

*Reprinted 5/4*

MAY 2 1979

HOUSE FILE 754

**APPROPRIATIONS CALENDAR**

BY COMMITTEE ON APPROPRIATIONS

Passed House, Date 5-3-79 (p. 2028) Passed Senate, Date \_\_\_\_\_  
Vote: Ayes 83 Nays 4 Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved June 10, 1979

**A BILL FOR**

1 An Act relating to the responsibilities of the department of  
2 social services' division of adult corrections for admin-  
3 istration of the interstate corrections compact, for  
4 determinations regarding admission and discharge of  
5 patients of the security medical facility, and for  
6 supervision of jails.

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

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HOUSE FILE 754

H-4267

1 Amend amendment H-4264 to House File 754 as  
2 follows:  
3 1. Page 1, by striking lines 6 and 7 and  
4 inserting in lieu thereof the following:  
5 "~~The-state-department-of-social-services~~".

H-4267 FILED, ADOPTED BY \_\_\_\_\_ BY DOYLE of Woodbury  
UNANIMOUS CONSENT MAY 3, 1979 (*p. 2027*)

HOUSE FILE 754

H-4242

1 Amend House File 754 as follows:  
2 1. Page 1, line 8, by striking the words  
3 "best interests" and inserting in lieu thereof the  
4 words "~~best-interests punishment~~".

H-4242 FILED *Leach 5/3 (p. 2026)* BY TYRRELL of Iowa  
MAY 2, 1979

1 Section 1. Section two hundred seventeen point twenty-  
2 two (217.22), unnumbered paragraph two (2), Code 1979, is  
3 amended to read as follows:

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

12 Sec. 2. Section two hundred twenty-three point five  
13 (223.5), Code 1979, is amended to read as follows:

14 223.5 ADMISSIONS IN WRITING ONLY. All admissions to the  
15 facility shall be by written application only. Application  
16 shall be made by the head of the state institution, agency,  
17 governmental body, or court requesting same to the superin-  
18 tendent of the facility. An application ~~shall not be accepted~~  
19 may be denied by the superintendent, with the approval of  
20 the director of the division of corrections, if ~~by so doing~~  
21 the admission will result in an overcrowded condition or if  
22 adequate staff or facilities are not available.

23 Sec. 3. Section two hundred twenty-three point six (223.6),  
24 Code 1979, is amended to read as follows:

25 223.6 FINAL DECISION. The ~~final~~ decision regarding admis-  
26 sion and discharge of patients shall ~~rest with~~ be made by  
27 the superintendent of the facility, subject to approval of  
28 the director of the division of corrections.

29 Sec. 4. Chapter three hundred fifty-six (356), Code 1979,  
30 is amended by adding the following new section:

31 NEW SECTION. ESTABLISHMENT OF JAIL STANDARDS. The depart-  
32 ment of social services, in consultation with the Iowa state  
33 sheriff's association and the Iowa board of supervisors as-  
34 sociation, shall draw up minimum standards for the regulation  
35 of jails and alternative jails. When completed by the

1 department, the standards shall be promulgated as rules  
2 pursuant to chapter seventeen A (17A) of the Code.

3 Sec. 5. It is the intent of the general assembly that  
4 the department of social services shall use so much as neces-  
5 sary of the amount appropriated for the central administration  
6 of the department, during the fiscal year beginning July 1,  
7 1979, to discharge the responsibilities imposed on the de-  
8 partment by section four (4) of this Act.

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#### EXPLANATION

10 This bill makes certain revisions in permanent statutes  
11 which are deemed advisable by the Committee on Appropriations.

12 Section 1 makes the orderly functioning of a correctional  
13 institution, as well as the best interests of the offender,  
14 a criterion to be taken into consideration in making decisions  
15 regarding the transfer of a prisoner to an institution not  
16 operated by this state, under the interstate corrections  
17 compact.

18 Sections 2 and 3 specifically empower the Director of the  
19 Division of Adult Corrections to review and approve decisions  
20 of the Superintendent of the Security Medical Facility at  
21 Oakdale concerning admission and discharge of patients of  
22 that facility.

23 Section 4 requires the Department of Social Services to  
24 draw up minimum standards for regulation of jails by the  
25 Department pursuant to its authority under chapter 356 of  
26 the Code. Section 5 expresses intent that the cost of this  
27 endeavor be paid from the Department's central administration  
28 appropriation for fiscal 1980.

