

JOINT INTERIM SUBCOMMITTEE ON CORRECTIONS  
OF THE  
SENATE JUDICIARY STANDING COMMITTEE,  
THE HOUSE STANDING COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT,  
THE HOUSE AND SENATE HUMAN RESOURCES STANDING COMMITTEES  
AND THE  
HOUSE AND SENATE SOCIAL SERVICES BUDGET APPROPRIATION SUBCOMMITTEES

Submitted to the General Assembly

January, 1980

F I N A L R E P O R T

JOINT INTERIM SUBCOMMITTEE ON CORRECTIONS  
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THE HOUSE STANDING COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT,  
THE HOUSE AND SENATE HUMAN RESOURCES STANDING COMMITTEES  
AND THE  
HOUSE AND SENATE SOCIAL SERVICES BUDGET APPROPRIATION SUBCOMMITTEES

January, 1980

The Legislative Council approved the creation of the Joint Interim Subcommittee on Corrections which was composed of ten members. The members were from the Senate Judiciary Standing Committee, the House Standing Committee on Judiciary and Law Enforcement, the House and Senate Human Resources Standing Committees and the House and Senate Social Services Budget Appropriation Subcommittees.

The members of the Subcommittee were:

Senator James E. Briles, Co-chairperson  
Representative Horace Daggett, Co-chairperson  
Senator Bob Carr  
Senator Merlin D. Hulse  
Senator Tom Slater  
Senator Sue Yenger  
Representative Betty Jean Clark  
Representative Donald V. Doyle  
Representative Andy McKean  
Representative Clay Spear

At the Joint Subcommittee's first meeting held on August 29, 1979, the Subcommittee received the presentations of (1) Mr. Harry Woods, then the director of the Division of Adult Corrections of the Department of Social Services; (2) Raymond Cornell, Deputy for Corrections for the Citizens' Aide Office, who gave the Prison Ombudsman's seven recommendations to the Subcommittee; (3) Mr. John Ayers, Legal Counsel for the American Federation of State, County and Municipal Employees, Council 61 and (4) Mr. Terry Mapes and Mr. Jean Canny, correctional officers of the Iowa State Penitentiary.

At the second meeting held on September 14, 1979 the following presentations were given:

1. Mr. Chuck Palmer, Director of Mental Health Resources, Department of Social Services, concerning mental health services to prisoners.

2. Mr. Mark Klein of the Iowa TASC (Treatment Alternatives to Street Crimes) concerning TASC's project to identify the mentally

ill and mentally retarded offenders entering the correctional system.

3. Mr. Bob Bray, Legal Services Corporation, concerning the mentally ill or mentally retarded offender.

4. Mr. Donald J. Page, Chairman of the Prison Industries Advisory Board, concerning the operation of the Board and concerning prison industries.

5. Mr. Mike Roberts, Bureau Chief of Prison Industries, concerning operation of the prison farms.

6. Mr. Charles T. Richards, Citizens' Aide Deputy, concerning the prisoner legal assistance program, the general conditions at the Women's Reformatory, the Riverview Release Center, the community corrections system and county jails.

7. Mr. George Keiser, Bureau of Correctional Institutions, Division of Corrections, Department of Social Services, concerning the Division's procedures for good and honor time and furloughs.

The third meeting of the Subcommittee was held on October 1, 1979 at the Women's Reformatory at Rockwell City, Iowa. The meeting included a presentation by and discussion with the Reformatory's administrative staff, a meeting and discussion with selected Reformatory residents, tour of the facilities, and a meeting and discussion with selected nonadministrative staff.

The fourth and fifth authorized meeting days of the Subcommittee were spent on October 16 and 17, 1979 at the Iowa State Penitentiary and the John E. Bennett Correctional Center, both at Fort Madison, Iowa. There the Subcommittee members met with the administrative staffs, selected inmates, and toured the facilities including the prison farms. The Subcommittee also met with the nonadministrative personnel of the two institutions.

The sixth meeting of the Joint Subcommittee was held November 5, 1979. At that meeting testimony was received from:

1. Mr. Michael Reagen, the new Commissioner of Social Services.
2. Chuck Palmer, Director of Mental Health Resources, Department of Social Services, and Hal Farrier, Director of the Division of Corrections, on the providing of mental health services to correctional inmates.
3. Bud Kilman, Rick Suggitt, Bea Merritt, Mary Kessons, Richard Beckwith, Jim McGaffee, Mike Juergens, all of the Iowa Corrections Association, concerning the Association's legislative recommendations.

4. Mr. Duane Otto and Mr. Marten of the Iowa State Sheriffs' and Deputies' Association concerning an update on county jails.

5. Jack Bedell, Silas Ewing, Jacqueline Day and Virginia Harper, who are members of the Parole Board, concerning the operation of the Board and proposed legislation affecting that operation.

6. Tom Kramer of the American Federation of State, County and Municipal Employees and Mr. Mike Folkers, correctional officer of the Men's Reformatory concerning the distribution of the pay increase from House File 755 which was passed by the last session of the General Assembly.

The Subcommittee also discussed possible legislation at this meeting.

At the seventh and final meeting the Subcommittee received testimony from:

1. Mr. Ernest S. Buresh, spokesman for the Department of Social Services Task Force studying the policy question of use of the Department's institutional farms, who gave an update on the Task Force's work.

2. Paul Carroll, Division of Corrections, Department of Social Services, and Ray Wilson, personnel management specialist for the Merit Department, concerning the breakdown of pay increases to correctional personnel under House File 755.

The Subcommittee also deliberated over possible recommendations at its last meeting.

Recommendations made by the Joint Subcommittee follow in two parts. Part 1 is a listing of the bills recommended by the Subcommittee which bills are attached to this report. Part 2 summarizes other Joint Subcommittee proposals to be transmitted to the appropriate standing committees and the Legislative Council for their consideration.

Part 1. Joint Subcommittee recommendations in the form of proposed bill drafts:

1. Sentencing guidelines commission draft.
2. Good and honor time bill draft.
3. Furlough of misdemeanants bill draft.
4. Reversion of funds in farm accounts bill draft.

