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Human Resources: Spear, Chair; Buhr, Corey, Shoning and Shultz.

*Amend (3072) & Do Pass*

**FEB 4 1985**

HOUSE FILE 186

**HUMAN RESOURCES**

BY SPEAR

Passed House, Date 2-28-85 (7.597) Passed Senate, Date \_\_\_\_\_

Vote: Ayes 95 Nays 0 Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Approved \_\_\_\_\_

### A BILL FOR

1 An Act amending the Code chapters relating to the Iowa  
 2 department of corrections by reorganizing the statutes,  
 3 making changes to sexually discriminatory statutes  
 4 dealing with adult offenders, and modifying statutes  
 5 relating to inmate work and work release, and to  
 6 district court reports of criminal convictions.

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

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1 Section 1. Section 216.1, unnumbered paragraph 1, and  
2 subsection 1, unnumbered paragraph 1, Code 1985, are amended  
3 to read as follows:

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

8 To develop within those inmates willing to accept and  
9 persevere in such employment work:

10 Sec. 2. Section 216.1, subsection 2, unnumbered paragraph  
11 1, Code 1985, is amended to read as follows:

12 To enable those inmates willing to accept and persevere in  
13 such employment work to:

14 Sec. 3. Section 216.2, subsection 2, Code 1985, is amended  
15 to read as follows:

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

23 Sec. 4. Section 216.3, subsection 1, paragraph a,  
24 subparagraph (1), Code 1985, is amended to read as follows:

25 (1) One member shall represent agriculture and one member  
26 shall represent manufacturing, with particular reference to  
27 the roles of their constituencies as potential employers of  
28 ~~inmates-and~~ former inmates of the state's correctional  
29 institutions.

30 Sec. 5. Section 216.5, subsections 3, 4, and 5, Code 1985,  
31 are amended to read as follows:

32 3. Establish, transfer and close industrial operations as  
33 deemed advisable to maximize opportunities for gainful  
34 employment-of work for inmates and to adjust to actual or  
35 potential market demand for particular products or services.

1 4. Establish and from time to time adjust, as necessary,  
2 levels of ~~pay-fer~~ allowances paid to inmates ~~employed-by~~  
3 working in Iowa state industries.

4 5. Co-ordinate Iowa state industries, and other  
5 opportunities for gainful ~~employment~~ work 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 Sec. 6. Section 216.5, subsection 7, unnumbered paragraph  
10 1, Code 1985, is amended to read as follows:

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

17 Sec. 7. Section 216.5, subsection 7, paragraph d,  
18 subparagraph (2), and paragraph e, Code 1985, are amended to  
19 read as follows:

20 (2) Exhibits appropriate conduct to enable the participant  
21 to ~~be-employed~~ work outside the state correctional  
22 institutions without constituting a threat to the security of  
23 the local community.

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

29 Sec. 8. Section 216.8, subsection 3, Code 1985, is amended  
30 to read as follows:

31 3. A department or agency of the state shall cooperate and  
32 enter into agreements, if possible, for the provision of  
33 products and services under an inmate ~~employment~~ work program  
34 established by the state director under section 216.5,  
35 subsection 7.

1 Sec. 9. Section 216.9, subsection 2, paragraph b, Code  
2 1985, is amended to read as follows:

3 b. Payment of all costs incurred by the industries board,  
4 including but not limited to per diem and expenses of its  
5 members, and of salaries, allowances, support and maintenance  
6 of Iowa state industries. Payments from the revolving fund  
7 authorized by this subsection shall be made in the same manner  
8 as payments from appropriations for salaries, allowances,  
9 support and maintenance of the institutions under the  
10 jurisdiction of the state director.

11 Sec. 10. Section 216.10, subsection 2, paragraph a and  
12 subsection 3, Code 1985, are amended to read as follows:

13 a. All persons ~~employed~~ working in the factory or other  
14 commercial enterprise operated in the leased property, except  
15 the lessee's supervisory employees and necessary training  
16 personnel approved by the industries board, shall be inmates  
17 of the institution where the leased property is located who  
18 are approved for such ~~employment~~ work by the state director  
19 and the lessee.

20 3. Except as prohibited by applicable provisions of the  
21 United States Code, inmates of adult correctional institutions  
22 of this state may ~~be-employed~~ work in the manufacture and  
23 processing of products for introduction into interstate or  
24 intrastate commerce, so long as they are paid ~~wages~~ allowances  
25 commensurate with those wages paid persons employed in similar  
26 jobs outside the correctional institutions.

27 Sec. 11. Section 216.12, subsections 1 and 2, Code 1985,  
28 are amended to read as follows:

29 1. Wages Allowances paid to inmates are commensurate with  
30 those wages paid employees doing similar work. This may  
31 include piece rating for which the individual would be paid  
32 only for what is produced. The private employer shall pay to  
33 Iowa state industries at a rate commensurate with wages paid  
34 to other workers performing similar work.

35 2. Such paid inmate ~~employment~~ work will not result in

1 displacement of employed workers.

2 Sec. 12. Section 216.13, Code 1985, is amended to read as  
3 follows:

4 216.13 INMATE EMPLOYEES<sup>1</sup>-PAY ALLOWANCE SUPPLEMENT  
5 REVOLVING FUND.

6 There is established in the treasury of the state a  
7 permanent adult correctional institutions inmate employees<sup>1</sup>  
8 pay allowance supplement revolving fund, consisting solely of  
9 money paid as board and maintenance by inmates employed-by  
10 working in Iowa state industries, or employed working pursuant  
11 to section 216.10. The fund established by this section may  
12 be used to supplement the pay allowances of inmates who  
13 perform other institutional work within and about the adult  
14 correctional institutions including those who are employed-by  
15 working in Iowa state industries. Payments made from such the  
16 fund shall supplement and not replace all or any part of the  
17 pay allowances otherwise received by, and shall be equably  
18 distributed among such inmates. The employment work of  
19 inmates ~~to-perform~~ in other institutional or industry work  
20 shall, to the greatest extent feasible, be in accord with the  
21 intent stated in section 216.1. The fund may also be used to  
22 supplement other rehabilitation activities within the adult  
23 correctional institutions. Determination of the use of the  
24 funds is the responsibility of the director of adult  
25 corrections who shall first seek the advice of the prison  
26 industries advisory board.

27 Sec. 13. Section 217A.2, subsections 5 and 6, are amended  
28 by striking the subsections and inserting in lieu thereof the  
29 following:

30 5. North central correctional facility at Rockwell City.

31 6. Mount Pleasant correctional facility.

32 Sec. 14. Section 217A.5, Code 1985, is amended by adding  
33 the following new subsection and renumbering as necessary:

34 NEW SUBSECTION. 6. Report biennially to the governor a  
35 summary of releases recommended, paroles granted, parole

1 revocations, and other information relating to the parole of  
2 inmates as the board deems advisable.

3 Sec. 15. Section 217A.8, subsection 6, Code 1985, is  
4 amended to read as follows:

5 6. The director or the director's designee, having  
6 probable cause to believe that a person has escaped from a  
7 state correctional institution or a person released on work  
8 release has ~~violated-the-conditions-of-the-person's~~ absconded  
9 from a work release facility, may make a complaint before a  
10 judge or magistrate ~~charging-the-violation~~. If it is  
11 determined from the complaint or accompanying affidavits that  
12 there is probable cause to believe that the person has escaped  
13 from a state correctional institution or ~~violated-the-terms-of~~  
14 ~~the-person's~~ absconded from a work release facility, the judge  
15 or magistrate shall issue a warrant for the arrest of the  
16 person.

17 Sec. 16. Section 217A.23, Code 1985, is amended by adding  
18 the following new unnumbered paragraph:

19 NEW UNNUMBERED PARAGRAPH. The superintendents and  
20 employees of the correctional institutions shall receive  
21 salaries or compensation as determined by the director, shall  
22 receive a midshift meal when on duty, and shall be provided  
23 uniforms if uniforms are required to be worn when on duty.  
24 The uniforms shall be maintained and replaced by the  
25 department at no cost to the employees and shall remain the  
26 property of the department.

3072 27 Sec. 17. Section 217A.25, Code 1985, is amended by adding  
28 the following new unnumbered paragraph:

29 NEW UNNUMBERED PARAGRAPH. The director shall furnish the  
30 superintendents of the men's reformatory and the penitentiary,  
31 in addition to salary, with a dwelling house or with  
32 appropriate quarters in lieu of a house within the precincts  
33 of the institutions. The superintendents shall live in the  
34 house or quarters and shall devote their entire time to the  
35 duties of their positions.

1 Sec. 18. Section 217A.31, subsection 1, unnumbered  
2 paragraph 1, Code 1985, is amended to read as follows:

3 The director may transfer at the expense of the ~~state~~  
4 department an inmate of one institution to another ~~similar~~  
5 institution under the director's control if the director is  
6 satisfied that the transfer is in the best interests of the  
7 institutions or inmates.

8 PARAGRAPH DIVIDED. The director may transfer at the  
9 expense of the department an inmate under the director's  
10 jurisdiction from any institution supervised by the director  
11 to another institution under the control of a director of a  
12 division of the department of human services with the consent  
13 and approval of the other director and may transfer an inmate  
14 to any other institution for mental or physical examination or  
15 treatment retaining jurisdiction over the inmate when so  
16 transferred.

17 Sec. 19. Section 217A.31, subsection 2, Code 1985, is  
18 amended to read as follows:

19 2. When the ~~state~~ director has cause to believe that a  
20 ~~prisoner~~ an inmate in a state correctional institution is  
21 mentally ill, the Iowa department of corrections may cause  
22 ~~that prisoner~~ the inmate to be transferred to the Iowa medical  
23 and classification center for examination, diagnosis, or  
24 treatment. The ~~prisoner~~ inmate shall be confined at that  
25 institution or a state hospital for the mentally ill until the  
26 expiration of the ~~prisoner's~~ inmate's sentence or until the  
27 ~~prisoner~~ inmate is pronounced in good mental health. If the  
28 ~~prisoner~~ inmate is pronounced in good mental health before the  
29 expiration of the ~~prisoner's~~ inmate's sentence, the ~~prisoner~~  
30 inmate shall be returned to the state correctional institution  
31 until the expiration of the ~~prisoner's~~ inmate's sentence. The  
32 ~~provisions-of-the-Code-applicable-to-an-inmate-at-the~~  
33 ~~correctional-institution-from-which-the-prisoner-is~~  
34 ~~transferred-remain-applicable-during-the-inmate's-stay-at-the~~  
35 ~~Iowa-medical-and-classification-center.--However, section~~

1 246-32-applies-to-the-total-inmate-population,--including-both  
2 convicts-and-patients-

3 Sec. 20. Section 217A.31, Code 1985, is amended by adding  
4 the following new subsection:

5 NEW SUBSECTION. 4. The director shall assure that an  
6 inmate transferred pursuant to this section is accompanied by  
7 a person of the same sex as the inmate.

8 Sec. 21. Section 217A.32, Code 1985, is amended by adding  
9 the following new unnumbered paragraph:

10 NEW UNNUMBERED PARAGRAPH. The director shall keep other  
11 records for the use of the board of parole as the board of  
12 parole may request.

13 Sec. 22. NEW SECTION. 217A.33 DISCIPLINARY PROCEDURES --  
14 USE OF FORCE.

3206 15 1. Inmates who disobey the disciplinary rules of the  
16 institution to which they are committed shall be punished by  
17 the imposition of such penalties as are provided by law or  
18 disciplinary rule. The superintendent of each institution  
3072 19 shall maintain a register of all penalties inflicted on any  
20 inmates and the cause for which the penalties were inflicted.

3072 21 2. A correctional officer of the correctional institution  
22 for women, the men's reformatory, or the penitentiary or the  
23 officer's assistants shall, in case an inmate resists the  
24 officer's lawful authority, or refuses to obey the officer's  
25 lawful command, enforce immediate obedience by the use of such  
26 weapons or other aids as may be effectual, and if, in so  
27 doing, the inmate is injured or killed, the officer and the  
28 officer's assistants shall be justified.

29 Sec. 23. Section 217A.39, Code 1985, is amended to read as  
30 follows:

31 217A.39 FEDERAL PRISONERS.

32 Inmates sentenced for any term by any court of the United  
33 States may be received by the warden-~~or~~ superintendent of a  
34 state correctional institution and kept there in pursuance of  
35 their sentences. ~~Inmates~~ The director may transfer inmates at

1 state correctional institutions ~~may also be transferred~~ to the  
2 federal bureau of prisons.

3 Sec. 24. Section 217A.46, Code 1985, is amended to read as  
4 follows:

5 217A.46 SERVICES REQUIRED -- WAGES GRATUITOUS ALLOWANCES.

6 Inmates of the institutions may be required to ~~render~~  
7 perform any proper and reasonable service suited to their  
8 strength and attainments, for the benefit of the institutions  
9 or the welfare of the inmates, either in the institutions  
10 proper or in the industries established in connection with  
11 them. When an inmate of an institution is working outside the  
12 institution proper, the inmate shall be deemed at all times to  
13 be in the actual custody of the superintendent of the  
14 institution.

15 The director may when practicable pay the inmate a wage an  
16 allowance as the director deems proper in view of the  
17 circumstances, and in view of the cost attending the  
18 maintenance of the inmate. The allowance is a gratuitous  
19 payment and is not a wage arising out of an employment  
20 relationship. The wage payment shall not exceed the amount  
21 paid to free labor for a like or equivalent service.

22 Sec. 25. Section 217A.47, Code 1985, is amended to read as  
23 follows:

24 217A.47 DEDUCTION TO PAY COURT COSTS OR DEPENDENTS --  
25 DEPOSITS.

26 If wages allowances are paid pursuant to section 217A.46,  
27 the director may deduct an amount established by the inmates'  
28 restitution plan of payment. The amount deducted shall be  
29 forwarded to the clerk of the district court or proper  
30 official. The director may pay all or any part of remaining  
31 wages allowances paid pursuant to section 217A.46 directly to  
32 a dependent of the inmate, or may deposit the wage allowance  
33 to the account of the inmate, or may deposit a portion and  
34 allow the inmate a portion for the inmate's personal use.

