

House File 2558 - Enrolled

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HOUSE FILE 2558

AN ACT

RELATING TO AND MAKING APPROPRIATIONS TO THE JUSTICE SYSTEM, PROVIDING FOR A FEE, AND PROVIDING AN EFFECTIVE DATE.

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

Section 1. DEPARTMENT OF JUSTICE.

1. There is appropriated from the general fund of the state to the department of justice for the fiscal year beginning July 1, 2006, and ending June 30, 2007, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

a. For the general office of attorney general for salaries, support, maintenance, miscellaneous purposes including the prosecuting attorneys training program, victim assistance grants, office of drug control policy (ODCP) prosecuting attorney program, odometer fraud enforcement, and for not more than the following full-time equivalent positions:

Table with 2 columns: Description, Amount. Row 1: \$ 8,409,413. Row 2: FTEs 217.50

It is the intent of the general assembly that as a condition of receiving the appropriation provided in this lettered paragraph, the department of justice shall maintain a record of the estimated time incurred representing each agency or department.

b. For victim assistance grants:

Table with 2 columns: Description, Amount. Row 1: \$ 5,000

The funds appropriated in this lettered paragraph shall be used to provide grants to care providers providing services to crime victims of domestic abuse or to crime victims of rape and sexual assault.

c. For legal services for persons in poverty grants as provided in section 13.34:

Table with 2 columns: Description, Amount. Row 1: \$ 900,000

2. In addition to the funds appropriated in subsection 1, there is appropriated from the general fund of the state to the department of justice for the fiscal year beginning July 1, 2006, and ending June 30, 2007, an amount not exceeding \$200,000 to be used for the enforcement of the Iowa competition law. The funds appropriated in this subsection are contingent upon receipt by the general fund of the state of an amount at least equal to the expenditure amount from either damages awarded to the state or a political subdivision of the state by a civil judgment under chapter 553, if the judgment authorizes the use of the award for enforcement purposes or costs or attorneys fees awarded the state in state or federal antitrust actions. However, if the amounts received as a result of these judgments are in excess of \$200,000, the excess amounts shall not be appropriated to the department of justice pursuant to this subsection. The department of justice shall report the department's actual costs and an estimate of the time incurred enforcing the competition law, to the co-chairpersons and ranking members of the joint appropriations subcommittee on the justice system, and to the legislative services agency by November 15, 2006.

3. In addition to the funds appropriated in subsection 1, there is appropriated from the general fund of the state to the department of justice for the fiscal year beginning July 1, 2006, and ending June 30, 2007, an amount not exceeding \$1,125,000 to be used for public education relating to consumer fraud and for enforcement of section 714.16, and an amount not exceeding \$75,000 for investigation, prosecution, and consumer education relating to consumer and criminal fraud against older Iowans. The funds appropriated in this subsection are contingent upon receipt by the general fund of the state of an amount at least equal to the expenditure amount from damages awarded to the state or a political subdivision of the state by a civil consumer fraud judgment or settlement, if the judgment or settlement authorizes the use of the award for public education on consumer fraud. However,

3 4 if the funds received as a result of these judgments and
3 5 settlements are in excess of \$1,200,000, the excess funds
3 6 shall not be appropriated to the department of justice
3 7 pursuant to this subsection. The department of justice shall
3 8 report to the co-chairpersons and ranking members of the joint
3 9 appropriations subcommittee on the justice system, and to the
3 10 legislative services agency by November 15, 2006, the
3 11 department's actual costs and an estimate of the time incurred
3 12 in providing education pursuant to and enforcing this
3 13 subsection.

3 14 4. The balance of the victim compensation fund established
3 15 in section 915.94 may be used to provide salary and support of
3 16 not more than 22 FTEs and to provide maintenance for the
3 17 victim compensation functions of the department of justice.

3 18 5. As a condition of receiving the appropriation in
3 19 subsection 1, the department of justice shall transfer at
3 20 least \$3,200,000 from the victim compensation fund established
3 21 in section 915.94 to the victim assistance grant program.

3 22 6. a. The department of justice, in submitting budget
3 23 estimates for the fiscal year commencing July 1, 2007,
3 24 pursuant to section 8.23, shall include a report of funding
3 25 from sources other than amounts appropriated directly from the
3 26 general fund of the state to the department of justice or to
3 27 the office of consumer advocate. These funding sources shall
3 28 include, but are not limited to, reimbursements from other
3 29 state agencies, commissions, boards, or similar entities, and
3 30 reimbursements from special funds or internal accounts within
3 31 the department of justice. The department of justice shall
3 32 report actual reimbursements for the fiscal year commencing
3 33 July 1, 2005, and actual and expected reimbursements for the
3 34 fiscal year commencing July 1, 2006.

3 35 b. The department of justice shall include the report
4 1 required under paragraph "a", as well as information regarding
4 2 any revisions occurring as a result of reimbursements actually
4 3 received or expected at a later date, in a report to the co=
4 4 chairpersons and ranking members of the joint appropriations
4 5 subcommittee on the justice system and the legislative
4 6 services agency. The department of justice shall submit the
4 7 report on or before January 15, 2007.

4 8 Sec. 2. DEPARTMENT OF JUSTICE == ENVIRONMENTAL CRIMES
4 9 INVESTIGATION AND PROSECUTION == FUNDING. There is
4 10 appropriated from the environmental crime fund of the
4 11 department of justice, consisting of court-ordered fines and
4 12 penalties awarded to the department arising out of the
4 13 prosecution of environmental crimes, to the department of
4 14 justice for the fiscal year beginning July 1, 2006, and ending
4 15 June 30, 2007, an amount not exceeding \$20,000 to be used by
4 16 the department, at the discretion of the attorney general, for
4 17 the investigation and prosecution of environmental crimes,
4 18 including the reimbursement of expenses incurred by county,
4 19 municipal, and other local governmental agencies cooperating
4 20 with the department in the investigation and prosecution of
4 21 environmental crimes.

