

MAR 11 1988

APPROPRIATIONS CALENDAR

HOUSE FILE 2443

BY COMMITTEE ON APPROPRIATIONS

Passed House, Date 3/17/88 (p. 298) Passed Senate, Date 3/28/88 (p. 1072)  
 Vote: Ayes 95 Nays 1 Vote: Ayes 34 Nays 13  
 Approved: April 14, 1988

A BILL FOR

1 An Act relating to and making appropriations to the justice  
 2 system and providing an effective date.

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

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HF 2443

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Section 1. There is appropriated from the general fund of the state to the department of justice for the fiscal year beginning July 1, 1988, and ending June 30, 1989, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For the general office of attorney general for salaries and support of not more than one hundred forty-eight full-time equivalent positions, maintenance, and miscellaneous purposes:  
..... \$ 3,692,010

2. Prosecuting attorney training program for salaries and support of not more than two full-time equivalent positions, maintenance and miscellaneous purposes:  
..... \$ 87,277

3. Prosecuting intern program; however, counties participating in the prosecuting intern program shall match funds appropriated by this subsection:  
..... \$ 44,955

4. In addition to the funds appropriated under subsection 1, there is appropriated from the general fund of the state to the department of justice for the fiscal year beginning July 1, 1988, and ending June 30, 1989, an amount not exceeding ninety-five thousand (95,000) dollars to be used for the enforcement of the Iowa competition law under chapter 553. The expenditure of the funds appropriated under this subsection is contingent upon receipt by the general fund of the state of an amount at least equal to either the expenditures from damages awarded to the state or a political subdivision of the state by a civil judgment under chapter 553, if the judgment authorizes the use of the award for enforcement purposes or costs or attorneys fees awarded the state in state or federal antitrust actions.

5. In addition to funds appropriated under subsection 1, there is appropriated from the general fund of the state to the department of justice for the fiscal year beginning July 1, 1988, and ending June 30, 1989, an amount not exceeding

1 fifty thousand (50,000) dollars to be used for public educa-  
2 tion relating to consumer fraud and for enforcement of section  
3 714.16. The expenditure of the funds appropriated under this  
4 subsection is contingent upon receipt by the general fund of  
5 the state of an amount at least equal to the expenditures from  
6 damages awarded to the state or a political subdivision of the  
7 state by a civil consumer fraud judgment, if the judgment  
8 authorizes the use of the award for public education on  
9 consumer fraud. Notwithstanding section 8.33, funds received  
10 in a previous fiscal year which have not been expended shall  
11 be credited to this fiscal year.

12 6. For the farm mediation service program:  
13 ..... \$ 200,000

14 Sec. 2. There is appropriated from the utilities trust  
15 fund to the office of consumer advocate of the department of  
16 justice for the fiscal year beginning July 1, 1988 and ending  
17 June 30, 1989, the sum of one million one hundred forty-four  
18 thousand eight hundred fifty-six (1,144,856) dollars, or so  
19 much thereof as is necessary, for salaries and support of not  
20 more than twenty-one full-time equivalent positions,  
21 maintenance, and operational purposes of the office.

22 Sec. 3. There is appropriated from the general fund of the  
23 state to the board of parole for the fiscal year beginning  
24 July 1, 1988, and ending June 30, 1989, the following amount,  
25 or so much thereof as is necessary, for salaries and support  
26 of not more than eighteen full-time equivalent positions,  
27 maintenance and miscellaneous purposes:

28 ..... \$ 613,000

29 Sec. 4. There is appropriated from the general fund of the  
30 state to the department of corrections for the fiscal year  
31 beginning July 1, 1988, and ending June 30, 1989, the  
32 following amounts, or so much thereof as is necessary, to be  
33 used for the purposes designated:

34 1. For the operation of adult correctional institutions,  
35 to be allocated as follows:

1 a. For the operation of the Fort Madison correctional  
2 facility, including salaries and support of not more than four  
3 hundred seventy-seven point five full-time equivalent  
4 positions, maintenance, and miscellaneous purposes:  
5 ..... \$ 17,126,365

6 It is the intent of the general assembly that the Fort  
7 Madison correctional facility employ two hundred ninety  
8 correctional officers.

9 b. For the operation of the Anamosa correctional facility,  
10 including salaries and support of not more than three hundred  
11 nine full-time equivalent positions, maintenance, and  
12 miscellaneous purposes:  
13 ..... \$ 11,925,005

14 It is the intent of the general assembly that the Anamosa  
15 correctional facility employ one hundred seventy-eight  
16 correctional officers.

17 c. For the operation of the Oakdale correctional facility,  
18 including salaries and support of not more than two hundred  
19 forty-four point five full-time equivalent positions,  
20 maintenance, and miscellaneous purposes:  
21 ..... \$ 8,380,765

22 It is the intent of the general assembly that the Oakdale  
23 correctional facility employ one hundred twenty-four  
24 correctional officers.

25 d. For the operation of the Newton correctional facility,  
26 including salaries and support of not more than fifty-six  
27 full-time equivalent positions, maintenance, and miscellaneous  
28 purposes:  
29 ..... \$ 2,108,172

30 It is the intent of the general assembly that the Newton  
31 correctional facility employ eighteen correctional officers.

32 e. For the operation of the Mt. Pleasant correctional  
33 facility, including salaries and support of not more than two  
34 hundred fifty-two point two eight full-time equivalent  
35 positions, maintenance, and miscellaneous purposes:

1 ..... \$ 9,106,787

2 It is the intent of the general assembly that the Mt.  
3 Pleasant correctional facility employ one hundred thirty-four  
4 correctional officers.

5 f. For the operation of the Rockwell City correctional  
6 facility, including salaries and support of not more than  
7 sixty-four full-time equivalent positions, maintenance, and  
8 miscellaneous purposes:

9 ..... \$ 2,244,481

10 It is the intent of the general assembly that the Rockwell  
11 City correctional facility employ thirty-six correctional  
12 officers.

13 g. For the operation of the Clarinda correctional  
14 facility, including salaries and support of not more than one  
15 hundred two point six five full-time equivalent positions,  
16 maintenance, and miscellaneous purposes:

17 ..... \$ 3,280,232

18 It is the intent of the general assembly that the Clarinda  
19 correctional facility employ fifty-nine correctional officers.

20 h. For the operation of the Mitchellville correctional  
21 facility, including salaries and support of not more than  
22 eighty-two full-time equivalent positions, maintenance, and  
23 miscellaneous purposes:

24 ..... \$ 2,713,841

25 It is the intent of the general assembly that the  
26 Mitchellville correctional facility employ forty-four  
27 correctional officers.

28 2. The department of corrections shall provide a report to  
29 the co-chairpersons and ranking members of the justice system  
30 appropriations subcommittee and the legislative fiscal bureau  
31 on or before January 15, 1989, detailing the amount of money  
32 to be pooled by the institutions for educational programs,  
33 which educational institutions will be involved, the amount of  
34 any federal funds received for use with these programs, and  
35 any other pertinent information.

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1 3. If the inmate tort claim fund for inmate claims of less  
2 than twenty-five dollars is exhausted during the fiscal year,  
3 sufficient funds shall be transferred from the institutional  
4 budgets to pay approved tort claims for the balance of the  
5 fiscal year. The warden or superintendent of each institution  
6 or correctional facility shall designate an employee to  
7 receive, investigate, and recommend whether to pay any  
8 properly filed inmate tort claim for less than the above  
9 amount. The designee's recommendation shall be approved or  
10 denied by the warden or superintendent and forwarded to the  
11 department of corrections for final approval and payment. The  
12 amounts appropriated to this fund pursuant to 1987 Iowa Acts,  
13 chapter 234, section 304, subsection 2, are not subject to  
14 reversion under section 8.33.

15 Tort claims denied at the institution shall be forwarded to  
16 the state appeal board for their consideration as if  
17 originally filed with that body. This procedure shall be used  
18 in lieu of chapter 25A for inmate tort claims of less than  
19 twenty-five dollars.

20 Of the funds appropriated, the department's budget for  
21 Anamosa shall include funding for a full-time substance abuse  
22 counselor for the Luster Heights facility, for the purpose of  
23 certification of a substance abuse program at that facility.

24 Sec. 5. There is appropriated from the general fund of the  
25 state to the department of corrections for the fiscal year  
26 beginning July 1, 1988, and ending June 30, 1989, the  
27 following amounts, or so much thereof as is necessary, for the  
28 purposes designated:

5643 29 1. For general administration, including salaries and  
30 support of not more than thirty-eight point five two full-time  
31 equivalent positions, maintenance, and miscellaneous purposes:  
32 ..... \$ 1,734,135

33 The department of corrections shall report to the  
34 legislative fiscal bureau on a monthly basis the current  
35 number of persons placed on probation or released on parole

1 residing within this state and supervised pursuant to the  
2 interstate probation and parole compact.

3 The department of corrections and the board of parole shall  
4 review the implementation of, and the participation of this  
5 state under, the interstate probation and parole compact  
6 including, but not limited to the method of administration  
7 under the compact. The report shall be filed with the co-  
8 chairpersons and ranking members of the justice system  
9 appropriations subcommittee, the executive council, and the  
10 legislative fiscal bureau on or before January 15, 1989.

11 It is the intent of the general assembly that the  
12 department of human services shall continue to provide for the  
13 mailing of vendor warrants for the department of corrections.

14 2. For reimbursement of counties for temporary confinement  
15 of work release and parole violators, as provided in sections  
16 246.908, 901.7, and 906.17:

17 ..... \$ 119,580

18 3. For federal prison reimbursement and miscellaneous  
19 contracts:

20 ..... \$ 300,000

21 The department of corrections shall use funds appropriated  
22 by this subsection to continue to contract for the service of  
23 a Muslim imam.

24 4. For salaries and support of not more than six point  
25 three one full-time equivalent positions, maintenance, and  
26 miscellaneous purposes at the correctional training center at  
27 Mt. Pleasant:

28 ..... \$ 279,731

29 5. For repairs to roofs and related expenses at the cor-  
30 rectional institutions:

31 ..... \$ 115,584

32 Sec. 6.

33 1. There is appropriated from the general fund of the  
34 state to the department of corrections for the fiscal year  
35 beginning July 1, 1988, and ending June 30, 1989, or so much

1 thereof as is necessary, the following amounts allocated as  
2 follows:

3 a. For the first judicial district department of  
4 correctional services, the following amounts:

5 (1) For preinstitutional and postconviction community-  
6 based corrections, halfway houses, parole services, and OWI  
7 facilities:

8 ..... \$ 3,004,434

9 (2) For intensive supervision programs within the  
10 district:

11 ..... \$ 60,420

12 (3) For reinstatement of the salary cut in the base budget  
13 request for the fiscal year beginning July 1, 1988, and ending  
14 June 30, 1989:

15 ..... \$ 100,086

16 It is the intent of the general assembly that the amounts  
17 appropriated under this paragraph for intensive supervision  
18 programs established within the district, and for  
19 reinstatement of the salary cut in the base budget request for  
20 the fiscal year beginning July 1, 1988, and ending June 30,  
21 1989, are contingent upon the enactment of a monthly twenty  
22 dollar supervision fee to be paid by persons placed by an  
23 authority on probation, parole, or other form of release,  
24 subject to supervision by a judicial district department of  
25 correctional services program established under chapter 905.

26 b. For the second judicial district department of  
27 correctional services, the following amounts:

28 (1) For preinstitutional and postconviction community-  
29 based corrections, halfway houses, parole services, and OWI  
30 facilities:

31 ..... \$ 2,446,714

32 (2) For sex offender programs within the district:

33 ..... \$ 97,384

34 (3) For reinstatement of the salary cut in the base budget  
35 request for the fiscal year beginning July 1, 1988, and ending

1 June 30, 1989:

2 ..... \$ 20,180

3 It is the intent of the general assembly that the amounts  
4 appropriated under this paragraph for sex offender programs  
5 established within the district, and for reinstatement of the  
6 cut in the base budget request for the fiscal year beginning  
7 July 1, 1988, and ending June 30, 1989, are contingent upon  
8 the enactment of a monthly twenty dollar supervision fee to be  
9 paid by persons placed by an authority on probation, parole,  
10 or other form of release, subject to supervision by a judicial  
11 district department of correctional services program  
12 established under chapter 905.

13 c. For the third judicial district department of  
14 correctional services, the following amounts:

15 (1) For preinstitutional and postconviction community-  
16 based corrections, halfway houses, parole services, and OWI  
17 facilities:

18 ..... \$ 1,423,382

19 (2) For sex offender programs within the district:

20 ..... \$ 24,000

21 (3) For reinstatement of the salary cut in the base budget  
22 request for the fiscal year beginning July 1, 1988, and ending  
23 June 30, 1989:

24 ..... \$ 23,400

25 It is the intent of the general assembly that the amounts  
26 appropriated under this paragraph for sex offender programs  
27 established within the district, and for reinstatement of the  
28 cut in the base budget request for the fiscal year beginning  
29 July 1, 1988, and ending June 30, 1989, are contingent upon  
30 the enactment of a monthly twenty dollar supervision fee to be  
31 paid by persons placed by an authority on probation, parole,  
32 or other form of release, subject to supervision by a judicial  
33 district department of correctional services program  
34 established under chapter 905.

