

**NEW SUBSECTION. 3.** A motor vehicle dealer may also, upon receipt of a temporary permit approved by the department, display and sell classic cars only at county fairs, as defined in chapter 174, vehicle shows, and vehicle exhibitions which have been approved by the department for purposes of classic car display and sale and the provisions of section 322.3, subsection 9, shall not be applicable. Application for a temporary permit shall be made on forms provided by the department and shall be accompanied by a ten dollar permit fee. A permit shall be issued for a single period of not to exceed five days. Not more than three permits may be issued to a motor vehicle dealer in any one calendar year. For purposes of this subsection, "classic car" means a motor vehicle fifteen years old or older but less than twenty years old which is primarily of value as a collector's item and not as transportation.

Approved April 26, 1993

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## CHAPTER 46

### DEPARTMENT OF CORRECTIONS — MISCELLANEOUS PROVISIONS *S.F. 392*

**AN ACT** relating to duties and procedures of the department of corrections, providing for agreements for private employment of inmates, application of witness fees earned by an inmate toward payment of restitution or crime victim compensation, removing language relating to transfers of certain inmates, providing for temporary supervision and placement of inmates in violator facilities, making changes in provisions relating to escape from work release, and changing times of payment of certain funds to inmates.

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

Section 1. Section 85.59, unnumbered paragraphs 1 and 4, Code 1993, are amended to read as follows:

For the purposes of this section, the term "inmate" includes a person confined in a reformatory, state penitentiary, release center, or other state penal or correctional institution while that person works in connection with the maintenance of the institution, ~~or in an industry maintained therein in the institution, or in an industry referred to in section 904.809,~~ or while on detail to perform services on a public works project.

If an inmate is permanently incapacitated by injury in the performance of the inmate's work in connection with the maintenance of the institution, ~~or in an industry maintained in the institution, or in an industry referred to in section 904.809,~~ while on detail to perform services on a public works project, or while performing services authorized pursuant to section 904.809, or is permanently or temporarily incapacitated in connection with the performance of unpaid community service under the direction of the district court, board of parole, or judicial district department of correctional services, or in connection with the provision of services pursuant to a chapter 28E agreement entered into pursuant to section 904.703, or who is performing a work assignment of value to the state or to the public under chapter 232, that inmate shall be awarded only the benefits provided in section 85.27 and section 85.34, subsections 2 and 3. The weekly rate for such permanent disability is equal to sixty-six and two-thirds percent of the state average weekly wage paid employees as determined by the department of employment services under section 96.19, subsection 36, and in effect at the time of the injury.

Sec. 2. Section 599.1, Code 1993, is amended by adding the following new unnumbered paragraph:

**NEW UNNUMBERED PARAGRAPH.** A person who is less than eighteen years old, but who is tried, convicted, and sentenced as an adult and committed to the custody of the director of the department of corrections shall be deemed to have attained the age of majority for purposes of making decisions and giving consent to medical care, related services, and treatment during the period of the person's incarceration.

Sec. 3. Section 622.69, Code 1993, is amended by adding the following new unnumbered paragraph:

**NEW UNNUMBERED PARAGRAPH.** Witness fees to be received by an inmate, while in the custody of the department of corrections, shall be applied either toward payment of any restitution owed by the inmate or to the crime victim compensation program established in chapter 912.

Sec. 4. Section 904.104, Code 1993, is amended to read as follows:

**904.104 BOARD CREATED.**

A board of corrections is created within the department. The board shall consist of seven members appointed by the governor subject to confirmation by the senate. Not more than four of the members shall be from the same political party. Members shall be electors of this state. ~~Five of the seven members shall each be a resident of a different congressional district.~~ Members of the board shall serve four-year staggered terms.

Sec. 5. Section 904.206, subsection 1, Code 1993, is amended to read as follows:

1. The correctional release center at Newton shall be utilized for the preparation of inmates of the correctional institutions for discharge, work release, or parole. ~~The director may transfer an inmate of a correctional institution to the correctional release center for intensive training to assist the inmate in the transition to civilian living.~~ The statutes applicable to an inmate at the correctional institution from which transferred shall remain applicable during the inmate's stay at the correctional release center.

Sec. 6. Section 904.207, Code 1993, is amended to read as follows:

**904.207 VIOLATOR FACILITY.**

The director shall establish a violator facility as a freestanding facility, or designate a portion of an existing correctional facility for the purpose. A violator facility is for the temporary confinement of offenders, ~~for no longer than sixty days,~~ who have violated conditions of release under work release, or parole as defined in section 906.1, or probation, ~~or who are sentenced granted as a result of suspension of a sentence to the custody of the director for assignment to a treatment facility under section 904.513 of the department of corrections.~~ The director shall adopt rules pursuant to chapter 17A, subject to the approval of the board, to implement this section.

Sec. 7. Section 904.809, Code 1993, is amended by striking the section and inserting in lieu thereof the following:

**904.809 PRIVATE INDUSTRY EMPLOYMENT OF INMATES OF CORRECTIONAL INSTITUTIONS.**

1. The following conditions shall apply to all agreements to provide private industry employment for inmates of correctional institutions:

- a. The state director and the industries board shall comply with the intent of section 904.801.
- b. An inmate shall not be compelled to take private industry employment.
- c. Inmates shall receive allowances commensurate with those wages paid persons in similar jobs outside the correctional institutions. This may include piece rating in which the inmate is paid only for what is produced.
- d. Employment of inmates in private industry shall not displace employed workers, apply to skills, crafts, or trades in which there is a local surplus of labor, or impair existing contracts for employment or services.
- e. Inmates employed in private industry shall be eligible for workers' compensation in accordance with section 85.59.

f. Inmates employed in private industry shall not be eligible for unemployment compensation while incarcerated.

g. The state director shall implement a system for screening and security of inmates to protect the safety of the public.

