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APR 20 1989

HOUSE FILE 772

BY COMMITTEE ON APPROPRIATIONS

APPROPRIATIONS

(SUCCESSOR TO LSB 2279HA)

Passed House, Date 4/24/89 (P1843) Passed Senate, Date 5/3/89 (P1882)

Vote: Ayes 96 Nays 0 Vote: Ayes 44 Nays 3

Approved June 5, 1989

A BILL FOR

1 An Act relating to and making appropriations to the justice
2 system.

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

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HF 772

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, 1989, and ending June 30, 1990, 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
7 salaries, support, maintenance, miscellaneous purposes, and
8 for not more than the following full-time equivalent
9 positions:

10 \$ 4,187,362
11 FTEs 157.5

12 2. Prosecuting attorney training program for salaries,
13 support, maintenance, miscellaneous purposes, and for not more
14 than the following full-time equivalent positions:

15 \$ 94,996
16 FTEs 2.0

17 3. Prosecuting intern program; however, counties parti-
18 cipating in the prosecuting intern program shall match funds
19 appropriated by this subsection:

20 \$ 44,955

21 4. In addition to the funds appropriated under subsection
22 1, there is appropriated from the general fund of the state to
23 the department of justice for the fiscal year beginning July
24 1, 1989, and ending June 30, 1990, an amount not exceeding
25 \$95,000 to be used for the enforcement of the Iowa competition
26 law under chapter 553. The expenditure of the funds
27 appropriated under this subsection is contingent upon receipt
28 by the general fund of the state of an amount at least equal
29 to either the expenditures from damages awarded to the state
30 or a political subdivision of the state by a civil judgment
31 under chapter 553, if the judgment authorizes the use of the
32 award for enforcement purposes or costs or attorneys fees
33 awarded the state in state or federal antitrust actions.

34 5. In addition to funds appropriated under subsection 1,
35 there is appropriated from the general fund of the state to

1 the department of justice for the fiscal year beginning July
 2 1, 1989, and ending June 30, 1990, an amount not exceeding
 3 \$50,000 to be used for public education relating to consumer
 4 fraud and for enforcement of section 714.16. The expenditure
 5 of the funds appropriated under this subsection is contingent
 6 upon receipt by the general fund of the state of an amount at
 7 least equal to the expenditures from damages awarded to the
 8 state or a political subdivision of the state by a civil
 9 consumer fraud judgment, if the judgment authorizes the use of
 10 the award for public education on consumer fraud.
 11 Notwithstanding section 8.33, funds received in a previous
 12 fiscal year which have not been expended shall be credited to
 13 this fiscal year.

14 6. For the farm mediation service program:
 15 \$ 200,000

16 7. For the legal assistance for farmers program:
 17 \$ 60,000

18 Sec. 2. There is appropriated from the utilities trust
 19 fund to the office of consumer advocate of the department of
 20 justice for the fiscal year beginning July 1, 1989 and ending
 21 June 30, 1990, the following amount, or so much thereof as is
 22 necessary, to be used for the purposes designated:

23 For salaries, support, maintenance, miscellaneous purposes,
 24 and for not more than the following full-time equivalent
 25 positions:

26 \$ 1,620,912
 27 FTEs 31.0

28 Sec. 3. There is appropriated from the general fund of the
 29 state to the board of parole for the fiscal year beginning
 30 July 1, 1989, and ending June 30, 1990, the following amount,
 31 or so much thereof as is necessary, to be used for the
 32 purposes designated:

33 For salaries, support, maintenance, miscellaneous purposes,
 34 and for not more than the following full-time equivalent
 35 positions:

1 S 728,785
2 FTEs 18.0

3 As a condition, limitation, and qualification of this
4 appropriation the board of parole shall create an automated
5 docket and shall also automate the board's risk assessment
6 model.

7 It is the intent of the general assembly that the
8 department of corrections and the board of parole shall
9 review, and implement as necessary, the findings and
10 recommendations contained in the final report prepared by the
11 consultant and presented to the corrections system review task
12 force which was established by 1988 Iowa Acts, chapter 1271,
13 as they relate to the department of corrections and the board
14 of parole. The board shall report to the justice system
15 appropriations subcommittee during the 1990 legislative
16 session, at the request of the subcommittee, steps taken to
17 implement any of those recommendations, or the reasons for
18 failing to implement such recommendations.

19 Sec. 4. There is appropriated from the general fund of the
20 state to the department of corrections for the fiscal year
21 beginning July 1, 1989, and ending June 30, 1990, the
22 following amounts, or so much thereof as is necessary, to be
23 used for the purposes designated:

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

26 a. For the operation of the Fort Madison correctional
27 facility, including salaries, support, maintenance,
28 miscellaneous purposes, and for not more than the following
29 full-time equivalent positions:

30 \$ 18,460,504
31 FTEs 479.5

32 As a condition, limitation, and qualification of this
33 appropriation, the facility shall employ two hundred ninety-
34 four correctional officers. The additional correctional
35 officers may be used to provide security for any increased

1 activity of the inmate work detail program.

2 b. For the operation of the Anamosa correctional facility,
3 including salaries, support, maintenance, miscellaneous
4 purposes, and for not more than the following full-time
5 equivalent positions:

6	\$ 13,286,645
7	FTEs 325.0

8 As a condition, limitation, and qualification of this
9 appropriation, the facility shall employ one hundred ninety-
10 three correctional officers and a part-time chaplain of a
11 minority race, and an additional counselor. The additional
12 correctional officers may be used to provide security for any
13 increased activity of the inmate work detail program.

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

18 c. For the operation of the Oakdale correctional facility,
19 including salaries, support, maintenance, miscellaneous
20 purposes, and for not more than the following full-time
21 equivalent positions:

22	\$ 9,141,174
23	FTEs 246.5

24 As a condition, limitation, and qualification of this
25 appropriation, the facility shall employ one hundred twenty-
26 six correctional officers, and an additional counselor. The
27 additional correctional officers may be used to provide
28 security for any increased activity of the inmate work detail
29 program.

30 d. For the operation of the Newton correctional facility,
31 including salaries, support, maintenance, miscellaneous
32 purposes, and for not more than the following full-time
33 equivalent positions:

34	\$ 2,401,032
35	FTEs 57.5

1 As a condition, limitation, and qualification of this
2 appropriation, the facility shall employ twenty correctional
3 officers. The additional correctional officers may be used to
4 provide security for any increased activity of the inmate work
5 detail program.

6 e. For the operation of the Mt. Pleasant correctional
7 facility, including salaries, support, maintenance,
8 miscellaneous purposes, and for not more than the following
9 full-time equivalent positions:

10 \$ 10,118,391
11FTEs 259.28

12 As a condition, limitation, and qualification of this
13 appropriation, the facility shall employ one hundred forty-one
14 correctional officers, and a full-time protestant chaplain to
15 provide religious counseling at the Oakdale and Mt. Pleasant
16 correctional facilities. The additional correctional officers
17 may be used to provide security for any increased activity of
18 the inmate work detail program.

19 f. For the operation of the Rockwell City correctional
20 facility, including salaries, support, maintenance,
21 miscellaneous purposes, and for not more than the following
22 full-time equivalent positions:

23 \$ 2,476,622
24FTEs 67.0

25 As a condition, limitation, and qualification of this
26 appropriation, the facility shall employ thirty-nine
27 correctional officers. The additional correctional officers
28 may be used to provide security for any increased activity of
29 the inmate work detail program.

30 g. For the operation of the Clarinda correctional
31 facility, including salaries, support, maintenance,
32 miscellaneous purposes, and for not more than the following
33 full-time equivalent positions:

34 \$ 3,740,697
35 FTEs 105.65

1 As a condition, limitation, and qualification of this
2 appropriation, the facility shall employ sixty-two
3 correctional officers. The additional correctional officers
4 may be used to provide security for any increased activity of
5 the inmate work detail program.

6 h. For the operation of the Mitchellville correctional
7 facility, including salaries, support, maintenance,
8 miscellaneous purposes, and for not more than the following
9 full-time equivalent positions:

10	\$	3,143,574
11	FTEs	86.5

12 As a condition, limitation, and qualification of this
13 appropriation, the facility shall employ forty-nine
14 correctional officers. The additional correctional officers
15 may be used to provide security for any increased activity of
16 the inmate work detail program.

