

CHAPTER 171

APPROPRIATIONS — JUSTICE SYSTEM

S.F. 267

AN ACT relating to and making appropriations to the justice system, providing for other related matters concerning the justice system, and providing effective and retroactive applicability dates.

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

Section 1. DEPARTMENT OF JUSTICE. There is appropriated from the general fund of the state to the department of justice for the fiscal year beginning July 1, 1993, and ending June 30, 1994, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For the general office of attorney general for salaries, support, maintenance, miscellaneous purposes including odometer fraud enforcement, and for not more than the following full-time equivalent positions:

.....	\$	4,613,628
.....	FTEs	169.00

2. Prosecuting attorney training program for salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	110,000
.....	FTEs	4.00

a. In addition to the funds appropriated in this subsection for the fiscal year beginning July 1, 1993, and ending June 30, 1994, the attorney general shall provide up to \$41,000 in state matching funds from moneys retained by the attorney general from property forfeited pursuant to section 809.13, for the prosecuting attorney training program, the prosecuting intern program, or both. Counties participating in the prosecuting intern program shall match the state funds.

b. In addition to the funds appropriated in this subsection for the fiscal year beginning July 1, 1993, and ending June 30, 1994, and the moneys retained by the attorney general pursuant to paragraph "a", the attorney general shall provide up to \$10,000 in state matching funds from moneys retained by the attorney general from property forfeited pursuant to section 809.13, for the office of the prosecuting attorneys training coordinator to use for continuation of the domestic violence response enhancement program established in accordance with 1992 Iowa Acts, chapter 1240, section 1, subsection 2, paragraph "b".

c. The prosecuting attorney training program shall use a portion of the funds appropriated in this subsection for educational purposes to implement the recommendations of the equality in the courts task force.

3. In addition to the funds appropriated in subsection 1, there is appropriated from the general fund of the state to the department of justice for the fiscal year beginning July 1, 1993, and ending June 30, 1994, an amount not exceeding \$200,000 to be used for the enforcement of the Iowa competition law. The expenditure of the funds appropriated in this subsection is contingent upon receipt by the general fund of the state of an amount at least equal to either the expenditures from damages awarded to the state or a political subdivision of the state by a civil judgment under chapter 553, if the judgment authorizes the use of the award for enforcement purposes or costs or attorneys fees awarded the state in state or federal antitrust actions. However, if the funds received as a result of these judgments are in excess of \$200,000, the excess funds shall not be appropriated to the department of justice pursuant to this subsection.

4. In addition to the funds appropriated in subsection 1, there is appropriated from the general fund of the state to the department of justice for the fiscal year beginning July 1, 1993, and ending June 30, 1994, an amount not exceeding \$125,000 to be used for public education relating to consumer fraud and for enforcement of section 714.16, and an amount not exceeding

\$75,000 for investigation, prosecution, and consumer education relating to consumer and criminal fraud against older Iowans. The expenditure of the funds appropriated in this subsection is contingent upon receipt by the general fund of the state of an amount at least equal to the expenditures from damages awarded to the state or a political subdivision of the state by a civil consumer fraud judgment or settlement, if the judgment or settlement authorizes the use of the award for public education on consumer fraud. However, if the funds received as a result of these judgments and settlements are in excess of \$200,000, the excess funds shall not be appropriated to the department of justice pursuant to this subsection.

5. For victim assistance grants:

..... \$ 1,359,812

a. The funds appropriated in this subsection shall be used to provide grants to care providers providing services to crime victims of domestic abuse or to crime victims of rape and sexual assault.

b. Notwithstanding section 8.33 or 8.39, any balance remaining from the appropriation made pursuant to this subsection shall not revert to the general fund of the state but shall be available for expenditure during the subsequent fiscal year for the same purpose, and shall not be transferred to any other program.

6. For the GASA prosecuting attorney program and for not more than the following full-time equivalent positions:

..... \$ 98,290
..... FTEs 3.00

7. The balance of the victim compensation fund established under section 912.14 may be used to provide salary and support of not more than 9.00 FTEs and to provide maintenance for the victim compensation functions of the department of justice.

8. The department of justice shall submit monthly financial statements to the legislative fiscal bureau and the department of management containing all appropriated accounts in the same manner as provided in the monthly financial status reports and personal services usage reports of the department of revenue and finance. The monthly financial statements shall include comparisons of the moneys and percentage spent of budgeted to actual revenues and expenditures on a cumulative basis for full-time equivalent positions and available moneys.

