

FEB 12 1988

Revised 3/88

HUMAN RESOURCES

HOUSE FILE 2233

BY SPEAR

Passed House, Date 2/1/88 (p. 510) Passed Senate, Date _____

Vote: Ayes 92 Nays 0 Vote: Ayes _____ Nays _____

Approved _____

*Amended to read as follows
Revised 3/88 (p. 510)
197-2*

A BILL FOR

- 1 An Act relating to work programs for inmates of state
- 2 correctional institutions.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

HOUSE FILE 2233

H-5230

- 1 Amend House File 2233 as follows:
- 2 1. Page 1, by inserting before line 1 the
- 3 following:
- 4 "Section 1. Section 85.59, Code Supplement 1987,
- 5 is amended by adding the following new unnumbered
- 6 paragraph after unnumbered paragraph two:
- 7 NEW UNNUMBERED PARAGRAPH. For purposes of this
- 8 chapter, an inmate on a work assignment under section
- 9 246.703 working in construction or maintenance at a
- 10 public or charitable facility, or under assignment to
- 11 another agency of state, county, or local government,
- 12 shall be considered an employee of the state."
- 13 2. By renumbering as necessary.

BY HALVORSON of Clayton
SHERZAN of Polk
SPEAR of Lee

H-5230 FILED MARCH 2, 1988

Adopted 3/1/88 (p. 560)

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1 Section 1. Section 246.703, unnumbered paragraph 1, Code
2 1987, is amended to read as follows:

3 Inmates shall work ~~only~~ on state account in the maintenance
4 of state institutions, in the erection, repair, authorized
5 demolition, or operation of buildings and works used in
6 connection with the institutions, and in industries
7 established and maintained in connection with the institutions
8 by the director. ~~The director may detail inmates classified~~
9 ~~as trustees, from correctional institutions under the control~~
10 ~~of the director to perform public service for the department~~
11 ~~of natural resources and other agencies of state, county, or~~
12 ~~local government.~~ The director shall encourage the making of
13 agreements with departments and agencies of the state or its
14 political subdivisions to provide products or services under
15 an inmate work program to the departments and agencies. The
16 director may implement an inmate work program for trustworthy
17 inmates of state correctional institutions, under proper
18 supervision, whether at work centers located outside the state
19 correctional institutions or in construction or maintenance
20 work at public or charitable facilities and for other agencies
21 of state, county, or local government. The supervision,
22 security, and transportation of, and allowances paid to
23 inmates used in public service projects shall be provided
24 pursuant to agreements made by the director and the agency of
25 ~~state, local, or county government~~ for which the work is done.
26 Housing and maintenance shall also be provided pursuant to the
27 agreement unless the inmate is housed and maintained in the
28 correctional facility. All such work, including but not
29 limited to that provided in this section, shall have as its
30 primary purpose, ~~and shall provide for, in addition or the~~
31 reactivation the development of attitudes, skills, and habit
32 patterns which ~~will be~~ are conducive to inmate rehabilitation.
33 The director may adopt rules allowing inmates participating in
34 an inmate work program to receive educational or vocational
35 training outside the state correctional institutions and away

1 from the work centers or public or charitable facilities used
2 under a program.

3 Sec. 2. Section 246.805, subsection 7, Code 1987, is
4 amended by striking the subsection.

5 EXPLANATION

6 This bill strikes a provision of the Code dealing with the
7 duties of the director of the department of corrections
8 regarding prison industries and merges some of those
9 provisions with existing language regarding inmate work
10 programs. The bill allows the department to provide inmate
11 workers for public and charitable facilities as well as other
12 agencies of state, county, and local government. The bill
13 requires the director to encourage agreements with other
14 governmental agencies to provide products and services to
15 those agencies. The bill also allows the director to adopt
16 rules to allow inmates participating in work programs to
17 receive educational or vocational training outside their
18 correctional institutions.

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Judiciary Amend to 5321 & Do Pass 3/10 (p. 7+8)

HOUSE FILE 2233
BY SPEAR

(As Amended and Passed by the House March 1, 1988)

Passed House, Date 4/6/88 (p. 1435) Passed Senate, Date 3/29/88 (p. 111)
Vote: Ayes 22 Nays 0 Vote: Ayes 22 Nays 0
Approved May 5, 1988

A BILL FOR

- 1 An Act relating to work programs for inmates of state
 - 2 correctional institutions.
 - 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- HOUSE FILE 2233

S-5321

- 1 Amend House File 2233 as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, line 4, by striking the word "chapter"
- 4 and inserting the following: "section".

