

## CHAPTER 356

## JAILS AND MUNICIPAL HOLDING FACILITIES

Referred to in §331.381, 331.653, 805.16

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**356.1 How used.**

1. The jails in the several counties in the state shall be in the charge of the respective sheriffs and used as prisons:

a. For the detention of persons charged with an offense and committed for trial or examination.

b. For the detention of persons who may be committed to secure their attendance as witnesses on the trial of a criminal cause.

c. For the confinement of persons under sentence, upon conviction for any offense, and of all other persons committed for any cause authorized by law.

d. For the confinement of persons subject to imprisonment under the ordinances of a city.

2. The provisions of this section extend to persons detained or committed by authority of the courts of the United States as well as of any state.

[C51, §3103; R60, §5122; C73, §485, 4723; C97, §735, 5637; C24, 27, 31, 35, 39, §5497, 5772; C46, 50, §356.1, 368.40; C54, 58, 62, 66, 71, 73, §356.1, 368.15; C75, 77, 79, 81, §356.1]

2004 Acts, ch 1117, §2, 4; 2005 Acts, ch 3, §67

Referred to in §356A.1, 356A.7

**356.2 Duty.**

The sheriff shall have charge and custody of the prisoners in the jail or other prisons of the sheriff's county, and shall receive those lawfully committed, and keep them until discharged by law.

[C51, §172; R60, §385; C73, §339; C97, §501; C24, 27, 31, 35, 39, §5498; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §356.2]

**356.3 Minors separately confined.**

Any sheriff, city marshal, or chief of police, having in the officer's care or custody any prisoner under the age of eighteen years, shall keep such prisoner separate and apart, and prevent communication by such prisoner with prisoners above that age, while such prisoners are not under the personal supervision of such officer, if suitable buildings or jails are provided for that purpose, unless such prisoner is likely to or does exercise an immoral influence over other minors with whom the prisoner may be imprisoned.

A person under the age of eighteen years prosecuted under chapter 232 and not waived to criminal court shall be confined in a jail only under the conditions provided in chapter 232.

Any officer having charge of prisoners who without just cause or excuse neglects or refuses to perform the duties imposed on the officer by this section may be suspended or removed from office therefor.

[C97, §5638; C24, 27, 31, 35, 39, §5499; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §356.3]  
Referred to in §232.22

**356.4 Separation of men and women.**

All jails shall be equipped with separate cells for men and women. Men and women prisoners shall not be allowed in the same cell within a jail at the same time.

[C97, §5639; C24, 27, 31, 35, 39, §5500; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §356.4]  
85 Acts, ch 21, §43

**356.5 Keeper's duty.**

The keeper of each jail shall:

1. See that the jail is kept in a clean and healthful condition.
2. Furnish each prisoner with necessary bedding, clothing, towels, fuel, and medical aid.
3. Serve each prisoner three times each day with an ample quantity of wholesome food.
4. Furnish each prisoner sufficient clean, fresh water for drinking purposes and for personal use.

5. Keep an accurate account of the items furnished each prisoner.

6. Keep a matron on the jail premises at all times during the incarceration of one or more female prisoners; keep either a jailer or matron on the premises at all times during the incarceration of one or more male prisoners, and make nighttime inspections while any prisoners are confined, or provide for incarceration in a jail which conforms to the provisions of this subsection.

[C51, §3104, 3108; R60, §5123, 5127; C73, §4724, 4727; C97, §5640, 5643; C24, 27, 31, 35, 39, §5501; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §356.5]

Referred to in §356.7, 356A.2

**356.6 Sheriff's duty.**

The sheriff must keep an accurate calendar of each prisoner committed to the sheriff's care, which shall contain the prisoner's name, place of abode, the day and hour of commitment and discharge, the cause and term of commitment, the authority that committed the prisoner, and a description of the prisoner, a statement of the prisoner's occupation, education, and general habits. When any prisoner is discharged, such calendar must show the day and hour when and the authority by which it took place, and if a person escapes, it must state particularly the time and manner thereof.