Sec. 2. OFFICE OF CONSUMER ADVOCATE. There is appropriated from the general fund of the state to the office of consumer advocate of the department of justice for the fiscal year beginning July 1, 1993, and ending June 30, 1994, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 1,999,524
..... FTEs 32.00

Sec. 3. BOARD OF PAROLE. There is appropriated from the general fund of the state to the board of parole for the fiscal year beginning July 1, 1993, and ending June 30, 1994, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, including maintenance of an automated docket and the board's automated risk assessment model, employment of two statistical research analysts to assist with the application of the risk assessment model in the parole decision-making process, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 801,421
..... FTEs 17.00

1. The board of parole shall require the board's administrative staff to be cross-trained to assure that each individual on that staff is familiar with all tasks performed by the staff.

2. The department of corrections and the board of parole shall review, and implement as necessary, the findings and recommendations contained in the final report prepared by the consultant and presented to the corrections system review task force which was established

by 1988 Iowa Acts, chapter 1271, as they relate to the department of corrections and the board of parole. The board shall report to the joint appropriations subcommittee on the justice system during the 1994 session of the general assembly, at the request of the subcommittee, steps taken to implement any of the recommendations, or the reasons for failing to implement the recommendations.

3. The board of parole shall conduct a study of the parole process to identify and eliminate bias in the parole system based upon race, creed, color, sex, national origin, religion, or disability. The board of parole shall report its findings and recommendations to the co-chairpersons and ranking members of the joint appropriations subcommittee on the justice system and the legislative fiscal bureau on or before January 15, 1994.

Sec. 4. DEPARTMENT OF CORRECTIONS — FACILITIES. There is appropriated from the general fund of the state to the department of corrections for the fiscal year beginning July 1, 1993, and ending June 30, 1994, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For the operation of adult correctional institutions, to be allocated as follows:

a. For the operation of the Fort Madison correctional facility, including salaries, support, maintenance, employment of 310 correctional officers, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	24,109,476
.....	FTEs	490.50

b. For the operation of the Anamosa correctional facility, including salaries, support, maintenance, employment of 211 correctional officers and a part-time chaplain to provide religious counseling to inmates of a minority race, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	17,797,651
.....	FTEs	351.00

Moneys are provided within this appropriation for 2 full-time substance abuse counselors for the Luster Heights facility, for the purpose of certification of a substance abuse program at that facility.

c. For the operation of the Oakdale correctional facility, including salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	15,017,948
.....	FTEs	320.80

d. For the operation of the Newton correctional facility, including salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	5,100,087
.....	FTEs	110.25

e. For the operation of the Mt. Pleasant correctional facility, including salaries, support, maintenance, employment of 141 correctional officers and a full-time chaplain to provide religious counseling at the Oakdale and Mt. Pleasant correctional facilities, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	12,872,534
.....	FTEs	260.23

f. For the operation of the Rockwell City correctional facility, including salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	5,184,980
.....	FTEs	112.00

g. For the operation of the Clarinda correctional facility, including salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	6,164,753
.....	FTEs	136.20

h. For the operation of the Mitchellville correctional facility, including salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	5,918,485
.....	FTEs	134.50

The department of corrections shall analyze and compare policies and guidelines concerning inmates at the correctional facilities, and shall propose revisions to the general assembly as necessary to ensure that male and female inmates have comparable opportunities for education, vocational education, and treatment at the state correctional facilities. Where legislative action is not necessary to ensure comparable opportunities, the department shall take administrative action to implement the policies or guidelines needed to accomplish the comparable opportunities mandated by this paragraph. The department shall report the progress on the analysis and comparison of the policies and guidelines, and any changes made, to the co-chairpersons and ranking members of the joint appropriations subcommittee on the justice system and the legislative fiscal bureau on or before December 15, 1993.

2. The department of corrections shall provide a report to the co-chairpersons and ranking members of the joint appropriations subcommittee on the justice system and the joint appropriations subcommittee on education, the chairpersons and ranking members of the senate and house standing committees on education, and the legislative fiscal bureau on or before January 15, 1994, outlining the implementation of the centralized education program for the correctional system. The report shall include a listing of the educational institutions that are involved, the amount of any federal funds received for use with these programs, and any other pertinent information.

3. If the inmate tort claim fund for inmate claims of less than \$50 is exhausted during the fiscal year, sufficient funds shall be transferred from the institutional budgets to pay approved tort claims for the balance of the fiscal year. The warden or superintendent of each institution or correctional facility shall designate an employee to receive, investigate, and recommend whether to pay any properly filed inmate tort claim for less than the above amount. The designee's recommendation shall be approved or denied by the warden or superintendent and forwarded to the department of corrections for final approval and payment. The amounts appropriated to this fund pursuant to 1987 Iowa Acts, chapter 234, section 304, subsection 2, are not subject to reversion under section 8.33.

