

Reprint 3/8

FEB 23 1984

HOUSE FILE 2348

Place On Calendar

BY COMMITTEE ON JUDICIARY AND
LAW ENFORCEMENT

(Formerly Study Bill 516, 520, 521, 522,
523, 524)

Passed House, Date 3-5-84 (p. 702) Passed Senate, Date _____

Vote: Ayes 94 Nays 0 Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act relating to correctional procedures by expanding the
 2 circumstances under which home work release may be granted,
 3 providing for the duty of counties to comply with state
 4 requests for temporary confinement of alleged parole or
 5 work release violators, allowing for treatment of work
 6 releasees at the university hospitals, allowing a designee
 7 of the warden or superintendent to hear appeals of hearing
 8 officers, extending the time for the board of directors of
 9 a judicial district department of correctional services
 10 to file its annual report, and providing for the penalty
 11 of contempt for violations of parole.

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

HOUSE FILE 2348

H-5372

1 Amend House File 2348 as follows:

2 1. Page 1, line 16, by inserting after the word
 3 "home." the following: "An inmate shall receive a
 4 unanimous vote from the work release committee to
 5 be approved for home work release."

H-5372 FILED MARCH 2, 1984 BY SHERZAN of Polk

Adopted 3/5 (p. 702)

HOUSE FILE 2348

H-5377

1 Amend House File 2348 as follows:

2 1. Page 2, by striking lines 2 through 14.
 3 2. Title page, by striking lines 5 and 6 and
 4 inserting in lieu thereof the following: "work release
 5 violators, allowing a designee".
 6 3. By renumbering to conform to this amendment.

H-5377 FILED MARCH 2, 1984 BY SPEAR of Lee

Adopted 3/5 (p. 702)

HF 2348

1 Section 1. Section 247A.2, Code Supplement 1983, is amended
2 to read as follows:

3 247A.2 PROGRAM. The Iowa department of corrections shall
4 establish a work release program under which inmates sentenced
5 to an institution under the jurisdiction of the department
6 may be granted the privilege of leaving actual confinement
7 during necessary and reasonable hours for the purpose of
8 working at gainful employment. Under appropriate conditions
9 the program may also include release for the purpose of seeking
10 employment and attendance at an educational institution.
11 ~~In the case of inmates who have children in their homes under~~
12 ~~the age of eighteen years, the program may include child care~~
13 ~~and housekeeping in their homes.~~ An inmate may be placed
14 on work release status in the inmate's own home, under
15 appropriate circumstances, which may include child care and
16 housekeeping in the inmate's own home.

17 Sec. 2. Section 247A.10, Code Supplement 1983, is amended
18 to read as follows:

19 247A.10 ALLEGED WORK RELEASE VIOLATORS--REIMBURSEMENT
20 ~~TO COUNTIES FOR TEMPORARY CONFINEMENT BY COUNTIES--~~
21 REIMBURSEMENT.

22 1. Upon request by the Iowa department of corrections
23 a county shall provide temporary confinement for alleged
24 violators of work release conditions if space is available.

25 2. The Iowa department of corrections shall negotiate
26 a reimbursement rate with each county for the temporary
27 confinement of alleged violators of work release conditions
28 who are in the custody of the director of the Iowa department
29 of corrections or who are housed or supervised by the judicial
30 district department of correctional services. The amount
31 to be reimbursed shall be determined by multiplying the number
32 of days a person is confined by the average daily cost of
33 confining a person in the county facility as negotiated with
34 the department. Payment shall be made upon submission of
35 a voucher executed by the sheriff and approved by the director

1 of the Iowa department of corrections.

2 Sec. 3. Section 255.29, Code Supplement 1983, is amended
3 to read as follows:

4 255.29 MEDICAL CARE FOR PAROLEES AND PERSONS ON WORK
5 RELEASE. The director of the Iowa department of corrections
6 may send former inmates of the institutions provided for in
7 section 217A.2, while on parole or work release, to the
8 hospital of the college of medicine of the state University
9 of Iowa for treatment and care as provided in this chapter,
10 without securing the order of the court required in other
11 cases. The director may pay the traveling expenses of any
12 patient thus committed, and when necessary the traveling
13 expenses of an attendant of the patient out of funds
14 appropriated for the use of the ~~division~~ department.