35 Sec. 26. Section 217A.66, Code 1985, is amended by adding

1 the following new unnumbered paragraph:

2 NEW UNNUMBERED PARAGRAPH. The superintendent of each  
3 institution shall receive and care for any property an inmate  
4 may possess on the inmate's person upon entering the  
5 institution, and on the discharge of the inmate, return the  
6 property to the inmate or the inmate's legal representatives,  
7 unless the property has been previously disposed of according  
8 to law. The superintendent may place an inmate's money at  
9 interest, keeping an account of the money and returning the  
10 remaining money and interest upon discharge.

11 Sec. 27. Section 217A.78, Code 1985, is amended to read as  
12 follows:

13 217A.78 EMPLOYMENT SERVICES OF INMATES -- INSTITUTIONS AND  
14 PUBLIC SERVICE.

15 Inmates shall ~~be-employed~~ work only on state account in the  
16 maintenance of state institutions, in the erection, repair,  
17 authorized demolition, or operation of buildings and works  
18 used in connection with the institutions, and in industries  
19 established and maintained in connection with the institutions  
20 by the ~~state~~ director. The ~~state~~ director may detail  
21 ~~prisoners~~ inmates classified as trustees, from correctional  
22 institutions under the control of the ~~state~~ director to  
23 perform public service for the conservation commission and  
24 other agencies of state, county, or local government. The  
25 supervision, security, and transportation of, and ~~compensation~~  
26 ~~of~~ allowances paid to inmates used in public service projects  
27 shall be provided pursuant to agreements made by the ~~state~~  
28 director and the agency of state, local, or county government  
29 for which the work is done. Housing and maintenance shall  
30 also be provided pursuant to the agreement unless the inmate  
31 is housed and maintained in the correctional facility. All  
32 such ~~employment~~ work, including but not limited to that  
33 provided in this section, shall have as its primary purpose,  
34 and shall provide for, inculcation or the reactivation of  
35 attitudes, skills, and habit patterns which will be conducive

1 to inmate rehabilitation.

2 However, an inmate shall not ~~be-employed~~ work in a public  
3 service project if the employment work of that inmate would  
4 replace a person employed by the state agency or political  
5 subdivision, which employee is performing the work of the  
6 public service project at the time the inmate is being  
7 considered for employment work in the project.

8 Sec. 28. Section 217A.79, Code 1985, is amended to read as  
9 follows:

10 217A.79 LIMITATION ON CONTRACT.

11 The ~~state~~ director or the ~~wardens-and~~ superintendents of  
12 the institutions shall not, nor shall any other person  
13 employed by the state, make any contract by which the labor or  
14 time of a ~~prisoner-or~~ an inmate in the institution is given,  
15 loaned, or sold to any person unless as provided by chapter  
16 216 or section 217A.78.

17 Sec. 29. Section 217A.80, Code 1985, is amended to read as  
18 follows:

19 217A.80 VISITATIONS.

20 Members of the executive council, the attorney general, the  
21 lieutenant governor, members of the general assembly, judges  
22 of the supreme and district court and court of appeals,  
23 judicial magistrates, county attorneys and persons ordained or  
24 designated as regular leaders of a religious community are  
25 authorized to visit all institutions under the control of the  
26 Iowa department of corrections ~~and-the-state-training-school~~  
27 at reasonable times. No other person shall be granted  
28 admission except by permission of the ~~warden-or~~  
29 superintendent.

30 Sec. 30. NEW SECTION. 217A.85 IOWA MEDICAL AND  
31 CLASSIFICATION CENTER.

3150 32 1. The Iowa medical and classification center at Oakdale  
33 shall be utilized for persons displaying evidence of mental  
34 illness or psychosocial disorders and requiring diagnostic  
35 services and treatment in a security setting and for persons

1 requiring confinement in a security setting.

2 2. The superintendent of the center shall be a reputable  
3 and qualified person experienced in the administration of  
4 programs for the care and treatment of persons afflicted with  
5 mental disorders and have other qualifications the director  
6 and board deem necessary. The superintendent shall secure the  
7 professional care and treatment of each person confined at the  
8 center and maintain a complete record on the condition of each  
9 person confined at the center.

3150 10 3. The center may admit the following persons:

11 a. Residents transferred from an institution under the  
12 jurisdiction of the department of human services or the Iowa  
13 department of corrections.

14 b. Persons committed by the courts as mentally incompetent  
15 to stand trial under section 812.4.

16 c. Persons referred by the courts for psychosocial  
17 diagnosis and recommendations as part of the pretrial or  
18 presentence procedure or determination of mental competency to  
19 stand trial.

20 d. Prisoners transferred from county and city jails for  
21 diagnosis, evaluation, or treatment for mental illness.

22 Other persons may be admitted providing the admissions are  
23 not inconsistent with law and are within the capacity of the  
24 facilities and staff to accommodate the persons.

3150 > 25 4. The director may house inmates from any correctional  
26 institution at the center in order to provide the inmates with  
27 suitable security or medical treatment, or both. Unless an  
28 inmate is determined to be mentally ill, the inmate shall not  
29 be subjected involuntarily to psychiatric treatment.

30 5. All admissions to the center shall be by written  
31 application only. Application shall be made by the head of  
32 the state institution, agency, governmental body, or court  
33 requesting admission to the superintendent of the center. An  
34 application may be denied by the superintendent, with the  
35 approval of the director, if the admission will result in an

1 overcrowded condition or if adequate staff or facilities are  
2 not available. The decision regarding admission and discharge  
3 of persons shall be made by the superintendent of the center,  
4 subject to approval of the director.

5 6. When a person transferred to the center from any other  
6 state institution or admitted by request or order of any  
7 agency, governmental body, or court no longer requires special  
8 treatment in the security setting, the person may be returned  
9 to the source from which received. The state institution,  
10 agency, governmental body, or court that referred the person  
11 for hospitalization shall retain constructive jurisdiction  
12 over the person. Persons without legal encumbrances may be  
13 discharged directly from the center upon concurrence of the  
14 superintendent of the center and the head of the referring  
15 institution, agency, governmental body, or court. The  
16 support, commitment, and release statutes applicable to a  
17 person at the state institution from which transferred shall  
18 remain applicable while the person is at the center.

19 7. Chapter 230 governs the determination of costs and  
20 charges for the care and treatment of mentally ill persons  
21 admitted to the center, except that charges for the care and  
22 treatment of any person transferred to the center from an  
23 adult correctional institution or from a state training school  
24 shall be paid entirely from state funds. Charges for all  
25 other persons at the center shall be billed to the respective  
26 counties at the same ratio as for patients at state mental  
27 health institutes under section 230.20.

28 Sec. 31. NEW SECTION. 217A.86 NORTH CENTRAL CORRECTIONAL  
29 FACILITY AT ROCKWELL CITY.

30 The state correctional facility at Rockwell City shall be  
31 utilized as a medium security correctional facility for men.

32 Sec. 32. NEW SECTION. 217A.87 MOUNT PLEASANT  
33 CORRECTIONAL FACILITY -- SPECIAL TREATMENT UNIT.

34 1. The correctional facility at Mount Pleasant shall be  
35 utilized as a medium security facility primarily for treatment

3072 1 of male inmates of adult correctional institutions who exhibit  
2 treatable personality disorders, with or without accompanying  
3 history of drug or alcohol abuse. Such inmates may apply for  
4 and upon their application may be selected for treatment by  
5 the staff of the treatment facility at Mount Pleasant in  
6 accordance with section 217A.31.

7 2. The director shall coordinate with the division of  
8 mental health of the department of human services and the  
9 state psychiatric hospital at Iowa City in the creation,  
10 staffing and operation of a research and treatment program  
11 directed at the class of disorders described in subsection 1,  
12 which program shall be operated at the correctional facility  
13 at Mount Pleasant.

3072 14 3. The final decision regarding admission and discharge of  
15 inmates of the treatment facility operated under this section  
16 shall rest with the director. Upon discharge, the inmates of  
17 the treatment facility shall be transferred or placed as  
18 determined by the director.

19 Sec. 33. NEW SECTION. 217A.88 CLARINDA CORRECTIONAL  
20 FACILITY.

21 The state correctional facility at Clarinda shall be  
22 utilized as a secure men's correctional facility primarily for  
23 chemically dependent, mentally retarded, and socially  
24 inadequate offenders.

25 Sec. 34. NEW SECTION. 217A.89 CORRECTIONAL RELEASE  
26 CENTER AT NEWTON.

27 1. The correctional release center at Newton shall be  
28 utilized for the preparation of inmates of the correctional  
29 institutions for discharge or parole. The director may  
30 transfer an inmate of a correctional institution within ninety  
31 days of the inmate's release from custody to the correctional  
32 release center for intensive training to assist the inmate in  
33 the transition to civilian living. The statutes applicable to  
34 an inmate at the corrective institution from which transferred  
35 shall remain applicable during the inmate's stay at the

1 correctional release center.

2 2. The superintendent of the correctional release center  
3 shall be a reputable and qualified person experienced in the  
4 administration of programs for the rehabilitation and  
5 preparation of inmates for their return to society.

6 Sec. 35. Section 218B.2, Article III, subsection 3, Code  
7 1985, is amended to read as follows:

8 3. Participation in programs of inmate employment work, if  
9 any; the disposition or crediting of any payments received by  
10 inmates on account ~~thereof~~ of the work; and the crediting of  
11 proceeds from or disposal of any products resulting ~~therefrom~~  
12 from the work.

13 Sec. 36. Section 229.1, subsection 8, paragraph c, Code  
14 1985, is amended to read as follows:

15 c. Any other publicly supported hospital or institution,  
16 or part ~~thereof~~ of such hospital or institution, which is  
17 equipped and staffed to provide inpatient care to the mentally  
18 ill, except ~~that this definition is not applicable to~~ the Iowa  
19 medical and classification center established by chapter ~~223~~  
20 217A.

21 Sec. 37. Section 229.26, Code 1985, is amended to read as  
22 follows:

23 229.26 EXCLUSIVE PROCEDURE FOR INVOLUNTARY  
24 HOSPITALIZATION.

25 Sections 229.6 to 229.19 constitute the exclusive procedure  
26 for involuntary hospitalization of persons by reason of  
27 serious mental impairment in this state, except that ~~nothing~~  
28 ~~in this chapter negates~~ does not negate the provisions of  
29 ~~sections-245-12-and-217A-31,-subsection-2~~ section 217A.31  
30 relating to transfer of mentally ill prisoners to state  
31 hospitals for the mentally ill ~~or applies~~ and does not apply  
32 to commitments of persons under chapter 812 or the rules of  
33 criminal procedure, Iowa court rules, 2d ed.

34 Sec. 38. NEW SECTION. 242.16 VISITATIONS.

35 Members of the executive council, the attorney general, the

1 lieutenant governor, members of the general assembly, judges  
2 of the supreme and district court and court of appeals,  
3 magistrates, county attorneys and persons ordained or  
4 designated as regular leaders of a religious community are  
5 authorized to visit the state training school at reasonable  
6 times. No other person shall be granted admission except by  
7 permission of the superintendent.

8 Sec. 39. Section 247A.10, subsection 1, Code 1985, is  
9 amended to read as follows:

10 1. Upon request by the Iowa department of corrections or a  
11 judicial district department of correctional services a county  
12 shall provide temporary confinement for alleged violators of  
13 work release conditions if space is available.

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14 Sec. 40. Section 331.510, subsection 2, Code 1985, is  
15 amended by striking the subsection.

16 Sec. 41. Section 356.4, Code 1985, is amended by striking  
17 the section and inserting in lieu thereof the following:

18 356.4 SEPARATION OF MEN AND WOMEN.

19 All jails shall be equipped with separate cells for men and  
20 women. Men and women shall not be allowed in the same cell  
21 within a jail at the same time.

22 Sec. 42. Section 356.5, subsection 6, Code 1985, is  
23 amended to read as follows:

24 6. Keep a ~~matron~~ on the jail premises at all times during  
25 the incarceration of one or more ~~female~~ prisoners, ~~keep either~~  
26 a jailer ~~or matron on the premises at all times during the~~  
27 ~~incarceration of one or more male prisoners~~ of the same sex as  
28 the prisoners, and make nighttime inspections while any  
29 prisoners are confined, or provide for incarceration in a jail  
30 which conforms to the ~~provisions~~ requirements of this  
31 subsection.

32 Sec. 43. Section 448.12, Code 1985, is amended to read as  
33 follows:

34 448.12 LIMITATION OF ACTIONS.

35 No An action for the recovery of real estate sold for the

1 nonpayment of taxes shall not be brought after five years from  
2 the execution and recording of the treasurer's deed, unless  
3 the owner is, at the time of the sale, a minor, mentally ill  
4 person, or ~~convict~~ an inmate in the penitentiary an adult  
5 correctional institution, in which case such action must be  
6 brought within five years after such disability is removed.

7 Sec. 44. Section 602.8102, subsection 44, Code 1985, is  
8 amended to read as follows:

9 44. Certify ~~to the warden of the penitentiary or men's~~  
10 ~~reformatory or~~ to the superintendent of ~~the Iowa~~ each  
11 correctional institution ~~for women~~ the number of days that  
12 have been credited toward completion of an inmate's sentence  
13 as provided in section ~~246-38~~ 903A.5.

14 Sec. 45. Section 602.8102, subsection 45, Code 1985, is  
15 amended by striking the subsection.

16 Sec. 46. Section 812.5, Code 1985, is amended to read as  
17 follows:

18 812.5 EFFECT OF RESTORATION OF MENTAL CAPACITY.