Tort claims denied at the institution shall be forwarded to the state appeal board for their consideration as if originally filed with that body. This procedure shall be used in lieu of chapter 669 for inmate tort claims of less than \$50.

4. The department of corrections shall submit a plan to the general assembly prior to January 1, 1994, to establish in the institutions a mandatory literacy requirement for all inmates. The plan shall include the following:

- a. Statistics indicating the current reading and education levels of the average inmate.
- b. The funding and number of years necessary for implementation.
- c. The feasibility of mandating participation and the need for exemptions.
- d. The availability of sanctions and incentives.
- e. The special education services for inmates under the age of twenty-one.
- f. The continuation of educational programming after release.

5. The department of corrections, in consultation and cooperation with the judicial district departments of correctional services, board of parole, division of criminal and juvenile justice planning of the department of human rights, and any other applicable state agencies, shall provide a report detailing the steps taken to implement the reports of the consultants retained

by the corrections system review task force established by 1988 Iowa Acts, chapter 1271, section 14. The department shall provide the report to the co-chairpersons and ranking members of the joint appropriations subcommittee on the justice system and the legislative fiscal bureau, on or before January 15, 1994.

Sec. 5. DEPARTMENT OF CORRECTIONS — ADMINISTRATION. There is appropriated from the general fund of the state to the department of corrections for the fiscal year beginning July 1, 1993, and ending June 30, 1994, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For general administration, including salaries, support, maintenance, employment of an education director and clerk to administer a centralized education program for the correctional system, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	2,101,088
.....	FTEs	41.52

The department shall monitor the use of the classification model by the judicial district departments of correctional services and has the authority to override a district department's decision regarding classification of community-based clients. The department shall notify a district department of the reasons for the override.

2. For reimbursement of counties for temporary confinement of work release and parole violators, as provided in sections 901.7, 904.908, and 906.17 and for offenders confined pursuant to section 904.513:

.....	\$	237,038
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3. For federal prison reimbursement, reimbursements for out-of-state placements, and miscellaneous contracts:

.....	\$	341,334
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The department of corrections shall use funds appropriated by this subsection to continue to contract for the services of a Muslim imam.

4. For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions at the correctional training center at Mt. Pleasant:

.....	\$	374,385
.....	FTEs	8.19

5. For annual payment relating to the financial arrangement for the construction of expansion in prison capacity as provided in 1989 Iowa Acts, chapter 316, section 7, subsection 6:

.....	\$	625,860
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6. For annual payment relating to the financial arrangement for the construction of expansion in prison capacity as provided in 1990 Iowa Acts, chapter 1257, section 24:

.....	\$	3,188,273
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Sec. 6. JUDICIAL DISTRICT DEPARTMENTS OF CORRECTIONAL SERVICES.

1. There is appropriated from the general fund of the state to the department of corrections for the fiscal year beginning July 1, 1993, and ending June 30, 1994, the following amounts, or so much thereof as is necessary, to be allocated as follows:

a. For the first judicial district department of correctional services, including the treatment and supervision of probation and parole violators who have been released from the department of corrections violator program, the following amount, or so much thereof as is necessary:

.....	\$	5,904,249
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(1) The district department shall continue the intensive supervision program established within the district in 1988 Iowa Acts, chapter 1271, section 6, subsection 1, paragraph "a", and the sex offender treatment program established within the district in 1989 Iowa Acts, chapter 316, section 8, subsection 1, paragraph "a".

(2) The district department, in cooperation with the chief judge of the judicial district, shall continue the implementation of a plan to divert low-risk offenders to the least restrictive sanction available.

b. For the second judicial district department of correctional services, including the treatment and supervision of probation and parole violators who have been released from the department of corrections violator program, the following amount, or so much thereof as is necessary:

..... \$ 4,614,141

(1) The district department shall continue the sex offender treatment program established within the district in 1988 Iowa Acts, chapter 1271, section 6, subsection 1, paragraph "b".

(2) The district department, in cooperation with the chief judge of the judicial district, shall continue the implementation of a plan to divert low-risk offenders to the least restrictive sanction available.

c. For the third judicial district department of correctional services, including the treatment and supervision of probation and parole violators who have been released from the department of corrections violator program, the following amount, or so much thereof as is necessary:

..... \$ 2,935,849

(1) The district department shall continue the sex offender treatment program established within the district in 1988 Iowa Acts, chapter 1271, section 6, subsection 1, paragraph "c", and the intensive supervision program established within the district in 1990 Iowa Acts, chapter 1268, section 6, subsection 3, paragraph "d".

