

PENAL AND CORRECTIONAL SYSTEMS STUDY COMMITTEE

Report to the Legislative Council
and the Members of the
First Session of the Sixty-fifth General Assembly

FINAL REPORT
of the
PENAL AND CORRECTIONAL SYSTEMS STUDY COMMITTEE
1972

House Concurrent Resolution 22, adopted by the House of Representatives in the first regular session of the Sixty-fourth General Assembly, requested that the Legislative Council establish a study committee to conduct a comprehensive study of the penal and correctional systems in Iowa. The Legislative Council created a 17 member Penal and Correctional Systems Study Committee and appointed the following legislative members:

Senator R. Dean Arbuckle
Senator Gene W. Glenn
Senator Gene V. Kennedy
Senator Clifton C. Lamborn
Senator Ralph W. Potter
Representative Perry L. Christensen
Representative Donald V. Doyle
Representative E. Kevin Kelly
Representative Harold C. McCormick
Representative Barton L. Schwieger

The Legislative Council appointed the following citizen members:

Mr. Joseph DeRaad
Mr. Oscar Jones
Mr. Dewey Landeck
Professor James McCue

The Legislative Council provided that the inmates at the Anamosa Men's Reformatory, the Iowa State Penitentiary, and the Women's Reformatory should be represented on the Committee and that such representatives should be selected by the inmates of the three institutions. The inmates selected the following Committee members:

Mr. Gary Shay
Mr. Jan Hollins
Mrs. Oneda Mitchell

House Concurrent Resolution 103, adopted by the House of Representatives in the second regular session of the Sixty-fourth General Assembly, requested that the Legislative Council establish a Women's Correctional Study Committee consisting primarily of female members from the appropriate standing committees of the House of Representatives and the Senate. The Legislative Council increased the Study Committee membership and appointed the following legislative members:

Senator Minnette F. Doderer
Representative Joan Lipsky

Due to resignation of inmate representatives the following individuals were selected as Committee members by the inmates of their respective institutions:

Mr. William A. Long, replacing Mr. Gary Shay
Mrs. Gloria Diggs, replacing Mrs. Oneda Mitchell
Miss Mickey Baysinger, replacing Mrs. Gloria Diggs

The Committee organizational meeting was held on August 25, 1971, with Senator Clifton C. Lamborn serving as temporary chairman. The Committee selected Senator Lamborn as permanent Committee Chairman and Representative Donald V. Doyle as Vice Chairman.

Committee meetings were staffed by the Legislative Service Bureau.

The Committee's study was conducted in two phases.

The first phase of the study was conducted during the 1971 legislative interim and centered on the state's correctional system for adults. The Committee studied: the Iowa State Penitentiary, the Men's Reformatory, the Women's Reformatory, the Oakdale Medical Security Facility, half-way houses, county jails, and the Board of Parole.

The second phase of the study was conducted during the 1972 legislative interim and centered on the state's correctional system for juveniles and regional or community based corrections. The Committee studied: the Iowa State Penitentiary, the Men's Reformatory, the Eldora Training School for Boys, the Mitchellville Training School for Girls, the Riverview Release Center, the Vermont Regional Correctional System, the Fort Des Moines Community Corrections Project, and the Juvenile Probation System.

Based on the Committee's study of the state's penal and correctional system and discussions with inmates, institutional staff, officials of state agencies, and other parties interested in or involved in the penal and correctional system, the Committee makes the following legislative recommendations:

1. That Section 217.14 be amended by adding the duty to establish and provide community based correction programs and that Section 274.21 be amended by adding authority for the chief probation officer to accept custody and supervision of persons granted probation or parole from a sentence to a county jail and that the General Assembly appropriate \$490,000 the first year and \$420,000 the second year of the 1973-75 biennium to provide seven residences for community based correction programs. This money is the state match for \$1,470,000 and \$1,260,000 respectively in federal funds.

This recommendation is designed to implement the community based corrections philosophy by providing for a correction center in each of the eight judicial districts of the state. Each correction center would operate similarly to the Des Moines Community Corrections Project which presently serves the 5th judicial district and was the prototype of community based corrections.

Community based corrections recognizes that nearly all offenders return at some time to community life and attempts to provide rehabilitative services that will result in the offender being able to live within the community without danger to the community. The rehabilitative services are provided at the earliest moment after arrest rather than the present approach of providing services when the offender leaves the penal institution.

