

JUDICIARY: Fraise, Chair; Mann and Gentleman

*See Human Resources 3/12/87*

Senate File 173

Human Resources: Spear, Chair; Bisignano, Buhr, Corey and Miller. ENATE FILE

**173**

*Do Pass 5/23/88 (p. 1063)*

BY MURPHY

Passed Senate, Date 3-9-87 (p. 603) Passed House, Date 3/31/88 (p. 1276)

Vote: Ayes 45 Nays 1 Vote: Ayes 96 Nays 0

Approved May 5, 1988

**A BILL FOR**

- 1 An Act establishing priorities for deductions from the earnings
- 2 of residents of community-based correctional facilities.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

SENATE FILE 173

H-6090

1 Amend Senate File 173 as passed by the Senate, as  
 2 follows:  
 3 1. Page 1, line 7, by inserting after the word  
 4 "reside." the following: "For the purpose of this  
 5 subsection, "legally obligated" means under a court  
 6 order."

H-6090 FILED MARCH 30, 1988 BY SPEAR of Lee  
*Adopted 3/31 (p. 1276)*

CF 173

- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

Conference Committee Appointed

*Senators Murphy (Chair), Doyle, Mann, Heater, & Fulkerson (p. 1677)  
Representatives Bisignano (Chair), Buhr, Spear, Corey, Olsson (p. 2040)*

Passed per Conference Committee Report

*Senate 4/16/88 (p. 1715)  
45-1*

*House 4/16/88 (p. 2183)  
87-0*

1 Section 1. Section 905.12, subsections 1 and 2, Code 1987,  
2 are amended by striking the subsections and inserting in lieu  
3 thereof the following:

4 1. An amount the resident may be legally obligated to pay  
5 for the support of dependents, which shall be paid to the  
6 dependents directly or through the department of human  
7 services in the county in which the dependents reside.

8 2. An amount determined to be the cost to the judicial  
9 district department of correctional services for food,  
10 lodging, and other expenses incurred by or on behalf of the  
11 resident.

12 EXPLANATION

13 This bill reverses the number one and two priorities for  
14 deductions from the earnings of residents of community-based  
15 correctional facilities. The first priority would be  
16 deductions for the support of dependents; the second priority  
17 would be deductions for food, lodging, and other expenses.

18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35

HOUSE AMENDMENT TO  
SENATE FILE 173

S-5764

- 1 Amend Senate File 173 as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, line 7, by inserting after the word
- 4 "reside." the following: "For the purpose of this
- 5 subsection, "legally obligated" means under a court
- 6 order."

S-5764

Filed April 5, 1988

RECEIVED FROM THE HOUSE

*Senate refused to concur 4/15 (p 1623)*  
*House consented 4/15 (p 2040)*

SENATE FILE 173  
FISCAL NOTE

REQUESTED BY REPRESENTATIVE SPEAR

In compliance with a written request received March 24, 1988, a fiscal note for SENATE FILE 173 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.

Senate File 173 changes the priorities for deductions from the earnings of residents of community-based correctional facilities. The first priority would be deductions for the support of dependents, and the second priority would be deductions for food, lodging and other expenses.

Under current law approximately 10% of residential facilities' operating budgets is based on the collection of residential fees. Fees are collected on a sliding fee scale based upon ability to pay and range from \$2.50 to \$7.50 per day.

There is no data on the amount that clients of residential facilities are "legally obligated" to pay for the support of dependents. The Department of Corrections has usable information available from 2 Districts. The Department does not know if this data may be extrapolated state-wide. However, the data illustrates that approximately 4% to 7% of client income is disbursed for family support. One District reports that approximately 70% of the clients have no dependents. The total amount of family support paid by the 2 Districts in a recent one year period was \$41,216.

The Department of Corrections believes that changing the priorities for deductions will not have a significant impact on facilities' operating budgets if "legally obligated" is defined as court-ordered support. There would be a substantial effect on the operating budgets of the residential facilities if the definition of "legally obligated" is broadened.

Source: Department of Corrections

(LSB 2076S.2, BAL)

FILED MARCH 30, 1988

BY DENNIS PROUTY, FISCAL DIRECTOR

REPORT OF THE CONFERENCE COMMITTEE  
ON SENATE FILE 173

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the conference committee appointed to resolve the differences between the Senate and the House of Representatives on Senate File 173, a bill for An Act establishing priorities for deductions from the earnings of residents of community-based correctional facilities, respectfully make the following report:

1. That the House amendment, S-5764, to Senate File 173, as passed by the Senate, is amended as follows:

1. Page 1, by striking lines 3 through 6 and inserting the following:

"\_\_\_\_. Page 1, by striking lines 1 through 11 and inserting the following:

"Section 1. Section 905.8, Code 1987, is amended by adding the following new unnumbered paragraphs:

NEW UNNUMBERED PARAGRAPH. The deputy director of the department of corrections responsible for community-based correctional programs shall reallocate funds allocated by the

department among the judicial districts as necessary to assure an equitable allocation of district departmental staff throughout the state and to comply with section 905.10.