5. Citizens' Aide deputy for correctional and juvenile institutions bill draft.

6. Household and domestic goods and services for wardens and deputy wardens bill draft.

7. Dwelling houses for Department of Social Services institution needs bill draft.

8. Imprisonment of habitual motor vehicle offender bill draft.

9. Bill draft to repeal section 246.17 of the Code.

10. Iowa Corrections Association and Parole Board bill draft.

11. Bill draft to absorb the John E. Bennett Correctional Center into the Iowa State Penitentiary.

12. Emergency purchase for correctional institutions bill draft.

13. Parole Board releasing parolee names bill draft.

Part 2. Other Joint Subcommittee recommendations:

1. The Joint Subcommittee recommends that the Division of Corrections of the Department of Social Services institute a policy to allow residents of the Women's Reformatory to make an unlimited number of telephone calls (if the inmate pays for the call or the call is collect) as is the policy at the Iowa State Penitentiary. Reasonable rules regulating, for example, the time of day these calls can be made, would be permissible.

2. The Joint Subcommittee recommends that the doors to the residents' rooms at the Women's Reformatory be altered to open outwards for safety and security reasons. Presently the doors open inward into the residents' rooms.

3. The Joint Subcommittee recommends that the Division of Corrections of the Department of Social Services change its policy as to the imposition of a disciplinary report penalty for suspected drug usage detected by a urine analysis. The Subcommittee recommends that the penalty be assessed only after the institutional appeal process is completed.

4. The Joint Subcommittee finds that the visiting room at the Iowa State Penitentiary is inadequate as to size and ventilation and the problem is exacerbated when the Parole Board is meeting and using the area as a waiting room. The Subcommittee recommends that the Division of Corrections of the Department of Social Services take the necessary steps to correct this situation.

5. The Joint Subcommittee finds that the implementation of last year's House File 755 (the sections concerning pay increases to correctional officers and support personnel) was inadequate. The Subcommittee recommends that pay increases for corrections staff be implemented throughout the state correctional system.

6. The Joint Subcommittee recommends the resumption of the farming operations at the Men's Reformatory and the Iowa State Penitentiary. At a minimum, these operations should commence the raising of cattle to provide beef for consumption by the inmates.

7. The Joint Subcommittee recommends, and an understanding has been reached with the Division of Corrections, that the sewing and ceramic courses at the Women's Reformatory should be continued.

8. The Joint Subcommittee recommends, and an understanding has been reached with the Division of Corrections, that the sewer line in the basement of the cafeteria of the Penitentiary needs to be repaired as soon as possible.

9. The Joint Subcommittee recommends that the standing Committees on Judiciary and Judiciary and Law Enforcement consider legislation concerning mediation/arbitration centers as a means of reducing the populations of the correctional institutions.

10. The Joint Subcommittee recommends that a permanent committee on corrections be established composed of members not only from the judiciary committees but of any member having an interest in the field of corrections.

11. The Joint Subcommittee recommends that the Department of Social Services Task Force Committee studying the use or discontinuance of the Department's institutional farms be retained as an entity for as long as it is necessary, to advise the appropriate legislative committees as to its findings.

The minutes of the Joint Subcommittee meetings, written testimony presented to the Joint Subcommittee, and other supportive materials are on file at the Legislative Service Bureau.

Drafts of the 13 Joint Subcommittee recommended bills are attached to the report.

PROPOSED SENATE/HOUSE FILE \_\_\_\_\_

By (PROPOSED COMMITTEE ON JUDICIARY  
BILL RECOMMENDED BY THE CORREC-  
TIONS JOINT SUBCOMMITTEE)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_

Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Approved \_\_\_\_\_

## A BILL FOR

1 An Act to establish a sentencing guidelines commission.

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

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1 Section 1. NEW SECTION. COMMISSION ESTABLISHED. A  
2 commission of eight members to be known as the sentencing  
3 guidelines commission is established. Members of the  
4 commission shall include the following:

5 1. The chief justice of the supreme court or the chief  
6 justice's designee.

7 2. Two district court judges appointed by the chief justice  
8 of the supreme court.

9 3. One public defender appointed by the governor.

10 4. One county attorney appointed by the governor.

11 5. The director of the division of corrections of the  
12 department of social services or the director's designee.

13 6. Two public members appointed by the governor.

14 Sec. 2. NEW SECTION. LENGTH OF APPOINTMENT. Each  
15 commission member shall be appointed for four years and shall  
16 continue to serve during that time as long as the member  
17 occupies the position which made the member eligible for the  
18 appointment. Each member shall continue in office until a  
19 successor is appointed. Members shall be eligible for  
20 reappointment, and appointment may be made to fill an unexpired  
21 term.

22 Sec. 3. NEW SECTION. OFFICERS--MEETINGS. The commission  
23 shall elect a chairperson and other officers it deems necessary  
24 from among its membership. It shall meet on the call of the  
25 chairperson or a majority of the members.

26 Sec. 4. NEW SECTION. DUTIES.

27 1. The commission shall, on or before six months from  
28 the effective date of this Act, promulgate sentencing  
29 guidelines for the district court within the limitations set  
30 forth in chapters nine hundred two (902) and nine hundred  
31 three (903) of the Code, based on reasonable offense and  
32 offender characteristics. The guidelines promulgated by the  
33 commission shall be advisory to the district court and shall  
34 establish:

35 a. The circumstances under which imprisonment of an

1 offender is proper.

2     b. A presumptive, fixed sentence for offenders for whom  
3 imprisonment is proper, based on each appropriate combination  
4 of reasonable offense and offender characteristics. The  
5 guidelines may provide for an increase or decrease of up to  
6 fifteen percent in the presumptive, fixed sentence.

7     c. Appropriate sanctions for offenders for whom  
8 imprisonment is not proper, which shall make specific reference  
9 to noninstitutional sanctions, including but not limited to  
10 fines, restitution, work release, community-based correctional  
11 programs, probation, deferred judgment, deferred sentence  
12 and suspended sentence.

13     In establishing the sentencing guidelines, the commission  
14 shall take into substantial consideration current sentencing  
15 and release practices and correctional resources, including  
16 but not limited to the capacities of local and state  
17 correctional facilities.