The correctional centers goal is to reduce recidivism through rehabilitation by bringing local resources to bear on the problems of crime causation. Local resources such as jobs, job training, education, psychiatric counseling, marriage counseling, alcoholic and drug treatment and others are called upon to assist the offender. In addition to such treatment the offender though being housed locally is able to maintain employment and family ties where appropriate and avoid the criminalizing factor of being housed with hardened criminals at a maximum security institution.

Community based corrections recognizes that not all offenders are suited to this type of program, however correction centers will reduce the population of the state's reformatory and penitentiary by providing judges with an alternative disposition for those who are suited to this type of rehabilitation. While estimates vary, it is generally considered that only a small percentage of inmates are in need of maximum security and that housing all inmates in the two state institutions hampers rehabilitation and endangers both inmates and staff by not sufficiently isolating the dangerous offenders. County jail populations will also decrease since the correction centers will provide pretrial release screening and rehabilitative services to offenders.

Since neither institutions without rehabilitative services nor large scale capital expenditures will solve the problem of increasing crime rates, the community based corrections philosophy calls for primary emphasis on rehabilitative services with minimum capital expense through the use of existing facilities acquired by lease with minor renovation if necessary.

2. Adoption of the interstate corrections compact with a hearing procedure for inmates who object to transfer.

3. The addition of an assistant citizens' aide to be responsible for investigating complaints relating to penal and correctional agencies.

4. Amend the furlough law to provide for furloughs to participants in programs and activities that serve rehabilitative objectives.

5. Remove the requirement in the work release law that inmates granted work release be housed at the institution or a local confinement facility when the place of employment is not within reasonable proximity to the institution. The recommended change would not require any change in present practice but would allow the establishment of half-way houses in or near the cities where penal institutions are located.

6. Amend the work release law to provide for inmate participation after work and under supervision of a responsible person in activities which will facilitate the transition from institution to community.

7. Amend Code Section 232.51 to provide that the court shall inquire into the ability of parents to support a minor and shall upon determining that the parents are able to support a minor order the parents to pay in the manner and to whom the court may direct such sums as will cover in whole or in part the cost of care, examination, or treatment of a minor and also provide the same procedure when the child is sent to a state training school.

8. Amend Section 233.1 to provide that hiding a runaway or causing a child known to be a runaway to be absent from his home without notifying the proper authorities within a reasonable length of time is contributing to the delinquency of a minor.

9. Amend Chapter 232 to provide that the juvenile court on its own motion may obtain jurisdiction over and make protective orders to parents or guardians or custodians of a child.

Bill drafts designed to implement legislative recommendations and approved by the Committee are attached to this report.

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the jurisdiction of juvenile courts over
2 parents, guardians and custodians of children and providing
3 a penalty.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

5 Section 1. Chapter two hundred thirty-two (232), Code
6 1973, is amended by adding the following new section:

7 NEW SECTION. PROTECTIVE ORDERS.

8 1. On the court's own motion the juvenile court may obtain
9 jurisdiction over and make protective orders to parents,
10 guardians, or the custodians of a child if notice of the
11 motion and its purported grounds and an opportunity to be
12 heard thereon have been given to the person against whom a
13 protective order may be issued.

14 2. Protective orders may be issued on the following grounds
15 if the court finds:

16 a. The acts or omissions of the person are or may be
17 detrimental or harmful to the child.

18 b. The acts or omissions of the person may tend to defeat
19 the execution of an order of disposition.

20 c. The acts or omissions of the person encouraged, caused,
21 or contributed to the acts or conditions which brought the
22 child within the provisions of this chapter.

23 3. Protective orders may provide for:

24 a. Cooperation in good faith with an agency to which a
25 child has been referred.

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1 b. Referral to and cooperation in good faith with an
2 agency to which the person has been referred for counseling
3 or treatment of emotional or behavioral disorders.

4 c. Restraining acts or omissions which caused or tended
5 to cause the child to come within the provisions of this
6 chapter.

7 d. Affirmative acts which may or will cause the home to
8 be a proper place for the child.

9 e. Care and treatment that the court deems to be in the
10 best interests of the child.

