

1. Hearings Except as otherwise provided in subsection 2, hearings for dissolution of marriage shall be held in open court upon the oral testimony of witnesses, or upon the depositions of such witnesses taken as in other equitable actions or taken by a commissioner appointed by the court. However, the The court may in its discretion close the hearing. Hearings held for the purpose of determining child custody may be limited in attendance by the court.

2. The court may enter a decree of dissolution without a hearing under either of the following circumstances:

a. All of the following circumstances have been met:

(1) The parties have certified in writing that there has been a breakdown of the marriage relationship to the extent that the legitimate objects of matrimony have been destroyed and there remains no reasonable likelihood that the marriage can be preserved.

(2) All documents required by the court and by statute have been filed.

(3) The parties have entered into a written agreement settling all of the issues involved in the dissolution of marriage.

(4) There are no children of the marriage for whom support, as defined under section 598.1, may be ordered.

b. The respondent has not entered a general or special appearance or filed a motion or pleading in the case, the waiting period provided under section 598.19 has expired, and all of the following circumstances have been met:

(1) The petitioner has certified in writing that there has been a breakdown of the marriage relationship to the extent that the legitimate objects of matrimony have been destroyed and there remains no reasonable likelihood that the marriage can be preserved.

(2) All documents required by the court and by statute have been filed.

(3) There are no children of the marriage for whom support, as defined under section 598.1, may be ordered.

Approved May 4, 1995

CHAPTER 166

HARD LABOR BY INMATES

H.F. 215

AN ACT to require that all inmates of the institutions under the control of the department of corrections perform hard labor, and providing transition provisions.

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

Section 1. Section 904.701, Code 1995, is amended to read as follows:

904.701 SERVICES REQUIRED - GRATUITOUS ALLOWANCES.

1. ~~Inmates of the institutions may~~ An inmate of an institution shall be required to perform ~~any proper and reasonable service~~ hard labor which is suited to their the inmate's age, gender, physical and mental condition, strength, and attainments, for the benefit of the institutions or the welfare of the inmates, either in the institutions institution proper, or in the industries established in connection with them the institution, or at such other places as may be determined by the director. Substantially equivalent hard labor programs shall be available to both male and female inmates. When an inmate of an institution is working outside the institution proper, the inmate shall be deemed at all times to be in the actual custody of the superintendent of the institution. Inmates performing hard labor on chain gangs at a location other than within or on the grounds of a correctional

institution shall be attired in brightly colored uniforms that readily identify them as inmates of correctional institutions. Inmates performing other types of hard labor at locations other than within or on the grounds of a correctional institution may also be required by the department to wear the brightly colored uniforms. Inmates not required to wear brightly colored uniforms while performing hard labor shall be otherwise clearly designated as inmates of correctional institutions. The employment of inmates in hard labor shall not displace employed workers, shall not be applied to skills, crafts, or trades in which a local surplus of labor exists, and shall not impair existing contracts for employment or services.

2. The director may when practicable pay the inmate an allowance as the director deems proper in view of the circumstances, and in view of the cost attending the maintenance of the inmate. The allowance is a gratuitous payment and is not a wage arising out of an employment relationship. The payment shall not exceed the amount paid to free labor for a like or equivalent service.

3. For purposes of this section, "hard labor" means physical or mental labor which is performed for a period of time which shall average, as nearly as possible, forty hours each week, and may include useful and productive work, chain gangs, menial labor, substance abuse or sex offender treatment programs, any training necessary to perform any work required, and, if possible, work providing an inmate with marketable vocational skills. "Hard labor" does not include labor which is dangerous to an inmate's life or health, is unduly painful, or is required to be performed under conditions that would violate occupational safety and health standards applicable to such labor if performed by a person who is not an inmate.

4. Notwithstanding subsection 1, an inmate who has been determined by the director to be unsuitable for the performance of hard labor due to the inmate's age, gender, physical or mental condition, strength, or security status shall not be required to perform hard labor.

5. The department shall adopt rules to implement this section.

Sec. 2. DEVELOPMENT OF PLAN AND TRANSITION TO FULL WORK PROGRAMMING BY DEPARTMENT. Notwithstanding section 1 of this Act, the department of corrections shall not be required to fully implement the requirements of section 904.701, until July 1, 1997. However, the department shall develop and implement a plan in consultation with state and local agencies and members of the private sector, which provides for the incremental implementation of the hard labor requirements contained in section 904.701, for each inmate who is physically and mentally able to perform hard labor and does not present an unreasonable security status, and who is not currently engaged in labor meeting the requirements. The plan shall provide for implementation of hard labor work programs during the interval of time between the effective date of this Act and July 1, 1997, with full implementation of the requirements of section 904.701 by July 1, 1997, and may provide for the performance of work by inmates both inside and outside of the institutions under the control of the department. The plan shall include a procedure for the determination of suitability of an inmate for the performance of hard labor and, if an inmate is found to be suitable, the placement of the inmate in an appropriate hard labor program. In selecting and developing work programs which are included within the plan, the department shall choose work programs which would require minimal additional administrative costs, which minimize the need for additional personnel, and which minimize the security risks to the general public. The department shall submit a report to the general assembly on January 1, 1996, outlining the progress made towards implementation of this Act. The department shall also file a copy of the completed plan with the general assembly on January 1, 1997.

Approved May 4, 1995