18     2. The commission shall study the impact of the sentencing  
19 guidelines after their implementation, shall serve as a  
20 clearing house and information center for the collection,  
21 preparation, analysis and dissemination of information on  
22 state and local sentencing practices, and shall conduct ongoing  
23 research regarding sentencing guidelines, use of imprisonment  
24 and alternatives to imprisonment, plea bargaining, and other  
25 matters relating to the improvement of the criminal justice  
26 system. At the beginning of each general assembly the  
27 commission shall make recommendations to the general assembly  
28 regarding changes in the criminal code, criminal procedures,  
29 and other aspects of sentencing.

30     Sec. 5. NEW SECTION. EXPENSES. Members of the commission  
31 shall serve without compensation but shall receive actual  
32 and reasonable expenses, including travel at the state rate  
33 set forth in section eighteen point one hundred seventeen  
34 (18.117) of the Code. The commission may employ a research  
35 director and clerical help necessary to perform its duties.



PROPOSED SENATE/HOUSE FILE \_\_\_\_\_

By (PROPOSED COMMITTEE ON JUDICIARY  
BILL RECOMMENDED BY THE CORREC-  
TIONS JOINT SUBCOMMITTEE)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_

Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Approved \_\_\_\_\_

## A BILL FOR

1 An Act relating to the reduction of sentences of inmates com-  
2 mitted to the custody of the director of the division of  
3 adult corrections of the department of social services.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. NEW SECTION. CONDUCT REVIEW COMMITTEE. A  
2 conduct review committee shall be established at each  
3 institution under the department of social services, division  
4 of adult corrections. Each committee shall consist of three  
5 members who shall be appointed by the director of the division  
6 of adult corrections. The committees shall review the conduct  
7 of inmates in their respective institutions, as provided in  
8 section three (3) of this Act.

9 Sec. 2. NEW SECTION. GOOD CONDUCT TIME. Each inmate  
10 of an institution under the department of social services,  
11 division of adult corrections shall be given a reduction of  
12 sentence of one day for each day of good conduct while  
13 committed to one of the division's institutions or while on  
14 parole. Computation of good conduct time is subject to the  
15 following conditions:

16 1. Time served in jail, credited by the clerk of court  
17 prior to actual placement in a correctional institution shall  
18 accrue for purposes of reduction of sentence under this  
19 section.

20 2. Time spent during escape shall be forfeited for purposes  
21 of reduction of sentence under this section.

22 3. Time between parole violation and incarceration shall  
23 be forfeited for purposes of reduction of sentence under this  
24 section.

25 4. Good conduct time shall not accrue to an inmate while  
26 serving a life sentence. However, good conduct time shall  
27 accrue after an inmate's life sentence is commuted and shall  
28 be computed as of the date of commutation, not the date of  
29 commitment to custody of the director.

30 5. The maximum amount of good conduct time that can be  
31 earned shall be credited to the maximum sentence at the time  
32 of admission, setting a tentative discharge date, except in  
33 life sentences.

34 Sec. 3. NEW SECTION. LOSS OR FORFEITURE OF GOOD CONDUCT  
35 TIME. Upon finding that an inmate has violated an

1 institutional rule, the conduct review committee may recommend  
2 forfeiture of any or all good conduct time earned by the  
3 inmate. The good conduct review committee shall have  
4 discretion within the guidelines promulgated pursuant to  
5 section four (4) of this Act, to determine the amount of time  
6 that should be forfeited based upon the severity of the  
7 infraction. Prior infractions by the inmate may be considered  
8 by the committee in its decision.

9 Recommendations of the committee shall be made to the  
10 superintendent or warden of the institution who may either  
11 follow or reject the recommendations. A decision of the  
12 superintendent or warden is subject to review by the director  
13 of the division of adult corrections.

14 Sec. 4. NEW SECTION. POLICIES AND PROCEDURES. The  
15 director of the division of adult corrections, department  
16 of social services, shall develop policy and procedural  
17 guidelines to implement sections one (1) through three (3)  
18 of this Act. By the effective date of this Act, the director  
19 shall promulgate rules specifying disciplinary offenses which  
20 may result in the loss of good conduct time and the amount  
21 of good conduct time which may be lost as a result of each  
22 disciplinary offense.

23 Sec. 5. NEW SECTION. TIME TO BE SERVED--CREDIT. No  
24 inmate shall be discharged from the penitentiary, the men's  
25 or women's reformatory, or the Iowa security medical facility  
26 until he or she has served the full term for which the inmate  
27 was sentenced, less good conduct time earned and not forfeited,  
28 unless the inmate is pardoned or otherwise legally released.  
29 Any provision to the contrary notwithstanding, good conduct  
30 time earned and not forfeited shall apply to reduce a mandatory  
31 minimum sentence being served pursuant to section two hundred  
32 four point four hundred six (204.406), two hundred four point  
33 four hundred thirteen (204.413), nine hundred two point seven  
34 (902.7), nine hundred two point eight (902.8), or nine hundred  
35 six point five (906.5) of the Code. The inmate shall be

1 deemed to be serving his or her sentence from the day on which  
2 the inmate is received into the institution for violation  
3 of the rules of the institution. However, if an inmate was  
4 confined to a county jail or other correctional or mental  
5 institution at any time prior to sentencing, or after  
6 sentencing but prior to the case having been decided on appeal,  
7 because of failure to furnish bail or because of being charged  
8 with a nonbailable offense, the inmate shall be given credit  
9 for such days already served in jail upon the term of the  
10 sentence. The clerk of the district court of the county from  
11 which the inmate was sentenced, shall certify to the warden  
12 the number of days so served.

13 Sec. 6. NEW SECTION. SEPARATE SENTENCES. When an inmate  
14 is committed under several convictions with separate sentences,  
15 they shall be construed as one continuous sentence in the  
16 granting or forfeiting of good conduct time.

17 Sec. 7. Section two hundred forty-six point forty-five  
18 (246.45), Code 1979, is amended to read as follows:

19 246.45 APPLICABILITY TO OTHER INSTITUTIONS. The provisions  
20 of ~~sections~~ section 246.337-~~246-337-246-397-246-417-246-427~~  
21 ~~and-246-43-shall~~ also applies to the inmates at the  
22 women's reformatory and the Iowa security medical facility.

23 Sec. 8. Sections two hundred forty-six point thirty-eight  
24 (246.38), two hundred forty-six point thirty-nine (246.39),  
25 two hundred forty-six point forty-one (246.41), two hundred  
26 forty-six point forty-two (246.42) and two hundred forty-six  
27 point forty-three (246.43), Code 1979, are repealed.

