

F I N A L R E P O R T

CONTRACT AND BIDDING PROCEDURES SUBCOMMITTEE  
OF THE  
SENATE AND HOUSE STANDING COMMITTEES ON STATE GOVERNMENT

January, 1983

The Contract and Bidding Procedures Subcommittee of the Senate and House Standing Committees on State Government was authorized by the Legislative Council on May 26, 1982 to review the work of the 1981 interim subcommittee, the governor's task force and other matters relating to public body bidding procedures pursuant to Senate Concurrent Resolution 106. At its meeting of July 15, 1982, the Legislative Council also recommended that the Subcommittee review the bidding procedures used by the Board of Regents as it relates to the purchase of Indiana coal for use at the Regents' institutions. The Subcommittee subsequently requested one additional meeting day which request was approved by the Legislative Council at its meeting of October 14, 1982. The members of the Subcommittee include the following:

Senator John N. Nystrom, Co-chairperson  
Representative Joan Smith, Co-chairperson  
Senator James E. Briles  
Senator Richard F. Drake  
Senator James V. Gallagher  
Senator Charles P. Miller  
Representative Frank Crabb  
Representative Rod Halvorson  
Representative Raymond Lageschulte  
Representative Dennis L. Renaud

The Subcommittee held its first meeting on September 14, 1982 and received testimony from representatives of private business and public agencies regarding the need to update and standardize current statutory bidding procedures. Addressing the Subcommittee was a representative of the Associated General Contractors who outlined the background of Senate Concurrent Resolution 106. The representative also contended that standardization of the bidding procedures, publication requirements, and bid thresholds would assist public agencies and bidders by reducing the amount of litigation arising under current law. It was also contended the standardized procedures would also reduce the number of legalizing acts the General Assembly would have to consider. Representatives of the League of Iowa Municipalities and the Iowa State Association of Counties stressed that cities and counties under home rule revision are currently subject to uniform procedures outlined in chapter 384. A representative of the Sheet Metal Contractors of

Iowa appeared to endorse the concept of "multi-craft" competitive bidding procedures for construction contracts. Representatives of the State Board of Regents and the State Department of Transportation appeared to endorse the status quo. The representative of the Department of General Services reiterated the concern that the proposal of the 1981 subcommittee failed to address the issue relating to the fragmentation of purchasing authority and duplication of staff among state agencies.

The Subcommittee held its second meeting on October 12, 1982 to review the procedures followed by the Board of Regents in purchasing coal for the University of Iowa. Representatives of the Board of Regents reviewed the bidding procedures followed in obtaining the contract and cited the Attorney General's Opinion to substantiate the legality and appropriateness of the procedures followed. The Subcommittee concluded that the State Board of Regents acted according to the law in carrying out competitive bidding and contracting procedures for the purchase of coal for the University of Iowa. Another issue raised at the meeting relates to the prevalence of a practice whereby governmental units are able to avoid the use of bids by having public employees do the work. There are no accurate facts and figures to determine to what extent this practice is taking place.

The Subcommittee held its third and final meeting on December 1, 1982. The purpose of the meeting was to receive the Final Report of the Model Procurement Code Task Force. The Task Force was chaired by Dr. Duane Abbey of the State Comptroller's office. The Task Force membership included five representatives of state government, two city representatives, two county representatives, two school administration representatives, and three public members. The document used by the Task Force as a model was the American Bar Association Model Procurement Code. It will apply to state agencies only and encourage local government to adhere to its principles. At its final meeting the Subcommittee made the following recommendations:

1. That a resolution be adopted to authorize a survey of local government to determine whether or not local governmental units are attempting to circumvent bidding on public projects by having the work done by public employees and to determine the extent of the practice. A copy of the proposed resolution is attached and by this reference made a part of this report.

2. That the Legislative Service Bureau draft the bill proposed by the Model Procurement Code Task Force for referral to the respective standing Committees on State Government.

HOUSE CONCURRENT RESOLUTION NO. \_\_\_\_\_

By

1 WHEREAS, there is concern that state and local govern-  
2 ment is employing personnel to conduct construction pro-  
3 jects which ordinarily would be done by private industry  
4 under contracts let to the lowest responsible bidders; and

5 WHEREAS, this practice increases the public payroll and  
6 is detrimental to employment in private industry; and

7 WHEREAS, the data to determine the extent of this  
8 practice is currently not available; NOW THEREFORE

9 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE  
10 SENATE CONCURRING, That the Legislative Council direct the  
11 Legislative Service Bureau and Legislative Fiscal Bureau  
12 to develop a survey form to collect the needed information  
13 and conduct the survey to obtain adequate data to determine  
14 whether or not a problem does exist which the general  
15 assembly should address.

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# F I N A L R E P O R T

## DEPARTMENT OF CORRECTIONS SUBCOMMITTEE

January, 1983

The Legislative Council approved the creation of the Department of Corrections Subcommittee of the Senate Standing Committee on Judiciary, the House Standing Committee on Judiciary and Law Enforcement, and the Senate and House Appropriations Subcommittees on Corrections and Mental Health. The Subcommittee consists of the following ten members:

Senator Gary L. Baugher, Co-chairperson  
Representative Lyle Krewson, Co-chairperson  
Senator Robert Carr  
Senator C. Joseph Coleman  
Senator Elvie Dreeszen  
Senator Richard Vande Hoef  
Representative Kyle Hummel  
Representative Donald Knapp  
Representative Andrew McKean  
Representative Clay Spear

At the Subcommittee's first meeting, held on September 20, 1982, the Subcommittee received the presentations of:

1. Mr. Philip Turnis, representing the Iowa Juvenile Probation Officers Association.
2. Judge Leo Oxberger of the Iowa Court of Appeals.
3. Mr. Vince Lostetter, Director of the Fourth Judicial District Department of Correctional Services, representing an ad hoc group of correctional professionals.
4. Mr. Arthur Neu, former Lieutenant Governor.
5. Ms. Sue Follon, Executive Director of the Commission on the Status of Women.
6. Mr. Jack Watson, member of the Council on Social Services and former member of the Governor's Economy Committee.
7. Mr. Harry Woods, former director of the Division of Adult Corrections, on behalf of the Iowa Corrections Association.
8. Mr. Donald Mason, representing the Iowa County Attorneys Association.
9. Dr. R. Dean Wright, Professor of Sociology at Drake University.

10. Mr. Robert Bray.
11. Mr. Gerald W. Shanahan, Chief of the Investigation Division of the Department of Public Safety, representing the Department of Public Safety.
12. Mr. Chuck Palmer, Director of the Division of Mental Health, Mental Retardation, and Developmental Disability Division of the Department of Social Services.
13. Mr. Hal Farrier, Director of the Division of Adult Corrections of the Department of Social Services.
14. Mr. Gary D. Macomber, Under Secretary of Youth and Adult Correctional Agency of the State of California, representing an ad hoc group of correctional professionals.
15. Mr. Cal Auger, Superintendent of the Men's Reformatory.

The second and final meeting was held on November 9, 1982. At that meeting, the Subcommittee deliberated over a proposed bill to establish a separate department of corrections.

As a result of the testimony given and Subcommittee deliberation, the Subcommittee adopted the following attached bill and recommends its passage.

PROPOSED SENATE/HOUSE FILE \_\_\_\_\_

BY (PROPOSED DEPARTMENT OF CORRECTIONS  
JOINT SUBCOMMITTEE BILL)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_

Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Approved \_\_\_\_\_

## A BILL FOR

1 An Act relating to the creation of the Iowa department of  
2 corrections, prescribing its powers and duties, appro-  
3 priating moneys, and providing penalties.

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

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1 Section 1. Sections 2 through 65 are enacted as a new  
2 chapter 217A of the Code.

3 Sec. 2. NEW SECTION. 217A.1 DEFINITIONS. For purposes  
4 of this chapter, unless the context otherwise requires:

5 1. "Department" means the Iowa department of corrections  
6 established in section 217A.2.

7 2. "Board" means the board of corrections established  
8 in section 217A.3.

9 3. "Director" means the director of the department.

10 Sec. 3. NEW SECTION. 217A.2 DEPARTMENT ESTABLISHED.

11 The Iowa department of corrections is established to be  
12 responsible for the control, treatment, and rehabilitation  
13 of adult and juvenile offenders committed under law to the  
14 following institutions:

15 1. Iowa correctional institution for women.

16 2. Men's reformatory.

17 3. State penitentiary.

18 4. Iowa security and medical facility.

19 5. Men's medium security correctional facility at Rockwell  
20 City.

21 6. Correctional release center.

22 7. Rehabilitation camps.

23 8. Other institutions related to an institution in  
24 subsections 1 through 7 but not attached to the campus of  
25 the main institution as program developments require.

26 The department shall administer the institutions listed  
27 in subsections 1 through 8.

28 Sec. 4. NEW SECTION. 217A.3 BOARD CREATED. A board  
29 of corrections is created within the department. The board  
30 shall consist of five members appointed by the governor subject  
31 to confirmation by the senate. Not more than three of the  
32 members shall be from the same political party. Members shall  
33 be electors of this state and each member shall be a resident  
34 of a different congressional district. The term of each  
35 member is four years.

1     Sec. 5. NEW SECTION. 217A.4 BOARD--DUTIES. The board  
2 of corrections shall:

3     1. Organize annually and select a chairperson and vice  
4 chairperson.

5     2. Adopt and establish policies for the operation and  
6 conduct of the department and the implementation of all  
7 department programs.

8     3. Recommend to the governor the names of individuals  
9 qualified for the position of director when a vacancy exists  
10 in the office.

11    4. Report immediately to the governor any failure by the  
12 director of the department to carry out any of the policy  
13 decisions or directives of the board.

14    5. Approve the budget of the department prior to submission  
15 to the governor.

16    6. Adopt rules in accordance with chapter 17A as the board  
17 deems necessary to transact its business and for the  
18 administration and exercise of its powers and duties.

19    7. Perform other functions as provided by law.

20    Sec. 6. NEW SECTION. 217A.5 MEETINGS. The board shall  
21 meet at least twelve times a year. Special meetings may be  
22 called by the chairperson or upon written request of any three  
23 members of the board. The chairperson shall preside at all  
24 meetings or in the chairperson's absence, the vice chairperson  
25 shall preside. The members of the board shall be paid forty  
26 dollars per diem while in session, and their reasonable and  
27 necessary expenses while attending the meetings.

28    Sec. 7. NEW SECTION. 217A.6 DIRECTOR--APPOINTMENT AND  
29 QUALIFICATIONS. The chief administrative officer for the  
30 department is the director. The director shall be appointed  
31 by the governor subject to confirmation by the senate and  
32 shall serve at the pleasure of the governor. The director  
33 shall be qualified in reformatory and prison management.  
34 The director shall also have experience in the field of  
35 criminology and discipline and in the supervision of inmates



1 in corrective penal institutions. The director shall not  
2 be selected on the basis of political affiliation and shall  
3 not engage in political activity while employed as the  
4 director. The director shall not hold any other office under  
5 the laws of the United States or of this or any state or hold  
6 any position for profit and shall devote full time to the  
7 duties of office.

8 Sec. 8. NEW SECTION. 217A.7 DIRECTOR--GENERAL DUTIES  
9 AND RESPONSIBILITIES.

10 1. The director shall:

11 a. Supervise the operations of the institutions under  
12 the department's jurisdiction and may delegate the powers  
13 and authorities given the director by statute to one of the  
14 officers or employees of the department.

15 b. Supervise state agents whose duties relate primarily  
16 to the department.

17 c. Establish and maintain acceptable standards of  
18 treatment, training, education, and rehabilitation in the  
19 various state penal and corrective institutions which, to  
20 the extent that resources are available within the department,  
21 shall include habilitative services and treatment for mentally  
22 retarded offenders. For the purposes of this paragraph,  
23 habilitative services and treatment means medical, mental  
24 health, social, educational, counseling, and other services  
25 which will assist a mentally retarded person to become self-  
26 reliant. A person is considered mentally retarded if the  
27 person is diagnosed as mentally retarded, as defined in section  
28 222.2, subsection 5, by a qualified mental retardation  
29 professional. However, the director may also provide  
30 habilitative treatment and services to other persons who  
31 require the services.

32 d. Employ personnel as necessary for the performance of  
33 duties and responsibilities assigned to the department.  
34 Employees shall be selected on the basis of fitness for work  
35 to be performed with due regard to training and experience

1 and are subject to chapter 19A. The appointment of the  
2 superintendent of the Iowa security medical facility is subject  
3 to the approval of the board.

4 e. Examine all state institutions which are penal,  
5 reformatory, or corrective to determine their efficiency for  
6 adequate care, custody, and training of their inmates and  
7 report the findings to the board.

8 f. Prepare a budget for the department, subject to the  
9 approval of the board, and other reports as required by law.

10 g. Supervise persons placed on parole by the parole board  
11 and develop and administer additional programs of  
12 rehabilitation for persons on parole that will ensure their  
13 adjustment to society.

14 h. Supervise rehabilitation camps within the state.  
15 Persons committed to institutions under the department may  
16 be transferred to the facilities of the camp system and upon  
17 transfer shall be subject to the same laws as pertain to the  
18 transferring institution.

19 i. Adopt rules subject to the approval of the board,  
20 pertaining to the internal management of institutions and  
21 agencies under the director's charge and necessary to carry  
22 out the duties and powers outlined in this section.

23 2. The director, with the express approval of the board,  
24 may establish for any inmate sentenced pursuant to section  
25 902.3 a furlough program under which inmates sentenced to  
26 and confined in any institution under the jurisdiction of  
27 the department may be temporarily released. A furlough for  
28 a period not to exceed fourteen days may be granted when an  
29 immediate member of an inmate's family is seriously ill or  
30 has died, when an inmate is to be interviewed by a prospective  
31 employer, or when an inmate is authorized to participate in  
32 a training program not available within the institution.  
33 Furloughs for a period not to exceed fourteen days may also  
34 be granted in order to allow inmates to participate in programs  
35 or activities that serve rehabilitative objectives.

1     Sec. 9. NEW SECTION. 217A.8 OFFICIAL SEAL. The  
2 department shall have an official seal with the words "Iowa  
3 Department of Corrections" and other engraved design as the  
4 board prescribes. Every commission, order, or other paper  
5 of an official nature executed by the department may be  
6 attested with the seal.

7     Sec. 10. NEW SECTION. 217A.9 TRAVEL EXPENSES. The  
8 director, staff members, assistants, and employees, in addition  
9 to salary, shall receive their necessary traveling expenses  
10 by the nearest practicable route, when engaged in the  
11 performance of official business. Permission shall not be  
12 granted to any person to travel to another state except by  
13 approval of the board and the executive council.

14     Sec. 11. NEW SECTION. 217A.10 REPORT BY DEPARTMENT.  
15 Annually at the time provided by law, the department shall  
16 make a report to the governor and the general assembly, which  
17 shall cover the annual period ending with June thirtieth  
18 preceding the date of the report and shall include:

19     1. An itemized statement of the department's expendi-  
20 tures for each program under the department's administra-  
21 tion.

22     2. Adequate and complete statistical reports for the state  
23 as a whole concerning payments made under the department's  
24 administration.

25     3. Recommendations concerning changes in laws under the  
26 department's administration as the board deems necessary.

27     4. Observations and recommendations of the board and the  
28 director relative to the programs of the department.

29     5. Other information the board or the director deems  
30 advisable, or which is requested by the governor or the general  
31 assembly.

32     Sec. 12. NEW SECTION. 217A.11 CONFIDENTIALITY OF RECORDS-  
33 -REPORT.

34     1. The following information regarding individuals  
35 receiving services from the department is confidential:

- 1 a. Names and addresses of individuals receiving services  
2 from the department, and the types of services or amounts  
3 of assistance provided, except as otherwise provided in  
4 subsection 4.
- 5 b. Information concerning the social or economic con-  
6 ditions or circumstances of particular individuals who are  
7 receiving or have received services or assistance from the  
8 department.
- 9 c. Agency evaluations of information about a particular  
10 individual.
- 11 d. Medical or psychiatric data, including diagnosis and  
12 past history of disease or disability, concerning a particular  
13 individual.
- 14 2. Information described in subsection 1 shall not be  
15 disclosed to or used by any person or agency except for  
16 purposes of administration of the department's programs of  
17 services or assistance and shall not, except as otherwise  
18 provided in subsection 4, be disclosed to or used by persons  
19 or agencies outside the department unless they are subject  
20 to standards of confidentiality comparable to those imposed  
21 on the department by this section.
- 22 3. This section does not restrict the disclosure or use  
23 of information regarding the cost, purpose, number of persons  
24 served or assisted by, and results of any program administered  
25 by the department, and other general and statistical  
26 information, so long as the information does not identify  
27 particular individuals served or assisted.
- 28 4. The general assembly finds and determines that the  
29 use and disclosure of information as provided in this sub-  
30 section is for purposes directly connected with the adminis-  
31 tration of the programs of services and assistance referred  
32 to in this section and is essential for their proper  
33 administration.
- 34 Confidential information described in subsection 1,  
35 paragraphs a, b and c shall be disclosed to public officials.

