

Judiciary and Law Enforcement: Halvorson of Clayton, Chair; Conlon, Rapp, Smalley and Welsh.

Reid 2/12/82 By Pass 1/18 (p. 98)
FILED FEB 19 1982

SENATE FILE 277

BY COMMITTEE ON JUDICIARY
Approved 2/19 (p. 529)
(FORMERLY SSB 129)

Passed Senate, Date 3-4-81 (p. 648) Passed House, Date 1-25-82 (p. 156)
Vote: Ayes 50 Nays 0 Vote: Ayes 90 Nays 0
Approved 2-8-82 (p. 330)

A BILL FOR

1 An Act to authorize the director of the division of adult
2 corrections of the department of social services to
3 implement an inmate employment program.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SENATE FILE 277

H-3832

1 Amend Senate File 277 as passed by the Senate,
2 as follows:
3 1. Page 3, by inserting after line 16 the
4 following:
5 "Sec. ____ . Section 216.8, Code 1981, is amended
6 by adding the following new subsection:
7 NEW SUBSECTION. An inmate employment program under
8 this chapter shall not undertake a job that will
9 replace employees of the state of Iowa with inmates,
10 nor shall it produce goods or offer services readily
So 11 available from private business or industry, other
So 12 than those types of goods or services which are
13 produced or offered by Iowa state industries before
So 14 July 1, 1981."

H-3832 FILED APRIL 27, 1981 BY SMALLEY of Polk
Withdrawn 1/25/82 (p. 155)

1 Section 1. Section 216.1, unnumbered paragraph 1, Code
2 1981, is amended to read as follows:

3 It is the intent of this chapter that there be made
4 available ~~within~~ to inmates of the state correctional
5 institutions opportunities for employment ~~of inmates~~ in
6 meaningful jobs with the following objectives:

7 Sec. 2. Section 216.2, subsection 2, Code 1981, is amended
8 to read as follows:

9 2. "Iowa state industries" means prison industries that
10 are established and maintained by the division of adult
11 corrections, in consultation with the industries board, at
12 or adjacent to the state's adult correctional institutions,
13 except that an inmate employment program established by the
14 state director under section 216.5, subsection 7 is not
15 restricted to industries at or adjacent to the institutions.

16 Sec. 3. Section 216.5, Code 1981, is amended to read as
17 follows:

18 216.5 DUTIES OF STATE DIRECTOR. The state director, with
19 the advice of the industries board, shall:

20 1. Conduct market studies and consult with public bodies
21 and officers who are listed in section 216.7, and with other
22 potential purchasers, for the purpose of determining items
23 or services needed and design features desired or required
24 by potential purchasers of Iowa state industries products
25 or services.

26 2. Receive, investigate and take appropriate action upon
27 any complaints from potential purchasers of Iowa state
28 industries products or services regarding lack of co-operation
29 by Iowa state industries with public bodies and officers who
30 are listed in section 216.7, and with other potential
31 purchasers.

32 3. Establish, transfer and close industrial operations
33 ~~at state correctional institutions,~~ as deemed advisable to
34 maximize opportunities for gainful employment of inmates and
35 to adjust to actual or potential market demand for particular

1 products or services.

2 4. Establish and from time to time adjust, as necessary,
3 levels of pay for inmates employed by Iowa state industries.

4 5. Co-ordinate Iowa state industries, and other
5 opportunities for gainful employment available to inmates
6 of adult correctional institutions, with vocational and
7 technical training opportunities and apprenticeship programs,
8 to the greatest extent feasible.

9 6. Promote, plan, and when deemed advisable, assist in
10 the location of privately owned and operated industrial
11 enterprises on the grounds of adult correctional institutions,
12 pursuant to section 216.10.

13 7. Implement an inmate employment program to employ
14 trustworthy inmates of state correctional institutions, under
15 proper supervision, whether at employment centers located
16 outside the state correctional institutions or in construction
17 or maintenance work at public or charitable facilities, which
18 shall meet the following conditions:

19 a. Inmates applying to participate in a program shall
20 be approved by the work release committee designated pursuant
21 to section 247A.3 and shall reside at state correctional
22 institutions.

23 b. The state director shall encourage the making of
24 agreements with departments and agencies of the state or its
25 political subdivisions to provide products or services under
26 a program to the departments and agencies.