28 Sec. 9. Sections one (1) through six (6) of this Act are  
29 enacted as a new chapter of the Code.

30 Sec. 10. This Act is effective January first following  
31 its enactment and applies to all persons committed to the  
32 custody of the director of the division of adult corrections,  
33 department of social service, on or after this effective date.

34 It is the intent of this Act that the present practices  
35 under sections two hundred forty-six point thirty-eight

1 (246.38), two hundred forty-six point thirty-nine (246.39),  
2 two hundred forty-six point forty-one (246.41), two hundred  
3 forty-six point forty-two (246.42), and two hundred forty-  
4 six point forty-three (246.43) of the Code as interpreted  
5 by the division of adult corrections of computing all good  
6 and honor time to residents at the time of admission which  
7 advances the tentative discharge date, of forfeiting good  
8 time as a result of disciplinary reports resulting in solitary  
9 confinement, of denying honor time to an inmate by his or  
10 her removal from the "honor contract" and computing a new  
11 discharge date and so notifying the inmate, each time this  
12 occurs, shall remain in effect for all persons who were  
13 committed to the custody of the director of the division of  
14 adult corrections, department of social services, prior to  
15 the effective date of this Act.

16 However, any inmate who was committed to the custody of  
17 the director prior to the effective date of this Act may  
18 petition the director for computation of time under this Act.  
19 Time forfeited prior to the petition remains forfeited.

20 EXPLANATION

21 This bill replaces the present "good and honor time"  
22 sections of the Code which reduce the length of sentences  
23 of inmates sentenced to the custody of the director of the  
24 division of adult corrections with another system that rewards  
25 good conduct of inmates.

26 An attorney general's opinion (dated November 29, 1977)  
27 indicates that the current good and honor time sections of  
28 the Code 246.39, 246.41, and 246.43 are presently not being  
29 correctly followed with the possible exception of the honor  
30 time section (special reduction section). This bill legalizes  
31 the present practice of the division while codifying and  
32 clarifying other practices deemed desirable.

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PROPOSED SENATE/HOUSE FILE \_\_\_\_\_

By (PROPOSED HUMAN RESOURCES COMMITTEE  
BILL RECOMMENDED BY THE CORRECTIONS  
JOINT SUBCOMMITTEE)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_

Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Approved \_\_\_\_\_

## A BILL FOR

1 An Act relating to the furlough of inmates sentenced to and  
2 confined in an institution under the jurisdiction of the  
3 department of social services.

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

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1 Section 1. Section two hundred seventeen point fourteen  
2 (217.14), unnumbered paragraph two (2), Code 1979, is amended  
3 to read as follows:

4 The commissioner of social services may establish ~~for any~~  
5 ~~inmate-sentenced-pursuant-to-section-902-3~~ a furlough program  
6 under which inmates sentenced to and confined in an institution  
7 under the jurisdiction of the department of social services  
8 may be temporarily released. Furloughs for a period not to  
9 exceed fourteen days may be granted when an immediate member  
10 of the inmate's family is seriously ill or has died, when  
11 an inmate is to be interviewed by a prospective employer,  
12 or when an inmate is authorized to participate in a training  
13 program not available within the institution. Furloughs for  
14 a period not to exceed fourteen days may also be granted in  
15 order to allow the inmate to participate in programs or  
16 activities that serve rehabilitative objectives. The  
17 commissioner of social services shall promulgate rules and  
18 regulations to carry out the provisions of this paragraph.

19 EXPLANATION

20 Presently felons but not misdemeanants can be released  
21 on furloughs from the department of social service's  
22 correctional institutions because of the reference in section  
23 217.14, unnumbered paragraph 2 of the Code to section 902.3  
24 (which deals with the indeterminate sentencing of felons).  
25 The bill eliminates this reference to section 902.3 of the  
26 Code, thus allowing the possibility of furloughs for  
27 misdemeanants.

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PROPOSED SENATE/HOUSE FILE \_\_\_\_\_

By (PROPOSED SOCIAL SERVICES BUDGET  
SUBCOMMITTEE BILL RECOMMENDED BY  
THE CORRECTIONS JOINT SUBCOMMITTEE)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_

Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Approved \_\_\_\_\_

## A BILL FOR

1 An Act relating to the use and reversion of the unencumbered  
2 or unobligated funds remaining in the farm accounts of the  
3 department of social services.

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

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1 Section 1. Acts of the Sixty-eighth General Assembly,  
2 1979 Session, chapter eight (8), section twenty-eight (28),  
3 is amended to read as follows:

4 SEC. 28. Notwithstanding section eight point thirty-three  
5 (8.33) of the Code, the unencumbered or unobligated funds  
6 remaining in the farm accounts of the department of social  
7 services on June 30, 1979 shall not revert to the general  
8 fund until June 30, 1980 1981. Said funds may be used for  
9 but not limited to payment of expenses in farming operations.

10 Sec. 2. This Act, being deemed of immediate importance,  
11 shall take effect from and after its publication in The Anamosa  
12 Eureka, a newspaper published in Anamosa, Iowa, and in the  
13 Evening Democrat, a newspaper published in Fort Madison, Iowa.

14 EXPLANATION

15 This bill changes the date of reversion of the funds in  
16 the farm accounts of the Department of Social Services from  
17 June 30, 1980 to June 30, 1981. The bill also allows the  
18 farm account funds to be used for expenses incurred in farming  
19 operations at the department's institution. The bill would  
20 be effective upon publication.

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PROPOSED SENATE/HOUSE FILE \_\_\_\_\_

By (PROPOSED STATE GOVERNMENT BUDGET  
SUBCOMMITTEE BILL RECOMMENDED BY  
THE CORRECTIONS JOINT SUBCOMMITTEE)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_

Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Approved \_\_\_\_\_

## A BILL FOR

1 An Act relating to the appointment of a citizens' aide as-  
2 sistant to investigate complaints relating only to penal  
3 or correctional agencies or juvenile institutions.

4 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 six (601G.6),  
2 unnumbered paragraph two (2), Code 1979, is amended to read  
3 as follows:

4 The citizens' aide shall appoint an assistant who shall  
5 be responsible for investigating complaints relating only  
6 to penal or correctional agencies and another assistant who  
7 shall be responsible for investigating complaints relating  
8 only to penal or correctional agencies, jails, or juvenile  
9 institutions.