(2) The district department, in cooperation with the chief judge of the judicial district, shall continue the implementation of a plan to divert low-risk offenders to the least restrictive sanction available.

d. For the fourth judicial district department of correctional services, including the treatment and supervision of probation and parole violators who have been released from the department of corrections violator program, the following amount, or so much thereof as is necessary:

..... \$ 2,110,925

(1) The district department shall continue the sex offender treatment program established within the district in 1988 Iowa Acts, chapter 1271, section 6, subsection 1, paragraph "d".

(2) The district department, in cooperation with the chief judge of the judicial district, shall continue the implementation of a plan to divert low-risk offenders to the least restrictive sanction available.

e. For the fifth judicial district department of correctional services, including the treatment and supervision of probation and parole violators who have been released from the department of corrections violator program, the following amount, or so much thereof as is necessary:

..... \$ 7,887,469

(1) The district department shall continue the intensive supervision program established within the district in 1988 Iowa Acts, chapter 1271, section 6, subsection 1, paragraph "e", and shall continue to provide for the rental of electronic monitoring equipment.

(2) The district department, in cooperation with the chief judge of the judicial district, shall continue the implementation of a plan to divert low-risk offenders to the least restrictive sanction available.

f. For the sixth judicial district department of correctional services, including the treatment and supervision of probation and parole violators who have been released from the department of corrections violator program, including implementation of an intermediate criminal sanctions plan, the following amount, or so much thereof as is necessary:

..... \$ 5,939,158

(1) The district department shall continue the intensive supervision program established within the district in 1988 Iowa Acts, chapter 1271, section 6, subsection 1, paragraph "f", and the sex offender treatment program established within the district in 1989 Iowa Acts, chapter 316, section 8, subsection 1, paragraph "f".

(2) The district department, in cooperation with the chief judge of the judicial district, shall continue the implementation of a plan to divert low-risk offenders to the least restrictive sanction available.

(3) The district department, in consultation with the intermediate criminal sanctions task force established in this Act, shall develop and implement a plan providing for the expanded

use of intermediate criminal sanctions. The plan shall emphasize sanctions which involve a high degree of offender control within the community. The district department shall provide a report to the co-chairpersons and ranking members of the joint appropriations subcommittee on the justice system and the legislative fiscal bureau on or before January 15, 1994, outlining its activities in implementing the plan.

g. For the seventh judicial district department of correctional services, including the treatment and supervision of probation and parole violators who have been released from the department of corrections violator program, the following amount, or so much thereof as is necessary:

..... \$ 4,101,993

(1) The district department shall continue the intensive supervision program established within the district in 1988 Iowa Acts, chapter 1271, section 6, subsection 1, paragraph "g", and shall continue the sex offender treatment program established within the district in 1989 Iowa Acts, chapter 316, section 8, subsection 1, paragraph "g".

(2) The district department shall continue the job development program established within the district in 1990 Iowa Acts, chapter 1268, section 6, subsection 7, paragraph "e".

(3) The district department, in cooperation with the chief judge of the judicial district, shall continue the implementation of a plan to divert low-risk offenders to the least restrictive sanction available.

h. For the eighth judicial district department of correctional services, including the treatment and supervision of probation and parole violators who have been released from the department of corrections violator program, the following amount, or so much thereof as is necessary:

..... \$ 3,495,613

(1) The district department shall continue the intensive supervision program established within the district in 1988 Iowa Acts, chapter 1271, section 6, subsection 1, paragraph "h", and shall continue the sex offender treatment program established within the district in 1989 Iowa Acts, chapter 316, section 8, subsection 1, paragraph "h".

(2) The district department, in cooperation with the chief judge of the judicial district, shall continue the implementation of a plan to divert low-risk offenders to the least restrictive sanction available.

i. For the department of corrections for the assistance and support of each judicial district department of correctional services, the following amount, or so much thereof as is necessary:

..... \$ 85,817

2. The department of corrections shall continue the OWI facilities established in 1986 Iowa Acts, chapter 1246, section 402, in compliance with the conditions specified in that section.

3. The department of corrections shall continue to contract with a judicial district department of correctional services to provide for the rental of electronic monitoring equipment which shall be available statewide.

4. Each judicial district department of correctional services and the department of corrections shall continue the treatment alternatives to street crime programs established in 1989 Iowa Acts, chapter 225, section 9.

5. The first, sixth, and eighth judicial district departments of correctional services and the department of corrections shall continue the job training and development grant programs established in 1989 Iowa Acts, chapter 316, section 7, subsection 2.

6. The department of corrections shall not make an intradepartmental transfer of moneys appropriated to the department, unless notice of the intradepartmental transfer is given prior to its effective date to the legislative fiscal bureau. The notice shall include information on the department's rationale for making the transfer and details concerning the work load and performance measures upon which the transfers are based.