S-5321

Filed March 10, 1988
6 April 3/24 (p. 111)

BY COMMITTEE ON JUDICIARY
DONALD V. DOYLE, Chairperson

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1 Section 1. Section 85.59, Code Supplement 1987, is amended
2 by adding the following new unnumbered paragraph after
3 unnumbered paragraph two:

4 NEW UNNUMBERED PARAGRAPH. For purposes of this chapter, an
5 inmate on a work assignment under section 246.703 working in
6 construction or maintenance at a public or charitable
7 facility, or under assignment to another agency of state,
8 county, or local government, shall be considered an employee
9 of the state.

10 Sec. 2. Section 246.703, unnumbered paragraph 1, Code
11 1987, is amended to read as follows:

12 Inmates shall work ~~only~~ on state account in the maintenance
13 of state institutions, in the erection, repair, authorized
14 demolition, or operation of buildings and works used in
15 connection with the institutions, and in industries
16 established and maintained in connection with the institutions
17 by the director. ~~The director may detail inmates classified~~
18 ~~as trustees, from correctional institutions under the control~~
19 ~~of the director to perform public service for the department~~
20 ~~of natural resources and other agencies of state, county, or~~
21 ~~local government.~~ The director shall encourage the making of
22 agreements with departments and agencies of the state or its
23 political subdivisions to provide products or services under
24 an inmate work program to the departments and agencies. The
25 director may implement an inmate work program for trustworthy
26 inmates of state correctional institutions, under proper
27 supervision, whether at work centers located outside the state
28 correctional institutions or in construction or maintenance
29 work at public or charitable facilities and for other agencies
30 of state, county, or local government. The supervision,
31 security, and transportation of, and allowances paid to
32 inmates used in public service projects shall be provided
33 pursuant to agreements made by the director and the agency of
34 state, local, or county government for which the work is done.
35 Housing and maintenance shall also be provided pursuant to the

1 agreement unless the inmate is housed and maintained in the
2 correctional facility. All such work, including but not
3 limited to that provided in this section, shall have as its
4 primary purpose ~~and shall provide for, inculcation or the~~
5 reactivation the development of attitudes, skills, and habit
6 patterns which ~~will be~~ are conducive to inmate rehabilitation.
7 The director may adopt rules allowing inmates participating in
8 an inmate work program to receive educational or vocational
9 training outside the state correctional institutions and away
10 from the work centers or public or charitable facilities used
11 under a program.

12 Sec. 3. Section 246.805, subsection 7, Code 1987, is
13 amended by striking the subsection.

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SENATE AMENDMENT TO HOUSE FILE 2233

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H-6068

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1 Amend House File 2233 as amended, passed, and
2 reprinted by the House, as follows:

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3 1. Page 1, line 4, by striking the word "chapter"
4 and inserting the following: "section".

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H-6068 FILED MARCH 30, 1988 RECEIVED FROM THE SENATE

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House received 3/4/88 (p. 1424)

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HOUSE FILE 2233

AN ACT

RELATING TO WORK PROGRAMS FOR INMATES OF STATE CORRECTIONAL INSTITUTIONS.

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

Section 1. Section 85.59, Code Supplement 1987, is amended by adding the following new unnumbered paragraph after unnumbered paragraph two:

NEW UNNUMBERED PARAGRAPH. For purposes of this section, an inmate on a work assignment under section 246.703 working in construction or maintenance at a public or charitable facility, or under assignment to another agency of state, county, or local government, shall be considered an employee of the state.

Sec. 2. Section 246.703, unnumbered paragraph 1, Code 1987, is amended to read as follows:

Inmates shall 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 director. ~~The director may detail inmates classified as trustees, from correctional institutions under the control of the director to perform public service for the department of natural resources and other agencies of state, county, or local government.~~ The director shall encourage the making of agreements with departments and agencies of the state or its political subdivisions to provide products or services under an inmate work program to the departments and agencies. The director may implement an inmate work program for trustworthy inmates of state correctional institutions, under proper supervision, whether at work centers located outside the state correctional institutions or in construction or maintenance work at public or charitable facilities and for other agencies of state, county, or local government. The supervision, security, and transportation of, and allowances paid to inmates used in public service projects shall be provided pursuant to agreements made by the 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 work, including but not limited to that provided in this section, shall have as its primary purpose ~~and shall provide for instruction or the reactivation~~ the development of attitudes, skills, and habit patterns which ~~will be~~ are conducive to inmate rehabilitation. The director may adopt rules allowing inmates participating in an inmate work program to receive educational or vocational training outside the state correctional institutions and away from the work centers or public or charitable facilities used under a program.

Sec. 3. Section 246.805, subsection 7, Code 1987, is amended by striking the subsection.

DONALD D. AVENSON
Speaker of the House

JO ANN ZIMMERMAN
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2233, Seventy-second General Assembly.

JOSEPH O'HERN
Chief Clerk of the House

Approved May 5, 1988

TERRY E. BRANSTAD
Governor