10 Sec. 2. This Act is effective January first following  
11 its enactment.

12 EXPLANATION

13 This bill provides that one assistant to the citizen's  
14 aide be responsible for investigating complaints at penal  
15 and correctional institutions including jails and juvenile  
16 institutions. This assistant would be in addition to the  
17 prison ombudsman whose responsibility is to investigate only  
18 complaints concerning penal or correctional agencies.

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PROPOSED SENATE/HOUSE FILE \_\_\_\_\_

By (PROPOSED HUMAN RESOURCES COMMITTEE  
BILL RECOMMENDED BY THE CORRECTIONS  
JOINT SUBCOMMITTEE)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_

Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Approved \_\_\_\_\_

## A BILL FOR

1 An Act relating to household and domestic facilities, goods  
2 and services for wardens and deputy wardens for the  
3 penitentiary and men's reformatory.

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 seven  
2 (246.7), Code 1979, is amended to read as follows:

3 246.7 DWELLINGS. Each deputy warden shall be furnished  
4 with a dwelling house ~~by-the-state-director,~~ or ~~house-rent,~~  
5 and with appropriate quarters or may be compensated in lieu  
6 of being furnished a house or quarters. If a deputy warden  
7 is furnished with a dwelling house or quarters, either of  
8 which is owned by the state, the deputy warden may also be  
9 furnished with water, heat, ~~ice,~~ and lights, ~~and-domestic~~  
10 ~~service-in-his-family-by-not-more-than-one-prisoner-at-one~~  
11 ~~time.~~

12 Sec. 2. Section two hundred forty-six point six (246.6),  
13 Code 1979, is repealed.

14 EXPLANATION

15 Section 1 of the bill strikes that portion of section 246.7  
16 of the Code which entitled each deputy warden of the  
17 penitentiary and men's reformatory to domestic service by  
18 prisoners. New language in the section provides that other  
19 quarters may be provided in lieu of a dwelling house or  
20 compensation may be given in lieu of the dwelling house or  
21 quarters. Section 2 of the bill repeals section 246.6 of  
22 the Code which entitled the wardens of the penitentiary and  
23 the men's reformatory to labor of prisoners for household  
24 and domestic service.

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PROPOSED SENATE/HOUSE FILE \_\_\_\_\_

By (PROPOSED HUMAN RESOURCES COMMITTEE  
BILL RECOMMENDED BY THE CORRECTIONS  
JOINT SUBCOMMITTEE)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_

Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Approved \_\_\_\_\_

## A BILL FOR

1 An Act relating to the supplying of a house or quarters,  
2 utilities and provisions for executive heads of institu-  
3 tions under the department of social services.

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

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1 Section 1. Section two hundred eighteen point fourteen  
2 (218.14), Code 1979, is amended to read as follows:

3 218.14 DWELLING HOUSE AND PROVISIONS. The division  
4 director having control over any state institution shall  
5 furnish the executive head of each of said institutions, in  
6 addition to salary, with a dwelling house or with appropriate  
7 quarters in lieu thereof, ~~and, from supplies purchased for~~  
8 ~~the institution, the necessary household provisions for the~~  
9 ~~executive head, spouse and minor children~~ or the particular  
10 division director may compensate the executive head of each  
11 of said institutions in lieu of furnishing ~~all of the above~~  
12 items a house or quarters. If an executive head of the  
13 institution is furnished with a dwelling house or quarters,  
14 either of which is owned by the state, the executive head  
15 may also be furnished with water, heat and lights.

16 EXPLANATION

17 Section 218.14 of the Code requires that executive heads  
18 of department of social services institutions be furnished  
19 with a house or quarters and household provisions from the  
20 supplies purchased for the institution. Compensation may  
21 be given in lieu of the house or quarters and provisions.

22 This bill amends the section to eliminate the providing  
23 of necessary household provisions.

24 The bill also amends the section to allow the compensation  
25 alternative instead of the furnishing a house or quarters,  
26 but compensation in lieu of provisions is eliminated. However  
27 if the executive head is furnished with state-owned quarters  
28 the water, heat and lights may also be furnished.

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PROPOSED SENATE/HOUSE FILE \_\_\_\_\_

By (PROPOSED HUMAN RESOURCES BILL  
RECOMMENDED BY THE CORRECTIONS  
JOINT SUBCOMMITTEE)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_

Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Approved \_\_\_\_\_

## A BILL FOR

1 An Act relating to the punishment for violation of section  
2 three hundred twenty-one point five hundred sixty-one  
3 (321.561) of the Code.

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

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1 Section 1. Section three hundred twenty-one point five  
2 hundred sixty-one (321.561), Code 1979, is amended to read  
3 as follows:

4 321.561 PUNISHMENT FOR VIOLATION. It shall be unlawful  
5 for any person convicted as an habitual offender to operate  
6 any motor vehicle in this state during the period of time  
7 specified in section 321.560. Any person guilty of violating  
8 the provisions of this section shall upon conviction be  
9 ~~punished by imprisonment in the penitentiary for not more~~  
10 ~~than two years and notwithstanding the provisions of section~~  
11 ~~687.27 such~~ committed to the custody of the director of the  
12 division of adult correction. This conviction shall constitute  
13 a an aggravated misdemeanor and not a felony.

14 EXPLANATION

15 Presently under this section of the Code, habitual (motor  
16 vehicle) offenders defined in section 321.555 of the Code  
17 who are convicted of operating a motor vehicle in the state  
18 without a license, are imprisoned in the penitentiary. This  
19 bill permits those offenders to be imprisoned in other  
20 institutions besides the penitentiary.

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PROPOSED SENATE/HOUSE FILE \_\_\_\_\_

By (PROPOSED COMMITTEE ON JUDICIARY  
BILL RECOMMENDED BY THE CORREC-  
TIONS JOINT SUBCOMMITTEE)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_

Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Approved \_\_\_\_\_

## A BILL FOR

1 An Act to repeal section two hundred forty-six point seven-  
2 teen (246.17) of the Code.

3 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 seventeen  
2 (246.17), Code 1979, is repealed.