1 for use in connection with their official duties relating  
2 to law enforcement, audits, and other purposes directly  
3 connected with the administration of the programs, upon written  
4 application to and with the approval of the director or the  
5 director's designee.

6 5. If it is established that a provision of this section  
7 would cause any of the department's programs of services or  
8 assistance to be ineligible for federal funds, the provision  
9 shall be limited or restricted to the extent which is essential  
10 to make the program eligible for federal funds. The department  
11 shall adopt, pursuant to chapter 17A, rules necessary to  
12 implement this subsection.

13 6. Violation of this section is a serious misdemeanor.

14 7. This section takes precedence over section 17A.12,  
15 subsection 7.

16 Sec. 13. NEW SECTION. 217A.12 ACTION FOR DAMAGES. A  
17 person may institute a civil action for damages under chapter  
18 25A or to restrain the dissemination of confidential records  
19 set out in subsection 1, paragraph b, c, or d of section  
20 217A.11, in violation of that section, and a person, including  
21 but not limited to an agency or governmental body, proven  
22 to have disseminated or to have requested and received  
23 confidential records in violation of subsection 1, paragraph  
24 b, c, or d of section 217A.11, is liable for actual damages  
25 and exemplary damages for each violation and is liable for  
26 court costs, expenses, and reasonable attorneys' fees incurred  
27 by the party bringing the action. The award for damages shall  
28 not be less than one hundred dollars.

29 Any reasonable grounds to believe that a public employee  
30 has violated a provision of section 217A.11 is grounds for  
31 immediate removal from access of any kind to confidential  
32 records or suspension from duty without pay.

33 Sec. 14. NEW SECTION. 217A.13 POWERS OF GOVERNOR--REPORT  
34 OF ABUSES. Section 217A.7, subsection 1, paragraph a, does  
35 not limit the general supervisory or examining powers vested

1 in the governor by the laws or constitution of the state,  
2 or legally vested by the governor in a committee appointed  
3 by the governor.

4 The superintendent of an institution shall make reports  
5 to the board and the director as requested by the board and  
6 the director and the director shall report, in writing, to  
7 the governor any abuses found to exist in any of the  
8 institutions.

9 Sec. 15. NEW SECTION. 217A.14 APPOINTMENT OF  
10 SUPERINTENDENTS. The director shall appoint, subject to the  
11 approval of the board, the superintendents of the state  
12 penitentiary, the men's reformatory, the Iowa security medical  
13 facility, the Iowa correctional institution for women, and  
14 the men's medium security correctional facility at Rockwell  
15 City.

16 The superintendent has the immediate custody and control,  
17 subject to the orders and policies of the director, of all  
18 property used in connection with the institution except as  
19 otherwise provided by statute. The tenure of office of a  
20 superintendent shall be at the pleasure of the appointing  
21 authority but a superintendent may be removed for inability  
22 or refusal to properly perform the duties of the office.  
23 Removal shall occur only after an opportunity is given the  
24 person to be heard before the board and the director and upon  
25 preferred written charges. The removal when made is final.

26 Sec. 16. NEW SECTION. 217A.15 DUTIES OF BUSINESS  
27 MANAGERS. The director may appoint business managers for  
28 institutions under the control of the department. Subject  
29 to the direction of the director and to the written request  
30 of the auditor of state made to the director, a business  
31 manager, if appointed, shall:

32 1. Manage and supervise all business matters and financial  
33 affairs relating to the institution, including the general  
34 institution, farms and gardens, and all industries engaged  
35 in at the institution.

- 1     2. Pay inmate wages as provided in section 217A.37.
- 2     3. Manage all of the accounting and all other statistical  
3 records and keep them in a manner prescribed by the state  
4 comptroller.
- 5     4. Control and account for property and moneys of the  
6 institution.
- 7     5. Manage and supervise the condition and repair of  
8 buildings, improvements, equipment, and property of the  
9 institution subject to the approval of the superintendent  
10 in instances where the equipment is used directly in the  
11 medical, mental, moral, or therapeutic treatment or care of  
12 the inmates.
- 13    6. Manage and account for all of the livestock at the  
14 institution, but the business manager shall not exhibit the  
15 livestock at state and county fairs or livestock shows.
- 16    7. Appoint, direct, and discharge employees. However,  
17 doctors, nurses, ward attendants, laboratory technicians or  
18 assistants, and all other personnel charged with the medical,  
19 mental, or therapeutical treatment or care of any inmate of  
20 the institution, shall be appointed, directed, and discharged  
21 by the superintendent.
- 22    8. Keep all records provided for in section 217A.19 for  
23 all personnel of the institution.
- 24    9. Exercise no control or direction over the medical,  
25 mental, moral, or therapeutical care or treatment of any  
26 inmate of the institution, or over the doctors, orderlies,  
27 nurses, ward attendants, laboratory technicians, and all other  
28 personnel directly charged with the medical, mental, moral,  
29 or therapeutical care or treatment of any inmate but shall  
30 report all violations to the superintendent. The control  
31 and direction of employees by the superintendent is confined  
32 to the doctors, orderlies, nurses, ward attendants, laboratory,  
33 and other personnel directly charged with the medical, mental,  
34 moral, or therapeutical care or treatment of any inmate of  
35 the institution.

1     Sec. 17. NEW SECTION. 217A.16 ACCOUNTING AND REPORTS.  
2 A uniform system for abstracting and certifying claims for  
3 payment and keeping of accounts in the institutions shall  
4 be prescribed by the state comptroller according to section  
5 8.6, subsection 4, and shall show the detailed facts relative  
6 to the handling and use of all purchases. The business manager  
7 is responsible to the director and shall file accounting and  
8 other statistical reports and statements with the auditor  
9 of state, as the auditor may designate by written request  
10 to the director, at times and periods as the auditor requires.

11     Sec. 18. NEW SECTION. 217A.17 ABSTRACT OF CLAIMS. When  
12 vouchers for expenditures other than salaries have been duly  
13 audited as provided for in section 8.6, the audited vouchers  
14 shall be submitted to the state comptroller who shall prepare  
15 in triplicate an abstract of claims submitted showing the  
16 name of the claimant and the institutions and fund from which  
17 the payment is made. The claims and abstracts of claims shall  
18 then be returned to the director for certification as to their  
19 correctness. The original abstract shall be delivered to  
20 the state comptroller, the duplicate shall be retained in  
21 the office of the director and the triplicate forwarded to  
22 the proper institution to be retained there as a record of  
23 claims paid.

24     Sec. 19. NEW SECTION. 217A.18 WARRANTS ISSUED BY  
25 COMPTROLLER. Upon certification by the director the state  
26 comptroller shall, if the institution named has sufficient  
27 funds, issue warrants upon the treasurer of state for the  
28 amounts and to the claimants indicated. The comptroller shall  
29 deliver the warrants to the director who shall cause the  
30 warrants to be transmitted to the payees.

31     Sec. 20. NEW SECTION. 217A.19 SUBORDINATE OFFICERS AND  
32 EMPLOYEES. The director shall determine the number and  
33 compensation of subordinate officers and employees for each  
34 institution. Subject to this chapter, the officers and  
35 employees shall be appointed and discharged by the



1 superintendent or business manager, who shall keep, in the  
2 record of each subordinate officer and employee, the date  
3 of employment, the compensation, and the date of and reasons  
4 for each discharge. All employees except physicians and  
5 surgeons shall be bona fide residents and citizens of the  
6 state of Iowa at the time of employment. An exception to  
7 this provision of residence may be granted by the director  
8 for the sole purpose of securing professional or scientific  
9 services which are unavailable from among the citizens of  
10 the state of Iowa.

11 Sec. 21. NEW SECTION. 217A.20 BONDS. The director shall  
12 require officers and employees of institutions under the  
13 director's control who are charged with the custody or control  
14 of money or property belonging to the state, to give an  
15 official bond properly conditioned and signed by sufficient  
16 sureties in a sum to be fixed by the director. The bond is  
17 subject to approval by the director and shall be filed in  
18 the office of the secretary of state.

19 Sec. 22. NEW SECTION. 217A.21 INSTITUTIONAL PAYROLLS.  
20 At the close of each pay period, the superintendent of each  
21 institution or business manager shall prepare and forward  
22 to the director a semimonthly payroll which shall show the  
23 name of each officer and employee, the semimonthly pay, time  
24 paid for, amount of pay, and any deductions. A substitute  
25 shall not be permitted to receive compensation in the name  
26 of the employee for whom the substitute is acting.

27 Sec. 23. NEW SECTION. 217A.22 ABSTRACTS OF PAYROLL.  
28 After the payroll has been audited as provided for in section  
29 8.6, audited payroll vouchers shall be submitted to the state  
30 comptroller who shall prepare in triplicate an abstract, and  
31 shall draw one warrant for the total of the payroll in favor  
32 of the institution that submitted the payroll voucher.

33 Sec. 24. NEW SECTION. 217A.23 DWELLING HOUSE AND  
34 PROVISIONS. The director may furnish the superintendent of  
35 each institution, in addition to salary, with a dwelling house

1 or with appropriate quarters in lieu of a house or the director  
2 may compensate the superintendent of each institution in lieu  
3 of furnishing a house or quarters. If a superintendent is  
4 furnished with a dwelling house or quarters, either of which  
5 is owned by the state, the superintendent may also be furnished  
6 with water, heat, and electricity.

7     Sec. 25. NEW SECTION. 217A.24 ANNUITY CONTRACTS FOR  
8 EMPLOYEES. At the request of an employee through contractual  
9 agreement, the department or any institution under its  
10 jurisdiction may purchase an individual annuity contract for  
11 an employee, from an insurance organization authorized to  
12 do business in this state and through an Iowa-licensed  
13 insurance agent as the employee selects, for retirement or  
14 other purposes and may make payroll deductions for the purpose  
15 of paying the entire premium due and to become due under the  
16 contract. The deductions shall be made in the manner which  
17 will qualify the annuity premiums for the benefits afforded  
18 under section 403(b) of the Internal Revenue Code of 1954  
19 and amendments thereto. The employee's rights under an annuity  
20 contract shall be nonforfeitable except for the failure to  
21 pay premiums.

22     Sec. 26. NEW SECTION. 217A.25 TRANSFER OF INMATES.

23     1. Except as provided in subsection 2, the director may  
24 transfer at the expense of the state an inmate of one  
25 institution to another similar institution under the director's  
26 control. The director may transfer an inmate under the  
27 director's jurisdiction from any institution supervised by  
28 the director to another institution under the control of a  
29 director of a division of the department of social services  
30 with the consent and approval of the other director and may  
31 transfer an inmate to any other institution for mental or  
32 physical examination or treatment retaining jurisdiction over  
33 the inmate when so transferred.

34     2. The director may order the transfer of male inmates  
35 of the state training school to the men's reformatory for

1 custodial care whenever it is determined that the transfer  
2 will be conducive to the welfare of the other inmates of the  
3 training school. The transfer shall be effected by appli-  
4 cation in writing to the district court of the county in which  
5 the training school is situated. Upon the granting of the  
6 order of transfer, the transfer shall take place. The county  
7 attorney of the county shall appear in support of the  
8 application. The cost of the transfer shall be paid from  
9 the funds of the training school. Subsequent to a transfer  
10 made under this subsection, the person transferred is subject  
11 to all the provisions of law and regulations of the institution  
12 to which the person is transferred, and for the purposes of  
13 section 719.4 the person shall be regarded as having been  
14 committed to the institution.

15 Sec. 27. NEW SECTION. 217A.26 RECORD OF INMATES. The  
16 director shall keep the following record of every person  
17 committed to any of the department's institutions: Name,  
18 residence, sex, age, place of birth, occupation, civil  
19 condition, date of entrance or commitment, date of discharge,  
20 whether a discharge is final, condition of the person when  
21 discharged, the name of the institutions from which and to  
22 which the person has been transferred, and if the person is  
23 dead, the date and cause of death.

24 Sec. 28. NEW SECTION. 217A.27 RECORD PRIVILEGED. Except  
25 with the consent of the director, or on an order of the  
26 district court, the record provided in section 217A.26 shall  
27 be accessible only to the board and the director and to  
28 assistants and proper clerks authorized by the director.  
29 The director may permit the state libraries and the Iowa state  
30 historical department's division of historical museum and  
31 archives to copy or reproduce by any photographic, photostatic,  
32 microfilm, microcard, or other process which accurately  
33 reproduces in a durable medium and to destroy in the manner  
34 described by law the records of inmates required in section  
35 217A.26.

1       Sec. 29. NEW SECTION. 217A.28 REPORTS TO DIRECTOR.  
2 The superintendent of each institution shall, within ten days  
3 after the commitment or entrance of a person to the  
4 institution, cause a true copy of the person's entrance record  
5 to be made and forwarded to the director. When an inmate  
6 leaves, is discharged, transferred, or dies in any institution,  
7 the superintendent or person in charge shall within ten days  
8 thereafter send the information to the office of the director  
9 on forms which the director prescribes.

10       Sec. 30. NEW SECTION. 217A.29 QUESTIONABLE COMMITMENT.  
11 The superintendent shall within three days of the commitment  
12 or entrance of a person at the institution notify the director  
13 if there is any question as to the propriety of the commit-  
14 ment or detention of any person received at the institution,  
15 and the director upon notification shall inquire into the  
16 matter presented, and take appropriate action.

17       Sec. 31. NEW SECTION. 217A.30 RELIGIOUS BELIEFS. The  
18 superintendent receiving a person committed to any of the  
19 institutions shall ask the person to state the person's  
20 religious preference, shall enter the stated preference in  
21 a book kept for that purpose, and shall request that the  
22 person sign the entry. If the person is a minor and has  
23 formed no choice, the preference may be expressed at any later  
24 time by the person.

25       Sec. 32. NEW SECTION. 217A.31 RELIGIOUS WORSHIP. Any  
26 inmate, during the time of detention, shall be allowed for  
27 at least one hour on each Sunday or other holy day or in times  
28 of extreme sickness, and at other suitable and reasonable  
29 times consistent with proper discipline in the institution,  
30 to receive spiritual advice, instruction, and ministration  
31 from any recognized member of the clergy who represents the  
32 inmate's religious belief.

33       Sec. 33. NEW SECTION. 217A.32 INVESTIGATION. The  
34 director or director's designee shall visit and inspect the  
35 institutions under the director's control, and investigate

1 the financial condition and management of the institutions  
2 at least once in six months.

3 During the investigation the director or designee shall  
4 see every inmate of each institution as far as practicable,  
5 especially those admitted since the preceding visit, and shall  
6 give the inmates suitable opportunity to converse with the  
7 director or designee apart from the officers and attendants.

8 Sec. 34. NEW SECTION. 217A.33 INVESTIGATION OF OTHER  
9 INSTITUTIONS. The director may investigate charges of abuse,  
10 neglect or mismanagement on the part of any officer or employee  
11 of any public or private institution subject to the director's  
12 supervision or control.

13 Sec. 35. NEW SECTION. 217A.34 WITNESSES. The director  
14 may exercise the following powers in an investigation:

- 15 1. Summon and compel the attendance of witnesses.
- 16 2. Examine the witnesses under oath, which the director  
17 may administer.
- 18 3. Have access to all books, papers, and property material  
19 to the investigation.
- 20 4. Order the production of books or papers material to  
21 the investigation.

22 Witnesses other than those in the employ of the state are  
23 entitled to the same fees as in civil cases in the district  
24 court.

25 Sec. 36. NEW SECTION. 217A.35 CONTEMPT. If a person  
26 fails or refuses to obey the orders of the director issued  
27 under section 217A.34, or fails or refuses to give or produce  
28 evidence when required, the director shall petition the dis-  
29 trict court in the county where the offense occurs for an  
30 order of contempt and the court shall proceed as for contempt  
31 of court.

32 Sec. 37. NEW SECTION. 217A.36 TRANSCRIPT OF TESTIMONY.  
33 The director shall cause the testimony taken at the  
34 investigation to be transcribed and filed in the director's  
35 office at the seat of government within ten days after the

1 testimony is taken, or as soon as practicable, and when filed  
2 the testimony shall be open for the inspection of any person.

3     Sec. 38. NEW SECTION. 217A.37 SERVICES REQUIRED--WAGES.  
4 Inmates of the institutions may be required to render any  
5 proper and reasonable service either in the institutions  
6 proper or in the industries established in connection with  
7 them. When an inmate of an institution is working outside  
8 the institution proper, the inmate shall be deemed at all  
9 times in the actual custody of the superintendent of the  
10 institution.