15 Sec. 4. Section 903A.3, subsection 2, Code Supplement
16 1983, is amended to read as follows:

17 2. The orders of the hearing officer are subject to appeal
18 to the superintendent or warden of the institution, or the
19 superintendent's or warden's designee, who may either affirm,
20 modify, remand for correction of procedural errors, or reverse
21 an order. However, sanctions shall not be increased on appeal.
22 A decision of the superintendent, ~~or~~ warden, or designee is
23 subject to review by the director of the Iowa department of
24 corrections who may either affirm, modify, remand for
25 correction of procedural errors, or reverse the decision.
26 However, sanctions shall not be increased on review.

27 Sec. 5. Section 905.4, subsection 4, Code Supplement 1983,
28 is amended to read as follows:

29 4. File with the board of supervisors of each county in
30 the district and with the Iowa department of corrections,
31 within ~~thirty~~ ninety days after the close of each fiscal year,
32 a report covering the district board's proceedings and a
33 statement of receipts and expenditures during the preceding
34 fiscal year.

35 Sec. 6. Section 906.17, Code Supplement 1983, is amended

1 to read as follows:

2 906.17 ALLEGED PAROLE VIOLATORS--REIMBURSEMENT-TO-COUNTIES
3 FOR TEMPORARY CONFINEMENT BY COUNTIES--REIMBURSEMENT.

4 1. Upon request by the Iowa department of corrections
5 a county shall provide temporary confinement for alleged
6 parole violators if space is available.

7 2. The Iowa department of corrections shall reimburse
8 a county for the temporary confinement of alleged parole
9 violators. The amount to be reimbursed shall be determined
10 by multiplying the number of days confined by the average
11 daily cost of confining a person in the county facility as
12 negotiated by the department. Payment shall be made upon
13 submission of a voucher executed by the sheriff and approved
14 by the director of the Iowa department of corrections.

15 Sec. 7. Section 908.11, Code 1983, is amended to read
16 as follows:

17 908.11 VIOLATION OF PROBATION. A probation officer or
18 the judicial district department of correctional services
19 having probable cause to believe that any person released
20 on probation has violated the conditions of probation shall
21 proceed by arrest or summons as in the case of a parole
22 violation. The functions of the liaison officer and the board
23 of parole shall be performed by the judge or magistrate who
24 placed the alleged violator on probation if that judge or
25 magistrate is available, otherwise by another judge or
26 magistrate who would have had jurisdiction to try the original
27 offense. ~~Where~~ If the probation officer proceeds by arrest,
28 any magistrate may receive the complaint, issue an arrest
29 warrant, or conduct the initial appearance and probable cause
30 hearing ~~where~~ if it is not convenient for the judge who placed
31 the alleged violator on probation to do so. The initial
32 appearance, probable cause hearing, and probation revocation
33 hearing, or any of them, may at the discretion of the court
34 be merged into a single hearing when it appears that the
35 alleged violator will not be prejudiced thereby. If the

1 violation is established, the court may continue the probation
2 with or without an alteration of the conditions of probation.
3 If the defendant is an adult the county may hold the defendant
4 in contempt of court and sentence the defendant to a jail
5 term while continuing the probation, or may revoke the
6 probation and require the defendant to serve the sentence
7 imposed or any lesser sentence, and, if imposition of sentence
8 was deferred, may impose any sentence which might originally
9 have been imposed.

10

EXPLANATION

11 Section 1 of this bill removes the restriction that work
12 release be allowed only for child care or housekeeping.

13 Sections 2 and 6 require counties to comply with requests
14 from the Iowa department of corrections for the temporary
15 confinement of persons alleged to have violated parole or
16 work release conditions, pending revocation proceedings.

17 Counties must comply with the department's request if jail
18 space is available, however, counties are reimbursed for the
19 costs of confinement.

20 Section 3 authorizes the treatment of persons on work
21 release at the university hospitals, as is now authorized
22 for inmates and parolees.

23 Section 4 provides that the appeal of an order of a hear-
24 ing officer may be heard by the superintendent, the warden,
25 or a person designated by the superintendent or warden to
26 hear such appeals.

27 Section 5 extends the time in which the board of directors
28 of a judicial district department of correctional services
29 must file its annual report from thirty days to ninety days.

30 Section 7 authorizes the court to hold a defendant in
31 contempt of court, with a corresponding jail term, for the
32 violation of probation.