4 22 The funds appropriated in this section are contingent upon
4 23 receipt by the environmental crime fund of the department of
4 24 justice of an amount at least equal to the appropriations made
4 25 in this section and received from contributions, court-ordered
4 26 restitution as part of judgments in criminal cases, and
4 27 consent decrees entered into as part of civil or regulatory
4 28 enforcement actions. However, if the funds received during
4 29 the fiscal year are in excess of \$20,000, the excess funds
4 30 shall be deposited in the general fund of the state.

4 31 Notwithstanding section 8.33, moneys appropriated in this
4 32 section that remain unencumbered or unobligated at the close
4 33 of the fiscal year shall not revert but shall remain available
4 34 for expenditure for the purpose designated until the close of
4 35 the succeeding fiscal year.

5 1 Sec. 3. OFFICE OF CONSUMER ADVOCATE. There is
5 2 appropriated from the general fund of the state to the office
5 3 of consumer advocate of the department of justice for the
5 4 fiscal year beginning July 1, 2006, and ending June 30, 2007,
5 5 the following amount, or so much thereof as is necessary, to
5 6 be used for the purposes designated:

5 7 For salaries, support, maintenance, miscellaneous purposes,
5 8 and for not more than the following full-time equivalent
5 9 positions:

5 10 \$ 2,887,017
5 11 FTEs 27.00

5 12 Sec. 4. DEPARTMENT OF CORRECTIONS == FACILITIES.
5 13 1. There is appropriated from the general fund of the
5 14 state to the department of corrections for the fiscal year

5 15 beginning July 1, 2006, and ending June 30, 2007, the
5 16 following amounts, or so much thereof as is necessary, to be
5 17 used for the purposes designated:

5 18 For the operation of adult correctional institutions,
5 19 reimbursement of counties for certain confinement costs, and
5 20 federal prison reimbursement, to be allocated as follows:

5 21 a. For the operation of the Fort Madison correctional
5 22 facility, including salaries, support, maintenance, and
5 23 miscellaneous purposes:

5 24 \$ 42,423,619

5 25 b. For the operation of the Anamosa correctional facility,
5 26 including salaries, support, maintenance, and miscellaneous
5 27 purposes:

5 28 \$ 28,903,747

5 29 Moneys are provided within this appropriation for one full=
5 30 time substance abuse counselor for the Luster Heights
5 31 facility, for the purpose of certification of a substance
5 32 abuse program at that facility.

5 33 c. For the operation of the Oakdale correctional facility,
5 34 including salaries, support, maintenance, and miscellaneous
5 35 purposes:

6 1 \$ 28,972,190

6 2 d. For the operation of the Newton correctional facility,
6 3 including salaries, support, maintenance, and miscellaneous
6 4 purposes:

6 5 \$ 26,144,996

6 6 e. For the operation of the Mt. Pleasant correctional
6 7 facility, including salaries, support, maintenance, and
6 8 miscellaneous purposes:

6 9 \$ 24,929,418

6 10 f. For the operation of the Rockwell City correctional
6 11 facility, including salaries, support, maintenance, and
6 12 miscellaneous purposes:

6 13 \$ 8,599,419

6 14 g. For the operation of the Clarinda correctional
6 15 facility, including salaries, support, maintenance, and
6 16 miscellaneous purposes:

6 17 \$ 24,251,587

6 18 Moneys received by the department of corrections as
6 19 reimbursement for services provided to the Clarinda youth
6 20 corporation are appropriated to the department and shall be
6 21 used for the purpose of operating the Clarinda correctional
6 22 facility.

6 23 h. For the operation of the Mitchellville correctional
6 24 facility, including salaries, support, maintenance, and
6 25 miscellaneous purposes:

6 26 \$ 14,969,715

6 27 i. For the operation of the Fort Dodge correctional
6 28 facility, including salaries, support, maintenance, and
6 29 miscellaneous purposes:

6 30 \$ 27,758,806

6 31 j. For reimbursement of counties for temporary confinement
6 32 of work release and parole violators, as provided in sections
6 33 901.7, 904.908, and 906.17 and for offenders confined pursuant
6 34 to section 904.513:

6 35 \$ 799,954

7 1 k. For federal prison reimbursement, reimbursements for
7 2 out-of-state placements, and miscellaneous contracts:

7 3 \$ 241,293

7 4 2. The department of corrections shall use funds
7 5 appropriated in subsection 1 to continue to contract for the
7 6 services of a Muslim imam.

7 7 Sec. 5. DEPARTMENT OF CORRECTIONS == ADMINISTRATION.

7 8 1. There is appropriated from the general fund of the
7 9 state to the department of corrections for the fiscal year
7 10 beginning July 1, 2006, and ending June 30, 2007, the
7 11 following amounts, or so much thereof as is necessary, to be
7 12 used for the purposes designated:

7 13 a. For general administration, including salaries,
7 14 support, maintenance, employment of an education director to
7 15 administer a centralized education program for the
7 16 correctional system, and miscellaneous purposes:

7 17 \$ 3,928,438

7 18 (1) It is the intent of the general assembly that as a
7 19 condition of receiving the appropriation provided in this
7 20 lettered paragraph, the department of corrections shall not,
7 21 except as otherwise provided in subparagraph (3), enter into a
7 22 new contract, unless the contract is a renewal of an existing
7 23 contract, for the expenditure of moneys in excess of \$100,000
7 24 during the fiscal year beginning July 1, 2006, for the
7 25 privatization of services performed by the department using

7 26 state employees as of July 1, 2006, or for the privatization
7 27 of new services by the department, without prior consultation
7 28 with any applicable state employee organization affected by
7 29 the proposed new contract and prior notification of the co=
7 30 chairpersons and ranking members of the joint appropriations
7 31 subcommittee on the justice system.

7 32 (2) It is the intent of the general assembly that each
7 33 lease negotiated by the department of corrections with a
7 34 private corporation for the purpose of providing private
7 35 industry employment of inmates in a correctional institution
8 1 shall prohibit the private corporation from utilizing inmate
8 2 labor for partisan political purposes for any person seeking
8 3 election to public office in this state and that a violation
8 4 of this requirement shall result in a termination of the lease
8 5 agreement.