35 d. For the fourth judicial district department of

1 correctional services, the following amounts:

2 (1) For preinstitutional and postconviction community-  
3 based corrections, halfway houses, parole services, and OWI  
4 facilities:

5 ..... \$ 1,331,706

6 (2) For sex offender programs within the district:

7 ..... \$ 16,340

8 (3) For reinstatement of the salary cut in the base budget  
9 request for the fiscal year beginning July 1, 1988, and ending  
10 June 30, 1989:

11 ..... \$ 33,955

12 It is the intent of the general assembly that the amounts  
13 appropriated under this paragraph for sex offender programs  
14 established within the district, and for reinstatement of the  
15 cut in the base budget request for the fiscal year beginning  
16 July 1, 1988, and ending June 30, 1989, are contingent upon  
17 the enactment of a monthly twenty dollar supervision fee to be  
18 paid by persons placed by an authority on probation, parole,  
19 or other form of release, subject to supervision by a judicial  
20 district department of correctional services program  
21 established under chapter 905.

22 e. For the fifth judicial district department of  
23 correctional services, the following amounts:

24 (1) For preinstitutional and postconviction community-  
25 based corrections, halfway houses, parole services, and OWI  
26 facilities:

27 ..... \$ 4,164,894

28 (2) For intensive supervision programs within the  
29 district:

30 ..... \$ 170,058

31 (3) For reinstatement of the salary cut in the base budget  
32 request for the fiscal year beginning July 1, 1988, and ending  
33 June 30, 1989:

34 ..... \$ 106,017

35 It is the intent of the general assembly that the amounts

1 appropriated under this paragraph for intensive supervision  
2 programs established within the district, and for  
3 reinstatement of the cut in the base budget request for the  
4 fiscal year beginning July 1, 1988, and ending June 30, 1989,  
5 are contingent upon the enactment of a monthly twenty dollar  
6 supervision fee to be paid by persons placed by an authority  
7 on probation, parole, or other form of release, subject to  
8 supervision by a judicial district department of correctional  
9 services program established under chapter 905.

10 f. For the sixth judicial district department of  
11 correctional services, the following amounts:

12 (1) For preinstitutional and postconviction community-  
13 based corrections, halfway houses, parole services, and OWI  
14 facilities:

15 ..... \$ 3,047,067

16 (2) For intensive supervision programs within the  
17 district:

18 ..... \$ 104,259

19 (3) For reinstatement of the salary cut in the base budget  
20 request for the fiscal year beginning July 1, 1988, and ending  
21 June 30, 1989:

22 ..... \$ 80,852

23 It is the intent of the general assembly that the amounts  
24 appropriated under this paragraph, for intensive supervision  
25 programs established within the district, and for  
26 reinstatement of the cut in the base budget request for the  
27 fiscal year beginning July 1, 1988, and ending June 30, 1989,  
28 are contingent upon the enactment of a monthly twenty dollar  
29 supervision fee to be paid by persons placed by an authority  
30 on probation, parole, or other form of release, subject to  
31 supervision by a judicial district department of correctional  
32 services program established under chapter 905.

33 g. For the seventh judicial district department of  
34 correctional services, the following amounts:

35 (1) For preinstitutional and postconviction community-

1 based corrections, halfway houses, parole services, and OWI  
 2 facilities:  
 3 ..... \$ 2,564,864  
 4 (2) For intensive supervision programs within the  
 5 district:  
 6 ..... \$ 73,696  
 7 (3) For reinstatement of the salary cut in the base budget  
 8 request for the fiscal year beginning July 1, 1988, and ending  
 9 June 30, 1989:  
 10 ..... \$ 99,468

11 It is the intent of the general assembly that the amounts  
 12 appropriated under this paragraph for intensive supervision  
 13 programs established within the district, and for  
 14 reinstatement of the cut in the base budget request for the  
 15 fiscal year beginning July 1, 1988, and ending June 30, 1989,  
 16 are contingent upon the enactment of a monthly twenty dollar  
 17 supervision fee to be paid by persons placed by an authority  
 18 on probation, parole, or other form of release, subject to  
 19 supervision by a judicial district department of correctional  
 20 services program established under chapter 905.

21 h. For the eighth judicial district department of  
 22 correctional services, the following amounts:

23 (1) For preinstitutional and postconviction community-  
 24 based corrections, halfway houses, parole services, and OWI  
 25 facilities:  
 26 ..... \$ 1,216,114  
 27 (2) For intensive supervision programs within the  
 28 district:  
 29 ..... \$ 73,752  
 30 (3) For reinstatement of the salary cut in the base budget  
 31 request for the fiscal year beginning July 1, 1988, and ending  
 32 June 30, 1989:  
 33 ..... \$ 43,853

34 It is the intent of the general assembly that the amounts  
 35 appropriated under this paragraph for intensive supervision

1 programs established within the district, and for  
2 reinstatement of the cut in the base budget request, for the  
3 fiscal year beginning July 1, 1988, and ending June 30, 1989,  
4 are contingent upon the enactment of a twenty dollar  
5 supervision fee to be paid by persons placed by an authority  
6 on probation, parole, or other form of release, subject to  
7 supervision by a judicial district department of correctional  
8 services program established under chapter 905.

9 i. To the department of corrections for the assistance and  
10 support of each judicial district department of correctional  
11 services, the following amount:

12 ..... \$ 86,445

13 2. The department of corrections shall not change the  
14 appropriations either to the district departments of  
15 correctional services or to the correctional institutions from  
16 the amounts appropriated under this section and section 4 of  
17 this Act, unless notice of the revisions is given prior to  
18 their effective date to the legislative fiscal bureau. The  
19 notice shall include information on the department's rationale  
20 for making the changes and details concerning the workload and  
21 performance measures upon which the changes are based.

22 3. The department of corrections shall report to the  
23 legislative fiscal bureau on a monthly basis the current  
24 expenditures and full-time equivalent positions of the  
25 department's various allocations with a comparison of actual  
26 to budgeted expenditures and full-time equivalent positions.

27 The department shall furnish performance measure data  
28 designed to enable comparison of this data with historical  
29 spending information, and shall assist the legislative fiscal  
30 bureau in developing information to be used in legislative  
31 oversight of all programs operated by the department.

32 4. The department of corrections shall continue the OWI  
33 facilities established in 1986 Iowa Acts, chapter 1246,  
34 section 402, in compliance with the conditions specified in  
35 that section.

1 Sec. 7. There is appropriated from the general fund of the  
2 state to the judicial department for the fiscal year beginning  
3 July 1, 1988, and ending June 30, 1989, the following amounts,  
4 or so much thereof as is necessary, to be used for the  
5 purposes designated:

6 COURTS AND ADMINISTRATION

7 1. For salaries of supreme court justices, appellate court  
8 judges, district court judges, district associate judges,  
9 judicial magistrates and staff, state court administrator,  
10 clerk of the supreme court, district court administrators,  
11 clerks of the district court, juvenile court officers, board  
12 of law examiners and board of examiners of shorthand reporters  
13 and judicial qualifications commission, maintenance, equipment  
14 and miscellaneous purposes:

5011 15 ..... \$ 57,590,405

5007 16 2. For salaries, support, maintenance, and miscellaneous  
17 purposes necessary to provide adult indigent defense and the  
18 cost of juvenile proceedings including attorney and witness  
19 fees:

5008 20 ..... \$ 8,000,000

21 3. For the juvenile victim restitution program:

22 ..... \$ 115,000

23 Notwithstanding chapter 232A, it is the intent of the  
24 general assembly that the judicial department receive the  
25 funds appropriated and administer the Iowa juvenile victim  
26 restitution program.

27 4. For salaries, support, maintenance, and miscellaneous  
28 purposes necessary to fund the cost of juvenile proceedings  
29 including attorney and witness fees:

5009 30 ..... \$ 1,500,000

31 Sec. 8. Of the funds appropriated by section 7, subsection  
32 1, of this Act, not more than one million six hundred thousand  
33 (1,600,000) dollars may be transferred into the revolving fund  
34 established pursuant to section 602.1302, subsection 4, to be  
35 used for the payment of jury and witness fees and mileage.

1     Sec. 9. A public office providing indigent defense which  
2 is in existence on June 30, 1988, shall not be abolished  
3 during the period beginning June 30, 1988, and ending June 30,  
4 1989, unless done at the request of the chief judge of the  
5 judicial district.

6     Sec. 10. Section 602.1301, subsection 2, paragraph a, Code  
7 1987, is amended to read as follows:

8     a. As early as possible, but not later than December 1,  
9 the supreme court shall submit to the legislative fiscal  
10 bureau the annual budget request and detailed supporting  
11 information for the judicial department. The submission shall  
12 be designed to assist the legislative fiscal bureau in its  
13 preparation for legislative consideration of the budget  
14 request. The information submitted shall contain and be  
15 arranged in a format substantially similar to ~~part II of the~~  
16 governor's budget message as the format specified in by the  
17 director of management and used by all department and  
18 establishments in transmitting to the director estimates of  
19 their expenditure requirements pursuant to section 8-22 8.23.  
20 The supreme court shall also make use of the department of  
21 management's automated budget system when submitting  
22 information to the director of management to assist the  
23 director in the transmittal of information as required under  
24 section 8.35A.

25     Sec. 11. 1987 Iowa Acts, chapter 234, section 304,  
26 subsection 2, unnumbered paragraph 1, is amended to read as  
27 follows:

28     In addition to the funds appropriated in subsection 1,  
29 there is appropriated one thousand five hundred (1,500)  
30 dollars for an inmate tort claim fund for inmate claims of  
31 less than twenty-five dollars. The amount appropriated to the  
32 inmate tort claim fund is not subject to reversion under  
33 section 8.33. If the fund is exhausted during the fiscal  
34 year, sufficient funds shall be transferred from the  
35 institutional budgets to pay approved tort claims for the

1 balance of the fiscal year.

2 Sec. 12. In order to achieve full-time equivalent position  
3 levels, the number of filled positions may exceed the number  
4 of full-time equivalent positions during parts of the fiscal  
5 year to compensate for time periods when the number of filled  
6 positions is below the number of full-time equivalent  
7 positions. For purposes of this section, a full-time  
8 equivalent position equals two thousand eighty hours in one  
9 fiscal year.

10 Sec. 13. All federal grants to and the federal receipts of  
11 the agencies to whom funds are appropriated under this Act are  
12 appropriated for the purposes set forth in the federal grants  
13 or receipts unless otherwise provided by the general assembly.

14 Sec. 14. Sections 9 and 11 of this Act, being deemed of  
15 immediate importance, takes effect upon enactment.

16 EXPLANATION

17 This bill appropriates funds for the 1988-1989 fiscal year  
18 to the judicial department, the department of justice, the  
19 department of corrections, and the board of parole.

20 SIMILAR TO LSB 8202HC

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## HOUSE FILE 2443

H-5641

1 Amend House File 2443 as follows:-

2 1. Page 4, by inserting after line 27 the  
3 following:

4 "i. For major maintenance and repairs at the adult  
5 correctional institutions for the fiscal year  
6 beginning July 1, 1988, and ending June 30, 1989, the  
7 sum of four hundred thirty-four thousand five hundred  
8 thirty-six (434,536) dollars, or so much thereof as is  
9 necessary, which appropriation is contingent upon the  
10 enactment of a monthly twenty-dollar supervision fee  
11 to be paid by persons placed by an authority on  
12 probation, parole, or other form of release, subject  
13 to supervision by a judicial district department of  
14 correctional services program established under  
15 chapter 905."

16 2. Page 14, by inserting after line 24, the  
17 following:

18 "Sec. \_\_\_\_ . NEW SECTION. 905.13 CONDITION OF  
19 RELEASE.

20 1. A person placed by an authority on probation,  
21 parole, or other form of release, subject to  
22 supervision by a judicial district department of  
23 correctional services program established under this  
24 chapter, is required to pay a monthly fee of twenty  
25 dollars to offset the costs of supervision. Fees are  
26 payable one month following the commencement of  
27 probation, parole, or other supervised release and at  
28 one-month intervals thereafter. The fee shall be  
29 collected by the district department on a monthly  
30 basis and remitted to the state treasurer each  
31 quarter. The fees remitted shall be credited to the  
32 general fund.

33 2. The state department of corrections shall adopt  
34 rules for determining whether a person subject to the  
35 fee established in subsection 1 is indigent. If a  
36 determination of indigency is made the fee shall be  
37 waived. The department shall establish a procedure  
38 for periodic review of the financial situation of a  
39 person determined to be indigent. A person initially  
40 determined to be indigent who at some point during the  
41 term of probation, or other conditional release, is  
42 determined not to be indigent, is subject to the fee  
43 established in subsection 1.

44 Sec. \_\_\_\_ . Section 906.15, Code 1987, is amended to  
45 read as follows:

46 906.15 DISCHARGE FROM PAROLE.

47 Unless sooner discharged, a person released on  
48 parole shall be discharged when the person's term of  
49 parole equals the period of imprisonment specified in  
50 the person's sentence, less all time served in

H-5641

Page Two

1 confinement. If the fees required to be paid under  
2 section 905.13 are not waived by the department of  
3 corrections and are not paid in full, a record of the  
4 amount unpaid shall be perfected and constitutes a  
5 lien in the same manner as a judgment for an unpaid  
6 fine, which has been filed with the clerk, becomes a  
7 lien under section 909.6. Discharge from parole may  
8 be granted prior to ~~such~~ that time, when an early  
9 discharge is appropriate. The board shall  
10 periodically review all paroles, and when it shall  
11 ~~determine~~ determines that any a person on parole is  
12 able and willing to fulfill the obligations of a law-  
13 abiding citizen without further supervision, it shall  
14 discharge the person from parole. In either event,  
15 discharge from parole shall terminate the person's  
16 sentence. However, a person convicted of a violation  
17 of section 709.3, 709.4 or 709.8 committed on or with  
18 a child shall not be discharged from parole until the  
19 person's term of parole equals the period of  
20 imprisonment specified in the person's sentence, less  
21 all time served in confinement.