19 If the accused is committed to the department of human  
20 services, after the expiration of a period not to exceed six  
21 months, the court shall upon hearing review the confinement  
22 and determine whether there is a substantial probability the  
23 ~~prisoner~~ accused will regain capacity within a reasonable  
24 time. If not, the state shall be directed to institute civil  
25 commitment proceedings. When it thereafter appears that the  
26 accused can effectively assist in the accused's defense, ~~that~~  
27 the department shall give notice to the sheriff and county  
28 attorney of the proper county of such fact, and the sheriff,  
29 without delay, ~~must~~ shall receive and hold the accused in  
30 custody until the accused is brought to trial or judgment, as  
31 the case may be, or is legally discharged, the expense for  
32 conveying and returning the accused, or any other, to be paid  
33 in the first instance by the county from which the accused is  
34 sent, but such county may recover the same from another county  
35 or municipal body ~~bound~~ required to provide for or maintain

1 the accused elsewhere, and the sheriff shall be allowed for  
2 the sheriff's services the same fees as are allowed for  
3 conveying ~~convicts~~ persons to the ~~penitentiary~~ institutions  
4 under section 331.655.

5 Sec. 47. Section 815.8, Code 1985, is amended to read as  
6 follows:

7 815.8 SHERIFF'S FEES.

8 For delivering ~~prisoners~~ defendants under the change of  
9 venue provisions of R.Cr.P. 10 or transferring ~~prisoners~~  
10 arrested persons under section 804.24, sheriffs are entitled  
11 to the same fees as are allowed for the conveyance of ~~convicts~~  
12 persons to the ~~penitentiary~~ institutions under section  
13 331.655.

14 Sec. 48. Section 901.7, Code 1985, is amended to read as  
15 follows:

16 901.7 COMMITMENT TO CUSTODY.

17 In imposing a sentence of confinement for more than one  
18 year, the court shall commit the defendant to the custody of  
19 the director of the Iowa department of corrections. Upon  
20 entry of judgment and sentence, the clerk of the district  
21 court immediately shall notify the director of the commitment.  
22 The court shall make an order as appropriate for the temporary  
23 custody of the defendant pending the defendant's transfer to  
24 the custody of the director. The court shall order the county  
25 where a person was convicted to pay the cost of temporarily  
26 confining the person and of transporting the person to the  
27 state institution where the person is to be confined in  
28 execution of the judgment. The order shall require that a  
29 person transported to a state institution pursuant to this  
30 section shall be accompanied by a person of the same sex.

31 Sec. 49. NEW SECTION. 904.6 REPORTS TO THE DEPARTMENT OF  
32 CORRECTIONS.

33 The board of parole shall make detailed reports to the  
34 board of corrections as requested by the board of corrections  
35 or the director of the department of corrections.

1 Sec. 50. Section 905.7, subsection 4, Code 1985, is  
2 amended to read as follows:

3 4. Provide for gathering and evaluating performance data  
4 relative to the district department's community-based  
5 correctional program and make other detailed reports to the  
6 Iowa department of corrections as requested by the board of  
7 corrections or the director of the department of corrections.

8 Sec. 51. Section 906.5, unnumbered paragraph 1, Code 1985,  
9 is amended to read as follows:

10 Within one year after the commitment of a person other than  
11 a class "A" felon to the custody of the director of the Iowa  
12 department of corrections, a member of the board shall  
13 interview the person. Thereafter, at regular intervals, not  
14 to exceed one year, the board shall interview the person and  
15 consider the person's prospects for parole. At such the time  
16 of an interview, the board shall consider all pertinent  
17 information regarding this person, including the circumstances  
18 of the person's offense, any presentence report which ~~may be~~  
19 is available, the previous social history and criminal record  
20 of the person, the person's conduct, ~~employment work~~, and  
21 attitude in prison, and the reports of physical and mental  
22 examinations that have been made.

23 Sec. 52. REPEALS.

24 1. Chapters 223, 245, 246, and 246A, Code 1985, are  
25 repealed.

26 2. Sections 247.29 through 247.32, and 247A.1, Code 1985,  
27 are repealed.

28 Sec. 53. CODIFICATION. In the codification of this Act,  
29 the Code editor shall:

30 1. Transfer chapter 217A relating to the Iowa department  
31 of corrections to new chapter 246, divide the chapter into  
32 divisions, and rearrange the order of sections as necessary.

33 2. Transfer chapter 216 relating to Iowa state industries  
34 as a separate division to new chapter 246.

35 3. Transfer chapter 218B relating to the interstate

1 corrections compact to new chapter 247.

2 4. Transfer section 247.40 relating to the interstate  
3 probation and parole compact to new chapter 907A.

4 5. Transfer sections 247A.2 through 247A.5 and 247A.7  
5 through 247A.11 relating to inmate work release as a separate  
6 division to new chapter 246.

7 However, if the Code arrangement required by this section  
8 is not feasible or is not satisfactory to the Code editor, the  
9 Code editor may rearrange the affected chapters and sections  
10 as necessary.

11 EXPLANATION

12 This bill reorganizes the Code chapters relating to the  
13 Iowa department of corrections, makes changes to sexually  
14 discriminatory statutes dealing with adult offenders, and  
15 amends statutes relating to inmate work and work release, and  
16 to district court reports of criminal convictions.

17 The bill reorganizes the adult correctional Code chapters,  
18 directing the Code editor to place the major provisions in new  
19 chapter 246. However, the sections in the bill amend 1985  
20 Code chapter or section numbers.

21 The following table of corresponding sections provides, in  
22 the left column, the Code section number in the bill and, in  
23 the right column, the 1985 Code section number or numbers from  
24 which the bill section was taken in whole or in part:

25	<u>Code section in bill</u>	<u>1985 Code section(s)</u>
26	217A.5	247.32
27	217A.23	245.2, 245.4, 246.3
28	217A.25	246.2
29	217A.31(1)	245.10
30	217A.31(4)	245.8
31	217A.32	246.40
32	217A.33	246.8, 246.32
33	217A.46	245.3
34	217A.66	246.37
35	217A.85	223.1-223.8

1	217A.86	246.49
2	217A.87	246.48
3	217A.88	246.50
4	217A.89	246A.1-246A.4
5	242.16	217A.80
6	901.7	245.8
7	904.6	247.32
8	905.7(4)	247.32

9 The amendments in the bill to the following 1985 Code  
 10 sections relate to sexually discriminatory statutes dealing  
 11 with adult offenders: 356.4, 356.5(6), 448.12, 602.8102(44),  
 12 812.5, and 815.8.

13 The amendments or repeals in the bill to the following 1985  
 14 Code sections relate to the reorganization of correctional  
 15 provisions in the Code, absconding from a work release  
 16 facility, changing the terms "employment" and "wages" to  
 17 "work" and "allowance" for inmates, and the reporting of  
 18 criminal convictions, taken in whole or in part from  
 19 suggestions made by the Iowa department of corrections:  
 20 216.1-216.3, 216.5, 216.8-216.10, 216.12, 216.13, 217A.2,  
 21 217A.8(6), 217A.31(2), 217A.39, 217A.46, 217A.47, 217A.78,  
 22 217A.79, 217A.80, 218B.2, 245.1, 245.7, 245.9, 245.11-245.13,  
 23 245.20, 246.1, 246.12, 246.13, 246.31, 246.34, 246.36, 246.47,  
 24 247.29-247.31, 247A.1, 247A.10(1), 331.510(2), 602.8102(45)  
 25 and 906.5.

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HOUSE FILE 186

H-3160

1 Amend the amendment, H-3072, to House File 186 as  
2 follows:  
3 1. Page 1, by striking lines 4 through 7 and  
4 inserting the following:  
5 "\_\_\_\_. Page 7, by striking lines 21 through 28 and  
6 inserting the following:  
7 "2. A correctional officer of a correctional  
8 institution or the officer's assistants may, in case  
9 an inmate resists the officer's lawful authority, or  
10 refuses to obey the officer's lawful command, enforce  
11 immediate obedience by the use of weapons or other  
12 aids, approved by the department, as may be effectual,  
13 and if, in so doing, the inmate is injured or killed,  
14 the officer and the officer's assistants shall be  
15 justified.""

H-3160 FILED FEBRUARY 20, 1985 BY HUMMEL of Benton

*Placed out of order 2/23/85 (p. 595)*

HOUSE FILE 186

H-3196

1 Amend the amendment, H-3072, to House File 186 as  
2 follows:  
3 1. Page 1, by striking lines 4 through 7 and  
4 inserting the following:  
5 "\_\_\_\_. Page 7, by striking lines 21 through 28 and  
6 inserting the following:  
7 "2. A correctional officer of a correctional  
8 institution or the officer's assistant shall, in case  
9 an inmate resists the officer's or assistant's lawful  
10 authority, or refuses to obey the officer's or  
11 assistant's lawful command, only use such force as is  
12 reasonably necessary under all attendant  
13 circumstances. The use of a deadly weapon is  
14 justified only under conditions of extreme necessity  
15 and as a last resort to protect the life or safety of  
16 a person. The use of a deadly weapon is not justified  
17 solely to prevent damage to or destruction of property  
18 where there is no danger to the life or safety of a  
19 person. An officer or assistant is justified in using  
20 force which causes injury or death to an inmate if the  
21 officer's or assistant's actions comply with the  
22 requirements of this subsection.""

H-3196 FILED FEBRUARY 21, 1985 BY SPEAR of Lee

*Placed out of order 2/23/85 (p. 595)*

HOUSE FILE 186

H-3072

1 Amend House File 186 as follows:

2 1. Page 5, by striking lines 27 through 35.

3 2. Page 7, line 19, by striking the word "any".

*312, 3160* 4 3. Page 7, by striking lines 21 and 22 and

5 inserting the following:

6 "2. A correctional officer of a correctional  
7 institution or the".

8 4. Page 12, line 35, by inserting after the word  
9 "facility" the following: "for men".

10 5. Page 13, by striking line 1 and inserting the  
11 following: "of inmates who exhibit".

12 6. Page 13, by striking lines 14 through 18.

13 7. By renumbering as necessary.

H-3072 FILED FEBRUARY 12, 1985 BY COMMITTEE ON HUMAN RESOURCES

*A- Adopted 2/23/85 (p. 574)*

*B- Placed out of order (p. 575)*

HOUSE FILE 186

H-3150

1 Amend House File 186 as follows:

2 1. By striking page 10, line 32 through page 11,  
3 line 1 and inserting the following:

4 "1. The Iowa medical and classification center at  
5 Oakdale shall be utilized as a medical unit for  
6 persons displaying evidence of mental illness or  
7 psychosocial disorders and requiring diagnostic  
8 services or treatment in a security setting, as a  
9 security unit for persons requiring confinement in a  
10 security setting, and as a classification unit for the  
11 reception, orientation, and classification of inmates  
12 before placement in the most appropriate correctional  
13 institutions according to necessary security and  
14 custody arrangements and the assessed service needs of  
15 the inmates."

16 2. Page 11, line 10, by striking the word  
17 "center" and inserting the following: "medical unit".

18 3. Page 11, by inserting after line 24 the  
19 following:

20 "\_\_\_\_. The classification unit shall admit inmates  
21 for purposes of orientation and classification before  
22 placement in the most appropriate correctional  
23 institutions."

24 4. By renumbering as necessary.

BY SPEAR of Lee  
SHOULTZ of Black Hawk  
SHONING of Woodbury  
BUHR of Polk  
COREY of Louisa  
ZIMMERMAN of Dallas

H-3150 FILED FEBRUARY 18, 1985

*Adopted 2/23 (p. 596)*

## HOUSE FILE 186

H-3206

1 Amend House File 186 as follows:

2 1. Page 7, by striking lines 15 through 28 and  
3 inserting the following:

4 "1. Inmates who disobey the disciplinary rules of  
5 the institution to which they are committed shall be  
6 punished by the imposition of the penalties prescribed  
7 in the disciplinary rules, according to the following  
8 guidelines:

9 a. To ensure that sanctions are imposed only at  
10 such times and to such a degree as is necessary to  
11 regulate inmate behavior within the limits of the  
12 disciplinary rules and to promote a safe and orderly  
13 institutional environment.

14 b. To control inmate behavior in an impartial and  
15 consistent manner.

16 c. To ensure that disciplinary procedures are fair  
17 and that sanctions are not capricious or retaliatory.

18 d. To prevent the commission of offenses through  
19 the deterrent effect of the sanctions available.

20 e. To define the elements of each offense and the  
21 penalties which may be imposed for violations, in  
22 order to give fair warning of prohibited conduct.

23 f. To provide procedures for preparation of  
24 reports of disciplinary actions, for conducting  
25 disciplinary hearings, and for processing of  
26 disciplinary appeals.

27 2. The superintendent of each institution shall  
28 maintain a register of all penalties imposed on  
29 inmates and the cause for which the penalties were  
30 imposed.

31 3. A correctional officer of a correctional  
32 institution or the officer's assistant shall, in case  
33 an inmate resists the officer's or assistant's lawful  
34 authority, or refuses to obey the officer's or  
35 assistant's lawful command, only use such force as is  
36 reasonably necessary under all attendant  
37 circumstances. The use of a deadly weapon is  
38 justified under conditions of extreme necessity and as  
39 a last resort to protect the life or safety of a  
40 person. The use of a deadly weapon is not justified  
41 solely to prevent damage to or destruction of property  
42 where there is no danger to the life or safety of a  
43 person. An officer or assistant is justified in using  
44 force which causes injury or death to an inmate if the  
45 officer's or assistant's actions comply with the  
46 requirements of this subsection."

H-3206 FILED FEBRUARY 27, 1985 BY SPEAR of Lee

*Adapted 2/28/85 (p. 595)*

## HOUSE FILE 186

H-3204

1 Amend House File 186 as follows:

2 1. Page 15, by inserting after line 13 the  
3 following:

4 "Sec. \_\_\_\_ . Section 321.1, subsection 43, Code  
5 1985, is amended to read as follows:

6 43. "Chauffeur" means any a person who operates a  
7 motor vehicle, including a school bus, in the  
8 transportation of persons for wages, compensation or  
9 hire, or any a person who operates a truck tractor,  
10 road tractor or any motor truck which is required to  
11 be registered at a gross weight classification  
12 exceeding five tons, or any such motor vehicle exempt  
13 from registration which would be within the gross  
14 weight classification if not so exempt. except A  
15 person is not a chauffeur when the operation of the  
16 motor vehicle by the owner or operator is occasional  
17 and merely incidental to the owner or operator's  
18 principal business.

