

January 30, 1967  
Placed on Calendar  
*Judiciary 2-6, Pass as amended 4-19*

House File 61  
By JUDICIARY COMMITTEE  
(Judiciary Committee)

Passed House, Date 2-1-67 Passed Senate, Date 5-15-67  
Vote: Ayes 116 Nays 0 Vote: Ayes 31 Nays 16

*Passed  
House and  
Senate 5-26-67  
89-6*

Approved June 15, 1967

## A BILL FOR

An Act relating to inspection of county jails by the state board of control.

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

1 Section 1. Section three hundred fifty-six point  
2 forty-two (356.42), Code 1966, is amended by adding at the  
3 end thereof a new paragraph as follows:  
4 "The state board of control shall have general charge and  
5 supervision of the provisions of this Act, and it is hereby  
6 made the duty of the state board of control or any  
7 inspector or agent of the state board of control to make  
8 periodic inspection of the aforesaid jails, and to officially  
9 notify the county board of supervisors, in writing to comply  
10 fully with the provisions of this Act."

### EXPLANATION

When Senate File 394 was being considered in the Senate of the 61st General Assembly (Chapter 313, Acts 61st G.A.) it contained as section 6 the following:

"Sec. 6. The provisions of this Act shall become applicable to all jails hereafter constructed, after July 4, 1965, and to existing jails within two years from said date.

"The state board of control shall have general charge and supervision of the provisions of this Act, and it is hereby made

the duty of the state board of control or any inspector or agent of the state board of control to make periodic inspection of the aforesaid jails, and to officially notify the county board of supervisors, in writing to comply fully with the provisions of this Act."

On April 26, 1965, the Senate adopted a committee amendment by striking all of lines two (2) and three (3) after the word "constructed" and inserting "or substantially remodeled".

On April 28, 1965, the Senate adopted an amendment by Stanley and Lucken striking all of lines 1 through 3 as amended and substituting a new paragraph as follows:

"This Act shall apply to all jails and additions and extensions to jails constructed after July 4, 1965, and all existing jails which are substantially remodeled or reconstructed after July 4, 1965. This Act shall apply to all other existing jails from and after July 1, 1966. except that this Act shall not require improvements to such a jail if the probable cost of such improvements will exceed the amount which the board of supervisors may lawfully authorize without submitting the proposition to the voters."

It will be noted that this amendment did not strike the second paragraph of section 6 as set out above. The bill passed the Senate as amended on May 6, 1965; was sent to the House in this form and passed the House on May 17, 1965. When the bill was enrolled in the Senate the Stanley-Lucken amendment was applied as striking all of section 6 instead of lines 1 through 3. As a consequence the second paragraph of section 6, as passed by the General Assembly, did not get included in the enrolled Act. This bill would supply the omission.

1 Amend the judiciary committee amendment to House File 61,  
2 filed April 19, 1967, as follows:

3 1. By striking from line five (5) the word "paragraph"  
4 and by inserting in lieu thereof the word "paragraphs".

5 2. Further amend said judiciary committee amendment by  
6 inserting the following at the end thereof:

7 "The board of control may order the governing body of a  
8 political subdivision to either correct any violations found  
9 in the inspection of a jail within a designated period, or  
10 may prohibit the confinement of prisoners in the jail. If  
11 the governing body fails to comply with the order within the  
12 period designated, the board of control may schedule a hearing  
13 on the alleged violation. The board may subpoena witnesses,  
14 documents, and other information deemed necessary to determine  
15 the validity of the alleged violation. The board shall upon  
16 written request from the governing body of the political sub-  
17 division grant representatives of the political subdivision  
18 the right to appear before the board at the hearing. Such  
19 representatives shall have the right to counsel and may pro-  
20 duce witnesses and present statements, documents, and other  
21 information with respect to the alleged violation for consid-  
22 eration at the hearing.

23 "The board after the hearing shall affirm, revoke, or  
24 modify the original order by the director. If the order is  
25 upheld, the board may include a schedule for correction of  
26 the violation or violations and designate the date before  
27 each violation shall be corrected.

28 "If the political subdivision does not comply with the  
29 order within the designated period, the board may petition  
30 the attorney general to institute proceedings to enjoin the  
31 political subdivision from confining prisoners in the jail  
32 and require the transfer of prisoners to a jail declared by  
33 the director to be suitable for confinement. The county or  
34 municipality from which prisoners are transferred shall be  
35 liable for the cost of transfer and expenditures incurred in  
36 the confinement of prisoners in the jail to which transferred."

Filed - *adopted as amended 5-15*  
May 8, 1967

*House  
concurrent  
5-26*

By ELY, HEABERLIN, STEPHENS,  
and LUCKEN

1 Amend the Ely et al amendment to House File 61 as  
2 follows:

3 In line twenty-four (24), strike the words "by the  
4 director".

Filed and adopted  
May 15, 1967

By STANLEY