22 Sec. \_\_\_\_ . Section 907.3, subsection 1, unnumbered  
23 paragraph 1, Code 1987, is amended to read as follows:

24 With the consent of the defendant, the court may  
25 defer judgment and place the defendant on probation  
26 upon ~~such~~ conditions as it may require, or defer  
27 sentence and assign the defendant to the judicial  
28 district department of correctional services. Upon a  
29 showing that ~~such~~ the person is not co-operating with  
30 the program or is not responding to it, the court may  
31 withdraw the person from the program and impose any  
32 sentence authorized by law. Before taking such  
33 action, the court shall give the person an opportunity  
34 to be heard on any matter relevant to the proposed  
35 action. Upon fulfillment of the conditions of  
36 probation and payment of fees imposed under section  
37 905.13, unless waived by the department of  
38 corrections, the defendant shall be discharged without  
39 entry of judgment. Upon violation of the conditions  
40 of probation, the court may proceed as provided in  
41 chapter 908.

42 Sec. \_\_\_\_ . Section 907.3, subsection 2, Code 1987,  
43 is amended to read as follows:

44 2. By record entry at the time of or after  
45 sentencing, the court may suspend the sentence and  
46 place the defendant on probation upon ~~such~~ terms and  
47 conditions as it may require including the payment of  
48 fees imposed under section 905.13 and commitment to an  
49 alternate jail facility or a community correctional  
50 residential treatment facility for a specific number

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Page Three

1 of days to be followed by a term of probation as  
2 specified in section 907.7. A person so committed who  
3 has probation revoked shall be given credit for such  
4 time served.

5 Sec. \_\_\_\_\_. Section 907.7, unnumbered paragraphs 1  
6 and 2, Code 1987, are amended to read as follows:

7 The length of the probation shall be for such a  
8 term as the court may fix but not to exceed five years  
9 if the offense is a felony or not to exceed two years  
10 if the offense is a misdemeanor. If the fees are not  
11 waived by the department of corrections, and are not  
12 paid in full, a record of the amount unpaid shall be  
13 perfected and constitutes a lien in the same manner as  
14 a judgment for an unpaid fine, which has been filed  
15 with the clerk, becomes a lien under section 909.6.

16 The length of the probation shall not be less than  
17 one year if the offense is a misdemeanor and shall not  
18 be less than two years if the offense is a felony.  
19 However, the court may subsequently reduce the length  
20 of the probation if the court determines that the  
21 purposes of probation have been fulfilled and the fees  
22 imposed under section 905.13 are paid to or waived by  
23 the department of corrections. The purposes of  
24 probation are to provide maximum opportunity for the  
25 rehabilitation of the defendant and to protect the  
26 community from further offenses by the defendant and  
27 others.

28 Sec. \_\_\_\_\_. Section 907.9, Code 1987, is amended to  
29 read as follows:

30 907.9 DISCHARGE FROM PROBATION.

31 At any time that the court determines that the  
32 purposes of probation have been fulfilled, the court  
33 may order the discharge of any a person from probation  
34 if the fees imposed under section 905.13 are paid to  
35 or waived by the department of corrections. At If the  
36 fees imposed under section 905.13 are paid to or  
37 waived by the department of corrections at the  
38 expiration of the period of probation, in cases where  
39 the court fixes the term of probation, the court shall  
40 order the discharge of such the person from probation,  
41 and the court shall forward to the governor a  
42 recommendation for or against restoration of  
43 citizenship rights to such the person. A person who  
44 has been discharged from probation shall no longer be  
45 held to answer for the person's offense. Upon  
46 discharge from probation, if judgment has been  
47 deferred under section 907.3, the court's criminal  
48 record with reference to the deferred judgment shall  
49 be expunged. The record maintained by the supreme  
50 court administrator as required by section 907.4 shall

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Page Four

1 not be expunged. The court's record shall not be  
2 expunged in any other circumstances.

3 Sec. \_\_\_\_\_. Section 907.10, Code 1987, is amended to  
4 read as follows:

5 907.10 RELEASE ON PROBATION AFTER COMPLETING  
6 PROGRAM.

7 When the court has determined that ~~any~~ a person  
8 ordered to participate in a locally administered  
9 correctional program, pursuant to section 907.3,  
10 subsection 1, has successfully completed ~~such the~~  
11 program, the court shall order ~~such the~~ person to be  
12 released on probation if the fees imposed under  
13 section 905.13 are paid or waived."

14 3. Page 15, by inserting after line 9 the  
15 following:

16 "Sec. \_\_\_\_\_.

17 1. The provisions of this Act may apply to an  
18 individual released prior to the effective date of  
19 this Act under a program subject to supervision by a  
20 judicial district department of correctional services  
21 program established under chapter 905 upon enactment.

22 2. It is the intent of the general assembly that  
23 the provisions of this Act amending sections 905.13,  
24 906.15, 907.3, 907.7, 907.9, and 907.10, are intended  
25 to further the rehabilitation of persons released on  
26 parole or probation by promoting responsible behavior  
27 in these individuals during their release. It is the  
28 intent of the general assembly that the program  
29 established in these sections be administered in a  
30 manner to promote characteristics relating to punctual  
31 and timely payment of the cost for services rendered  
32 to the person, responsibility for one's actions, and  
33 for duties required of any individual under law."

34 4. Renumber as necessary, including internal  
35 references to sections of the bill.

H-5641 FILED MARCH 15, 1988 BY MCKEAN of Jones

*Printed and signed 3/17 (p. 245)*

## HOUSE FILE 2443

H-5623

1 Amend House File 2443 as follows: -----

2 1. By striking page 7, line 3, through page 12,  
3 line 8 and inserting the following:

4 "a. For the first judicial district department of  
5 correctional services for the fiscal year beginning  
6 July 1, 1988, and ending June 30, 1989, the sum of  
7 three million one hundred sixty-four thousand nine  
8 hundred forty (3,164,940) dollars, or so much thereof  
9 as is necessary, and as a condition, limitation, and  
10 qualification of this appropriation, sixty thousand  
11 four hundred twenty (60,420) dollars shall be used for  
12 intensive supervision programs established within the  
13 district.

14 b. For the second judicial district department of  
15 correctional services for the fiscal year beginning  
16 July 1, 1988, and ending June 30, 1989, the sum of two  
17 million five hundred sixty-four thousand two hundred  
18 seventy-eight (2,564,278) dollars, or so much thereof  
19 as is necessary, and as a condition, limitation, and  
20 qualification of this appropriation, ninety-seven  
21 thousand three hundred eighty-four (97,384) dollars  
22 shall be used for sex offender programs established  
23 within the district.

24 c. For the third judicial district department of  
25 correctional services for the fiscal year beginning  
26 July 1, 1988, and ending June 30, 1989, the sum of one  
27 million four hundred seventy thousand seven hundred  
28 eighty-two (1,470,782) dollars, or so much thereof as  
29 is necessary, and as a condition, limitation, and  
30 qualification of this appropriation, twenty-four  
31 thousand (24,000) dollars shall be used for sex  
32 offender programs established within the district.

33 d. For the fourth judicial district department of  
34 correctional services for the fiscal year beginning  
35 July 1, 1988, and ending June 30, 1989, the sum of one  
36 million three hundred eighty-two thousand one  
37 (1,382,001) dollars, or so much thereof as is  
38 necessary, and as a condition, limitation, and  
39 qualification of this appropriation, sixteen thousand  
40 three hundred forty (16,340) dollars shall be used for  
41 sex offender programs established within the district.

42 e. For the fifth judicial district department of  
43 correctional services for the fiscal year beginning  
44 July 1, 1988, and ending June 30, 1989, the sum of  
45 four million four hundred forty thousand nine hundred  
46 sixty-nine (4,440,969) dollars, or so much thereof as  
47 is necessary, and as a condition, limitation, and  
48 qualification of this appropriation, one hundred  
seventy thousand fifty-eight (170,058) dollars shall  
be used for intensive supervision programs established

1 within the district.

2 f. For the sixth judicial district department of  
3 correctional services for the fiscal year beginning  
4 July 1, 1988, and ending June 30, 1989, the sum of  
5 three million two hundred thirty-two thousand one  
6 hundred seventy-eight (3,232,178) dollars, or so much  
7 thereof as is necessary, and as a condition,  
8 limitation, and qualification of this appropriation,  
9 one hundred four thousand two hundred fifty-nine  
10 (104,259) dollars shall be used for intensive  
11 supervision programs established within the district.

12 g. For the seventh judicial district department of  
13 correctional services for the fiscal year beginning  
14 July 1, 1988, and ending June 30, 1989, the sum of two  
15 million seven hundred thirty-eight thousand twenty-  
16 eight (2,738,028) dollars, or so much thereof as is  
17 necessary, and as a condition, limitation, and  
18 qualification of this appropriation, seventy-three  
19 thousand six hundred ninety-six (73,696) dollars shall  
20 be used for intensive supervision programs established  
21 within the district.

22 h. For the eighth judicial district department of  
23 correctional services for the fiscal year beginning  
24 July 1, 1988, and ending June 30, 1989, the sum of one  
25 million three hundred thirty-three thousand seven  
26 hundred nineteen (1,333,719) dollars, or so much  
27 thereof as is necessary, and as a condition,  
28 limitation, and qualification of this appropriation,  
29 seventy-three thousand seven hundred fifty-two  
30 (73,752) dollars shall be used for intensive  
31 supervision programs established within the district."

BY SHERZAN of Polk

H-5623 FILED MARCH 15, 1988

SPEAR of Lee

*Adopted 3/17 (p 842)*

HOUSE FILE 2443

H-5625

1 Amend House File 2443 as follows:

2 1. Page 6, line 31, by striking the figure  
3 "115,584" and inserting the following: "615,584".

H-5625 FILED MARCH 15, 1988 BY McKEAN of Jones

*Done 3/17 (p 846)*

HOUSE FILE 2443

H-5626

1 Amend House File 2443 as follows:

2 1. Page 4, by inserting after line 27, the  
3 following:

4 "In addition to the other funds appropriated under  
5 this subsection, there is appropriated from the  
6 general fund of the state to the department of  
7 corrections for the fiscal year beginning July 1,  
8 1988, and ending June 30, 1989, the sum of five  
9 hundred ninety-four thousand (594,000) dollars, to be  
10 used for the employment of correctional officers,  
11 equaling twenty-seven full-time equivalent positions,  
12 at the adult correctional institutions. The  
13 distribution of these full-time equivalent positions  
14 among the institutions shall be determined by the  
15 legislative fiscal bureau."

H-5626 FILED MARCH 15, 1988 BY McKEAN of Jones

*Done 3/17 (p 846)*

HOUSE FILE 2443

H-5657

Amend House File 2443 as follows:

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

"Notwithstanding section 607A.8 and as a condition of this appropriation, grand jurors and petit jurors in all courts shall receive twenty dollars as compensation for each day's service or attendance, including attendance required for the purpose of being considered for service, reimbursement for mileage expenses at the rate specified in section 79.9 or section 602.1509 for each mile traveled each day to and from their residences to the place of service or attendance, and reimbursement for actual expenses of parking, as determined by the clerk. A juror shall not receive reimbursement for mileage expenses or actual expenses of parking when the juror travels in a vehicle for which another juror is receiving reimbursement for mileage and parking expenses. Payment of fees and expenses to jurors shall be made on the first and fifteenth of each month."

H-5657 FILED MARCH 16, 1988 BY EDDIE of Buena Vista  
*3/17 (p. 872)*

HOUSE FILE 2443

H-5658

Amend House File 2443 as follows:

1. Page 13, line 20, by striking the figure "8,000,000" and inserting the figure "8,599,525".  
2. Page 13, line 30, by striking the figure "1,500,000" and inserting the figure "1,996,248".

BY PAULIN of Plymouth

H-5658 FILED MARCH 16, 1988 GARMAN of Story

*3/17 (p. 872)*

HOUSE FILE 2443

H-5659

Amend House File 2443 as follows:

1. Page 4, line 35, by inserting after the word "information." the following:

"This report shall also include detailed information concerning the repairs needed and the cost of these repairs at the institutions."

H-5659 FILED MARCH 16, 1988 BY MCKEAN of Jones

*3/17 (p. 875)*

HOUSE FILE 2443

H-5643

1 Amend House File 2443 as follows:

- 2 1. Page 5, line 30, by striking the word "thirty-  
3 eight" and inserting the following: "forty-one".  
4 2. Page 5, line 32, by striking the figure  
5 "1,724,135" and inserting the following: "1,854,534".

BY PETERSON of Carroll  
SPEAR of Lee

FOGARTY of Palo Alto  
ADAMS of Hamilton  
McKEAN of Jones

H-5643 FILED MARCH 16, 1988

*Adopted as amended by 5677 3/17 (p. 846)*

HOUSE FILE 2443

H-5644

1 Amend House File 2443 as follows:

- 2 1. Page 13, line 15, by striking the figure  
3 "57,590,405" and inserting the following:  
4 "58,159,405".

BY PETERSON of Carroll  
SPEAR of Lee

H-5644 FILED MARCH 16, 1988

*Adopted 3/17 (p. 898)*

HOUSE FILE 2444

H-5646

1 Amend amendment H-5559, to House File 2444 as  
2 follows:

- 3 1. Page 1, by striking lines 2 through 6 and  
4 inserting the following:  
5 "1. Page 2, by inserting after line 1, the  
6 following:  
7 "As a condition of this appropriation, the auditor  
8 of state may"."

H-5646 FILED MARCH 16, 1988 BY HERMANN of Scott

HOUSE FILE 2444

H-5653

1 Amend the amendment H-5628 to House File 2444 as  
2 follows:

- 3 1. Page 1, by striking lines 4 through 7, and  
4 inserting the following:  
5 "Sec. . The department of human services, the".  
6 2. Page 1, by striking lines 20 through 26.