17 2. The department of corrections shall provide a report to
18 the co-chairpersons and ranking members of the justice system
19 appropriations subcommittee and the legislative fiscal bureau
20 on or before January 15, 1990, detailing the amount of money
21 to be pooled by the institutions for educational programs,
22 which educational institutions will be involved, the amount of
23 any federal funds received for use with these programs, and
24 any other pertinent information.

25 3. If the inmate tort claim fund for inmate claims of less
26 than twenty-five dollars is exhausted during the fiscal year,
27 sufficient funds shall be transferred from the institutional
28 budgets to pay approved tort claims for the balance of the
29 fiscal year. The warden or superintendent of each institution
30 or correctional facility shall designate an employee to
31 receive, investigate, and recommend whether to pay any
32 properly filed inmate tort claim for less than the above
33 amount. The designee's recommendation shall be approved or
34 denied by the warden or superintendent and forwarded to the
35 department of corrections for final approval and payment. The

1 amounts appropriated to this fund pursuant to 1987 Iowa Acts,
2 chapter 234, section 304, subsection 2, are not subject to
3 reversion under section 8.33.

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

9 Sec. 5. There is appropriated from the general fund of the
10 state to the department of corrections for the fiscal year
11 beginning July 1, 1989, and ending June 30, 1990, the
12 following amounts, or so much thereof as is necessary, to be
13 used for the purposes designated:

14 1. For general administration, including salaries,
15 support, maintenance, miscellaneous purposes, and for not more
16 than the following full-time equivalent positions:

17	\$	1,833,714
18	FTEs	37.52

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

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

27 2. For reimbursement of counties for temporary confinement
28 of work release and parole violators, as provided in sections
29 246.908, 901.7, and 906.17:

30	\$	119,580
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31 3. For federal prison reimbursement and miscellaneous
32 contracts:

33	\$	300,000
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34 The department of corrections shall use funds appropriated
35 by this subsection to continue to contract for the service of

1 a Muslim imam.

2 4. For salaries, support, maintenance, miscellaneous
3 purposes, and for not more than the following full-time
4 equivalent positions at the correctional training center at
5 Mt. Pleasant:

6	\$	294,917
7	FTEs	6.22

8 Sec. 6.

9 1. There is appropriated from the general fund of the
10 state to the department of corrections for the fiscal year
11 beginning July 1, 1989, and ending June 30, 1990, the
12 following amounts, or so much thereof as is necessary, to be
13 allocated as follows:

14 a. For the first judicial district department of
15 correctional services, the following amount, or so much
16 thereof as is necessary:

17	\$	3,667,398
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18 The district department shall continue the intensive
19 supervision program established within the district in 1988
20 Iowa Acts, chapter 1271, section 6, subsection 1, paragraph
21 "a", and as a condition, limitation, and qualification of this
22 appropriation \$53,680 shall be used for a sex offender
23 treatment program to be established within the district.

24 b. For the second judicial district department of
25 correctional services, the following amount, or so much
26 thereof as is necessary:

27	\$	2,950,616
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28 The district department shall continue the sex offender
29 program established within the district in 1988 Iowa Acts,
30 chapter 1271, section 6, subsection 1, paragraph "b", and as a
31 condition, limitation, and qualification of this appropriation
32 \$62,256 shall be used to expand the sex offender program
33 established within the district and \$22,388 shall be used to
34 expand the OWI program in the district established pursuant to
35 1986 Iowa Acts, chapter 1246, section 402.

1 c. For the third judicial district department of
2 correctional services, the following amount, or so much
3 thereof as is necessary:

4 \$ 1,675,891

5 The district department shall continue the sex offender
6 program established within the district in 1988 Iowa Acts,
7 chapter 1271, section 6, subsection 1, paragraph "c", and as a
8 condition, limitation, and qualification of this appropriation
9 \$21,000 shall be used to expand the sex offender program
10 established within the district and \$7,000 shall be used to
11 expand the OWI program in the district established pursuant to
12 1986 Iowa Acts, chapter 1246, section 402.

13 d. For the fourth judicial district department of
14 correctional services, the following amount, or so much
15 thereof as is necessary:

16 \$ 1,661,335

17 The district department shall continue the sex offender
18 program established within the district in 1988 Iowa Acts,
19 chapter 1271, section 6, subsection 1, paragraph "d", and as a
20 condition, limitation, and qualification of this appropriation
21 \$60,800 shall be used to expand the sex offender program and
22 provide intensive supervision and treatment programs for sex
23 offenders and an intensive supervision program for high-risk
24 clients.

25 e. For the fifth judicial district department of
26 correctional services, the following amount, or so much
27 thereof as is necessary:

28 \$ 4,968,233

29 The district department shall continue the intensive
30 supervision program established within the district in 1988
31 Iowa Acts, chapter 1271, section 6, subsection 1, paragraph
32 "e", and as a condition, limitation, and qualification of this
33 appropriation \$20,000 shall be used for the rental of
34 electronic monitoring equipment.

35 f. For the sixth judicial district department of

1 correctional services, the following amount, or so much
2 thereof as is necessary:

3 \$ 3,699,180

4 The district department shall continue the intensive
5 supervision program established within the district in 1988
6 Iowa Acts, chapter 1271, section 6, subsection 1, paragraph
7 "f", and as a condition, limitation, and qualification of this
8 appropriation \$35,823 shall be used for the establishment of a
9 sex offender program within the district and \$15,280 shall be
10 used to expand the OWI program in the district established
11 pursuant to 1986 Acts, chapter 1246, section 402.

12 g. For the seventh judicial district department of
13 correctional services, the following amount, or so much
14 thereof as is necessary:

15 \$ 3,147,932

16 The district department shall continue the intensive
17 supervision program established within the district in 1988
18 Iowa Acts, chapter 1271, section 6, subsection 1, paragraph
19 "g", and as a condition, limitation, and qualification of this
20 appropriation \$41,435 shall be used for the expansion of
21 intensive supervision programs, the establishment of an
22 intensive supervision program for sex offenders and other
23 high-risk clients, and a sex offender treatment program within
24 the district.

25 In addition, as a condition, limitation, and qualification
26 of this appropriation \$70,000 shall be used for job
27 development programs.

28 h. For the eighth judicial district department of
29 correctional services, the following amount, or so much
30 thereof as is necessary:

31 \$ 1,582,702

32 The district department shall continue the intensive
33 supervision program established within the district in 1988
34 Iowa Acts, chapter 1271, section 6, subsection 1, paragraph
35 "h", and as a condition, limitation, and qualification of this

1 appropriation \$40,000 shall be used for the establishment of a
2 sex offender program within the district.

3 1. For the department of corrections for the assistance
4 and support of each judicial district department of
5 correctional services, the following amount, or so much
6 thereof as is necessary:

7 \$ 88,465

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

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

22 The department of corrections shall use the department of
23 management's budget system in developing the budget
24 information for the eight district departments of correctional
25 services, and each of the district departments shall be
26 treated as a separate budget unit with each program modality
27 classified as a separate organization code.

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

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

1 that section.

2 Sec. 7. There is appropriated from the general fund of the
3 state to the judicial department for the fiscal year beginning
4 July 1, 1989, and ending June 30, 1990, the following amounts,
5 or so much thereof as is necessary, to be used for the
6 purposes designated:

7 COURTS AND ADMINISTRATION

8 1. For salaries of supreme court justices, appellate court
9 judges, district court judges, district associate judges,
10 judicial magistrates and staff, state court administrator,
11 clerk of the supreme court, district court administrators,
12 clerks of the district court, juvenile court officers, board
13 of law examiners and board of examiners of shorthand reporters
14 and judicial qualifications commission, maintenance, equipment
15 and miscellaneous purposes:
16 \$ 63,584,259

17 As a condition, limitation, and qualification of this
18 appropriation, \$71,497 shall be used for expansion of the
19 court-appointed special advocate program, \$136,965 shall be
20 used for the appointment of two district associate judges in
21 lieu of magistrates pursuant to section 602.6302, \$114,000
22 shall be used for an addition of a district associate judge to
23 serve Johnson county, and funds shall be used to employ a
24 personnel management specialist, an internal auditor, and a
25 screening attorney.