11     The director may when practicable pay the inmate a wage  
12 as the director deems proper in view of the circumstances,  
13 and in view of the cost attending the maintenance of the  
14 inmate. The wage shall not exceed the amount paid to free  
15 labor for a like or equivalent service.

16     Sec. 39. NEW SECTION. 217A.38 DEDUCTION TO PAY COURT  
17 COSTS OR DEPENDENTS--DEPOSITS. If wages are paid pursuant  
18 to section 217A.37, the director may deduct an amount  
19 established by the inmates' restitution plan of payment.  
20 The amount deducted shall be forwarded to the clerk of the  
21 district court or proper official. The director may pay all  
22 or any part of remaining wages paid pursuant to section 217A.37  
23 directly to a dependent of the inmate, or may deposit the  
24 wage to the account of the inmate, or may deposit a portion  
25 and allow the inmate a portion for the inmate's personal use.

26     Sec. 40. NEW SECTION. 217A.39 CONFERENCES. Quarterly  
27 conferences of the superintendents of the institutions shall  
28 be held with the director at Des Moines or at institutions  
29 under the director's jurisdiction, for the consideration of  
30 all matters relative to the management of the institutions.  
31 Full minutes of the meetings shall be preserved in the records  
32 of the director. The director may cause papers to be prepared  
33 and read at the conferences on appropriate subjects.

34     Sec. 41. NEW SECTION. 217A.40 SCIENTIFIC INVESTIGATION.

35     1. The director shall encourage the scientific investiga-

1 tion, on the part of the superintendents and medical staffs  
2 of the institutions, as to the most successful methods of  
3 managing the institutions and treating the persons committed  
4 to them. The director shall procure and furnish to the  
5 superintendents and staffs information on management and  
6 treatment, and shall publish bulletins and reports of  
7 scientific and clinical work done in the institutions.

8 2. The director may provide services and facilities for  
9 the scientific observation, rechecking, and treatment of men-  
10 tally ill persons under the director's responsibility.

11 Application by, or on behalf of any person for such services  
12 and facilities shall be made to the superintendent in charge  
13 of the particular institution involved and shall be made on  
14 forms furnished by the director. The time and place of  
15 admission of any person to outpatient or clinical services  
16 and facilities for scientific observation, rechecking, and  
17 treatment and the use of the services and facilities for the  
18 benefit of persons who have already been hospitalized for  
19 psychiatric evaluation and appropriate treatment or  
20 involuntarily hospitalized as seriously mentally ill shall  
21 be in accordance with rules adopted by the director.

22 Sec. 42. NEW SECTION. 217A.41 DIAGNOSTIC CLINIC--  
23 INFORMATION FURNISHED. The director may provide facilities  
24 and personnel for a diagnostic clinic. The work of the clinic  
25 shall include a scientific study of each inmate, the inmate's  
26 career and life history, the causes of the inmate's criminal  
27 acts and recommendations for the inmate's custody, care,  
28 training, employment, and counseling with a view to  
29 rehabilitation and to the protection of society. To facilitate  
30 the work of the clinic and to aid in the rehabilitation of  
31 the inmates, the trial judge, prosecuting attorney, and  
32 presentence investigators shall furnish the director upon  
33 request with a full statement of facts and circumstances  
34 attending the commission of the offense so far as known or  
35 believed by them.

1     Sec. 43. NEW SECTION. 217A.42 MONTHLY REPORT. On the  
2 first business day of each month, the superintendent or  
3 business manager of each institution shall account to the  
4 director for all state moneys received during the preceding  
5 month and at the same time shall remit the moneys to the  
6 treasurer of state.

7     Sec. 44. NEW SECTION. 217A.43 ANNUAL REPORTS. The  
8 superintendent or business manager of each institution shall  
9 make an annual report to the director. The report shall  
10 include a detailed and accurate inventory of the stock and  
11 supplies on hand, and their amount and value.

12    Sec. 45. NEW SECTION. 217A.44 CONTINGENT FUND. The  
13 director may permit the superintendent or the business manager  
14 of each institution to retain a stated amount of funds in  
15 possession as a contingent fund for the payment of freight,  
16 postage, commodities purchased on authority of the director  
17 on a cash basis, salaries, and bills granting discount for  
18 cash. If necessary, the director shall make proper requisition  
19 upon the state comptroller for a warrant on the treasurer  
20 of state to secure the contingent fund for each institution.  
21 A monthly report of the status of the contingent fund shall  
22 be submitted by the business manager of the institution to  
23 the director, according to rules prescribed by the director.

24    Sec. 46. NEW SECTION. 217A.45 PURCHASE OF SUPPLIES.  
25 The director shall adopt rules governing the purchase of all  
26 articles and supplies needed at the various institutions and  
27 the form and verification of vouchers for the purchases.  
28 When purchases are made by sample, the sample shall be properly  
29 marked and retained until after an award or delivery of the  
30 items is made. The director may purchase supplies from any  
31 institution under the director's control, for use in any other  
32 institution, and reasonable payment shall be made as for other  
33 purchases.

34    Sec. 47. NEW SECTION. 217A.46 EMERGENCY PURCHASES.  
35 The purchase of materials or equipment for penal or



1 correctional institutions under the department is exempted  
2 from the requirements of centralized purchasing and bidding  
3 by the department of general services if the materials or  
4 equipment are needed to make an emergency repair at an  
5 institution or the security of the institution would be  
6 jeopardized because the materials or equipment could not be  
7 purchased soon enough through centralized purchasing and  
8 bidding and, in either case, if the director approves the  
9 emergency purchase.

10 Sec. 48. NEW SECTION. 217A.47 CENTRAL WAREHOUSE AND  
11 SUPPLY DEPOT. The department shall establish a permanent  
12 fund for maintaining and operating a central warehouse as  
13 a supply depot and distribution facility for surplus government  
14 products, staples, and other items as determined by the  
15 director. The fund shall be composed of the receipts from  
16 the sales of merchandise, recovery of handling, operating,  
17 and delivery charges of merchandise and from the moneys  
18 contributed by the appropriate institutions to the fund  
19 established under section 218.100. All claims for purchases  
20 of merchandise, operating, and salary expenses for the  
21 warehouse are subject to sections 217A.17, 217A.18, 217A.21,  
22 and 217A.22.

23 Sec. 49. NEW SECTION. 217A.48 COMBINING APPROPRIATIONS.  
24 The state comptroller may combine the balances carried in  
25 all specific appropriations into a special account for each  
26 institution under the control of the director, except that  
27 the support fund for each institution shall be carried as  
28 a separate account.

29 Sec. 50. NEW SECTION. 217A.49 PLANS AND SPECIFICATIONS.  
30 The director shall cause plans and specifications to be  
31 prepared for all improvements authorized and costing over  
32 five thousand dollars. An appropriation for any improvement  
33 costing over five thousand dollars shall not be expended until  
34 the adoption of suitable plans and specifications, prepared  
35 by a competent architect and accompanied by a detailed

1 statement of the amount, quality, and description of all  
2 material and labor required for the completion of the  
3 improvement.

4 A plan shall not be adopted, and an improvement shall not  
5 be constructed, which contemplates an expenditure of money  
6 in excess of the appropriation.

7 Sec. 51. NEW SECTION. 217A.50 LETTING OF CONTRACTS--  
8 REPAIRS OR ALTERATIONS. The director shall, in writing, let  
9 all contracts for authorized improvements costing in excess  
10 of twenty-five thousand dollars to the lowest responsible  
11 bidder, after advertisement for bids as the director deems  
12 proper in order to secure full competition. The director  
13 may reject all bids and readvertise. A preliminary deposit  
14 of money, bank check, or certified check upon a solvent bank,  
15 or a bid bond as provided in section 23.20, in an amount the  
16 director prescribes shall be required as an evidence of good  
17 faith, upon all proposals for the construction of improvements.  
18 The deposit, bank check, or certified check shall be held  
19 under the direction of the director. Upon prior authorization  
20 by the director, improvements costing five thousand dollars  
21 or less may be made by the superintendent of any institution.

22 Contracts are not required for improvements at any state  
23 institution where the labor of inmates is to be used.

24 Sec. 52. NEW SECTION. 217A.51 PAYMENT FOR IMPROVEMENTS.  
25 The director shall not authorize payment for construction  
26 purposes until satisfactory proof has been furnished to the  
27 director by the proper officer or supervising architect, that  
28 the contract has been complied with by the parties. Payments  
29 shall be made in a manner similar to that in which the current  
30 expenses of the institutions are paid.

31 Sec. 53. NEW SECTION. 217A.52 PROPERTY OF DECEASED  
32 INMATE. Upon the death of an inmate, the superintendent or  
33 business manager of the institution shall immediately take  
34 possession of the decedent's property left at the institution  
35 and shall deliver the property to the duly appointed represen-

1 tative of the deceased. However, if administration is not  
2 granted within one year from the date of the death of the  
3 decedent and the value of the estate of decedent is so small  
4 as to make the granting of administration inadvisable, then  
5 delivery of the money and other property left by the decedent  
6 may be made to the surviving spouse or an heir of the decedent.  
7 If administration is not granted within one year from the  
8 death of decedent and no surviving spouse or heir is known,  
9 the superintendent shall convert the property into money.

10 Sec. 54. NEW SECTION. 217A.53 MONEY DEPOSITED WITH  
11 TREASURER OF STATE. Money from property converted pursuant  
12 to section 53 of this Act shall be transmitted to the treasurer  
13 of state as soon after one year after the death of the inmate  
14 as practicable, and shall be credited to the support fund  
15 of the institution of which the decedent was an inmate. A  
16 complete permanent record of the property, showing by whom  
17 and with whom it was left, its amount when converted to money,  
18 the date of the death of the owner, the owner's reputed place  
19 of residence before becoming an inmate of the institution,  
20 the date on which the money was sent to the treasurer of  
21 state, and any other facts which may tend to identify the  
22 decedent and explain the case, shall be kept by the superin-  
23 tendent or business manager of the institution, and a tran-  
24 script of the record shall be sent to and kept by the treasurer  
25 of state.

26 Money deposited with the treasurer of state pursuant to  
27 this section shall be paid at any time within ten years from  
28 the death of the inmate to any person who is shown to be en-  
29 titled to it. Payment shall be made from the state treasury  
30 out of the support fund of the institution in the manner pro-  
31 vided for the payment of other claims from that fund.

32 Sec. 55. NEW SECTION. 217A.54 TEMPORARY QUARTERS IN  
33 EMERGENCY. If the buildings at any institution under the  
34 management of the director are destroyed or rendered unfit  
35 for habitation by reason of fire, storms, or other like causes,

1 to such an extent that the inmates cannot be confined and  
2 cared for at the institution, the director shall make temporary  
3 provision for the confinement and care of the inmates at some  
4 other place in the state. Like provision may be made in case  
5 of an epidemic among the inmates. The reasonable cost of  
6 the change including the cost of transfer of inmates, shall  
7 be paid from any money in the state treasury not otherwise  
8 appropriated.

9     Sec. 56. NEW SECTION. 217A.55 INDUSTRIES. The director  
10 may establish industries at or in connection with any of the  
11 institutions under the director's control. The director may  
12 with the assistance of the Iowa state conservation commission  
13 establish and operate forestry nurseries on state-owned land  
14 under the control of the department. Residents of the adult  
15 correctional institutions shall provide the labor for the  
16 operation. Nursery stock shall be sold in accordance with  
17 the rules of the state conservation commission. The department  
18 shall pay the costs of establishing and operating the forestry  
19 nurseries on state-owned land under the control of the  
20 department out of the revolving farm fund created in section  
21 217A.56. The state conservation commission shall pay the  
22 costs of transporting, sorting, and distributing nursery stock  
23 to and from or on state-owned land under the control of the  
24 commission. Receipts from the sale of nursery stock produced  
25 under this section shall be divided between the department  
26 and the state conservation commission in direct proportion  
27 to their respective costs as a percentage of the total costs.  
28 The department shall deposit its receipts in the revolving  
29 farm fund created in section 217A.56.

30     Sec. 57. NEW SECTION. 217A.56 REVOLVING FARM FUND.  
31 A revolving farm fund is created in the state treasury in  
32 which the department shall deposit receipts from agricultural  
33 products, nursery stock, agricultural land rentals, and the  
34 sale of livestock. However, before any agricultural operation  
35 is phased out, the department which proposes to discontinue

1 this operation shall notify the governor, chairpersons and  
2 ranking members of the house and senate appropriations  
3 committees, and co-chairpersons and ranking members of the  
4 subcommittee in the senate and house of representatives which  
5 has handled the appropriation for this department in the past  
6 session of the legislature. Before any department sells  
7 farmland under the control of the department, that department  
8 shall notify the governor, chairpersons and ranking members  
9 of the house and senate appropriations committees, and co-  
10 chairpersons and ranking members of the joint appropriations  
11 subcommittee that handled the appropriation for the department  
12 during the past legislative session. The department may pay  
13 from the fund for the operation, maintenance, and improvement  
14 of farms and agricultural or nursery property under the control  
15 of the department. Notwithstanding section 8.33, unencumbered  
16 or unobligated receipts in the revolving farm fund at the  
17 end of a fiscal year shall not revert to the general fund  
18 of the state.

19 The department shall annually prepare a financial statement  
20 to provide for an accounting of the funds in the revolving  
21 farm fund. The financial statement shall be filed with the  
22 legislative fiscal bureau on or before February 1 each year.

23 Sec. 58. NEW SECTION. 217A.57 COOPERATION. The  
24 department and the director shall cooperate with any department  
25 or agency of the state government in any manner, including  
26 the exchange of employees, calculated to improve administration  
27 of the affairs of the institutions.

28 Sec. 59. NEW SECTION. 217A.58 DANGEROUS MENTAL PATIENTS.  
29 When a patient in any state hospital-school for the mentally  
30 retarded, any mental health institute, or any institution  
31 under the administration of the director of the division of  
32 mental health of the department of social services, has become  
33 so mentally disturbed as to constitute a danger to self, to  
34 other patients in the institution or to the public, and the  
35 institution involved cannot provide adequate security, the

1 director of mental health with the consent of the director  
2 of the department of corrections may order the patient to  
3 be transferred to the Iowa security and medical facility,  
4 provided that the executive head of the institution from which  
5 the patient is to be transferred, with the support of a  
6 majority of the patient's medical staff, recommends the  
7 transfer in the interest of the patient, other patients, or  
8 the public. If the patient transferred was hospitalized  
9 pursuant to sections 229.6 and 229.15, the transfer shall  
10 be promptly reported to the court which hospitalized the  
11 patient, as required by section 229.15, subsection 3. The  
12 Iowa security and medical facility has the same rights, duties,  
13 and responsibilities with respect to the patient as the  
14 institution from which the patient was transferred had while  
15 the patient was hospitalized there. The cost of the transfer  
16 shall be paid from the funds of the institution from which  
17 the transfer is made.

18 Sec. 60. NEW SECTION. 217A.59 CONSULTANTS. The director  
19 may secure the services of consultants to furnish advice on  
20 administrative, professional, or technical problems to the  
21 director, or the employees of institutions under the director's  
22 jurisdiction or to provide in-service training and instruction  
23 for the employees. The director may pay the consultants from  
24 funds appropriated to the department or to any institution  
25 under the department's jurisdiction.

26 Sec. 61. NEW SECTION. 217A.60 DIRECTOR MAY BUY AND SELL  
27 REAL ESTATE--OPTIONS. The director, subject to the approval  
28 of the board and executive council, may secure options to  
29 purchase real estate and acquire and sell real estate for  
30 the proper uses of the institutions. Real estate shall be  
31 acquired and sold upon terms and conditions the director  
32 recommends subject to the approval of the board and the  
33 executive council. Upon sale of the real estate, the proceeds  
34 shall be deposited with the treasurer of state and credited  
35 to the general fund of the state. There is appropriated from

1 the general fund of the state to the department a sum equal  
2 to the proceeds so deposited and credited to the general fund  
3 of the state which, with the prior approval of the execu-  
4 tive council, may be used to purchase other real estate or  
5 for capital improvements upon property under the director's  
6 supervision.

7 The costs incident to the securing of options and  
8 acquisition and sale of real estate including, but not limited  
9 to, appraisals, invitations for offers, abstracts, and other  
10 necessary costs, may be paid from moneys appropriated for  
11 support and maintenance to the institution at which the real  
12 estate is located. The fund shall be reimbursed from the  
13 proceeds of the sale.

14 Sec. 62. NEW SECTION. 217A.61 FIRE PROTECTION CONTRACTS.  
15 The director may enter into contracts with the governing body  
16 of any city for the protection from fire of any property under  
17 the director's primary control, located in any city or in  
18 territory contiguous to a city.

19 The state fire marshal shall cause an annual inspection  
20 to be made of all the institutions listed in section 217A.2  
21 and shall make a written report of the inspection to the  
22 director.