H-5653 FILED MARCH 16, 1988 BY TEAFORD of Black Hawk

HOUSE FILE 2443

H-5667

1 Amend amendment H-5641 to House File 2443 as  
2 follows:

3 1. Page 1, by striking lines 6 through 9 and  
4 inserting the following: "beginning July 1, 1988, and  
5 ending June 30, 1989, there is appropriated an amount  
6 equal to the amount of the supervision fees collected  
7 during the fiscal year, or so much thereof as is  
8 necessary, which appropriation is contingent upon  
9 the".

H-5667 FILED MARCH 17, 1988 BY MCKEAN of Jones  
ADOPTED (p. 845)

HOUSE FILE 2443

H-5677

1 Amend amendment, H-5643, to House File 2443 as  
2 follows:

3 1. Page 1, by inserting after line 3 the  
4 following:  
5 " ". Page 5, line 31, by inserting after the  
6 word "positions" the following: "including three  
7 personnel management specialists".

H-5677 FILED MARCH 17, 1988 BY PETERSON of Carroll  
ADOPTED (p. 295)

HOUSE FILE 2443  
AMENDMENT H-5657  
FISCAL NOTE

REQUESTED BY REPRESENTATIVE EDDIE

In compliance with a written request received March 17, 1988, a fiscal note for H - 5657 TO HOUSE FILE 2443 is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note are available from the Legislative Fiscal Bureau to members of the Legislature upon request.

Amendment H - 5657 to House File 2443 increases the per diem paid to grand jurors and petit jurors from \$10 to \$20 for each day the juror serves or is in attendance.

Assumptions

1. There will be no increase in juror usage in either FY 1989 or FY 1990.
2. Counties will be responsible for expenses of grand jurors.
3. The grand jury will meet for one day four times annually in each county (twelve jurors report and seven are chosen to serve).

Fiscal Effect

There were 92,082 juror/days in FY 1987. The \$20 per diem will increase State costs by \$920,820.

Based on Assumption 3, there will be 4752 grand juror/days. The \$20 per diem will increase the counties' costs by \$47,520.

Source: Judicial Department

(LSB 8202H.2, BAL)

FILED MARCH 17, 1988

BY DENNIS PROUTY, FISCAL DIRECTOR

HOUSE FILE 2443  
 AMENDMENT H-5641  
 FISCAL NOTE

In compliance with a written request received March 15, 1988, a fiscal note for H - 5641 TO HOUSE FILE 2443 is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note are available from the Legislative Fiscal Bureau to members of the Legislature upon request.

Amendment 5641 to House File 2443 applies to a \$20 monthly fee on supervision cases.

Assumptions

1. The number of people on probation, parole or pre-trial release with supervision will remain under supervision for one year.
2. Probationers and parolees who are employed part-time will pay the full \$20 monthly fee.
3. Indigents will have the fee waived.
4. All currently active, non-indigent probation/parole cases will be required to pay the \$20 monthly fee.
5. The collection rate is at least 60% in states which require a probation/parole fee.

Fiscal Effect

In September 1987, there were 13,036 active probation cases. Of these, 7,371 were employed full-time and 1,485 were employed part-time. Assuming a 60% collection rate, approximately \$1,275,264 would be generated annually.

In September 1987, there were 1,648 active parole cases. Of these, 1,239 were employed full-time and 190 were employed part-time. Assuming a 60% collection rate, \$205,776 would be generated annually.

In September 1987, there were 872 people on pre-trial release with supervision. Of these, 346 were employed full-time and 129 were employed part-time. Assuming a 60% collection rate, \$68,400 would be generated annually.

In September 1987, there were 181 Intensive Supervision cases. Of these, 75 were employed full-time and 14 were employed part-time. Assuming a 60% collection rate, \$12,816 would be generated annually.

Total revenue generated equals \$1,562,256.

Please note that the numbers used to generate these estimates do not include unemployed probationers/parolees.

There will be costs associated with collecting these supervision fees. Allowing for computerization (\$30,000) and six clerks (\$104,529), costs would be approximately \$134,529. House File 2443 does not allow funding for these costs. House File 2443 includes \$1,127,720 of the \$1,562,256 generated by the proposed \$20 supervision fee. Amendment H - 5641 appropriates \$434,536 (the remaining amount of the new revenue) to the Department of Corrections for major maintenance projects at the adult correctional institutions.

Sources: National Conference of State Legislatures  
 Department of Corrections

(LSB 8/026, BAL)

Appropriations 3/18  
Amended for 5522 - D. Pass 3/23 (p. 979)

HOUSE FILE 2443  
BY COMMITTEE ON APPROPRIATIONS

(As Amended and Passed by the House March 17, 1988)

Passed House, Date 4/7/88 (p. 1559) Passed Senate, Date 3/28/88 (p. 1072)  
Vote: Ayes 27 Nays 0 Vote: Ayes 34 Nays 13  
Approved April 14, 1988 (p. 1985) Proposed Senate 4/5/88 (p. 1270)  
39-3

A BILL FOR

1 An Act relating to and making appropriations to the justice  
2 system and providing an effective date.

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

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

1 Section 1. There is appropriated from the general fund of  
2 the state to the department of justice for the fiscal year  
3 beginning July 1, 1988, and ending June 30, 1989, the  
4 following amounts, or so much thereof as is necessary, to be  
5 used for the purposes designated:

6 1. For the general office of attorney general for salaries  
7 and support of not more than one hundred forty-eight full-time  
8 equivalent positions, maintenance, and miscellaneous purposes:  
9 ..... \$ 3,692,010

10 2. Prosecuting attorney training program for salaries and  
11 support of not more than two full-time equivalent positions,  
12 maintenance and miscellaneous purposes:  
13 ..... \$ 87,277

14 3. Prosecuting intern program; however, counties parti-  
15 cipating in the prosecuting intern program shall match funds  
16 appropriated by this subsection:  
17 ..... \$ 44,955

18 4. In addition to the funds appropriated under subsection  
19 1, there is appropriated from the general fund of the state to  
20 the department of justice for the fiscal year beginning July  
21 1, 1988, and ending June 30, 1989, an amount not exceeding  
22 ninety-five thousand (95,000) dollars to be used for the  
23 enforcement of the Iowa competition law under chapter 553.  
24 The expenditure of the funds appropriated under this sub-  
25 section is contingent upon receipt by the general fund of the  
26 state of an amount at least equal to either the expenditures  
27 from damages awarded to the state or a political subdivision  
28 of the state by a civil judgment under chapter 553, if the  
29 judgment authorizes the use of the award for enforcement  
30 purposes or costs or attorneys fees awarded the state in state  
31 or federal antitrust actions.

32 5. In addition to funds appropriated under subsection 1,  
33 there is appropriated from the general fund of the state to  
34 the department of justice for the fiscal year beginning July  
35 1, 1988, and ending June 30, 1989, an amount not exceeding

1 fifty thousand (50,000) dollars to be used for public educa-  
2 tion relating to consumer fraud and for enforcement of section  
3 714.16. The expenditure of the funds appropriated under this  
4 subsection is contingent upon receipt by the general fund of  
5 the state of an amount at least equal to the expenditures from  
6 damages awarded to the state or a political subdivision of the  
7 state by a civil consumer fraud judgment, if the judgment  
8 authorizes the use of the award for public education on  
9 consumer fraud. Notwithstanding section 8.33, funds received  
10 in a previous fiscal year which have not been expended shall  
11 be credited to this fiscal year.

5588 12 6. For the farm mediation service program:

13 ..... \$ 200,000

14 Sec. 2. There is appropriated from the utilities trust  
15 fund to the office of consumer advocate of the department of  
16 justice for the fiscal year beginning July 1, 1988 and ending  
17 June 30, 1989, the sum of one million one hundred forty-four  
18 thousand eight hundred fifty-six (1,144,856) dollars, or so  
19 much thereof as is necessary, for salaries and support of not  
20 more than twenty-one full-time equivalent positions,  
21 maintenance, and operational purposes of the office.

22 Sec. 3. There is appropriated from the general fund of the  
23 state to the board of parole for the fiscal year beginning  
24 July 1, 1988, and ending June 30, 1989, the following amount,  
25 or so much thereof as is necessary, for salaries and support  
26 of not more than eighteen full-time equivalent positions,  
27 maintenance and miscellaneous purposes:

28 ..... \$ 613,000

29 Sec. 4. There is appropriated from the general fund of the  
30 state to the department of corrections for the fiscal year  
31 beginning July 1, 1988, and ending June 30, 1989, the  
32 following amounts, or so much thereof as is necessary, to be  
33 used for the purposes designated:

34 1. For the operation of adult correctional institutions,  
35 to be allocated as follows:

5584 1 a. For the operation of the Fort Madison correctional  
2 facility, including salaries and support of not more than four  
3 hundred seventy-seven point five full-time equivalent  
4 positions, maintenance, and miscellaneous purposes:  
5 ..... \$ 17,126,365

6 It is the intent of the general assembly that the Fort  
7 Madison correctional facility employ two hundred ninety  
8 correctional officers.

5584 9 b. For the operation of the Anamosa correctional facility,  
10 including salaries and support of not more than three hundred  
11 nine full-time equivalent positions, maintenance, and  
12 miscellaneous purposes:  
13 ..... \$ 11,925,005

14 It is the intent of the general assembly that the Anamosa  
15 correctional facility employ one hundred seventy-eight  
16 correctional officers.

5584 17 c. For the operation of the Oakdale correctional facility,  
18 including salaries and support of not more than two hundred  
19 forty-four point five full-time equivalent positions,  
20 maintenance, and miscellaneous purposes:  
21 ..... \$ 8,380,765

22 It is the intent of the general assembly that the Oakdale  
23 correctional facility employ one hundred twenty-four  
24 correctional officers.

5584 25 d. For the operation of the Newton correctional facility,  
26 including salaries and support of not more than fifty-six  
27 full-time equivalent positions, maintenance, and miscellaneous  
28 purposes:  
29 ..... \$ 2,108,172

30 It is the intent of the general assembly that the Newton  
31 correctional facility employ eighteen correctional officers.

5584 32 e. For the operation of the Mt. Pleasant correctional  
33 facility, including salaries and support of not more than two  
34 hundred fifty-two point two eight full-time equivalent  
35 positions, maintenance, and miscellaneous purposes:

1 ..... \$ 9,106,787

2 It is the intent of the general assembly that the Mt.  
3 Pleasant correctional facility employ one hundred thirty-four  
4 correctional officers.

5586 5 f. For the operation of the Rockwell City correctional  
6 facility, including salaries and support of not more than  
7 sixty-four full-time equivalent positions, maintenance, and  
8 miscellaneous purposes:  
9 ..... \$ 2,244,481

10 It is the intent of the general assembly that the Rockwell  
11 City correctional facility employ thirty-six correctional  
12 officers.

5586 13 g. For the operation of the Clarinda correctional  
14 facility, including salaries and support of not more than one  
15 hundred two point six five full-time equivalent positions,  
16 maintenance, and miscellaneous purposes:  
17 ..... \$ 3,280,232

18 It is the intent of the general assembly that the Clarinda  
19 correctional facility employ fifty-nine correctional officers.

5586 20 h. For the operation of the Mitchellville correctional  
21 facility, including salaries and support of not more than  
22 eighty-two full-time equivalent positions, maintenance, and  
23 miscellaneous purposes:  
24 ..... \$ 2,713,841

25 It is the intent of the general assembly that the  
26 Mitchellville correctional facility employ forty-four  
27 correctional officers.

28 2. The department of corrections shall provide a report to  
29 the co-chairpersons and ranking members of the justice system  
30 appropriations subcommittee and the legislative fiscal bureau  
31 on or before January 15, 1989, detailing the amount of money  
32 to be pooled by the institutions for educational programs,  
33 which educational institutions will be involved, the amount of  
34 any federal funds received for use with these programs, and  
35 any other pertinent information.

1 3. If the inmate tort claim fund for inmate claims of less  
2 than twenty-five dollars is exhausted during the fiscal year,  
3 sufficient funds shall be transferred from the institutional  
4 budgets to pay approved tort claims for the balance of the  
5 fiscal year. The warden or superintendent of each institution  
6 or correctional facility shall designate an employee to  
7 receive, investigate, and recommend whether to pay any  
8 properly filed inmate tort claim for less than the above  
9 amount. The designee's recommendation shall be approved or  
10 denied by the warden or superintendent and forwarded to the  
11 department of corrections for final approval and payment. The  
12 amounts appropriated to this fund pursuant to 1987 Iowa Acts,  
13 chapter 234, section 304, subsection 2, are not subject to  
14 reversion under section 8.33.

15 Tort claims denied at the institution shall be forwarded to  
16 the state appeal board for their consideration as if  
17 originally filed with that body. This procedure shall be used  
18 in lieu of chapter 25A for inmate tort claims of less than  
19 twenty-five dollars.

20 Of the funds appropriated, the department's budget for  
21 Anamosa shall include funding for a full-time substance abuse  
22 counselor for the Luster Heights facility, for the purpose of  
23 certification of a substance abuse program at that facility.

24 Sec. 5. There is appropriated from the general fund of the  
25 state to the department of corrections for the fiscal year  
26 beginning July 1, 1988, and ending June 30, 1989, the  
27 following amounts, or so much thereof as is necessary, for the  
28 purposes designated:

- 5529 1. For general administration, including salaries and  
30 support of not more than forty-one point five two full-time  
5531 equivalent positions including three personnel management  
32 specialists, maintenance, and miscellaneous purposes:  
33 ..... \$ 1,854,534

34 The department of corrections shall report to the  
35 legislative fiscal bureau on a monthly basis the current

1 number of persons placed on probation or released on parole  
2 residing within this state and supervised pursuant to the  
3 interstate probation and parole compact.