26 Of the funds appropriated under this subsection, not more
27 than \$1,600,000 may be transferred into the revolving fund
28 established pursuant to section 602.1302, subsection 3, to be
29 used for the payment of jury and witness fees and mileage.

30 2. For the juvenile victim restitution program:
31 \$ 100,000

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

1 3. For the receipt and disbursement of child support
2 payments as provided in chapter 252B:
3 \$ 891,000

4 4. Notwithstanding the apportionments made pursuant to
5 section 602.6401, one magistrate shall be apportioned as
6 follows:

7 a. The number of magistrates apportioned to Johnson county
8 is reduced from four to three. The terms of all magistrates
9 in Johnson county, appointed in April 1989, shall expire July
10 31, 1989. In June 1989, the magistrate nominating commission
11 shall appoint three magistrates for Johnson county.

12 b. One additional magistrate is apportioned to judicial
13 election district 8A for allocation, by order of the chief
14 judge of the judicial district, upon an affirmative vote of
15 the judges in the judicial election district, to a county in
16 which the administration of justice would best be served by an
17 additional magistrate. A copy of the order allocating the
18 magistrate shall be delivered to the chairperson of the
19 appropriate county magistrate appointing commission no later
20 than May 31, 1989. A copy of the order shall also be sent to
21 the state court administrator.

22 Sec. 8. There is appropriated from the general fund of the
23 state to the judicial department for the fiscal year beginning
24 July 1, 1989, and ending June 30, 1990, the following amount,
25 or so much thereof as is necessary, to be used for the
26 implementation of the pilot program of mandatory mediation of
27 contested issues of child custody and visitation established
28 pursuant to House File 20, if enacted by the Seventy-third
29 General Assembly, 1989 Session:

30 \$ 20,000

31 The department shall establish the program at the dispute
32 resolution center in Linn county.

33 Sec. 9. The department of corrections, judicial district
34 departments of correctional services, board of parole, and the
35 judicial department shall develop an automated data system for

1 use in the sharing of information between the department of
2 corrections, judicial district departments of correctional
3 services, board of parole, and the judicial department. The
4 information to be shared shall concern any individual who may,
5 as the result of an arrest or infraction of any law, be
6 subject to the jurisdiction of the department of corrections,
7 judicial district departments of correctional services, or
8 board of parole.

9 Sec. 10. Section 602.1301, subsection 2, paragraph a, Code
10 1989, is amended to read as follows:

11 a. As early as possible, but not later than December 1,
12 the supreme court shall submit to the legislative fiscal
13 bureau the annual budget request and detailed supporting
14 information for the judicial department. The submission shall
15 be designed to assist the legislative fiscal bureau in its
16 preparation for legislative consideration of the budget
17 request. The information submitted shall contain and be
18 arranged in a format substantially similar to the format
19 specified by the director of management and used by all
20 departments and establishments in transmitting to the director
21 estimates of their expenditure requirements pursuant to
22 section 8.23, except the estimates of expenditure requirements
23 shall be based upon one hundred percent of funding for the
24 current fiscal year accounted for by program and the remainder
25 of the estimate of expenditure requirements prioritized by
26 program. The supreme court shall also make use of the
27 department of management's automated budget system when
28 submitting information to the director of management to assist
29 the director in the transmittal of information as required
30 under section 8.35A.

4/75 4/60

31 Sec. 11. NEW SECTION. 905.13 COMPLIANCE WITH BUILDING
32 CODES.

33 The department of corrections and the district departments
34 of correctional services shall comply with local building
35 regulations and zoning ordinances in the construction,

1 reconstruction, alteration, conversion, repair, and use of
2 buildings owned and operated by the department as part of a
3 community-based correctional program.

4 Sec. 12. All federal grants to and the federal receipts of
5 the agencies to whom funds are appropriated under this Act,
6 not otherwise appropriated, are appropriated for the purposes
7 set forth in the federal grants or receipts unless otherwise
8 provided by the general assembly.

9 Sec. 13. Section 7, subsection 4, of this Act, being
10 deemed of immediate importance, takes effect upon enactment.

11 EXPLANATION

12 The bill appropriates moneys to the department of justice,
13 the judicial department, and other entities of the justice
14 system for the fiscal year beginning July 1, 1989, and ending
15 June 30, 1990.

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HOUSE FILE 772

H-4163

1 Amend House File 772 as follows:
 2 1. Page 15, by inserting after line 3 the
 3 following:
 4 "Sec. ____ . Section 602.1505, as amended by 1989
 5 Iowa Acts, Senate File 397, takes effect January 1,
 6 1990.
 7 Funds appropriated pursuant to section 7,
 8 subsection 1, of this Act, shall be used for any
 9 increase in the salaries of the clerks of the district
 10 court as a result of the enactment of 1989 Iowa Acts,
 11 Senate File 397."
 12 2. Renumber as necessary.

By PETERSON of Carroll
CLARK of Cerro Gordo

H-4163 FILED APRIL 24, 1989

ADOPTED 4-24-89 (p.1841)

HOUSE FILE 772

H-4170

1 Amend house File 772 as follows:
 2 1. Page 12, by inserting before line 2, the
 3 following:
 4 "Sec. ____ . There is appropriated from the general
 5 fund of the state to the department of corrections for
 6 the fiscal year beginning July 1, 1989, and ending
 7 June 30, 1990, the following amount, or so much
 8 thereof as is necessary, to begin the financing of
 9 forty-four additional residential community correction
 10 beds in the first judicial district:
 11 \$ 200,000".
 12 2. By renumbering as necessary.

By SHERZAN of POLK

H-4170 FILED APRIL 24, 1989

ADOPTED THEN RECONSIDERED AND WITHDRAWN 4-24-89 (p.1842)

HOUSE FILE 772

H-4175

1 Amend House File 772 as follows:
 2 1. Page 14, by inserting after line 30, the
 3 following:
 4 "Sec. ____ . Section 905.5, subsection 2, Code 1989,
 5 is amended to read as follows:
 6 2. For all administrative purposes, all employees
 7 of each district department shall be considered
 8 employees of the district department state."
 9 2. Renumber as necessary.

By HANSON of Delaware

H-4175 FILED APRIL 24, 1989

NOT GERMANE, MOTION TO SUSPEND RULES LOST 4-24-89 (p.1843)

HOUSE FILE 772

H-4160

1 Amend House File 772 as follows:
 2 1. Page 14, by inserting after line 30, the
 3 following:
 4 "Sec. ____ . NEW SECTION. 728.16 MATERIAL HARMFUL
 5 TO INMATES.
 6 1. As used in this section, "material harmful to
 7 inmates" means any material that meets all of the
 8 following:
 9 a. Taken as a whole, the average person, applying
 10 contemporary community standards, would find the
 11 material to have a tendency to excite lustful or
 12 erotic thoughts in inmates or appeal to the prurient
 13 interest in sex of inmates.
 14 b. (1) Depicts a sex act, excretory functions,
 15 sadomasochistic abuse, or exhibition of the genitals,
 16 buttocks, or female breast.
 17 (2) The depiction is in a way that is patently
 18 offensive to prevailing standards in the community
 19 with respect to what is suitable for inmates.
 20 c. Taken as a whole, the material lacks serious
 21 literary, artistic, political, or scientific value.
 22 2. It is the belief of the general assembly that
 23 the availability or possession of material harmful to
 24 inmates represents a potential danger to the community
 25 and to personnel of the Iowa department of
 26 corrections. Material harmful to an inmate shall not
 27 be available or disseminated to an inmate. The Iowa
 28 department of corrections shall not provide a room or
 29 facility for the viewing of material which could be
 30 considered harmful to inmates."
 31 2. By renumbering as necessary.

By GARMAN of Story
BANKS of Plymouth

H-4160 FILED APRIL 24, 1989
NOT GERMANE 4-24-89 (p1840)

HOUSE FILE 772

H-4158

1 Amend House File 772 as follows:
 2 1. Page 1, by inserting after line 16, the
 3 following:
 4 " ____ . Preparation of a new domestic abuse manual
 5 and updating of the desk manual for prosecutors:
 6 S 15,000".
 7 2. By renumbering as necessary.