8 6 (3) It is the intent of the general assembly that as a
8 7 condition of receiving the appropriation provided in this
8 8 lettered paragraph, the department of corrections shall not
8 9 enter into a lease or contractual agreement pursuant to
8 10 section 904.809 with a private corporation for the use of
8 11 building space for the purpose of providing inmate employment
8 12 without providing that the terms of the lease or contract
8 13 establish safeguards to restrict, to the greatest extent
8 14 feasible, access by inmates working for the private
8 15 corporation to personal identifying information of citizens.

8 16 b. For educational programs for inmates at state penal
8 17 institutions:

8 18 \$ 1,070,358

8 19 It is the intent of the general assembly that moneys
8 20 appropriated in this lettered paragraph shall be used solely
8 21 for the purpose indicated and that the moneys shall not be
8 22 transferred for any other purpose. In addition, it is the
8 23 intent of the general assembly that the department shall
8 24 consult with the community colleges in the areas in which the
8 25 institutions are located to utilize moneys appropriated in
8 26 this lettered paragraph to fund the high school completion,
8 27 high school equivalency diploma, adult literacy, and adult
8 28 basic education programs in a manner so as to maintain these
8 29 programs at the institutions.

8 30 To maximize the funding for educational programs, the
8 31 department shall establish guidelines and procedures to
8 32 prioritize the availability of educational and vocational
8 33 training for inmates based upon the goal of facilitating an
8 34 inmate's successful release from the correctional institution.

8 35 The director of the department of corrections may transfer
9 1 moneys from Iowa prison industries for use in educational
9 2 programs for inmates.

9 3 Notwithstanding section 8.33, moneys appropriated in this
9 4 lettered paragraph that remain unobligated or unexpended at
9 5 the close of the fiscal year shall not revert but shall remain
9 6 available for expenditure only for the purpose designated in
9 7 this lettered paragraph until the close of the succeeding
9 8 fiscal year.

9 9 c. For the development of the Iowa corrections offender
9 10 network (ICON) data system:

9 11 \$ 427,700

9 12 d. For offender mental health and substance abuse
9 13 treatment:

9 14 \$ 25,000

9 15 e. For viral hepatitis prevention and treatment:

9 16 \$ 188,000

9 17 2. It is the intent of the general assembly that the
9 18 department of corrections shall continue to operate the
9 19 correctional farms under the control of the department at the
9 20 same or greater level of participation and involvement as
9 21 existed as of January 1, 2006, shall not enter into any rental
9 22 agreement or contract concerning any farmland under the
9 23 control of the department that is not subject to a rental
9 24 agreement or contract as of January 1, 2006, without prior
9 25 legislative approval, and shall further attempt to provide job
9 26 opportunities at the farms for inmates. The department shall
9 27 attempt to provide job opportunities at the farms for inmates
9 28 by encouraging labor-intensive farming or gardening where
9 29 appropriate, using inmates to grow produce and meat for
9 30 institutional consumption, researching the possibility of
9 31 instituting food canning and cook-and-chill operations, and
9 32 exploring opportunities for organic farming and gardening,
9 33 livestock ventures, horticulture, and specialized crops.

9 34 3. The department shall work to increase produce gardening
9 35 by inmates under the control of the correctional institutions,
10 1 and, if appropriate, may use the central distribution network

10 2 at the Woodward state resource center. The department shall
10 3 file a report with the co-chairpersons and ranking members of
10 4 the joint appropriations subcommittee on the justice system by
10 5 December 1, 2006, regarding the feasibility of expanding the
10 6 number of acres devoted to organic gardening and to the
10 7 growing of organic produce for sale.

10 8 4. The department of corrections shall submit a report to
10 9 the general assembly by January 1, 2007, concerning moneys
10 10 recouped from inmate earnings for the reimbursement of
10 11 operational expenses of the applicable facility during the
10 12 fiscal year beginning July 1, 2005, for each correctional
10 13 institution and judicial district department of correctional
10 14 services. In addition, each correctional institution and
10 15 judicial district department of correctional services shall
10 16 continue to submit a report to the legislative services agency
10 17 on a monthly basis concerning moneys recouped from inmate
10 18 earnings pursuant to sections 904.702, 904.809, and 905.14.

10 19 5. It is the intent of the general assembly that as a
10 20 condition of receiving the appropriation provided in
10 21 subsection 1, the department shall not enter into any
10 22 agreement with a private sector nongovernmental entity for the
10 23 purpose of housing inmates committed to the custody of the
10 24 director of the department, without express authorization of
10 25 the general assembly to do so.

10 26 6. The department shall submit a report to the
10 27 co-chairpersons and ranking members of the joint
10 28 appropriations subcommittee on the justice system and the
10 29 legislative services agency by January 2, 2007, regarding the
10 30 special needs unit located at the Iowa medical and
10 31 classification center at Oakdale which is currently under
10 32 construction. The report shall specify the date when the
10 33 construction of the special needs unit will be completed, the
10 34 date when the unit is ready to be occupied by inmates, and the
10 35 amount of funding required to operate the unit in FY 2006=
11 1 2007.

11 2 Sec. 6. JUDICIAL DISTRICT DEPARTMENTS OF CORRECTIONAL
11 3 SERVICES.

11 4 1. There is appropriated from the general fund of the
11 5 state to the department of corrections for the fiscal year
11 6 beginning July 1, 2006, and ending June 30, 2007, the
11 7 following amounts, or so much thereof as is necessary, to be
11 8 allocated as follows:

11 9 a. For the first judicial district department of
11 10 correctional services, including the treatment and supervision
11 11 of probation and parole violators who have been released from
11 12 the department of corrections violator program, the following
11 13 amount, or so much thereof as is necessary:
11 14 \$ 11,242,260

11 15 b. For the second judicial district department of
11 16 correctional services, including the treatment and supervision
11 17 of probation and parole violators who have been released from
11 18 the department of corrections violator program, the following
11 19 amount, or so much thereof as is necessary:
11 20 \$ 8,924,193

11 21 c. For the third judicial district department of
11 22 correctional services, including the treatment and supervision
11 23 of probation and parole violators who have been released from
11 24 the department of corrections violator program, the following
11 25 amount, or so much thereof as is necessary:
11 26 \$ 5,285,982

