

House File 398 - Enrolled

House File 398

AN ACT

RELATING TO THE DUTIES OF THE DIRECTOR OF THE DEPARTMENT OF
CORRECTIONS, THE BOARD OF CORRECTIONS, SUPERINTENDENTS, AND
DISTRICT DIRECTORS.

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

Section 1. Section 904.108, subsection 1, paragraphs h, k,
and l, Code 2025, are amended to read as follows:

h. Prepare a budget for the department, subject to the
~~approval~~ advice and recommendations of the board, and other
reports as required by law.

k. Adopt rules, subject to the ~~approval~~ advice and
recommendations of the board, pertaining to the internal
management of institutions and agencies under the director's
charge and necessary to carry out the duties and powers outlined
in this section.

l. Adopt rules, policies, and procedures, subject to the
~~approval~~ advice and recommendations of the board, pertaining to
community-based correctional programs, and the supervision of
parole and work release.

Sec. 2. Section 904.108, subsection 2, Code 2025, is amended
to read as follows:

2. The director, with the ~~express approval~~ advice and
recommendations of the board, may establish for any inmate
sentenced pursuant to section 902.3 a furlough program under
which inmates sentenced to and confined in any institution under
the jurisdiction of the department may be temporarily released.
A furlough for a period not to exceed fourteen days may be

granted when an immediate member of an inmate's family is seriously ill or has died, when an inmate is to be interviewed by a prospective employer, or when an inmate is authorized to participate in a training program not available within the institution. Furloughs for a period not to exceed fourteen days may also be granted in order to allow inmates to participate in programs or activities that serve rehabilitative objectives.

Sec. 3. Section 904.110, Code 2025, is amended to read as follows:

904.110 Official seal.

The department shall have an official seal with the words "Iowa Department of Corrections" and ~~ether~~ an engraved design as ~~the board prescribes~~. Every commission, order, or other paper of an official nature executed by the department may be attested with the seal.

Sec. 4. Section 904.114, Code 2025, is amended to read as follows:

904.114 Travel expenses.

The director, staff members, assistants, and employees, in addition to salary, shall receive their necessary traveling expenses by the nearest practicable route, when engaged in the performance of official business. Permission shall not be granted to any person to travel to another state except by approval of the ~~board~~ director or the director's designee.

Sec. 5. Section 904.207, Code 2025, is amended to read as follows:

904.207 Violator facility.

The director may establish a violator facility as a freestanding facility, or designate a portion of an existing correctional facility for the purpose. A violator facility is for the temporary confinement of offenders who have violated conditions of release under work release or parole as defined in section 906.1, or probation granted as a result of suspension of a sentence to the custody of the director of the department of corrections. If a violator facility is established, the director shall adopt rules pursuant to chapter 17A, subject to the ~~approval~~ advice and recommendations of the board, to implement this section.

Sec. 6. Section 904.301, Code 2025, is amended to read as follows:

904.301 Appointment of superintendents.

1. The director shall appoint, subject to the approval advice and recommendations of the board, the superintendents of the institutions provided for in section 904.102.

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

Sec. 7. Section 904.301A, Code 2025, is amended to read as follows:

904.301A Appointment of directors.

1. The director shall appoint, subject to the approval advice and recommendations of the board, a district director for each district department established in section 904.104A.

2. The district director has the immediate custody and control, subject to the orders and policies of the director, of all property used in connection with the district department except as otherwise provided by statute. The tenure of office of a district director shall be at the pleasure of the appointing authority but a district director may be removed for inability or refusal to properly perform the duties of the office.

Sec. 8. Section 904.317, subsection 1, Code 2025, is amended to read as follows:

1. The director, subject to the approval advice and recommendations of the board, may secure options to purchase real estate and acquire and sell real estate for the proper uses of the institutions. Real estate shall be acquired and sold upon terms and conditions the director recommends subject to the approval advice and recommendations of the board. Upon sale of the real estate, the proceeds shall be deposited in a corrections capital reinvestment fund, which is established in the state treasury under the purview of the department. There is appropriated from the fund to the department the proceeds, which may be used to purchase other real estate or for capital

improvements upon property under the director's supervision. Notwithstanding section 8.33, moneys in the fund that remain unencumbered or unobligated at the close of a fiscal year shall not revert but shall remain available for expenditure for the purposes designated. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys in the fund shall be credited to the fund.

Sec. 9. Section 904.508, subsection 1, Code 2025, is amended to read as follows:

1. The superintendent of each institution shall receive and care for any property an inmate may possess on the inmate's person upon entering the institution, and on the discharge of the inmate, return the property to the inmate or the inmate's legal representatives, unless the property has been previously disposed of according to the inmate's written designation ~~or policies prescribed by the board~~. The superintendent may place an inmate's money at interest, keeping an account of the money and returning the remaining money upon discharge.

PAT GRASSLEY
Speaker of the House

AMY SINCLAIR
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 398, Ninety-first General Assembly.

MEGHAN NELSON
Chief Clerk of the House

Approved _____, 2025

KIM REYNOLDS
Governor