By PETERSON of Carroll

H-4158 FILED APRIL 24, 1989
ADOPTED 4-24-89 (p1838)

Use Approps.
Do pass per amend. 4069 (p.1852) 5-2-89

HOUSE FILE 772

BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO LSB 2279HA)

(As Amended and Passed by the House April 24, 1989)

Re Passed House, Date 5-4-89 (p.248) Passed Senate, Date 5-3-89 (p.1882)
Vote: Ayes 97 Nays 0 Vote: Ayes 44 Nays 3
Approved June 5, 1989

A BILL FOR

*Repassed the Senate
5-5-89 (p.1953)
Ayes 50 Nays 0*

1 An Act relating to and making appropriations to the justice
2 system.

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, 1989, and ending June 30, 1990, 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
7 salaries, support, maintenance, miscellaneous purposes, and
8 for not more than the following full-time equivalent
9 positions:

10	.....	\$	4,187,362
11	.....	FTEs	157.5

12 2. Prosecuting attorney training program for salaries,
13 support, maintenance, miscellaneous purposes, and for not more
14 than the following full-time equivalent positions:

15	.....	\$	94,996
16	.....	FTEs	2.0

17 3. Preparation of a new domestic abuse manual
18 and updating of the desk manual for prosecutors:

19	\$	15,000
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20 4. Prosecuting intern program; however, counties parti-
21 cipating in the prosecuting intern program shall match funds
22 appropriated by this subsection:

23	\$	44,955
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24 5. In addition to the funds appropriated under subsection
25 1, there is appropriated from the general fund of the state to
26 the department of justice for the fiscal year beginning July
27 1, 1989, and ending June 30, 1990, an amount not exceeding
28 \$95,000 to be used for the enforcement of the Iowa competition
29 law under chapter 553. The expenditure of the funds
30 appropriated under this subsection is contingent upon receipt
31 by the general fund of the state of an amount at least equal
32 to either the expenditures from damages awarded to the state
33 or a political subdivision of the state by a civil judgment
34 under chapter 553, if the judgment authorizes the use of the
35 award for enforcement purposes or costs or attorneys fees

1 awarded the state in state or federal antitrust actions.

2 6. In addition to funds appropriated under subsection 1,
3 there is appropriated from the general fund of the state to
4 the department of justice for the fiscal year beginning July
5 1, 1989, and ending June 30, 1990, an amount not exceeding
6 \$50,000 to be used for public education relating to consumer
7 fraud and for enforcement of section 714.16. The expenditure
8 of the funds appropriated under this subsection is contingent
9 upon receipt by the general fund of the state of an amount at
10 least equal to the expenditures from damages awarded to the
11 state or a political subdivision of the state by a civil
12 consumer fraud judgment, if the judgment authorizes the use of
13 the award for public education on consumer fraud.
14 Notwithstanding section 8.33, funds received in a previous
15 fiscal year which have not been expended shall be credited to
16 this fiscal year.

17 7. For the farm mediation service program:

18 \$ 200,000

19 8. For the legal assistance for farmers program:

20 \$ 60,000
4064
4065

21 Sec. 2. There is appropriated from the utilities trust
22 fund to the office of consumer advocate of the department of
23 justice for the fiscal year beginning July 1, 1989 and ending
24 June 30, 1990, the following amount, or so much thereof as is
25 necessary, to be used for the purposes designated:

26 For salaries, support, maintenance, miscellaneous purposes,
27 and for not more than the following full-time equivalent
28 positions:

29 \$ 1,620,912
30 FTEs 31.0
4066

31 Sec. 3. There is appropriated from the general fund of the
32 state to the board of parole for the fiscal year beginning
33 July 1, 1989, and ending June 30, 1990, the following amount,
34 or so much thereof as is necessary, to be used for the
35 purposes designated:

1 For salaries, support, maintenance, miscellaneous purposes,
2 and for not more than the following full-time equivalent
3 positions:

4	.....	\$	728,785
5	.....	FTEs	18.0

6 As a condition, limitation, and qualification of this
7 appropriation the board of parole shall create an automated
8 docket and shall also automate the board's risk assessment
9 model.

10 It is the intent of the general assembly that the
11 department of corrections and the board of parole shall
12 review, and implement as necessary, the findings and
13 recommendations contained in the final report prepared by the
14 consultant and presented to the corrections system review task
15 force which was established by 1988 Iowa Acts, chapter 1271,
16 as they relate to the department of corrections and the board
17 of parole. The board shall report to the justice system
18 appropriations subcommittee during the 1990 legislative
19 session, at the request of the subcommittee, steps taken to
20 implement any of those recommendations, or the reasons for
21 failing to implement such recommendations.

22 Sec. 4. There is appropriated from the general fund of the
23 state to the department of corrections for the fiscal year
24 beginning July 1, 1989, and ending June 30, 1990, the
25 following amounts, or so much thereof as is necessary, to be
26 used for the purposes designated:

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

29 a. For the operation of the Fort Madison correctional
30 facility, including salaries, support, maintenance,
31 miscellaneous purposes, and for not more than the following
32 full-time equivalent positions:

33	.....	\$	18,460,504
34	.....	FTEs	479.5

35 As a condition, limitation, and qualification of this

1 appropriation, the facility shall employ two hundred ninety-
2 four correctional officers. The additional correctional
3 officers may be used to provide security for any increased
4 activity of the inmate work detail program.

5 b. For the operation of the Anamosa correctional facility,
6 including salaries, support, maintenance, miscellaneous
7 purposes, and for not more than the following full-time
8 equivalent positions:

9	\$ 13,286,645
10	FTEs 325.0

11 As a condition, limitation, and qualification of this
12 appropriation, the facility shall employ one hundred ninety-
13 three correctional officers and a part-time chaplain of a
14 minority race, and an additional counselor. The additional
15 correctional officers may be used to provide security for any
16 increased activity of the inmate work detail program.

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

21 c. For the operation of the Oakdale correctional facility,
22 including salaries, support, maintenance, miscellaneous
23 purposes, and for not more than the following full-time
24 equivalent positions:

25	\$ 9,141,174
26	FTEs 246.5

27 As a condition, limitation, and qualification of this
28 appropriation, the facility shall employ one hundred twenty-
29 six correctional officers, and an additional counselor. The
30 additional correctional officers may be used to provide
31 security for any increased activity of the inmate work detail
32 program.

33 d. For the operation of the Newton correctional facility,
34 including salaries, support, maintenance, miscellaneous
35 purposes, and for not more than the following full-time

1 equivalent positions:

2 \$ 2,401,032

3 FTEs 57.5

4 As a condition, limitation, and qualification of this
5 appropriation, the facility shall employ twenty correctional
6 officers. The additional correctional officers may be used to
7 provide security for any increased activity of the inmate work
8 detail program.

9 e. For the operation of the Mt. Pleasant correctional
10 facility, including salaries, support, maintenance,
11 miscellaneous purposes, and for not more than the following
12 full-time equivalent positions:

13 \$ 10,118,391

14FTEs 259.28

15 As a condition, limitation, and qualification of this
16 appropriation, the facility shall employ one hundred forty-one
17 correctional officers, and a full-time protestant chaplain to
18 provide religious counseling at the Oakdale and Mt. Pleasant
19 correctional facilities. The additional correctional officers
20 may be used to provide security for any increased activity of
21 the inmate work detail program.

22 f. For the operation of the Rockwell City correctional
23 facility, including salaries, support, maintenance,
24 miscellaneous purposes, and for not more than the following
25 full-time equivalent positions:

26 \$ 2,476,622

27FTEs 67.0

28 As a condition, limitation, and qualification of this
29 appropriation, the facility shall employ thirty-nine
30 correctional officers. The additional correctional officers
31 may be used to provide security for any increased activity of
32 the inmate work detail program.

33 g. For the operation of the Clarinda correctional
34 facility, including salaries, support, maintenance,
35 miscellaneous purposes, and for not more than the following

1 full-time equivalent positions:

2 \$ 3,740,697

3 FTEs 105.65

4 As a condition, limitation, and qualification of this
5 appropriation, the facility shall employ sixty-two
6 correctional officers. The additional correctional officers
7 may be used to provide security for any increased activity of
8 the inmate work detail program.

9 h. For the operation of the Mitchellville correctional
10 facility, including salaries, support, maintenance,
11 miscellaneous purposes, and for not more than the following
12 full-time equivalent positions:

13 \$ 3,143,574

14 FTEs 86.5

15 As a condition, limitation, and qualification of this
16 appropriation, the facility shall employ forty-nine
17 correctional officers. The additional correctional officers
18 may be used to provide security for any increased activity of
19 the inmate work detail program.

