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AN ACT
RELATING TO VARIOUS ISSUES UNDER THE PURVIEW OF THE DEPARTMENT
OF CORRECTIONS INCLUDING THE CREATION OF AN INMATE LABOR
FUND.

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

Section 1. Section 901.4, Code Supplement 2003, is amended
to read as follows:

901.4 PRESENTENCE INVESTIGATION REPORT CONFIDENTIAL ==
DISTRIBUTION.

The presentence investigation report is confidential and
the court shall provide safeguards to ensure its
confidentiality, including but not limited to sealing the
report, which may be opened only by further court order. At
least three days prior to the date set for sentencing, the
court shall serve all of the presentence investigation report
upon the defendant's attorney and the attorney for the state,
and the report shall remain confidential except upon court
order. However, the court may conceal the identity of the
person who provided confidential information. The report of a
medical examination or psychological or psychiatric evaluation
shall be made available to the attorney for the state and to
the defendant upon request. The reports are part of the
record but shall be sealed and opened only on order of the
court. If the defendant is committed to the custody of the
Iowa department of corrections and is not a class "A" felon, a
copy of the presentence investigation report shall be
forwarded by ordinary or electronic mail to the director with
the order of commitment by the clerk of the district court and
to the board of parole at the time of commitment. Pursuant to
section 904.602, the presentence investigation report may also
be released by ordinary or electronic mail by the department
of corrections or a judicial district department of
correctional services to another jurisdiction for the purpose
of providing interstate probation and parole compact services
or evaluations, or to a substance abuse or mental health
services provider when referring a defendant for services.
The defendant or the defendant's attorney may file with the
presentence investigation report, a denial or refutation of
the allegations, or both, contained in the report. The denial
or refutation shall be included in the report. If the person
is sentenced for an offense which requires registration under
chapter 692A, the court shall release the report by ordinary
or electronic mail to the department which is responsible

under section 692A.13A for performing the assessment of risk.

Sec. 2. Section 904.201, subsections 2, 6, and 7, Code
2003, are amended to read as follows:

2. The ~~superintendent of the center~~ medical director of
the department or the medical director's designee shall secure
the professional care and treatment of each person confined at
the center and maintain a complete record on the condition of
each person confined at the center.

6. All admissions to the forensic psychiatric hospital
shall be by written application only. Application shall be
made by the head of the state institution, agency,
governmental body, or court requesting admission to the
~~superintendent of the center~~ medical director of the
department or the medical director's designee. An application
may be denied by ~~the superintendent~~ the medical director of
the department or the medical director's designee, with the
approval of the director, if the admission will result in an
overcrowded condition or if adequate staff or facilities are
not available. The decision regarding admission and discharge
of persons shall be made by the ~~superintendent of the center~~
medical director of the department or the medical director's
designee, subject to approval of the director.

7. When a person transferred to the center from any other
state institution or admitted by request or order of any
agency, governmental body, or court no longer requires special
treatment in the security setting, the person may be returned
to the source from which received. The state institution,
agency, governmental body, or court that referred the person

3 6 for hospitalization shall retain constructive jurisdiction
3 7 over the person. Persons without legal encumbrances may be
3 8 discharged directly from the center upon concurrence of the
3 9 ~~superintendent of the center medical director of the~~
3 10 ~~department or the medical director's designee~~ and the head of
3 11 the referring institution, agency, governmental body, or
3 12 court. The support, commitment, and release statutes
3 13 applicable to a person at the state institution from which
3 14 transferred shall remain applicable while the person is at the
3 15 center.

3 16 Sec. 3. Section 904.703, Code 2003, is amended to read as
3 17 follows:

3 18 904.703 SERVICES OF INMATES == INSTITUTIONS AND PUBLIC
3 19 SERVICE == INMATE LABOR FUND.

3 20 1. Inmates shall work on state account in the maintenance
3 21 of state institutions, in the erection, repair, authorized
3 22 demolition, or operation of buildings and works used in
3 23 connection with the institutions, and in industries
3 24 established and maintained in connection with the institutions
3 25 by the director. The director shall encourage the making of
3 26 agreements, including chapter 28E agreements, with departments
3 27 and agencies of the state or its political subdivisions to
3 28 provide products or services under an inmate work program to
3 29 the departments and agencies. The director may implement an
3 30 inmate work program for trustworthy inmates of state
3 31 correctional institutions, under proper supervision, whether
3 32 at work centers located outside the state correctional
3 33 institutions or in construction or maintenance work at public
3 34 or charitable facilities and for other agencies of state,
3 35 county, or local government. The supervision, security, and
4 1 transportation of, and allowances paid to inmates used in
4 2 public service projects shall be provided pursuant to
4 3 agreements, including chapter 28E agreements, made by the
4 4 director and the agency for which the work is done. Housing
4 5 and maintenance shall also be provided pursuant to the
4 6 agreement, including a chapter 28E agreement, unless the
4 7 inmate is housed and maintained in the correctional facility.
4 8 All such work, including but not limited to that provided in
4 9 this section, shall have as its primary purpose the
4 10 development of attitudes, skills, and habit patterns which are
4 11 conducive to inmate rehabilitation. The director may adopt
4 12 rules allowing inmates participating in an inmate work program
4 13 to receive educational or vocational training outside the
4 14 state correctional institutions and away from the work centers
4 15 or public or charitable facilities used under a program.

4 16 ~~However, an 2.~~ An inmate shall not work in a public
4 17 service project if the work of that inmate would replace a
4 18 person employed by the state agency or political subdivision,
4 19 which employee is performing the work of the public service
4 20 project at the time the inmate is being considered for work in
4 21 the project.

4 22 3. An inmate labor fund is established under the control
4 23 of the department. All fees, grants, appropriations, or
4 24 reimbursed costs received by the department and related to
4 25 inmate labor shall be deposited into the fund and the moneys
4 26 shall be used by the department to offset staff and
4 27 transportation costs related to providing inmate labor, to
4 28 public entities. Notwithstanding section 8.33, moneys
4 29 remaining in the fund at the end of a fiscal year shall not
4 30 revert to the general fund of the state. Notwithstanding
4 31 section 12C.7, interest and earnings deposited in the fund
4 32 shall be credited to the fund.

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5 2 CHRISTOPHER C. RANTS
5 3 Speaker of the House

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5 6 JEFFREY M. LAMBERTI
5 7 President of the Senate

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5 9 I hereby certify that this bill originated in the House and
5 10 is known as House File 2367, Eightieth General Assembly.

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5 13 _____
5 14 MARGARET THOMSON
5 15 Chief Clerk of the House

5 16 Approved _____, 2004

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5 20 THOMAS J. VILSACK

5 21 Governor