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LSB 1839H 68

pb/rh/8

HOUSE FILE 754

H-4264

- 1 Amend House File 754 as follows:  
2 1. Page 2, by inserting after line 2 the following:  
3 "Sec. \_\_\_\_ . Section three hundred fifty-six point  
4 forty-three (356.43), unnumbered paragraph one (1),  
5 Code 1979, is amended to read as follows:  
6 356.43 INSPECTION BY DEPARTMENT--REPORT OF  
7 INSPECTION. ~~The state department of social services~~  
8 ~~shall have general charge and supervision of the pro-~~  
9 ~~visions of sections 356-37 to 356-44.~~ The state de-  
10 partment of social services and its inspectors and  
11 agents shall have the power and duty to make periodic  
12 inspections of each such jail and all such facilities  
13 established pursuant to chapter 356A, and officially  
14 to notify the county board of supervisors in writing  
15 to comply fully with the provisions of ~~sections 356-37~~  
16 ~~to 356-44~~ section four (4) of this Act.  
17 Sec. \_\_\_\_ . Sections three hundred fifty-six point  
18 thirty-seven (356.37), three hundred fifty-six point  
19 thirty-eight (356.38), three hundred fifty-six point  
20 thirty-nine (356.39), three hundred fifty-six point  
21 forty (356.40), three hundred fifty-six point forty-  
22 one (356.41), and three hundred fifty-six point forty-  
23 two (356.42), Code 1979, are repealed."

H-4264 FILED, ADOPTED AS *(p. 2026)*  
AMENDED MAY 3, 1979

BY DOYLE of Woodbury

HOUSE FILE 754

H-4236

- 1 Amend House File 754 as follows:  
2 1. Page 1, by striking lines 12 through 22.  
3 2. Page 1, by striking lines 23 through 28.

H-4236 FILED *House 5/3 (p. 2027)* BY HIBBS of Johnson  
MAY 2, 1979

HOUSE FILE 754

H-4238

- 1 Amend House File 754 as follows:  
2 1. Page 2, line 5, by striking the word  
3 "central" and inserting in lieu thereof the word  
4 "general".

H-4238 FILED *Adopted 5/3 (p. 2027)* BY DAGGETT of Taylor  
MAY 2, 1979

See Appropriation 5/7  
Do pass per 3776 (8-16-79)

HOUSE FILE 754

By COMMITTEE ON APPROPRIATIONS  
(As Amended and Passed by the House)

Passed House, Date 5-3-79 (p. 3028) Passed Senate, Date 5-11-79 (p. 1672)  
Vote: Ayes 82 Nays 4 Vote: Ayes 37 Nays 9  
Approved June 10, 1979

## A BILL FOR

1 An Act relating to the responsibilities of the department of  
2 social services' division of adult corrections for admin-  
3 istration of the interstate corrections compact, for  
4 determinations regarding admission and discharge of  
5 patients of the security medical facility, and for  
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7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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\_\_\_\_\_ House Amendments

1 Section 1. Section two hundred seventeen point twenty-  
2 two (217.22), unnumbered paragraph two (2), Code 1979, is  
3 amended to read as follows:

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

12 Sec. 2. Section two hundred twenty-three point five  
13 (223.5), Code 1979, is amended to read as follows:

14 223.5 ADMISSIONS IN WRITING ONLY. All admissions to the  
15 facility shall be by written application only. Application  
16 shall be made by the head of the state institution, agency,  
17 governmental body, or court requesting same to the superin-  
18 tendent of the facility. An application ~~shall not be accepted~~  
19 may be denied by the superintendent, with the approval of  
20 the director of the division of corrections, if ~~by so doing~~  
21 the admission will result in an overcrowded condition or if  
22 adequate staff or facilities are not available.

23 Sec. 3. Section two hundred twenty-three point six (223.6),  
24 Code 1979, is amended to read as follows:

25 223.6 FINAL DECISION. The ~~final~~ decision regarding admis-  
26 sion and discharge of patients shall ~~rest with~~ be made by  
27 the superintendent of the facility, subject to approval of  
28 the director of the division of corrections.

29 Sec. 4. Chapter three hundred fifty-six (356), Code 1979,  
30 is amended by adding the following new section:

31 NEW SECTION. ESTABLISHMENT OF JAIL STANDARDS. The depart-  
32 ment of social services, in consultation with the Iowa state  
33 sheriff's association and the Iowa board of supervisors as-  
34 sociation, shall draw up minimum standards for the regulation  
35 of jails and alternative jails. When completed by the

1 department, the standards shall be promulgated as rules  
2 pursuant to chapter seventeen A (17A) of the Code.

3 Sec. 5. Section three hundred fifty-six point forty-three  
4 (356.43), unnumbered paragraph one (1), Code 1979, is amended  
5 to read as follows:

6 ~~The state department of social services shall have general~~  
7 ~~charge and supervision of the provisions of sections 356.37~~  
8 ~~to 356.44.~~ The state department of social services and its  
9 inspectors and agents shall have the power and duty to make  
10 periodic inspections of each such jail and all such facilities  
11 established pursuant to chapter 356A, and officially to notify  
12 the county board of supervisors in writing to comply fully  
13 with the provisions of ~~sections 356.37 to 356.44~~ section four  
14 (4) of this Act.