4 The department of corrections and the board of parole shall  
5 review the implementation of, and the participation of this  
6 state under, the interstate probation and parole compact  
7 including, but not limited to the method of administration  
8 under the compact. The report shall be filed with the co-  
9 chairpersons and ranking members of the justice system  
10 appropriations subcommittee, the executive council, and the  
11 legislative fiscal bureau on or before January 15, 1989.

12 It is the intent of the general assembly that the  
13 department of human services shall continue to provide for the  
14 mailing of vendor warrants for the department of corrections.

15 2. For reimbursement of counties for temporary confinement  
16 of work release and parole violators, as provided in sections  
17 246.908, 901.7, and 906.17:

18 ..... \$ 119,580

19 3. For federal prison reimbursement and miscellaneous  
20 contracts:

21 ..... \$ 300,000

22 The department of corrections shall use funds appropriated  
23 by this subsection to continue to contract for the service of  
24 a Muslim imam.

25 4. For salaries and support of not more than six point  
26 three one full-time equivalent positions, maintenance, and  
27 miscellaneous purposes at the correctional training center at  
28 Mt. Pleasant:

29 ..... \$ 279,731

30 5. For repairs to roofs and related expenses at the cor-  
31 rectional institutions:

32 ..... \$ 115,584

33 Sec. 6.

34 1. There is appropriated from the general fund of the  
35 state to the department of corrections for the fiscal year

1 beginning July 1, 1988, and ending June 30, 1989, or so much  
2 thereof as is necessary, the following amounts allocated as  
3 follows:

4 a. For the first judicial district department of  
5 correctional services for the fiscal year beginning July 1,  
6 1988, and ending June 30, 1989, the sum of three million one  
7 hundred sixty-four thousand nine hundred forty (3,164,940)  
8 dollars, or so much thereof as is necessary, and as a  
9 condition, limitation, and qualification of this  
10 appropriation, sixty thousand four hundred twenty (60,420)  
11 dollars shall be used for intensive supervision programs  
12 established within the district.

13 b. For the second judicial district department of  
14 correctional services for the fiscal year beginning July 1,  
15 1988, and ending June 30, 1989, the sum of two million five  
16 hundred sixty-four thousand two hundred seventy-eight  
17 (2,564,278) dollars, or so much thereof as is necessary, and  
18 as a condition, limitation, and qualification of this  
19 appropriation, ninety-seven thousand three hundred eighty-four  
20 (97,384) dollars shall be used for sex offender programs  
21 established within the district.

22 c. For the third judicial district department of  
23 correctional services for the fiscal year beginning July 1,  
24 1988, and ending June 30, 1989, the sum of one million four  
25 hundred seventy thousand seven hundred eighty-two (1,470,782)  
26 dollars, or so much thereof as is necessary, and as a  
27 condition, limitation, and qualification of this  
28 appropriation, twenty-four thousand (24,000) dollars shall be  
29 used for sex offender programs established within the  
30 district.

31 d. For the fourth judicial district department of  
32 correctional services for the fiscal year beginning July 1,  
33 1988, and ending June 30, 1989, the sum of one million three  
34 hundred eighty-two thousand one (1,382,001) dollars, or so  
35 much thereof as is necessary, and as a condition, limitation,

1 and qualification of this appropriation, sixteen thousand  
2 three hundred forty (16,340) dollars shall be used for sex  
3 offender programs established within the district.

4 e. For the fifth judicial district department of  
5 correctional services for the fiscal year beginning July 1,  
6 1988, and ending June 30, 1989, the sum of four million four  
7 hundred forty thousand nine hundred sixty-nine (4,440,969)  
8 dollars, or so much thereof as is necessary, and as a  
9 condition, limitation, and qualification of this  
10 appropriation, one hundred seventy thousand fifty-eight  
11 (170,058) dollars shall be used for intensive supervision  
12 programs established within the district.

13 f. For the sixth judicial district department of  
14 correctional services for the fiscal year beginning July 1,  
15 1988, and ending June 30, 1989, the sum of three million two  
16 hundred thirty-two thousand one hundred seventy-eight  
17 (3,232,178) dollars, or so much thereof as is necessary, and  
18 as a condition, limitation, and qualification of this  
19 appropriation, one hundred four thousand two hundred fifty-  
20 nine (104,259) dollars shall be used for intensive supervision  
21 programs established within the district.

22 g. For the seventh judicial district department of  
23 correctional services for the fiscal year beginning July 1,  
24 1988, and ending June 30, 1989, the sum of two million seven  
25 hundred thirty-eight thousand twenty-eight (2,738,028)  
26 dollars, or so much thereof as is necessary, and as a  
27 condition, limitation, and qualification of this  
28 appropriation, seventy-three thousand six hundred ninety-six  
29 (73,696) dollars shall be used for intensive supervision  
30 programs established within the district.

31 h. For the eighth judicial district department of  
32 correctional services for the fiscal year beginning July 1,  
33 1988, and ending June 30, 1989, the sum of one million three  
34 hundred thirty-three thousand seven hundred nineteen  
35 (1,333,719) dollars, or so much thereof as is necessary, and

1 as a condition, limitation, and qualification of this  
2 appropriation, seventy-three thousand seven hundred fifty-two  
3 (73,752) dollars shall be used for intensive supervision  
4 programs established within the district.

5 i. To the department of corrections for the assistance and  
6 support of each judicial district department of correctional  
7 services, the following amount:

8 ..... \$ 86,445

9 2. The department of corrections shall not change the  
10 appropriations either to the district departments of  
11 correctional services or to the correctional institutions from  
12 the amounts appropriated under this section and section 4 of  
13 this Act, unless notice of the revisions is given prior to  
14 their effective date to the legislative fiscal bureau. The  
15 notice shall include information on the department's rationale  
16 for making the changes and details concerning the workload and  
17 performance measures upon which the changes are based.

18 3. The department of corrections shall report to the  
19 legislative fiscal bureau on a monthly basis the current  
20 expenditures and full-time equivalent positions of the  
21 department's various allocations with a comparison of actual  
22 to budgeted expenditures and full-time equivalent positions.

23 The department shall furnish performance measure data  
24 designed to enable comparison of this data with historical  
25 spending information, and shall assist the legislative fiscal  
26 bureau in developing information to be used in legislative  
27 oversight of all programs operated by the department.

28 4. The department of corrections shall continue the OWI  
29 facilities established in 1986 Iowa Acts, chapter 1246,  
30 section 402, in compliance with the conditions specified in  
31 that section.

32 Sec. 7. There is appropriated from the general fund of the  
33 state to the judicial department for the fiscal year beginning  
34 July 1, 1988, and ending June 30, 1989, the following amounts,  
35 or so much thereof as is necessary, to be used for the

1 purposes designated:

2 COURTS AND ADMINISTRATION

3 1. For salaries of supreme court justices, appellate court  
4 judges, district court judges, district associate judges,  
5 judicial magistrates and staff, state court administrator,  
6 clerk of the supreme court, district court administrators,  
7 clerks of the district court, juvenile court officers, board  
8 of law examiners and board of examiners of shorthand reporters  
9 and judicial qualifications commission, maintenance, equipment  
10 and miscellaneous purposes:

11 ..... \$ 58,159,405

12 2. For salaries, support, maintenance, and miscellaneous  
13 purposes necessary to provide adult indigent defense and the  
14 cost of juvenile proceedings including attorney and witness  
15 fees:

16 ..... \$ 8,000,000

17 3. For the juvenile victim restitution program:

18 ..... \$ 115,000

19 Notwithstanding chapter 232A, it is the intent of the  
20 general assembly that the judicial department receive the  
21 funds appropriated and administer the Iowa juvenile victim  
22 restitution program.

23 4. For salaries, support, maintenance, and miscellaneous  
24 purposes necessary to fund the cost of juvenile proceedings  
25 including attorney and witness fees:

26 ..... \$ 1,500,000

27 Sec. 8. Of the funds appropriated by section 7, subsection  
28 1, of this Act, not more than one million six hundred thousand  
29 (1,600,000) dollars may be transferred into the revolving fund  
30 established pursuant to section 602.1302, subsection 4, to be  
31 used for the payment of jury and witness fees and mileage.

32 Sec. 9. A public office providing indigent defense which  
33 is in existence on June 30, 1988, shall not be abolished  
34 during the period beginning June 30, 1988, and ending June 30,  
35 1989, unless done at the request of the chief judge of the

1 judicial district.

2 Sec. 10. Section 602.1301, subsection 2, paragraph a, Code  
3 1987, is amended to read as follows:

4 a. As early as possible, but not later than December 1,  
5 the supreme court shall submit to the legislative fiscal  
6 bureau the annual budget request and detailed supporting  
7 information for the judicial department. The submission shall  
8 be designed to assist the legislative fiscal bureau in its  
9 preparation for legislative consideration of the budget  
10 request. The information submitted shall contain and be  
11 arranged in a format substantially similar to ~~part-ff-of-the~~  
12 governor's-budget-message-as the format specified in by the  
13 director of management and used by all department and  
14 establishments in transmitting to the director estimates of  
15 their expenditure requirements pursuant to section 8-22 8.23.  
16 The supreme court shall also make use of the department of  
17 management's automated budget system when submitting  
18 information to the director of management to assist the  
19 director in the transmittal of information as required under  
20 section 8.35A.

21 Sec. 11. 1987 Iowa Acts, chapter 234, section 304,  
22 subsection 2, unnumbered paragraph 1, is amended to read as  
23 follows:

24 In addition to the funds appropriated in subsection 1,  
25 there is appropriated one thousand five hundred (1,500)  
26 dollars for an inmate tort claim fund for inmate claims of  
27 less than twenty-five dollars. The amount appropriated to the  
28 inmate tort claim fund is not subject to reversion under  
29 section 8.33. If the fund is exhausted during the fiscal  
30 year, sufficient funds shall be transferred from the  
31 institutional budgets to pay approved tort claims for the  
32 balance of the fiscal year.

33 Sec. 12. In order to achieve full-time equivalent position  
34 levels, the number of filled positions may exceed the number  
35 of full-time equivalent positions during parts of the fiscal

1 year to compensate for time periods when the number of filled  
 2 positions is below the number of full-time equivalent  
 3 positions. For purposes of this section, a full-time  
 4 equivalent position equals two thousand eighty hours in one  
 5 fiscal year.

6 Sec. 13. All federal grants to and the federal receipts of  
 7 the agencies to whom funds are appropriated under this Act are  
 8 appropriated for the purposes set forth in the federal grants  
 9 or receipts unless otherwise provided by the general assembly.

10 Sec. 14. Sections 9 and 11 of this Act, being deemed of  
 11 immediate importance, takes effect upon enactment.

12 SIMILAR TO LSB 8202HC

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HOUSE FILE 2443

5586

1 Amend House File 2443, as amended, passed, and  
2 reprinted by the House, as follows:

3 1. Page 3, by striking lines 4 through 8 and  
4 inserting the following: "positions, maintenance, and  
5 miscellaneous purposes, the sum of seventeen million  
6 one hundred twenty-six thousand three hundred sixty-  
7 five (17,126,365) dollars, and as a condition,  
8 limitation, and qualification of this appropriation,  
9 the facility shall employ two hundred ninety  
10 correctional officers."

11 2. Page 3, by striking lines 12 through 16 and  
12 inserting the following: "miscellaneous purposes, the  
13 sum of eleven million nine hundred twenty-five  
14 thousand five (11,925,005) dollars, and as a  
15 condition, limitation, and qualification of this  
16 appropriation, the facility shall employ one hundred  
17 seventy-eight correctional officers."

18 3. Page 3, by striking lines 20 through 24 and  
19 inserting the following: "maintenance, and  
20 miscellaneous purposes, the sum of eight million three  
21 hundred eighty thousand seven hundred sixty-five  
22 (8,380,765) dollars, and as a condition, limitation,  
23 and qualification of this appropriation, the facility  
24 shall employ one hundred twenty-four correctional  
25 officers."

26 4. Page 3, by striking lines 28 through 31 and  
27 inserting the following: "purposes, the sum of two  
28 million one hundred eight thousand one hundred  
29 seventy-two (2,108,172) dollars, and as a condition,  
30 limitation, and qualification of this appropriation,  
31 the facility shall employ eighteen correctional  
32 officers."

33 5. By striking page 3, line 35 through page 4,  
34 line 4, and inserting the following: "positions,  
35 maintenance, and miscellaneous purposes, the sum of  
36 nine million one hundred six thousand seven hundred  
37 eighty-seven (9,106,787) dollars, and as a condition,  
38 limitation, and qualification of this appropriation,  
39 the facility shall employ one hundred thirty-four  
40 correctional officers."

41 6. Page 4, by striking lines 8 through 12 and  
42 inserting the following: "miscellaneous purposes, the  
43 sum of two million two hundred forty-four thousand  
44 four hundred eighty-one (2,244,481) dollars, and as a  
45 condition, limitation, and qualification of this  
46 appropriation, the facility shall employ thirty-six  
47 correctional officers."

48 7. Page 4, by striking lines 16 through 19 and  
49 inserting the following: "maintenance, and  
50 miscellaneous purposes, the sum of three million two

S-5586 Page 2

1 hundred eighty thousand two hundred thirty-two  
2 (3,280,232) dollars, and as a condition, limitation,  
3 and qualification of this appropriation, the facility  
4 shall employ fifty-nine correctional officers."  
5 8. Page 4, by striking lines 23 through 27 and  
6 inserting the following: "miscellaneous purposes, the  
7 sum of two million seven hundred thirteen thousand  
8 eight hundred forty-one (2,713,841) dollars, and as a  
9 condition, limitation, and qualification of this  
10 appropriation, the facility shall employ forty-four  
11 correctional officers."