3 EXPLANATION

4 This bill repeals section 246.17 of the Code, which should  
5 have been done at the time section 902.10 of the Code was  
6 enacted. Both sections relate to what may be done with a  
7 prisoner who is felt to be mentally ill at the time his or  
8 her sentence expires, but the sections are contradictory.  
9 The bill is effective July 1 following its enactment.

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PROPOSED SENATE/HOUSE FILE \_\_\_\_\_

By (PROPOSED COMMITTEE ON JUDICIARY  
BILL RECOMMENDED BY THE CORREC-  
TIONS JOINT SUBCOMMITTEE)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_

Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Approved \_\_\_\_\_

## A BILL FOR

1 An Act relating to pretrial and post trial criminal procedures,  
2 release, and sentences.

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 A point three  
2 (356A.3), Code 1979, is amended by adding the following new  
3 unnumbered paragraph:

4 NEW UNNUMBERED PARAGRAPH. If the facility is a community  
5 correctional residential treatment facility, the term of  
6 commitment may be for no less than sixty days. The court  
7 may extend or reduce the period of commitment when it can  
8 be shown that such extension or early release would further  
9 benefit in the rehabilitation of the offender. A person so  
10 committed is subject to the terms and conditions set by the  
11 judicial district department of correctional services or the  
12 agency which operates the facility if it is not operated by  
13 the department.

14 Sec. 2. Section six hundred twenty-two point ten (622.10),  
15 Code 1979, is amended by adding the following new unnumbered  
16 paragraph:

17 NEW UNNUMBERED PARAGRAPH. Information regarding the current  
18 offense given by a defendant to a pretrial release counselor  
19 or interviewer designated by the court or by a judicial  
20 district department of correctional services, or by both,  
21 if the counselor or interviewer is acting in his or her  
22 professional capacity, is deemed to be a privileged  
23 communication and shall not be released by the pretrial  
24 counselor or interviewer or his or her agency except as it  
25 is necessary to divulge the information to the court for the  
26 limited purpose of determining whether the defendant's  
27 conditions of release should be altered or for the purposes  
28 of a presentence investigation. Neither the testimony of  
29 nor any evidence acquired by the prosecution through a pretrial  
30 release counselor or interviewer including the pretrial release  
31 files or file materials shall be admissible for the purpose  
32 of determining the guilt or innocence of a defendant.

33 Sec. 3. Section eight hundred eleven point two (811.2),  
34 subsection one (1), unnumbered paragraph one (1) and subsection  
35 two (2), Code 1979, are amended to read as follows:

1 All bailable defendants shall be ordered released from  
2 custody pending judgment on their personal recognizance, or  
3 upon the execution of an unsecured appearance bond in an  
4 amount specified by the magistrate unless the magistrate  
5 determines in the exercise of his or her discretion, that  
6 such a release will not reasonably assure the appearance of  
7 the defendant as required or the defendant poses a substantial  
8 threat to the safety of the community. In determining  
9 conditions of release for serious misdemeanors, aggravated  
10 misdemeanors, or felony charges, the magistrate shall review  
11 the pretrial evaluation provided by the judicial district  
12 department of correctional services unless the evaluation  
13 is waived by the defendant, or the defendant is released on  
14 personal recognizance. When such determination is made, the  
15 magistrate shall, either in lieu of or in addition to the  
16 above ~~methods~~ conditions of release, impose the first of the  
17 following conditions of release which will reasonably assure  
18 the appearance of the person for trial and the safety of the  
19 community, or, if no single condition gives that assurance,  
20 any combination of the following conditions:

21 2. DETERMINATION OF CONDITIONS. In determining which  
22 conditions of release will reasonably assure the defendant's  
23 appearance and the safety of the community, the magistrate  
24 shall, on the basis of available information, take into account  
25 the nature and circumstances of the offense charged, the  
26 defendant's family ties, employment, financial resources,  
27 character and mental condition, the length of his or her  
28 residence in the community, the defendant's record of  
29 convictions, and the defendant's record of appearance at court  
30 proceedings or of flight to avoid prosecution or failure to  
31 appear at court proceedings.

32 Sec. 4. Chapter eight hundred thirteen (813), rule nine  
33 (9), subsection two (2), Code 1979, is amended to read as  
34 follows:

35 2. ADVISING COURT OF AGREEMENT. If a plea agreement has

1 been reached by the parties, the court shall require the  
2 disclosure of the agreement in open court at the time the  
3 plea is offered. Thereupon, if the agreement requires  
4 concurrence of the court, the court may ~~accept-or-reject~~  
5 receive the agreement, or may but shall defer its decision  
6 as to acceptance ~~or-rejection~~ until receipt of a presentence  
7 report, if a presentence report is ordered.

8 Sec. 5. Section nine hundred one point two (901.2), Code  
9 1979, is amended by adding the following new unnumbered  
10 paragraph:

11 NEW UNNUMBERED PARAGRAPH. The purpose of the report by  
12 the judicial district department of correctional services  
13 is to provide the court pertinent information for purposes  
14 of sentencing and to include suggestions for correctional  
15 planning for use by correctional authorities subsequent to  
16 sentencing.

17 Sec. 6. Section nine hundred one point four (901.4), Code  
18 1979, is amended to read as follows:

19 901.4 PRESENTENCE INVESTIGATION REPORT CONFIDENTIAL.

20 The presentence investigation report is confidential and the  
21 court shall provide safeguards to insure its confidentiality,  
22 including but not limited to sealing the report, which may  
23 be opened only by further court order. The court may, in  
24 its discretion, make the presentence investigation report  
25 or parts of it available to the defendant, or the court may  
26 make the report or parts of it available while concealing  
27 the identity of the person who provided confidential  
28 information. The report of any medical examination or  
29 psychological or psychiatric evaluation shall be made available  
30 to the attorney for the state and to the defendant upon  
31 request. Such reports shall be part of the record but shall  
32 be sealed and opened only on order of the court. ~~In-any-case~~  
33 where if the defendant is committed to the custody of the  
34 division of adult corrections and is not a class "A" felon,  
35 a copy of the any presentence investigation report shall be

1 ~~sent~~ forwarded to the director with the order of commitment  
2 and a copy shall be sent to the board of parole by the clerk  
3 of the district court at the time of commitment.