27 c. The state director shall promulgate rules concerning
28 access to and distribution of products and services provided
29 under a program.

30 d. The state director shall promulgate rules establishing
31 criteria for the screening of inmates applying to participate
32 in a program to assure that each participant:

33 (1) Develops the positive attitudes, good work habits,
34 and marketable skills as those objectives are established
35 in section 216.1, subsection 1.

1 (2) Exhibits appropriate conduct to enable the participant
2 to be employed outside the state correctional institutions
3 without constituting a threat to the security of the local
4 community.

5 e. The state director may promulgate rules allowing in-
6 mates participating in a program to receive educational or
7 vocational training outside the state correctional institu-
8 tions and away from the employment centers or public or
9 charitable facilities utilized under a program.

10 Sec. 4. Section 216.8, Code 1981, is amended by adding
11 the following new subsection:

12 NEW SUBSECTION. A department or agency of the state shall
13 cooperate and enter into agreements, if possible, for the
14 provision of products and services under an inmate employ-
15 ment program established by the state director under section
16 216.5, subsection 7.

17 Sec. 5. Section 216.9, subsection 2, paragraph a, Code
18 1981, is amended to read as follows:

19 a. Establishment, maintenance, transfer or closure of
20 industrial operations, or vocational, technical and related
21 training facilities and services for inmates, ~~at adult~~
22 ~~correctional institutions,~~ as authorized by the state director
23 in consultation with the industries board.

24 EXPLANATION

25 This bill authorizes the director of the division of adult
26 corrections of the department of social services to implement
27 inmate employment programs to employ trustworthy inmates
28 outside the state correctional institutions. The inmates
29 must reside at a state correctional institution and must be
30 screened to assure probable success and appropriate conduct
31 in the program and must be approved by the work release
32 committee. The division and other state departments and
33 agencies are required to cooperate and enter into agreements
34 for the provision of products and services under an inmate
35 employment program.

36 The bill would become law July 1 following enactment.

SENATE FILE 277

013

Amend amendment H-3832 to Senate File 277, as follows:
1. Page 1, by adding after the period on line 14, the following: "However this subsection does not apply to farming operations, nursery operations, an operation which produces a mixture of sand and other components that may be applied to ice or snow covered road surfaces, nor to an operation involving reservations for motels and hotels."

H-5013 FILED JANUARY 21, 1982 BY SPEAR of Lee

Placed out of order 1/25 (p. 155)

SENATE FILE 277

H-5014

Amend Senate File 277 as follows:
1. Page 3, line 4, by inserting after the word "community." the following: "A person convicted of a forcible felony shall not be eligible to participate in such a program."

H-5014 FILED BY CLEMENTS of Scott

JANUARY 21, 1982

Withdrawn 1/25/82 (p. 155)

SENATE FILE 277

H-5008

Amend amendment H-3832 to Senate File 277, as follows:
1. Page 1, line 12, by striking the word "are" and inserting in lieu thereof the word "were".

H-5008 FILED JANUARY 21, 1982 BY SPEAR of Lee

Placed out of order 1/25 (p. 155)

SENATE FILE 277

H-5009

Amend amendment H-3832, to Senate File 277, as follows:
1. Page 1, line 11, by inserting after the word "industry" the words "in this state".

H-5009 FILED JANUARY 21, 1982 BY SPEAR of Lee

Placed out of order 1/25 (p. 155)

FISCAL NOTE
Senate File 277
Requested by Representative Shimanek
March 23, 1981

In compliance with a written request there is hereby submitted a Fiscal Note for Senate File 277 pursuant to Joint Rule 16.

S.F. 277 is an Act to authorize the director of the division of adult corrections of the department of social services to implement an inmate employment program. The bill expands the location of the industries to include industries outside of the state correctional institutions.

The bill has no fiscal impact on the state general fund. The inmate employment program would be part of Iowa State Industries which does not receive an appropriation. Instead, its funds are maintained in a revolving fund outlined in Chapter 216.9, 1980 Code. The monies in the revolving fund are generated from the sales of products or services provided by inmates.

FILED APRIL 29, 1981

BY GERRY D. RANKIN
Legislative Fiscal Bureau

FISCAL NOTE
Senate File 277
Requested by Representative Shimanek
March 23, 1981

In compliance with a written request there is hereby submitted a Fiscal Note for Senate File 277 pursuant to Joint Rule 16.