20 2. The department of corrections shall provide a report to
21 the co-chairpersons and ranking members of the justice system
22 appropriations subcommittee and the legislative fiscal bureau
23 on or before January 15, 1990, detailing the amount of money
24 to be pooled by the institutions for educational programs,
25 which educational institutions will be involved, the amount of
26 any federal funds received for use with these programs, and
27 any other pertinent information.

28 3. If the inmate tort claim fund for inmate claims of less
29 than twenty-five dollars is exhausted during the fiscal year,
30 sufficient funds shall be transferred from the institutional
31 budgets to pay approved tort claims for the balance of the
32 fiscal year. The warden or superintendent of each institution
33 or correctional facility shall designate an employee to
34 receive, investigate, and recommend whether to pay any
35 properly filed inmate tort claim for less than the above

1 amount. The designee's recommendation shall be approved or
2 denied by the warden or superintendent and forwarded to the
3 department of corrections for final approval and payment. The
4 amounts appropriated to this fund pursuant to 1987 Iowa Acts,
5 chapter 234, section 304, subsection 2, are not subject to
6 reversion under section 8.33.

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

4884
39237
12 Sec. 5. There is appropriated from the general fund of the
13 state to the department of corrections for the fiscal year
14 beginning July 1, 1989, and ending June 30, 1990, the
15 following amounts, or so much thereof as is necessary, to be
16 used for the purposes designated:

17 1. For general administration, including salaries,
18 support, maintenance, miscellaneous purposes, and for not more
19 than the following full-time equivalent positions:

<i>4169</i> 20	.....	\$	1,833,714
21	.....	FTEs	37.52

4664
22 The department of corrections shall report to the
23 legislative fiscal bureau on a monthly basis the current
24 number of persons placed on probation or released on parole
25 residing within this state and supervised pursuant to the
26 interstate probation and parole compact.

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

30 2. For reimbursement of counties for temporary confinement
31 of work release and parole violators, as provided in sections
32 246.908, 901.7, and 906.17:

33	\$	119,580
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34 3. For federal prison reimbursement and miscellaneous
35 contracts:

1 S 300,000

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

5 4. For salaries, support, maintenance, miscellaneous
6 purposes, and for not more than the following full-time
7 equivalent positions at the correctional training center at
8 Mt. Pleasant:

9 S 294,917

10 FTEs 6.22

11 Sec. 6.

12 1. There is appropriated from the general fund of the
13 state to the department of corrections for the fiscal year
14 beginning July 1, 1989, and ending June 30, 1990, the
15 following amounts, or so much thereof as is necessary, to be
16 allocated as follows:

17 a. For the first judicial district department of
18 correctional services, the following amount, or so much
19 thereof as is necessary:

20 S 3,667,398

21 The district department shall continue the intensive
22 supervision program established within the district in 1988
23 Iowa Acts, chapter 1271, section 6, subsection 1, paragraph
24 "a", and as a condition, limitation, and qualification of this
25 appropriation \$53,680 shall be used for a sex offender
26 treatment program to be established within the district.

27 b. For the second judicial district department of
28 correctional services, the following amount, or so much
29 thereof as is necessary:

30 S 2,950,616

31 The district department shall continue the sex offender
32 program established within the district in 1988 Iowa Acts,
33 chapter 1271, section 6, subsection 1, paragraph "b", and as a
34 condition, limitation, and qualification of this appropriation
35 \$62,256 shall be used to expand the sex offender program

1 established within the district and \$22,388 shall be used to
2 expand the OWI program in the district established pursuant to
3 1986 Iowa Acts, chapter 1246, section 402.

4 c. For the third judicial district department of
5 correctional services, the following amount, or so much
6 thereof as is necessary:

7 \$ 1,675,891

8 The district department shall continue the sex offender
9 program established within the district in 1988 Iowa Acts,
10 chapter 1271, section 6, subsection 1, paragraph "c", and as a
11 condition, limitation, and qualification of this appropriation
12 \$21,000 shall be used to expand the sex offender program
13 established within the district and \$7,000 shall be used to
14 expand the OWI program in the district established pursuant to
15 1986 Iowa Acts, chapter 1246, section 402.

16 d. For the fourth judicial district department of
17 correctional services, the following amount, or so much
18 thereof as is necessary:

19 \$ 1,661,335

20 The district department shall continue the sex offender
21 program established within the district in 1988 Iowa Acts,
22 chapter 1271, section 6, subsection 1, paragraph "d", and as a
23 condition, limitation, and qualification of this appropriation
24 \$60,800 shall be used to expand the sex offender program and
25 provide intensive supervision and treatment programs for sex
26 offenders and an intensive supervision program for high-risk
27 clients.

28 e. For the fifth judicial district department of
29 correctional services, the following amount, or so much
30 thereof as is necessary:

31 \$ 4,968,233

32 The district department shall continue the intensive
33 supervision program established within the district in 1988
34 Iowa Acts, chapter 1271, section 6, subsection 1, paragraph
35 "e", and as a condition, limitation, and qualification of this

1 appropriation \$20,000 shall be used for the rental of
2 electronic monitoring equipment.

3 f. For the sixth judicial district department of
4 correctional services, the following amount, or so much
5 thereof as is necessary:

6 \$ 3,699,180

7 The district department shall continue the intensive
8 supervision program established within the district in 1988
9 Iowa Acts, chapter 1271, section 6, subsection 1, paragraph
10 "f", and as a condition, limitation, and qualification of this
11 appropriation \$35,823 shall be used for the establishment of a
12 sex offender program within the district and \$15,280 shall be
13 used to expand the OWI program in the district established
14 pursuant to 1986 Acts, chapter 1246, section 402.

15 q. For the seventh judicial district department of
16 correctional services, the following amount, or so much
17 thereof as is necessary:

18 \$ 3,147,932

19 The district department shall continue the intensive
20 supervision program established within the district in 1988
21 Iowa Acts, chapter 1271, section 6, subsection 1, paragraph
22 "g", and as a condition, limitation, and qualification of this
23 appropriation \$41,435 shall be used for the expansion of
24 intensive supervision programs, the establishment of an
25 intensive supervision program for sex offenders and other
26 high-risk clients, and a sex offender treatment program within
27 the district.

28 In addition, as a condition, limitation, and qualification
29 of this appropriation \$70,000 shall be used for job
30 development programs.

31 h. For the eighth judicial district department of
32 correctional services, the following amount, or so much
33 thereof as is necessary:

34 \$ 1,582,702

35 The district department shall continue the intensive

1 supervision program established within the district in 1988
2 Iowa Acts, chapter 1271, section 6, subsection 1, paragraph
3 "h", and as a condition, limitation, and qualification of this
4 appropriation \$40,000 shall be used for the establishment of a
5 sex offender program within the district.

6 i. For the department of corrections for the assistance
7 and support of each judicial district department of
8 correctional services, the following amount, or so much
9 thereof as is necessary:

10 \$ 88,465

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

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

25 The department of corrections shall use the department of
26 management's budget system in developing the budget
27 information for the eight district departments of correctional
28 services, and each of the district departments shall be
29 treated as a separate budget unit with each program modality
30 classified as a separate organization code.

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

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

5 ⁴⁶⁶⁹⁷ Sec. 7. There is appropriated from the general fund of the
6 state to the judicial department for the fiscal year beginning
7 July 1, 1989, and ending June 30, 1990, the following amounts,
8 or so much thereof as is necessary, to be used for the
9 purposes designated:

10 COURTS AND ADMINISTRATION

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

19 \$ 63,584,259

20 As a condition, limitation, and qualification of this
21 appropriation, \$71,497 shall be used for expansion of the
22 court-appointed special advocate program, \$136,965 shall be
23 used for the appointment of two district associate judges in
24 lieu of magistrates pursuant to section 602.6302, \$114,000
25 shall be used for an addition of a district associate judge to
26 ⁴⁶⁶⁹ serve Johnson county, and funds shall be used to employ a
27 personnel management specialist, an internal auditor, and a
28 screening attorney.

29 Of the funds appropriated under this subsection, not more
30 than \$1,600,000 may be transferred into the revolving fund
31 established pursuant to section 602.1302, subsection 3, to be
32 used for the payment of jury and witness fees and mileage.