S-5586  
Filed March 28, 1988

ADOPTED  
(p.1672)

BY JOE J. WELSH

S-5588

- 1 Amend House File 2443 as amended, passed, and  
 2 reprinted by the House, as follows:  
 3 1. Page 2, by striking lines 12 and 13 and  
 4 inserting the following:  
 5 "Sec. \_\_\_\_ . There is appropriated from the general  
 6 fund of the state to the office of state treasurer for  
 7 the fiscal year beginning July 1, 1988, and ending  
 8 June 30, 1989, the sum of four hundred thousand  
 9 (400,000) dollars, or so much thereof as is necessary,  
 10 of which two hundred thousand (200,000) dollars of the  
 11 appropriated amount shall be used for the legal  
 12 assistance for farmers program and two hundred  
 13 thousand (200,000) dollars of the appropriated amount  
 14 shall be used for the farm mediation service program."

S-5588

Filed March 28, 1988 ADOPTED (p. 1072) BY JIM RIORDAN

S-5591

HOUSE FILE 2443

- 1 Amend the amendment, S-5522, to House File 2443 as  
 2 amended, passed, and reprinted by the House as  
 3 follows:  
 4 1. Page 1, line 15, by inserting after the word  
 5 "legislative" the following: "and citizen".  
 6 2. Page 1, line 19, by inserting after the word  
 7 "enforcement" the following: ", the co-chairpersons  
 8 and ranking members of the justice system  
 9 appropriations subcommittee, a member representing the  
 10 Iowa judges association, a member representing the  
 11 Iowa county attorneys' association, and a member  
 12 representing parole and probation officers".

S-5591

Filed March 28, 1988 OUT OF ORDER (p. 1071) BY JIM LIND

S-5594

HOUSE FILE 2443

- 1 Amend the Committee amendment, S-5522, to House  
 2 File 2443 as amended, passed and reprinted by the  
 3 House as follows:  
 4 1. Page 1, line 8, by striking the figure  
 5 "1,693,743" and inserting the following: "1,693,744".  
 6 2. Page 1, line 19, by inserting after the word  
 7 "enforcement" the following: "and the co-chairpersons  
 8 and ranking members of the justice system  
 9 appropriations subcommittee".

S-5594

Filed March 28, 1988 DIV A - ADOPTED  
DIV B - ADOPTED BY EUGENE FRAISE  
 (p. 1071)

HOUSE FILE 2443

S-5598

- 1 Amend the amendment, S-5522, to House File 2443, as  
 2 amended, passed, and reprinted by the House, as  
 3 follows:  
 4 1. Page 1, by striking lines 3 through 8.  
 5 2. Renumber as necessary.

S-5598

Filed March 28, 1988

LOST  
 (p. 1071)

BY BEVERLY HANNON

HOUSE FILE 2443

S-5512

- 1 Amend House File 2443 as amended, passed, and
- 2 reprinted by the House as follows:
- 3 1. Page 5, lines 31 and 32, by striking the words
- 4 "including three personnel management specialists".

S-5512

Filed March 22, 1988

*Placed o/l 3/28 (p. 1072)*

BY WILLIAM W. DIELEMAN  
EMIL HUSAK

HOUSE FILE 2443

S-5522

- 1 Amend House File 2443 as amended, passed, and
- 2 reprinted by the House as follows:
- 3 1. Page 5, line 30, by striking the word "forty-
- 4 one" and inserting the following: "thirty-seven".
- 5 2. Page 5, lines 31 and 32, by striking the words
- 6 "including three personnel management specialists".
- 7 3. Page 5, line 33, by striking the figure
- 8 "1,854,534" and inserting the following: "1,693,743".
- 9 4. Page 12, by inserting after line 9 the
- 10 following:
- 11 "Sec. \_\_\_\_ . The legislative council shall create an
- 12 interim study committee to review the validation and
- 13 implementation of the inmate classification system and
- 14 risk assessment program. The interim study committee
- 15 shall be composed of legislative members including the
- 16 chairpersons, vice-chairpersons, and ranking members
- 17 of the Senate standing committee on judiciary and the
- 18 House of Representatives standing committee on
- 19 judiciary and law enforcement. The interim study
- 20 committee shall review the impact of the
- 21 classification system on the availability of minimum,
- 22 medium, and maximum security beds and related issues.
- 23 The interim study committee is authorized to invite
- 24 individuals to testify before the committee concerning
- 25 the issues studied. The interim study committee is
- 26 also authorized to visit the adult correctional
- 27 institutions to determine the physical condition of
- 28 buildings utilized at the institutions."
- 29 5. Renumber as necessary.

S-5522

Filed March 23, 1988

*Adopted as amended by 5594 3/28 (p. 1071)*

BY COMMITTEE ON APPROPRIATIONS  
JOE J. WELSH, Chairperson

HOUSE AMENDMENT TO  
SENATE AMENDMENT OF  
HOUSE FILE 2443

5874

1 Amend amendment, H-5992, to House File 2443 as  
2 amended, passed, and reprinted by the House, as  
3 follows:

4 1. Page 1, by striking lines 3 through 14 and  
5 inserting the following:

6 "\_\_\_\_\_. Page 2, by inserting after line 13 the  
7 following:

8 "7. For the legal assistance for farmers program  
9 ..... \$

60,000".

10 2. By striking page 2, line 33, through page 3,  
11 line 2, and inserting the following:

12 "Sec. \_\_\_\_\_. The legislative council shall create a  
13 corrections task force to review and assess the  
14 state's corrections system. The task force shall  
15 address how to achieve the maximum safety for the  
16 public in the most cost-effective and efficient manner  
17 for the taxpayers and citizens of Iowa. The task  
18 force shall be composed of five members of the senate,  
19 five members of the house of representatives, one  
20 member representing the board of parole, one member  
21 representing the department of corrections and one  
22 member representing the judicial district department  
23 of correctional services. The task force is  
24 authorized to contract with consultants and experts  
25 within the corrections area to review and assess the  
26 state's corrections system for the purpose of  
27 recommending a long-term master plan. The plan shall  
28 include two-year, five-year, and ten-year goals and a  
29 comprehensive ten-year master plan for the corrections  
30 system. This plan shall include a study and  
31 evaluation of the custody classification system  
32 regarding the availability of minimum, medium, and  
33 maximum security beds in the correctional institutions  
34 and the availability of beds within the judicial  
35 district departments of correctional services. The  
36 study shall compare recommended classification levels  
37 of the national institute of corrections and the  
38 federal board of parole. The classification study  
39 shall include the development of a profile of the  
40 state's prison population, a determination of whether  
41 an identifiable group of inmates exists which could be  
42 placed in alternative correctional programs without  
43 increased risk to the public safety, an examination of  
44 the current aggregate custody needs involving the  
45 state's prison population so that preliminary  
46 estimates may be made of prison capacity needs by  
47 custody level, and a determination of the overuse or  
48 underuse of bed space at the various custody levels.  
49 The master plan shall also include an evaluation of  
50 the risk assessment model used by the board of parole

S-5874 Page 2

1 in comparison with other available models including  
2 the Rand study model.

3 The master plan shall include recommendations  
4 relating to sentencing patterns and practices, release  
5 criteria, and resource allocation. The plan shall  
6 also include evaluation and recommendations for use of  
7 diversion and community service programs and the use  
8 of alternative and intermediate sanction programs,  
9 such as intensive supervision and electronic  
10 monitoring. Recommendations shall also be made as to  
11 institutional staffing levels and training programs  
12 for corrections officers. Correctional policy  
13 alternatives with cost-benefit analyses regarding  
14 those alternatives shall be provided. The plan shall  
15 project prison population for the next five years and  
16 if necessary make recommendations concerning the  
17 construction and maintenance of additional prison  
18 space. Any recommendations for additional space shall  
19 include the location or locations of additional  
20 correctional bed space and to the extent intermediate  
21 or alternative sanctions can reduce the need for any  
22 additional space. The plan shall also address  
23 programs targeted toward OWI offenders, substance  
24 abusers, and sex offenders, and shall include the  
25 cost-effectiveness of lease purchase arrangements to  
26 build any new prison space. The task force shall  
27 recommend a five-year to ten-year maintenance program  
28 for the correctional institutions in this state.

29 The task force shall report to the legislative  
30 council and the general assembly by January 15, 1989,  
31 its determinations and findings concerning the custody  
32 classification system and the risk assessment model  
33 used by the board of parole. The master plan shall be  
34 completed and a report made to the legislative council  
35 and the general assembly by January 1, 1990."

36 3. By renumbering, relettering, or redesignating  
37 and correcting internal references as necessary.

S-5874

Filed April 8, 1988

ADOPTED

RECEIVED FROM THE HOUSE

*Senate Committee 4/8 (3.1370)*

## HOUSE FILE 2443

H-6295

1 Amend amendment, H-5992, to House File 2443 as  
2 amended, passed, and reprinted by the House, as  
3 follows:

4 1. By striking page 2, line 33, through page 3,  
5 line 2, and inserting the following:

6 "Sec. \_\_\_\_ . The legislative council shall create a  
7 corrections task force to review and assess the  
8 state's corrections system. The task force shall  
9 address how to achieve the maximum safety for the  
10 public in the most cost-effective and efficient manner  
11 for the taxpayers and citizens of Iowa. The task  
12 force shall be composed of five members of the senate,  
13 five members of the house of representatives, one  
14 member representing the board of parole, one member  
15 representing the department of corrections and one  
16 member representing the judicial district department  
17 of correctional services. The task force is  
18 authorized to contract with consultants and experts  
19 within the corrections area to review and assess the  
20 state's corrections system for the purpose of  
21 recommending a long-term master plan. The plan shall  
22 include two-year, five-year, and ten-year goals and a  
23 comprehensive ten-year master plan for the corrections  
24 system. This plan shall include a study and  
25 evaluation of the custody classification system  
26 regarding the availability of minimum, medium, and  
27 maximum security beds in the correctional institutions  
28 and the availability of beds within the judicial  
29 district departments of correctional services. The  
30 study shall compare recommended classification levels  
31 of the national institute of corrections and the  
32 federal board of parole. The classification study  
33 shall include the development of a profile of the  
34 state's prison population, a determination of whether  
35 an identifiable group of inmates exists which could be  
36 placed in alternative correctional programs without  
37 increased risk to the public safety, an examination of  
38 the current aggregate custody needs involving the  
39 state's prison population so that preliminary  
40 estimates may be made of prison capacity needs by  
41 custody level, and a determination of the overuse or  
42 underuse of bed space at the various custody levels.

43 The master plan shall also include an evaluation of  
44 the risk assessment model used by the board of parole  
45 in comparison with other available models including  
46 the Rand study model.

47 The master plan shall include recommendations  
48 relating to sentencing patterns and practices, release  
49 criteria, and resource allocation. The plan shall  
50 also include evaluation and recommendations for use of

1 diversion and community service programs and the use  
 2 of alternative and intermediate sanction programs,  
 3 such as intensive supervision and electronic  
 4 monitoring. Recommendations shall also be made as to  
 5 institutional staffing levels and training programs  
 6 for corrections officers. Correctional policy  
 7 alternatives with cost-benefit analyses regarding  
 8 those alternatives shall be provided. The plan shall  
 9 project prison population for the next five years and  
 10 if necessary make recommendations concerning the  
 11 construction and maintenance of additional prison  
 12 space. Any recommendations for additional space shall  
 13 include the location or locations of additional  
 14 correctional bed space and to the extent intermediate  
 15 or alternative sanctions can reduce the need for any  
 16 additional space. The plan shall also address  
 17 programs targeted toward OWI offenders, substance  
 18 abusers, and sex offenders, and shall include the  
 19 cost-effectiveness of lease purchase arrangements to  
 20 build any new prison space. The task force shall  
 21 recommend a five-year to ten-year maintenance program  
 22 for the correctional institutions in this state.

23 The task force shall report to the legislative  
 24 council and the general assembly by January 15, 1989,  
 25 its determinations and findings concerning the custody  
 26 classification system and the risk assessment model  
 27 used by the board of parole. The master plan shall be  
 28 completed and a report made to the legislative council  
 29 and the general assembly by January 1, 1990."

By ROSENBERG of Story JAY of Appanoose  
 DVORSKY of Johnson KNAPP of Dubuque  
 MCKEAN of Jones HANSEN of Woodbury

H-6295 FILED APRIL 7, 1988

ADOPTED (p. 55?)

HOUSE FILE 2443

H-6293

1 Amend amendment, H-5992, to House File 2443, as  
 2 amended, passed, and reprinted by the House, as  
 3 follows:

4 1. Page 1, by striking lines 3 through 14 and  
 5 inserting the following:

6 " . Page 2, by inserting after line 13 the  
 7 following:

8 "7. For the legal assistance for farmers program  
 9 ..... \$

60,000".

By JOCHUM of Dubuque

H-6293 FILED APRIL 7, 1988

ADOPTED (p. 55?)

## HOUSE FILE 2443

6144

Amend amendment, H-5992, to House File 2443 as amended, passed, and reprinted by the House as follows:

1. Page 1, by inserting after line 2 the following:
  - "\_\_\_". Page 1, line 19, by striking the words "general fund of the state" and inserting the following: "fine paper antitrust fund".
  - \_\_\_ . Page 1, line 33, by striking the words "general fund of the state" and inserting the following: "consumer education fund".
2. Renumber as necessary.