15 Sec. 6. Sections three hundred fifty-six point thirty-  
16 seven (356.37), three hundred fifty-six point thirty-eight  
17 (356.38), three hundred fifty-six point thirty-nine (356.39),  
18 three hundred fifty-six point forty (356.40), three hundred  
19 fifty-six point forty-one (356.41), and three hundred fifty-  
20 six point forty-two (356.42), Code 1979, are repealed.

21 Sec. 7. It is the intent of the general assembly that  
22 the department of social services shall use so much as neces-  
23 sary of the amount appropriated for the general administration  
24 of the department, during the fiscal year beginning July 1,  
25 1979, to discharge the responsibilities imposed on the de-  
26 partment by section four (4) of this Act.

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HOUSE FILE 754

S-3776

- 1 Amend House File 754 as amended, passed and re-  
2 printed by the House as follows:  
3 1. Page 1, lines 19 and 20, by striking the words  
4 "with the approval of the director of the division of  
5 corrections,".  
6 2. Page 1, line 22, by inserting after the word  
7 "available." the words "Such denial shall be subject  
8 to review by the director of the division of correc-  
9 tions."  
10 3. Page 1, line 27, by striking the word "approval"  
11 and inserting in lieu thereof the word review".

S-3776 FILED *Read 5/11* BY COMMITTEE ON APPROPRIATIONS  
MAY 10, 1979 *(p. 1092)* JOHN S. MURRAY, CHAIRPERSON

HOUSE FILE 754

AN ACT

RELATING TO THE RESPONSIBILITIES OF THE DEPARTMENT OF SOCIAL SERVICES' DIVISION OF ADULT CORRECTIONS FOR ADMINISTRATION OF THE INTERSTATE CORRECTIONS COMPACT, FOR DETERMINATIONS REGARDING ADMISSION AND DISCHARGE OF PATIENTS OF THE SECURITY MEDICAL FACILITY, AND FOR SUPERVISION OF JAILS.

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

Section 1. Section two hundred seventeen point twenty-two (217.22), unnumbered paragraph two (2), Code 1979, is amended to read as follows:

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 or the orderly functioning of the institution. The burden of proof shall lie with the department of social services and all decisions of the hearing board shall be final.

Sec. 2. Section two hundred twenty-three point five (223.5), Code 1979, is amended to read as follows:

223.5 ADMISSIONS IN WRITING ONLY. All admissions to the facility shall be by written application only. Application shall be made by the head of the state institution, agency, governmental body, or court requesting same to the superintendent of the facility. An application ~~shall not be accepted~~ may be denied by the superintendent, with the approval of the director of the division of corrections, if ~~by so doing~~ the admission will result in an overcrowded condition or if adequate staff or facilities are not available.

Sec. 3. Section two hundred twenty-three point six (223.6), Code 1979, is amended to read as follows:

223.6 FINAL DECISION. The ~~final~~ decision regarding admission and discharge of patients shall ~~rest with~~ be made by the superintendent of the facility, subject to approval of the director of the division of corrections.

Sec. 4. Chapter three hundred fifty-six (356), Code 1979, is amended by adding the following new section:

NEW SECTION. ESTABLISHMENT OF JAIL STANDARDS. The department of social services, in consultation with the Iowa state sheriff's association and the Iowa board of supervisors association, shall draw up minimum standards for the regulation of jails and alternative jails. When completed by the department, the standards shall be promulgated as rules pursuant to chapter seventeen A (17A) of the Code.

Sec. 5. Section three hundred fifty-six point forty-three (356.43), unnumbered paragraph one (1), Code 1979, is amended to read as follows:

~~The state department of social services shall have general charge and supervision of the provisions of sections 356.37 to 356.44.~~ The state department of social services and its inspectors and agents shall have the power and duty to make periodic inspections of each such jail and all such facilities established pursuant to chapter 356A, and officially to notify the county board of supervisors in writing to comply fully with the provisions of ~~sections 356.37 to 356.44~~ section four (4) of this Act.

Sec. 6. Sections three hundred fifty-six point thirty-seven (356.37), three hundred fifty-six point thirty-eight (356.38), three hundred fifty-six point thirty-nine (356.39), three hundred fifty-six point forty (356.40), three hundred fifty-six point forty-one (356.41), and three hundred fifty-six point forty-two (356.42), Code 1979, are repealed.

Sec. 7. It is the intent of the general assembly that the department of social services shall use so much as necessary of the amount appropriated for the general administration of the department, during the fiscal year beginning July 1,

1979, to discharge the responsibilities imposed on the department by section four (4) of this Act.

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FLOYD H. MILLEN  
Speaker of the House

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TERRY E. BRANSTAD  
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 754, Sixty-eighth General Assembly.

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DAVID L. WRAY  
Chief Clerk of the House

Approved June 10, 1979

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ROBERT D. RAY  
Governor