NEW UNNUMBERED PARAGRAPH. The deputy director of the department of corrections responsible for community-based correctional programs shall comply with section 246.108, subsection 1, paragraph "i".

Sec. 2. Section 905.12, Code 1987, is amended by striking the section and inserting in lieu thereof the following:

905.12 SURRENDER OF EARNINGS.

When committing a person to a residential treatment center operated by a judicial district department of correctional services, the court shall order the person to surrender to the district department their total earnings less payroll deductions required by law. The court shall establish the person's legal obligations by order and the district department shall deduct from the earnings to satisfy the court order in the following order of priority:

1. An amount the resident may be legally obligated to pay for the support of dependents, which shall be paid to the dependents directly or through the department of human services in the county in which the dependents reside. For the purpose of this subsection, "legally obligated" means under a court order.

2. An amount determined to be the cost to the judicial district department of correctional services for food, lodging, and other expenses incurred by or on behalf of the resident.

3. Restitution ordered by the court under chapter 910.

4. Any other financial obligations which are admitted to by the resident or any judgment granted by the court to another person to whom the resident owes money, but no earnings of a resident are subject to garnishment while the person is committed to the center.

Any balance remaining after deductions and payments shall be credited to the resident's personal account at the district

department and shall be paid to the resident upon release.

The deputy director of the department of corrections responsible for community-based correctional programs shall establish a plan to comply with the provisions of court orders entered pursuant to this section."

ON THE PART OF THE SENATE:

LARRY MURPHY, Chairperson  
DONALD V. DOYLE  
LINN FUHRMAN  
JACK W. HESTER  
TOM MANN, Jr.

*Senate adopted 4/16 (p. 215)*

ON THE PART OF THE HOUSE:

TONY BISIGNANO, Chairperson  
FLORENCE D. BOHR  
VIRGIL E. COREY  
LEE J. PLASIER  
CLAY SPEAR

*House adopted 4/16 (p. 215)*

SENATE FILE 173

AN ACT

ESTABLISHING PRIORITIES FOR DEDUCTIONS FROM THE EARNINGS OF  
RESIDENTS OF COMMUNITY-BASED CORRECTIONAL FACILITIES.

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

Section 1. Section 905.8, Code 1987, is amended by adding the following new unnumbered paragraphs:

NEW UNNUMBERED PARAGRAPH. The deputy director of the department of corrections responsible for community-based correctional programs shall reallocate funds allocated by the department among the judicial districts as necessary to assure an equitable allocation of district departmental staff throughout the state and to comply with section 905.10.

NEW UNNUMBERED PARAGRAPH. The deputy director of the department of corrections responsible for community-based correctional programs shall comply with section 246.108, subsection 1, paragraph "i".

Sec. 2. Section 905.12, Code 1987, is amended by striking the section and inserting in lieu thereof the following:  
905.12 SURRENDER OF EARNINGS.

When committing a person to a residential treatment center operated by a judicial district department of correctional services, the court shall order the person to surrender to the district department their total earnings less payroll deductions required by law. The court shall establish the person's legal obligations by order and the district department shall deduct from the earnings to satisfy the court order in the following order of priority:

1. An amount the resident may be legally obligated to pay for the support of dependents, which shall be paid to the dependents directly or through the department of human services in the county in which the dependents reside. For the purpose of this subsection, "legally obligated" means under a court order.

2. An amount determined to be the cost to the judicial district department of correctional services for food, lodging, and other expenses incurred by or on behalf of the resident.

3. Restitution ordered by the court under chapter 910.

4. Any other financial obligations which are admitted to by the resident or any judgment granted by the court to another person to whom the resident owes money, but no earnings of a resident are subject to garnishment while the person is committed to the center.

Any balance remaining after deductions and payments shall be credited to the resident's personal account at the district department and shall be paid to the resident upon release. The deputy director of the department of corrections

responsible for community-based correctional programs shall establish a plan to comply with the provisions of court orders entered pursuant to this section.

---

JO ANN ZIMMERMAN  
President of the Senate

---

DONALD D. AVENSON  
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 173, Seventy-second General Assembly.

---

JOHN F. DWYER  
Secretary of the Senate

Approved \_\_\_\_\_, 1988

---

TERRY E. BRANSTAD  
Governor