By SPEAR of Lee

H-6144. FILED MARCH 31, 1988

*2/25 4/7 (p 1554)*

## HOUSE FILE 2443

H-6148

Amend the Senate amendment, H-5992, to House File 2443, as amended, passed, and reprinted by the House, as follows:

1. Page 1, by striking lines 3 through 14.

By SPEAR of Lee

H-6148 FILED MARCH 31, 1988

*2/25 4/7 (p 1554)*

## HOUSE FILE 2443

6158

Amend the Senate amendment H-5992, to House File 2443 as amended, passed, and reprinted by the House, as follows:

1. Page 1, by striking lines 8 through 14 and inserting the following:
  - "June 30, 1989, the sum of two hundred thousand (200,000) dollars, or so much thereof as is necessary, which shall be used for the farm mediation service program."

By SPEAR of Lee

H-6158 FILED MARCH 31, 1988

*2/25 4/7 (p 1554)*

## HOUSE FILE 2443

H-6209

Amend the amendment, H-5992, to House File 2443 as amended, passed, and reprinted by the House, as follows:

1. Page 2, by inserting after line 30, the following:
  - "\_\_\_". Page 9, line 14, by inserting after the word "bureau." the following: "The department shall not reduce the number of beds at any community-based correctional facility except for the performance of maintenance necessary for the upkeep of the facility."

By ROSENBERG of Story

H-6209 FILED APRIL 5, 1988

*2/25 4/7 (p 1554)*

## HOUSE FILE 2443

H-6300

Amend the amendment, H-5992, to House File 2443 as amended, passed, and reprinted by the House, as

3 follows:

4 1. Page 2, by inserting after line 23, the  
5 following:

6 "\_\_\_\_. Page 5, by inserting after line 23, the  
7 following:

8 "Sec. \_\_\_\_\_. There is appropriated from the lottery  
9 fund after the payment of expenses and prizes and  
10 prior to the transfer of any revenues to the Iowa plan  
11 fund pursuant to section 99E.10, to the department of  
12 corrections for the fiscal year beginning July, 1,  
13 1988 and ending June 30, 1989, the sum of two million  
14 (2,000,000) dollars, or so much thereof as is  
15 necessary, to be used toward the construction or  
16 addition of two hundred medium security beds.""

17 2. Renumber as necessary.

By SHERZAN of Polk

PAULIN of Plymouth

TABOR of Jackson

HALVORSON of Clayton

H-6300 FILED APRIL 7, 1988

NOT GERMANE (p. 1988)

## HOUSE FILE 2443

H-6302

1 Amend the amendment, H-5992, to House File 2443 as amended, passed, and reprinted by the House, as

2 follows:

3 1. Page 2, by inserting after line 23, the  
4 following:

5 "\_\_\_\_. Page 5, by inserting after line 23, the  
6 following:

7 "Sec. \_\_\_\_\_. There is appropriated from the lottery  
8 fund after the payment of expenses and prizes and  
9 prior to the transfer of any revenues to the Iowa plan  
10 fund pursuant to section 99E.10, to the department of  
11 corrections for the fiscal year beginning July, 1,  
12 1988 and ending June 30, 1989, the sum of two million  
13 (2,000,000) dollars, or so much thereof as is  
14 necessary, to be used for repair and rehabilitation of  
15 existing correctional facilities which may also result  
16 in the addition of medium security bed space.""

17 2. Renumber as necessary.

By MCKEAN of Jones

HUMMEL of Benton

CLARK OF Cerro Gordo

OSTERBERG of Linn

HAMMOND of Story

SPEAR of Lee

MULLINS of Kossuth

H-6302 FILED APRIL 7, 1988

NOT GERMANE (p. 1988)

SENATE AMENDMENT TO HOUSE FILE 2443

H-5992

1 Amend House File 2443 as amended, passed, and  
2 reprinted by the House as follows:

3 1. Page 2, by striking lines 12 and 13 and  
4 inserting the following:

5 "Sec. \_\_\_\_ . There is appropriated from the general  
6 fund of the state to the office of state treasurer for  
7 the fiscal year beginning July 1, 1988, and ending  
8 June 30, 1989, the sum of four hundred thousand  
9 (400,000) dollars, or so much thereof as is necessary,  
10 of which two hundred thousand (200,000) dollars of the  
11 appropriated amount shall be used for the legal  
12 assistance for farmers program and two hundred  
13 thousand (200,000) dollars of the appropriated amount  
14 shall be used for the farm mediation service program."

15 2. Page 3, by striking lines 4 through 8 and  
16 inserting the following: "positions, maintenance, and  
17 miscellaneous purposes, the sum of seventeen million  
18 one hundred twenty-six thousand three hundred sixty-  
19 five (17,126,365) dollars, and as a condition,  
20 limitation, and qualification of this appropriation,  
21 the facility shall employ two hundred ninety  
22 correctional officers."

23 3. Page 3, by striking lines 12 through 16 and  
24 inserting the following: "miscellaneous purposes, the  
25 sum of eleven million nine hundred twenty-five  
26 thousand five (11,925,005) dollars, and as a  
27 condition, limitation, and qualification of this  
28 appropriation, the facility shall employ one hundred  
29 seventy-eight correctional officers."

30 4. Page 3, by striking lines 20 through 24 and  
31 inserting the following: "maintenance, and  
32 miscellaneous purposes, the sum of eight million three  
33 hundred eighty thousand seven hundred sixty-five  
34 (8,380,765) dollars, and as a condition, limitation,  
35 and qualification of this appropriation, the facility  
36 shall employ one hundred twenty-four correctional  
37 officers."

38 5. Page 3, by striking lines 28 through 31 and  
39 inserting the following: "purposes, the sum of two  
40 million one hundred eight thousand one hundred  
41 seventy-two (2,108,172) dollars, and as a condition,  
42 limitation, and qualification of this appropriation,  
43 the facility shall employ eighteen correctional  
44 officers."

45 6. By striking page 3, line 35 through page 4,  
46 line 4, and inserting the following: "positions,  
47 maintenance, and miscellaneous purposes, the sum of  
48 nine million one hundred six thousand seven hundred  
49 eighty-seven (9,106,787) dollars, and as a condition,  
50 limitation, and qualification of this appropriation,

1 the facility shall employ one hundred thirty-four  
2 correctional officers."

3 7. Page 4, by striking lines 8 through 12 and  
4 inserting the following: "miscellaneous purposes, the  
5 sum of two million two hundred forty-four thousand  
6 four hundred eighty-one (2,244,481) dollars, and as a  
7 condition, limitation, and qualification of this  
8 appropriation, the facility shall employ thirty-six  
9 correctional officers."

10 8. Page 4, by striking lines 16 through 19 and  
11 inserting the following: "maintenance, and  
12 miscellaneous purposes, the sum of three million two  
13 hundred eighty thousand two hundred thirty-two  
14 (3,280,232) dollars, and as a condition, limitation,  
15 and qualification of this appropriation, the facility  
16 shall employ fifty-nine correctional officers."

17 9. Page 4, by striking lines 23 through 27 and  
18 inserting the following: "miscellaneous purposes, the  
19 sum of two million seven hundred thirteen thousand  
20 eight hundred forty-one (2,713,841) dollars, and as a  
21 condition, limitation, and qualification of this  
22 appropriation, the facility shall employ forty-four  
23 correctional officers."

24 10. Page 5, line 30, by striking the word "forty-  
25 one" and inserting the following: "thirty-seven".

26 11. Page 5, lines 31 and 32, by striking the  
27 words "including three personnel management  
28 specialists".

29 12. Page 5, line 33, by striking the figure  
30 "1,854,534" and inserting the following: "1,693,744".

31 13. Page 12, by inserting after line 9 the  
32 following:

33 "Sec. \_\_\_\_ . The legislative council shall create an  
34 interim study committee to review the validation and  
35 implementation of the inmate classification system and  
36 risk assessment program. The interim study committee  
37 shall be composed of legislative members including the  
38 chairpersons, vice-chairpersons, and ranking members  
39 of the Senate standing committee on judiciary and the  
40 House of Representatives standing committee on  
41 judiciary and law enforcement and the co-chairpersons  
42 and ranking members of the justice system  
43 appropriations subcommittee. The interim study  
44 committee shall review the impact of the  
45 classification system on the availability of minimum,  
46 medium, and maximum security beds and related issues.  
47 The interim study committee is authorized to invite  
48 individuals to testify before the committee concerning  
49 the issues studied. The interim study committee is  
50 also authorized to visit the adult correctional

1 institutions to determine the physical condition of  
2 buildings utilized at the institutions."

3 14. By renumbering, relettering, or redesignating  
4 and correcting internal references as necessary.

RECEIVED FROM THE SENATE

HOUSE FILE 2443

AN ACT  
RELATING TO AND MAKING APPROPRIATIONS TO THE JUSTICE SYSTEM  
AND PROVIDING AN EFFECTIVE DATE.

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

Section 1. There is appropriated from the general fund of the state to the department of justice for the fiscal year beginning July 1, 1988, and ending June 30, 1989, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For the general office of attorney general for salaries and support of not more than one hundred forty-eight full-time equivalent positions, maintenance, and miscellaneous purposes:  
..... \$ 3,692,010

2. Prosecuting attorney training program for salaries and support of not more than two full-time equivalent positions, maintenance and miscellaneous purposes:  
..... \$ 87,277

3. Prosecuting intern program; however, counties participating in the prosecuting intern program shall match funds appropriated by this subsection:  
..... \$ 44,955

4. In addition to the funds appropriated under subsection 1, there is appropriated from the general fund of the state to the department of justice for the fiscal year beginning July 1, 1988, and ending June 30, 1989, an amount not exceeding ninety-five thousand (95,000) dollars to be used for the enforcement of the Iowa competition law under chapter 553. The expenditure of the funds appropriated under this subsection is contingent upon receipt by the general fund of the state of an amount at least equal to either the expenditures from damages awarded to the state or a political subdivision

of the state by a civil judgment under chapter 553, if the judgment authorizes the use of the award for enforcement purposes or costs or attorneys fees awarded the state in state or federal antitrust actions.

5. In addition to funds appropriated under subsection 1, there is appropriated from the general fund of the state to the department of justice for the fiscal year beginning July 1, 1988, and ending June 30, 1989, an amount not exceeding fifty thousand (50,000) dollars to be used for public education relating to consumer fraud and for enforcement of section 714.16. The expenditure of the funds appropriated under this subsection is contingent upon receipt by the general fund of the state of an amount at least equal to the expenditures from damages awarded to the state or a political subdivision of the state by a civil consumer fraud judgment, if the judgment authorizes the use of the award for public education on consumer fraud. Notwithstanding section 8.33, funds received in a previous fiscal year which have not been expended shall be credited to this fiscal year.

6. For the farm mediation service program:  
..... \$ 200,000

7. For the legal assistance for farmers program:  
..... \$ 60,000

Sec. 2. There is appropriated from the utilities trust fund to the office of consumer advocate of the department of justice for the fiscal year beginning July 1, 1988 and ending June 30, 1989, the sum of one million one hundred forty-four thousand eight hundred fifty-six (1,144,856) dollars, or so much thereof as is necessary, for salaries and support of not more than twenty-one full-time equivalent positions, maintenance, and operational purposes of the office.

Sec. 3. There is appropriated from the general fund of the state to the board of parole for the fiscal year beginning July 1, 1988, and ending June 30, 1989, the following amount, or so much thereof as is necessary, for salaries and support of not more than eighteen full-time equivalent positions, maintenance and miscellaneous purposes:

..... \$ 613,000

Sec. 4. There is appropriated from the general fund of the state to the department of corrections for the fiscal year beginning July 1, 1988, and ending June 30, 1989, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For the operation of adult correctional institutions, to be allocated as follows:

a. For the operation of the Fort Madison correctional facility, including salaries and support of not more than four hundred seventy-seven point five full-time equivalent positions, maintenance, and miscellaneous purposes, the sum of seventeen million one hundred twenty-six thousand three hundred sixty-five (17,126,365) dollars, and as a condition, limitation, and qualification of this appropriation, the facility shall employ two hundred ninety correctional officers.

b. For the operation of the Anamosa correctional facility, including salaries and support of not more than three hundred nine full-time equivalent positions, maintenance, and miscellaneous purposes, the sum of eleven million nine hundred twenty-five thousand five (11,925,005) dollars, and as a condition, limitation, and qualification of this appropriation, the facility shall employ one hundred seventy-eight correctional officers.

c. For the operation of the Oakdale correctional facility, including salaries and support of not more than two hundred forty-four point five full-time equivalent positions, maintenance, and miscellaneous purposes, the sum of eight million three hundred eighty thousand seven hundred sixty-five (8,380,765) dollars, and as a condition, limitation, and qualification of this appropriation, the facility shall employ one hundred twenty-four correctional officers.

d. For the operation of the Newton correctional facility, including salaries and support of not more than fifty-six full-time equivalent positions, maintenance, and miscellaneous

purposes, the sum of two million one hundred eight thousand one hundred seventy-two (2,108,172) dollars, and as a condition, limitation, and qualification of this appropriation, the facility shall employ eighteen correctional officers.

e. For the operation of the Mt. Pleasant correctional facility, including salaries and support of not more than two hundred fifty-two point two eight full-time equivalent positions, maintenance, and miscellaneous purposes, the sum of nine million one hundred six thousand seven hundred eighty-seven (9,106,787) dollars, and as a condition, limitation, and qualification of this appropriation, the facility shall employ one hundred thirty-four correctional officers.

f. For the operation of the Rockwell City correctional facility, including salaries and support of not more than sixty-four full-time equivalent positions, maintenance, and miscellaneous purposes, the sum of two million two hundred forty-four thousand four hundred eighty-one (2,244,481) dollars, and as a condition, limitation, and qualification of this appropriation, the facility shall employ thirty-six correctional officers.

g. For the operation of the Clarinda correctional facility, including salaries and support of not more than one hundred two point six five full-time equivalent positions, maintenance, and miscellaneous purposes, the sum of three million two hundred eighty thousand two hundred thirty-two (3,280,232) dollars, and as a condition, limitation, and qualification of this appropriation, the facility shall employ fifty-nine correctional officers.

h. For the operation of the Mitchellville correctional facility, including salaries and support of not more than eighty-two full-time equivalent positions, maintenance, and miscellaneous purposes, the sum of two million seven hundred thirteen thousand eight hundred forty-one (2,713,841) dollars, and as a condition, limitation, and qualification of this appropriation, the facility shall employ forty-four correctional officers.

