

## CHAPTER 905

## COMMUNITY-BASED CORRECTIONAL PROGRAM

Referred to in §216A.136, 901.1, 901A.2, 902.1, 903B.1, 903B.2, 904.602

905.1	Definitions.	905.9	Report of review — sanction.
905.2	District departments established.	905.10	Postinstitutional programs and services.
905.3	District advisory board — expenses reimbursed.	905.11	Residential facility residency requirement — certain felons.
905.4	Duties of the district advisory board.	905.12	Surrender of earnings.
905.5	Functions of administrative agents. Repealed by 2023 Acts, ch 19, §2787.	905.13	Compliance with building codes.
905.6	Duties of director.	905.14	Fees for probation and parole.
905.7	Assistance by state department.	905.15	Required test.
905.8	State funds allocated — long-range planning — reports to legislative services agency.	905.16	Electronic tracking and monitoring system — domestic abuse assault — felony.

**905.1 Definitions.**

As used in [this chapter](#), unless the context otherwise requires:

1. “*Community-based correctional program*” means correctional programs and services, under the direction of a director and the Iowa department of corrections, including but not limited to an intermediate criminal sanctions program in accordance with the corrections continuum in [section 901B.1](#), designed to supervise and assist individuals who are charged with or have been convicted of a felony, an aggravated misdemeanor or a serious misdemeanor, or who are on probation or parole in lieu of or as a result of a sentence of incarceration imposed upon conviction of any of these offenses, or who are contracted to the district department for supervision and housing while on work release. A community-based correctional program shall be designed by a district department, under the direction and control of the Iowa department of corrections, in a manner that provides services in a manner free of disparities based upon an individual’s race or ethnic origin.

2. “*Director*” means the director of a judicial district department of correctional services, appointed by the director of the Iowa department of corrections, and employed by the Iowa department of corrections.

3. “*District advisory board*” means the advisory board of a judicial district department of correctional services.

4. “*District department*” means a judicial district department of correctional services, under the direction and control of the Iowa department of corrections, established as required by [section 905.2](#).

[C75, 77, §217.24, 217.25; C79, 81, §905.1; 81 Acts, ch 207, §1]

83 Acts, ch 89, §1; 83 Acts, ch 96, §134, 159; 91 Acts, ch 99, §1; 96 Acts, ch 1193, §16; 2013 Acts, ch 90, §213; 2023 Acts, ch 19, §2781

Section amended

**905.2 District departments established.**

1. There is established in each judicial district in this state a judicial district department of correctional services. Each district department shall furnish or contract for those services necessary to provide a community-based correctional program which meets the requirements of the Iowa department of corrections.

2. The district department is under the direction of the Iowa department of corrections, and shall be administered by a director employed by the Iowa department of corrections. A district department is a state agency for purposes of [chapter 669](#).

3. All employees of a district department shall be employees of the Iowa department of corrections.

[C79, 81, §905.2]

[86 Acts, ch 1172, §3](#); [2023 Acts, ch 19, §2782](#)

Referred to in [§8D.13](#), [669.2](#), [708.2B](#), [904.301A](#), [905.1](#)

Probation, see [§907.1](#)

Section amended

### **905.3 District advisory board — expenses reimbursed.**

1. *a.* A district advisory board is established for each district department, which shall serve in an advisory capacity to a director without compensation, and shall be composed as follows:

(1) One member shall be appointed annually by a director from the board of supervisors of each county in the judicial district.

(2) The director shall on or before December 31 appoint two citizen members to serve on the district advisory board for the following calendar year.

(3) A number of members equal to the number of citizen members shall be appointed by the chief judge of the judicial district on or before December 31 to serve on the district advisory board for the following calendar year.

*b.* The district advisory board shall meet not more often than quarterly during the calendar year.

2. The members of the district advisory board shall be reimbursed from funds of the district department for travel and other expenses necessarily incurred in attending meetings.

[C79, 81, S81, §905.3; [81 Acts, ch 117, §1243](#)]

[86 Acts, ch 1062, §1](#); [2000 Acts, ch 1057, §18](#); [2013 Acts, ch 90, §241](#); [2023 Acts, ch 19, §2783](#)

Section amended

### **905.4 Duties of the district advisory board.**

The district advisory board shall:

1. Adopt bylaws and rules for the conduct of its own business.

2. Advise the director concerning suitable quarters at one or more sites in the district as may be necessary for the district department's community-based correctional program.

3. Recruit and promote local financial support for the district department's community-based correctional program from private sources such as community service funds, business, industrial and private foundations, voluntary agencies and other lawful sources.