11 27 d. For the fourth judicial district department of
11 28 correctional services, including the treatment and supervision
11 29 of probation and parole violators who have been released from
11 30 the department of corrections violator program, the following
11 31 amount, or so much thereof as is necessary:
11 32 \$ 4,810,474

11 33 e. For the fifth judicial district department of
11 34 correctional services, including the treatment and supervision
11 35 of probation and parole violators who have been released from
12 1 the department of corrections violator program, and funding
12 2 for electronic monitoring devices for use on a statewide
12 3 basis, the following amount, or so much thereof as is
12 4 necessary:
12 5 \$ 16,345,917

12 6 f. For the sixth judicial district department of
12 7 correctional services, including the treatment and supervision
12 8 of probation and parole violators who have been released from
12 9 the department of corrections violator program, the following
12 10 amount, or so much thereof as is necessary:
12 11 \$ 11,204,167

12 12 g. The sixth judicial district department of correctional

12 13 services shall maintain a youth leadership model program to
12 14 help at-risk youth. As a part of the program, the district
12 15 department may recruit college or high school students in the
12 16 judicial district to work with at-risk youth. The student
12 17 workers shall be recruited regardless of gender and be
12 18 recommended by their respective schools as good role models,
12 19 including but not limited to students who possess capabilities
12 20 in one or more of the following areas of ability:
12 21 intellectual capacity, athletics, visual arts, or performing
12 22 arts.

12 23 h. For the seventh judicial district department of
12 24 correctional services, including the treatment and supervision
12 25 of probation and parole violators who have been released from
12 26 the department of corrections violator program, the following
12 27 amount, or so much thereof as is necessary:

12 28 \$ 6,348,075

12 29 i. For the eighth judicial district department of
12 30 correctional services, including the treatment and supervision
12 31 of probation and parole violators who have been released from
12 32 the department of corrections violator program, the following
12 33 amount, or so much thereof as is necessary:

12 34 \$ 6,401,794

12 35 j. For a transitional housing pilot project for offenders
13 1 on parole who are in the early stages of recovery from
13 2 substance abuse:

13 3 \$ 20,000

13 4 The department of corrections shall contract with a private
13 5 nonprofit substance abuse treatment provider in a city with a
13 6 population exceeding sixty-five thousand but not exceeding
13 7 seventy thousand to implement the pilot project. The
13 8 department shall file a report with the co-chairpersons and
13 9 ranking members of the appropriations subcommittee on the
13 10 justice system and the legislative services agency by February
13 11 1, 2007, detailing the number of offenders served by the pilot
13 12 project, the recidivism rate, a description of the type of
13 13 services received by the offenders, and the number of prison
13 14 bed days saved by the pilot project.

13 15 2. Each judicial district department of correctional
13 16 services, within the funding available, shall continue
13 17 programs and plans established within that district to provide
13 18 for intensive supervision, sex offender treatment, diversion
13 19 of low-risk offenders to the least restrictive sanction
13 20 available, job development, and expanded use of intermediate
13 21 criminal sanctions.

13 22 3. Each judicial district department of correctional
13 23 services shall provide alternatives to prison consistent with
13 24 chapter 901B. The alternatives to prison shall ensure public
13 25 safety while providing maximum rehabilitation to the offender.
13 26 A judicial district department may also establish a day
13 27 program.

13 28 4. The governor's office of drug control policy shall
13 29 consider federal grants made to the department of corrections
13 30 for the benefit of each of the eight judicial district
13 31 departments of correctional services as local government
13 32 grants, as defined pursuant to federal regulations.

13 33 5. The department of corrections shall continue to
13 34 contract with a judicial district department of correctional
13 35 services to provide for the rental of electronic monitoring
14 1 equipment which shall be available statewide.

14 2 Sec. 7. DEPARTMENT OF CORRECTIONS == REALLOCATION OF
14 3 APPROPRIATIONS. Notwithstanding section 8.39, within the
14 4 funds appropriated in this Act to the department of
14 5 corrections, the department may reallocate the funds
14 6 appropriated and allocated as necessary to best fulfill the
14 7 needs of the correctional institutions, administration of the
14 8 department, and the judicial district departments of
14 9 correctional services. However, in addition to the
14 10 requirements of sections 904.116 and 905.8 and providing
14 11 notice to the legislative services agency, the department of
14 12 corrections shall also provide notice to the department of
14 13 management, prior to the effective date of the revision or
14 14 reallocation or an appropriation made pursuant to this
14 15 section. The department shall not reallocate an appropriation
14 16 or allocation for the purpose of eliminating any program.

14 17 Sec. 8. INTENT == REPORTS.

14 18 1. The department of corrections shall submit a report on
14 19 inmate labor to the general assembly, to the co-chairpersons
14 20 and the ranking members of the joint appropriations
14 21 subcommittee on the justice system, and to the legislative
14 22 services agency by January 15, 2007. The report shall
14 23 specifically address the progress the department has made in

14 24 implementing the requirements of section 904.701, inmate labor
14 25 on capital improvement projects, community work crews, inmate
14 26 produce gardening, and private-sector employment.

14 27 2. The department in cooperation with townships, the Iowa
14 28 cemetery associations, and other nonprofit or governmental
14 29 entities may use inmate labor to restore or preserve rural
14 30 cemeteries and historical landmarks. The department in
14 31 cooperation with the counties may also use inmate labor to
14 32 clean up roads, major water sources, and other water sources
14 33 around the state.

14 34 3. Each month the department shall provide a status report
14 35 regarding private-sector employment to the legislative
15 1 services agency beginning on July 1, 2006. The report shall
15 2 include the number of offenders employed in the private
15 3 sector, the combined number of hours worked by the offenders,
15 4 and the total amount of allowances, and the distribution of
15 5 allowances pursuant to section 904.702, including any moneys
15 6 deposited in the general fund of the state.