19 PARAGRAPH DIVIDED. A person is not a chauffeur  
20 when the operation is by a volunteer fire fighter  
21 operating fire apparatus, or is by a volunteer  
22 ambulance or rescue squad attendant operating  
23 ambulance or rescue squad apparatus. If a volunteer  
24 fire fighter or ambulance or rescue squad operator  
25 receives nominal compensation not based upon the value  
26 of the services performed, the fire fighter or  
27 operator shall be considered to be receiving no  
28 compensation and classified as a volunteer.

29 If authorized to transport inmates, probationers,  
30 parolees, or work releasees by the director of the  
31 Iowa department of corrections or the director's  
32 designee, an employee of the Iowa department of  
33 corrections or a district department of correctional  
34 services is not a chauffeur when transporting the  
35 inmates, probationers, parolees, or work releasees in  
36 an automobile.

37 Subject to the-provisions-of section 321.179, a  
38 farmer or the farmer's hired help shall is not be  
39 deemed a chauffeur, when operating a truck owned by  
40 the farmer, and used exclusively in connection with  
41 the transportation of the farmer's own products or  
42 property."

43 2. Title page, line 5, by inserting after the  
44 word "release," the following: "departmental  
45 employees as chauffeurs,".

46 3. By renumbering as necessary.

H-3204 FILED FEBRUARY 26, 1985 BY SPEAR of Lee

*Adopted 2/28 (p. 597)*

HOUSE FILE 186

BY SPEAR

(As Amended and Passed by the House on February 28, 1985)

*Substituted for S.F. 336*

Passed House, Date 3-15-85 (p. 852) Passed Senate, Date 3-12-85 (p. 737)

Vote: Ayes 91 Nays 0 Vote: Ayes 48 Nays 0

Approved March 27, 1985 (p. 1123)

## A BILL FOR

1 An Act amending the Code chapters relating to the Iowa  
2 department of corrections by reorganizing the statutes,  
3 making changes to sexually discriminatory statutes  
4 dealing with adult offenders, and modifying statutes  
5 relating to inmate work and work release, departmental  
6 employees as chauffeurs, and to district court reports  
7 of criminal convictions.

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

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

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1 Section 1. Section 216.1, unnumbered paragraph 1, and  
2 subsection 1, unnumbered paragraph 1, Code 1985, are amended  
3 to read as follows:

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

8 To develop within those inmates willing to accept and  
9 persevere in such employment work:

10 Sec. 2. Section 216.1, subsection 2, unnumbered paragraph  
11 1, Code 1985, is amended to read as follows:

12 To enable those inmates willing to accept and persevere in  
13 such employment work to:

14 Sec. 3. Section 216.2, subsection 2, Code 1985, is amended  
15 to read as follows:

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

23 Sec. 4. Section 216.3, subsection 1, paragraph a,  
24 subparagraph (1), Code 1985, is amended to read as follows:

25 (1) One member shall represent agriculture and one member  
26 shall represent manufacturing, with particular reference to  
27 the roles of their constituencies as potential employers of  
28 ~~inmates-and~~ former inmates of the state's correctional  
29 institutions.

30 Sec. 5. Section 216.5, subsections 3, 4, and 5, Code 1985,  
31 are amended to read as follows:

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

1 4. Establish and from time to time adjust, as necessary,  
2 levels of pay-for allowances paid to inmates employed-by  
3 working in Iowa state industries.

4 5. Co-ordinate Iowa state industries, and other  
5 opportunities for gainful employment work 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 Sec. 6. Section 216.5, subsection 7, unnumbered paragraph  
10 1, Code 1985, is amended to read as follows:

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

17 Sec. 7. Section 216.5, subsection 7, paragraph d,  
18 subparagraph (2), and paragraph e, Code 1985, are amended to  
19 read as follows:

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

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

29 Sec. 8. Section 216.8, subsection 3, Code 1985, is amended  
30 to read as follows:

31 3. A department or agency of the state shall cooperate and  
32 enter into agreements, if possible, for the provision of  
33 products and services under an inmate employment work program  
34 established by the state director under section 216.5,  
35 subsection 7.

1 Sec. 9. Section 216.9, subsection 2, paragraph b, Code  
2 1985, is amended to read as follows:

3 b. Payment of all costs incurred by the industries board,  
4 including but not limited to per diem and expenses of its  
5 members, and of salaries, allowances, support and maintenance  
6 of Iowa state industries. Payments from the revolving fund  
7 authorized by this subsection shall be made in the same manner  
8 as payments from appropriations for salaries, allowances,  
9 support and maintenance of the institutions under the  
10 jurisdiction of the state director.

11 Sec. 10. Section 216.10, subsection 2, paragraph a and  
12 subsection 3, Code 1985, are amended to read as follows:

13 a. All persons employed working in the factory or other  
14 commercial enterprise operated in the leased property, except  
15 the lessee's supervisory employees and necessary training  
16 personnel approved by the industries board, shall be inmates  
17 of the institution where the leased property is located who  
18 are approved for such employment work by the state director  
19 and the lessee.

20 3. Except as prohibited by applicable provisions of the  
21 United States Code, inmates of adult correctional institutions  
22 of this state may be-employed work in the manufacture and  
23 processing of products for introduction into interstate or  
24 intrastate commerce, so long as they are paid wages allowances  
25 commensurate with those wages paid persons employed in similar  
26 jobs outside the correctional institutions.

27 Sec. 11. Section 216.12, subsections 1 and 2, Code 1985,  
28 are amended to read as follows:

29 1. Wages Allowances paid to inmates are commensurate with  
30 those wages paid employees doing similar work. This may  
31 include piece rating for which the individual would be paid  
32 only for what is produced. The private employer shall pay to  
33 Iowa state industries at a rate commensurate with wages paid  
34 to other workers performing similar work.

35 2. Such paid inmate employment work will not result in

1 displacement of employed workers.

2 Sec. 12. Section 216.13, Code 1985, is amended to read as  
3 follows:

4 216.13 INMATE EMPLOYEES<sup>+</sup>-PAY ALLOWANCE SUPPLEMENT  
5 REVOLVING FUND.

6 There is established in the treasury of the state a  
7 permanent adult correctional institutions inmate employees<sup>+</sup>  
8 pay allowance supplement revolving fund, consisting solely of  
9 money paid as board and maintenance by inmates employed-by  
10 working in Iowa state industries, or employed working pursuant  
11 to section 216.10. The fund established by this section may  
12 be used to supplement the pay allowances of inmates who  
13 perform other institutional work within and about the adult  
14 correctional institutions including those who are employed-by  
15 working in Iowa state industries. Payments made from such the  
16 fund shall supplement and not replace all or any part of the  
17 pay allowances otherwise received by, and shall be equably  
18 distributed among such inmates. The employment work of  
19 inmates to-perform in other institutional or industry work  
20 shall, to the greatest extent feasible, be in accord with the  
21 intent stated in section 216.1. The fund may also be used to  
22 supplement other rehabilitation activities within the adult  
23 correctional institutions. Determination of the use of the  
24 funds is the responsibility of the director of adult  
25 corrections who shall first seek the advice of the prison  
26 industries advisory board.

27 Sec. 13. Section 217A.2, subsections 5 and 6, are amended  
28 by striking the subsections and inserting in lieu thereof the  
29 following:

30 5. North central correctional facility at Rockwell City.

31 6. Mount Pleasant correctional facility.

32 Sec. 14. Section 217A.5, Code 1985, is amended by adding  
33 the following new subsection and renumbering as necessary:

34 NEW SUBSECTION. 6. Report biennially to the governor a  
35 summary of releases recommended, paroles granted, parole

1 revocations, and other information relating to the parole of  
2 inmates as the board deems advisable.

3 Sec. 15. Section 217A.8, subsection 6, Code 1985, is  
4 amended to read as follows:

5 6. The director or the director's designee, having  
6 probable cause to believe that a person has escaped from a  
7 state correctional institution or a person released on work  
8 release has ~~violated-the-conditions-of-the-person's~~ absconded  
9 from a work release facility, may make a complaint before a  
10 judge or magistrate ~~charging-the-violation~~. If it is  
11 determined from the complaint or accompanying affidavits that  
12 there is probable cause to believe that the person has escaped  
13 from a state correctional institution or ~~violated-the-terms-of~~  
14 the-person's absconded from a work release facility, the judge  
15 or magistrate shall issue a warrant for the arrest of the  
16 person.

17 Sec. 16. Section 217A.23, Code 1985, is amended by adding  
18 the following new unnumbered paragraph:

19 NEW UNNUMBERED PARAGRAPH. The superintendents and  
20 employees of the correctional institutions shall receive  
21 salaries or compensation as determined by the director, shall  
22 receive a midshift meal when on duty, and shall be provided  
23 uniforms if uniforms are required to be worn when on duty.  
24 The uniforms shall be maintained and replaced by the  
25 department at no cost to the employees and shall remain the  
26 property of the department.

\* 27 Sec. 17. Section 217A.31, subsection 1, unnumbered  
28 paragraph 1, Code 1985, is amended to read as follows:

29 The director may transfer at the expense of the state  
30 department an inmate of one institution to another similar  
31 institution under the director's control if the director is  
32 satisfied that the transfer is in the best interests of the  
33 institutions or inmates.

34 PARAGRAPH DIVIDED. The director may transfer at the  
35 expense of the department an inmate under the director's

1 jurisdiction from any institution supervised by the director  
 2 to another institution under the control of a director of a  
 3 division of the department of human services with the consent  
 4 and approval of the other director and may transfer an inmate  
 5 to any other institution for mental or physical examination or  
 6 treatment retaining jurisdiction over the inmate when so  
 7 transferred.

8 Sec. 18. Section 217A.31, subsection 2, Code 1985, is  
 9 amended to read as follows:

10 2. When the state director has cause to believe that a  
 11 ~~prisoner~~ an inmate in a state correctional institution is  
 12 mentally ill, the Iowa department of corrections may cause  
 13 ~~that-prisoner~~ the inmate to be transferred to the Iowa medical  
 14 and classification center for examination, diagnosis, or  
 15 treatment. The ~~prisoner~~ inmate shall be confined at that  
 16 institution or a state hospital for the mentally ill until the  
 17 expiration of the ~~prisoner's~~ inmate's sentence or until the  
 18 ~~prisoner~~ inmate is pronounced in good mental health. If the  
 19 ~~prisoner~~ inmate is pronounced in good mental health before the  
 20 expiration of the ~~prisoner's~~ inmate's sentence, the ~~prisoner~~  
 21 inmate shall be returned to the state correctional institution  
 22 until the expiration of the ~~prisoner's~~ inmate's sentence. ~~The~~  
 23 ~~provisions-of-the-Code-applicable-to-an-inmate-at-the~~  
 24 ~~correctional-institution-from-which-the-prisoner-is~~  
 25 ~~transferred-remain-applicable-during-the-inmate's-stay-at-the~~  
 26 ~~Iowa-medical-and-classification-center.--However, section~~  
 27 ~~246.32-applies-to-the-total-inmate-population, including both~~  
 28 ~~convicts-and-patients.~~

29 Sec. 19. Section 217A.31, Code 1985, is amended by adding  
 30 the following new subsection:

31 NEW SUBSECTION. 4. The director shall assure that an  
 32 inmate transferred pursuant to this section is accompanied by  
 33 a person of the same sex as the inmate.

34 Sec. 20. Section 217A.32, Code 1985, is amended by adding  
 35 the following new unnumbered paragraph:

1 NEW UNNUMBERED PARAGRAPH. The director shall keep other  
2 records for the use of the board of parole as the board of  
3 parole may request.

4 Sec. 21. NEW SECTION. 217A.33 DISCIPLINARY PROCEDURES --  
5 USE OF FORCE.

6 1. Inmates who disobey the disciplinary rules of the  
7 institution to which they are committed shall be punished by  
8 the imposition of the penalties prescribed in the disciplinary  
9 rules, according to the following guidelines:

10 a. To ensure that sanctions are imposed only at such times  
11 and to such a degree as is necessary to regulate inmate  
12 behavior within the limits of the disciplinary rules and to  
13 promote a safe and orderly institutional environment.

14 b. To control inmate behavior in an impartial and  
15 consistent manner.

16 c. To ensure that disciplinary procedures are fair and  
17 that sanctions are not capricious or retaliatory.

18 d. To prevent the commission of offenses through the  
19 deterrent effect of the sanctions available.

20 e. To define the elements of each offense and the  
21 penalties which may be imposed for violations, in order to  
22 give fair warning of prohibited conduct.

23 f. To provide procedures for preparation of reports of  
24 disciplinary actions, for conducting disciplinary hearings,  
25 and for processing of disciplinary appeals.

26 2. The superintendent of each institution shall maintain a  
27 register of all penalties imposed on inmates and the cause for  
28 which the penalties were imposed.

29 3. A correctional officer of a correctional institution or  
30 the officer's assistant shall, in case an inmate resists the  
31 officer's or assistant's lawful authority, or refuses to obey  
32 the officer's or assistant's lawful command, only use such  
33 force as is reasonably necessary under all attendant  
34 circumstances. The use of a deadly weapon is justified under  
35 conditions of extreme necessity and as a last resort to

1 protect the life or safety of a person. The use of a deadly  
2 weapon is not justified solely to prevent damage to or  
3 destruction of property where there is no danger to the life  
4 or safety of a person. An officer or assistant is justified  
5 in using force which causes injury or death to an inmate if  
6 the officer's or assistant's actions comply with the  
7 requirements of this subsection.