[C51, §3105; R60, §5124; C73, §4725; C97, §5641; C24, 27, 31, 35, 39, §5502; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §356.6]

Referred to in §356A.5

**356.6A Duty to inform about veteran services.**

1. The personnel of a jail or municipal holding facility shall inquire whether the prisoner is a veteran, and if so, shall inform the prisoner, within twenty-four hours of incarceration, that the prisoner may be entitled to a visit from a veteran service officer to determine if veteran services are required or available. Within seventy-two hours of determining a prisoner is a veteran, the personnel of a jail or municipal holding facility shall provide the prisoner with the contact information for the county commission of veteran affairs of the county where the

jail or facility is located, and the prisoner shall be allowed to contact the county commission of veteran affairs to request a visit from a veteran service officer.

2. As used in this section, “veteran” means a person who was a member of the regular component of the armed forces of the United States, national guard, or reserves.

2010 Acts, ch 1101, §1

**356.7 Charges for administrative costs and room and board — enforcement procedures.**

1. The county sheriff, or a municipality operating a temporary municipal holding facility or jail, may charge a prisoner who is eighteen years of age or older and who has been convicted of a criminal offense or sentenced for contempt of court for violation of a domestic abuse order for the actual administrative costs relating to the arrest and booking of that prisoner, for room and board provided to the prisoner while in the custody of the county sheriff or municipality, and for any medical aid provided to the prisoner under section 356.5. Moneys collected by the sheriff or municipality under this section shall be credited respectively to the county general fund or the city general fund and distributed as provided in this section. If a prisoner who has been convicted of a criminal offense or sentenced for contempt of court for violation of a domestic abuse order fails to pay for the administrative costs, the room and board, or medical aid, the sheriff or municipality may file a reimbursement claim with the district court as provided in subsection 2. The county attorney may file the reimbursement claim on behalf of the sheriff and the county or the municipality. The attorney for the municipality may also file a reimbursement claim on behalf of the municipality. This section does not apply to prisoners who are paying for their room and board by court order pursuant to sections 356.26 through 356.35.

2. The sheriff, municipality, or the county attorney, on behalf of the sheriff, or the attorney for the municipality, may file a reimbursement claim with the clerk of the district court which shall include all of the following information, if known:

a. The name, date of birth, and social security number of the person who is the subject of the claim.

b. The present address of the residence and principal place of business of the person named in the claim.

c. The criminal proceeding pursuant to which the claim is filed, including the name of the court, the title of the action, and the court’s file number.

d. The name and office address of the person who is filing the claim.

e. A statement that the notice is being filed pursuant to this section.

f. The amount of room and board charges the person owes.

g. The amount of administrative costs the person owes.

h. The amount of medical aid the person owes.

i. If the sheriff or municipality wishes to have the amount of the claim for charges owed included within the amount of restitution determined to be owed by the person, a request that the amount owed be included within the order for payment of restitution by the person.

3. Upon receipt of a claim for reimbursement, the court shall approve the claim in favor of the sheriff or the county, or the municipality, for the amount owed by the prisoner as identified in the claim and any fees or charges associated with the filing or processing of the claim with the court. The sheriff or municipality may choose to enforce the claim in the manner provided in chapter 626. Once approved by the court, the claim for the amount owed by the person shall have the force and effect of a judgment for purposes of enforcement by the sheriff or municipality. However, irrespective of whether the judgment lien for the amount of the claim has been perfected, the claim shall not have priority over competing claims for child support obligations owed by the person.

4. This section does not limit the right of the sheriff or municipality to obtain any other remedy authorized by law.

5. a. Of the moneys collected and credited to the county general fund as provided in this section, sixty percent of the moneys collected shall be used for the following purposes:

(1) Courthouse security equipment and law enforcement personnel costs.

(2) Infrastructure improvements of a jail, including new or remodeling costs.

(3) Infrastructure improvements of juvenile detention facilities, including new or remodeling costs.

b. The sheriff may submit a plan or recommendations to the county board of supervisors for the use of the funds as provided in this subsection or the sheriff and board may jointly develop a plan for the use of the funds. Subject to the requirements of this subsection, funds may be used in the manner set forth in an agreement entered into under chapter 28E.

c. The county board of supervisors shall review the plan or recommendations submitted by the sheriff during the normal budget process of the county.