7. The governor's alliance on substance abuse shall consider federal grants made to the department of corrections for the benefit of each of the eight judicial district departments of correctional services as local government grants, as defined pursuant to federal regulations.

8. Each judicial district department of correctional services shall provide a report concerning the treatment and supervision of probation and parole violators who have been released

from the department of corrections violator program, to the co-chairpersons and ranking members of the joint appropriations subcommittee on the justice system and the legislative fiscal bureau, on or before January 15, 1994.

Sec. 7. JUDICIAL DEPARTMENT. There is appropriated from the general fund of the state to the judicial department for the fiscal year beginning July 1, 1993, and ending June 30, 1994, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For salaries of supreme court justices, appellate court judges, district court judges, district associate judges, judicial magistrates and staff, state court administrator, clerk of the supreme court, district court administrators, clerks of the district court, trial court supervisors, trial court technicians II, financial supervisors I and II, juvenile court officers, board of law examiners and board of examiners of shorthand reporters and judicial qualifications commission, receipt and disbursement of child support payments, reimbursement of the auditor of state for expenses incurred in completing audits of the offices of the clerks of the district court during the fiscal year beginning July 1, 1993, and maintenance, equipment, and miscellaneous purposes:

..... \$ 79,686,348

a. The judicial department, except for purposes of internal processing, shall use the current state budget system, the state payroll system, and the Iowa finance and accounting system in administration of programs and payments for services, and shall not duplicate the state payroll, accounting, and budgeting systems.

b. The judicial department shall submit monthly financial statements to the legislative fiscal bureau and the department of management containing all appropriated accounts in the same manner as provided in the monthly financial status reports and personal services usage reports of the department of revenue and finance. The monthly financial statements shall include a comparison of the dollars and percentage spent of budgeted versus actual revenues and expenditures on a cumulative basis for full-time equivalent positions and dollars.

c. It is the intent of the general assembly that counties installing new telephone systems shall provide those systems to all judicial department offices within the county at no cost.

d. Of the funds appropriated in this subsection, not more than \$1,897,728 may be transferred into the revolving fund established pursuant to section 602.1302, subsection 3, to be used for the payment of jury and witness fees and mileage.

e. The judicial department shall use a portion of the funds appropriated in this subsection for educational purposes to implement the recommendations of the equality in the courts task force.

f. Of the funds appropriated in this subsection, not more than \$35,008 shall be used for salary, support, maintenance, and miscellaneous purposes related to employment of an additional juvenile court officer in the third judicial district.

g. Of the funds appropriated in this subsection, the judicial department shall use not more than \$200,000 for the purchase of equipment. However, the funds appropriated pursuant to this subsection shall not be used for the purchase of new furniture.

h. Of the funds appropriated in this subsection, not more than \$100,000 shall be used for increasing the existing capacity of the Iowa court information system, and the funds referred to in this paragraph shall not be used for the purchase or installation of additional terminals.

i. It is the intent of the general assembly that the clerk of court offices operate in all ninety-nine counties and be accessible to the public as much as is reasonably possible in order to address the relative needs of the citizens of each county.

j. The judicial department shall report to the co-chairpersons and ranking members of the joint appropriations subcommittee on the justice system by February 1, 1994, concerning an evaluation of the needs of the court system, particularly resources necessary to meet the increasing demands on the courts. The report shall also identify legislative changes which would reduce or alleviate the workload of the courts.

2. For the juvenile victim restitution program:

..... \$ 98,000

Sec. 8. IOWA COURT INFORMATION SYSTEM. There is appropriated from the general fund of the state to the judicial department for the fiscal year beginning July 1, 1993, and ending June 30, 1994, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For the Iowa court information system:

..... \$ 857,500

1. The judicial department shall not change the appropriations from the amounts appropriated in this section, unless notice of the revisions is given prior to their effective date to the legislative fiscal bureau. The notice shall include information on the department's rationale for making the changes and details concerning the work load and performance measures upon which the changes are based.

2. The judicial department shall provide a report semiannually to the co-chairpersons and ranking members of the joint appropriations subcommittee on the justice system and the legislative fiscal bureau specifying the amounts of fines, surcharges, and court costs collected using the Iowa court information system. The report shall demonstrate and specify how the Iowa court information system is used to improve the collection process. The report shall also compare fines, surcharges, and court costs collected in selected counties which are using an automated system versus the amounts collected in at least three counties which are not using an automated system.