15 7 Sec. 9. ELECTRONIC MONITORING REPORT. The department of
15 8 corrections shall submit a report on electronic monitoring to
15 9 the general assembly, to the co-chairpersons and the ranking
15 10 members of the joint appropriations subcommittee on the
15 11 justice system, and to the legislative services agency by
15 12 January 15, 2007. The report shall specifically address the
15 13 number of persons being electronically monitored and break
15 14 down the number of persons being electronically monitored by
15 15 offense committed. The report shall also include a comparison
15 16 of any data from the prior fiscal year with the current year.

15 17 Sec. 10. STATE AGENCY PURCHASES FROM PRISON INDUSTRIES.

15 18 1. As used in this section, unless the context otherwise
15 19 requires, "state agency" means the government of the state of
15 20 Iowa, including but not limited to all executive branch
15 21 departments, agencies, boards, bureaus, and commissions, the
15 22 judicial branch, the general assembly and all legislative
15 23 agencies, institutions within the purview of the state board
15 24 of regents, and any corporation whose primary function is to
15 25 act as an instrumentality of the state.

15 26 2. State agencies are hereby encouraged to purchase
15 27 products from Iowa state industries, as defined in section
15 28 904.802, when purchases are required and the products are
15 29 available from Iowa state industries. State agencies shall
15 30 obtain bids from Iowa state industries for purchases of office
15 31 furniture exceeding \$5,000 or in accordance with applicable
15 32 administrative rules related to purchases for the agency.

15 33 Sec. 11. CORRECTIONAL FACILITY FOR THE SUBSTANCE ABUSE
15 34 TREATMENT OF INMATES. The department of corrections shall
15 35 develop a proposal that designates an existing correctional
16 1 facility as a facility that is dedicated to providing
16 2 substance abuse treatment to offenders committed to the
16 3 custody of the department. The proposal shall contain a
16 4 reallocation of existing resources to convert an existing
16 5 correctional facility to a substance abuse treatment facility,
16 6 and outline the time period for the conversion of such a
16 7 facility to a substance abuse facility. The department shall
16 8 file the proposal with the legislative services agency no
16 9 later than January 15, 2007.

16 10 Sec. 12. STATE PUBLIC DEFENDER. There is appropriated
16 11 from the general fund of the state to the office of the state
16 12 public defender of the department of inspections and appeals
16 13 for the fiscal year beginning July 1, 2006, and ending June
16 14 30, 2007, the following amounts, or so much thereof as is
16 15 necessary, to be allocated as follows for the purposes
16 16 designated:

16 17 1. For salaries, support, maintenance, and miscellaneous
16 18 purposes, and for not more than the following full-time
16 19 equivalent positions:
16 20 \$ 19,792,963
16 21 FTEs 202.00

16 22 2. For the fees of court-appointed attorneys for indigent
16 23 adults and juveniles, in accordance with section 232.141 and
16 24 chapter 815:
16 25 \$ 25,163,082

16 26 Sec. 13. IOWA LAW ENFORCEMENT ACADEMY.

16 27 1. There is appropriated from the general fund of the
16 28 state to the Iowa law enforcement academy for the fiscal year
16 29 beginning July 1, 2006, and ending June 30, 2007, the
16 30 following amount, or so much thereof as is necessary, to be
16 31 used for the purposes designated:

16 32 For salaries, support, maintenance, miscellaneous purposes,
16 33 including jailer training and technical assistance, and for
16 34 not more than the following full-time equivalent positions:

16 35 \$ 1,172,389
17 1 FTEs 30.05
17 2 It is the intent of the general assembly that the Iowa law
17 3 enforcement academy may provide training of state and local
17 4 law enforcement personnel concerning the recognition of and
17 5 response to persons with Alzheimer's disease.
17 6 The Iowa law enforcement academy may temporarily exceed and
17 7 draw more than the amount appropriated and incur a negative
17 8 cash balance as long as there are receivables equal to or
17 9 greater than the negative balance and the amount appropriated
17 10 in this subsection is not exceeded at the close of the fiscal
17 11 year.
17 12 2. The Iowa law enforcement academy may select at least
17 13 five automobiles of the department of public safety, division
17 14 of state patrol, prior to turning over the automobiles to the
17 15 department of administrative services to be disposed of by
17 16 public auction and the Iowa law enforcement academy may
17 17 exchange any automobile owned by the academy for each
17 18 automobile selected if the selected automobile is used in
17 19 training law enforcement officers at the academy. However,
17 20 any automobile exchanged by the academy shall be substituted
17 21 for the selected vehicle of the department of public safety
17 22 and sold by public auction with the receipts being deposited
17 23 in the depreciation fund to the credit of the department of
17 24 public safety, division of state patrol.
17 25 Sec. 14. BOARD OF PAROLE. There is appropriated from the
17 26 general fund of the state to the board of parole for the
17 27 fiscal year beginning July 1, 2006, and ending June 30, 2007,
17 28 the following amount, or so much thereof as is necessary, to
17 29 be used for the purposes designated:
17 30 For salaries, support, maintenance, miscellaneous purposes,
17 31 and for not more than the following full-time equivalent
17 32 positions:
17 33 \$ 1,156,960
17 34 FTEs 17.50
17 35 Sec. 15. DEPARTMENT OF PUBLIC DEFENSE. There is
18 1 appropriated from the general fund of the state to the
18 2 department of public defense for the fiscal year beginning
18 3 July 1, 2006, and ending June 30, 2007, the following amounts,
18 4 or so much thereof as is necessary, to be used for the
18 5 purposes designated:
18 6 1. MILITARY DIVISION
18 7 For salaries, support, maintenance, miscellaneous purposes,
18 8 and for not more than the following full-time equivalent
18 9 positions:
18 10 \$ 5,724,545
18 11 FTEs 316.55
18 12 The military division may temporarily exceed and draw more
18 13 than the amount appropriated and incur a negative cash balance
18 14 as long as there are receivables of federal funds equal to or
18 15 greater than the negative balance and the amount appropriated
18 16 in this subsection is not exceeded at the close of the fiscal
18 17 year.
18 18 2. HOMELAND SECURITY AND EMERGENCY MANAGEMENT DIVISION
18 19 a. For salaries, support, maintenance, miscellaneous
18 20 purposes, and for not more than the following full-time
18 21 equivalent positions:
18 22 \$ 1,582,029
18 23 FTEs 26.75
18 24 b. For the Iowa civil air patrol:
18 25 \$ 100,000
18 26 It is the intent of the general assembly that the homeland
18 27 security and emergency management division work in conjunction
18 28 with the department of public safety, to the extent possible,
18 29 when gathering and analyzing information related to potential
18 30 domestic or foreign security threats, and when monitoring such
18 31 threats.
18 32 Sec. 16. DEPARTMENT OF PUBLIC SAFETY. There is
18 33 appropriated from the general fund of the state to the
18 34 department of public safety for the fiscal year beginning July
18 35 1, 2006, and ending June 30, 2007, the following amounts, or
19 1 so much thereof as is necessary, to be used for the purposes
19 2 designated:
19 3 1. For the department's administrative functions,
19 4 including the criminal justice information system, and for not
19 5 more than the following full-time equivalent positions:
19 6 \$ 3,656,020
19 7 FTEs 38.00
19 8 2. For the division of criminal investigation, including
19 9 the state's contribution to the peace officers' retirement,
19 10 accident, and disability system provided in chapter 97A in the