6. Of the moneys collected and credited to the city general fund as provided in this section, sixty percent of the moneys collected shall be used for police or law enforcement budget expenditures.

7. As used in this section, “*administrative costs relating to the arrest and booking of a prisoner*” means those functions or automated functions that are performed to receive a prisoner into jail or a temporary holding facility including the following:

a. Patting down and searching, booking, wristbanding, bathing, clothing, fingerprinting, photographing, and medical and dental screening.

b. Document preparation, retrieval, updating, filing, and court scheduling.

c. Warrant service and processing.

d. Inventorying of a prisoner’s money and subsequent account creation.

e. Inventorying and storage of a prisoner’s property and clothing.

f. Management and supervision.

96 Acts, ch 1081, §1; 96 Acts, ch 1219, §71; 97 Acts, ch 140, §1; 98 Acts, ch 1116, §1; 2003 Acts, ch 113, §1; 2003 Acts, ch 179, §72; 2004 Acts, ch 1101, §41; 2006 Acts, ch 1150, §1, 2; 2010 Acts, ch 1061, §180

Referred to in §421C.3, 602.8107, 910.1, 910.2, 910.3, 910.9

**356.8 Removal.**

When a jail or any building contiguous or near thereto is on fire, and there is reason to apprehend that the prisoners therein may be injured thereby, the sheriff or keeper must remove such prisoners to some safe and convenient place, and there confine them so long as it may be necessary to avoid such danger.

[C51, §3109; R60, §5128; C73, §4728; C97, §5644; C24, 27, 31, 35, 39, §5504; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §356.8]

**356.9 through 356.13** Repealed by 81 Acts, ch 59, § 3.

**356.14 Refractory prisoners.**

If any person confined in a jail is refractory or disorderly or willfully destroys or injures any part of the jail or of its contents, the sheriff may secure the person or cause the person to be kept in solitary confinement not more than ten days for any one offense, during which time the person may be fed minimum diet requirements as established by the Iowa department of corrections unless other food is necessary for the preservation of the person’s health.

[C51, §3115; R60, §5134; C73, §4734; C97, §5650; C24, 27, 31, 35, 39, §5510; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §356.14]

83 Acts, ch 96, §113, 159

**356.15 Expenses.**

All charges and expenses for the safekeeping and maintenance of prisoners shall be allowed by the board of supervisors, except those committed or detained by the authority of the courts of the United States, in which cases the United States must pay such expenses to the county, or those committed for violation of a city ordinance, in which case the city shall pay expenses to the county, or those committed or detained from another state, in which

case the governmental entity from the other state sending the prisoners shall pay expenses to the county.

[C51, §3116; R60, §5135; C73, §485, 4735; C97, §735, 5651; C24, 27, 31, 35, 39, §5511, 5772; C46, 50, §356.15, 368.40; C54, 58, 62, 66, 71, 73, §356.15, 368.15; C75, 77, 79, 81, §356.15]

2004 Acts, ch 1117, §3, 4

Referred to in §331.401

### **356.16 Hard labor.**

Able-bodied persons over the age of sixteen, confined in any jail under the judgment of any tribunal authorized to imprison for the violation of any law, ordinance, bylaw or police regulation, may be required to labor during the whole or part of the time of their sentences, as hereinafter provided, and such tribunal, when passing final judgment of imprisonment, whether for nonpayment of fine or otherwise, shall have the power to and shall determine whether such imprisonment shall be at hard labor or not.

[C51, §3107; R60, §5126; C73, §4736; C97, §5652; S13, §5652; C24, 27, 31, 35, 39, §5512; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §356.16]

Referred to in §331.303

### **356.17 Labor on public works.**

Such labor may be on the streets or public roads, on or about public buildings or grounds, or at such other places in the county where confined, and during such reasonable time of the day as the person having charge of the prisoners may direct, not exceeding eight hours each day.

[C73, §4737; C97, §5653; C24, 27, 31, 35, 39, §5513; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §356.17]

Referred to in §331.303

### **356.18 Supervision.**

If the sentence be for the violation of any of the statutes of the state, the sheriff of the county shall superintend the performance of the labor, and furnish the tools and materials, if necessary, to work with, at the expense of the county in which the convict is confined, and such county shall be entitled to the convict's earnings.