33 This bill takes effect July 1 following its enactment.

34

35

*Am. Judiciary 2/9 Amend for 5457
D. Case 3/21 (p. 455)*

HOUSE FILE 2348

BY COMMITTEE ON JUDICIARY AND
LAW ENFORCEMENT

(As Amended and Passed by the House)

Passed House, Date 4-4-84 (p. 1636) Passed Senate, Date 3-30-84 (p. 1184)

Vote: Ayes 91 Nays 0 Vote: Ayes 46 Nays 0

Approved May 9, 1984

A BILL FOR

1 An Act relating to correctional procedures by expanding the
 2 circumstances under which home work release may be granted,
 3 providing for the duty of counties to comply with state
 4 requests for temporary confinement of alleged parole or
 5 work release violators, allowing a designee of the warden
 6 or superintendent to hear appeals of hearing officers,
 7 extending the time for the board of directors of a
 8 judicial district department of correctional services
 9 to file its annual report, and providing for the penalty
 10 of contempt for violations of parole.

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

HOUSE FILE 2348

S-5457

1 Amend House File 2348 as amended, passed and

2 reprinted as follows:

3 1. Page 3, line 27, by striking the word "county"
 4 and inserting in lieu thereof the word "court".

S-5457 FILED

BY COMMITTEE ON JUDICIARY

MARCH 21, 1984

DONALD V. DOYLE, CHAIR

Adopted 3/30 (p. 1184)

22

23

SENATE AMENDMENT TO HOUSE FILE 2348

H-6013

1 Amend House File 2348 as amended, passed and

2 reprinted as follows:

3 1. Page 3, line 27, by striking the word "county"
 4 and inserting in lieu thereof the word "court".

H-6013 FILED MARCH 30, 1984

RECEIVED FROM THE SENATE

House received 4/4 (p. 1636)

1 Section 1. Section 247A.2, Code Supplement 1983, is amended
2 to read as follows:

3 247A.2 PROGRAM. The Iowa department of corrections shall
4 establish a work release program under which inmates sentenced
5 to an institution under the jurisdiction of the department
6 may be granted the privilege of leaving actual confinement
7 during necessary and reasonable hours for the purpose of
8 working at gainful employment. Under appropriate conditions
9 the program may also include release for the purpose of seeking
10 employment and attendance at an educational institution.
11 ~~In-the-case-of-inmates-who-have-children-in-their-homes-under~~
12 ~~the-age-of-eighteen-years,-the-program-may-include-child-care~~
13 ~~and-housekeeping-in-their-homes.~~ An inmate may be placed
14 on work release status in the inmate's own home, under
15 appropriate circumstances, which may include child care and
16 housekeeping in the inmate's own home. An inmate shall receive
17 a unanimous vote from the work release committee to be approved
18 for home work release.

19 Sec. 2. Section 247A.10, Code Supplement 1983, is amended
20 to read as follows:

21 247A.10 ALLEGED WORK RELEASE VIOLATORS--REIMBURSEMENT
22 ~~TO-COUNTIES-FOR~~ TEMPORARY CONFINEMENT BY COUNTIES--
23 REIMBURSEMENT.

24 1. Upon request by the Iowa department of corrections
25 a county shall provide temporary confinement for alleged
26 violators of work release conditions if space is available.

27 2. The Iowa department of corrections shall negotiate
28 a reimbursement rate with each county for the temporary
29 confinement of alleged violators of work release conditions
30 who are in the custody of the director of the Iowa department
31 of corrections or who are housed or supervised by the judicial
32 district department of correctional services. The amount
33 to be reimbursed shall be determined by multiplying the number
34 of days a person is confined by the average daily cost of
35 confining a person in the county facility as negotiated with

1 the department. Payment shall be made upon submission of
2 a voucher executed by the sheriff and approved by the director
3 of the Iowa department of corrections.

* 4 Sec. 3. Section 903A.3, subsection 2, Code Supplement
5 1983, is amended to read as follows:

6 2. The orders of the hearing officer are subject to appeal
7 to the superintendent or warden of the institution, or the
8 superintendent's or warden's designee, who may either affirm,
9 modify, remand for correction of procedural errors, or reverse
10 an order. However, sanctions shall not be increased on appeal.
11 A decision of the superintendent, ~~or~~ warden, or designee is
12 subject to review by the director of the Iowa department of
13 corrections who may either affirm, modify, remand for
14 correction of procedural errors, or reverse the decision.
15 However, sanctions shall not be increased on review.

