

**CHAPTER 178**  
JURISDICTION IN KIDNAPPING CASES  
H.F. 29

**AN ACT** to provide a presumption that kidnapping has occurred within the state.

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

Section 1. Section 803.1, subsection 2, Code 1995, is amended to read as follows:

2. An offense may be committed partly within this state if conduct which is an element of the offense, or a result which constitutes an element of the offense, occurs within this state. If the body of a murder victim is found within the state, the death is presumed to have occurred within the state. If a kidnapping victim, or the body of a kidnapping victim, is found within the state, the confinement or removal of the victim from one place to another is presumed to have occurred within the state.

Approved May 16, 1995

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**CHAPTER 179**  
INMATE LITERACY AND EDUCATIONAL REQUIREMENTS  
S.F. 120

**AN ACT** requiring that prison inmates demonstrate functional literacy competence at or above the sixth grade level or make progress towards completion of a general equivalency diploma, conditioning receipt of certain privileges on participation in education programs, and permitting the use of educational competence as a precondition to the granting of parole or work release, and providing exceptions.

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

Section 1. NEW SECTION. 904.516 ACADEMIC ACHIEVEMENT OF INMATES – LITERACY AND HIGH SCHOOL EQUIVALENCY PROGRAMS.

1. Effective July 1, 1997, a person who is committed to the custody of the director of the department of corrections may be evaluated for purposes of determining the level of achievement in the basic skills of arithmetic, the communicative arts of reading, writing, grammar, and spelling, social studies, and the sciences.

2. Persons who demonstrate functional literacy competence below the sixth grade level may be required to participate in literacy programs established by the department. Participation shall be voluntary, but shall be reflected as part of the person's record at the institution. Persons who are required to participate in literacy programs and who refuse to participate shall be subject to the following penalties:

- a. Eligibility only for a minimum allowance.
- b. Placement on idle status.
- c. Ineligibility for work bonuses.
- d. Ineligibility for minimum out or minimum live out status.
- e. Ineligibility for other privileges as determined by the department.

3. Persons who have not completed the requirements for high school or a high school equivalency diploma may be required to complete the requirements for and to obtain a high school equivalency diploma under chapter 259A.

4. The department, in cooperation with the board of parole, shall adopt rules which establish a procedure for evaluation of inmates to determine basic skills achievement, and

criteria for placement of inmates in educational programs. Rules adopted may include, but shall not be limited to, the establishment of standards for the development of appropriate programming, imposition of any applicable penalties, and for waiver of any educational requirements.

Sec. 2. Section 906.4, Code 1995, is amended by adding the following new unnumbered paragraph:

**NEW UNNUMBERED PARAGRAPH.** The board may, effective July 1, 1997, subject to such exceptions as may be deemed necessary by the board, require each inmate who is physically and mentally capable to demonstrate functional literacy competence at or above the sixth grade level or make progress towards completion of the requirements for a high school equivalency diploma under chapter 259A prior to release of the inmate on parole or work release.

Sec. 3. **PROGRESS REPORTS – BUDGET REQUEST.** The department of corrections shall submit, as part of the department's budget request to the governor, plans for the implementation of this Act by July 1, 1997. The department shall also submit a report, in January of 1996, to the general assembly which outlines the progress made towards implementation of this Act.

Approved May 16, 1995

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**CHAPTER 180**  
**DOMESTIC ABUSE**  
*S.F. 367*

†AN ACT relating to domestic abuse and providing a penalty.

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

Section 1. Section 13.2, Code 1995, is amended by adding the following new subsection:

**NEW SUBSECTION.** 13. Develop written procedures and policies to be followed by prosecuting attorneys in the prosecution of domestic abuse cases under chapters 236 and 708.

Sec. 2. Section 232.8, subsection 1, Code 1995, is amended by adding the following new paragraph:

**NEW PARAGRAPH.** c. The juvenile court shall have jurisdiction in proceedings commenced against a child pursuant to section 236.3 over which the district court has waived its jurisdiction. The juvenile court shall hear the action in the manner of an adjudicatory hearing under section 232.47, subject to the following:

(1) The juvenile court shall abide by the provisions of sections 236.4 and 236.6 in holding hearings and making a disposition.

(2) The plaintiff is entitled to proceed pro se under sections 236.3A and 236.3B.

Sec. 3. Section 232.22, subsection 1, Code 1995, is amended by adding the following new paragraph:

**NEW PARAGRAPH.** f. There is probable cause to believe that the child has committed a delinquent act which would be domestic abuse under chapter 236 or a domestic abuse assault under section 708.2A if committed by an adult.