

CHAPTER 1165

INMATE WORK PROGRAMS

H.F. 2233

AN ACT relating to work programs for inmates of state correctional institutions.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 85.59, Code Supplement 1987, is amended by adding the following new unnumbered paragraph after unnumbered paragraph two:

NEW UNNUMBERED PARAGRAPH. For purposes of this section, an inmate on a work assignment under section 246.703 working in construction or maintenance at a public or charitable facility, or under assignment to another agency of state, county, or local government, shall be considered an employee of the state.

Sec. 2. Section 246.703, unnumbered paragraph 1, Code 1987, is amended to read as follows:

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

Sec. 3. Section 246.805, subsection 7, Code 1987, is amended by striking the subsection.

Approved May 5, 1988

CHAPTER 1166

INMATE ALLOWANCE DEDUCTIONS AND DISTRIBUTIONS

H.F. 2262

AN ACT relating to the deduction and disbursement of certain moneys from an allowance paid to an inmate.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 246.702, Code Supplement 1987, is amended to read as follows:

246.702 DEDUCTION TO PAY COURT COSTS, INDUSTRIES PROGRAM COSTS, INCARCERATION COSTS, OR DEPENDENTS – DEPOSITS.

If allowances are paid pursuant to section 246.701, the director may deduct an amount established by the inmate's restitution plan of payment or an amount sufficient to pay all or part of the court costs taxed as a result of the inmate's commitment. The amount deducted shall be forwarded to the clerk of the district court or proper official. The director may deduct and disburse an amount sufficient for industries' programs to qualify under the eligibility requirements established in the Justice Assistance Act of 1984, Pub. L. No. 98-473, including an amount to pay all or part of the cost of the inmate's incarceration. The director may pay all or any part of remaining allowances paid pursuant to section 246.701 directly to a dependent of the inmate, or may deposit the allowance to the account of the inmate, or may deposit a portion and allow the inmate a portion for the inmate's personal use.

Sec. 2. Section 912.3, Code 1987, is amended by adding the following new subsection 6 and by renumbering the subsequent subsection:

NEW SUBSECTION. 6. Receive moneys collected pursuant to section 246.702 for the purpose of compliance with Pub. L. 98-743.*

Approved May 5, 1988

CHAPTER 1167

JUVENILE DETENTION AND PROSECUTION

H.F. 2278

AN ACT relating to the issuance of citations to juveniles, the detention of juveniles and restrictions on the detention of juveniles in adult facilities, and providing penalties.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 232.8, subsection 1, Code Supplement 1987, is amended to read as follows:

1. The juvenile court has exclusive original jurisdiction in proceedings concerning a child who is alleged to have committed a delinquent act unless otherwise provided by law, and has exclusive original jurisdiction in proceedings concerning an adult who is alleged to have committed a delinquent act prior to having become an adult, provided that the taking of that person into custody for the alleged act or the filing of a delinquency petition alleging the commission of the act occurs within the time periods and under the conditions specified in chapter 802.

The juvenile court has jurisdiction over such an adult for one year beyond the last date upon which jurisdiction over the adult attaches under this subsection and who has been transferred to the jurisdiction of the juvenile court pursuant to an order under section 803.5.

Violations by a child of provisions of chapter 106, 106A, 109, 109A, 110, 110A, 110B, 111, 321, or 321G which would be simple misdemeanors if committed by an adult, and violations of county or municipal curfew or traffic ordinances, and violations by a child of the provisions of section 123.47, are excluded from the jurisdiction of the juvenile court and shall be prosecuted as simple misdemeanors as provided by law. The court may advise appropriate juvenile authorities and may refer violations of section 123.47 to the juvenile court when there is reason to believe the child regularly abuses alcohol and may be in need of treatment. The court shall notify the parents or legal guardians of a child who appears before it for a violation of section 123.47. A child convicted of a violation excluded from the jurisdiction of the juvenile court under this paragraph shall be sentenced pursuant to section 805.8, where applicable, and pursuant to section 903.1, subsection 3, for all other violations.

*98-473 probably intended