8 Sec. 22. Section 217A.39, Code 1985, is amended to read as  
9 follows:

10 217A.39 FEDERAL PRISONERS.

11 Inmates sentenced for any term by any court of the United  
12 States may be received by the ~~warden-or~~ superintendent of a  
13 state correctional institution and kept there in pursuance of  
14 their sentences. ~~Inmates~~ The director may transfer inmates at  
15 state correctional institutions may-also-be-transferred to the  
16 federal bureau of prisons.

17 Sec. 23. Section 217A.46, Code 1985, is amended to read as  
18 follows:

19 217A.46 SERVICES REQUIRED -- WAGES GRATUITOUS ALLOWANCES.

20 Inmates of the institutions may be required to ~~render~~  
21 perform any proper and reasonable service suited to their  
22 strength and attainments, for the benefit of the institutions  
23 or the welfare of the inmates, either in the institutions  
24 proper or in the industries established in connection with  
25 them. When an inmate of an institution is working outside the  
26 institution proper, the inmate shall be deemed at all times to  
27 be in the actual custody of the superintendent of the  
28 institution.

29 The director may when practicable pay the inmate ~~a-wage~~ an  
30 allowance as the director deems proper in view of the  
31 circumstances, and in view of the cost attending the  
32 maintenance of the inmate. The allowance is a gratuitous  
33 payment and is not a wage arising out of an employment  
34 relationship. The wage payment shall not exceed the amount  
35 paid to free labor for a like or equivalent service.

1 Sec. 24. Section 217A.47, Code 1985, is amended to read as  
2 follows:

3 217A.47 DEDUCTION TO PAY COURT COSTS OR DEPENDENTS --  
4 DEPOSITS.

5 If wages allowances are paid pursuant to section 217A.46,  
6 the director may deduct an amount established by the inmates'  
7 restitution plan of payment. The amount deducted shall be  
8 forwarded to the clerk of the district court or proper  
9 official. The director may pay all or any part of remaining  
10 wages allowances paid pursuant to section 217A.46 directly to  
11 a dependent of the inmate, or may deposit the wage allowance  
12 to the account of the inmate, or may deposit a portion and  
13 allow the inmate a portion for the inmate's personal use.

14 Sec. 25. Section 217A.66, Code 1985, is amended by adding  
15 the following new unnumbered paragraph:

16 NEW UNNUMBERED PARAGRAPH. The superintendent of each  
17 institution shall receive and care for any property an inmate  
18 may possess on the inmate's person upon entering the  
19 institution, and on the discharge of the inmate, return the  
20 property to the inmate or the inmate's legal representatives,  
21 unless the property has been previously disposed of according  
3220 22 to law. The superintendent may place an inmate's money at  
23 interest, keeping an account of the money and returning the  
24 remaining money and interest upon discharge.

25 Sec. 26. Section 217A.78, Code 1985, is amended to read as  
26 follows:

27 217A.78 EMPLOYMENT SERVICES OF INMATES -- INSTITUTIONS AND  
28 PUBLIC SERVICE.

29 Inmates shall be-employed work only on state account in the  
30 maintenance of state institutions, in the erection, repair,  
31 authorized demolition, or operation of buildings and works  
32 used in connection with the institutions, and in industries  
33 established and maintained in connection with the institutions  
34 by the state director. The state director may detail  
35 prisoners inmates classified as trustees, from correctional

1 institutions under the control of the state director to  
2 perform public service for the conservation commission and  
3 other agencies of state, county, or local government. The  
4 supervision, security, and transportation of, and compensation  
5 of allowances paid to inmates used in public service projects  
6 shall be provided pursuant to agreements made by the state  
7 director and the agency of state, local, or county government  
8 for which the work is done. Housing and maintenance shall  
9 also be provided pursuant to the agreement unless the inmate  
10 is housed and maintained in the correctional facility. All  
11 such employment work, including but not limited to that  
12 provided in this section, shall have as its primary purpose,  
13 and shall provide for, inculcation or the reactivation of  
14 attitudes, skills, and habit patterns which will be conducive  
15 to inmate rehabilitation.

16 However, an inmate shall not be-employed work in a public  
17 service project if the employment work of that inmate would  
18 replace a person employed by the state agency or political  
19 subdivision, which employee is performing the work of the  
20 public service project at the time the inmate is being  
21 considered for employment work in the project.

22 Sec. 27. Section 217A.79, Code 1985, is amended to read as  
23 follows:

24 217A.79 LIMITATION ON CONTRACT.

25 The state director or the wardens-~~and~~ superintendents of  
26 the institutions shall not, nor shall any other person  
27 employed by the state, make any contract by which the labor or  
28 time of ~~a-prisoner-or~~ an inmate in the institution is given,  
29 loaned, or sold to any person unless as provided by chapter  
30 216 or section 217A.78.

31 Sec. 28. Section 217A.80, Code 1985, is amended to read as  
32 follows:

33 217A.80 VISITATIONS.

34 Members of the executive council, the attorney general, the  
35 lieutenant governor, members of the general assembly, judges

1 of the supreme and district court and court of appeals,  
2 judicial magistrates, county attorneys and persons ordained or  
3 designated as regular leaders of a religious community are  
4 authorized to visit all institutions under the control of the  
5 Iowa department of corrections ~~and the state training school~~  
6 at reasonable times. No other person shall be granted  
7 admission except by permission of the warden ~~or~~  
8 superintendent.

9 Sec. 29. NEW SECTION. 217A.85 IOWA MEDICAL AND  
10 CLASSIFICATION CENTER.

11 1. The Iowa medical and classification center at Oakdale  
32 12 shall be utilized as a medical unit for persons displaying  
13 evidence of mental illness or psychosocial disorders and  
14 requiring diagnostic services or treatment in a security  
15 setting, as a security unit for persons requiring confinement  
16 in a security setting, and as a classification unit for the  
17 reception, orientation, and classification of inmates before  
18 placement in the most appropriate correctional institutions  
19 according to necessary security and custody arrangements and  
20 the assessed service needs of the inmates.

32 21 2. The superintendent of the center shall be a reputable  
22 and qualified person experienced in the administration of  
23 programs for the care and treatment of persons afflicted with  
24 mental disorders and have other qualifications the director  
25 and board deem necessary. The superintendent shall secure the  
26 professional care and treatment of each person confined at the  
27 center and maintain a complete record on the condition of each  
28 person confined at the center.

32 29 3. The medical unit may admit the following persons:

30 a. Residents transferred from an institution under the  
31 jurisdiction of the department of human services or the Iowa  
32 department of corrections.

33 b. Persons committed by the courts as mentally incompetent  
34 to stand trial under section 812.4.

35 c. Persons referred by the courts for psychosocial

1 diagnosis and recommendations as part of the pretrial or  
2 presentence procedure or determination of mental competency to  
3 stand trial.

4 d. Prisoners transferred from county and city jails for  
5 diagnosis, evaluation, or treatment for mental illness.

6 Other persons may be admitted providing the admissions are  
7 not inconsistent with law and are within the capacity of the  
8 facilities and staff to accommodate the persons.

9 4. The classification unit shall admit inmates for  
10 purposes of orientation and classification before placement in  
11 the most appropriate correctional institutions.

12 5. The director may house inmates from any correctional  
13 institution at the center in order to provide the inmates with  
14 suitable security or medical treatment, or both. Unless an  
15 inmate is determined to be mentally ill, the inmate shall not  
16 be subjected involuntarily to psychiatric treatment.

17 6. All admissions to the center shall be by written  
18 application only. Application shall be made by the head of  
19 the state institution, agency, governmental body, or court  
20 requesting admission to the superintendent of the center. An  
21 application may be denied by the superintendent, with the  
22 approval of the director, if the admission will result in an  
23 overcrowded condition or if adequate staff or facilities are  
24 not available. The decision regarding admission and discharge  
25 of persons shall be made by the superintendent of the center,  
26 subject to approval of the director.

27 7. When a person transferred to the center from any other  
28 state institution or admitted by request or order of any  
29 agency, governmental body, or court no longer requires special  
30 treatment in the security setting, the person may be returned  
31 to the source from which received. The state institution,  
32 agency, governmental body, or court that referred the person  
33 for hospitalization shall retain constructive jurisdiction  
34 over the person. Persons without legal encumbrances may be  
35 discharged directly from the center upon concurrence of the

1 superintendent of the center and the head of the referring  
2 institution, agency, governmental body, or court. The  
3 support, commitment, and release statutes applicable to a  
4 person at the state institution from which transferred shall  
5 remain applicable while the person is at the center.

3260 6 8. Chapter 230 governs the determination of costs and  
7 charges for the care and treatment of mentally ill persons  
8 admitted to the center, except that charges for the care and  
9 treatment of any person transferred to the center from an  
10 adult correctional institution or from a state training school  
11 shall be paid entirely from state funds. Charges for all  
12 other persons at the center shall be billed to the respective  
13 counties at the same ratio as for patients at state mental  
14 health institutes under section 230.20.

15 Sec. 30. NEW SECTION. 217A.86 NORTH CENTRAL CORRECTIONAL  
16 FACILITY AT ROCKWELL CITY.

17 The state correctional facility at Rockwell City shall be  
18 utilized as a medium security correctional facility for men.

19 Sec. 31. NEW SECTION. 217A.87 MOUNT PLEASANT  
20 CORRECTIONAL FACILITY -- SPECIAL TREATMENT UNIT.

3260 21 1. The correctional facility at Mount Pleasant shall be  
22 utilized as a medium security facility for men primarily for  
23 treatment of inmates\* who exhibit treatable personality  
24 disorders, with or without accompanying history of drug or  
25 alcohol abuse. Such inmates may apply for and upon their  
26 application may be selected for treatment by the staff of the  
27 treatment facility at Mount Pleasant in accordance with  
28 section 217A.31.

3260 29 2. The director shall coordinate with the division of  
30 mental health of the department of human services and the  
31 state psychiatric hospital at Iowa City in the creation,  
32 staffing and operation of a research and treatment program  
33 directed at the class of disorders described in subsection 1,  
34 which program shall be operated at the correctional facility  
35 at Mount Pleasant.

\*

1     Sec. 32. NEW SECTION. 217A.88 CLARINDA CORRECTIONAL  
2 FACILITY.

3     The state correctional facility at Clarinda shall be  
4 utilized as a secure men's correctional facility primarily for  
5 chemically dependent, mentally retarded, and socially  
6 inadequate offenders.

7     Sec. 33. NEW SECTION. 217A.89 CORRECTIONAL RELEASE  
8 CENTER AT NEWTON.

9     1. The correctional release center at Newton shall be  
10 utilized for the preparation of inmates of the correctional  
11 institutions for discharge or parole. The director may  
12 transfer an inmate of a correctional institution within ninety  
13 days of the inmate's release from custody to the correctional  
14 release center for intensive training to assist the inmate in  
15 the transition to civilian living. The statutes applicable to  
16 an inmate at the corrective institution from which transferred  
17 shall remain applicable during the inmate's stay at the  
18 correctional release center.

19     2. The superintendent of the correctional release center  
20 shall be a reputable and qualified person experienced in the  
21 administration of programs for the rehabilitation and  
22 preparation of inmates for their return to society.

23     Sec. 34. Section 218B.2, Article III, subsection 3, Code  
24 1985, is amended to read as follows:

25     3. Participation in programs of inmate employment work, if  
26 any; the disposition or crediting of any payments received by  
27 inmates on account thereof of the work; and the crediting of  
28 proceeds from or disposal of any products resulting therefrom  
29 from the work.

30     Sec. 35. Section 229.1, subsection 8, paragraph c, Code  
31 1985, is amended to read as follows:

32     c. Any other publicly supported hospital or institution,  
33 or part thereof of such hospital or institution, which is  
34 equipped and staffed to provide inpatient care to the mentally  
35 ill, ~~except that this definition is not applicable to~~ the Iowa

1 medical and classification center established by chapter 223  
2 217A.

3 Sec. 36. Section 229.26, Code 1985, is amended to read as  
4 follows:

5 229.26 EXCLUSIVE PROCEDURE FOR INVOLUNTARY  
6 HOSPITALIZATION.

7 Sections 229.6 to 229.19 constitute the exclusive procedure  
8 for involuntary hospitalization of persons by reason of  
9 serious mental impairment in this state, except that ~~nothing~~  
10 ~~in this chapter negates~~ does not negate the provisions of  
11 ~~sections-245-12-and-217A-31,-subsection-2~~ section 217A.31  
12 relating to transfer of mentally ill prisoners to state  
13 hospitals for the mentally ill ~~or-applies~~ and does not apply  
14 to commitments of persons under chapter 812 or the rules of  
15 criminal procedure, Iowa court rules, 2d ed.

16 Sec. 37. NEW SECTION. 242.16 VISITATIONS.

17 Members of the executive council, the attorney general, the  
18 lieutenant governor, members of the general assembly, judges  
19 of the supreme and district court and court of appeals,  
20 magistrates, county attorneys and persons ordained or  
21 designated as regular leaders of a religious community are  
22 authorized to visit the state training school at reasonable  
23 times. No other person shall be granted admission except by  
24 permission of the superintendent.

25 Sec. 38. Section 247A.10, subsection 1, Code 1985, is  
26 amended to read as follows:

27 1. Upon request by the Iowa department of corrections or a  
28 judicial district department of correctional services a county  
29 shall provide temporary confinement for alleged violators of  
30 work release conditions if space is available.

31 Sec. 39. Section 321.1, subsection 43, Code 1985, is  
32 amended to read as follows:

33 43. "Chauffeur" means any a person who operates a motor  
34 vehicle, including a school bus, in the transportation of  
35 persons for wages, compensation or hire, or any a person who

1 operates a truck tractor, road tractor or any motor truck  
2 which is required to be registered at a gross weight  
3 classification exceeding five tons, or any such motor vehicle  
4 exempt from registration which would be within the gross  
5 weight classification if not so exempt. except A person is  
6 not a chauffeur when the operation of the motor vehicle by the  
7 owner or operator is occasional and merely incidental to the  
8 owner or operator's principal business.