19 11 amount of 17 percent of the salaries for which the funds are
19 12 appropriated, to meet federal fund matching requirements, and
19 13 for not more than the following full-time equivalent
19 14 positions:

19 15	\$ 18,673,875
19 16	FTEs 270.50

19 17 The department of public safety, with the approval of the
19 18 department of management, may employ no more than two special
19 19 agents and four gaming enforcement officers for each
19 20 additional riverboat regulated after July 1, 2006, and one
19 21 special agent for each racing facility which becomes
19 22 operational during the fiscal year which begins July 1, 2006.
19 23 One additional gaming enforcement officer, up to a total of
19 24 four per riverboat, may be employed for each riverboat that
19 25 has extended operations to 24 hours and has not previously
19 26 operated with a 24-hour schedule. Positions authorized in
19 27 this paragraph are in addition to the full-time equivalent
19 28 positions otherwise authorized in this subsection.

19 29 3. For the criminalistics laboratory fund created in
19 30 section 602.8108:

19 31	\$ 342,000
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19 32 4. a. For the division of narcotics enforcement,
19 33 including the state's contribution to the peace officers'
19 34 retirement, accident, and disability system provided in
19 35 chapter 97A in the amount of 17 percent of the salaries for
20 1 which the funds are appropriated, to meet federal fund
20 2 matching requirements, and for not more than the following
20 3 full-time equivalent positions:

20 4	\$ 5,349,198
20 5	FTEs 74.00

20 6 b. For the division of narcotics enforcement for
20 7 undercover purchases:

20 8	\$ 123,343
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20 9 5. a. For the division of state fire marshal, including
20 10 the state's contribution to the peace officers' retirement,
20 11 accident, and disability system provided in chapter 97A in the
20 12 amount of 17 percent of the salaries for which the funds are
20 13 appropriated, and for not more than the following full-time
20 14 equivalent positions:

20 15	\$ 2,513,247
20 16	FTEs 41.00

20 17 b. For the division of state fire marshal, for fire
20 18 protection services as provided through the state fire service
20 19 and emergency response council as created in the department,
20 20 and for not more than the following full-time equivalent
20 21 positions:

20 22	\$ 675,820
20 23	FTEs 10.00

20 24 6. For the division of state patrol, for salaries,
20 25 support, maintenance, workers' compensation costs, and
20 26 miscellaneous purposes, including the state's contribution to
20 27 the peace officers' retirement, accident, and disability
20 28 system provided in chapter 97A in the amount of 17 percent of
20 29 the salaries for which the funds are appropriated, and for not
20 30 more than the following full-time equivalent positions:

20 31	\$ 45,185,618
20 32	FTEs 531.00

20 33 It is the intent of the general assembly that members of
20 34 the state patrol be assigned to patrol the highways and roads
20 35 in lieu of assignments for inspecting school buses for the
21 1 school districts.

21 2 7. For deposit in the sick leave benefits fund established
21 3 under section 80.42, for all departmental employees eligible
21 4 to receive benefits for accrued sick leave under the
21 5 collective bargaining agreement:

21 6	\$ 316,179
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21 7 An employee of the department of public safety who retires
21 8 after July 1, 2006, but prior to June 30, 2007, is eligible
21 9 for payment of life or health insurance premiums as provided
21 10 for in the collective bargaining agreement covering the public
21 11 safety bargaining unit at the time of retirement if that
21 12 employee previously served in a position which would have been
21 13 covered by the agreement. The employee shall be given credit
21 14 for the service in that prior position as though it were
21 15 covered by that agreement. The provisions of this subsection
21 16 shall not operate to reduce any retirement benefits an
21 17 employee may have earned under other collective bargaining
21 18 agreements or retirement programs.

21 19 8. For costs associated with the training and equipment
21 20 needs of volunteer fire fighters:

21 21	\$ 699,587
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21 22 Notwithstanding section 8.33, moneys appropriated in this
21 23 subsection that remain unobligated or unexpended at the close
21 24 of the fiscal year shall not revert but shall remain available
21 25 for expenditure only for the purpose designated in this
21 26 subsection until the close of the succeeding fiscal year.

21 27 9. For capitol building and judicial building security:
21 28 \$ 775,000

21 29 Notwithstanding section 8.39, within the funds appropriated
21 30 in this section the department of public safety may reallocate
21 31 funds as necessary to best fulfill the needs provided for in
21 32 the appropriation. However, the department shall not
21 33 reallocate an appropriation made to the department in this
21 34 section unless notice of the reallocation is given to the
21 35 legislative services agency and the department of management
22 1 prior to the effective date of the reallocation. The notice
22 2 shall include information about the rationale for reallocating
22 3 the appropriation. The department shall not reallocate an
22 4 appropriation made in this section for the purpose of
22 5 eliminating any program.