4 Sec. 7. Section nine hundred one point six (901.6), Code  
5 1979, is amended to read as follows:

6 901.6 JUDGMENT ENTERED. If judgment is not deferred,  
7 and no sufficient cause is shown why judgment should not be  
8 pronounced and none appears to the court upon the record,  
9 judgment shall be pronounced and entered. In every case in  
10 which judgment is entered, the court shall include in the  
11 judgment entry the number of the particular section of the  
12 Code and the name of the offense under which the defendant  
13 is sentenced and a statement of the days credited pursuant  
14 to section 246.38 shall be incorporated into the sentence.

15 Sec. 8. Section nine hundred two point four (902.4), Code  
16 1979, is amended to read as follows:

17 902.4 RECONSIDERATION OF FELON'S SENTENCE. For a period  
18 of ninety days from the date when a person convicted of a  
19 felony, other than a class "A" felony or a felony for which  
20 a minimum sentence of confinement is imposed, begins to serve  
21 a sentence of confinement, the court, on its own motion or  
22 on the recommendation of the commissioner of social services,  
23 may order the person to be returned to the court, at which  
24 time the court may review its previous action and reaffirm  
25 it or substitute for it any sentence permitted by law. The  
26 court's final order in any such proceeding shall be delivered  
27 to the defendant personally or by certified mail and a  
28 certified copy shall be sent by the clerk of court to the  
29 institution from which the defendant is on temporary release.  
30 Such action is discretionary with the court, and its decision  
31 to take such action or not to take such action is not subject  
32 to appeal. The provisions of this section notwithstanding,  
33 for the purposes of appeal, a judgment of conviction of a  
34 felony is a final judgment when pronounced.

35 Sec. 9. Section nine hundred three point two (903.2),

1 Code 1979, is amended to read as follows:

2 903.2 RECONSIDERATION OF MISDEMEANANT'S SENTENCE. For  
3 a period of ~~thirty~~ ninety days from the date when a person  
4 convicted of a misdemeanor begins to serve a sentence of  
5 confinement, the court may order the person to be returned  
6 to the court, at which time the court may review its previous  
7 action and reaffirm it or substitute for it any sentence  
8 permitted by law. The court's final order in any such  
9 proceeding shall be delivered to the defendant personally  
10 or by certified mail and a certified copy shall be sent by  
11 the clerk of court to the institution from which the defendant  
12 is on temporary release. Such action is discretionary with  
13 the court and its decision to take such action or not to take  
14 such action is not subject to appeal. The provisions of this  
15 section notwithstanding, for the purposes of appeal a judgment  
16 of conviction is a final judgment when pronounced.

17 Sec. 10. Section nine hundred three point three (903.3),  
18 Code 1979, is amended to read as follows:

19 903.3 WORK RELEASE. The court may direct that a prisoner  
20 sentenced to confinement ~~for ninety days or less, or a prisoner~~  
21 ~~who has served all but ninety days or less of his or her~~  
22 ~~sentence,~~ in a county jail be released from custody during  
23 specified hours, as provided by sections 356.26 to 356.35.

24 Sec. 11. Section nine hundred six point five (906.5),  
25 unnumbered paragraph two (2), Code 1979, is amended to read  
26 as follows:

27 If the person who is under consideration for parole is  
28 serving a sentence for conviction of a felony and has a  
29 criminal record of one or more prior convictions for a forcible  
30 felony or a crime of a similar gravity in this or any other  
31 state, parole shall be denied unless the defendant has served  
32 at last least one-half of the maximum term of his or her  
33 sentence. At the time of sentencing of a person convicted  
34 of a felony, the trial court shall determine upon proof beyond  
35 a reasonable doubt whether the convicted person has a criminal

1 record of one or more prior convictions for a forcible felony  
 2 or a crime of similar gravity in this or any other state.  
 3 The prosecuting attorney shall allege such prior convictions,  
 4 as provided in rule six (6) of the Iowa rules of criminal  
 5 procedure.

6 Sec. 12. Section nine hundred seven point three (907.3),  
 7 subsection two (2), Code 1979, is amended to read as follows:

8 2. By record entry at the time of or after sentencing,  
 9 the court may suspend the sentence and place the defendant  
 10 on probation upon such terms and conditions as it may require  
 11 including commitment to a county jail or county jail work  
 12 release program for no more than ninety days or commitment  
 13 to an alternate jail facility or a community correctional  
 14 residential treatment facility for a specific-number-of period  
 15 not less than sixty days to be followed by a term of probation  
 16 as specified in section 907.7. The court may extend or reduce  
 17 the period of commitment to an alternate jail facility or  
 18 community correctional facility upon the petition of the  
 19 judicial district department of correctional services when  
 20 it can be shown that such extension or reduction would further  
 21 benefit in the rehabilitation of the offender. Upon a showing  
 22 that a person is not cooperating with the program by not  
 23 abiding by its rules or is not responding to it, the court  
 24 shall withdraw the person from the program and impose any  
 25 sentence authorized by law. A person so committed who has  
 26 probation revoked shall be given credit for such time served.

27 Sec. 13. Section nine hundred seven point six (907.6),  
 28 Code 1979, is amended to read as follows:

29 907.6 CONDITIONS OF PROBATION. ~~The court, in ordering~~  
 30 ~~probation, may impose any reasonable rules and conditions~~  
 31 which will Probationers are subject to the regulations  
 32 established by the judicial district department of correctional  
 33 services, specific rules of a probation officer acting under  
 34 section nine hundred seven point eight (907.8) of the Code  
 35 and any additional reasonable conditions which the court may

1 impose to promote rehabilitation of the defendant and or  
2 protection of the community,--including-adherence-to-regulations  
3 generally-applicable-to-persons-released-on-parole.

4 Sec. 14. Section nine hundred seven point eight (907.8),  
5 subsection one (1), Code 1979, is amended to read as follows:

6 1. Of any suitable resident of this state except the  
7 probationer's attorney or a member of the probationer's  
8 immediate family; or

9 Sec. 15. Section nine hundred seven point twelve (907.12),  
10 subsection eight (8), Code 1979, is amended to read as follows:

11 8. Failure of the defendant to comply with subsection  
12 3 of this section or willful failure to comply with the plan  
13 of restitution as approved or modified by the court shall  
14 constitute a violation of the conditions of probation. Without  
15 limitation, the court may modify the plan of restitution or  
16 extend the period of time for ~~restitution~~ probation, but not  
17 beyond the maximum probation period specified in section ~~907-6~~  
18 nine hundred seven point seven (907.7) of the Code.