Sec. 9. AUTOMATED DATA SYSTEM. The department of corrections, judicial district departments of correctional services, board of parole, and the judicial department shall continue to develop an automated data system for use in the sharing of information between the department of corrections, judicial district departments of correctional services, board of parole, and the judicial department. The information to be shared shall concern any individual who may, as the result of an arrest or infraction of any law, be subject to the jurisdiction of the department of corrections, judicial district departments of correctional services, or board of parole. The department of corrections, in consultation and cooperation with the judicial district departments of correctional services, the board of parole, and the judicial department, shall provide a report concerning the development of the automated data system to the co-chairpersons and ranking members of the joint appropriations subcommittee on the justice system and the legislative fiscal bureau, on or before January 15, 1994.

Sec. 10. PLACEMENTS FOR ELDERLY OR INFIRM INMATES. The department of corrections, board of parole, Iowa department of public health, department of human services, department of elder affairs, and department of inspections and appeals shall cooperate in developing community-based placements for elderly or infirm inmates who, by nature of their medical and criminal histories, are deemed to be low-risk for committing future public offenses. Community-based placements may include, but are not limited to, county care facilities, retirement homes, or veterans homes. The departments shall consider the potential for these community-based placement facilities to obtain federal funds for providing services to these inmates. The department of corrections shall develop a parole plan for these inmates once a community-based placement has been developed. The department of corrections shall provide a report concerning the activities of developing community-based placements for elderly or infirm inmates to the co-chairpersons and ranking members of the joint appropriations subcommittee on the justice system and the legislative fiscal bureau, on or before January 15, 1994.

Sec. 11. INTERMEDIATE CRIMINAL SANCTIONS TASK FORCE.

1. An intermediate criminal sanctions task force is established to develop a plan for the use of intermediate criminal sanctions as sentencing options. The membership of the task force shall include the following persons:

a. Four members of the senate, with two members appointed by the senate majority leader and two members appointed by the senate minority leader, and four members of the house of representatives, with two members appointed by the speaker of the house of representatives and two members appointed by the minority leader of the house of representatives.

b. The directors of each of the judicial district departments of correctional services or their designees.

c. The chief judges of each judicial district or their designees.

d. A representative of the prosecuting attorneys training coordination council, appointed by the chairperson of the council.

e. The state public defender or the state public defender's designee.

f. A member of the criminal law section of the Iowa state bar association, appointed by the president of the association.

g. The director of the department of corrections or the director's designee, the deputy director of the division of community services or the deputy director's designee, the deputy director of the division of administration or the deputy director's designee, and a warden or superintendent of a correctional institution listed in section 904.102, appointed by the director of the department.

h. A representative of the division of substance abuse and health promotion of the Iowa department of public health, appointed by the director of the Iowa department of public health.

i. A representative of the governor's alliance on substance abuse, appointed by the alliance.

j. The chairperson of the board of parole or the chairperson's designee.

Vacancies shall be filled in the same manner as original appointments. Legislative members of the task force shall be paid the per diem and expenses specified in section 2.10, subsection 6, from the funds appropriated under section 2.12. However, legislative members shall not be paid pursuant to this section when the general assembly is actually in session at the seat of government. Nonlegislative members who are state officers or employees shall be paid their actual and necessary expenses incurred in the performance of their duties from funds appropriated to their respective state agencies and departments, and nonlegislative members who are not state officers or employees shall receive a per diem and their actual and necessary expenses incurred in the performance of their duties as specified in section 7E.6, from the funds appropriated under section 2.12, for each day of service.

2. The criminal and juvenile justice planning advisory council shall convene the task force and provide staff support from the division of criminal and juvenile justice planning of the department of human rights. The task force shall select a chairperson from among its members. The criminal and juvenile justice planning advisory council shall convene the initial meeting no later than July 30, 1993. Subsequent meetings shall be held at the request of the chairperson.

3. The task force shall develop a plan for the use of intermediate criminal sanctions as sentencing options. The plan shall include the following components:

a. The plan shall define intermediate criminal sanctions. The definition shall emphasize sanctions which involve a high degree of offender control within the community, including residential treatment facilities, house arrest and intensive supervision programs utilizing electronic monitoring, day reporting, and community work projects with participation involving groups of offenders.

b. The plan shall be designed to consider the need to reduce prison overcrowding and unwarranted disparities in sentences.

c. The plan shall recommend a statewide intermediate criminal sanctions structure which includes uniform policies and guidelines for the use of the sanctions and identifies persons with the authority to impose the sanctions, both at the imposition of sentence and in response to noncompliant behavior after sentencing.

d. The plan shall identify ways to restructure the use of resources for existing correctional programs in a manner that minimizes the need for additional resources. However, the plan may include recommendations for the use of intermediate criminal sanctions which require

additional resources, if the recommendations are designed to enhance rather than form the basis of the plan. Recommendations shall include fiscal impact analyses.

e. The plan shall define a process for conducting a comprehensive review of the Iowa criminal code, as defined in section 701.1, and shall include recommendations for changes to the Code of Iowa as appropriate to implement the plan.

f. The plan shall consider whether a boot camp program should be established to meet the needs of youthful offenders with intensive programming needs, and make recommendations as to how a boot camp program should be structured.