22 6 Sec. 17. CIVIL RIGHTS COMMISSION. There is appropriated
22 7 from the general fund of the state to the Iowa state civil
22 8 rights commission for the fiscal year beginning July 1, 2006,
22 9 and ending June 30, 2007, the following amount, or so much
22 10 thereof as is necessary, to be used for the purposes
22 11 designated:

22 12 For salaries, support, maintenance, miscellaneous purposes,
22 13 and for not more than the following full-time equivalent
22 14 positions:
22 15 \$ 1,075,753
22 16 FTEs 27.90

22 17 The Iowa state civil rights commission may enter into a
22 18 contract with a nonprofit organization to provide legal
22 19 assistance to resolve civil rights complaints.

22 20 Sec. 18. YOUTH ENRICHMENT PILOT PROJECT. There is
22 21 appropriated from the general fund of the state to the
22 22 judicial branch for the fiscal year beginning July 1, 2006,
22 23 and ending June 30, 2007, the following amount, or so much
22 24 thereof as is necessary, to be used for the purposes
22 25 designated:

22 26 For a grant to be determined by the state court
22 27 administrator, for the maintenance of a youth enrichment pilot
22 28 project located in a county with a population greater than
22 29 300,000 that is involved in a public-private partnership
22 30 pursuing life skills, education, and mentoring programs for
22 31 offenders between the ages of 16 and 22 who have been charged
22 32 with a felony:

22 33 \$ 50,000

22 34 Sec. 19. HOMELAND SECURITY AND EMERGENCY MANAGEMENT
22 35 DIVISION. There is appropriated from the wireless E911
23 1 emergency communications fund created in section 34A.7A to the
23 2 administrator of the homeland security and emergency
23 3 management division of the department of public defense for
23 4 the fiscal year beginning July 1, 2006, and ending June 30,
23 5 2007, an amount not exceeding \$200,000 to be used for
23 6 implementation, support, and maintenance of the functions of
23 7 the administrator and program manager under chapter 34A and to
23 8 employ the auditor of the state to perform an annual audit of
23 9 the wireless E911 emergency communications fund.

23 10 Sec. 20. IOWA LAW ENFORCEMENT ACADEMY == FEES.
23 11 Notwithstanding section 80B.11B, the Iowa law enforcement
23 12 academy may charge more than one-half the cost of providing
23 13 the basic training course if a majority of the Iowa law
23 14 enforcement academy council authorizes charging more than one-
23 15 half of the cost of providing basic training. This section is
23 16 repealed on June 30, 2007.

23 17 Sec. 21. DEPUTY ADJUTANT GENERAL. Notwithstanding section
23 18 29A.16, a deputy adjutant general who is a federally
23 19 recognized officer on May 1, 2006, and who subsequently loses
23 20 federal recognition due to age, shall continue to serve as a
23 21 deputy adjutant general until June 30, 2007.

23 22 Sec. 22. TRAVEL POLICY.
23 23 1. For the fiscal year beginning July 1, 2006, each
23 24 department or independent agency receiving an appropriation in
23 25 this Act shall review the employee policy for daily or short-
23 26 term travel including but not limited to the usage of motor
23 27 pool vehicles under the department of administrative services,
23 28 employee mileage reimbursement for the use of a personal
23 29 vehicle, and the usage of private automobile rental companies.
23 30 Following the review, the department or agency shall implement
23 31 revisions in the employee policy for daily or short-term
23 32 travel as necessary to maximize cost savings.

23 33 2. Each department or independent agency subject to
23 34 subsection 1 shall report to the general assembly's standing
23 35 committees on government oversight regarding the policy
24 1 revisions implemented and the savings realized from the
24 2 changes. An initial report shall be submitted on or before
24 3 December 1, 2006, and a follow-up report shall be submitted on
24 4 or before December 1, 2007.

24 5 Sec. 23. Section 903A.5, Code 2005, is amended to read as
24 6 follows:

24 7 903A.5 TIME TO BE SERVED == CREDIT.

24 8 1. An inmate shall not be discharged from the custody of
24 9 the director of the Iowa department of corrections until the
24 10 inmate has served the full term for which the inmate was
24 11 sentenced, less earned time and other credits earned and not
24 12 forfeited, unless the inmate is pardoned or otherwise legally
24 13 released. Earned time accrued and not forfeited shall apply
24 14 to reduce a mandatory minimum sentence being served pursuant
24 15 to section 124.406, 124.413, 902.7, 902.8, 902.8A, or 902.11.
24 16 An inmate shall be deemed to be serving the sentence from the
24 17 day on which the inmate is received into the institution. If
24 18 an inmate was confined to a county jail or other correctional
24 19 or mental facility at any time prior to sentencing, or after
24 20 sentencing but prior to the case having been decided on
24 21 appeal, because of failure to furnish bail or because of being
24 22 charged with a nonbailable offense, the inmate shall be given
24 23 credit for the days already served upon the term of the
24 24 sentence. However, if a person commits any offense while
24 25 confined in a county jail or other correctional or mental
24 26 health facility, the person shall not be granted jail credit
24 27 for that offense. Unless the inmate was confined in a
24 28 correctional facility, the sheriff of the county in which the
24 29 inmate was confined shall certify to the clerk of the district
24 30 court from which the inmate was sentenced and to the
24 31 department of corrections' records administrator at the Iowa
24 32 medical and classification center the number of days so
24 33 served. The department of corrections' records administrator,
24 34 or the administrator's designee, shall apply jail credit as
24 35 ordered by the court of proper jurisdiction or as authorized
25 1 by this section and section 907.3, subsection 3, and shall
~~25 2 forward a copy of the number of days served to the clerk of~~
~~25 3 the district court from which the inmate was sentenced.~~

25 4 2. An inmate shall not receive credit upon the inmate's
25 5 sentence for time spent in custody in another state resisting
25 6 return to Iowa following an escape. However, an inmate may
25 7 receive credit upon the inmate's sentence while incarcerated
25 8 in an institution or jail of another jurisdiction during any
25 9 period of time the person is receiving credit upon a sentence
25 10 of that other jurisdiction.

