

Senate File 253
Human Resources
Kelly, Chairman
Scott
Gluba

3/4, Pass 4/30 per 3646

See Human Resources 5/23

FILED MAR 2 1976

SENATE FILE 253

By DeKOSTER, KELLY, SCHWENGELS
and DODERER

Passed ^{Senate} House, Date 5-19-75 (1453) Passed ^{House} Senate, Date 5-17-76 (p. 2820)
Vote: Ayes 46 Nays 0 Vote: Ayes 78 Nays 3
Approved 5-28-76

A BILL FOR

1 An Act relating to exchange of inmates with federal bureau of
2 prisons.

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

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1 Section 1. Chapter two hundred forty-five (245), Code
2 1975, is amended by adding the following new section:
3 NEW SECTION. FEDERAL PRISONERS. Convicts sentenced for
4 any term by any court of the United States may be received
5 by the superintendent into the women's reformatory and there
6 kept in pursuance of their sentences. Convicts at the women's
7 reformatory may also be transferred to the federal bureau
8 of prisons.

9 Sec. 2. Chapter two hundred forty-six point eleven
10 (246.11), Code 1975, is amended to read as follows:

11 246.11 FEDERAL PRISONERS. Convicts sentenced for any term
12 ~~at-hard-labor~~ by any court of the United States may be received
13 by the warden into the penitentiary or the men's reformatory
14 and there kept in pursuance of their sentences. Convicts
15 at either the penitentiary or men's reformatory may also be
16 transferred to the federal bureau of prisons.

17 EXPLANATION

18 This bill authorizes the department of social services
19 to enter into a contract with the federal government to send
20 prisoners to the federal bureau of prisons.

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S-3646

- 1 Amend Senate File 253 as follows:
- 2 1. Page 1, line 3, by striking the word
- 3 "Convicts" and inserting in lieu thereof the word
- 4 "Inmates".
- 5 2. Page 1, line 6, by striking the word "Con-
- 6 victs" and inserting in lieu thereof the word
- 7 "Inmates".
- 8 3. Page 1, line 8, by inserting after the
- 9 period the sentence "If an inmate objects to her
- 10 transfer to the federal bureau of prisons, the
- 11 inmate shall be afforded a hearing as provided in
- 12 section two hundred seventeen point twenty-two
- 13 (217.22) of the Code."
- 14 4. Page 1, line 11, by striking the word
- 15 "Convicts" and inserting in lieu thereof the
- 16 words "Convicts Inmates".
- 17 5. Page 1, line 14, by striking the word
- 18 "Convicts" and inserting in lieu thereof the
- 19 word "Inmates".
- 20 6. Page 1, line 16, by inserting after the
- 21 period the sentence "If an inmate objects to his
- 22 transfer to the federal bureau of prisons, the
- 23 inmate shall be afforded a hearing as provided in
- 24 section two hundred seventeen point twenty-two
- 25 (217.22) of the Code."
- 26 7. Page 1, by inserting after line 16 the
- 27 following:
- 28 "Sec. ____ . Chapter two hundred seventeen point
- 29 twenty-two (217.22), Code 1975, is amended to
- 30 read as follows:
- 31 217.22 ~~INTERSTATE-COMPACT-BOARD----~~HEARING
- 32 TRANSFER HEARING. An inmate who objects to
- 33 confinement in a receiving state pursuant to the
- 34 interstate corrections compact or transfer to the
- 35 federal bureau of prisons may request a hearing
- 36 before a board appointed by the governor and serv-
- 37 ing at his pleasure and composed of three members
- 38 of the general public, one of whom shall be a
- 39 former inmate. Members of the board shall be paid
- 40 forty dollars per diem and actual and necessary ex-
- 41 penses from appropriated funds.
- 42 The board shall bar the transfer of the inmate
- 43 to a receiving state or the federal bureau of prisons
- 44 when a majority of its members are of the opinion
- 45 that the transfer does not serve to promote the treat-
- 46 ment, rehabilitation, or best interests of the offender.
- 47 The burden of proof shall lie with the department of
- 48 social services and all decisions of the hearing
- 49 board shall be final."

H-4112

- 1 Amend Senate File 253 as amended and passed
- 2 by the Senate as follows:
- 3 1. Page 1, by striking lines 8 through 8C
- 4 and inserting "of prisons with the consent of the
- 5 inmate."
- 6 2. Page 1, by striking all after the word
- 7 "prisons" in line 16 and all of lines 16A through
- 8 16D and inserting "with the consent of the inmate".

H-4112 FILED. *Withdrawn 5/17 (2820)* BY JOCHUM of Dubuque
JUNE 6, 1975

SENATE FILE 253

AN ACT

RELATING TO EXCHANGE OF INMATES WITH FEDERAL BUREAU OF PRISONS.

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

Section 1. Chapter two hundred forty-five (245), Code 1975, is amended by adding the following new section:

NEW SECTION. FEDERAL PRISONERS. Inmates sentenced for any term by any court of the United States may be received by the superintendent into the women's reformatory and there kept in pursuance of their sentences. Inmates at the women's reformatory may also be transferred to the federal bureau of prisons. If an inmate objects to her transfer to the federal bureau of prisons, the inmate shall be afforded a hearing as provided in section two hundred seventeen point twenty-two (217.22) of the Code.

Sec. 2. Chapter two hundred forty-six point eleven (246.11), Code 1975, is amended to read as follows:

246.11 FEDERAL PRISONERS. ~~convicts~~ Inmates sentenced for any term ~~at-hard-labor~~ by any court of the United States may be received by the warden into the penitentiary or the men's reformatory and there kept in pursuance of their sentences. Inmates at either the penitentiary or men's reformatory may also be transferred to the federal bureau of prisons. If an inmate objects to his transfer to the federal bureau of prisons, the inmate shall be afforded a hearing as provided in section two hundred seventeen point twenty-two (217.22) of the Code.

Sec. 3. Chapter two hundred seventeen point twenty-two (217.22), Code 1975, is amended to read as follows:

217.22 ~~INTERSTATE-COMPACT-BOARD--HEARING~~ TRANSFER HEARING.

An inmate who objects to confinement in a receiving state pursuant to the interstate corrections compact or transfer

to the federal bureau of prisons may request a hearing before a board appointed by the governor and serving at his pleasure and composed of three members of the general public, one of whom shall be a former inmate. Members of the board shall be paid forty dollars per diem and actual and necessary expenses from appropriated funds.

The board shall bar the transfer of the inmate to a receiving state or the federal bureau of prisons when a majority of its members are of the opinion that the transfer does not serve to promote the treatment, rehabilitation, or best interests of the offender. The burden of proof shall lie with the department of social services and all decisions of the hearing board shall be final.

ARTHUR A. NEU
President of the Senate

DALE M. COCHRAN
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 253, Sixty-sixth General Assembly.

STEVEN C. CROSS
Secretary of the Senate

Approved May 28, 1976

ROBERT D. RAY
Governor