2. The department of corrections shall provide a report to the co-chairpersons and ranking members of the justice system appropriations subcommittee and the legislative fiscal bureau on or before January 15, 1989, detailing the amount of money to be pooled by the institutions for educational programs, which educational institutions will be involved, the amount of any federal funds received for use with these programs, and any other pertinent information.

3. If the inmate tort claim fund for inmate claims of less than twenty-five dollars is exhausted during the fiscal year, sufficient funds shall be transferred from the institutional budgets to pay approved tort claims for the balance of the fiscal year. The warden or superintendent of each institution or correctional facility shall designate an employee to receive, investigate, and recommend whether to pay any properly filed inmate tort claim for less than the above amount. The designee's recommendation shall be approved or denied by the warden or superintendent and forwarded to the department of corrections for final approval and payment. The amounts appropriated to this fund pursuant to 1987 Iowa Acts, chapter 234, section 304, subsection 2, are not subject to reversion under section 8.33.

Tort claims denied at the institution shall be forwarded to the state appeal board for their consideration as if originally filed with that body. This procedure shall be used in lieu of chapter 25A for inmate tort claims of less than twenty-five dollars.

Of the funds appropriated, the department's budget for Anamosa shall include funding for a full-time substance abuse counselor for the Luster Heights facility, for the purpose of certification of a substance abuse program at that facility.

Sec. 5. There is appropriated from the general fund of the state to the department of corrections for the fiscal year beginning July 1, 1988, and ending June 30, 1989, the following amounts, or so much thereof as is necessary, for the purposes designated:

1. For general administration, including salaries and support of not more than thirty-seven point five two full-time equivalent positions, maintenance, and miscellaneous purposes: ..... \$ 1,693,744

The department of corrections shall report to the legislative fiscal bureau on a monthly basis the current number of persons placed on probation or released on parole residing within this state and supervised pursuant to the interstate probation and parole compact.

The department of corrections and the board of parole shall review the implementation of, and the participation of this state under, the interstate probation and parole compact including, but not limited to the method of administration under the compact. The report shall be filed with the co-chairpersons and ranking members of the justice system appropriations subcommittee, the executive council, and the legislative fiscal bureau on or before January 15, 1989.

It is the intent of the general assembly that the department of human services shall continue to provide for the mailing of vendor warrants for the department of corrections.

2. For reimbursement of counties for temporary confinement of work release and parole violators, as provided in sections 246.908, 901.7, and 906.17:

..... \$ 119,580

3. For federal prison reimbursement and miscellaneous contracts:

..... \$ 300,000

The department of corrections shall use funds appropriated by this subsection to continue to contract for the service of a Muslim imam.

4. For salaries and support of not more than six point three one full-time equivalent positions, maintenance, and miscellaneous purposes at the correctional training center at Mt. Pleasant:

..... \$ 289,731

5. For repairs to roofs and related expenses at the correctional institutions:  
..... \$ 115,584

Sec. 6.

1. There is appropriated from the general fund of the state to the department of corrections for the fiscal year beginning July 1, 1988, and ending June 30, 1989, or so much thereof as is necessary, the following amounts allocated as follows:

a. For the first judicial district department of correctional services for the fiscal year beginning July 1, 1988, and ending June 30, 1989, the sum of three million one hundred sixty-four thousand nine hundred forty (3,164,940) dollars, or so much thereof as is necessary, and as a condition, limitation, and qualification of this appropriation, sixty thousand four hundred twenty (60,420) dollars shall be used for intensive supervision programs established within the district.

b. For the second judicial district department of correctional services for the fiscal year beginning July 1, 1988, and ending June 30, 1989, the sum of two million five hundred sixty-four thousand two hundred seventy-eight (2,564,278) dollars, or so much thereof as is necessary, and as a condition, limitation, and qualification of this appropriation, ninety-seven thousand three hundred eighty-four (97,384) dollars shall be used for sex offender programs established within the district.

c. For the third judicial district department of correctional services for the fiscal year beginning July 1, 1988, and ending June 30, 1989, the sum of one million four hundred seventy thousand seven hundred eighty-two (1,470,782) dollars, or so much thereof as is necessary, and as a condition, limitation, and qualification of this appropriation, twenty-four thousand (24,000) dollars shall be used for sex offender programs established within the district.

d. For the fourth judicial district department of correctional services for the fiscal year beginning July 1, 1988, and ending June 30, 1989, the sum of one million three hundred eighty-two thousand one (1,382,001) dollars, or so much thereof as is necessary, and as a condition, limitation, and qualification of this appropriation, sixteen thousand three hundred forty (15,340) dollars shall be used for sex offender programs established within the district.

e. For the fifth judicial district department of correctional services for the fiscal year beginning July 1, 1988, and ending June 30, 1989, the sum of four million four hundred forty thousand nine hundred sixty-nine (4,440,969) dollars, or so much thereof as is necessary, and as a condition, limitation, and qualification of this appropriation, one hundred seventy thousand fifty-eight (170,058) dollars shall be used for intensive supervision programs established within the district.

f. For the sixth judicial district department of correctional services for the fiscal year beginning July 1, 1988, and ending June 30, 1989, the sum of three million two hundred thirty-two thousand one hundred seventy-eight (3,232,178) dollars, or so much thereof as is necessary, and as a condition, limitation, and qualification of this appropriation, one hundred four thousand two hundred fifty-nine (104,259) dollars shall be used for intensive supervision programs established within the district.

g. For the seventh judicial district department of correctional services for the fiscal year beginning July 1, 1988, and ending June 30, 1989, the sum of two million seven hundred thirty-eight thousand twenty-eight (2,738,028) dollars, or so much thereof as is necessary, and as a condition, limitation, and qualification of this appropriation, seventy-three thousand six hundred ninety-six (73,696) dollars shall be used for intensive supervision programs established within the district.

n. For the eighth judicial district department of correctional services for the fiscal year beginning July 1, 1988, and ending June 30, 1989, the sum of one million three hundred thirty-three thousand seven hundred nineteen (1,333,719) dollars, or so much thereof as is necessary, and as a condition, limitation, and qualification of this appropriation, seventy-three thousand seven hundred fifty-two (73,752) dollars shall be used for intensive supervision programs established within the district.

1. To the department of corrections for the assistance and support of each judicial district department of correctional services, the following amount:

..... \$ 86,445

2. The department of corrections shall not change the appropriations either to the district departments of correctional services or to the correctional institutions from the amounts appropriated under this section and section 4 of this Act, unless notice of the revisions is given prior to their effective date to the legislative fiscal bureau. The notice shall include information on the department's rationale for making the changes and details concerning the workload and performance measures upon which the changes are based.

3. The department of corrections shall report to the legislative fiscal bureau on a monthly basis the current expenditures and full-time equivalent positions of the department's various allocations with a comparison of actual to budgeted expenditures and full-time equivalent positions.

The department shall furnish performance measure data designed to enable comparison of this data with historical spending information, and shall assist the legislative fiscal bureau in developing information to be used in legislative oversight of all programs operated by the department.

4. The department of corrections shall continue the CMI facilities established in 1986 Iowa Acts, chapter 1246, section 402, in compliance with the conditions specified in that section.

Sec. 7. There is appropriated from the general fund of the state to the judicial department for the fiscal year beginning July 1, 1988, and ending June 30, 1989, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

COURTS AND ADMINISTRATION

1. For salaries of supreme court justices, appellate court judges, district court judges, district associate judges, judicial magistrates and staff, state court administrator, clerk of the supreme court, district court administrators, clerks of the district court, juvenile court officers, board of law examiners and board of examiners of shorthand reporters and judicial qualifications commission, maintenance, equipment and miscellaneous purposes:

..... \$ 58,159,405

2. For salaries, support, maintenance, and miscellaneous purposes necessary to provide adult indigent defense and the cost of juvenile proceedings including attorney and witness fees:

..... \$ 8,000,000

3. For the juvenile victim restitution program:

..... \$ 115,000

Notwithstanding chapter 232A, it is the intent of the general assembly that the judicial department receive the funds appropriated and administer the Iowa juvenile victim restitution program.

4. For salaries, support, maintenance, and miscellaneous purposes necessary to fund the cost of juvenile proceedings including attorney and witness fees:

..... \$ 1,500,000

Sec. 8. Of the funds appropriated by section 7, subsection 1, of this Act, not more than one million six hundred thousand (1,600,000) dollars may be transferred into the revolving fund established pursuant to section 402.1302, subsection 4, to be used for the payment of jury and witness fees and mileage.

Sec. 9. A public office providing indigent defense which is in existence on June 30, 1988, shall not be abolished during the period beginning June 30, 1988, and ending June 30, 1989, unless done at the request of the chief judge of the judicial district.

Sec. 10. Section 502.1301, subsection 2, paragraph a, Code 1987, is amended to read as follows:

a. As early as possible, but not later than December 1, the supreme court shall submit to the legislative fiscal bureau the annual budget request and detailed supporting information for the judicial department. The submission shall be designed to assist the legislative fiscal bureau in its preparation for legislative consideration of the budget request. The information submitted shall contain and be arranged in a format substantially similar to ~~part 11 of the governor's budget message as the format specified in by the director of management and used by all department and establishments in transmitting to the director estimates of their expenditure requirements pursuant to section 9-22 8.23.~~ The supreme court shall also make use of the department of management's automated budget system when submitting information to the director of management to assist the director in the transmittal of information as required under section 3.35A.

Sec. 11. 1987 Iowa Acts, chapter 234, section 304, subsection 2, unnumbered paragraph 1, is amended to read as follows:

In addition to the funds appropriated in subsection 1, there is appropriated one thousand five hundred (\$1,500) dollars for an inmate tort claim fund for inmate claims of less than twenty-five dollars. The amount appropriated to the inmate tort claim fund is not subject to reversion under section 1.33. If the fund is exhausted during the fiscal year, sufficient funds shall be transferred from the institute's annual budgets to pay approved tort claims for the balance of the fiscal year.

Sec. 12. In order to achieve full-time equivalent position levels, the number of filled positions may exceed the number of full-time equivalent positions during parts of the fiscal year to compensate for time periods when the number of filled positions is below the number of full-time equivalent positions. For purposes of this section, a full-time equivalent position equals two thousand eighty hours in one fiscal year.

Sec. 13. All federal grants to and the federal receipts of the agencies to whom funds are appropriated under this Act are appropriated for the purposes set forth in the federal grants or receipts unless otherwise provided by the general assembly.

Sec. 14. The legislative council shall create a corrections task force to review and assess the state's corrections system. The task force shall address how to achieve the maximum safety for the public in the most cost-effective and efficient manner for the taxpayers and citizens of Iowa. The task force shall be composed of five members of the senate, five members of the house of representatives, one member representing the board of parole, one member representing the department of corrections and one member representing the judicial district department of correctional services. The task force is authorized to contract with consultants and experts within the corrections area to review and assess the state's corrections system for the purpose of recommending a long-term master plan. The plan shall include two-year, five-year, and ten-year goals and a comprehensive ten-year master plan for the corrections system. This plan shall include a study and evaluation of the custody classification system regarding the availability of minimum, medium, and maximum security beds in the correctional institutions and the availability of beds within the judicial district departments of correctional services. The study shall compare recommended classification levels of the national institute of corrections and the federal board of parole. The classification study shall include the

development of a profile of the state's prison population, a determination of whether an identifiable group of inmates exists which could be placed in alternative correctional programs without increased risk to the public safety, an examination of the current aggregate custody needs involving the state's prison population so that preliminary estimates may be made of prison capacity needs by custody level, and a determination of the overuse or underuse of bed space at the various custody levels.

The master plan shall also include an evaluation of the risk assessment model used by the board of parole in comparison with other available models including the Rand study model.

The master plan shall include recommendations relating to sentencing patterns and practices, release criteria, and resource allocation. The plan shall also include evaluation and recommendations for use of diversion and community service programs and the use of alternative and intermediate sanction programs, such as intensive supervision and electronic monitoring. Recommendations shall also be made as to institutional staffing levels and training programs for corrections officers. Correctional policy alternatives with cost-benefit analyses regarding those alternatives shall be provided. The plan shall project prison population for the next five years and if necessary make recommendations concerning the construction and maintenance of additional prison space. Any recommendations for additional space shall include the location or locations of additional correctional bed space and to the extent intermediate or alternative sanctions can reduce the need for any additional space. The plan shall also address programs targeted toward OWI offenders, substance abusers, and sex offenders, and shall include the cost-effectiveness of lease purchase arrangements to build any new prison space. The task force shall recommend a five-year to ten-year maintenance program for the correctional institutions in this state.

The task force shall report to the legislative council and the general assembly by January 15, 1989, its determinations and findings concerning the custody classification system and the risk assessment model used by the board of parole. The master plan shall be completed and a report made to the legislative council and the general assembly by January 1, 1990.

Sec. 15. Sections 9 and 11 of this Act, being deemed of immediate importance, takes effect upon enactment.

\_\_\_\_\_  
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 2443, Seventy-second General Assembly.

\_\_\_\_\_  
JOSEPH O'HERN  
Chief Clerk of the House

Approved April 14, 1988

\_\_\_\_\_  
TERRY E. BRANSTAD  
Governor