11 4. Willful disobedience of a protective order may be
12 punishable as contempt.

13 EXPLANATION

14 This bill provides the juvenile courts with jurisdiction
15 over parents, guardians, and custodians of children and provide
16 the court with authority to make protective orders.

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Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to contributing to the delinquency of a minor.

2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

3 Section 1. Section two hundred thirty-three point one
4 (233.1), Code 1973, is amended by adding the following new
5 subsection:

6 NEW SUBSECTION. To knowingly permit, encourage, contribute,
7 or in any manner cause the child to run away or remain absent
8 from his home, foster home, or any institution to which he
9 has been lawfully committed, or to hide or cause a child known
10 to be a runaway to be absent from home, foster home, or
11 institution, without notifying the proper authorities within
12 a reasonable length of time.

13 EXPLANATION

14 This bill provides that hiding a runaway or knowingly per-
15 mitting, encouraging, contributing or causing a child to run
16 away is contributing to the delinquency of a minor.

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the cost of support and maintenance of a
2 child at a state training school.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

4 Section 1. Chapter two hundred forty-two (242), Code 1973,
5 is amended by adding the following new section:

6 NEW SECTION. When a child is ordered sent to a state
7 training school or committed to the commissioner of social
8 services or his designee for placement and placed in a state
9 training school, the juvenile court shall inquire into the
10 ability of the parents to support the child and after giving
11 the parents a reasonable opportunity to be heard, shall, upon
12 finding the parents have the ability, order the parents to
13 pay in the manner the court may direct such sums as will cover
14 in whole or in part the cost of support and maintenance of
15 the child at the training school. If the parents fail to
16 pay the sums without good reason, the parents may be proceeded
17 against for contempt or the court may inform the county
18 attorney who shall proceed against the parents to collect
19 the unpaid sums, or the court may institute both procedures.
20 Any sums ordered by the court shall be a judgment against
21 each of the parents and a lien as provided in section six
22 hundred twenty-four point twenty-three (624.23) of the Code.
23 All sums collected under this section shall be forwarded to
24 the treasurer of state for deposit in the general fund.

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EXPLANATION

This bill provides that the court shall inquire into the ability of parents to pay the costs of care, examination or treatment of a minor committed to a state training school and shall upon determining the parents are able order them to pay for all or part of the costs.

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the cost of care, examination, or treatment
2 of a minor.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

4 Section 1. Section two hundred thirty-two point fifty-
5 one (232.51), unnumbered paragraph one (1), Code 1973, is
6 amended to read as follows:

7 Whenever legal custody of a minor is transferred by the
8 court or whenever the minor is placed by the court with someone
9 other than the parents or whenever a minor is given physical
10 or mental examinations or treatment under order of the court
11 and no provision is otherwise made by law for payment for
12 the care, examination, or treatment of the minor, the costs
13 shall be charged upon the funds of the county in which the
14 proceedings are held upon certification of the judge to the
15 board of supervisors. Except where the parent-child
16 relationship is terminated, the court ~~may~~ shall inquire into
17 the ability of the parents to support the minor and after
18 giving the parents a reasonable opportunity to be heard ~~may~~
19 shall, upon its determination of such ability, order the
20 parents to pay in the manner and to whom the court may direct,
21 such sums as will cover in whole or in part the cost of care,
22 examination, or treatment of the minor. If the parents fail
23 to pay the sum without good reason, the parents may be pro-
24 ceeded against for contempt or the court may inform the county
25 attorney who shall proceed against the parents to collect

1 the unpaid sums or both.

2 EXPLANATION

3 This bill provides that the court shall inquire into the
4 ability of parents to pay the costs of care, examination or
5 treatment of a minor and shall upon determining the parents
6 are able order them to pay for all or part of the costs.

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Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to furloughs and work release programs for
2 inmates.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section two hundred seventeen point fourteen
2 (217.14), subsection seven (7), Code 1973, is amended to read
3 as follows:

4 7. Establish and operate a system of rehabilitation camps
5 within the state. The department of social services may
6 designate appropriate facilities of the department as a part
7 of this camp system. Persons committed to institutions under
8 the department may be transferred to the facilities of the
9 camp system and upon transfer shall be subject to the same
10 laws as pertain to the transferring institution.