33 2. For the juvenile victim restitution program:
34 \$ 100,000

35 Notwithstanding chapter 232A, it is the intent of the

1 general assembly that the judicial department receive the
2 funds appropriated and administer the Iowa juvenile victim
3 restitution program.

4 3. For the receipt and disbursement of child support
5 payments as provided in chapter 252B:

4069 6 \$ 891,000

7 4. Notwithstanding the apportionments made pursuant to
8 section 602.6401, one magistrate shall be apportioned as
9 follows:

10 a. The number of magistrates apportioned to Johnson county
11 is reduced from four to three. The terms of all magistrates
12 in Johnson county, appointed in April 1989, shall expire July
13 31, 1989. In June 1989, the magistrate nominating commission
14 shall appoint three magistrates for Johnson county.

15 b. One additional magistrate is apportioned to judicial
16 election district 8A for allocation, by order of the chief
17 judge of the judicial district, upon an affirmative vote of
18 the judges in the judicial election district, to a county in
19 which the administration of justice would best be served by an
20 additional magistrate. A copy of the order allocating the
21 magistrate shall be delivered to the chairperson of the
22 appropriate county magistrate appointing commission no later
23 than May 31, 1989. A copy of the order shall also be sent to
24 the state court administrator.

25 Sec. 8. There is appropriated from the general fund of the
26 state to the judicial department for the fiscal year beginning
27 July 1, 1989, and ending June 30, 1990, the following amount,
28 or so much thereof as is necessary, to be used for the
29 implementation of the pilot program of mandatory mediation of
30 contested issues of child custody and visitation established
31 pursuant to House File 20, if enacted by the Seventy-third
32 General Assembly, 1989 Session:

33 \$ 20,000

34 The department shall establish the program at the dispute
35 resolution center in Linn county.

4-697

1 Sec. 9. The department of corrections, judicial district
2 departments of correctional services, board of parole, and the
3 judicial department shall develop an automated data system for
4 use in the sharing of information between the department of
5 corrections, judicial district departments of correctional
6 services, board of parole, and the judicial department. The
7 information to be shared shall concern any individual who may,
8 as the result of an arrest or infraction of any law, be
9 subject to the jurisdiction of the department of corrections,
10 judicial district departments of correctional services, or
11 board of parole.

12 Sec. 10. Section 602.1301, subsection 2, paragraph a, Code
13 1989, is amended to read as follows:

14 a. As early as possible, but not later than December 1,
15 the supreme court shall submit to the legislative fiscal
16 bureau the annual budget request and detailed supporting
17 information for the judicial department. The submission shall
18 be designed to assist the legislative fiscal bureau in its
19 preparation for legislative consideration of the budget
20 request. The information submitted shall contain and be
21 arranged in a format substantially similar to the format
22 specified by the director of management and used by all
23 departments and establishments in transmitting to the director
24 estimates of their expenditure requirements pursuant to
25 section 8.23, except the estimates of expenditure requirements
26 shall be based upon one hundred percent of funding for the
404927 current fiscal year accounted for by program and the remainder
28 of the estimate of expenditure requirements prioritized by
29 program. The supreme court shall also make use of the
30 department of management's automated budget system when
31 submitting information to the director of management to assist
32 the director in the transmittal of information as required
33 under section 8.35A.

34 Sec. 11. NEW SECTION. 905.13 COMPLIANCE WITH BUILDING
35 CODES.

1 The department of corrections and the district departments
2 of correctional services shall comply with local building
3 regulations and zoning ordinances in the construction,
4 reconstruction, alteration, conversion, repair, and use of
5 buildings owned and operated by the department as part of a
6 community-based correctional program.

466 7 Sec. 12. Section 602.1505, as amended by 1989 Iowa Acts,
8 Senate File 397, takes effect January 1, 1990.

9 Funds appropriated pursuant to section 7, subsection 1, of
10 this Act, shall be used for any increase in the salaries of
11 the clerks of the district court as a result of the enactment
12 of 1989 Iowa Acts, Senate File 397.

13 Sec. 13. All federal grants to and the federal receipts of
14 the agencies to whom funds are appropriated under this Act,
15 not otherwise appropriated, are appropriated for the purposes
16 set forth in the federal grants or receipts unless otherwise
17 provided by the general assembly.

18 Sec. 14. Section 7, subsection 4, of this Act, being
19 deemed of immediate importance, takes effect upon enactment.

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HOUSE FILE 772

S-3923

1 Amend House File 772, as amended, passed, and re-
2 printed by the House, as follows:
3 1. Page 7, by inserting after line 11 the
4 following:
5 "____. The department of corrections shall examine
6 the feasibility of providing asbestos removal services
7 through Iowa state industries and shall report the re-
8 sults of that examination, in addition to any
9 recommendations, to the chairpersons and ranking
10 members of the justice system appropriations
11 subcommittee and the legislative fiscal bureau on or
12 before January 15, 1990."
13 2. Renumber as necessary.

By RAY TAYLOR

S-3923 FILED APRIL 26, 1989

Lost 5-3-89 (p.1882)

HOUSE FILE 772

S-4068

1 Amend House File 772, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, line 10, by striking the figure
4 "4,187,362" and inserting the following: "4,527,362".
5 2. Page 1, line 11, by striking the figure
6 "157.5" and inserting the following: "158.5".
7 3. Page 2, by inserting after line 20 the follow-
8 ing:
9 "9. The balance of the fund created under section
10 321J.17 may be used to provide salary and support of
11 not more than 10.5 FTE positions, of which 4.5 FTE
12 positions shall be utilized in the department of
13 public safety for the operation and administration of
14 the missing persons clearinghouse and domestic abuse
15 registry, and to provide maintenance for the victim
16 compensation functions of the department of justice.
17 The department of justice shall reimburse the
18 department of public safety, from amounts deposited in
19 the fund created under section 321J.17, in an amount
20 of not more than \$167,028, for the operation and
21 administration of the missing persons clearinghouse
22 and domestic abuse registry.
23 The enactment of this subsection and the
24 appropriation of \$240,000 of the total amount
25 appropriated in subsection 1, are contingent upon the
26 enactment of 1989 Iowa Acts, House File 700."

By JOE WELSH

S-4068 FILED MAY 2, 1989

Adopted 5-2-89 (p.1882)

HOUSE FILE 772

S-4069

1 Amend House File 772, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 2, by striking line 20 and inserting the
4 following:

5 "..... \$ 200,000

4088 6 9. For the legal services corporation of Iowa:

7 \$ 75,000".

8 2. Page 2, by inserting after line 30, the
9 following:

10 "The office of consumer advocate may expend
11 additional funds, including funds for outside
12 consultants, if those additional expenditures are
13 actual expenses which exceed the funds budgeted for
14 utilities investigations and directly result from
15 investigations of utilities. Before the office
16 expends or encumbers an amount in excess of the funds
17 budgeted for investigations, the director of the
18 department of management shall approve the expenditure
19 or encumbrance. Before approval is given, the
20 director of the department of management shall
21 determine that the investigation expenses exceed the
22 funds budgeted by the general assembly to the office
23 of consumer advocate and that the office does not have
24 other funds from which investigation expenses can be
25 paid. Upon approval of the director of the department
26 of management, the office may expend and encumber
27 funds for excess investigation expenses. The amounts
28 necessary to fund the excess investigation expenses
29 shall be collected from those utilities being
30 investigated which caused the excess expenditures, and
31 the collections shall be treated as repayment receipts
32 as defined in section 8.2, subsection 5."

33 3. Page 3, line 4, by striking the figure
34 "728,785" and inserting the following: "752,285".

35 4. Page 3, line 5, by striking the figure "18.0"
36 and inserting the following: "19.0".

37 5. Page 3, by inserting after line 9 the
38 following:

39 "As an additional condition, limitation, and
40 qualification of the appropriation the board of parole
41 shall employ an additional statistical research
42 analyst to assist with the application of the risk
43 assessment model in the parole decision-making
44 process. The board of parole shall also require the
45 board's administrative staff to begin cross-training
46 of the staff to assure that each individual on that
47 staff is familiar with all tasks performed by the
48 staff."

49 6. Page 7, line 20, by striking the figure
50 "1,833,714" and inserting the following: "1,973,714".