25 11 Sec. 24. Section 904.513, subsection 2, Code 2005, is
25 12 amended to read as follows:

25 13 2. Upon request by the director a county shall provide
25 14 temporary confinement for offenders allegedly violating the
25 15 conditions of assignment to a program under this chapter, if
25 16 space is available in the county. The department shall
25 17 negotiate a reimbursement rate with each county. The amount
25 18 to be reimbursed shall be determined by multiplying the number
25 19 of days a person is confined by the average daily cost of
25 20 confining a person in the county facility as negotiated with
25 21 the department. A county holding offenders in jail due to
25 22 insufficient space in a community residential facility shall
25 23 be reimbursed. Payment shall be made upon submission of a
25 24 voucher executed by the sheriff and approved by the director.
25 25 A voucher seeking payment shall be submitted within fifteen
25 26 days of the end of a calendar quarter. If a voucher seeking
25 27 payment is not made within fifteen days of the end of the
25 28 calendar quarter, the request may be denied by the department.

25 29 Sec. 25. Section 904.702, Code 2005, is amended to read as
25 30 follows:

25 31 904.702 DEDUCTIONS FROM INMATE ACCOUNTS.

25 32 1. If allowances are paid pursuant to section 904.701, the
25 33 director shall establish an inmate account, for deposit of
25 34 those allowances and for deposit of moneys sent to the inmate
25 35 from a source other than the department of corrections. The
26 1 director may deduct an amount, not to exceed ten percent of
26 2 the amount of the allowance, unless the inmate requests a
26 3 larger amount, to be deposited into the inmate savings fund as
26 4 required under section 904.508, subsection 2. In addition to
26 5 deducting a portion of the allowance, the director may also
26 6 deduct from an inmate account any amount, except amounts
26 7 directed to be deposited in the inmate telephone fund
26 8 established in section 904.508A, sent to the inmate from a

26 9 source other than the department of corrections for deposit in
26 10 the inmate savings fund as required under section 904.508,
26 11 subsection 2, until the amount in the fund equals the amount
26 12 due the inmate upon discharge, parole, or placement on work
26 13 release. The director shall deduct from the inmate account an
26 14 amount the inmate is legally obligated to pay for child

26 15 support. The director shall deduct from the inmate account an
26 16 amount established by the inmate's restitution plan of
26 17 payment. The director shall also deduct from any remaining
26 18 account balance an amount sufficient to pay all or part of any
26 19 judgment against the inmate, including but not limited to
26 20 judgments for taxes and child support, and court costs and
26 21 fees assessed either as a result of the inmate's confinement
26 22 or amounts required to be paid under section 610A.1. Written
26 23 notice of the amount of the deduction shall be given to the
26 24 inmate, who shall have five days after receipt of the notice
26 25 to submit in writing any and all objections to the deduction
26 26 to the director, who shall consider the objections prior to
26 27 transmitting the deducted amount to the clerk of the district
26 28 court. The director need give only one notice for each action
26 29 or appeal under section 610A.1 for which periodic deductions
26 30 are to be made. The director shall next deduct from any
26 31 remaining account balance an amount sufficient to pay all or
26 32 part of any costs assessed against the inmate for misconduct
26 33 or damage to the property of others. The director may deduct
26 34 from the inmate's account an amount sufficient to pay for the
26 35 inmate's share of the costs of health services requested by
27 1 the inmate and for the treatment of injuries inflicted by the
27 2 inmate on the inmate or others. The director may deduct and
27 3 disburse an amount sufficient for industries' programs to
27 4 qualify under the eligibility requirements established in the
27 5 Justice Assistance Act of 1984, Pub. L. No. 98-473, including
27 6 an amount to pay all or part of the cost of the inmate's
27 7 incarceration. The director may pay all or any part of
27 8 remaining allowances paid pursuant to section 904.701 directly
27 9 to a dependent of the inmate, or may deposit the allowance to
27 10 the account of the inmate, or may deposit a portion and allow
27 11 the inmate a portion for the inmate's personal use.

27 12 2. ~~The director, the institutional division, and the~~
27 13 ~~department shall not be liable to any person for any damages~~
27 14 ~~caused by the withdrawal or failure to withdraw money or the~~
27 15 ~~payment or failure to make any payment under this section.~~

27 16 Sec. 26. Section 904.908, Code 2005, is amended by adding
27 17 the following new subsection:

27 18 NEW SUBSECTION. 3. Any request for reimbursement under
27 19 subsection 2 shall be made within fifteen days of the end of a
27 20 calendar quarter. If a request for reimbursement is not made
27 21 within fifteen days of the end of the calendar quarter, the
27 22 request may be denied by the department.

27 23 Sec. 27. Section 905.14, subsection 1, Code 2005, is
27 24 amended to read as follows:

27 25 1. A person placed on probation or parole and subject to
27 26 supervision by a district department shall be required to pay
27 27 an enrollment fee of ~~two hundred fifty~~ three hundred dollars
27 28 to the district department to offset the costs of supervision.
27 29 In addition to the enrollment fee, the district department may

27 30 require a person to pay a fee to the district department to
27 31 offset the costs of providing sex offender programming to that
27 32 person.

27 33 Sec. 28. Section 906.17, Code 2005, is amended by adding
27 34 the following new subsection:

27 35 NEW SUBSECTION. 3. Any request for reimbursement under
28 1 subsection 2 shall be made within fifteen days of the end of a
28 2 calendar quarter. If a request for reimbursement is not made
28 3 within fifteen days of the end of the calendar quarter, the
28 4 request may be denied by the department of corrections.

28 5 Sec. 29. EFFECTIVE DATE. The section of this Act
28 6 addressing section 29A.16, being deemed of immediate
28 7 importance, takes effect upon enactment.

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28 9

28 10
28 11 _____
28 12 CHRISTOPHER C. RANTS
28 13 Speaker of the House

28 14
28 15 _____
28 16 JEFFREY M. LAMBERTI
28 17 President of the Senate

28 18
28 19 I hereby certify that this bill originated in the House and

28 20 is known as House File 2558, Eighty-first General Assembly.

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MARGARET THOMSON
Chief Clerk of the House

Approved _____, 2006

THOMAS J. VILSACK

Governor