11 The commissioner of social services may establish for any
12 inmate sentenced pursuant to section 789.13 a furlough program
13 under which inmates sentenced to and confined in an institution
14 under the jurisdiction of the department of social services
15 may be temporarily released. Furloughs may be granted when
16 an immediate member of the inmate's family is seriously ill
17 or has died, or when an inmate is to be interviewed by a
18 prospective employer, or when an inmate is authorized to
19 participate in a training program not available within the
20 institution. Furloughs may also be granted in order to allow
21 the inmate to participate in programs or activities that serve
22 rehabilitative objectives. The commissioner of social services
23 shall promulgate rules and regulations to carry out the provi-
24 sions of this paragraph.

25 Sec. 2. Section two hundred forty-seven A point five
26 (247A.5), Code 1973, is amended to read as follows:

27 247A.5 HOUSING FACILITIES. The department shall designate
28 and adopt facilities ~~in-the-institutions-and-camps-under-its~~
29 ~~jurisdiction~~ for the housing of inmates granted work release
30 privileges. ~~In-areas-where-facilities-are-not-within-reason-~~
31 ~~able-proximity-of-the-place-of-employment-of-an-inmate-so~~
32 ~~released, the~~ The department may contract with ~~the-proper~~
33 ~~authorities-of-political-subdivisions-of-the-state-or-suitable~~
34 ~~public-or-private-agencies~~ for the quartering of the inmates
35 ~~inmate-in-local-confinement-facilities.~~ The committee shall

1 include as a specific term or condition in the work release
2 plan of any inmate the place where the inmate is to be confined
3 housed when not on the work assignment. Inmates may be
4 released to the supervision of a responsible person to partici-
5 pate in family and selected community, religious, educational,
6 social, civic and recreational activities when it is deter-
7 mined that the participation will directly facilitate the
8 release transition from institution to community.

9 Sec. 3. Section two hundred forty-seven A point six
10 (247A.6), Code 1973, is amended to read as follows:

11 247A.6 WILLFUL ESCAPE. Any inmate released from actual
12 confinement under a work release plan who willfully fails
13 to return to the designated place ~~of confinement~~ for housing
14 at the time specified in the plan shall be guilty of a felony
15 and upon conviction be subject to the penalty provided in
16 section 745.1.

17 EXPLANATION

18 This bill modifies statutory furlough provisions and pro-
19 vides authority for inmate furloughs to participate in pro-
20 grams and activities that serve rehabilitative objectives
21 and provides for supervised release from work release housing
22 to participate in selected activities. It is not the intent
23 of section 2 of this bill that a supervisor be present at
24 all times when an inmate participates in community and other
25 activities.

26 The bill also provides that work release housing need not
27 necessarily be the penal institution in cities where the
28 institution is located and changes terminology to "housing"
29 rather than a "confinement" facility.

30 Recommendation of the Penal and Correctional Systems Study
31 Committee Progress Report.

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Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the citizens' aide.

2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

3 Section 1. Chapter six hundred one G (601G), Code 1973,
4 is amended by adding the following new section:

5 NEW SECTION. The citizens' aide shall appoint an assis-
6 tant who shall be responsible for investigating complaints
7 relating to penal or correctional agencies.

8 EXPLANATION

9 This bill provides for an assistant citizens' aide who
10 shall investigate complaints relating to penal and correctional
11 agencies. The scope of his general powers and duties are
12 set out in chapter 601G.

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Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the interstate corrections compact.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. NEW SECTION. This Act may be cited as the
2 "interstate corrections compact".

3 Sec. 2. NEW SECTION. The interstate corrections com-
4 pact is hereby enacted into law and entered into by this state
5 with any other states legally joining therein in the form
6 substantially as follows:

7 INTERSTATE CORRECTIONS COMPACT

8 ARTICLE I

9 Purpose and Policy

10 The party states, desiring by common action to fully utilize
11 and improve their institutional facilities and provide adequate
12 programs for the confinement, treatment and rehabilitation
13 of various types of offenders, declare that it is the policy
14 of each of the party states to provide such facilities and
15 programs on a basis of cooperation with one another, thereby
16 serving the best interests of such offenders and of society
17 and effecting economies in capital expenditures and opera-
18 tional costs. The purpose of this compact is to provide for
19 the mutual development and execution of such programs of coop-
20 eration for the confinement, treatment and rehabilitation
21 of offenders with the most economical use of human and material
22 resources.

