

**CHAPTER 1127**  
**JAIL INSPECTIONS**

*H.F. 2417*

**AN ACT** relating to the inspection of jails and municipal holding facilities by the Iowa department of corrections.

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

Section 1. Section 356.36, Code Supplement 1983, is amended to read as follows:

356.36 ESTABLISHMENT OF JAIL STANDARDS. The Iowa department of corrections, in consultation with the Iowa state sheriff's association, the Iowa association of chiefs of police and peace officers, the Iowa league of municipalities, and the Iowa board of supervisors association, shall draw up minimum standards for the regulation of jails, and alternative jails, facilities established pursuant to chapter 356A and municipal holding facilities. When completed by the department, the standards shall be adopted as rules pursuant to chapter 17A.

The sole remedy for violation of a rule adopted pursuant to this section, is by a proceeding for compliance initiated by request to the Iowa department of corrections. A violation of a rule does not permit any civil action to recover damages against the state of Iowa, its departments, agents, or employees or any county, its agents or employees, or any city, its agents or employees.

Sec. 2. Section 356.43, Code Supplement 1983, is amended to read as follows:

356.43 INSPECTION BY DEPARTMENT—REPORT OF INSPECTION. The Iowa department of corrections and its inspectors and agents shall make periodic inspections of each jail or municipal holding facility and all facilities established pursuant to chapter 356A, and officially notify the county board of supervisors governing body of the political subdivision in writing to comply fully with section 356.36.

The Iowa department of corrections may order the governing body of a political subdivision to either correct violations found in the inspection of a jail or municipal holding facility within a designated period, or may prohibit the confinement of prisoners in the jail or municipal holding facility. If the governing body fails to comply with the order within the period designated, the Iowa department of corrections may schedule a hearing on the alleged violation. The department may subpoena witnesses, documents, and other information deemed necessary to determine the validity of the alleged violation. The department shall upon written request from the governing body of the political subdivision grant representatives of the political subdivision the right to appear before the department at the hearing. The representatives have the right to counsel and may produce witnesses and present statements, documents, and other information with respect to the alleged violation for consideration at the hearing.

The department after the hearing shall affirm, revoke, or modify the original order. If the order is upheld, the department may include a schedule for correction of the violations and designate the date by which each violation shall be corrected.

If the political subdivision does not comply with the order within the designated period, the department may petition the attorney general to institute proceedings to enjoin the political

subdivision from confining prisoners in the jail or municipal holding facility and require the transfer of prisoners to a jail or municipal holding facility declared by the director to be suitable for confinement. The county or municipality from which prisoners are transferred is liable for the cost of transfer and expenditures incurred in the confinement of prisoners in the jail or municipal holding facility to which transferred. Following inspection of any county jail or municipal holding facility, a report of the inspection shall be filed with the director of the Iowa department of corrections, and a. A copy of the report shall also be filed with the sheriff or chief of police, the county board of supervisors governing body of the political subdivision, and one copy with the county attorney, which shall be presented at the next session of the grand jury of that county.

Approved April 20, 1984

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## CHAPTER 1128

### COMPLETION OF LOCAL GOVERNMENT AUDITS

*H.F. 169*

**AN ACT** establishing a time limit for completion of audits of units of local government.

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

Section 1. Section 11.6, Code 1983, is amended by adding the following new unnumbered paragraph:

**NEW UNNUMBERED PARAGRAPH.** An audit required by this section shall be completed within fifteen months following the end of the fiscal year that is subject to the audit. At the request of a county the executive council may extend the fifteen-month time limitation imposed by this paragraph upon a finding that the extension is necessary and not contrary to the public interest and that the failure to meet the deadline was not intentional.

Sec. 2. Section 11.18, Code 1983, is amended by adding the following new unnumbered paragraph:

**NEW UNNUMBERED PARAGRAPH.** An audit required by this section shall be completed within fifteen months following the end of the fiscal year that is subject to the audit. At the request of a political subdivision subject to this section, the executive council may extend the fifteen-month time limitation imposed by this paragraph upon a finding that the extension is necessary and not contrary to the public interest and that the failure to meet the deadline was not intentional.

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