[C51, §3107; R60, §5126; C73, §4738; C97, §5654; C24, 27, 31, 35, 39, §5514; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §356.18]

Referred to in §331.303

### **356.19 Rules — labor not to be leased.**

Such labor shall be performed in accordance with such rules as may be made by resolution of the board of supervisors, not inconsistent with the provisions of this chapter, and such labor shall not be leased.

[C97, §5654; C24, 27, 31, 35, 39, §5515; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §356.19]

Referred to in §331.303

### **356.20 Violation of city ordinance.**

When the imprisonment is under the judgment of any court, for the violation of any ordinance, the marshal or chief of police shall superintend the labor and furnish the tools and materials, if necessary, at the expense of the city requiring the labor, and the city shall be entitled to the earnings of its convicts.

[C73, §4739; C97, §5655; C24, 27, 31, 35, 39, §5516; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §356.20]

### **356.21 Control and punishment.**

The officer having charge of any prisoner may use such means as are necessary to prevent the prisoner's escape, and if the prisoner attempts to escape or if, being convicted, the prisoner refuses to labor, the officer having the prisoner in charge may, to secure the prisoner or cause the prisoner to labor, deal with the prisoner as with other disorderly or refractory prisoners. Such punishment shall be inflicted within the jail or jail enclosure, and the time

of such solitary confinement shall not be considered as any part of the time for which the prisoner is sentenced.

[C73, §4740; C97, §5656; C24, 27, 31, 35, 39, §5517; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §356.21]

#### **356.22 Credit for labor.**

For every day of labor performed by any convict under the provisions hereof, there shall be credited on any judgment for fine and costs against the convict the sum of one dollar and fifty cents.

[C73, §4741; C97, §5657; C24, 27, 31, 35, 39, §5518; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §356.22]

#### **356.23 Cruel treatment.**

If any officer or other person treats any prisoner in a cruel or inhuman manner, the officer or other person shall be guilty of a serious misdemeanor.

[C73, §4742; C97, §5658; C24, 27, 31, 35, 39, §5519; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §356.23]

#### **356.24 Protecting prisoners.**

The officer having a prisoner in charge shall protect the prisoner from insult and annoyance and communication with others while at labor, and in going to and returning from the same, and may use such means as are necessary and proper therefor.

[C73, §4743; C97, §5659; C24, 27, 31, 35, 39, §5520; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §356.24]

#### **356.25 Annoyance of prisoner.**

Any person persisting in insulting or annoying or communicating with any prisoner, after being commanded by such officer to desist, shall be guilty of a simple misdemeanor.

[C73, §4743; C97, §5659; C24, 27, 31, 35, 39, §5521; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §356.25]

#### **356.26 Leaving jail for certain purposes — intermittent sentencing — in-home detention.**

1. The district court may grant by appropriate order to any person sentenced to a county jail the privilege of a sentence to accommodate the work schedule of the person or the privilege of leaving the jail at necessary and reasonable hours for any of the following purposes:

- a. Seeking employment.
- b. Working at the person's employment.
- c. Conducting the person's own business or other self-employed occupation, including housekeeping and attending to family needs.
- d. Attendance at an educational institution.
- e. Medical treatment.

2. All released prisoners shall remain, while absent from the jail, in the legal custody of the sheriff, and shall be subject, at any time, to being taken into custody and returned to the jail.

3. The district court may also grant by order to any person held in a county jail the privilege of in-home detention if the county sheriff has certified to the court that the jail has an in-home detention program.

[C66, 71, 73, 75, 77, 79, 81, §356.26]

88 Acts, ch 1105, §1; 90 Acts, ch 1251, §36; 91 Acts, ch 267, §413; 92 Acts, ch 1071, §1; 2010 Acts, ch 1061, §180

Referred to in §356.7, 356.28, 356.29, 356.30, 356.33, 356A.4, 903.3

#### **356.27 Privilege expressly granted.**

Unless such privilege is expressly granted by the court, the prisoner is sentenced to ordinary confinement. Any prisoner may petition the court for such privilege at the time of sentencing

or thereafter, and the court in its discretion may review the petition and make appropriate orders. The court may withdraw the privilege at any time by order entered with or without notice or hearing.