23 ARTICLE II

24 Definitions

25 As used in this compact, unless the context clearly requires
26 otherwise:

27 1. "State" means a state of the United States; the United
28 States of America; a territory or possession of the United
29 States; the District of Columbia; the Commonwealth of Puerto
30 Rico.

31 2. "Sending state" means a state party to this compact
32 in which conviction or court commitment was had.

33 3. "Receiving state" means a state party to this compact
34 to which an inmate is sent for confinement other than a state
35 in which conviction or court commitment was had.

1 4. "Inmate" means a male or female offender who is com-
2 mitted, under sentence to or confined in a penal or correc-
3 tional institution.

4 5. "Institution" means any penal or correctional facility,
5 including but not limited to a facility for the mentally ill
6 or mentally defective, in which inmates may lawfully be con-
7 fined.

8 ARTICLE III

9 Contracts

10 Each party state may make one or more contracts with any
11 one or more of the other party states for the confinement
12 of inmates on behalf of a sending state in institutions
13 situated within receiving states. Any such contract shall
14 provide for:

15 1. Its duration.

16 2. Payments to be made to the receiving state by the
17 sending state for inmate maintenance, extraordinary medical
18 and dental expenses, and any participation in or receipt by
19 inmates of rehabilitative or correctional services, facilities,
20 programs or treatment not reasonably included as part of
21 normal maintenance.

22 3. Participation in programs of inmate employment, if
23 any; the disposition or crediting of any payments received
24 by inmates on account thereof; and the crediting of proceeds
25 from or disposal of any products resulting therefrom.

26 4. Delivery and retaking of inmates.

27 5. Such other matters as may be necessary and appropriate
28 to fix the obligations, responsibilities and rights of the
29 sending and receiving states.

30 The terms and provisions of this compact shall be a part
31 of any contract entered into by the authority of or pursuant
32 thereto, and nothing in any such contract shall be inconsis-
33 tent therewith.

34 ARTICLE IV

35 Procedures and Rights

1 Whenever the duly constituted authorities in a state party
2 to this compact, and which has entered into a contract pursu-
3 ant to Article III, shall decide that confinement in, or
4 transfer of an inmate to, an institution within the territory
5 of another party state is necessary or desirable in order
6 to provide adequate quarters and care or an appropriate program
7 of rehabilitation or treatment, said officials may direct
8 that the confinement be within an institution within the
9 territory of said other party state, the receiving state to
10 act in that regard solely as agent for the sending state.

11 The appropriate officials of any state party to this com-
12 pact shall have access, at all reasonable times, to any insti-
13 tution in which it has a contractual right to confine inmates
14 for the purpose of inspecting the facilities thereof and
15 visiting such of its inmates as may be confined in the
16 institution.

17 Inmates confined in an institution pursuant to the terms
18 of this compact shall at all times be subject to the jurisdic-
19 tion of the sending state and may at any time be removed
20 therefrom for transfer to a prison or other institution within
21 the sending state, for transfer to another institution in
22 which the sending state may have a contractual or other right
23 to confine inmates, for release on probation or parole, for
24 discharge, or for any other purpose permitted by the laws
25 of the sending state; provided that the sending state shall
26 continue to be obligated to such payments as may be required
27 pursuant to the terms of any contract entered into under the
28 terms of Article III.

29 Each receiving state shall provide regular reports to each
30 sending state on the inmates of that sending state in institu-
31 tions pursuant to this compact including a conduct record
32 of each inmate and certify said record to the official
33 designated by the sending state, in order that each inmate
34 may have official review of his or her record in determining
35 and altering the disposition of said inmate in accordance

1 with the law which may obtain in the sending state and in
2 order that the same may be a source of information for the
3 sending state.

4 All inmates who may be confined in an institution pursuant
5 to the provisions of this compact shall be treated in a reason-
6 able and humane manner and shall be treated equally with such
7 similar inmates of the receiving state as may be confined
8 in the same institution. The fact of confinement in a
9 receiving state shall not deprive any inmate so confined of
10 any legal rights which said inmate would have had if confined
11 in an appropriate institution of the sending state.