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FILED APRIL 27, 1981

BY GERRY D. RANKIN
Legislative Fiscal Bureau

SENATE FILE 277

AN ACT

TO AUTHORIZE THE DIRECTOR OF THE DIVISION OF ADULT CORRECTIONS OF THE DEPARTMENT OF SOCIAL SERVICES TO IMPLEMENT AN INMATE EMPLOYMENT PROGRAM.

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

Section 1. Section 216.1, unnumbered paragraph 1, Code 1981, is amended to read as follows:

It is the intent of this chapter that there be made available within to inmates of the state correctional institutions opportunities for employment ~~of inmates~~ in meaningful jobs with the following objectives:

Sec. 2. Section 216.2, subsection 2, Code 1981, is amended to read as follows:

2. "Iowa state industries" means prison industries that are established and maintained by the division of adult corrections, in consultation with the industries board, at or adjacent to the state's adult correctional institutions, except that an inmate employment program established by the state director under section 216.5, subsection 7 is not restricted to industries at or adjacent to the institutions.

Sec. 3. Section 216.5, Code 1981, is amended to read as follows:

216.5 DUTIES OF STATE DIRECTOR. The state director, with the advice of the industries board, shall:

1. Conduct market studies and consult with public bodies, and officers who are listed in section 216.7, and with other potential purchasers, for the purpose of determining items or services needed and design features desired or required by potential purchasers of Iowa state industries products or services.

2. Receive, investigate and take appropriate action upon any complaints from potential purchasers of Iowa state industries products or services regarding lack of co-operation by Iowa state industries with public bodies and officers who are listed in section 216.7, and with other potential purchasers.

3. Establish, transfer and close industrial operations ~~at state correctional institutions,~~ as deemed advisable to maximize opportunities for gainful employment of inmates and to adjust to actual or potential market demand for particular products or services.

4. Establish and from time to time adjust, as necessary, levels of pay for inmates employed by Iowa state industries.

5. Co-ordinate Iowa state industries, and other opportunities for gainful employment available to inmates of adult correctional institutions, with vocational and technical training opportunities and apprenticeship programs, to the greatest extent feasible.

6. Promote, plan, and when deemed advisable, assist in the location of privately owned and operated industrial enterprises on the grounds of adult correctional institutions, pursuant to section 216.10.

7. Implement an inmate employment program to employ trustworthy inmates of state correctional institutions, under proper supervision, whether at employment centers located outside the state correctional institutions or in construction or maintenance work at public or charitable facilities, which shall meet the following conditions:

a. Inmates applying to participate in a program shall be approved by the work release committee designated pursuant to section 247A.3 and shall reside at state correctional institutions.

b. The state director shall encourage the making of agreements with departments and agencies of the state or its political subdivisions to provide products or services under a program to the departments and agencies.

c. The state director shall promulgate rules concerning access to and distribution of products and services provided under a program.

d. The state director shall promulgate rules establishing criteria for the screening of inmates applying to participate in a program to assure that each participant:

(1) Develops the positive attitudes, good work habits, and marketable skills as those objectives are established in section 216.1, subsection 1.

(2) Exhibits appropriate conduct to enable the participant to be employed outside the state correctional institutions without constituting a threat to the security of the local community.

e. The state director may promulgate rules allowing inmates participating in a program to receive educational or vocational training outside the state correctional institutions and away from the employment centers or public or charitable facilities utilized under a program.

Sec. 4. Section 216.8, Code 1981, is amended by adding the following new subsection:

NEW SUBSECTION. A department or agency of the state shall cooperate and enter into agreements, if possible, for the provision of products and services under an inmate employment program established by the state director under section 216.5, subsection 7.

Sec. 5. Section 216.9, subsection 2, paragraph a, Code 1981, is amended to read as follows:

a. Establishment, maintenance, transfer or closure of industrial operations, or vocational, technical and related training facilities and services for inmates, ~~at adult correctional institutions,~~ as authorized by the state director in consultation with the industries board.

TERRY E. BRANSTAD
President of the Senate

DELWYN STROMER
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 277, Sixty-ninth General Assembly.

K. MARIE TEAYER
Secretary of the Senate

Approved Feb 8, 1982

ROBERT D. RAY
Governor