16 Sec. 4. Section 905.4, subsection 4, Code Supplement 1983,
17 is amended to read as follows:

18 4. File with the board of supervisors of each county in
19 the district and with the Iowa department of corrections,
20 within ~~thirty~~ ninety days after the close of each fiscal year,
21 a report covering the district board's proceedings and a
22 statement of receipts and expenditures during the preceding
23 fiscal year.

24 Sec. 5. Section 906.17, Code Supplement 1983, is amended
25 to read as follows:

26 906.17 ALLEGED PAROLE VIOLATORS--REIMBURSEMENT-TO-COUNTIES
27 FOR TEMPORARY CONFINEMENT BY COUNTIES--REIMBURSEMENT.

28 1. Upon request by the Iowa department of corrections
29 a county shall provide temporary confinement for alleged
30 parole violators if space is available.

31 2. The Iowa department of corrections shall reimburse
32 a county for the temporary confinement of alleged parole
33 violators. The amount to be reimbursed shall be determined
34 by multiplying the number of days confined by the average
35 daily cost of confining a person in the county facility as

1 negotiated by the department. Payment shall be made upon
2 submission of a voucher executed by the sheriff and approved
3 by the director of the Iowa department of corrections.

4 Sec. 6. Section 908.11, Code 1983, is amended to read
5 as follows:

6 908.11 VIOLATION OF PROBATION. A probation officer or
7 the judicial district department of correctional services
8 having probable cause to believe that any person released
9 on probation has violated the conditions of probation shall
10 proceed by arrest or summons as in the case of a parole
11 violation. The functions of the liaison officer and the board
12 of parole shall be performed by the judge or magistrate who
13 placed the alleged violator on probation if that judge or
14 magistrate is available, otherwise by another judge or
15 magistrate who would have had jurisdiction to try the original
16 offense. ~~Where~~ If the probation officer proceeds by arrest,
17 any magistrate may receive the complaint, issue an arrest
18 warrant, or conduct the initial appearance and probable cause
19 hearing ~~where~~ if it is not convenient for the judge who placed
20 the alleged violator on probation to do so. The initial
21 appearance, probable cause hearing, and probation revocation
22 hearing, or any of them, may at the discretion of the court
23 be merged into a single hearing when it appears that the
24 alleged violator will not be prejudiced thereby. If the
25 violation is established, the court may continue the probation
26 with or without an alteration of the conditions of probation.

27 If the defendant is an adult the county may hold the defendant
28 in contempt of court and sentence the defendant to a jail
29 term while continuing the probation, or may revoke the
30 probation and require the defendant to serve the sentence
31 imposed or any lesser sentence, and, if imposition of sentence
32 was deferred, may impose any sentence which might originally
33 have been imposed.

34
35

HOUSE FILE 2348

AN ACT

RELATING TO CORRECTIONAL PROCEDURES BY EXPANDING THE CIRCUMSTANCES UNDER WHICH HOME WORK RELEASE MAY BE GRANTED, PROVIDING FOR THE DUTY OF COUNTIES TO COMPLY WITH STATE REQUESTS FOR TEMPORARY CONFINEMENT OF ALLEGED PAROLE OR WORK RELEASE VIOLATORS, ALLOWING A DESIGNEE OF THE WARDEN OR SUPERINTENDENT TO HEAR APPEALS OF HEARING OFFICERS, EXTENDING THE TIME FOR THE BOARD OF DIRECTORS OF A JUDICIAL DISTRICT DEPARTMENT OF CORRECTIONAL SERVICES TO FILE ITS ANNUAL REPORT, AND PROVIDING FOR THE PENALTY OF CONTEMPT FOR VIOLATIONS OF PAROLE.

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

Section 1. Section 247A.2, Code Supplement 1983, is amended to read as follows:

247A.2 PROGRAM. The Iowa department of corrections shall establish a work release program under which inmates sentenced to an institution under the jurisdiction of the department may be granted the privilege of leaving actual confinement during necessary and reasonable hours for the purpose of working at gainful employment. Under appropriate conditions the program may also include release for the purpose of seeking employment and attendance at an educational institution. ~~In the case of inmates who have children in their homes under the age of eighteen years, the program may include child care and housekeeping in their homes.~~ An inmate may be placed on work release status in the inmate's own home, under appropriate circumstances, which may include child care and housekeeping in the inmate's own home. An inmate shall receive a unanimous vote from the work release committee to be approved for home work release.