23 Sec. 63. NEW SECTION. 217A.62 GIFTS. The department  
24 may accept gifts of real or personal property from the federal  
25 government or any source. The director may exercise powers  
26 with reference to the property so accepted as necessary or  
27 appropriate to its preservation and the purposes for which  
28 it is given.

29 Sec. 64. NEW SECTION. 217A.63 CANTEEN MAINTAINED. The  
30 director may maintain a canteen at any institution under the  
31 director's jurisdiction for the sale to persons confined in  
32 the institution of items such as toilet articles, candy,  
33 tobacco products, notions, and other sundries, and may provide  
34 the necessary facilities, equipment, personnel, and merchandise  
35 for the canteen. The director shall specify the items to

1 be sold in the canteen. The department may establish and  
2 maintain a permanent operating fund for each canteen. The  
3 fund shall consist of the receipts from the sale of commodities  
4 at the canteen.

5 Sec. 65. NEW SECTION. 217A.64 TRANSFER HEARING. An  
6 inmate who objects to confinement in a receiving state pursuant  
7 to the interstate corrections compact or transfer to the  
8 federal bureau of prisons may request a hearing before a board  
9 appointed by the governor and serving at the governor's  
10 pleasure and composed of three members of the general public,  
11 one of whom shall be a former inmate. Members of the board  
12 shall be paid forty dollars per diem and actual and necessary  
13 expenses from appropriated funds.

14 The board shall bar the transfer of the inmate to a  
15 receiving state or the federal bureau of prisons when a  
16 majority of its members are of the opinion that the transfer  
17 does not serve to promote the treatment, rehabilitation, or  
18 best interests of the offender or the orderly functioning  
19 of the institution. The burden of proof lies with the  
20 department of corrections and all decisions of the hearing  
21 board are final.

22 Sec. 66. Section 25A.2, subsection 3, Code 1983, is amended  
23 to read as follows:

24 3. "Employee of the state" includes any one or more  
25 officers, agents, or employees of the state or any state  
26 agency, including members of the general assembly, and persons  
27 acting on behalf of the state or any state agency in any  
28 official capacity, temporarily or permanently in the service  
29 of the state of Iowa, whether with or without compensation  
30 but does not include a contractor doing business with the  
31 state. Professional personnel, including medical doctors,  
32 osteopathic physicians and surgeons, osteopathic physicians,  
33 optometrists and dentists, who render services to patients  
34 and inmates of state institutions under the jurisdiction of  
35 the department of social services or the Iowa department of



1 corrections are to be considered employees of the state,  
2 whether ~~such~~ the personnel are employed on a full-time basis  
3 or render ~~such~~ services on a part-time basis on a fee schedule  
4 or arrangement, ~~but shall not include any contractor doing~~  
5 ~~business with the state.~~

6 Sec. 67. Section 85.60, unnumbered paragraph 1, Code 1983,  
7 is amended to read as follows:

8 The Iowa department of ~~social services~~ corrections may  
9 elect to include as an employee for purposes of this chapter  
10 any person confined as an inmate at the Riverview release  
11 center and who is participating in the inmate employment  
12 program. If an inmate in the performance of work sustains  
13 an injury arising out of and in the course of the work, the  
14 inmate shall be awarded and paid compensation at the rates  
15 provided in this chapter. If death results from ~~such~~ the  
16 injury, death benefits shall be awarded and paid to the  
17 dependents of the inmate. If any such person is awarded  
18 weekly compensation under ~~the provisions of~~ this section and  
19 is still committed to a penal institution, the person's  
20 compensation benefits under section 85.33 or section 85.34,  
21 subsection 1, shall be paid to the department and held in  
22 trust for the inmate for so long as the inmate ~~shall remain~~  
23 remains so committed. However, the department shall deduct  
24 from the benefits awarded the cost of maintaining the inmate  
25 not to exceed the level the inmate was paying under the inmate  
26 employment program. Weekly compensation benefits awarded  
27 pursuant to section 85.34, subsection 2, shall be held in  
28 trust and paid to ~~such~~ the person as provided in this chapter  
29 upon final discharge or parole, whichever occurs first. In  
30 the event ~~such~~ the person is recommitted to a penal institution  
31 prior to receiving in full weekly benefits pursuant to section  
32 85.33 or section 85.34, subsection 1, such benefits shall  
33 again be paid to the department for so long as the person  
34 ~~shall remain~~ remains so recommitted. Also, weekly benefits  
35 under section 85.34, subsection 2, shall be suspended and

1 again held in trust until ~~such~~ the person is again released  
 2 by final discharge or parole, whichever first occurs. However,  
 3 the industrial commissioner may, if the industrial commissioner  
 4 finds that dependents of the person awarded weekly compensation  
 5 pursuant to section 85.33 or section 85.34, subsections 1  
 6 and 2, would require welfare aid as a result of terminating  
 7 the compensation, order ~~such~~ the weekly compensation to be  
 8 paid to a responsible person for the use of dependents.

9 Sec. 68. Section 85.60, subsection 1, Code 1983, is amended  
 10 to read as follows:

11 1. "Department" means the Iowa department of ~~social~~  
 12 ~~services~~ corrections.

13 Sec. 69. Section 110.24, unnumbered paragraph 7, Code  
 14 1983, is amended to read as follows:

15 No license shall be required of minor pupils of the state  
 16 school for the blind, state school for the deaf, nor of minor  
 17 residents of other state institutions under the control of  
 18 a director of a division of the department of social services,  
 19 ~~except-that-this-provision-shall-not-apply-to-the-inmates~~  
 20 ~~of-state-institutions-under-the-control-of-the-director-of~~  
 21 ~~the-division-of-adult-corrections,~~ nor shall any person who  
 22 is on active duty with the Armed Forces of the United States,  
 23 on authorized leave, and a legal resident of the state of  
 24 Iowa, be required to have a license to hunt or fish in this  
 25 state. No license shall be required of residents of county  
 26 care facilities or any person who is receiving old-age  
 27 assistance under chapter 249.

28 Sec. 70. Section 159.5, subsection 14, Code 1983, is  
 29 amended to read as follows:

30 14. Annually inspect for sanitation the areas where food  
 31 is prepared and where food is served, including but not limited  
 32 to the utensils, machinery, and other equipment, in the adult  
 33 penal or correctional facilities operated by the Iowa  
 34 department of ~~social-services~~ corrections and in the ~~Elders~~  
 35 state training school, ~~the-Mitchellville-training-school,~~

1 and the Iowa juvenile home. For purposes of this subsection,  
2 community-based correctional facilities shall be considered  
3 operated by the Iowa department of ~~social-services~~ corrections.

4 If a municipal corporation wants its local board of health  
5 to make the inspections required by this section on facilities  
6 located within its jurisdiction, the municipal corporation  
7 may enter into an agreement with the secretary. The secretary  
8 may enter into such an agreement if the secretary finds that  
9 the local board of health has adequate resources to perform  
10 the required functions.

11 The secretary of agriculture shall prepare a report on  
12 the inspections and shall send a copy of the report concerning  
13 the adult penal or correctional facilities to the director  
14 of the ~~division~~ Iowa department of corrections ~~of-the~~  
15 ~~department-of-social-services~~. A copy of the report concerning  
16 the ~~Eldora~~ state training school, ~~the-Mitchellville-training~~  
17 ~~school~~, and the Iowa juvenile home shall be sent to the  
18 director of the division of child and family services of the  
19 department of social services.

20 Sec. 71. Section 216.2, subsections 2 and 3, Code 1983,  
21 are amended to read as follows:

22 2. "Iowa state industries" means prison industries that  
23 are established and maintained by the ~~division~~ Iowa department  
24 of ~~adult~~ corrections, in consultation with the industries  
25 board, at or adjacent to the state's adult correctional  
26 institutions, except that an inmate employment program  
27 established by the state director under section 216.5, sub-  
28 section 7 is not restricted to industries at or adjacent to  
29 the institutions.

30 3. "State director" means the director of the ~~division~~  
31 Iowa department of ~~adult~~ corrections ~~of-the-department-of~~  
32 ~~social-services~~, or ~~that~~ the director's designee.

33 Sec. 72. Section 217.1, Code 1983, is amended to read  
34 as follows:

35 217.1 PROGRAMS OF DEPARTMENT. There is ~~hereby~~ established

1 a department of social services to administer programs designed  
 2 to improve the well-being and productivity of the people of  
 3 the state of Iowa. The department shall concern itself with  
 4 the problems of human behavior, adjustment, and daily living  
 5 through the administration of programs of family, child, and  
 6 adult welfare, economic assistance (including costs of medical  
 7 care), rehabilitation toward self-care and support, ~~delinquency~~  
 8 ~~prevention-and-control,-treatment-and-rehabilitation-of-adult~~  
 9 ~~and-juvenile-offenders,~~ care and treatment of the mentally  
 10 ill and mentally retarded, and other related programs as  
 11 provided by law.

12 Sec. 73. Section 217.6, unnumbered paragraph 2, Code 1983,  
 13 is amended to read as follows:

14 The department of social services may be initially divided  
 15 into the following divisions of responsibility: The division  
 16 of child and family services, the division of mental health,  
 17 mental retardation, and developmental disabilities, the divi-  
 18 sion of administration, ~~the-division-of-corrections~~ and the  
 19 division of planning, research and statistics.

20 Sec. 74. Section 218.1, subsections 10 through 16, Code  
 21 1983, are amended by striking the subsections.

22 Sec. 75. Section 218.3, subsection 3, Code 1983, is amended  
 23 by striking the subsection.

24 Sec. 76. Section 218.4, unnumbered paragraph 1, Code 1983,  
 25 is amended to read as follows:

26 The directors of ~~particular~~ institutions shall recommend  
 27 to the council on social services for adoption ~~such~~ rules  
 28 not inconsistent with law as ~~they-may-deem~~ necessary for the  
 29 discharge of their duties, the management of each of ~~such~~  
 30 the institutions, the admission of ~~inmates-thereto~~ residents  
 31 and the treatment, care, custody, education and discharge  
 32 of ~~inmates~~ residents. ~~It-is-made-the-duty-of-the-particular~~  
 33 The directors ~~to~~ shall establish rules by which danger to  
 34 life and property from fire will be minimized. In the  
 35 discharge of their duties and in the enforcement of their

1 rules, they may require any of their appointees to perform  
2 duties in addition to those required by statute.

3 Sec. 77. Section 218.9, unnumbered paragraph 2, Code 1983,  
4 is amended by striking the unnumbered paragraph.

5 Sec. 78. Section 218.18, Code 1983, is amended to read  
6 as follows:

7 218.18 RECORD OF EMPLOYEES AND ~~INMATES~~ RESIDENTS. The  
8 director of the department of social services in control of  
9 a particular state institution shall require the proper officer  
10 of each institution to keep a record prepared for the purpose,  
11 with entries to be made each day, of the number of hours of  
12 service of each employee. The semimonthly payroll shall be  
13 made from ~~such~~ the record, and shall be in accord ~~therewith~~  
14 with it. When an appropriation is based on the number of  
15 ~~inmates~~ residents in or persons at an institution, the director  
16 shall require a daily record to be kept of the persons actually  
17 residing at and domiciled in ~~such~~ the institution.

18 Sec. 79. Section 218.20, Code 1983, is amended to read  
19 as follows:

20 218.20 PLACE OF COMMITMENTS--TRANSFERS. Commitments,  
21 unless otherwise permitted by the division director having  
22 control over any a state institution, shall be to the  
23 institution located in the district embracing the county from  
24 which the commitment is issued. The ~~particular~~ division  
25 directors may, at the expense of the state, transfer an ~~inmate~~  
26 a resident of one institution to another like institution.

27 Sec. 80. Section 218.21, Code 1983, is amended to read  
28 as follows:

29 218.21 RECORD OF ~~INMATES~~ RESIDENTS. The director of the  
30 department of social services in control of a state institution  
31 ~~shall~~, as to every person committed to any of ~~said~~ the  
32 institutions, shall keep the following record: Name,  
33 residence, sex, age, nativity, occupation, civil condition,  
34 date of entrance or commitment, date of discharge, whether  
35 a discharge was final, condition of the person when discharged.

1 the name of the institutions from which and to which such  
2 the person has been transferred, and, if dead, the date, and  
3 cause of death.

4 Sec. 81. Section 218.22, Code 1983, is amended to read  
5 as follows:

6 218.22 RECORD PRIVILEGED. Except with the consent of  
7 the director in charge of an institution, or on an order of  
8 a court of record, the record ~~provided~~ required in section  
9 218.21 shall be accessible only to the director of the division  
10 of the department of social services in control of ~~such~~ the  
11 institution, the commissioner of the department of social  
12 services, and to assistants and proper clerks authorized by  
13 ~~such~~ the director or ~~his~~ the commissioner. The director of  
14 the division in charge of ~~such~~ the institution ~~is authorized~~  
15 ~~to~~ may permit the state libraries and historical department  
16 division of archives to copy or reproduce by any photographic,  
17 photostatic, microfilm, microcard, or other process which  
18 accurately reproduces a durable medium for reproducing the  
19 original and to destroy in the manner described by law ~~such~~  
20 the records of ~~inmates~~ residents designated in section 218.21.

21 Sec. 82. Section 218.23, Code 1983, is amended to read  
22 as follows:

23 218.23 REPORTS TO DIRECTOR. The managing officer of each  
24 institution ~~shall~~, within ten days after the commitment or  
25 entrance of a person to the institution, shall cause a true  
26 copy of ~~his~~ the person's entrance record to be made and  
27 forwarded to the director in control of ~~such~~ the institution.  
28 When a patient or ~~inmate~~ resident leaves, ~~or~~ is discharged,  
29 ~~or~~ is transferred, or dies in ~~any~~ an institution, the  
30 superintendent or person in charge shall within ten days  
31 ~~thereafter~~ send ~~such~~ the information to the office of ~~such~~  
32 the director on forms which the director prescribes.

33 Sec. 83. Section 218.26, Code 1983, is amended to read  
34 as follows:

35 218.26 RELIGIOUS WORSHIP. ~~Any-such-inmate~~ A resident,

1 during the time of ~~his~~ detention, shall be allowed, for at  
2 least one hour on each Sunday and in times of extreme sickness,  
3 and at ~~such~~ other suitable and reasonable times ~~as-is~~  
4 consistent with proper discipline in ~~said~~ the institution,  
5 to receive spiritual advice, instruction, and ministrations  
6 from any recognized ~~clergyman-of-the-church-or-denomination~~  
7 which member of the clergy who represents ~~his~~ the resident's  
8 religious belief.

9 Sec. 84. Section 218.27, Code 1983, is amended to read  
10 as follows:

11 218.27 RELIGIOUS BELIEF OF MINORS. ~~in-case-such-inmate~~  
12 If the resident is a minor and has formed no choice, ~~his~~ the  
13 minor's preference may, at any time, be expressed by ~~himself~~  
14 the minor with the approval of parents or guardian, if he  
15 the minor has any ~~such~~.

16 Sec. 85. Section 218.29, Code 1983, is amended to read  
17 as follows:

18 218.29 SCOPE OF INVESTIGATION. The director of the  
19 department of social services in control of ~~a-particular~~ an  
20 institution or ~~his~~ the director's authorized officer or  
21 employee ~~shall~~, during ~~such~~ the investigation and as far as  
22 possible, shall see every ~~inmate~~ resident of each institution,  
23 especially those admitted since the preceding visit, and shall  
24 give ~~such-inmates-as-may~~ the residents who require it, suitable  
25 opportunity to converse with ~~such~~ the director or ~~his~~ the  
26 director's authorized officer or employee apart from the  
27 officers and attendants.

28 Sec. 86. Section 218.40, Code 1983, is amended to read  
29 as follows:

30 218.40 SERVICES REQUIRED. ~~inmates~~ Residents of ~~said~~ the  
31 institutions subject to ~~the-provisions-hereinafter-provided~~  
32 this chapter, may be required to render any proper and  
33 reasonable service either in the institutions ~~proper~~ or in  
34 the industries established in connection ~~therewith~~ with the  
35 institutions.

1     Sec. 87. Section 218.41, Code 1983, is amended to read  
2 as follows:

3     218.41 CUSTODY. When ~~an-inmate~~ a resident of an  
4 institution is ~~so~~ working outside the institution ~~proper~~,  
5 ~~he-shall-be~~ the resident is deemed at all times to be in the  
6 actual custody of the head of the institution.

7     Sec. 88. Section 218.42, Code 1983, is amended to read  
8 as follows:

9     218.42 WAGES OF ~~INMATES~~ RESIDENTS. When ~~an-inmate~~ a  
10 resident performs services for the state at an institution,  
11 the director in control of ~~such~~ the institution may, when  
12 ~~he~~ the director deems ~~such-course~~ it practicable, pay ~~such~~  
13 ~~inmate-such~~ the resident a wage as ~~it-deems~~ proper in view  
14 of the circumstances, and in view of the cost attending the  
15 maintenance of ~~such-inmate~~ the resident. ~~in-no-case-shall~~  
16 ~~such~~ The wage shall not exceed the amount paid to free labor  
17 for a like service ~~or-its-equivalent~~.