S-4069

Page 2

1 7. Page 7, line 21, by striking the figure
2 "37.52" and inserting the following: "40.52".

3 8. Page 7, by inserting after line 21 the
4 following:

5 "As a condition, limitation, and qualification of
6 this appropriation, \$50,000 of the amounts
7 appropriated in this subsection shall be used for a
8 contractual agreement with a criminal justice research
9 firm to develop valid criteria for the purpose of
10 improving the community-based corrections risk/needs
11 assessment classification model. The department shall
12 implement a revised, standardized risk/needs
13 assessment classification model and case management
14 guidelines by March 1, 1990. The department shall
15 promulgate rules for the implementation and monitoring
16 of the risk/needs classification model. The
17 department shall monitor the use of the classification
18 model by the judicial district departments and has the
19 authority to override a district department's decision
20 regarding classification of community-based clients.
21 The department shall notify a district department of
22 the reasons for the override. The department shall
23 provide three full-time equivalent positions to
24 provide research and technical assistance to the
25 criminal justice research firm during the development
26 of the revised community-based corrections risk/needs
27 assessment model. These positions shall be
28 responsible for providing training services to the
29 districts for implementing the revised model and shall
30 monitor the districts' implementation and use of the
31 revised model."

32 9. Page 8, by inserting after line 10, the
33 following:

34 "Sec. _____. There is appropriated from the general
35 fund of the state to the community-based correctional
36 division of the department of corrections for the
37 fiscal year beginning July 1, 1989, and ending June
38 30, 1990, the following amounts, or so much thereof as
39 is necessary, to be used for the purposes designated:

40 1. To employ an educational administrator and for
41 an education pilot project to implement the computer
42 training system for community-based correctional
43 program clients in the first and fifth judicial
44 districts, and for not more than the following full-
45 time equivalent positions:

46 \$ 450,000
47 FTEs 1.0

48 As a condition, limitation, and qualification of
49 the appropriation made under this subsection, the
50 administrator shall determine which computer training

S-4069

Page 3

1 system meets the needs of the correctional program
2 clients to the greatest extent, and shall use such
3 system in the pilot project.

4 Upon request by the educational administrator, the
5 department of general services shall provide technical
6 assistance related to the evaluation, selection, and
7 use of computer hardware to be used in the pilot
8 project.

9 Upon request by the educational administrator, the
10 department of education shall provide technical
11 assistance related to the evaluation, selection, and
12 use of computer software and other educational
13 material to be used in the pilot project.

14 Funds appropriated under this subsection are not
15 subject to reversion under section 8.33.

16 2. For job training and development grant programs
17 to award grants under contract to nonprofit
18 organizations for community-based correctional
19 clients:

20 \$ 400,000

21 As a condition, limitation, and qualification of
22 the appropriation under this subsection, \$200,000
23 shall be used for a client development and job
24 training pilot project, \$120,000 shall be used for
25 contracting for services in the eighth judicial
26 district, and \$80,000 shall be used for contracting
27 for services in the seventh judicial district. Job
28 training grant programs must be designed and
29 administered so that the programs are not in direct
30 competition with other federal Job Training
31 Partnership Act programs in order to be eligible for
32 these grants.

33 3. For an offender reorientation project in the
34 fifth judicial district:

35 \$ 100,000

36 4. For an alternative sentencing project in the
37 third judicial district, to provide judges and the
38 parole board with alternatives to returning parole or
39 probation violators to prison:

40 \$ 200,000

41 Violators who may be included in the project
42 include class "C" and class "D" felons and persons
43 convicted of an aggravated misdemeanor. Alternatives
44 under the project could include, but are not limited
45 to, local jail or community service sentencing.

46 5. For costs associated with the design of prison
47 expansion:

48 \$ 250,000

49 6. To provide for financial arrangements for and
50 to begin construction of a \$8,332,880 expansion in

S-4069

Page 4

1 prison capacity in the manner provided in this
2 subsection:

3 \$ 1,100,000

4083 4 a. Construction of an additional one hundred bed
5 minimum security facility at Newton for parole and
6 probation violators of which twenty-five beds are to
7 be specifically used for substance abuse treatment
8 programs for clients of the state adult corrections
9 system and twenty-five beds are to be specifically
10 used for work release inmates.

11 b. Construction of a one hundred twenty bed medium
12 security dormitory style facility at the Oakdale
13 corrections campus along with the upgrading of the
14 kitchen, dining room space, and records management at
15 the campus.

16 c. Replacement of the existing thirty community
17 corrections residential bed facility with a new
18 seventy-five community corrections residential bed
19 facility at Cedar Rapids.

20 d. The addition of thirty-six additional community
21 corrections residential beds as determined by the
22 department of corrections. However, these beds shall
23 not be added until the department has notified and
24 provided an explanation for the placement of the beds
25 to the members of the corrections system review task
26 force created in 1988 Iowa Acts, chapter 1271, section
27 14.

28 e. Renovation of sixty-five and the addition of
29 twenty dormitory-style minimum security beds at farm
30 three at the Fort Madison correctional facility.

31 f. For a total designed capacity of seventy-one
32 minimum security beds at the Luster Heights facility
33 by renovation of eighteen and the addition of
34 seventeen minimum security beds."

35 10. Page 12, by inserting after line 4, the
36 following:

37 "Sec. _____. There is appropriated from the general
38 fund of the state to the department of corrections for
39 the fiscal year beginning July 1, 1989, and ending
40 June 30, 1990, the following amounts, or so much
41 thereof as is necessary, to be used for the purposes
42 designated:

43 For the third judicial district department of
44 correctional services:

45 \$ 126,375

46 As a condition, limitation, and qualification of
47 this appropriation, \$76,375 shall be used for the
48 operating costs of ten new OWI program beds within the
49 district, and \$50,000 shall be used for the operating
50 costs of fifteen new community corrections residential

S-4069

Page 5

1 beds within the district.

2 Sec. _____. There is appropriated from the general
3 fund of the state to the department of corrections for
4 the period beginning January 1, 1990, and ending June
5 30, 1990, the following amounts, or so much thereof as
6 is necessary, to be used for the purposes designated:

7 For operating costs and twenty-one additional
8 positions for staffing and support for eighty-five
9 minimum security beds at farm three at the Fort
10 Madison correctional facility, contingent upon the
11 renovation of sixty-five and the addition of twenty
12 dormitory-style beds at farm three as provided in this
13 Act:

14 \$ 465,059

4089 15 Sec. _____. Notwithstanding any contrary provision
16 of law, the department shall establish a pilot program
17 within the third judicial district for the diversion
18 of OWI offenders. The department of corrections shall
19 develop standardized assessment criteria for the
20 assignment of offenders to a facility established
21 pursuant to section 246.513. The offender shall be
22 assigned by the director to a facility pursuant to
23 section 321J.2, subsection 2, paragraph "c". If the
24 person cannot be assigned to a facility established
25 pursuant to section 246.513 due to insufficient bed
26 space, the person shall be released from custody upon
27 the person's own recognizance, bond, or supervision by
28 the judicial district department of correctional
29 services until space is available. If an offender
30 fails to satisfactorily perform in a treatment program
31 conducted in the residential facility operated by the
32 judicial district department of correctional services,
33 the offender shall be assigned to the Iowa medical
34 classification facility at Oakdale for classification.
35 The offender shall be assigned to an institution
36 following classification.

37 Sec. _____. The corrections system review task force
38 established in 1988 Iowa Acts, chapter 1271, section
39 14, shall request the consultant working with the task
40 force in establishing the ten-year corrections master
41 plan to evaluate the effect of the provisions of this
42 Act on the state's corrections system while assisting
43 the task force in developing the ten-year corrections
44 master plan.

45 Sec. _____. There is appropriated from the general
46 fund of the state to the department of corrections for
47 the fiscal year beginning July 1, 1989, and ending
48 June 30, 1990, the following amount, or so much
49 thereof as is necessary, to provide for the financing
50 of and to begin construction of forty-four additional

S-4069

Page 6

1 residential community corrections beds in the first
2 judicial district:

3 \$ 200,000"

4 11. Page 12, line 19, by striking the figure
5 "63,584,259" and inserting the following:
6 "63,717,370".