12 Any hearing or hearings to which an inmate confined pursu-
13 ant to this compact may be entitled by the laws of the sending
14 state may be had before the appropriate authorities of the
15 sending state, or of the receiving state if authorized by
16 the sending state. The receiving state shall provide adequate
17 facilities for such hearings as may be conducted by the appro-
18 priate officials of a sending state. In the event such hearing
19 or hearings are had before officials of the receiving state,
20 the governing law shall be that of the sending state and a
21 record of the hearing or hearings as prescribed by the sending
22 state shall be made. Said record together with any recommen-
23 dations of the hearing officials shall be transmitted forthwith
24 to the official or officials before whom the hearing would
25 have been had if it had taken place in the sending state.
26 In any and all proceedings had pursuant to the provisions
27 of this subdivision, the officials of the receiving state
28 shall act solely as agents of the sending state and no final
29 determination shall be made in any matter except by the
30 appropriate officials of the sending state.

31 Any inmate confined pursuant to this compact shall be
32 released within the territory of the sending state unless
33 the inmate, and the sending and receiving states, shall agree
34 upon release in some other place. The sending state shall
35 bear the cost of such return to its territory.

1 Any inmate confined pursuant to the terms of this compact
2 shall have any and all rights to participate in and derive
3 any benefits or incur or be relieved of any obligations or
4 have such obligations modified or his status changed on account
5 of any action or proceeding in which he could have participated
6 if confined in any appropriate institution of the sending
7 state located within such state.

8 The parent, guardian, trustee, or other person or persons
9 entitled under the laws of the sending state to act for,
10 advise, or otherwise function with respect to any inmate shall
11 not be deprived of or restricted in his exercise of any power
12 in respect of any inmate confined pursuant to the terms of
13 this compact.

14 ARTICLE V

15 Acts Not Reviewable in Receiving State: Extradition

16 Any decision of the sending state in respect of any matter
17 over which it retains jurisdiction pursuant to this compact
18 shall be conclusive upon and not reviewable within the
19 receiving state, but if at the time the sending state seeks
20 to remove an inmate from an institution in the receiving state
21 there is pending against the inmate within such state any
22 criminal charge or if the inmate is formally accused of having
23 committed within such state a criminal offense, the inmate
24 shall not be returned without the consent of the receiving
25 state until discharged from prosecution or other form of
26 proceeding, imprisonment or detention for such offense. The
27 duly accredited officers of the sending state shall be
28 permitted to transport inmates pursuant to this compact through
29 any and all states party to this compact without interference.

30 An inmate who escapes from an institution in which he is
31 confined pursuant to this compact shall be deemed a fugitive
32 from the sending state and from the state in which the
33 institution is situated. In the case of an escape to a juris-
34 diction other than the sending or receiving state, the respon-
35 sibility for institution of extradition or rendition proceed-

1 ings shall be that of the sending state, but nothing contained
2 herein shall be construed to prevent or affect the activities
3 of officers and agencies of any jurisdiction directed toward
4 the apprehension and return of an escapee.

5 ARTICLE VI

6 Federal Aid

7 Any state party to this compact may accept federal aid
8 for use in connection with any institution or program, the
9 use of which is or may be affected by this compact or any
10 contract pursuant hereto and any inmate in a receiving state
11 pursuant to this compact may participate in any such federally
12 aided program or activity for which the sending and receiving
13 states have made contractual provision, provided that if
14 such program or activity is not part of the customary
15 correctional regimen, the express consent of the appropriate
16 official of the sending state shall be required therefor.

17 ARTICLE VII

18 Entry into Force

19 This compact shall enter into force and become effective
20 and binding upon the states so acting when it has been enacted
21 into law by any two states. Thereafter, this compact shall
22 enter into force and become effective and binding as to any
23 other of said states upon similar action by such state.

24 ARTICLE VIII

25 Withdrawal and Termination

26 This compact shall continue in force and remain binding
27 upon a party state until it shall have enacted a statute
28 repealing the same and providing for the sending of formal
29 written notice of withdrawal from the compact to the appro-
30 priate officials of all other party states. An actual with-
31 drawal shall not take effect until one year after the notices
32 provided in said statute have been sent. Such withdrawal
33 shall not relieve the withdrawing state from its obligations
34 assumed hereunder prior to the effective date of withdrawal.
35 Before the effective date of withdrawal, a withdrawing state

1 shall remove to its territory, at its own expense, such inmates
2 as it may have confined pursuant to the provisions of this
3 compact.