18     Sec. 89. Section 218.43, Code 1983, is amended to read  
19 as follows:

20     218.43 DEDUCTION TO PAY COURT COSTS. If ~~such~~ a wage be  
21 is paid, the director in control of ~~such~~ the institution may  
22 deduct ~~therefrom~~ from the wage an amount sufficient to pay  
23 all or a part of the costs taxed to ~~such-inmate~~ the resident  
24 by reason of ~~his~~ the resident's commitment to ~~said~~ the  
25 institution. ~~in-such-case-the~~ The amount ~~so~~ deducted shall  
26 be forwarded to the clerk of the district court or proper  
27 official.

28     Sec. 90. Section 218.44, Code 1983, is amended to read  
29 as follows:

30     218.44 WAGES PAID TO DEPENDENT--DEPOSITS. If ~~such~~ a wage  
31 be is paid, the director in control of ~~such~~ the institution  
32 may pay all or any part of the ~~same~~ wage directly to any a  
33 dependent of ~~such-inmate~~ the resident, or may deposit ~~such~~  
34 the wage to the account of ~~such-inmate~~ the resident, or may  
35 ~~so~~ deposit part ~~thereof~~ of the wage and allow the inmate



1 resident a portion for ~~his-own~~ the resident's personal use,  
2 or may pay to the county of commitment all or any part of  
3 ~~his~~ the resident's care, treatment or subsistence while at  
4 ~~said~~ the institution from any credit balance accruing to the  
5 account of ~~said-inmate~~ the resident.

6 Sec. 91. Section 218.65, Code 1983, is amended to read  
7 as follows:

8 218.65 PROPERTY OF DECEASED ~~INMATE-RESIDENT~~. The chief  
9 executive officer or business manager of each institution  
10 ~~shall~~, upon the death of ~~any-inmate~~ a resident or patient,  
11 shall immediately take possession of all property of the  
12 deceased left at ~~said~~ the institution, and deliver the ~~same~~  
13 property to the duly appointed and qualified representative  
14 of the deceased.

15 Sec. 92. Section 218.68, Code 1983, is amended to read  
16 as follows:

17 218.68 MONEY DEPOSITED WITH TREASURER OF STATE. ~~Said~~  
18 The money of a deceased resident shall be transmitted to the  
19 treasurer of state as soon after one year after the death  
20 of the ~~intestate~~ resident as practicable, and be credited  
21 to the support fund of the institution of which the ~~intestate~~  
22 deceased was ~~an-inmate~~ a resident.

23 Sec. 93. Section 218.69, Code 1983, is amended to read  
24 as follows:

25 218.69 PERMANENT RECORD. A complete permanent record  
26 of the money ~~so~~ sent, showing by whom and with whom it was  
27 left, its amount, the date of the death of the owner, ~~his~~  
28 the owner's reputed place of residence before ~~he-became-an~~  
29 inmate becoming a resident of the institution, the date on  
30 which it was sent to the state treasurer, and any other facts  
31 which may tend to identify the ~~intestate~~ owner and explain  
32 the case, shall be kept by the chief executive officer of  
33 the institution or business manager, ~~as-the-case-may-be,~~ and  
34 a transcript ~~thereof~~ of the record shall be sent to, and kept  
35 by, the treasurer of state.

1     Sec. 94. Section 218.72, Code 1983, is amended to read  
2 as follows:

3     218.72 TEMPORARY QUARTERS IN EMERGENCY. ~~In case~~ If the  
4 buildings at ~~any~~ an institution under the management of a  
5 director of ~~the~~ a division of the department of social services  
6 are destroyed or rendered unfit for habitation by reason of  
7 fire, storms, or other like causes, to ~~such~~ an extent that  
8 the ~~inmates~~ residents cannot be ~~there~~ confined and cared for,  
9 ~~said~~ the director shall make temporary provision for the  
10 confinement and care of the ~~inmates~~ residents at some other  
11 place in the state. Like provision may be made ~~in case any~~  
12 if a pestilence breaks out among the ~~inmates~~ residents. The  
13 reasonable cost of the change, including transfer of ~~inmates~~  
14 residents, shall be paid from any money in the state treasury  
15 not otherwise appropriated.

16     Sec. 95. Section 218.92, Code 1983, is amended to read  
17 as follows:

18     218.92 DANGEROUS MENTAL PATIENTS. When a patient in any  
19 state hospital-school for the mentally retarded, any mental  
20 health institute, or any institution under the administration  
21 of the director of the division of mental health of the  
22 department of social services, has become so mentally disturbed  
23 as to constitute a danger to self, to other patients in the  
24 institution or to the public, and the institution involved  
25 cannot provide adequate security, the director of mental  
26 health with the consent of the director of the Iowa department  
27 of corrections ~~of the department of social services~~ may order  
28 the patient to be transferred to the Iowa security and medical  
29 facility, provided that the executive head of the institution  
30 from which the patient is to be transferred, with the support  
31 of a majority of the medical staff recommends the transfer  
32 in the interest of the patient, other patients or the public.  
33 If the patient transferred was hospitalized pursuant to  
34 sections 229.6 to 229.15, the transfer shall be promptly  
35 reported to the court which hospitalized the patient, as

1 required by section 229.15, subsection 3. The Iowa security  
2 and medical facility has the same rights, duties and  
3 responsibilities with respect to the patient as the institution  
4 from which the patient was transferred had while the patient  
5 was hospitalized there. The cost of the transfer shall be  
6 paid from the funds of the institution from which the transfer  
7 is made.

8 Sec. 96. Section 218.99, Code 1983, is amended to read  
9 as follows:

10 218.99 COUNTY AUDITORS TO BE NOTIFIED OF PATIENTS' PERSONAL  
11 ACCOUNTS. The director of a division of the department of  
12 social services in control of a state institution shall direct  
13 the business manager of each institution under the director's  
14 jurisdiction which is mentioned in section 331.425, subsection  
15 13, to quarterly inform the auditor of the county of legal  
16 settlement of any patient or ~~inmate~~ resident who has an amount  
17 in excess of two hundred dollars on account in the patients'  
18 personal deposit fund and the amount on deposit. The directors  
19 shall direct the business manager to further notify the auditor  
20 of the county at least fifteen days before the release of  
21 funds in excess of two hundred dollars or upon the death of  
22 the patient or ~~inmate~~ resident. If the patient or ~~inmate~~  
23 resident has no county of legal settlement, notice shall be  
24 made to the commissioner of the department of social services  
25 and the director of the division of the department in control  
26 of the institution involved.

27 Sec. 97. Section 218B.3, Code 1983, is amended to read  
28 as follows:

29 218B.3 DUTY OF ~~COMMISSIONER~~ DIRECTOR. The ~~commissioner~~  
30 director of ~~social-services-is-authorized-and-directed-to~~  
31 the Iowa department of corrections shall do all things  
32 necessary or incidental to the carrying out of the compact  
33 ~~in-every-particular-and-he-may-in-his-discretion-delegate~~  
34 ~~this-authority-to-the-director-of-the-division-of-corrections.~~

35 Sec. 98. Section 222.7, unnumbered paragraph 1, Code 1983,

1 is amended to read as follows:

2 The state director may transfer patients from one state  
3 hospital-school to the other and may at any time transfer  
4 ~~any-patient~~ patients from the hospital-schools to the hos-  
5 pitals for the mentally ill, or transfer patients in the  
6 hospital-schools to a special unit or vice versa, or make  
7 ~~such~~ transfers as ~~are~~ permitted in section ~~218-92~~ 217A.58.

8 The state director may also transfer patients from a hospital  
9 for the mentally ill to a hospital-school if:

10 Sec. 99. Section 223.1, Code 1983, is amended to read  
11 as follows:

12 223.1 INSTITUTION ESTABLISHED. There is established an  
13 institution for persons displaying evidence of mental illness  
14 or psychosocial disorders and requiring diagnostic services  
15 and treatment in a security setting. The institution may  
16 also be used for persons only requiring confinement in a  
17 security setting. The institution is under the jurisdiction  
18 of the Iowa department of ~~social-services~~ corrections and  
19 shall be known as the Iowa security and medical facility.

20 Sec. 100. Section 223.2, Code 1983, is amended to read  
21 as follows:

22 223.2 SUPERINTENDENT. A superintendent of the Iowa  
23 security and medical facility shall be appointed ~~as-designated~~  
24 ~~in-section-218-9~~ by the director of the Iowa department of  
25 corrections with the approval of the board of corrections.  
26 The superintendent shall be a reputable and qualified person  
27 experienced in the administration of programs for the care  
28 and treatment of persons afflicted with mental disorders and  
29 ~~with~~ have other qualifications the ~~department-deems~~ director  
30 and board deem necessary.

31 Sec. 101. Section 223.3, subsections 1 and 4, Code 1983,  
32 are amended to read as follows:

33 1. Perform all duties required by law and by the state  
34 director of the Iowa department of social-services corrections  
35 not inconsistent with this chapter.

1 4. Retain custody of all patients, in ~~such~~ the manner  
2 as deemed necessary and in the best interest of the patients  
3 subject to the ~~regulations~~ rules of the director of the Iowa  
4 department of ~~social-services~~ corrections.

5 Sec. 102. Section 223.4, subsection 1, Code 1983, is  
6 amended to read as follows:

7 1. Residents of ~~any~~ an institution under the jurisdiction  
8 of the department of social services or the Iowa department  
9 of corrections.

10 Sec. 103. Section 223.4, unnumbered paragraph 3, Code  
11 1983, is amended to read as follows:

12 The director of the ~~division~~ Iowa department of adult  
13 corrections may house inmates from any penal institution at  
14 the Iowa security and medical facility in order to provide  
15 the inmates with either suitable security or medical treatment,  
16 or both. Unless an inmate is determined to be mentally ill,  
17 the inmate shall not be subjected involuntarily to psychiatric  
18 treatment.

19 Sec. 104. Section 223.5, Code 1983, is amended to read  
20 as follows:

21 223.5 ADMISSIONS IN WRITING ONLY. All admissions to the  
22 facility shall be by written application only. Application  
23 shall be made by the head of the state institution, agency,  
24 governmental body, or court requesting ~~same~~ admission to the  
25 superintendent of the facility. An application may be denied  
26 by the superintendent, with the approval of the director of  
27 the ~~division~~ Iowa department of corrections, if the admission  
28 will result in an overcrowded condition or if adequate staff  
29 or facilities are not available.

30 Sec. 105. Section 223.6, Code 1983, is amended to read  
31 as follows:

32 223.6 FINAL DECISION. The decision regarding admission  
33 and discharge of patients shall be made by the superintendent  
34 of the facility, subject to approval of the director of the  
35 ~~division~~ Iowa department of corrections.

1     Sec. 106. Section 245.1, Code 1983, is amended to read  
2 as follows:

3     245.1 OFFICIAL DESIGNATION--DEFINITIONS. The state cor-  
4 rectional facility for women at Mitchellville shall be known  
5 as the "Iowa correctional institution for women". For the  
6 purpose of this chapter "director" or "state director" shall  
7 mean means the director of the ~~division-of-adult~~ Iowa  
8 department of corrections ~~of-the-department-of-social-services~~.

9     Sec. 107. Section 245.2, Code 1983, is amended to read  
10 as follows:

11     245.2 SUPERINTENDENT--SALARY. The superintendent of the  
12 women's-reformatory Iowa correctional institution for women  
13 shall receive a salary as determined by the state director.

14     Sec. 108. Section 245.3, Code 1983, is amended to read  
15 as follows:

16     245.3 SERVICE REQUIRED. The superintendent may, with  
17 the approval of the state director, require any inmate to  
18 perform any service suited to her strength and attainments  
19 and which may be needed for the benefit of the ~~reformatory~~  
20 Iowa correctional institution for women or for the welfare  
21 of ~~such~~ the inmate.

22     Sec. 109. Section 245.4, Code 1983, is amended to read  
23 as follows:

24     245.4 EMPLOYEES TO RECEIVE A MIDSHIFT MEAL. The employees  
25 of the ~~women's-reformatory~~ Iowa correctional institution for  
26 women shall receive a midshift meal when on duty.

27     Sec. 110. Section 245.7, Code 1983, is amended to read  
28 as follows:

29     245.7 TERM OF COMMITMENTS. A female convicted of a felony  
30 shall not be detained in ~~said-reformatory~~ the Iowa correctional  
31 institution for women under one commitment for a period longer  
32 than the maximum term of imprisonment provided by law for  
33 ~~said~~ the felony. A female convicted of a crime and sentenced  
34 to a term of less than one year shall not be detained ~~therein~~  
35 in that institution.

1     Sec. 111. Section 245.8, Code 1983, is amended to read  
2 as follows:

3     245.8 MANNER OF COMMITTING FEMALES. Females committed  
4 to ~~said-reformatory~~ the Iowa correctional institution for  
5 women shall be taken ~~thereto~~ to the institution by ~~some a~~  
6 woman, or by ~~some a~~ peace officer accompanied by ~~some a~~ woman,  
7 appointed by the court.

8     Sec. 112. Section 245.9, Code 1983, is amended to read  
9 as follows:

10    245.9 COSTS OF COMMITMENT. The costs and expenses allowed  
11 for taking females to the ~~reformatory~~ Iowa correctional  
12 institution for women shall be the same as those allowed by  
13 law for taking girls to the training school, and shall be  
14 audited and paid in like manner by the counties from which  
15 they are sent.

16    Sec. 113. Section 245.12, Code 1983, is amended to read  
17 as follows:

18    245.12 TRANSFER OF MENTALLY ILL. The ~~state~~ director may  
19 cause any woman committed to the ~~reformatory~~ Iowa correctional  
20 institution for women and suspected of being mentally ill  
21 to be examined by one of the superintendents or the  
22 superintendent's qualified designee of a state hospital for  
23 the mentally ill or transferred to the Iowa security and  
24 medical facility for examination. If the woman is found to  
25 be mentally ill, the Iowa department of corrections may order  
26 the woman transferred to or retained at a state hospital or  
27 the Iowa security and medical facility where she shall  
28 thereafter be maintained and treated at the expense of the  
29 state until such time as she regains ~~her~~ good mental health  
30 when she shall be returned to the ~~reformatory~~ Iowa correctional  
31 institution for women. The cost of transfer and return shall  
32 be paid as provided for other transfers.

33    Sec. 114. Section 245.15, Code 1983, is amended to read  
34 as follows:

35    245.15 ESCAPE. Any inmate of ~~said-reformatory~~ the Iowa

1 correctional institution for women who shall-escape-therefrom  
2 escapes from it may be arrested and returned to said  
3 reformatory the institution, by an officer or employee thereof  
4 of the institution without any other authority than this  
5 chapter, and by any peace officer or other person on the  
6 request in writing of the superintendent or the state director.

7 Sec. 115. Section 245.20, Code 1983, is amended to read  
8 as follows:

9 245.20 FEDERAL PRISONERS. Inmates sentenced for any term  
10 by any court of the United States may be received by the  
11 superintendent into the women's-reformatory Iowa correctional  
12 institution for women and there kept ~~in~~ pursuant ~~of~~ to their  
13 sentences. Inmates at the women's-reformatory institution  
14 may also be transferred to the federal bureau of prisons.  
15 If an inmate objects to her transfer to the federal bureau  
16 of prisons, the inmate shall be afforded a hearing as provided  
17 in section ~~217-22~~ 65 of this Act.

18 Sec. 116. Section 246.1, Code 1983, is amended to read  
19 as follows:

20 246.1 DEFINITIONS. For the purpose of this chapter  
21 "director" or "state director" ~~shall-mean~~ means the director  
22 ~~of-the-division-of-adult-corrections~~ of the Iowa department  
23 of ~~social-services~~ corrections, or that director's designee.

24 Sec. 117. Section 246.11, Code 1983, is amended to read  
25 as follows:

26 246.11 FEDERAL PRISONERS. Inmates sentenced for any term  
27 by any court of the United States may be received by the  
28 warden into the penitentiary or the men's reformatory and  
29 there kept in pursuance of their sentences. Inmates at either  
30 the penitentiary or men's reformatory may also be transferred  
31 to the federal bureau of prisons. If an inmate objects to  
32 his transfer to the federal bureau of prisons, the inmate  
33 shall be afforded a hearing as provided in section ~~217-22~~  
34 65 of this Act.