[C79, 81, §905.4; [81 Acts, ch 207, §2](#)]

[83 Acts, ch 89, §2](#); [83 Acts, ch 96, §135, 159](#); [84 Acts, ch 1244, §4](#); [91 Acts, ch 267, §420](#); [2001 Acts, ch 104, §7](#); [2023 Acts, ch 19, §2784](#)

Section amended

**905.5 Functions of administrative agents.** Repealed by [2023 Acts, ch 19, §2787](#).

### **905.6 Duties of director.**

The director employed by the Iowa department of corrections shall be qualified in the administration of correctional programs. The director shall:

1. Perform the duties and have the responsibilities delegated or specified by the Iowa department of corrections.

2. Manage the district department's community-based correctional program, in accordance with the policies of the Iowa department of corrections.

3. Employ, with approval of the Iowa department of corrections, and supervise the employees of the district department, including reserve peace officers, if a force of reserve peace officers has been established.

4. Prepare all budgets and fiscal documents, and certify for payment all expenses and payrolls lawfully incurred by the district department.

5. Act as secretary to the district advisory board, prepare its agenda and record its proceedings. The district shall provide a copy of minutes from each meeting of the district advisory board to the legislative services agency.

6. Develop and submit to the Iowa department of corrections a plan for the establishment, implementation, and operation of a community-based correctional program in that judicial district, which program conforms to the guidelines drawn up by the Iowa department of corrections under [this chapter](#) and which conform to rules, policies, and procedures pertaining to the supervision of parole and work release adopted by the director of the Iowa department of corrections concerning the community-based correctional program.

7. Negotiate and, upon approval by the Iowa department of corrections, implement contracts or other arrangements for utilization of local treatment and service resources authorized by [subsection 15](#).

8. Administer the batterers' treatment program for domestic abuse offenders required in [section 708.2B](#).

9. Notify the board of parole, thirty days prior to release, of the release from a residential facility operated by the district department of a person serving a sentence under [section 902.12](#).

10. File with the director of the Iowa department of corrections, within ninety days after the close of each fiscal year, a report covering the district advisory board's proceedings and a statement of receipts and expenditures during the preceding fiscal year.

11. Arrange for, upon approval of the Iowa department of corrections, by contract or on such alternative basis as may be mutually acceptable, and equip suitable quarters at one or more sites in the district as may be necessary for the district department's community-based correctional program, provided that the director shall to the greatest extent feasible utilize existing facilities and shall keep capital expenditures for acquisition, renovation, and repair of facilities to a minimum. The director shall not enter into lease-purchase agreements for the purposes of constructing, renovating, expanding, or otherwise improving a community-based correctional facility or office unless express authorization has been granted by the general assembly, and current funding is adequate to meet the lease-purchase obligation.

12. Have authority to accept property by gift, devise, bequest, or otherwise, and to sell or exchange any property so accepted and apply the proceeds thereof, or the property received in exchange therefor, to the purposes enumerated in [subsection 11](#).

13. Recruit, promote, accept, and use local financial support for the district department's community-based correctional program from private sources such as community service funds, business, industrial and private foundations, voluntary agencies, and other lawful sources.

14. Accept and expend state and federal funds available directly to the district department for all or any part of the cost of its community-based correctional program.

15. Arrange, by contract or on an alternative basis mutually acceptable, and with approval of the director of the Iowa department of corrections or that director's designee for utilization of existing local treatment and service resources, including but not limited to employment, job training, general, special, or remedial education; psychiatric and marriage counseling; and substance use disorder treatment and counseling.

16. Have authority to establish a force of reserve peace officers, either separately or collectively through a [chapter 28E](#) agreement, as provided in [chapter 80D](#).

[C79, 81, §905.6; 81 Acts, ch 207, §4]

83 Acts, ch 96, §137, 159; 88 Acts, ch 1084, §3; 91 Acts, ch 218, §29; 91 Acts, ch 267, §421; 95 Acts, ch 77, §7; 2001 Acts, ch 104, §8; 2003 Acts, ch 35, §45, 49; 2003 Acts, ch 156, §14; 2023 Acts, ch 19, §2785

Section amended

#### **905.7 Assistance by state department.**

The Iowa department of corrections shall provide assistance and support to the respective judicial districts to aid them in complying with [this chapter](#), and shall promulgate rules pursuant to [chapter 17A](#) establishing guidelines in accordance with and in furtherance of the purposes of [this chapter](#). The guidelines shall include, but need not be limited to, requirements that each district department:

1. Provide pretrial release, presentence investigations, probation services, parole services,

work release services, programs for offenders convicted under [chapter 321J](#), and residential treatment centers throughout the district, as necessary.

2. Locate community-based correctional program services in or near municipalities providing a substantial number of treatment and service resources.

3. Follow practices and procedures which maximize the availability of federal funding for the district department's community-based correctional program and assist the department of transportation which is authorized to follow practices and procedures designed to maximize the availability of federal funding for the enforcement and implementation of drunk driver prevention and other highway safety programs.

