This Act is effective January 1, 1978.

6 EXPLANATION

7 This bill establishes eight hour shifts for correction-
8 al officers at the Women's Reformatory. Presently the cor-
9 rectional officers work twenty-four hour shifts.

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LSB 239H
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SENATE FILE _____

By ADULT PENAL AND CORRECTIONAL
SYSTEMS STUDY COMMITTEE

Passed Senate, Date _____ Passed House, Date _____

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

Approved _____

A BILL FOR

1 An Act to automatically restore an inmate's right to vote
2 and hold public office when he or she is discharged from
3 parole or by expiration of sentence.

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

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1 Section 1. Acts of the Sixty-sixth General Assembly, 1976
2 Session, chapter one thousand two hundred forty-five (1245),
3 section six hundred thirteen (613) of chapter three (3), is
4 amended to read as follows:

5 SEC. 613. NEW SECTION. DISCHARGE FROM PAROLE. Unless
6 sooner discharged, a person released on parole shall be dis-
7 charged when his or her term of parole equals the period of
8 imprisonment specified in the person's sentence, less all
9 time served in confinement. Discharge from parole may be
10 granted prior to such time, when an early discharge is ap-
11 propriate. The board shall periodically review all paroles,
12 and when it shall determine that any person on parole is able
13 and willing to fulfill the obligations of a law-abiding citizen
14 without further supervision, it shall discharge the person
15 from parole. In either event, discharge from parole shall
16 terminate the person's sentence. Discharge from parole or
17 by expiration of sentence shall have the effect of restor-
18 ing an inmate's right to vote and hold public office. The
19 certification of discharge shall so state.

20 Sec. 2. This Act is effective on the date set forth in
21 chapter one thousand two hundred forty-five (1245) of the
22 Acts of the Sixty-sixth General Assembly, 1976 Session, chap-
23 ter four (4), section five hundred twenty-nine (529).

24 EXPLANATION

25 This bill provides for the automatic restoration of an
26 inmate's right to vote and hold public office when he or she
27 is discharged from parole or by expiration of sentence. The
28 bill was recommended by the 1976 Adult Penal and Correctional
29 Systems Study Committee.

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LSB 221S
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HOUSE CONCURRENT RESOLUTION NO. _____

By



1 WHEREAS, an Adult Penal and Correctional Systems Study
 2 Committee was established during the 1975-1976 legislative
 3 interim; and

4 WHEREAS, committee meetings were held at the Iowa State
 5 Penitentiary, the Men's and Women's Reformatories, and the
 6 site of the new medium security facility to accommodate 150
 7 men at Mount Pleasant; and

8 WHEREAS, it is important to keep the line of communication
 9 and exchange open between the Iowa General Assembly and
 10 administrators, staff, and inmates of the penal institutions;
 11 and

12 WHEREAS, committee meetings were held at the State House
 13 on such subjects as inmate employment, state and local agency
 14 use of products made and sold by Iowa State Industries, use
 15 of inmates to work in county parks and on other public works
 16 projects, compensation of state prisoners injured on the job,
 17 conditions prevailing in Iowa county jails, formulation of
 18 jail standards, and pre-trial release programs in Iowa; and

19 WHEREAS, the committee recognizes the need for additional
 20 study of the county jails and pre-trial release programs in
 21 Iowa; NOW THEREFORE,

22 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE
 23 CONCURRING, That the legislative council is urged to appoint
 24 a bipartisan interim study committee composed of members of
 25 both houses of the general assembly to further investigate
 26 problems existing in county jails and to further study the
 27 development and implementation of pre-trial release programs
 28 in Iowa. The committee would then report its findings with
 29 appropriate proposed legislation to the legislative council
 30 and to the general assembly.