35 Sec. 118. Section 246.16, Code 1983, is amended to read



1 as follows:

2 246.16 TRANSFER OF MENTALLY ILL. When the state director  
3 has cause to believe that a prisoner in the penitentiary or  
4 reformatory is mentally ill, the Iowa department of corrections  
5 may cause that prisoner to be transferred to the Iowa security  
6 and medical facility for examination, diagnosis, or treatment.  
7 The prisoner shall be confined at that institution or a state  
8 hospital for the mentally ill until the expiration of the  
9 prisoner's sentence or until the prisoner is pronounced in  
10 good mental health. If the prisoner is pronounced in good  
11 mental health before the expiration of the prisoner's sentence,  
12 the prisoner shall be returned to the penitentiary or  
13 reformatory until the expiration of the prisoner's sentence.  
14 The provisions of the Code applicable to an inmate at the  
15 correctional institution from which the prisoner is transferred  
16 remain applicable during the inmate's stay at the Iowa security  
17 and medical facility. However, section 246.32 applies to  
18 the total inmate population, including both convicts and  
19 patients.

20 Sec. 119. Section 246.38, Code 1983, is amended to read  
21 as follows:

22 246.38 TIME TO BE SERVED--CREDIT. No inmate shall be  
23 discharged from the penitentiary, ~~or~~ the men's ~~or-women's~~  
24 reformatory, or the Iowa correctional institution for women,  
25 until ~~he-or-she~~ the inmate has served the full term for which  
26 the inmate was sentenced, less good time earned and not  
27 forfeited, unless the inmate is pardoned or otherwise legally  
28 released. Any provision to the contrary notwithstanding,  
29 good time earned and not forfeited shall apply to reduce a  
30 mandatory minimum sentence being served pursuant to section  
31 204.406, 204.413, 902.7, 902.8, or 906.5. The inmate shall  
32 be deemed to be serving ~~his-or-her~~ the inmate's sentence from  
33 the day on which the inmate is received into the institution,  
34 but not while in solitary confinement for violation of the  
35 rules of the institution, ~~provided, however.~~ However, if

1 an inmate had been confined to a county jail or other  
2 correctional or mental institution at any time prior to  
3 sentencing, or after sentencing but prior to the case having  
4 been decided on appeal, because of failure to furnish bail  
5 or because of being charged with a nonbailable offense, the  
6 inmate shall be given credit for such days already served  
7 in jail upon the term of the sentence. The clerk of the  
8 district court of the county from which the inmate was  
9 sentenced, shall certify to the warden the number of days  
10 so served.

11 Sec. 120. Section 246.39, unnumbered paragraph 1, Code  
12 1983, is amended to read as follows:

13 Each ~~prisoner~~ inmate who ~~shall have~~ has no infraction of  
14 the rules of discipline of the penitentiary, ~~or~~ the men's  
15 ~~or-women's~~ reformatory, or the Iowa correctional institution  
16 for women, or laws of the state, recorded against ~~him~~ the  
17 inmate, and who performs in a faithful manner the duties  
18 assigned to ~~him~~ the inmate, ~~shall be~~ is entitled to a reduction  
19 of sentence as follows, and if the sentence be for less than  
20 a year, then the pro rata part thereof:

21 Sec. 121. Section 246.45, Code 1983, is amended to read  
22 as follows:

23 246.45 APPLICABILITY TO OTHER INSTITUTIONS. Sections  
24 246.38, 246.39, 246.41, 246.42, and 246.43 also apply to the  
25 inmates at the ~~women's-reformatory~~ Iowa correctional  
26 institution for women and the Iowa security and medical  
27 facility.

28 Sec. 122. Section 246.48, subsection 1, Code 1983, is  
29 amended to read as follows:

30 1. Beginning April 1, 1978, the medium security  
31 correctional facility at Mount Pleasant shall be utilized  
32 as a secure facility for treatment of inmates of adult  
33 correctional institutions who exhibit treatable personality  
34 disorders, with or without accompanying history of drug or  
35 alcohol abuse. Such inmates may apply for and upon their

1 application may be selected for treatment by the staff of  
2 the treatment facility at Mount Pleasant in accordance with  
3 section ~~218-90~~ 26 of this Act.

4 Sec. 123. Section 246A.1, Code 1983, is amended to read  
5 as follows:

6 246A.1 ESTABLISHED BY DEPARTMENT OF SOCIAL-SERVICES  
7 CORRECTIONS. The Iowa department of ~~social-services-is-hereby~~  
8 ~~authorized-to~~ corrections may establish a facility for the  
9 preparation of all inmates of the corrective institutions  
10 under the department's jurisdiction for discharge or parole.  
11 The facility shall be known as the correctional release center  
12 and shall be operated in conjunction with and utilize the  
13 facilities of the prison honor farm at Newton, Iowa.

14 Sec. 124. Section 246A.2, Code 1983, is amended to read  
15 as follows:

16 246A.2 SUPERINTENDENT. The director of ~~division~~ the Iowa  
17 department of corrections, subject to approval of the  
18 ~~department~~ board of corrections, shall appoint a superintendent  
19 who shall serve as the chief executive of the correctional  
20 release center. The superintendent shall be a reputable and  
21 qualified person experienced in the administration of programs  
22 for the rehabilitation and preparation of ~~prisoners~~ inmates  
23 for their return to society.

24 Sec. 125. Section 246A.3, Code 1983, is amended to read  
25 as follows:

26 246A.3 TRANSFER OF PRISONERS TO CENTER. The Iowa  
27 department of corrections may transfer any inmate of a  
28 corrective institution within ninety days of the inmate's  
29 approaching release from custody to the release center for  
30 intensive training to assist the inmate in the transition  
31 to civilian living.

32 Sec. 126. Section 247.23, Code 1983, is amended to read  
33 as follows:

34 247.23 EXPENSE. Any necessary expense contracted by the  
35 board in the care of a person committed to it under probation

1 by the court shall be paid from the appropriation for the  
2 general expenditures of ~~said~~ the board, except costs connected  
3 with the delivery of a person ~~se~~ granted probation to the  
4 institution to which sentenced upon revocation of the probation  
5 and the expenses of the chief parole officer shall be a part  
6 of and paid from the budget of the ~~division~~ Iowa department  
7 of corrections ~~of-the-department-of-social-services~~.

8 Sec. 127. Section 247.29, unnumbered paragraph 1, Code  
9 1983, is amended to read as follows:

10 The clerk of the district court ~~shall~~, on or before July  
11 15 each year, shall report to the board of parole and the  
12 director of the ~~division~~ Iowa department of corrections ~~of~~  
13 ~~the-department-of-social-services~~:

14 Sec. 128. Section 247.31, Code 1983, is amended to read  
15 as follows:

16 247.31 AUDITOR TO REPORT STATISTICS TO CLERK. The county  
17 auditor shall report to the clerk of the district court, on  
18 or before July 5 of each year, the expenses of the county  
19 in criminal prosecutions during the year ending June 30  
20 preceding, including but distinguishing the compensation of  
21 the county attorney. ~~Sueh~~ The report shall include all the  
22 items of criminal expenses which appear in the records of  
23 ~~his~~ the clerk's office and which are required to be reported  
24 by the clerk of the district court to the board of parole  
25 and the director of the ~~division~~ Iowa department of corrections  
26 ~~of-the-department-of-social-services~~. The clerk of the  
27 district court shall furnish to the auditor the blanks to  
28 be used in making ~~sueh~~ the report.

29 Sec. 129. Section 247.32, Code 1983, is amended to read  
30 as follows:

31 247.32 BIENNIAL REPORTS. The board of parole and the  
32 chief parole officer shall make ~~sueh~~ detailed reports to the  
33 director of the ~~division~~ Iowa department of corrections ~~of~~  
34 ~~the-department-of-social-services~~ as are requested by ~~him~~  
35 the director and ~~he~~ the director shall forward ~~sueh~~ the reports

1 along with his personal recommendations to the commissioner  
2 board of corrections of the Iowa department of ~~social-services~~  
3 corrections. The ~~commissioner~~ board of corrections in turn  
4 shall, biannually, at the time provided by law, report to  
5 the governor a summary of paroles granted and releases  
6 recommended, the names of all ~~prisoners~~ inmates who have  
7 violated their paroles, and ~~such~~ other information concerning  
8 this departmental operation as ~~may-be~~ deemed advisable,  
9 including an abstract for each year of the returns relative  
10 to criminal matters.

11 Sec. 130. Section 247A.2, Code 1983, is amended to read  
12 as follows:

13 247A.2 PROGRAM. The Iowa department of ~~social-services~~  
14 corrections shall establish a work release program under which  
15 inmates sentenced to an institution under the jurisdiction  
16 of the department may be granted the privilege of leaving  
17 actual confinement during necessary and reasonable hours for  
18 the purpose of working at gainful employment. Under  
19 appropriate conditions the program may also include release  
20 for the purpose of seeking employment and attendance at an  
21 educational institution. In the case of inmates who have  
22 children in their homes under the age of eighteen years, the  
23 program may include child care and housekeeping in their  
24 homes.

25 Sec. 131. Section 247A.3, Code 1983, is amended to read  
26 as follows:

27 247A.3 COMMITTEE. A committee shall be designated by  
28 the Iowa department of corrections consisting of one member  
29 of the parole board or its designee, one representative of  
30 the ~~division~~ Iowa department of corrections, and one  
31 representative of the institution in which the inmate is  
32 confined at the time of application.

33 Sec. 132. Section 247A.5, Code 1983, is amended to read  
34 as follows:

35 247A.5 HOUSING FACILITIES--HALF-WAY HOUSES. The Iowa

1 department of corrections shall designate and adopt facilities  
2 in the institutions and camps under its jurisdiction for the  
3 housing of inmates granted work release privileges. In areas  
4 where facilities are not within reasonable proximity of the  
5 place of employment of an inmate so released, the department  
6 may contract with the proper authorities of political  
7 subdivisions of the state or suitable public or private  
8 agencies for the quartering of the inmate in local housing  
9 facilities. The committee shall include as a specific term  
10 or condition in the work release plan of any inmate the place  
11 where the inmate is to be housed when not on the work  
12 assignment. The committee shall not place an inmate on work  
13 release for longer than six months in any twelve-month period,  
14 ~~provided, however, that.~~ However, an inmate may be placed  
15 on work release for a period in excess of six months in any  
16 twelve-month period if unanimous approval is given by the  
17 committee. Inmates may be temporarily released to the  
18 supervision of a responsible person to participate in family  
19 and selected community, religious, educational, social, civic,  
20 and recreational activities when it is determined that the  
21 participation will directly facilitate the release transition  
22 from institution to community.

23 Sec. 133. Section 247A.8, Code 1983, is amended to read  
24 as follows:

25 247A.8 STATUS OF INMATES ON WORK RELEASE. ~~No~~ An inmate  
26 employed in the community under ~~the provisions of~~ this chapter  
27 ~~shall be deemed to be~~ is not an agent, employee, or involuntary  
28 servant of the department of ~~social services~~ corrections while  
29 released from confinement under the terms of ~~any~~ a work release  
30 plan. ~~Should any~~ If an inmate ~~suffer~~ suffers an injury arising  
31 out of or in the course of the inmate's employment under this  
32 chapter, the inmate's recovery shall be from the insurance  
33 carrier of the employer of the project and no proceedings  
34 for compensation shall be maintained against the insurance  
35 carrier of the state institution or the state, and ~~it is~~

1 ~~understood-that~~ there is no employer-employee relationship  
2 between the inmate and the state institution.

3 Sec. 134. Section 247A.10, Code 1983, is amended to read  
4 as follows:

5 247A.10 ALLEGED WORK RELEASE VIOLATORS--REIMBURSEMENT  
6 TO COUNTIES FOR TEMPORARY CONFINEMENT. The ~~division~~ Iowa  
7 department of ~~adult~~ corrections shall negotiate a reimbursement  
8 rate with each county for the temporary confinement of alleged  
9 violators of work release conditions who are in the custody  
10 of the director of the ~~division~~ Iowa department of ~~adult~~  
11 corrections. The amount to be reimbursed shall be determined  
12 by multiplying the number of days ~~so~~ a person is confined  
13 by the average daily cost of confining a person in the county  
14 facility as negotiated with the department. Payment shall  
15 be made upon submission of a voucher executed by the sheriff  
16 and approved by the director of the ~~division~~ Iowa department  
17 of ~~adult~~ corrections. The money shall be deposited in the  
18 county general fund to be credited to the jail account.

19 Sec. 135. Section 255.28, Code 1983, is amended to read  
20 as follows:

21 255.28 TRANSFER OF PATIENTS FROM STATE INSTITUTIONS.  
22 The commissioner of the department of social services ~~and,~~  
23 in respect to institutions under the commissioner's control,  
24 the director of any of the divisions of ~~such~~ the department,  
25 in respect to the institutions under the director's control,  
26 the director of the Iowa department of corrections, in respect  
27 to the institutions under the department's control, and the  
28 state board ~~in-control~~ of regents in respect to the Iowa  
29 braille and sight-saving school, and the Iowa school for the  
30 deaf, ~~may, respectively,~~ send any inmate, student, or patient  
31 of any ~~of-said~~ institutions, or any person committed or  
32 applying for admission thereto, to the hospital of the medical  
33 college of the state university for treatment and care as  
34 provided in this chapter, without securing the order of court  
35 required in other cases. ~~Said-state~~ The department of social

1 services, the Iowa department of corrections and the state  
 2 board in-control of regents the-iowa-braille-and-sight-saving  
 3 school-and-the-iowa-school-for-the-deaf, shall respectively  
 4 pay the traveling expenses of any a patient thus committed,  
 5 and when necessary the traveling expenses of an attendant  
 6 for ~~such~~ the patient, out of funds appropriated for the use  
 7 of the institution from which ~~he~~ the patient is sent.

8 Sec. 136. Section 255.29, Code 1983, is amended to read  
 9 as follows:

10 255.29 MEDICAL CARE FOR PAROLEES. The director of the  
 11 ~~division Iowa department~~ of corrections ~~of-the-department~~  
 12 ~~of-social-services~~ may send former inmates of the Iowa state  
 13 penitentiary ~~and,~~ the men's or-women's reformatory, or the  
 14 Iowa correctional institution for women, while on parole,  
 15 to the hospital of the college of medicine of the state  
 16 University of Iowa for treatment and care as provided in this  
 17 chapter, without securing the order of the court required  
 18 in other cases. ~~Said~~ The director may pay the traveling  
 19 expenses of any patient thus committed, ~~and,~~ when necessary,  
 20 the traveling expenses of an attendant of ~~such~~ the patient  
 21 out of funds appropriated for the use of ~~such~~ the division.

22 Sec. 137. Section 331.756, subsections 41 and 42, Code  
 23 1983, are amended to read as follows:

24 41. Appear in support of a petition to transfer an inmate  
 25 of the state training school ~~for-boys~~ to the men's reformatory  
 26 for custodial care as provided in section ~~218-91~~ 217A.25.

27 42. Provide the Iowa department of ~~social-services~~  
 28 corrections with information relating to the background and  
 29 criminal acts committed by each person sentenced to a state  
 30 correctional institution from the county as provided in section  
 31 ~~218-97~~ 217A.41.

32 Sec. 138. Section 356.14, Code 1983, is amended to read  
 33 as follows:

34 356.14 REFRACTORY PRISONERS. If any person confined in  
 35 a jail is refractory or disorderly or willfully destroys or



1 injures any part ~~thereof~~ of the jail or of its contents, the  
2 sheriff may secure ~~such~~ the person or cause ~~him-or-her~~ the  
3 person to be kept in solitary confinement not more than ten  
4 days for any one offense, during which time the person may  
5 be fed minimum diet requirements as established by the Iowa  
6 department of ~~social-services~~ corrections unless other food  
7 is necessary for the preservation of the person's health.

8 Sec. 139. Section 356.36, Code 1983, is amended to read  
9 as follows:

10 356.36. ESTABLISHMENT OF JAIL STANDARDS. The Iowa depart-  
11 ment of ~~social-services~~ corrections, in consultation with  
12 the Iowa state sheriff's association and the Iowa board of  
13 supervisors association, shall draw up minimum standards for  
14 the regulation of jails and alternative jails. When completed  
15 by the department, the standards shall be ~~promulgated~~ adopted  
16 as rules pursuant to chapter 17A.

17 The sole remedy for violation of a rule adopted pursuant  
18 to this section, is by a proceeding for compliance initiated  
19 by request to the Iowa department of ~~social-services~~  
20 corrections. A violation of a rule does not permit any civil  
21 action to recover damages against the state of Iowa, its  
22 departments, agents, or employees or any county, its agents  
23 or employees.

24 Sec. 140. Section 356.43, Code 1983, is amended to read  
25 as follows:

26 356.43 INSPECTION BY DEPARTMENT--REPORT OF INSPECTION.