4. Provide for gathering and evaluating performance data relative to the district department's community-based correctional program and make other detailed reports to the Iowa department of corrections as requested by the board of corrections or the director of the department of corrections.

5. Maintain personnel and fiscal records on a uniform basis.

6. Provide a program to assist the court in placing defendants who as a condition of probation are sentenced to perform unpaid community service.

7. Provide for community participation in the planning and programming of the district department's community-based correctional program.

8. Provide for standards by rule for mental fitness which shall govern the initial recruitment, selection, and appointment of parole and probation officers.

[C75, 77, §217.26, 217.28, 217.29; C79, 81, §905.7; [82 Acts, ch 1069, §2](#)]

[83 Acts, ch 89, §3](#); [83 Acts, ch 96, §138, 139, 159](#); [85 Acts, ch 21, §51](#); [87 Acts, ch 118, §6](#); [93 Acts, ch 171, §21](#); [99 Acts, ch 182, §7](#)

Referred to in [§905.8, 905.9](#)

#### **905.8 State funds allocated — long-range planning — reports to legislative services agency.**

1. The Iowa department of corrections shall provide for the allocation among judicial districts in the state of state funds appropriated for the establishment, operation, support, and evaluation of community-based correctional programs and services. However, state funds shall not be allocated under [this section](#) to a judicial district unless the Iowa department of corrections has reviewed and approved that district department's community-based correctional program for compliance with the requirements of [this chapter](#) and the guidelines adopted under [section 905.7](#).

2. The deputy director of the department of corrections responsible for community-based correctional programs shall reallocate funds allocated by the department among the judicial districts as necessary to assure an equitable allocation of district departmental staff throughout the state and to comply with [section 905.10](#).

3. The deputy director of the department of corrections responsible for community-based correctional programs shall comply with [section 904.108, subsection 1](#), paragraph "i".

4. The department of corrections shall not revise the allocations to the district departments of correctional services from the amounts allocated to the district departments, unless notice of the revisions is given prior to their effective date to the legislative services agency. The notice shall include information on the department's rationale for making the changes and details concerning the workload and performance measures upon which the revisions are based.

5. The department of corrections shall report to the legislative services agency on a quarterly basis the current expenditures of the department's various allocations to the district departments of correctional services with a comparison of actual to budgeted expenditures.

6. The department of corrections shall use the department of management's budget system in developing the budget information for the eight district departments of correctional services, and each of the district departments shall be treated as a separate budget unit with each program modality classified as a separate organization code.

7. The department of corrections shall furnish performance measure data designed to enable comparison of this data with historical expenditure information, and shall assist the

legislative services agency in developing information to be used in legislative oversight of all district department programs operated by the department.

[C75, 77, §217.27; C79, 81, §905.8]

83 Acts, ch 96, §140, 159; 88 Acts, ch 1160, §1; 90 Acts, ch 1247, §20; 2003 Acts, ch 35, §45, 49; 2017 Acts, ch 54, §76

Referred to in §905.9

#### **905.9 Report of review — sanction.**

Upon completion of a review of a district community-based correctional program, made under [section 905.8](#), the Iowa department of corrections shall submit its findings to the district advisory board in writing. If the Iowa department of corrections concludes that the district department's community-based correctional program fails to meet any of the requirements of [this chapter](#) and of the guidelines adopted under [section 905.7](#), it shall also request in writing a response to this finding from the district advisory board. If a response is not received within sixty days after the date of that request, or if the response is unsatisfactory, the Iowa department of corrections may call a public hearing on the matter. If after the hearing, the Iowa department of corrections is not satisfied that the district's community-based correctional program will expeditiously be brought into compliance with the requirements of [this chapter](#) and of the guidelines adopted under [section 905.7](#), it may assume responsibility for administration of the district's community-based correctional program on an interim basis.

[C79, 81, §905.9]

83 Acts, ch 96, §141, 159; 2023 Acts, ch 19, §2786

Section amended

#### **905.10 Postinstitutional programs and services.**

Persons participating in postinstitutional services, except those persons paroled and those persons contracted to the district department, remain under the jurisdiction of the Iowa department of corrections. The district department of correctional services shall maintain adequate personnel to provide postinstitutional residential services, programs for offenders convicted under [chapter 321J](#), parole services, and supervision of persons transferred into the state under the interstate compact for supervision of parolees and probationers.

[C79, 81, §905.10]

83 Acts, ch 96, §142, 159; 87 Acts, ch 118, §7

Referred to in §905.8

#### **905.11 Residential facility residency requirement — certain felons.**

A person who is serving a sentence under [section 902.12](#), the maximum term of which exceeds ten years, and who is released on parole or work release shall reside in a residential facility operated by the district department until such time as the district department recommends to the board of parole that the person may be supervised in the community rather than in a residential facility and the board of parole approves the recommendation.