4 ARTICLE IX

5 Other Arrangements Unaffected

6 Nothing contained in this compact shall be construed to
7 abrogate or impair any agreement or other arrangement which
8 a party state may have with a nonparty state for the confine-
9 ment, rehabilitation or treatment of inmates nor to repeal
10 any other laws of a party state authorizing the making of
11 cooperative institutional arrangements.

12 ARTICLE X

13 Construction and Severability

14 The provisions of this compact shall be liberally construed
15 and shall be severable. If any phrase, clause, sentence or
16 provision of this compact is declared to be contrary to the
17 constitution of any participating state or of the United
18 States or the applicability thereof to any government, agency,
19 person or circumstance is held invalid, the validity of the
20 remainder of this compact and the applicability thereof to
21 any government, agency, person or circumstance shall not be
22 affected thereby. If this compact shall be held contrary
23 to the constitution of any state participating therein, the
24 compact shall remain in full force and effect as to the
25 remaining states and in full force and effect as to the state
26 affected as to all severable matters.

27 Sec. 3. NEW SECTION. The commissioner of social services
28 is authorized and directed to do all things necessary or inci-
29 dental to the carrying out of the compact in every particular
30 and he may in his discretion delegate this authority to the
31 director of the division of corrections.

32 Sec. 4. Chapter two hundred seventeen (217), Code 1973,
33 is amended by adding the following new section:

34 NEW SECTION. An inmate who objects to confinement in a
35 receiving state pursuant to the interstate corrections com-

1 pact may request a hearing before a board appointed by the
2 governor and serving at his pleasure and composed of three
3 members of the general public, one of whom shall be a former
4 inmate. Members of the board shall be paid forty dollars
5 per diem and actual and necessary expenses from appropriated
6 funds.

7 The board shall bar the transfer of the inmate to a receiv-
8 ing state when a majority of its members are of the opinion
9 that the transfer does not serve to promote the treatment,
10 rehabilitation, or best interests of the offender. The burden
11 of proof shall lie with the department of social services
12 and all decisions of the hearing board shall be final.

13 EXPLANATION

14 This bill provides that Iowa joins the interstate correc-
15 tions compact. The compact is not self-executing but autho-
16 rizes contracts for the transfer of inmates between states.
17 A hearing procedure is provided if an inmate objects to the
18 transfer.

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Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to community-based corrections programs and
2 services and providing an appropriation.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section two hundred seventeen point fourteen
2 (217.14), Code 1973, is amended by adding the following new
3 subsection:

4 NEW SUBSECTION. Establish and provide community-based
5 corrections programs and services for those persons awaiting
6 trial, sentenced to a term in a county jail, or granted proba-
7 tion or parole from a sentence to a term in a county jail.

8 Sec. 2. Section two hundred forty-seven point twenty-one
9 (247.21), subsection two (2), unnumbered paragraph one (1),
10 Code 1973, is amended to read as follows:

11 2. Of the chief parole officer. The chief parole of-
12 ficer ~~shall not, however,~~ may also accept the custody, care
13 and supervision of any person granted probation or parole
14 from a sentence to a term in a county jail ~~or~~ Jurisdic-
15 tion of these persons shall remain with the sentencing court.
16 The chief parole officer shall not, however, accept the cus-
17 tody, care and supervision of any other person who in the
18 his judgement of-the-chief-parole-officer could not be properly
19 supervised.

20 Sec. 3. There is appropriated from the general fund of
21 the state to the department of social services for each year
22 of the biennium commencing July 1, 1973 and ending June 30,
23 1975, the following amounts, or so much thereof as may be
24 necessary, to be used in the manner designated:

25		1973-74	1974-75
26		<u>Fiscal Year</u>	<u>Fiscal Year</u>
27	For providing seven residences		
28	for community-based corrections		
29	programs and services.....	\$490,000.00	\$420,000.00

30 Sec. 4. All federal grants to and the federal receipts
31 of the agency receiving funds under this Act are appropriated
32 for the purpose set forth in the federal grants or receipts.

33 EXPLANATION

34 This bill provides for the establishment of community-based
35 corrections centers.