27 The ~~state~~ Iowa department of ~~social-services~~ corrections and  
28 its inspectors and agents shall ~~have-the-power-and-duty-to~~  
29 make periodic inspections of each ~~such~~ jail and all ~~such~~  
30 facilities established pursuant to chapter 356A, and officially  
31 ~~to~~ notify the county board of supervisors in writing to comply  
32 fully with ~~the-provisions-of~~ section 356.36.

33 The Iowa department of ~~social-services~~ corrections may  
34 order the governing body of a political subdivision to either  
35 correct any violations found in the inspection of a jail

1 within a designated period, or may prohibit the confinement  
2 of prisoners in the jail. If the governing body fails to  
3 comply with the order within the period designated, the Iowa  
4 department of ~~social-services~~ corrections may schedule a  
5 hearing on the alleged violation. The department may subpoena  
6 witnesses, documents, and other information deemed necessary  
7 to determine the validity of the alleged violation. The  
8 department shall upon written request from the governing body  
9 of the political subdivision grant representatives of the  
10 political subdivision the right to appear before the department  
11 at the hearing. ~~Such~~ The representatives shall have the right  
12 to counsel and may produce witnesses and present statements,  
13 documents, and other information with respect to the alleged  
14 violation for consideration at the hearing.

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

20 If the political subdivision does not comply with the order  
21 within the designated period, the department may petition  
22 the attorney general to institute proceedings to enjoin the  
23 political subdivision from confining prisoners in the jail  
24 and require the transfer of prisoners to a jail declared by  
25 the director to be suitable for confinement. The county or  
26 municipality from which prisoners are transferred shall-be  
27 is liable for the cost of transfer and expenditures incurred  
28 in the confinement of prisoners in the jail to which  
29 transferred. Following inspection of any county jail, a  
30 report of the same inspection shall be filed with the director  
31 of the ~~division~~ Iowa department of corrections ~~of-the~~  
32 ~~department-of-social-services~~, and a copy shall be filed with  
33 the sheriff, the county board of supervisors, and one copy  
34 with the county attorney, which shall be presented at the  
35 next session of the grand jury of that county.

1 Sec. 141. Section 356.45, Code 1983, is amended to read  
2 as follows:

3 356.45 EXPENSE AT REGIONAL DETENTION FACILITY. Each  
4 county from which a person sentenced to the county jail is  
5 transferred to serve all or any part of ~~such~~ the sentence  
6 in the regional detention facility shall reimburse the Iowa  
7 department of ~~social-services~~ corrections for the full cost  
8 of maintenance of ~~such~~ the person in the facility. The average  
9 daily cost of maintenance of an individual in the facility  
10 shall be computed, and the ~~respective~~ counties shall be advised  
11 of the amounts due the Iowa department of ~~social-services~~  
12 corrections under this section and shall remit ~~such~~ the  
13 amounts, at the times and in the manner provided by law for  
14 the support of patients of state mental health institutes.  
15 ~~Such~~ The amounts ~~shall-be-deemed~~ are a charge the county is  
16 required to pay under section 356.15. The amounts ~~so~~ received  
17 by the Iowa department of ~~social-services~~ corrections from  
18 the respective counties may be used by the department to  
19 supplement appropriated funds for the cost of operating the  
20 regional detention facility.

21 Sec. 142. Section 690.4, unnumbered paragraph 2, Code  
22 1983, is amended to read as follows:

23 It shall also be the duty of the ~~said~~ wardens and super-  
24 intendants to procure the taking of five- by seven-inch  
25 photographic negative showing the full length view of each  
26 convict, prisoner or inmate of the penitentiary, men's  
27 reformatory, and ~~women's-reformatory~~ Iowa correctional insti-  
28 tution for women in ~~his-or-her~~ the inmate's release clothing  
29 immediately prior to ~~his-or-her~~ the inmate's discharge from  
30 the institution either upon expiration of sentence or commit-  
31 ment or on parole, and to forward ~~such~~ the photographic nega-  
32 tive within two days after ~~the-same~~ it is taken to the division  
33 of criminal investigation and bureau of identification, Iowa  
34 department of public safety.

35 Sec. 143. Section 692.1, subsection 7, Code 1983, is

1 amended to read as follows:

2 7. "Correctional data" means information pertaining to  
 3 the status, location, and activities of persons under the  
 4 supervision of the county sheriff, the ~~division~~ Iowa department  
 5 of corrections ~~of-the-department-of-social-services~~, the board  
 6 of parole, or any other state or local agency performing the  
 7 same or similar function, but does not include investigative,  
 8 sociological, psychological, economic, or other subjective  
 9 information maintained by the ~~division~~ Iowa department of  
 10 corrections ~~of-the-department-of-social-services~~ or board  
 11 of parole.

12 Sec. 144. Section 707.2, subsection 4, Code 1983, is  
 13 amended to read as follows:

14 4. The person intentionally kills a peace officer,  
 15 correctional officer, public employee, or hostage while ~~such~~  
 16 the person is imprisoned in a correctional institution under  
 17 the jurisdiction of the Iowa department of ~~social-services~~  
 18 corrections, or in a city or county jail.

19 Sec. 145. Section 719.4, subsection 3, Code 1983, is  
 20 amended to read as follows:

21 3. ~~Any~~ A person who has been committed to ~~any~~ an  
 22 institution under the control of the ~~division~~ Iowa department  
 23 of ~~adult~~ corrections, or to ~~any~~ a jail or correctional  
 24 institution, who knowingly and voluntarily absents himself  
 25 or herself from ~~any~~ a place where the person is required to  
 26 be, commits a serious misdemeanor.

27 Sec. 146. Section 719.7, Code 1983, is amended to read  
 28 as follows:

29 719.7 FURNISHING INTOXICANT TO INMATES. ~~Any~~ A person  
 30 not authorized by law who furnishes or knowingly makes  
 31 available ~~any~~ an intoxicating beverage to ~~any~~ an inmate at  
 32 ~~any~~ a detention facility, correctional institution, or ~~any~~  
 33 an institution under the management of the Iowa department  
 34 of ~~social-services~~ corrections, or who introduces ~~any~~ an  
 35 intoxicating beverage into the premises of ~~any~~ such an

1 institution, commits a ~~simple-misdemeanor~~ class "D" felony.

2 Sec. 147. Section 719.8, Code 1983, is amended to read  
3 as follows:

4 719.8 FURNISHING CONTROLLED SUBSTANCE TO INMATES. Any  
5 A person not authorized by law who furnishes or knowingly  
6 makes available ~~any~~ a controlled substance to ~~any~~ an inmate  
7 at ~~any~~ a detention facility or correctional institution, or  
8 at ~~any~~ an institution under the management of the Iowa  
9 department of ~~social-services~~ corrections, or who introduces  
10 ~~any~~ a controlled substance into the premises of ~~any~~ such an  
11 institution, commits a class "D" felony.

12 Sec. 148. Section 724.2, subsection 4, Code 1983, is  
13 amended to read as follows:

14 4. Any A correctional officer, serving in an institution  
15 under the authority of the ~~division~~ Iowa department of ~~adult~~  
16 corrections.

17 Sec. 149. Section 724.4, subsection 4, Code 1983, is  
18 amended to read as follows:

19 4. Any A correctional officer, when ~~his-or-her~~ the  
20 officer's duties require, serving under the authority of the  
21 ~~division~~ Iowa department of ~~adult~~ corrections.

22 Sec. 150. Section 901.4, Code 1983, is amended to read  
23 as follows:

24 901.4 PRESENTENCE INVESTIGATION REPORT CONFIDENTIAL.  
25 The court may~~7--in-its-discretion7~~ make the presentence  
26 investigation report or parts of it available to the defendant,  
27 or the court may make the report or parts of it available  
28 while concealing the identity of the person who provided  
29 confidential information. The report of ~~any~~ a medical  
30 examination or psychiatric evaluation shall be made available  
31 to the attorney for the state and to the defendant upon  
32 request. ~~Such~~ The reports shall be part of the record but  
33 shall be sealed and opened only on order of the court. ~~in~~  
34 ~~any-case-where~~ If the defendant is committed to the custody  
35 of the ~~division~~ Iowa department of ~~adult~~ corrections and is

1 not a class "A" felon, a copy of the presentence investigation  
2 report shall be sent to the director at the time of commitment.

3 Sec. 151. Section 901.7, Code 1983, is amended to read  
4 as follows:

5 901.7 COMMITMENT TO CUSTODY. In imposing a sentence of  
6 confinement for more than one year, the court shall commit  
7 the defendant to the custody of the director of the ~~division~~  
8 Iowa department of adult corrections. Upon entry of judgment  
9 and sentence, the clerk of the district court immediately  
10 shall notify the director of ~~such~~ the commitment. The court  
11 shall make ~~such~~ an order as ~~is~~ appropriate for the temporary  
12 custody of the defendant pending the defendant's transfer  
13 to the custody of the director. The court shall order the  
14 county where a person was convicted to pay the cost of  
15 temporarily confining the person and of transporting the  
16 person to the state institution where ~~he-or-she~~ the person  
17 is to be confined in execution of the judgment.

18 Sec. 152. Section 901.8, Code 1983, is amended to read  
19 as follows:

20 901.8 CONSECUTIVE SENTENCES. If a person is sentenced  
21 for two or more separate offenses, the sentencing judge may  
22 order the second or further sentence to begin at the expiration  
23 of the first or succeeding sentence. If a person is sentenced  
24 for escape under section 719.4 or for a crime committed while  
25 confined in a detention facility or penal institution, the  
26 sentencing judge shall order the sentence to begin at the  
27 expiration of any existing sentence. If the person is  
28 presently in the custody of the director of the ~~division~~ Iowa  
29 department of adult corrections, the sentence shall be served  
30 at the facility or institution in which the person is already  
31 confined unless the person is transferred by the director.  
32 If consecutive sentences are specified in the order of  
33 commitment, the several terms shall be construed as one  
34 continuous term of imprisonment.

35 Sec. 153. Section 902.1, Code 1983, is amended to read

1 as follows:

2 902.1 CLASS "A" FELONY. Upon a plea of guilty, a verdict  
3 of guilty, or a special verdict upon which a judgment of  
4 conviction of a class "A" felony may be rendered, the court  
5 shall enter a judgment of conviction and shall commit the  
6 defendant into the custody of the director of the ~~division~~  
7 Iowa department of ~~adult~~ corrections for the rest of the  
8 defendant's life. Nothing in the Iowa corrections code  
9 pertaining to deferred judgment, deferred sentence, suspended  
10 sentence, or reconsideration of sentence ~~shall-apply~~ applies  
11 to a class "A" felony, and ~~no~~ a person convicted of a class  
12 "A" felony shall not be released on parole unless the governor  
13 commutes the sentence to a term of years.

14 Sec. 154. Section 902.3, Code 1983, is amended to read  
15 as follows:

16 902.3 INDETERMINATE SENTENCE. When a judgment of  
17 conviction of a felony, other than a class "A" felony is  
18 entered against ~~any~~ a person, the court, in imposing a sentence  
19 of confinement, shall commit the person into the custody of  
20 the director of the ~~division~~ Iowa department of ~~adult~~  
21 corrections for an indeterminate term, the maximum length  
22 of which shall not exceed the limits as fixed by section 902.9  
23 or section 707.3 nor shall the term be less than the minimum  
24 term imposed by law, if a minimum sentence is provided.

25 Sec. 155. Section 902.4, Code 1983, is amended to read  
26 as follows:

27 902.4 RECONSIDERATION OF FELON'S SENTENCE. For a period  
28 of ninety days from the date when a person convicted of a  
29 felony, other than a class "A" felony or a felony for which  
30 a minimum sentence of confinement is imposed, begins to serve  
31 a sentence of confinement, the court, on its own motion or  
32 on the recommendation of the ~~commissioner~~ director of ~~social~~  
33 ~~services~~ the Iowa department of corrections, may order the  
34 person to be returned to the court, at which time the court  
35 may review its previous action and reaffirm it or substitute

1 for it any sentence permitted by law. The court's final order  
2 in ~~any-such~~ the proceeding shall be delivered to the defendant  
3 personally or by certified mail. ~~Such-action-is-discretionary~~  
4 ~~with-the-court,-and-its~~ The court's decision to take ~~such~~  
5 the action or not to take ~~such~~ the action is not subject to  
6 appeal. ~~The-provisions-of-this-section-notwithstanding~~  
7 However, for the purposes of appeal, a judgment of conviction  
8 of a felony is a final judgment when pronounced.

9 Sec. 156. Section 902.5, Code 1983, is amended to read  
10 as follows:

11 902.5 PLACE OF CONFINEMENT. The director of the ~~division~~  
12 Iowa department of ~~adult~~ corrections shall determine the  
13 appropriate place of confinement of any person committed to  
14 the director's custody, in any institution administered by  
15 the director, and may transfer the person from one institution  
16 to another during the person's period of confinement.

17 Sec. 157. Section 902.6, Code 1983, is amended to read  
18 as follows:

19 902.6 RELEASE. A person who has been committed to the  
20 custody of the director of the ~~division~~ Iowa department of  
21 ~~adult~~ corrections shall remain in ~~such~~ custody until released  
22 by the order of the board of parole, in accordance with the  
23 law governing paroles, or by order of the judge after  
24 reconsideration of a felon's sentence pursuant to section  
25 902.4 or until the maximum term of the person's confinement,  
26 as fixed by law, has been completed.

27 Sec. 158. Section 902.10, Code 1983, is amended to read  
28 as follows:

29 902.10 APPLICATION FOR INVOLUNTARY HOSPITALIZATION. For  
30 the purposes of chapter 229, the director of the ~~division~~  
31 Iowa department of corrections ~~shall-be-considered~~ is an  
32 interested person and all applicable provisions of chapter  
33 229, relating to involuntary hospitalization, ~~shall~~ apply  
34 to ~~any~~ persons who have been committed to the custody of the  
35 ~~division~~ Iowa department of corrections as a result of a



1 conviction of a public offense.

2 Sec. 159. Section 903.4, Code 1983, is amended to read  
3 as follows:

4 903.4 PROVIDING PLACE OF CONFINEMENT. All persons  
5 sentenced to confinement for a period of one year or less  
6 shall be confined in a place to be furnished by the county  
7 where the conviction was had unless the person is presently  
8 committed to the custody of the director of the ~~division~~ Iowa  
9 department of ~~adult~~ corrections, in which case the provisions  
10 of section 901.8 apply. All persons sentenced to confinement  
11 for a period of more than one year shall be committed to the  
12 custody of the director of the ~~division~~ Iowa department of  
13 ~~adult~~ corrections to be confined in a place to be designated  
14 by the director and the cost of ~~such~~ the confinement shall  
15 be borne by the state. The director may contract with local  
16 governmental units for the use of detention or correctional  
17 facilities maintained by ~~such~~ the units for the confinement  
18 of such persons.

19 Sec. 160. Section 905.4, subsections 2, 4, and 9, Code  
20 1983, are amended to read as follows:

21 2. Employ a director having the qualifications required  
22 by section 905.6 to head the district department's community-  
23 based correctional program and, within a range established  
24 by the ~~state~~ Iowa department of ~~social-services~~ corrections,  
25 fix the compensation of and have control over the director  
26 and the district department's staff. For purposes of  
27 collective bargaining under chapter 20, employees of the  
28 district board who are not exempt from chapter 20 ~~shall-be~~  
29 are employees of the state, and the employees of all of the  
30 district boards shall be included within one collective  
31 bargaining unit.

32 4. File with the board of supervisors of each county in  
33 the district and with the ~~state~~ Iowa department of ~~social~~  
34 ~~services~~ corrections, within thirty days after the close of  
35 each fiscal year, a report covering the district board's

1 proceedings and a statement of receipts and expenditures  
2 during the preceding fiscal year.

3 9. Arrange, by contract or on ~~such~~ an alternative basis  
4 ~~as-may-be~~ mutually acceptable, and with approval of the  
5 director of the ~~division~~ Iowa department of ~~adult~~ corrections  
6 ~~of-the-department-of-social-services~~ or that director's  
7 designee for utilization of existing local treatment and  
8 service resources, including but not limited to employment,  
9 job training, general, special, or remedial education;  
10 psychiatric and marriage counseling; and alcohol and drug  
11 abuse treatment and counseling. It is the intent of this  
12 chapter that a district board shall approve the development  
13 and maintenance of such resources by its own staff only if  
14 the resources ~~to-be-so-developed-and-maintained~~ are otherwise  
15 unavailable to the district department within reasonable  
16 proximity to the community where these services are needed  
17 in connection with the community-based correctional program.