[C66, 71, 73, 75, 77, 79, 81, §356.27]

Referred to in §356.7, 356.28, 356.29, 356.30, 356.33, 356A.4, 903.3

### **356.28 Employment.**

The sheriff or any suitable person or agency designated by the court may endeavor to secure employment for unemployed prisoners granted privileges under sections 356.26 to 356.35.

[C66, 71, 73, 75, 77, 79, 81, §356.28]

Referred to in §356.7, 356.29, 356.30, 356.33, 356A.4, 903.3

### **356.29 Wages or salary collected by sheriff.**

If a prisoner is employed for wages or salary the sheriff may collect the same or require the prisoner to turn over the wages or salary in full when received, and the sheriff shall deposit the same in a trust checking account and shall keep a ledger showing the status of the account of each prisoner. Such wages or salary are not subject to garnishment during the prisoner's term and shall be disbursed only as provided in sections 356.26 through 356.35.

[C66, 71, 73, 75, 77, 79, 81, §356.29]

84 Acts, ch 1144, §1

Referred to in §356.7, 356.28, 356.30, 356.33, 356A.4, 903.3

### **356.30 Prisoner to pay for board — limitations.**

Every prisoner of a county jail under a sentence to accommodate the person's work schedule in accordance with section 356.26 is liable for the cost of the prisoner's board in the jail as fixed by the county board of supervisors. The sheriff shall charge the prisoner's account for the board and any meals provided in section 356.31. If the prisoner is gainfully self-employed the prisoner shall pay the sheriff for the board, in default of which the prisoner's privilege under this chapter is automatically forfeited. If necessarily absent from jail at a meal time, the prisoner shall at the prisoner's request be furnished with a lunch to carry to work. If the jail food is furnished directly, by the county, the sheriff shall account for and pay over the meal payments to the county treasurer. The county board of supervisors may by resolution provide that the county furnish or pay for the transportation of prisoners employed under sections 356.26 to 356.35 to and from the place of employment. However, the charges for board and meals under this section shall not exceed fifty percent of the wages or salaries of the prisoner, after deductions required by law, including deductions to satisfy any court-ordered child support obligations, earned during the period of time for which the charges are made.

[C66, 71, 73, 75, 77, 79, 81, §356.30]

84 Acts, ch 1144, §2; 88 Acts, ch 1105, §2

Referred to in §331.303, 356.7, 356.28, 356.29, 356.33, 356A.4, 903.3

### **356.31 Application of wages.**

By order of the court, the wages, salaries, or other income of employed prisoners shall be disbursed by the sheriff for the following purposes and in the order stated.

1. The meals of the prisoner.
2. Necessary travel expense to and from work including reimbursement for travel furnished by the county, and other incidental expenses of the prisoner.
3. Support of the prisoner's dependents, if any.
4. Payment, either in full or ratably, of the prisoner's obligations if acknowledged by the prisoner in writing or which have been reduced to judgment.
5. The balance, if any, to the prisoner upon the prisoner's release.

[C66, 71, 73, 75, 77, 79, 81, §356.31]

Referred to in §356.7, 356.28, 356.29, 356.30, 356.33, 356A.4, 903.3

### **356.32 Employment in another county.**

The court may by order authorize the sheriff to whom the prisoner is committed, to contract with a sheriff of another county, for the employment of the prisoner in the other's county, and

while so employed to be in the other's custody, but in other respects to be and continue subject to the commitment.

[C66, 71, 73, 75, 77, 79, 81, §356.32]

Referred to in §356.7, 356.28, 356.29, 356.30, 356.33, 356A.4, 903.3

### **356.33 Orders of courts.**

District judges, district associate judges, and judicial magistrates, within their respective jurisdictional authority, may make all determinations and orders under sections 356.26 to 356.35.

If the prisoner was convicted in a court in another county, the district court in the county where the prisoner is jailed, at the request or the concurrence of the committing court, may make all determinations and orders under this section as might otherwise be made by the sentencing court after the prisoner is received at the jail.