9 PARAGRAPH DIVIDED. A person is not a chauffeur when the  
10 operation is by a volunteer fire fighter operating fire  
11 apparatus, or is by a volunteer ambulance or rescue squad  
12 attendant operating ambulance or rescue squad apparatus. If a  
13 volunteer fire fighter or ambulance or rescue squad operator  
14 receives nominal compensation not based upon the value of the  
15 services performed, the fire fighter or operator shall be  
16 considered to be receiving no compensation and classified as a  
17 volunteer.

18 If authorized to transport inmates, probationers, parolees,  
19 or work releasees by the director of the Iowa department of  
20 corrections or the director's designee, an employee of the  
21 Iowa department of corrections or a district department of  
22 correctional services is not a chauffeur when transporting the  
23 inmates, probationers, parolees, or work releasees in an  
24 automobile.

25 Subject to the provisions of section 321.179, a farmer or  
26 the farmer's hired help shall is not be deemed a chauffeur,  
27 when operating a truck owned by the farmer, and used  
28 exclusively in connection with the transportation of the  
29 farmer's own products or property.

30 Sec. 40. Section 331.510, subsection 2, Code 1985, is  
31 amended by striking the subsection.

32 Sec. 41. Section 356.4, Code 1985, is amended by striking  
33 the section and inserting in lieu thereof the following:

34 356.4 SEPARATION OF MEN AND WOMEN.

35 All jails shall be equipped with separate cells for men and

1 women. Men and women shall not be allowed in the same cell  
2 within a jail at the same time.

3 3220 Sec. 42. Section 356.5, subsection 6, Code 1985, is  
4 amended to read as follows:

5 6. Keep ~~a-matron~~ on the jail premises at all times during  
6 the incarceration of one or more ~~female prisoners~~, ~~keep-either~~  
7 ~~a jailer or-matron-on-the-premises-at-all-times-during-the~~  
8 ~~incarceration-of-one-or-more-male-prisoners~~ of the same sex as  
9 the prisoners, and make nighttime inspections while any  
10 prisoners are confined, or provide for incarceration in a jail  
11 which conforms to the provisions requirements of this  
12 subsection.

13 Sec. 43. Section 448.12, Code 1985, is amended to read as  
14 follows:

15 448.12 LIMITATION OF ACTIONS.

16 ~~No~~ An action for the recovery of real estate sold for the  
17 nonpayment of taxes shall not be brought after five years from  
18 the execution and recording of the treasurer's deed, unless  
19 the owner is, at the time of the sale, a minor, mentally ill  
20 person, or ~~convict~~ an inmate in the-penitentiary an adult  
21 correctional institution, in which case such action must be  
22 brought within five years after such disability is removed.

23 Sec. 44. Section 602.8102, subsection 44, Code 1985, is  
24 amended to read as follows:

25 44. ~~Certify to-the-warden-of-the-penitentiary-or-men's~~  
26 ~~reformatory-or~~ to the superintendent of ~~the-Iowa~~ each  
27 correctional institution ~~for-women~~ the number of days that  
28 have been credited toward completion of an inmate's sentence  
29 as provided in section ~~246-38~~ 903A.5.

30 Sec. 45. Section 602.8102, subsection 45, Code 1985, is  
31 amended by striking the subsection.

32 Sec. 46. Section 812.5, Code 1985, is amended to read as  
33 follows:

34 812.5 EFFECT OF RESTORATION OF MENTAL CAPACITY.

35 If the accused is committed to the department of human

1 services, after the expiration of a period not to exceed six  
2 months, the court shall upon hearing review the confinement  
3 and determine whether there is a substantial probability the  
4 prisoner accused will regain capacity within a reasonable  
5 time. If not, the state shall be directed to institute civil  
6 commitment proceedings. When it thereafter appears that the  
7 accused can effectively assist in the accused's defense, that  
8 the department shall give notice to the sheriff and county  
9 attorney of the proper county of such fact, and the sheriff,  
10 without delay, must shall receive and hold the accused in  
11 custody until the accused is brought to trial or judgment, as  
12 the case may be, or is legally discharged, the expense for  
13 conveying and returning the accused, or any other, to be paid  
14 in the first instance by the county from which the accused is  
15 sent, but such county may recover the same from another county  
16 or municipal body bound required to provide for or maintain  
17 the accused elsewhere, and the sheriff shall be allowed for  
18 the sheriff's services the same fees as are allowed for  
19 conveying convicts persons to the-penitentiary institutions  
20 under section 331.655.

21 Sec. 47. Section 815.8, Code 1985, is amended to read as  
22 follows:

23 815.8 SHERIFF'S FEES.

24 For delivering prisoners defendants under the change of  
25 venue provisions of R.Cr.P. 10 or transferring prisoners  
26 arrested persons under section 804.24, sheriffs are entitled  
27 to the same fees as are allowed for the conveyance of convicts  
28 persons to the-penitentiary institutions under section  
29 331.655.

30 Sec. 48. Section 901.7, Code 1985, is amended to read as  
31 follows:

32 901.7 COMMITMENT TO CUSTODY.

33 In imposing a sentence of confinement for more than one  
34 year, the court shall commit the defendant to the custody of  
35 the director of the Iowa department of corrections. Upon

1 entry of judgment and sentence, the clerk of the district  
2 court immediately shall notify the director of the commitment.  
3 The court shall make an order as appropriate for the temporary  
4 custody of the defendant pending the defendant's transfer to  
5 the custody of the director. The court shall order the county  
6 where a person was convicted to pay the cost of temporarily  
7 confining the person and of transporting the person to the  
8 state institution where the person is to be confined in  
9 execution of the judgment. The order shall require that a  
10 person transported to a state institution pursuant to this  
11 section shall be accompanied by a person of the same sex.

12 Sec. 49. NEW SECTION. 904.6 REPORTS TO THE DEPARTMENT OF  
13 CORRECTIONS.

14 The board of parole shall make detailed reports to the  
15 board of corrections as requested by the board of corrections  
16 or the director of the department of corrections.

17 Sec. 50. Section 905.7, subsection 4, Code 1985, is  
18 amended to read as follows:

19 4. Provide for gathering and evaluating performance data  
20 relative to the district department's community-based  
21 correctional program and make other detailed reports to the  
22 Iowa department of corrections as requested by the board of  
23 corrections or the director of the department of corrections.

24 Sec. 51. Section 906.5, unnumbered paragraph 1, Code 1985,  
25 is amended to read as follows:

26 Within one year after the commitment of a person other than  
27 a class "A" felon to the custody of the director of the Iowa  
28 department of corrections, a member of the board shall  
29 interview the person. Thereafter, at regular intervals, not  
30 to exceed one year, the board shall interview the person and  
31 consider the person's prospects for parole. At such the time  
32 of an interview, the board shall consider all pertinent  
33 information regarding this person, including the circumstances  
34 of the person's offense, any presentence report which may-be  
35 is available, the previous social history and criminal record

1 of the person, the person's conduct, employment work, and  
2 attitude in prison, and the reports of physical and mental  
3 examinations that have been made.

4 Sec. 52. REPEALS.

5 1. Chapters 223, 245, 246, and 246A, Code 1985, are  
6 repealed.

7 2. Sections 247.29 through 247.32, and 247A.1, Code 1985,  
8 are repealed.

9 Sec. 53. CODIFICATION. In the codification of this Act,  
10 the Code editor shall:

11 1. Transfer chapter 217A relating to the Iowa department  
12 of corrections to new chapter 246, divide the chapter into  
13 divisions, and rearrange the order of sections as necessary.

14 2. Transfer chapter 216 relating to Iowa state industries  
15 as a separate division to new chapter 246.

16 3. Transfer chapter 218B relating to the interstate  
17 corrections compact to new chapter 247.

18 4. Transfer section 247.40 relating to the interstate  
19 probation and parole compact to new chapter 907A.

20 5. Transfer sections 247A.2 through 247A.5 and 247A.7  
21 through 247A.11 relating to inmate work release as a separate  
22 division to new chapter 246.

23 However, if the Code arrangement required by this section  
24 is not feasible or is not satisfactory to the Code editor, the  
25 Code editor may rearrange the affected chapters and sections  
26 as necessary.

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- 1 Amend House File 186 as amended, passed and  
2 reprinted by the House as follows:
- 3 1. Page 9, line 22, by striking the word "law"  
4 and inserting the following: "the inmate's written  
5 designation or policies prescribed by the board".
- 6 2. Page 11, line 12, by striking the words  
7 "medical unit" and inserting the following: "forensic  
8 psychiatric hospital".
- 9 3. Page 11, by striking lines 21 through 25 and  
10 inserting the following:  
11 "2. The superintendent of the center shall secure  
12 the".
- 13 4. Page 11, line 29, by striking the words  
14 "medical unit" and inserting the following: "forensic  
15 psychiatric hospital".
- 16 5. Page 12, line 17, by striking the word  
17 "center" and inserting the following: "forensic  
18 psychiatric hospital".
- 19 6. Page 13, line 8, by striking the word "center"  
20 and inserting the following: "forensic psychiatric  
21 hospital".
- 22 7. Page 13, line 9, by striking the word "center"  
23 and inserting the following: "forensic psychiatric  
24 hospital".
- 25 8. Page 13, line 12, by striking the word  
26 "center" and inserting the following: "forensic  
27 psychiatric hospital".
- 28 9. Page 13, line 21, by striking the figure "1."  
29 10. Page 13, by striking lines 29 through 35.  
30 11. Page 15, by inserting after line 15 the  
31 following:  
32 "Sec. \_\_\_\_ . Section 242.4, Code 1985, is amended to  
33 read as follows:  
34 242.4 INSTRUCTION AND EMPLOYMENT.  
35 The state director shall cause the children in the  
36 state training school to be instructed on the  
37 Constitutions of the United States and of this state  
38 as is required in the common schools, and in such  
39 branches of useful knowledge as are adapted to their  
40 age and capacity, including the effect of alcoholic  
41 liquors, stimulants, and narcotics on the human  
42 system, and in some regular course of labor, either  
43 mechanical, agricultural, or manufactural, as is best  
44 suited to their age, strength, ~~disposition~~, capacity,  
45 reformation, and well-being."
- 46 12. Page 15, by inserting after line 24 the  
47 following:  
48 "Sec. \_\_\_\_ . Section 244.3, subsection 1, Code 1985,  
49 is amended by striking the subsection."  
50 13. Page 17, line 1, by inserting after the words

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- 1 "and women" the following: "prisoners".
- 2 14. Page 17, by striking lines 3 through 12.
- 3 15. Title page, line 4, by inserting after the
- 4 word "with" the following: "both minor and".
- 5 16. Title page, line 5, by striking the words
- 6 "inmate work and work release" and inserting the
- 7 following: "allowances paid to inmates for work,
- 8 absconding from work release, temporary confinement of
- 9 work release violators".
17. By renumbering as necessary.

S03260 Filed  
March 11, 1985  
*Adopted 3/12 (p. 737)*

By DRAKE

## SENATE AMENDMENT TO HOUSE FILE 186

H-3350

- 1 Amend House File 186 as amended, passed and  
2 reprinted by the House as follows:
- 3 1. Page 9, line 22, by striking the word "law"  
4 and inserting the following: "the inmate's written  
5 designation or policies prescribed by the board".  
6 2. Page 11, line 12, by striking the words  
7 "medical unit" and inserting the following: "forensic  
8 psychiatric hospital".  
9 3. Page 11, by striking lines 21 through 25 and  
10 inserting the following:  
11 "2. The superintendent of the center shall secure  
12 the".  
13 4. Page 11, line 29, by striking the words  
14 "medical unit" and inserting the following: "forensic  
15 psychiatric hospital".  
16 5. Page 12, line 17, by striking the word  
17 "center" and inserting the following: "forensic  
18 psychiatric hospital".  
19 6. Page 13, line 8, by striking the word "center"  
20 and inserting the following: "forensic psychiatric  
21 hospital".  
22 7. Page 13, line 9, by striking the word "center"  
23 and inserting the following: "forensic psychiatric  
24 hospital".  
25 8. Page 13, line 12, by striking the word  
26 "center" and inserting the following: "forensic  
27 psychiatric hospital".  
28 9. Page 13, line 21, by striking the figure "1."  
29 10. Page 13, by striking lines 29 through 35.  
30 11. Page 15, by inserting after line 15 the  
31 following:  
32 "Sec. \_\_\_\_ . Section 242.4, Code 1985, is amended to  
33 read as follows:  
34 242.4 INSTRUCTION AND EMPLOYMENT.  
35 The state director shall cause the children in the  
36 state training school to be instructed on the  
37 Constitutions of the United States and of this state  
38 as is required in the common schools, and in such  
39 branches of useful knowledge as are adapted to their  
40 age and capacity, including the effect of alcoholic  
41 liquors, stimulants, and narcotics on the human  
42 system, and in some regular course of labor, either  
43 mechanical, agricultural, or manufactural, as is best  
44 suited to their age, strength, disposition, capacity,  
45 reformation, and well-being."  
46 12. Page 15, by inserting after line 24 the  
47 following:  
48 "Sec. \_\_\_\_ . Section 244.3, subsection 1, Code 1985,  
49 is amended by striking the subsection."  
50 13. Page 17, line 1, by inserting after the words

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Page Two

- 1 "and women" the following: "prisoners".
- 2 14. Page 17, by striking lines 3 through 12.
- 3 15. Title page, line 4, by inserting after the
- 4 word "with" the following: "both minor and".
- 5 16. Title page, line 5, by striking the words
- 6 "inmate work and work release" and inserting the
- 7 following: "allowances paid to inmates for work,
- 8 absconding from work release, temporary confinement of
- 9 work release violators".
- 10 17. By renumbering as necessary.