Sec. 2 Section 247A.10, Code Supplement 1983, is amended to read as follows:

247A.10 ALLEGED WORK RELEASE VIOLATORS--REIMBURSEMENT TO COUNTIES FOR TEMPORARY CONFINEMENT BY COUNTIES--REIMBURSEMENT.

1. Upon request by the Iowa department of corrections a county shall provide temporary confinement for alleged violators of work release conditions if space is available.

2. The Iowa department of corrections shall negotiate a reimbursement rate with each county for the temporary confinement of alleged violators of work release conditions who are in the custody of the director of the Iowa department of corrections or who are housed or supervised by the judicial district department of correctional services. The amount to be reimbursed shall be determined by multiplying the number of days a person is confined by the average daily cost of confining a person in the county facility as negotiated with the department. Payment shall be made upon submission of a voucher executed by the sheriff and approved by the director of the Iowa department of corrections.

Sec. 3. Section 903A.3, subsection 2, Code Supplement 1983, is amended to read as follows:

2. The orders of the hearing officer are subject to appeal to the superintendent or warden of the institution, or the superintendent's or warden's designee, who may either affirm, modify, remand for correction of procedural errors, or reverse an order. However, sanctions shall not be increased on appeal. A decision of the superintendent, or warden, or designee is subject to review by the director of the Iowa department of corrections who may either affirm, modify, remand for correction of procedural errors, or reverse the decision. However, sanctions shall not be increased on review.

Sec. 4. Section 905.4, subsection 4, Code Supplement 1983, is amended to read as follows:

4. File with the board of supervisors of each county in the district and with the Iowa department of corrections, within thirty ninety days after the close of each fiscal year, a report covering the district board's proceedings and a statement of receipts and expenditures during the preceding fiscal year.

Sec. 5. Section 906.17, Code Supplement 1983, is amended to read as follows:

906.17 ALLEGED PAROLE VIOLATORS--REIMBURSEMENT-TO-COUNTIES FOR TEMPORARY CONFINEMENT BY COUNTIES--REIMBURSEMENT.

1. Upon request by the Iowa department of corrections a county shall provide temporary confinement for alleged parole violators if space is available.

2. The Iowa department of corrections shall reimburse a county for the temporary confinement of alleged parole violators. The amount to be reimbursed shall be determined by multiplying the number of days confined by the average daily cost of confining a person in the county facility as negotiated by the department. Payment shall be made upon submission of a voucher executed by the sheriff and approved by the director of the Iowa department of corrections.

Sec. 6. Section 908.11, Code 1983, is amended to read as follows:

908.11 VIOLATION OF PROBATION. A probation officer or the judicial district department of correctional services having probable cause to believe that any person released on probation has violated the conditions of probation shall proceed by arrest or summons as in the case of a parole violation. The functions of the liaison officer and the board of parole shall be performed by the judge or magistrate who placed the alleged violator on probation if that judge or magistrate is available, otherwise by another judge or magistrate who would have had jurisdiction to try the original offense. Where if the probation officer proceeds by arrest, any magistrate may receive the complaint, issue an arrest warrant, or conduct the initial appearance and probable cause hearing where if it is not convenient for the judge who placed the alleged violator on probation to do so. The initial appearance, probable cause hearing, and probation revocation hearing, or any of them, may at the discretion of the court be merged into a single hearing when it appears that the alleged violator will not be prejudiced thereby. If the violation is established, the court may continue the probation

with or without an alteration of the conditions of probation. If the defendant is an adult the court may hold the defendant in contempt of court and sentence the defendant to a jail term while continuing the probation, or may revoke the probation and require the defendant to serve the sentence imposed or any lesser sentence, and, if imposition of sentence was deferred, may impose any sentence which might originally have been imposed.

DONALD D. AVENSON
Speaker of the House

ROBERT T. ANDERSON
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2348, Seventieth General Assembly.

JOSEPH O'BRIEN
Chief Clerk of the House

Approved May 9 1984

TERRY E. BRANSTAD
Governor