[C66, 71, 73, 75, 77, 79, 81, §356.33]

Referred to in §356.7, 356.28, 356.29, 356.30, 356.33, 356A.4, 903.3

### **356.34 Support of dependents.**

The sheriff or any other suitable person or agency designated by the court shall, at the request of the court, investigate and report to the court the amount necessary for the support of the prisoner's dependents.

[C66, 71, 73, 75, 77, 79, 81, §356.34]

Referred to in §356.7, 356.28, 356.29, 356.30, 356.33, 356A.4, 903.3

### **356.35 Suspension of privileges.**

The sheriff may in the sheriff's discretion suspend the privilege provided the sheriff files with the court the next regular court day a statement of the reasons therefor. Unless the court acts to rescind its order, such suspension of the privileges may not exceed five days.

[C66, 71, 73, 75, 77, 79, 81, §356.35]

Referred to in §356.7, 356.28, 356.29, 356.30, 356.33, 356A.4, 903.3

### **356.36 Jail standards.**

1. The Iowa department of corrections, in consultation with the Iowa state sheriff's association, the Iowa peace officers association, the Iowa league of cities, and the Iowa board of supervisors association, shall draw up minimum standards for the regulation of jails, 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.

2. 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.

[C66, 71, 73, 75, 77, 79, §356.37 – 356.43; C81, §356.36; 82 Acts, ch 1133, §1]

83 Acts, ch 96, §114, 159; 84 Acts, ch 1127, §1; 95 Acts, ch 3, §3; 2012 Acts, ch 1023, §44

Referred to in §356.37, 356.43, 356A.7

[T] Unnumbered paragraph 1 amended and editorially numbered as subsection 1

[T] Unnumbered paragraph 2 editorially numbered as subsection 2

### **356.37 Confinement and detention report — design proposals.**

The division of criminal and juvenile justice planning of the department of human rights, in consultation with the department of corrections, the Iowa county attorneys association, the Iowa state sheriff's association, the Iowa peace officers association, a statewide organization representing rural property taxpayers, the Iowa league of cities, and the Iowa board of supervisors association, shall prepare a report analyzing the confinement and detention needs of jails and facilities established pursuant to this chapter and chapter 356A. The report for each type of jail or facility shall include but is not limited to an inventory of prisoner space, daily prisoner counts, options for detention of prisoners with mental illness or substance abuse service needs, and the compliance status under section 356.36 for each



jail or facility. The report shall contain an inventory of recent jail or facility construction projects in which voters have approved the issuance of general obligation bonds, essential county purpose bonds, revenue bonds, or bonds issued pursuant to chapter 423B. The report shall be revised periodically as directed by the administrator of the division of criminal and juvenile justice planning. The first submission of the report shall include recommendations on offender data needed to estimate jail space needs in the next two, three, and five years, on a county, geographic region, and statewide basis, which may be based upon information submitted pursuant to section 356.49.

2002 Acts, ch 1051, §1, 2; 2002 Acts, ch 1175, §83; 2007 Acts, ch 22, §71; 2012 Acts, ch 1023, §45

[T] Section amended

**356.38 through 356.42** Repealed by 79 Acts, ch 53, § 6.

**356.43 Inspection — hearing — remedial action — report.**

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 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 jail or municipal holding facility, a report of the inspection shall be filed with the director of the Iowa department of corrections. A copy of the report shall also be filed with the sheriff or chief of police, the 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.

[C66, 71, 73, 75, 77, 79, 81, §356.43]

83 Acts, ch 96, §115, 159; 84 Acts, ch 1127, §2

Referred to in §331.756(63)

**356.44 Rules of sheriff.**

The county sheriff shall formulate rules for the conduct and behavior of county jail prisoners. These rules may include provisions for county jail prisoners to do all necessary cleaning and upkeep of cells, compartments, dormitories and day rooms. Extra penalties may be provided for intentional damage of county jail property. Such rules and regulations shall be approved by a district judge from the district in which the county jail is located.