19 EXPLANATION

20 The availability of community correctional residential  
21 facilities has resulted in some cases in the courts' use of  
22 those facilities as substitute holding facilities for very  
23 short term county jail prisoners. Section one of the bill  
24 alters this situation.

25 Section 622.10 of the Code deals with confidential  
26 communications for evidentiary purposes in a court of law.  
27 Section two of the bill expands the class of communications  
28 to include people commonly identified as pretrial counselors  
29 and interviewers.

30 Section three of the bill codifies the pretrial services  
31 provided by the judicial districts' departments of correctional  
32 services and provides additional guidelines and considerations  
33 in the pretrial release decision.

34 Section four of the bill amends rule 9 of the Rules of  
35 Criminal Procedure to insure that the court is not required

1 to wait for the presentence report if it has been waived by  
2 the defendant or if the crime is not a felony and therefore  
3 the report is ordered at the court's discretion.

4 Section five of the bill clarifies the purpose of the  
5 presentence report.

6 Section six of the bill provides that the presentence  
7 investigation report is a confidential document that shall  
8 be sealed. The section also provides for the forwarding of  
9 a copy of the report to the parole board.

10 Included in section nine is an amendment that extends the  
11 possible time of initial confinement from thirty to ninety  
12 days in shock probation for misdemeanants.

13 Section eleven of the bill specifies that the court at  
14 the time of sentencing shall determine whether an inmate has  
15 had prior convictions for serious crimes; thus cannot be  
16 paroled before serving one-half of his or her maximum sentence.

17 Section fourteen of the bill concerns the persons to whom  
18 a probationer may be released.

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PROPOSED SENATE/HOUSE FILE \_\_\_\_\_

By (PROPOSED SOCIAL SERVICES BUDGET  
SUBCOMMITTEE BILL RECOMMENDED BY  
THE CORRECTIONS JOINT SUBCOMMITTEE)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_

Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Approved \_\_\_\_\_

## A BILL FOR

1 An Act relating to the operation and administration of the

2 John E. Bennett Correctional Center.

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

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1 Section 1. Chapter two hundred forty-six (246), Code 1979,  
2 is amended by adding the following new section:

3 NEW SECTION. JOHN E. BENNETT CORRECTIONAL CENTER. The  
4 state correctional facility located outside the walls of the  
5 state penitentiary, known as the John E. Bennett Correctional  
6 Center, shall be operated as part of the state penitentiary  
7 and not as an autonomous correctional institution. The  
8 facility shall be administered by the warden of the  
9 penitentiary or an appropriate penitentiary staff member.

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EXPLANATION

11 This bill absorbs the administration of the John E. Bennett  
12 Correctional Center into the Iowa State Penitentiary.  
13 Presently the Center is administered as an autonomous  
14 institution.

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PROPOSED SENATE/HOUSE FILE \_\_\_\_\_

By (PROPOSED SOCIAL SERVICES BUDGET  
SUBCOMMITTEE BILL RECOMMENDED BY  
THE CORRECTIONS JOINT SUBCOMMITTEE)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_

Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Approved \_\_\_\_\_

## A BILL FOR

1 An Act relating to emergency repairs and the purchase of ma-  
2 terials and equipment affecting the security of a state  
3 penal or correctional institution.

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

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1 Section 1. Chapter two hundred eighteen (218), Code 1979,  
2 is amended by adding the following new section:

3 NEW SECTION. EMERGENCY PURCHASES. The purchase of  
4 materials or equipment for penal or correctional institutions  
5 under the division of adult corrections is exempted from the  
6 requirements of centralized purchasing and bidding by the  
7 department of general services if the materials or equipment  
8 is needed to make an emergency repair at an institution or  
9 the security of the institution would be jeopardized because  
10 the materials or equipment could not be purchased soon enough  
11 through centralized purchasing and bidding and, in either  
12 case, if the commissioner of social services approves the  
13 emergency purchase.

14 EXPLANATION

15 This bill exempts the emergency purchase of materials and  
16 equipment for state correctional institutions from going  
17 through centralized purchasing and the bidding requirements  
18 under certain conditions.

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PROPOSED SENATE/HOUSE FILE \_\_\_\_\_

By (PROPOSED COMMITTEE ON JUDICIARY  
BILL RECOMMENDED BY THE CORREC-  
TIONS JOINT SUBCOMMITTEE)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_

Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Approved \_\_\_\_\_

## A BILL FOR

1 An Act relating to the disclosure of information concerning  
2 inmates interviewed by the board of parole.

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

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1 Section 1. Chapter nine hundred six (906), Code 1979,  
2 is amended by adding the following new section:

3 NEW SECTION. PAROLEE INFORMATION CONFIDENTIAL.

4 1. Information concerning the names, numbers, convictions,  
5 dates of convictions, counties of convictions, and dates the  
6 orders for parole were given, for parolees or inmates inter-  
7 viewed by the board of parole shall not be disclosed by the  
8 board of parole except to a criminal justice agency, or to  
9 a person who requests the information about a specific in-  
10 mate identified by the person by name, unless otherwise  
11 prohibited by law.

12 2. The information described in subsection one (1) of  
13 this section, in the possession of the board of parole or  
14 disseminated by the board of parole, is not a part of public  
15 records within the provisions of chapter sixty-eight A (68A)  
16 of the Code.

17 Sec. 2. Section nine hundred six point one (906.1), Code  
18 1979, is amended by striking the section and inserting in  
19 lieu thereof the following:

20 1. "Criminal justice agency" means any agency or depart-  
21 ment of any level of government which performs as its principal  
22 function the apprehension, prosecution, adjudication,  
23 incarceration, or rehabilitation of criminal offenders.

24 2. "Parole" means the release of a person who has been  
25 committed to the custody of the commissioner of social services  
26 by reason of the person's commission of a public offense prior  
27 to the expiration of the person's term, subject to supervision  
28 by the department of social services and on conditions imposed  
29 by the department.

30 EXPLANATION

31 This bill makes confidential certain information concerning  
32 parolees, in the possession of the parole board. This informa-  
33 tion is however available to criminal justice agencies (de-  
34 fined in section 2 of the bill) and to individuals who request  
35 the information about specific inmates identified by name.