

April 2, 1965.  
Place on Calendar.

**House File 622**  
By JUDICIARY COMMITTEE.

Passed House, Date 4/13 ..... Passed Senate, Date 5/7 .....  
Vote: Ayes 17 ..... Nays 18 ..... Vote: Ayes 49 ..... Nays 0 .....  
Approved May 14, 1965 .....

*passed on file 4/19  
judiciary 4/20  
pass 4/26  
deferred 5/6*

## A BILL FOR

An Act relating to employment and other privileges for certain prisoners of county jails.

*Be It Enacted by the General Assembly of the State of Iowa:*

- 1 Section 1. The district court may grant by appropriate order
- 2 to any person sentenced to a county jail the privilege of leaving
- 3 the jail at necessary and reasonable hours for any of the following
- 4 purposes:
  - 5 1. Seeking employment.
  - 6 2. Working at his employment.
  - 7 3. Conducting his own business or other self-employed
  - 8 occupation, including, in the case of a woman, housekeeping and attend-
  - 9 ing the needs of her family.
  - 10 4. Attendance at an educational institution.
  - 11 5. Medical treatment.
- 12 All released prisoners shall remain, while absent from the jail,
- 13 in the legal custody of the sheriff, and shall be subject, at any
- 14 time, to being taken into custody and returned to the jail.
- 1 Sec. 2. Unless such privilege is expressly granted by the
- 2 court, the prisoner is sentenced to ordinary confinement. Any
- 3 prisoner may petition the court for such privilege at the time of
- 4 sentencing or thereafter, and the court in its discretion may
- 5 review the petition and make appropriate orders. The court may
- 6 withdraw the privilege at any time by order entered with or

7 without notice or hearing.

1 Sec. 3. The sheriff or any suitable person or agency designated  
2 by the court may endeavor to secure employment for unemployed  
3 prisoners granted privileges under this Act.

1 Sec. 4. If a prisoner is employed for wages or salary the  
2 sheriff may collect the same or require the prisoner to turn  
3 over his wages or salary in full when received, and the sheriff  
4 shall deposit the same in a trust checking account and shall  
5 keep a ledger showing the status of the account of each prisoner.  
6 Such wages or salary are not subject to garnishment during the  
7 prisoner's term and shall be disbursed only as provided in this  
8 Act.

1 Sec. 5. Every prisoner gainfully employed is liable for the  
2 cost of his board in the jail as fixed by the county board of  
3 supervisors. The sheriff shall charge his account for such board  
4 and any meals provided in section six (6) of this Act. If the  
5 prisoner is gainfully self-employed he shall pay the sheriff  
6 for such board, in default of which his privilege under this  
7 Act is automatically forfeited. If necessarily absent from  
8 jail at a meal time, he shall at his request be furnished with  
9 a lunch to carry to work. If the jail food is furnished directly,  
10 by the county, the sheriff shall account for and pay over such  
11 meal payments to the county treasurer. The county board of super-  
12 visors may by resolution provide that the county furnish or pay  
13 for the transportation of prisoners employed under this Act to  
14 and from the place of employment.

1 Sec. 6. By order of the court, the wages, salaries, or other  
2 income of employed prisoners shall be disbursed by the sheriff

3 for the following purposes and in the order stated.

4 1. The meals of the prisoner.

5 2. Necessary travel expense to and from work including  
6 reimbursement for travel furnished by the county, and other  
7 incidental expenses of the prisoner.

8 3. Support of the prisoner's dependents, if any.

9 4. Payment, either in full or ratably, of the prisoner's  
10 obligations if acknowledged by him in writing or which have  
11 been reduced to judgment.

12 5. The balance, if any, to the prisoner upon his release.

1 Sec. 7. The court may by order authorize the sheriff to whom  
2 the prisoner is committed, to contract with a sheriff of another  
3 county, for the employment of the prisoner in the other's county,  
4 and while so employed to be in the other's custody, but in other  
5 respects to be and continue subject to the committment.

1 Sec. 8. If a prisoner was convicted in a justice of the peace  
2 court, superior court or municipal court, the district court  
3 located in that county has authority and jurisdiction to make  
4 all determinations and orders under this Act as if it were the  
5 sentencing court after such prisoner is received at the county  
6 jail, provided however municipal courts upon their own motion may  
7 make such orders as they deem necessary allowing the periodic  
8 release of prisoners by specifying the times and days the sentence shall  
9 be served by prisoners sentenced by their court to terms not  
10 exceeding fifteen (15) days in either the city or county jail.

11 If the prisoner was convicted in a court in another county,  
12 the district court in the county where the prisoner is jailed,  
13 at the request or the concurrence of the committing court, may

14 make all determinations and orders under this section as might  
15 otherwise be made by the sentencing court after the prisoner is  
16 received at the jail.

1 Sec. 9. The sheriff or any other suitable person or agency  
2 designated by the court shall, at the request of the court,  
3 investigate and report to the court the amount necessary for the  
4 support of the prisoner's dependents.

1 Sec. 10. The sheriff may in his discretion suspend the  
2 privilege provided he files with the court the next regular  
3 court day a statement of his reason therefor. Unless the  
4 court acts to rescind its order, such suspension of the privileges  
5 may not exceed five (5) days.

1 Sec. 11. Any person who fails to return to said jail after  
2 the hours of release authorized by the court and who does  
3 not thereby fall within the provisions of section seven hundred  
4 forty-five point eight (745.8), Code 1962, may be deemed guilty  
5 of contempt of court and punished as provided in section six  
6 hundred sixty-five point four (665.4), Code 1962.

#### EXPLANATION OF HOUSE FILE 622

This bill is in accord with modern trends in other states which seek to rehabilitate prisoners and at the same time allow them to continue on their present jobs or seek employment under strict surveillance of the court and sheriff when sentenced to a term in jail for a violation of law.

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#### HOUSE FILE 622

- 1 Amend House File 622 by striking in line five (5) of section
- 2 ten (10) the word and figure "five (5)" and inserting in lieu
- 3 thereof the word and figure "seven (7)".

Filed and lost  
April 13, 1965.

FISCHER of Grundy.

HOUSE FILE 622

- 1 **Amend House File 622 as follows:**  
2 1. In section eleven (11), line four (4), strike the figure  
3 "1962".  
4 2. In section eleven (11), line six (6), strike the figure  
5 "1962".  
6 3. In section eleven (11), line four (4), after the figure  
7 "(745.8)," insert the words "of the".  
8 4. In section eleven (11), line six (6), after the figure  
9 "(665.4)," insert the words "of the" and place a period after  
10 the word "Code" in said line.

Filed and adopted  
April 13, 1965.

DOYLE of Woodbury.