[C66, 71, 73, 75, 77, 79, 81, §356.44]

**356.45** Repealed by 83 Acts, ch 96, § 156, 159.

**356.46 Time off for good behavior.**

Every prisoner in the county jail may, upon the recommendation of the sheriff or person in charge of the detention of the prisoner, and at the discretion of the sentencing judge, receive a reduction of sentence in an amount to be determined by the judge, if:

1. No infraction of the rules of discipline of the county jail or of the laws of the state has been recorded against the prisoner since the beginning of the prisoner's incarceration; and
2. The prisoner has performed in a faithful manner the duties assigned to the prisoner.  
[C73, 75, 77, 79, 81, §356.46]  
83 Acts, ch 78, §1

**356.47 Sentence suspended.**

A judge who sentences a person to the county jail or other detention facility pursuant to this chapter, may suspend any part of such sentence and place such person on probation, upon such terms and conditions as the sentencing judge may direct, after such person has served that part of the person's sentence which was not suspended.

[C73, 75, 77, 79, 81, §356.47]

**356.48 Required test.**

1. A person confined to a jail or in the custody of a peace officer, who bites another person, who causes an exchange of bodily fluids with another person, or who causes any bodily secretion to be cast upon another person, shall submit to the withdrawal of a bodily specimen for testing to determine if the person is infected with a contagious or infectious disease as defined in section 141A.2. The bodily specimen to be taken shall be determined by the attending physician of the jail or the county medical examiner. The specimen taken shall be sent to the state hygienic laboratory at the state university at Iowa City or some other laboratory approved by the Iowa department of public health. If a person to be tested pursuant to this section refuses to submit to the withdrawal of a bodily specimen, the sheriff, person in charge of the jail, or any potentially infected person may file an application with the district court for an order compelling the person that may have caused an infection to submit to the withdrawal and, if infected, to receive available treatment. An order authorizing the withdrawal of a specimen for testing may be issued only by a district judge or district associate judge upon application by the sheriff, person in charge of the jail, or any other potentially infected person.

2. A person who fails to comply with an order issued pursuant to this section is guilty of a serious misdemeanor.

3. Personnel at the jail shall be notified if a person confined is found to have a contagious or infectious disease.

4. The sheriff, person in charge of the jail, or any other potentially infected person shall take any appropriate measure to prevent the transmittal of a contagious or infectious disease to other persons. The sheriff or person in charge of the jail shall also segregate a confined person who tests positive for acquired immune deficiency syndrome from other confined persons.

5. For purposes of this section, "*potentially infected person*" includes a care provider as defined in section 139A.2.

87 Acts, ch 185, §2; 2005 Acts, ch 87, §1

**356.49 Jail report.**

A county sheriff shall file, on a monthly basis, a written report with the director of the department of corrections. The report shall include, but not be restricted to, the total number of men, women, and juveniles held in the jail for the reporting month. The director shall adopt and provide a uniform reporting form to be utilized by county sheriffs.

89 Acts, ch 159, §1

Referred to in §356.37

**356.50 Private transportation of prisoners.**

If a county sheriff contracts with a private person or entity for the transportation of prisoners to or from a county jail, the contract shall include provisions which require the following:

1. The private person or any officers or employees of the private person or private entity shall not have been convicted of any of the following:
  - a. A felony.
  - b. Within the three-year period immediately preceding the date of the execution of the contract, a violation of the laws pertaining to operation of motor vehicles punishable as a serious misdemeanor or greater offense.
  - c. Domestic abuse assault in which bodily injury was inflicted or attempted to be inflicted.
  - d. A crime involving illegal manufacture, use, possession, sale, or an attempt to illegally manufacture, use, possess, or sell alcohol or a controlled substance or other drug.
2. The person or persons actually transporting the prisoners shall be trained and proficient in the safe use of firearms.
3. Any employees of a private entity which has entered into the contract for transportation of prisoners shall only possess and use security and restraint equipment, including any firearms, which has been issued by the private entity.
4. The person or persons actually transporting the prisoners shall be trained and proficient in appropriate transportation procedures.
5. The person or entity complies, within one year of publication, with any applicable standards for the transportation of prisoners promulgated by the American corrections association.

98 Acts, ch 1131, §2