2. a. Any other provision of the Code to the contrary notwithstanding, the state director may, after obtaining the advice of the industries board, lease one or more buildings or portions thereof on the grounds of any state adult correctional institution, together with the real estate needed for reasonable access to and egress from the leased buildings, for a term not to exceed twenty years, to a private corporation for the purpose of establishing and operating a factory for the manufacture and processing of products, or any other commercial enterprise deemed by the state director to be consistent with the intent stated in section 904.801.

b. Each lease negotiated and concluded under this subsection shall include, and shall be valid only so long as the lessee adheres to, the following provisions:

(1) Persons working in the factory or other commercial enterprise operated in the leased property, except the lessee's supervisory employees and necessary support personnel approved by the industries board, shall be inmates of the institution where the leased property is located who are approved for such work by the state director and the lessee.

(2) The factory or other commercial enterprise operated in the leased property shall observe at all times such practices and procedures regarding security as the lease may specify, or as the state director may temporarily stipulate during periods of emergency.

3. The state director with the advice of the prison industries advisory board may provide an inmate work force to private industry. Under the program inmates will be employees of a private business.

4. Private or nonprofit organizations may subcontract with Iowa state industries to perform work in Iowa state industries shops located on the grounds of a state institution. The execution of the subcontract is subject to the following conditions:

a. The private employer shall pay to Iowa state industries a per unit price sufficient to fund allowances for inmate workers commensurate with similar jobs outside corrections institutions.

b. Iowa state industries shall negotiate a per unit price which takes into account staff supervision and equipment provided by Iowa state industries.

Sec. 8. Section 904.901, Code 1993, is amended to read as follows:

**904.901 WORK RELEASE PROGRAM.**

The Iowa department of corrections, in consultation with the board of parole, shall establish a work release program under which the board of parole may grant inmates sentenced to an institution under the jurisdiction of the department the privilege of leaving actual confinement during necessary and reasonable hours for the purpose of working at gainful employment. Under appropriate conditions the program may also include an out-of-state work or treatment placement or release for the purpose of seeking employment, and attendance at an educational institution, or family visitation. An inmate may be placed on work release status in the inmate's own home, under appropriate circumstances, which may include child care and housekeeping in the inmate's own home. This work release program is in addition to the institutional work release program established in section 904.910.

Sec. 9. Section 904.909, Code 1993, is amended to read as follows:

**904.909 WORK RELEASE AND OWI VIOLATORS — REIMBURSEMENT TO DEPARTMENT FOR TRANSPORTATION COSTS.**

The department of corrections shall arrange for the return of a work release client, or offender convicted of violating chapter 321J, who escapes or participates in an act of absconding from the facility to which the client is assigned or violates the conditions of supervision. The client or offender shall reimburse the department of corrections for the cost of transportation incurred because of the escape or act of absconding violation. The amount of reimbursement shall be the actual cost incurred by the department and shall be credited to the support account from which the billing occurred. The director of the department of corrections shall recommend

rules pursuant to chapter 17A, subject to approval by the board of corrections pursuant to section 904.105, subsection 7, to implement this section.

Sec. 10. Section 906.1, Code 1993, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. A person who has been released on parole or work release may be temporarily assigned to the supervision of the director of the department of corrections as a result of placement in a violator facility established pursuant to section 904.207.

Sec. 11. Section 906.9, subsection 3, and unnumbered paragraph 2, Code 1993, are amended to read as follows:

~~3. Upon going from an educational work release to parole or discharge, fifty dollars.~~

Those inmates receiving payment under subsection 2 ~~or 3~~ shall not be eligible for payment under subsection 1 unless they are returned to the institution. An inmate shall only be eligible to receive one payment under this section during any twelve-month period. The warden or superintendent shall maintain an account of all funds expended pursuant to this section.

Sec. 12. Section 908.9, Code 1993, is amended to read as follows:

908.9 DISPOSITION OF VIOLATOR.

If the parole of a parole violator is revoked, the violator shall remain in the custody of the Iowa department of corrections under the terms of the parolee's original commitment. ~~The violator may be placed in a violator facility established pursuant to section 904.207 if the parole revocation officer or board panel determines that placement in a violator facility is necessary.~~ If the parole of a parole violator is not revoked, the parole revocation officer or board panel shall order the person's release subject to the terms of the person's parole with any modifications that the parole revocation officer or board panel determines proper, or may order that the violator be placed in a violator facility, established pursuant to section 904.207, if the parole revocation officer or board panel determines that placement in a violator facility is necessary.

Sec. 13. Sections 904.810 and 904.811, Code 1993, are repealed.

Approved April 26, 1993

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## CHAPTER 47

### DEPARTMENT OF TRANSPORTATION – MISCELLANEOUS PROVISIONS

*S.F. 78*

**AN ACT** making technical changes to transportation Code provisions concerning applications for registration and title, relating to the speed limit laws, concerning the agency appeal process regarding the sale of railroad property, and relating to the issuance of commercial vehicle violation citations.

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

#### DIVISION I

Section 1. Section 321.25, unnumbered paragraph 1, Code 1993, is amended to read as follows:

A vehicle may be operated upon the highways of this state without registration plates for a period of thirty days after the date of delivery of the vehicle to the purchaser from a dealer if a card bearing the words "registration applied for" is attached on the rear of the vehicle. The card shall have plainly stamped or stenciled the registration number of the dealer from whom the vehicle was purchased and the date of delivery of the vehicle. In addition, a dealer licensed to sell new motor vehicles may attach the card to a new motor vehicle delivered by the dealer