H-3350 FILED MARCH 14, 1985 RECEIVED FROM THE SENATE

*House concurred 3-15-85 (J. 851)*

HOUSE FILE 186

AN ACT

AMENDING THE CODE CHAPTERS RELATING TO THE IOWA DEPARTMENT OF CORRECTIONS BY REORGANIZING THE STATUTES, MAKING CHANGES TO SEXUALLY DISCRIMINATORY STATUTES DEALING WITH BOTH MINOR AND ADULT OFFENDERS, AND MODIFYING STATUTES RELATING TO ALLOWANCES PAID TO INMATES FOR WORK, ABSCONDING FROM WORK RELEASE, TEMPORARY CONFINEMENT OF WORK RELEASE VIOLATORS, DEPARTMENTAL EMPLOYEES AS CHAUFFEURS, AND TO DISTRICT COURT REPORTS OF CRIMINAL CONVICTIONS.

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

Section 1. Section 216.1, unnumbered paragraph 1, and subsection 1, unnumbered paragraph 1, Code 1985, are amended to read as follows:

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

To develop within those inmates willing to accept and persevere in such employment work:

Sec. 2. Section 216.1, subsection 2, unnumbered paragraph 1, Code 1985, is amended to read as follows:

To enable those inmates willing to accept and persevere in such employment work to:

Sec. 3. Section 216.2, subsection 2, Code 1985, is amended to read as follows:

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

restricted to industries at or adjacent to the institutions.

Sec. 4. Section 216.3, subsection 1, paragraph a, subparagraph (1), Code 1985, is amended to read as follows:

(1) One member shall represent agriculture and one member shall represent manufacturing, with particular reference to the roles of their constituencies as potential employers of inmates-and former inmates of the state's correctional institutions.

Sec. 5. Section 216.5, subsections 3, 4, and 5, Code 1985, are amended to read as follows:

3. Establish, transfer and close industrial operations as deemed advisable to maximize opportunities for gainful employment-of work for 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 allowances paid to inmates employed-by working in Iowa state industries.

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

Sec. 6. Section 216.5, subsection 7, unnumbered paragraph 1, Code 1985, is amended to read as follows:

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

Sec. 7. Section 216.5, subsection 7, paragraph d, subparagraph (2), and paragraph e, Code 1985, are amended to read as follows:

(2) Exhibits appropriate conduct to enable the participant to-be-employed work outside the state correctional

institutions without constituting a threat to the security of the local community.

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

Sec. 8. Section 216.8, subsection 3, Code 1985, is amended to read as follows:

3. 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 work program established by the state director under section 216.5, subsection 7.

Sec. 9. Section 216.9, subsection 2, paragraph b, Code 1985, is amended to read as follows:

b. Payment of all costs incurred by the industries board, including but not limited to per diem and expenses of its members, and of salaries, allowances, support and maintenance of Iowa state industries. Payments from the revolving fund authorized by this subsection shall be made in the same manner as payments from appropriations for salaries, allowances, support and maintenance of the institutions under the jurisdiction of the state director.

Sec. 10. Section 216.10, subsection 2, paragraph a and subsection 3, Code 1985, are amended to read as follows:

a. All persons employed working in the factory or other commercial enterprise operated in the leased property, except the lessee's supervisory employees and necessary training personnel approved by the industries board, shall be inmates of the institution where the leased property is located who are approved for such employment work by the state director and the lessee.

3. Except as prohibited by applicable provisions of the United States Code, inmates of adult correctional institutions

of this state may be-employed work in the manufacture and processing of products for introduction into interstate or intrastate commerce, so long as they are paid wages allowances commensurate with those wages paid persons employed in similar jobs outside the correctional institutions.

Sec. 11. Section 216.12, subsections 1 and 2, Code 1985, are amended to read as follows:

1. Wages Allowances paid to inmates are commensurate with those wages paid employees doing similar work. This may include piece rating for which the individual would be paid only for what is produced. The private employer shall pay to Iowa state industries at a rate commensurate with wages paid to other workers performing similar work.

2. Such paid inmate employment work will not result in displacement of employed workers.

Sec. 12. Section 216.13, Code 1985, is amended to read as follows:

216.13 INMATE EMPLOYEES--PAY ALLOWANCE SUPPLEMENT REVOLVING FUND.

There is established in the treasury of the state a permanent adult correctional institutions inmate employees+ pay allowance supplement revolving fund, consisting solely of money paid as board and maintenance by inmates employed-by working in Iowa state industries, or employed working pursuant to section 216.10. The fund established by this section may be used to supplement the pay allowances of inmates who perform other institutional work within and about the adult correctional institutions including those who are employed-by working in Iowa state industries. Payments made from such the fund shall supplement and not replace all or any part of the pay allowances otherwise received by, and shall be equably distributed among such inmates. The employment work of inmates to-perform in other institutional or industry work shall, to the greatest extent feasible, be in accord with the intent stated in section 216.1. The fund may also be used to

supplement other rehabilitation activities within the adult correctional institutions. Determination of the use of the funds is the responsibility of the director of adult corrections who shall first seek the advice of the prison industries advisory board.

Sec. 13. Section 217A.2, subsections 5 and 6, are amended by striking the subsections and inserting in lieu thereof the following:

5. North central correctional facility at Rockwell City.
6. Mount Pleasant correctional facility.

Sec. 14. Section 217A.5, Code 1985, is amended by adding the following new subsection and renumbering as necessary:

NEW SUBSECTION. 6. Report biennially to the governor a summary of releases recommended, paroles granted, parole revocations, and other information relating to the parole of inmates as the board deems advisable.

Sec. 15. Section 217A.8, subsection 6, Code 1985, is amended to read as follows:

6. The director or the director's designee, having probable cause to believe that a person has escaped from a state correctional institution or a person released on work release has ~~violated the conditions of the person's absconded from a work release facility~~, may make a complaint before a judge or magistrate ~~charging the violation~~. If it is determined from the complaint or accompanying affidavits that there is probable cause to believe that the person has escaped from a state correctional institution or ~~violated the terms of the person's absconded from a work release facility~~, the judge or magistrate shall issue a warrant for the arrest of the person.

Sec. 16. Section 217A.23, Code 1985, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The superintendents and employees of the correctional institutions shall receive salaries or compensation as determined by the director, shall

receive a midshift meal when on duty, and shall be provided uniforms if uniforms are required to be worn when on duty. The uniforms shall be maintained and replaced by the department at no cost to the employees and shall remain the property of the department.

Sec. 17. Section 217A.31, subsection 1, unnumbered paragraph 1, Code 1985, is amended to read as follows:

The director may transfer at the expense of the state department an inmate of one institution to another ~~similar~~ institution under the director's control if the director is satisfied that the transfer is in the best interests of the institutions or inmates.

PARAGRAPH DIVIDED. The director may transfer at the expense of the department an inmate under the director's jurisdiction from any institution supervised by the director to another institution under the control of a director of a division of the department of human services with the consent and approval of the other director and may transfer an inmate to any other institution for mental or physical examination or treatment retaining jurisdiction over the inmate when so transferred.

Sec. 18. Section 217A.31, subsection 2, Code 1985, is amended to read as follows:

2. When the state director has cause to believe that a prisoner an inmate in a state correctional institution is mentally ill, the Iowa department of corrections may cause ~~that prisoner the inmate~~ to be transferred to the Iowa medical and classification center for examination, diagnosis, or treatment. The prisoner inmate shall be confined at that institution or a state hospital for the mentally ill until the expiration of the prisoner's inmate's sentence or until the prisoner inmate is pronounced in good mental health. If the prisoner inmate is pronounced in good mental health before the expiration of the prisoner's inmate's sentence, the prisoner inmate shall be returned to the state correctional institution

until the expiration of the prisoner's inmate's sentence. ~~The provisions of the Code applicable to an inmate at the correctional institution from which the prisoner is transferred remain applicable during the inmate's stay at the Iowa medical and classification center. However, section 246.32 applies to the total inmate population, including both convicts and patients.~~

Sec. 19. Section 217A.31, Code 1985, is amended by adding the following new subsection:

NEW SUBSECTION. 4. The director shall assure that an inmate transferred pursuant to this section is accompanied by a person of the same sex as the inmate.

Sec. 20. Section 217A.32, Code 1985, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The director shall keep other records for the use of the board of parole as the board of parole may request.

Sec. 21. NEW SECTION. 217A.33 DISCIPLINARY PROCEDURES -- USE OF FORCE.

1. Inmates who disobey the disciplinary rules of the institution to which they are committed shall be punished by the imposition of the penalties prescribed in the disciplinary rules, according to the following guidelines:

a. To ensure that sanctions are imposed only at such times and to such a degree as is necessary to regulate inmate behavior within the limits of the disciplinary rules and to promote a safe and orderly institutional environment.

b. To control inmate behavior in an impartial and consistent manner.

c. To ensure that disciplinary procedures are fair and that sanctions are not capricious or retaliatory.

d. To prevent the commission of offenses through the deterrent effect of the sanctions available.

e. To define the elements of each offense and the penalties which may be imposed for violations, in order to give fair warning of prohibited conduct.

f. To provide procedures for preparation of reports of disciplinary actions, for conducting disciplinary hearings, and for processing of disciplinary appeals.

2. The superintendent of each institution shall maintain a register of all penalties imposed on inmates and the cause for which the penalties were imposed.

3. A correctional officer of a correctional institution or the officer's assistant shall, in case an inmate resists the officer's or assistant's lawful authority, or refuses to obey the officer's or assistant's lawful command, only use such force as is reasonably necessary under all attendant circumstances. The use of a deadly weapon is justified under conditions of extreme necessity and as a last resort to protect the life or safety of a person. The use of a deadly weapon is not justified solely to prevent damage to or destruction of property where there is no danger to the life or safety of a person. An officer or assistant is justified in using force which causes injury or death to an inmate if the officer's or assistant's actions comply with the requirements of this subsection.

Sec. 22. Section 217A.39, Code 1985, is amended to read as follows:

217A.39 FEDERAL PRISONERS.

Inmates sentenced for any term by any court of the United States may be received by the warden or superintendent of a state correctional institution and kept there in pursuance of their sentences. Inmates The director may transfer inmates at state correctional institutions may also be transferred to the federal bureau of prisons.

Sec. 23. Section 217A.46, Code 1985, is amended to read as follows:

217A.46 SERVICES REQUIRED -- WAGES GRATUITOUS ALLOWANCES.

Inmates of the institutions may be required to render perform any proper and reasonable service suited to their strength and attainments, for the benefit of the institutions

or the welfare of the inmates, either in the institutions proper or in the industries established in connection with them. When an inmate of an institution is working outside the institution proper, the inmate shall be deemed at all times to be in the actual custody of the superintendent of the institution.

The director may when practicable pay the inmate a wage an allowance as the director deems proper in view of the circumstances, and in view of the cost attending the maintenance of the inmate. The allowance is a gratuitous payment and is not a wage arising out of an employment relationship. The wage payment shall not exceed the amount paid to free labor for a like or equivalent service.

Sec. 24. Section 217A.47, Code 1985, is amended to read as follows:

217A.47 DEDUCTION TO PAY COURT COSTS OR DEPENDENTS -- DEPOSITS.

If wages allowances are paid pursuant to section 217A.46, the director may deduct an amount established by the inmates' restitution plan of payment. The amount deducted shall be forwarded to the clerk of the district court or proper official. The director may pay all or any part of remaining wages allowances paid pursuant to section 217A.46 directly to a dependent of the inmate, or may deposit the wage allowance to the account of the inmate, or may deposit a portion and allow the inmate a portion for the inmate's personal use.

Sec. 25. Section 217A.66, Code 1985, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The superintendent of each institution shall receive and care for any property an inmate may possess on the inmate's person upon entering the institution, and on the discharge of the inmate, return the property to the inmate or the inmate's legal representatives, unless the property has been previously disposed of according to the inmate's written designation or policies prescribed by

the board. The superintendent may place an inmate's money at interest, keeping an account of the money and returning the remaining money and interest upon discharge.

Sec. 26. Section 217A.78, Code 1985, is amended to read as follows:

217A.78 EMPLOYMENT SERVICES OF INMATES -- INSTITUTIONS AND PUBLIC SERVICE.

Inmates shall be-employed work only on state account in the maintenance of state institutions, in the erection, repair, authorized demolition, or operation of buildings and works used in connection with the institutions, and in industries established and maintained in connection with the institutions by the state director. The state director may detail prisoners inmates classified as trustees, from correctional institutions under the control of the state director to perform public service for the conservation commission and other agencies of state, county, or local government. The supervision, security, and transportation of, and compensation of allowances paid to inmates used in public service projects shall be provided pursuant to agreements made by the state director and the agency of state, local, or county government for which the work is done. Housing and maintenance shall also be provided pursuant to the agreement unless the inmate is housed and maintained in the correctional facility. All such employment work, including but not limited to that provided in this section, shall have as its primary purpose, and shall provide for, inculcation or the reactivation of attitudes, skills, and habit patterns which will be conducive to inmate rehabilitation.

However, an inmate shall not be-employed work in a public service project if the employment work of that inmate would replace a person employed by the state agency or political subdivision, which employee is performing the work of the public service project at the time the inmate is being considered for employment work in the project.

Sec. 27. Section 217A.79, Code 1985, is amended to read as follows:

217A.79 LIMITATION ON CONTRACT.

The state director or the wardens-and superintendents of the institutions shall not, nor shall any other person employed by the state, make any contract by which the labor or time of a-prisoner-or an inmate in the institution is given, loaned, or sold to any person unless as provided by chapter 216 or section 217A.78.

Sec. 28. Section 217A.80, Code 1985, is amended to read as follows:

217A.80 VISITATIONS.

Members of the executive council, the attorney general, the lieutenant governor, members of the general assembly, judges of the supreme and district court and court of appeals, judicial magistrates, county attorneys and persons ordained or designated as regular leaders of a religious community are authorized to visit all institutions under the control of the Iowa department of corrections and-the-state-training-school at reasonable times. No other person shall be granted admission except by permission of the warden-or superintendent.