4. The task force shall submit the plan to the governor and the general assembly on or before June 30, 1994.

Sec. 12. CORRECTIONAL INSTITUTIONS – VOCATIONAL TRAINING.

1. The state prison industries board and the department of corrections shall develop a plan to enhance vocational training opportunities within the correctional institutions listed in section 904.102. The board and the department shall develop the plan in cooperation and consultation with the following:

a. The department of education.

b. The department of economic development.

c. The state board for community colleges.

d. The board of directors of each community college located within a merged area in which the community college serves a correctional institution listed in section 904.102.

2. The plan shall provide for increased vocational training opportunities within the correctional institutions, including the possibility of approving community college credit for inmates working in prison industries.

3. The department of corrections shall provide a report concerning the plan to the chairpersons and ranking members of the joint appropriations subcommittee on the justice system and the legislative fiscal bureau, on or before January 15, 1994.

Sec. 13. Section 2.50, Code 1993, is amended by adding the following new subsection:

NEW SUBSECTION. 4. Perform the duties pertaining to the preparation of correctional impact statements, as provided in section 2.56.

Sec. 14. NEW SECTION. 2.56 CORRECTIONAL IMPACT STATEMENTS.

1. Prior to debate on the floor of a chamber of the general assembly, a correctional impact statement shall be attached to any bill, joint resolution, or amendment which proposes a change in the law which creates a public offense, significantly changes an existing public offense or the penalty for an existing offense, or changes existing sentencing, parole, or probation procedures. The statement shall include information concerning the estimated number of criminal cases per year that the legislation will impact, the fiscal impact of confining persons pursuant to the legislation, the impact of the legislation upon existing correctional institutions, community-based correctional facilities and services, and jails, the likelihood that the legislation may create a need for additional prison capacity, and other relevant matters. The statement shall be factual and shall, if possible, provide a reasonable estimate of both the immediate effect and the long-range impact upon prison capacity.

2. a. The preliminary determination of whether a bill, joint resolution, or amendment appears to require a correctional impact statement shall be made by the legislative service bureau, which shall send a copy of the bill, joint resolution, or amendment, upon completion of the draft, to the legislative fiscal director for review, unless the requestor specifies the request is to be confidential.

b. When a committee of the general assembly reports a bill, joint resolution, or amendment to the floor, the committee shall state in the report whether a correctional impact statement is or is not required.

c. The legislative fiscal director shall review all bills and joint resolutions placed on the calendar of either chamber of the general assembly, as well as amendments filed to bills or joint resolutions on the calendar, to determine whether a correctional impact statement is required.

d. A member of the general assembly may request the preparation of a correctional impact statement by submitting a request to the legislative fiscal bureau.

3. The legislative fiscal director shall cause to be prepared and shall approve a correctional impact statement within a reasonable time after receiving a request or determining that a proposal is subject to this section. All correctional impact statements approved by the legislative fiscal director shall be transmitted immediately to either the chief clerk of the house or the secretary of the senate, after notifying the sponsor of the legislation that the statement has been prepared, for publication in the daily clip sheet. The chief clerk of the house or the secretary of the senate shall attach the statement to the bill, joint resolution, or amendment affected as soon as it is available.

4. The legislative fiscal director may request the cooperation of any state department or agency or political subdivision in preparing a correctional impact statement.

5. A revised correctional impact statement shall be prepared if the correctional impact has been changed by the adoption of an amendment, and may be requested by a member of the general assembly or be prepared upon a determination made by the legislative fiscal director. However, a request for a revised correctional impact statement shall not delay action on the bill, joint resolution, or amendment unless so ordered by the presiding officer of the chamber.

Sec. 15. Section 13.25, Code 1993, is amended to read as follows:

13.25 REPEAL OF FARM MEDIATION AND LEGAL ASSISTANCE PROVISIONS.

This subchapter is repealed on July 1, ~~1993~~ 1995.

Sec. 16. Section 13A.2, subsection 3, Code 1993, is amended by striking the subsection and inserting in lieu thereof the following:

3. The attorney general shall, with the advice and consent of the council, appoint an attorney with knowledge and experience in prosecution to the office of prosecuting attorneys training coordinator. The prosecuting attorneys training coordinator shall be the administrator of the office of the prosecuting attorneys training coordinator. The coordinator's term of office is four years, beginning on July 1 of the year of appointment and ending on June 30 of the year of expiration.