2003 Acts, ch 156, §15; 2016 Acts, ch 1051, §2

#### **905.12 Surrender of earnings.**

1. When committing a person to a residential treatment center operated by a judicial district department of correctional services, the court shall order the person to surrender to the district department their total earnings less payroll deductions required by law. The court shall establish the person's legal obligations by order and the district department shall deduct from the earnings to satisfy the court order in the following order of priority:

a. An amount the resident may be legally obligated to pay for the support of dependents, which shall be paid to the dependents directly or through the department of health and human services office or unit serving the county in which the dependents reside. For the purpose of this paragraph, "legally obligated" means under a court order.

b. Restitution ordered by the court under [chapter 910](#).

c. An amount determined to be the cost to the judicial district department of correctional services for food, lodging, and other expenses incurred by or on behalf of the resident.

d. Any other financial obligations which are admitted to by the resident or any judgment granted by the court to another person to whom the resident owes money, but no earnings of a resident are subject to garnishment while the person is committed to the center.

2. Any balance remaining after deductions and payments shall be credited to the resident's personal account at the district department and shall be paid to the resident upon release. The director shall establish a plan to comply with the provisions of court orders entered pursuant to [this section](#).

[84 Acts, ch 1029, §1](#); [88 Acts, ch 1160, §2](#); [94 Acts, ch 1142, §13](#); [97 Acts, ch 205, §25](#); [2013 Acts, ch 30, §228](#); [2014 Acts, ch 1092, §151](#); [2023 Acts, ch 19, §1340](#)

Subsection 1, paragraph a amended

### **905.13 Compliance with building codes.**

The department of corrections and the district departments of correctional services shall comply with local building regulations and zoning ordinances in the construction, reconstruction, alteration, conversion, repair, and use of buildings owned and operated by the department as part of a community-based correctional program.

[89 Acts, ch 316, §20](#)

### **905.14 Fees for probation and parole.**

1. A person placed on probation or parole and subject to supervision by a district department shall be required to pay an enrollment fee of three hundred dollars to the district department to offset the costs of supervision. In addition to the enrollment fee, the district department may require a person to pay a fee to the district department to offset the costs of providing sex offender programming to that person.

2. The fees established pursuant to [this section](#) shall not be waived by the sentencing court. Each district department shall retain fees collected for administrative and program services.

3. The department of corrections may adopt rules for the administration of [this section](#). If adopted, the rules shall include a provision for waiving the collection of fees for persons determined to be unable to pay.

[97 Acts, ch 190, §7](#); [2000 Acts, ch 1229, §24](#); [2006 Acts, ch 1183, §27](#)

Referred to in [§321J.2, 907.3, 907.7, 907.9](#)

### **905.15 Required test.**

1. For purposes of [this section](#), "*infectious disease*" means any infectious condition, which if spread by contamination, would place others at a serious health risk.

2. A person under supervision of a district department, who assaults another person as defined in [section 708.1](#), by biting, casting bodily fluids, or acting in a manner that results in the exchange of bodily fluids, shall submit to the withdrawal of a bodily specimen for testing to determine if the person is infected with a contagious infectious disease. The bodily specimen to be taken shall be determined by a physician. The specimen taken shall be sent to the state hygienic laboratory or some other laboratory approved by the department of health and human services. If a person to be tested pursuant to [this section](#) refuses to submit to the withdrawal of a bodily specimen, application may be made by the director to the district court for an order compelling the person to submit to the withdrawal and, if infected, to 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 director.

3. Failure to comply with an order issued pursuant to [this section](#) may result in revocation of probation, parole, or work release.

4. Personnel at an institution under the control of the department of corrections or of a residential facility operated by a judicial district department of correctional services shall be notified if a person committed to any of these institutions is found to have a contagious infectious disease.

5. The district department in cooperation with the department of corrections shall adopt

policies and procedures to prevent the transmittal of a contagious infectious disease to other persons.

[2010 Acts, ch 1052, §1](#); [2023 Acts, ch 19, §1341](#)

Subsection 2 amended

**905.16 Electronic tracking and monitoring system — domestic abuse assault — felony.**

1. A person placed on probation, parole, work release, or any other type of conditional release for domestic abuse assault in violation of [section 708.2A, subsection 4](#), may be supervised by an electronic tracking and monitoring system in addition to any other conditions of supervision.

2. When considering whether to order the use of an electronic tracking and monitoring system the court shall consider the safety of the victim and other legitimate factors that may impact all of the parties.

[2017 Acts, ch 83, §9](#)