Sec. 29. NEW SECTION. 217A.85 IOWA MEDICAL AND CLASSIFICATION CENTER.

1. The Iowa medical and classification center at Oakdale shall be utilized as a forensic psychiatric hospital for persons displaying evidence of mental illness or psychosocial disorders and requiring diagnostic services or treatment in a security setting, as a security unit for persons requiring confinement in a security setting, and as a classification unit for the reception, orientation, and classification of inmates before placement in the most appropriate correctional institutions according to necessary security and custody arrangements and the assessed service needs of the inmates.

2. The superintendent of the center shall secure the professional care and treatment of each person confined at the center and maintain a complete record on the condition of each person confined at the center.

3. The forensic psychiatric hospital may admit the following persons:

- a. Residents transferred from an institution under the jurisdiction of the department of human services or the Iowa department of corrections.
- b. Persons committed by the courts as mentally incompetent to stand trial under section 812.4.
- c. Persons referred by the courts for psychosocial diagnosis and recommendations as part of the pretrial or presentence procedure or determination of mental competency to stand trial.
- d. Prisoners transferred from county and city jails for diagnosis, evaluation, or treatment for mental illness.

Other persons may be admitted providing the admissions are not inconsistent with law and are within the capacity of the facilities and staff to accommodate the persons.

4. The classification unit shall admit inmates for purposes of orientation and classification before placement in the most appropriate correctional institutions.

5. The director may house inmates from any correctional institution at the center in order to provide the inmates with suitable security or medical treatment, or both. Unless an inmate is determined to be mentally ill, the inmate shall not be subjected involuntarily to psychiatric treatment.

6. All admissions to the forensic psychiatric hospital shall be by written application only. Application shall be made by the head of the state institution, agency, governmental body, or court requesting admission to the superintendent of the center. An application may be denied by the superintendent, with the approval of the director, if the admission will result in an overcrowded condition or if

adequate staff or facilities are not available. The decision regarding admission and discharge of persons shall be made by the superintendent of the center, subject to approval of the director.

7. When a person transferred to the center from any other state institution or admitted by request or order of any agency, governmental body, or court no longer requires special treatment in the security setting, the person may be returned to the source from which received. The state institution, agency, governmental body, or court that referred the person for hospitalization shall retain constructive jurisdiction over the person. Persons without legal encumbrances may be discharged directly from the center upon concurrence of the superintendent of the center and the head of the referring institution, agency, governmental body, or court. The support, commitment, and release statutes applicable to a person at the state institution from which transferred shall remain applicable while the person is at the center.

8. Chapter 230 governs the determination of costs and charges for the care and treatment of mentally ill persons admitted to the forensic psychiatric hospital, except that charges for the care and treatment of any person transferred to the forensic psychiatric hospital from an adult correctional institution or from a state training school shall be paid entirely from state funds. Charges for all other persons at the forensic psychiatric hospital shall be billed to the respective counties at the same ratio as for patients at state mental health institutes under section 230.20.

Sec. 30. NEW SECTION. 217A.86 NORTH CENTRAL CORRECTIONAL FACILITY AT ROCKWELL CITY.

The state correctional facility at Rockwell City shall be utilized as a medium security correctional facility for men.

Sec. 31. NEW SECTION. 217A.87 MOUNT PLEASANT CORRECTIONAL FACILITY -- SPECIAL TREATMENT UNIT.

The correctional facility at Mount Pleasant shall be utilized as a medium security facility for men primarily for treatment of inmates who exhibit treatable personality disorders, with or without accompanying history of drug or alcohol abuse. Such inmates may apply for and upon their application may be selected for treatment by the staff of the treatment facility at Mount Pleasant in accordance with section 217A.31.

Sec. 32. NEW SECTION. 217A.88 CLARINDA CORRECTIONAL FACILITY.

The state correctional facility at Clarinda shall be utilized as a secure men's correctional facility primarily for chemically dependent, mentally retarded, and socially inadequate offenders.

Sec. 33. NEW SECTION. 217A.89 CORRECTIONAL RELEASE CENTER AT NEWTON.

1. The correctional release center at Newton shall be utilized for the preparation of inmates of the correctional institutions for discharge or parole. The director may transfer an inmate of a correctional institution within ninety days of the inmate's release from custody to the correctional release center for intensive training to assist the inmate in the transition to civilian living. The statutes applicable to an inmate at the corrective institution from which transferred shall remain applicable during the inmate's stay at the correctional release center.

2. The superintendent of the correctional release center shall be a reputable and qualified person experienced in the administration of programs for the rehabilitation and preparation of inmates for their return to society.

Sec. 34. Section 218B.2, Article III, subsection 3, Code 1985, is amended to read as follows:

3. Participation in programs of inmate employment work, if any; the disposition or crediting of any payments received by inmates on account thereof of the work; and the crediting of

proceeds from or disposal of any products resulting therefrom from the work.

Sec. 35. Section 229.1, subsection 8, paragraph c, Code 1985, is amended to read as follows:

c. Any other publicly supported hospital or institution, or part thereof of such hospital or institution, which is equipped and staffed to provide inpatient care to the mentally ill, except that ~~this definition is not applicable to~~ the Iowa medical and classification center established by chapter 223 217A.

Sec. 36. Section 229.26, Code 1985, is amended to read as follows:

229.26 EXCLUSIVE PROCEDURE FOR INVOLUNTARY HOSPITALIZATION.

Sections 229.6 to 229.19 constitute the exclusive procedure for involuntary hospitalization of persons by reason of serious mental impairment in this state, except that nothing in this chapter negates does not negate the provisions of ~~sections 245.12 and 217A.31, subsection 2~~ section 217A.31 relating to transfer of mentally ill prisoners to state hospitals for the mentally ill ~~or applies and does not apply~~ to commitments of persons under chapter 812 or the rules of criminal procedure, Iowa court rules, 2d ed.

Sec. 37. Section 242.4, Code 1985, is amended to read as follows:

242.4 INSTRUCTION AND EMPLOYMENT.

The state director shall cause the children in the state training school to be instructed on the Constitutions of the United States and of this state as is required in the common schools, and in such branches of useful knowledge as are adapted to their age and capacity, including the effect of alcoholic liquors, stimulants, and narcotics on the human system, and in some regular course of labor, either mechanical, agricultural, or manufactural, as is best suited to their age, strength, ~~disposition,~~ capacity, reformation, and well-being.

Sec. 38. NEW SECTION. 242.16 VISITATIONS.

Members of the executive council, the attorney general, the lieutenant governor, members of the general assembly, judges of the supreme and district court and court of appeals, magistrates, county attorneys and persons ordained or designated as regular leaders of a religious community are authorized to visit the state training school at reasonable times. No other person shall be granted admission except by permission of the superintendent.

Sec. 39. Section 244.3, subsection 1, Code 1985, is amended by striking the subsection.

Sec. 40. Section 247A.10, subsection 1, Code 1985, is amended to read as follows:

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

Sec. 41. Section 321.1, subsection 43, Code 1985, is amended to read as follows:

43. "Chauffeur" means any a person who operates a motor vehicle, including a school bus, in the transportation of persons for wages, compensation or hire, or any a person who operates a truck tractor, road tractor or any motor truck which is required to be registered at a gross weight classification exceeding five tons, or any such motor vehicle exempt from registration which would be within the gross weight classification if not so exempt. except A person is not a chauffeur when the operation of the motor vehicle by the owner or operator is occasional and merely incidental to the owner or operator's principal business.

PARAGRAPH DIVIDED. A person is not a chauffeur when the operation is by a volunteer fire fighter operating fire apparatus, or is by a volunteer ambulance or rescue squad attendant operating ambulance or rescue squad apparatus. If a volunteer fire fighter or ambulance or rescue squad operator

receives nominal compensation not based upon the value of the services performed, the fire fighter or operator shall be considered to be receiving no compensation and classified as a volunteer.

If authorized to transport inmates, probationers, parolees, or work releasees by the director of the Iowa department of corrections or the director's designee, an employee of the Iowa department of corrections or a district department of correctional services is not a chauffeur when transporting the inmates, probationers, parolees, or work releasees in an automobile.

Subject to ~~the provisions of~~ section 321.179, a farmer or the farmer's hired help ~~shall~~ is not be deemed a chauffeur, when operating a truck owned by the farmer, and used exclusively in connection with the transportation of the farmer's own products or property.

Sec. 42. Section 331.510, subsection 2, Code 1985, is amended by striking the subsection.

Sec. 43. Section 356.4, Code 1985, is amended by striking the section and inserting in lieu thereof the following:

356.4 SEPARATION OF MEN AND WOMEN.

All jails shall be equipped with separate cells for men and women. Men and women prisoners shall not be allowed in the same cell within a jail at the same time.

Sec. 44. Section 448.12, Code 1985, is amended to read as follows:

448.12 LIMITATION OF ACTIONS.

No An action for the recovery of real estate sold for the nonpayment of taxes shall not be brought after five years from the execution and recording of the treasurer's deed, unless the owner is, at the time of the sale, a minor, mentally ill person, or convict an inmate in the penitentiary an adult correctional institution, in which case such action must be brought within five years after such disability is removed.

Sec. 45. Section 602.8102, subsection 44, Code 1985, is amended to read as follows:

44. ~~Certify to the warden of the penitentiary or men's reformatory or to the superintendent of the Iowa~~ each correctional institution ~~for women~~ the number of days that have been credited toward completion of an inmate's sentence as provided in section ~~246.38~~ 903A.5.

Sec. 46. Section 602.8102, subsection 45, Code 1985, is amended by striking the subsection.

Sec. 47. Section 812.5, Code 1985, is amended to read as follows:

812.5 EFFECT OF RESTORATION OF MENTAL CAPACITY.

If the accused is committed to the department of human services, after the expiration of a period not to exceed six months, the court shall upon hearing review the confinement and determine whether there is a substantial probability the prisoner accused will regain capacity within a reasonable time. If not, the state shall be directed to institute civil commitment proceedings. When it thereafter appears that the accused can effectively assist in the accused's defense, that the department shall give notice to the sheriff and county attorney of the proper county of such fact, and the sheriff, without delay, must shall receive and hold the accused in custody until the accused is brought to trial or judgment, as the case may be, or is legally discharged, the expense for conveying and returning the accused, or any other, to be paid in the first instance by the county from which the accused is sent, but such county may recover the same from another county or municipal body bound required to provide for or maintain the accused elsewhere, and the sheriff shall be allowed for the sheriff's services the same fees as are allowed for conveying convicts persons to the penitentiary institutions under section 331.655.

Sec. 48. Section 815.8, Code 1985, is amended to read as follows:

815.8 SHERIFF'S FEES.

For delivering prisoners defendants under the change of venue provisions of R.Cr.P. 10 or transferring prisoners arrested persons under section 804.24, sheriffs are entitled to the same fees as are allowed for the conveyance of convicts persons to the penitentiary institutions under section 331.655.

Sec. 49. Section 901.7, Code 1985, is amended to read as follows:

901.7 COMMITMENT TO CUSTODY.

In imposing a sentence of confinement for more than one year, the court shall commit the defendant to the custody of the director of the Iowa department of corrections. Upon entry of judgment and sentence, the clerk of the district court immediately shall notify the director of the commitment. The court shall make an order as appropriate for the temporary custody of the defendant pending the defendant's transfer to the custody of the director. The court shall order the county where a person was convicted to pay the cost of temporarily confining the person and of transporting the person to the state institution where the person is to be confined in execution of the judgment. The order shall require that a person transported to a state institution pursuant to this section shall be accompanied by a person of the same sex.

Sec. 50. NEW SECTION. 904.6 REPORTS TO THE DEPARTMENT OF CORRECTIONS.

The board of parole shall make detailed reports to the board of corrections as requested by the board of corrections or the director of the department of corrections.

Sec. 51. Section 905.7, subsection 4, Code 1985, is amended to read as follows:

4. Provide for gathering and evaluating performance data relative to the district department's community-based correctional program and make other detailed reports to the Iowa department of corrections as requested by the board of corrections or the director of the department of corrections.

Sec. 52. Section 906.5, unnumbered paragraph 1, Code 1985, is amended to read as follows:

Within one year after the commitment of a person other than a class "A" felon to the custody of the director of the Iowa department of corrections, a member of the board shall interview the person. Thereafter, at regular intervals, not to exceed one year, the board shall interview the person and consider the person's prospects for parole. At such the time of an interview, the board shall consider all pertinent information regarding this person, including the circumstances of the person's offense, any presentence report which may-be is available, the previous social history and criminal record of the person, the person's conduct, employment work, and attitude in prison, and the reports of physical and mental examinations that have been made.

Sec. 53. REPEALS.

1. Chapters 223, 245, 246, and 246A, Code 1985, are repealed.

2. Sections 247.29 through 247.32, and 247A.1, Code 1985, are repealed.

Sec. 54. CODIFICATION. In the codification of this Act, the Code editor shall:

1. Transfer chapter 217A relating to the Iowa department of corrections to new chapter 246, divide the chapter into divisions, and rearrange the order of sections as necessary.

2. Transfer chapter 216 relating to Iowa state industries as a separate division to new chapter 246.

3. Transfer chapter 218B relating to the interstate corrections compact to new chapter 247.

4. Transfer section 247.40 relating to the interstate probation and parole compact to new chapter 907A.

5. Transfer sections 247A.2 through 247A.5 and 247A.7 through 247A.11 relating to inmate work release as a separate division to new chapter 246.

However, if the Code arrangement required by this section is not feasible or is not satisfactory to the Code editor, the Code editor may rearrange the affected chapters and sections as necessary.

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DONALD D. AVENSON  
Speaker of the House

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ROBERT T. ANDERSON  
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 186, Seventy-first General Assembly.

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JOSEPH O'HERN  
Chief Clerk of the House

Approved March 27, 1985

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TERRY E. BRANSTAD  
Governor