18 Sec. 161. Section 905.5, subsection 1, Code 1983, is  
19 amended to read as follows:

20 1. The county designated under section 905.4, subsection  
21 3 as administrative agent for each district department, or  
22 the district department itself, if designated as administrative  
23 agent by the district board, shall submit that district  
24 department's budget and supporting information to the ~~state~~  
25 Iowa department of ~~social-services~~ corrections in accordance  
26 with the provisions of chapter 8. The state department shall  
27 incorporate the budgets of each of the district departments  
28 into its own budget request, to be processed as prescribed  
29 by the uniform budget, accounting and administrative procedures  
30 established by the state comptroller. Funds appropriated  
31 pursuant to the budget requests of the respective district  
32 departments shall be allocated on a quarterly basis, and the  
33 state comptroller shall authorize advancement of the funds  
34 so allocated to each district department's administrative  
35 agent, or to the district department itself if the district

1 department acts as administrative agent, at the beginning  
2 of each fiscal quarter.

3 Sec. 162. Section 905.6, subsections 1, 2, and 6, Code  
4 1983, are amended to read as follows:

5 1. Perform the duties and have the responsibilities  
6 delegated by the district board or specified by the state  
7 Iowa department of ~~social-services~~ corrections pursuant to  
8 this chapter.

9 2. Manage the district department's community-based  
10 correctional program, in accordance with the policies of the  
11 district board and the state Iowa department of ~~social-services~~  
12 corrections.

13 6. Develop and submit to the district board a plan for  
14 the establishment, implementation, and operation of a  
15 community-based correctional program in that judicial district,  
16 which program conforms to the guidelines drawn up by the state  
17 Iowa department of ~~social-services~~ corrections under this  
18 chapter.

19 Sec. 163. Section 905.7, unnumbered paragraph 1, Code  
20 1983, is amended to read as follows:

21 The state Iowa department of ~~social-services~~ corrections  
22 shall provide assistance and support to the respective judicial  
23 districts to aid them in complying with this chapter, and  
24 shall promulgate rules pursuant to chapter 17A establishing  
25 guidelines in accordance with and in furtherance of the  
26 purposes of this chapter. The guidelines ~~so-adopted~~ shall  
27 include, but need not be limited to, requirements that each  
28 district department:

29 Sec. 164. Section 905.8, Code 1983, is amended to read  
30 as follows:

31 905.8 STATE FUNDS ALLOCATED. The state Iowa department  
32 of ~~social-services~~ corrections shall provide for the allocation  
33 among judicial districts in the state of any state funds  
34 appropriated for the establishment, operation, support, and  
35 evaluation of community-based correctional programs and

1 services. However, ~~no~~ state funds shall not be allocated  
2 under this section to any a judicial district unless the state  
3 Iowa department of corrections has reviewed and approved that  
4 district department's community-based correctional program  
5 for compliance with the requirements of this chapter and the  
6 guidelines adopted under section 905.7.

7 Sec. 165. Section 905.9, Code 1983, is amended to read  
8 as follows:

9 905.9 REPORT OF REVIEW--SANCTION. Upon completion of  
10 a review of a district community-based correctional program,  
11 made under section 905.8, the state Iowa department of ~~social~~  
12 ~~services~~ corrections shall submit its findings to the district  
13 board in writing. If the state Iowa department of corrections  
14 concludes that the district department's community-based  
15 correctional program fails to meet any of the requirements  
16 of this chapter and of the guidelines adopted under section  
17 905.7, it shall also request in writing a response to this  
18 finding from the district board. If ~~no~~ a response is not  
19 received within sixty days after the date of that request,  
20 or if the response is unsatisfactory, the state Iowa department  
21 of corrections may call a public hearing on the matter. If  
22 after the hearing, the state Iowa department of corrections  
23 is not satisfied that the district's community-based  
24 correctional program will expeditiously be brought into  
25 compliance with the requirements of this chapter and of the  
26 guidelines adopted under section 905.7, it may assume  
27 responsibility for administration of the district's community-  
28 based correctional program on an interim basis.

29 Sec. 166. Section 905.10, Code 1983, is amended to read  
30 as follows:

31 905.10 POST-INSTITUTIONAL PROGRAMS AND SERVICES. Persons  
32 participating in post-institutional services shall remain  
33 under the jurisdiction of the state Iowa department of ~~social~~  
34 ~~services-division-of~~ corrections. The state Iowa department  
35 of corrections shall maintain adequate personnel to provide

1 post-institutional residential services, parole services,  
2 and supervision of persons transferred into the state under  
3 the interstate compact for supervision of parolees and  
4 probationers.

5 Sec. 167. Section 906.1, Code 1983, is amended to read  
6 as follows:

7 906.1 DEFINITION OF PAROLE. Parole is the release of  
8 a person who has been committed to the custody of the  
9 ~~commissioner~~ director of ~~social-services~~ the Iowa department  
10 of corrections by reason of the person's commission of a  
11 public offense, which release occurs prior to the expiration  
12 of the person's term, is subject to supervision by the Iowa  
13 department of ~~social-services~~ corrections, and on conditions  
14 imposed by the department.

15 Sec. 168. Section 906.3, Code 1983, is amended to read  
16 as follows:

17 906.3 AUTHORITY OF PAROLE BOARD. The board of parole  
18 shall ~~promulgate-regulations~~ adopt rules regarding a system  
19 of paroles from correctional institutions, and shall direct,  
20 control, and supervise the administration of ~~such~~ the system  
21 of paroles. The board shall determine which of those persons  
22 who have been committed to the custody of the director of  
23 the ~~division~~ Iowa department of ~~adult~~ corrections, by reason  
24 of their conviction of a public offense, shall be released  
25 on parole. The grant or denial of parole ~~shall~~ is not be  
26 ~~deemed~~ a contested case as defined in section 17A.2.

27 Sec. 169. Section 906.5, Code 1983, is amended to read  
28 as follows:

29 906.5 RECORD REVIEWED--ELIGIBILITY OF PRIOR FORCIBLE FELON  
30 FOR PAROLE--RULES. Within one year after the commitment of  
31 any a person other than a class "A" felon to the custody of  
32 the director of the ~~division~~ Iowa department of ~~adult~~  
33 corrections, a member of the board shall interview the person.  
34 Thereafter, at regular intervals, not to exceed one year,  
35 the board shall interview the person and consider ~~his-or-her~~

1 the person's prospects for parole. At such time, the board  
 2 shall consider all pertinent information regarding this person,  
 3 including the circumstances of the person's offense, any  
 4 presentence report which may be available, the previous social  
 5 history and criminal record of ~~such~~ the person, the person's  
 6 conduct, employment, and attitude in prison, and the reports  
 7 of ~~such~~ physical and mental examinations as that have been  
 8 made.

9 If the person who is under consideration for parole is  
 10 serving a sentence for conviction of a felony and has a  
 11 criminal record of one or more prior convictions for a forcible  
 12 felony or a crime of a similar gravity in this or any other  
 13 state, parole shall be denied unless the ~~defendant~~ person  
 14 has served at least one-half of the maximum term of ~~his-or~~  
 15 ~~her~~ the sentence.

16 ~~Every~~ A person while on parole ~~shall-be~~ is under the  
 17 supervision of the Iowa department of ~~social-services~~  
 18 corrections, which shall prescribe regulations for governing  
 19 persons on parole. The board may adopt other rules not  
 20 inconsistent with the ~~above~~ rules of the department as it  
 21 ~~may-deem~~ deems proper or necessary for the performance of  
 22 its functions.

23 Sec. 170. Section 906.10, Code 1983, is amended to read  
 24 as follows:

25 906.10 PAROLE RELIEF FUND. There is ~~hereby~~ established,  
 26 from any unappropriated funds in the state treasury, a fund  
 27 of twelve hundred fifty dollars which shall be known as the  
 28 parole relief fund. The treasurer of ~~the~~ state shall ~~continue~~  
 29 ~~to~~ maintain ~~said~~ the fund in ~~said~~ that amount. ~~Said~~ The fund  
 30 may be used for the relief of paroled prisoners who are in  
 31 distress because of illness, loss of employment, or conditions  
 32 creating personal need. ~~In-no-instance-shall-the~~ The total  
 33 amount advanced to a prisoner shall not exceed one hundred  
 34 dollars. The prisoner, at the time of receiving an  
 35 advancement, shall execute and deliver to ~~his-or-her~~ the

1 parole officer ~~his-or-her~~ a written obligation to repay the  
2 same advance during the period of the prisoner's parole.  
3 When ~~se~~ paid, the amount shall be deposited with the treasurer  
4 of ~~the~~ state and credited to the fund from which drawn. ~~Such~~  
5 ~~fund~~ The advance shall be drawn on vouchers executed by the  
6 director of the ~~bureau~~ Iowa department of ~~adult~~ corrections  
7 in favor of ~~said~~ the needy person. Each voucher shall show  
8 that the advancement was ordered by the chief parole officer.

9 Sec. 171. Section 906.17, Code 1983, is amended to read  
10 as follows:

11 906.17 ALLEGED PAROLE VIOLATORS--REIMBURSEMENT TO COUNTIES  
12 FOR TEMPORARY CONFINEMENT. The ~~division~~ Iowa department of  
13 ~~adult~~ corrections shall reimburse a county for the temporary  
14 confinement of alleged parole violators. The amount to be  
15 reimbursed shall be determined by multiplying the number of  
16 days ~~se~~ confined by the average daily cost of confining a  
17 person in the county facility as negotiated by the department.  
18 Payment shall be made upon submission of a voucher executed  
19 by the sheriff and approved by the director of the ~~division~~  
20 Iowa department of ~~adult~~ corrections. The money shall be  
21 deposited in the county general fund to be credited to the  
22 jail account.

23 Sec. 172. Section 908.5, Code 1983, is amended to read  
24 as follows:

25 908.5 WAIVER OF PROBABLE CAUSE HEARING. The alleged  
26 parole violator may waive the probable cause hearing, in which  
27 event the liaison officer shall proceed as upon a finding  
28 of probable cause. Before accepting a waiver of hearing,  
29 the liaison officer shall inform the alleged violator of the  
30 charge, of the alleged violator's right to a hearing to  
31 determine whether there is probable cause to believe that  
32 parole has been violated, and that if the hearing is waived,  
33 the alleged violator will be committed to the custody of the  
34 Iowa department of ~~social-services~~ corrections without further  
35 proceedings, to await the determination of the parole board.

1 The liaison officer shall make a verbatim record of the  
2 proceedings in which the hearing is waived.

3 Sec. 173. Section 908.6, Code 1983, is amended to read  
4 as follows:

5 908.6 DISPOSITION BY LIAISON OFFICER. If it appears from  
6 the evidence that there is no probable cause to believe that  
7 the arrested person has violated the conditions of parole,  
8 the liaison officer shall order the arrested person to be  
9 released from custody and continued on parole. If it appears  
10 that there is probable cause to believe that the arrested  
11 person has violated the conditions of parole, the liaison  
12 officer shall commit the arrested person to the custody of  
13 the Iowa department of ~~social-services~~ corrections, and the  
14 procedure prescribed in section 901.7 shall apply to ~~such~~  
15 the commitment; or the liaison officer may recommend that  
16 the arrested person be admitted to bail as provided in section  
17 908.2. The liaison officer shall make a summary of the  
18 testimony and other evidence considered and a statement of  
19 the facts relied on as a basis for the finding of probable  
20 cause or no probable cause, and shall without delay forward  
21 them together with all documents relating to the matter to  
22 the executive secretary of the parole board. If the alleged  
23 parole violator has waived the probable cause hearing, the  
24 verbatim record of that proceeding shall be forwarded in lieu  
25 of the summary of evidence and statement of facts.

26 Sec. 174. Section 908.7, Code 1983, is amended to read  
27 as follows:

28 908.7 ACTION BY PAROLE BOARD. Upon a finding of probable  
29 cause to believe that a parole violation has occurred, the  
30 board of parole shall proceed without unreasonable delay to  
31 hear the charge of parole violation. Upon receipt of the  
32 record prepared and forwarded by the liaison officer, the  
33 board shall fix a time and place for ~~such~~ the hearing and  
34 shall notify in writing the alleged violator, the alleged  
35 violator's attorney of record, if any, and the Iowa department



1 of ~~social-services~~ corrections of ~~such~~ the hearing and the  
2 claimed violation of parole. The alleged violator shall be  
3 given an opportunity to be heard by the board under ~~such~~ rules  
4 as the board shall adopt. The inquiry shall be limited to  
5 the following two matters: 1. Did the alleged parole  
6 violation actually occur? 2. If the violation did occur,  
7 should the violator's parole be revoked?

8 PARAGRAPH DIVIDED. If the board determines that the parole  
9 should be revoked, it shall make an order revoking the parole.  
10 The board shall furnish the violator with a written statement  
11 of the facts relied upon to establish a violation and the  
12 reasons for revoking parole.

13 Sec. 175. Section 908.8, Code 1983, is amended to read  
14 as follows:

15 908.8 PROCEEDING WITHOUT ARREST OR PROBABLE CAUSE. The  
16 board of parole may receive from a parole officer a charge  
17 or complaint of parole violation against any parolee and may  
18 proceed to a hearing on ~~such~~ the charge in any case where  
19 the alleged violator has not been arrested or has been arrested  
20 and discharged by the liaison officer on a finding of no  
21 probable cause. The presence of the alleged violator at ~~such~~  
22 the hearing shall be secured by summons. A statement of the  
23 charge against the alleged violator shall accompany the  
24 summons, and the parole officer shall give the alleged violator  
25 ~~such~~ assistance as is needed to get to the place of the  
26 hearing. Travel expenses, if any, shall be paid by the board.  
27 If the alleged violator fails without good cause to appear  
28 as commanded by the summons, ~~such~~ the failure shall be  
29 considered a violation of the parole, and the board may proceed  
30 to revoke parole. If the parole is revoked, the board shall  
31 issue a warrant for the person's arrest and return to the  
32 custody of the Iowa department of ~~social-services~~ corrections.  
33 Upon ~~his-or-her~~ the person's return to custody, the board  
34 shall, upon request, shall give the person an opportunity  
35 to present any matters in defense or mitigation of the conduct.

1     Sec. 176. Section 908.9, Code 1983, is amended to read  
2 as follows:

3     908.9 DISPOSITION OF VIOLATOR. If the parole of any a  
4 parole violator is revoked, the violator shall remain in the  
5 custody of the Iowa department of ~~social-services~~ corrections  
6 under the terms of the parolee's original commitment. If  
7 the parole of any a parole violator is not revoked, the board  
8 shall order ~~his-or-her~~ the person's release subject to the  
9 terms of ~~his-or-her~~ the person's parole with any modifications  
10 that the board ~~shall-determine~~ determines proper.

11     Sec. 177. Sections 217.13, 217.14, 217.22, 218.7, 218.90,  
12 218.91, and 218.97, Code 1983, are repealed.

13     Sec. 178. INITIAL TERMS. Notwithstanding section 3 of  
14 this Act, the terms of the initial members of the board of  
15 corrections appointed pursuant to section 3 of this Act shall  
16 be as follows:

17     One member shall serve until April 30, 1986.

18     Two members shall serve until April 30, 1987.

19     Two members shall serve until April 30, 1988.

20     Sec. 179. TRANSITION. Employees of the division of adult  
21 corrections of the department of social services, shall become  
22 employees of the Iowa department of corrections on the  
23 effective date of this Act. All policies, procedures, and  
24 rules established for or by the division of adult corrections  
25 of the department of social services shall apply respectively  
26 to the Iowa department of corrections, its employees,  
27 residents, and inmates, until otherwise changed as provided  
28 by law or rule. All applicable contracts and leasing  
29 arrangements shall be transferred to the jurisdiction of the  
30 Iowa department of corrections on the effective date of this  
31 Act. All equipment, supplies, and property in the custody  
32 of the division of adult corrections of the department of  
33 social services, shall be transferred to the Iowa department  
34 of corrections on the effective date of this Act. Funds  
35 appropriated for the division of adult corrections shall be

1 transferred and be available for the use of the Iowa department  
2 of corrections on and after the effective date of this Act.

3 Sec. 180. The Code editor may change any reference to  
4 the "division of corrections" and any reference to the "women's  
5 reformatory" inadvertantly remaining in the Code to the "Iowa  
6 department of corrections" and the "Iowa correctional facility  
7 for women" and make other corrective changes consistent with  
8 the intent of this Act.

9 Sec. 181. This Act takes effect January 1, 1984.

10 EXPLANATION

11 This bill creates a department of corrections to assume  
12 the duties and responsibilities of the present division of  
13 corrections of the department of social services. The new  
14 department would be responsible for the administration of,  
15 and the control, treatment, and rehabilitation of persons  
16 committed to the Iowa correctional institution for women,  
17 the men's reformatory, the state penitentiary, the Iowa  
18 security and medical facility, the men's medium security  
19 correctional facility at Rockwell City, the correctional  
20 release center, camps, and other institutions.

21 The general administration of the department is placed  
22 with the board of corrections created in this Act, while the  
23 director, who is appointed by the governor, performs  
24 supervisory responsibilities.

25 A new chapter 217A is created and many sections of the  
26 bill refer to sections in this new chapter. The bill would  
27 take effect January 1, 1984.

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