

HUMAN SERVICES DEPARTMENT[441]

Notice of Intended Action

Proposing rule making related to the civil commitment unit for sexual offenders and providing an opportunity for public comment

The Human Services Department hereby proposes to amend Chapter 31, “Civil Commitment Unit,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code section 218.4.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code chapter 229A.

Purpose and Summary

The Department is proposing to update the rules in Chapter 31 for the Civil Commitment Unit for Sexual Offenders (CCUSO) to align with the Iowa Code and CCUSO policies. Changes would include adding the facility administrator’s designee to those who are authorized to approve visits outside the facility. The rule on gifts or bequests of value would be updated to state that if the value of such an item is \$50 or more, the gift or bequest shall be reported to the Iowa Ethics and Campaign Board within 20 days of receipt of the gift or bequest to align with Iowa Code section 8.7. Paragraph 31.2(5)“c” stating food items may not be brought into the visiting area would be rescinded since it conflicts with paragraph 31.2(6)“1.”

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to rule 441—1.8(17A,217).

Public Comment

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Department no later than 4:30 p.m. on February 15, 2022. Comments should be directed to:

Nancy Freudenberg
Department of Human Services
Hoover State Office Building, Fifth Floor
1305 East Walnut Street
Des Moines, Iowa 50319-0114
Email: appeals@dhs.state.ia.us

Public Hearing

No public hearing is scheduled at this time. As provided in Iowa Code section 17A.4(1)“b,” an oral presentation regarding this rule making may be demanded by 25 interested persons, a governmental subdivision, the Administrative Rules Review Committee, an agency, or an association having 25 or more members.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee’s meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

ITEM 1. Amend ~~441~~—**Chapter 31**, title, as follows:

CIVIL COMMITMENT UNIT FOR SEXUAL OFFENDERS

ITEM 2. Rescind paragraph **31.2(5)“c.”**

ITEM 3. Amend paragraph **31.2(9)“b,”** introductory paragraph, as follows:

b. The visit receives the approval of the facility administrator or the facility administrator’s designee. Such approval shall be granted only when:

ITEM 4. Amend paragraph **31.9(2)“b”** as follows:

b. All gifts or bequests, ~~regardless of value,~~ with a value of \$50 or more shall be reported to the Iowa ethics and campaign disclosure board within 20 days of receipt of the gift or bequest using the board’s Form-GB.