Sec. 17. Section 13A.2, Code 1993, is amended by adding the following new subsections:

NEW SUBSECTION. 4. If a vacancy occurs in the office of prosecuting attorneys training coordinator, the vacancy shall be filled for the unexpired portion of the term in the same manner as the original appointment was made.

NEW SUBSECTION. 5. The attorney general may, with the advice of the council, remove the prosecuting attorney training coordinator for malfeasance or nonfeasance in office, for any cause which renders the coordinator ineligible for appointment, or for any cause which renders the coordinator incapable or unfit to discharge the duties of office. The prosecuting attorneys training coordinator may also be removed upon the unanimous vote of the council. The removal of a prosecuting attorneys training coordinator under this section is final.

Sec. 18. **NEW SECTION. 602.6111 IDENTIFICATION NUMBERS ON DOCUMENTS FILED WITH THE CLERK.**

1. Each petition or complaint, answer, appearance, first motion, or any document filed with the clerk of the district court which brings new parties into an action shall bear a personal identification number. The personal identification number shall be the employer identification number or the social security number of each separate party. If an individual party's driver's license lists a distinguishing number other than the party's social security number, the document filed with the clerk of the district court shall also contain the distinguishing number from the party's driver's license.

2. The clerk of the district court shall affix the identification numbers required pursuant to subsection 1 to any judgment, sentence, dismissal, or other paper finally disposing of an action.

Sec. 19. Section 654A.17, Code 1993, is amended to read as follows:

654A.17 REPEAL OF CHAPTER.

This chapter is repealed on July 1, ~~1993~~ 1995.

Sec. 20. Section 654B.12, Code 1993, is amended to read as follows:

654B.12 REPEAL OF CHAPTER.

This chapter is repealed on July 1, ~~1993~~ 1995.

Sec. 21. Section 905.7, Code 1993, is amended by adding the following new subsection:

NEW SUBSECTION. 8. Provide for standards for mental fitness which shall govern the initial recruitment, selection, and appointment of parole and probation officers. To promote these standards, the department of corrections shall by rule require a battery of psychological tests to determine cognitive skills, personality characteristics, and suitability of all applicants for a correctional career, as is required for correctional officers pursuant to section 904.108.

Sec. 22. **NEW SECTION.** 909.10 COLLECTION OF DELINQUENT AMOUNTS BY THE COURT.

1. As used in this section, unless the context otherwise requires, "delinquent amounts" means a fine, court-imposed court costs in a criminal proceeding, or criminal surcharge imposed pursuant to section 911.2, which remains unpaid after two years from the date that the fine, court costs, or surcharge was imposed, and which is not collected by the county attorney pursuant to section 909.9. However, if the fine may be paid in installments pursuant to section 909.3, the fine is not a delinquent amount unless the installment remains unpaid after two years from the date the installment was due.

2. Notwithstanding the disposition sections of sections 602.8106 and 911.3, upon the collection of delinquent amounts, the clerks of the district court shall remit the delinquent amounts to the treasurer of state for deposit into the revolving fund established pursuant to section 602.1302, to be used for the payment of jury and witness fees and mileage.

Sec. 23. 1990 Iowa Acts, chapter 1143, section 32, subsection 2, is amended to read as follows:

2. Sections 28 and 29 of this Act take effect on July 1, ~~1993~~ 1995.

Sec. 24. 1992 Iowa Acts, Second Extraordinary Session, chapter 1001, section 407, is amended by adding the following new subsection:

NEW SUBSECTION. 3. Notwithstanding section 8.33 or 8.39, any balance remaining from the appropriation made pursuant to this section shall not revert to the general fund of the state but shall be available for expenditure during the subsequent fiscal year for the same purpose, and shall not be transferred to any other program.

Sec. 25. **APPLICABILITY.** Section 18 of this Act applies to any action commenced on or after the effective date of section 18 of this Act, as well as documents filed on or after the effective date of section 18 of this Act in actions which are pending as of the effective date of section 18 of this Act.

Sec. 26. **EFFECTIVE DATES.**

1. Section 1, subsections 3 and 4, of this Act, relating to Iowa competition law or antitrust actions and to civil consumer fraud actions, being deemed of immediate importance, take effect upon enactment.

2. Sections 15, 19, 20, and 23 of this Act, relating to farm mediation and legal assistance provisions, being deemed of immediate importance, take effect upon enactment.

3. Section 24 of this Act, being deemed of immediate importance, takes effect upon enactment and applies retroactively to July 1, 1992.

Approved April 26, 1993