7 12. Page 12, line 26, by inserting after the word
8 "county," the following: "\$50,000 shall be used for
9 the addition of two juvenile court officers, \$68,327
10 shall be used for the addition of two court reporters,
11 \$14,784 shall be used for the addition of two half-
12 time juvenile court specialists, \$184,000 shall be
13 used to reimburse the auditor of state for expenses
14 incurred in completing audits of the offices of the
15 clerks of the district court during the fiscal year
16 beginning July 1, 1989,".

17 13. Page 13, line 6, by striking the figure
18 "891,000" and inserting the following: "730,379".

19 14. Page 13, by inserting after line 35 the
20 following:

21 "Sec. _____. Funds appropriated for the fiscal year
22 beginning July 1, 1988, and ending June 30, 1989, to
23 the judicial department for the costs of adult
24 indigent defense and costs of juvenile proceedings
25 including attorney and witness fees, which remain on
26 June 30, 1989, after the payment of all claims
27 submitted on or before June 30, 1989, for the fiscal
28 year beginning July 1, 1988, and pursuant to 1988 Iowa
29 Acts, chapter 1161, section 20, shall be transferred
30 to the department of inspections and appeals to be
31 used for the costs of adult indigent defense and costs
32 of juvenile proceedings, and shall not be subject to
33 reversion pursuant to section 8.33. Any claims
34 received by the judicial department after June 30,
35 1989, for adult indigent defense or juvenile
36 proceedings shall be forwarded to the department of
37 inspections and appeals for payment."

38 15. Page 14, line 27, by inserting after the word
39 "program" the following: "and using the same line
40 item definitions of expenditures as used for the
41 current fiscal year's budget request,".

42 16. Page 15, by striking lines 7 through 12, and
43 inserting the following:

44 "Sec. _____. Section 356.15, Code 1989, is amended
45 to read as follows:

46 356.15 EXPENSES.

47 All charges and expenses for the safekeeping and
48 maintenance of prisoners shall be allowed by the board
49 of supervisors, except those committed or detained by
50 the authority of the courts of the United States, in

S-4069

Page 7

1 which cases the United States must pay such expenses
2 to the county, and those committed for violation of a
3 city ordinance, in which case the city shall pay
4 expenses to the county. If a parole or probation
5 violator is committed to a county jail pursuant to
6 section 908.9 or 908.11, the county shall be
7 reimbursed by the department of corrections in
8 accordance with section 906.18. If the violator is
9 granted work release from the county jail, the
10 violator is liable to the county for the cost of the
11 violator's board as provided in section 356.30.
12 However, the state shall reimburse the county for the
13 balance of the cost of confining the violator.

14 Sec. ____ . Section 905.1, subsection 2, Code 1989,
15 is amended to read as follows:

16 2. "Community-based correctional program" means
17 correctional programs and services designed to
18 supervise and assist individuals who are charged with
19 or have been convicted of a felony, an aggravated
20 misdemeanor or a serious misdemeanor, or who are on
21 probation or parole in lieu of or as a result of a
22 sentence of incarceration imposed upon conviction of
23 any of these offenses, or who have been confined in a
24 county jail as a result of revocation of probation or
25 parole for conviction and sentence of a class "C" or
26 "D" felony or aggravated misdemeanor, or who are
27 contracted to the district department for supervision
28 and housing while on work release.

29 Sec. ____ . Section 906.9, Code 1989, is amended to
30 read as follows:

31 906.9 CLOTHING, TRANSPORTATION, AND MONEY.

32 When an inmate is discharged, paroled, or placed on
33 work release, ~~or placed in a community-based~~
34 ~~correctional program under section 246.513,~~ the warden
35 or superintendent shall furnish the inmate, at state
36 expense, appropriate clothing and transportation to
37 the place in this state indicated in the inmate's
38 discharge, parole, or work release plan ~~or community-~~
39 ~~based corrections assignment.~~ When an inmate is
40 discharged, paroled, or placed on work release, or
41 ~~placed in a community-based correctional program under~~
42 ~~section 246.513,~~ the warden or superintendent shall
43 provide the inmate, at state expense, money in
44 accordance with the following schedule:

45 1. Upon discharge or parole, one hundred dollars.

46 2. Upon being placed on work release, fifty
47 dollars.

48 3. Upon going from an educational work release to
49 parole or discharge, fifty dollars.

50 4. ~~Upon being placed in a community-based~~

S-4069

Page 8

1 ~~correctional-program-under-section-246.5137-fifty~~
2 ~~dollars-~~

3 Those inmates receiving payment under subsection 27
4 or ~~37-or-4~~ shall not be eligible for payment under
5 subsection 1 unless they are returned to the
6 institution. The warden or superintendent shall
7 maintain an account of all funds expended pursuant to
8 this section.

9 Sec. ____ . NEW SECTION. 906.18 CONFINEMENT OF
10 PAROLE AND PROBATION VIOLATORS BY COUNTIES --
11 REIMBURSEMENT.

12 1. A county may enter into a chapter 28E agreement
13 with the department of corrections for the confinement
14 of parole and probation violators pursuant to section
15 908.9 or 908.11, and the agreement may contain
16 provisions relating to reimbursement to the county for
17 confining the violators, and any other terms the
18 contracting parties deem appropriate.

19 2. The department of corrections and counties may
20 commence negotiation and execution of the chapter 28E
21 agreements provided in subsection 1 on or after July
22 1, 1989.

23 3. Parole and probation violators may be confined
24 in county jails pursuant to sections 908.9 and 908.11
25 commencing January 1, 1990.

26 Sec. ____ . Section 908.9, Code 1989, is amended to
27 read as follows:

28 908.9 DISPOSITION OF VIOLATOR.

29 1. If the parole of a parole violator is revoked,
30 the violator shall remain in the custody of the Iowa
31 department of corrections under the terms of the
32 parolee's original commitment.

33 2. Notwithstanding subsection 1, if the parole of
34 a parole violator, originally committed to the
35 department for conviction of a class "C" or "D"
36 felony, or aggravated misdemeanor, is revoked, the
37 parole revocation officer or board panel shall
38 determine whether the violator is to remain in the
39 custody of the director of the department of
40 corrections under the terms of the parolee's original
41 commitment, or is to be confined in a county jail, for
42 a maximum period of one year, as part of the
43 violator's subsequent plan of parole or work release.
44 A violator shall be confined in a county jail only if
45 the violator is placed on work release, educational
46 work release, or in a community-based correctional
47 program and the county and the department of
48 corrections have entered into a chapter 28E agreement
49 pursuant to section 906.18. A violator assigned to
50 county jail confinement pursuant to this subsection

S-4069

Page 9

1 shall be transported directly to the assigned county
2 jail, and shall remain under the jurisdiction of the
3 board of parole and under the supervision and
4 direction of the judicial district department of
5 correctional services. For purposes of this
6 subsection, a violator, who has been committed to the
7 custody of the director of the department of
8 corrections upon the imposition of consecutive
9 sentences for serious misdemeanor violations and the
10 consecutive sentences exceed a total of one year,
11 shall be considered to have been convicted of an
12 aggravated misdemeanor.

13 3. Notwithstanding subsections 2 and 4, if a
14 parolee's parole is subject to revocation, the
15 parolee's parole officer may recommend, and the parole
16 revocation officer or board panel may consider, as an
17 alternative to revocation of the parolee's parole,
18 placing the parolee in the minimum security facility
19 at Newton, subject to available bed space, as part of
20 the parolee's revised plan of parole. The parolee
21 shall be placed directly in the Newton facility
22 without reclassification at the Iowa medical
23 classification facility at Oakdale.

24 4. If the parole of a parole violator is not
25 revoked, the parole revocation officer or board panel
26 shall order the person's release subject to the terms
27 of the person's parole with any modifications that the
28 parole revocation officer or board panel determines
29 proper.

30 Sec. ____ . NEW SECTION. 908.9A CUSTODY OF PAROLE
31 OR PROBATION VIOLATOR.

32 A parole or probation violator confined to a county
33 jail pursuant to section 908.9 or 908.11 shall remain
34 committed to the custody of the director of the
35 department of corrections.

36 Sec. ____ . Section 908.11, Code 1989, is amended to
37 read as follows:

38 908.11 VIOLATION OF PROBATION.

39 A probation officer or the judicial district
40 department of correctional services having probable
41 cause to believe that any person released on probation
42 has violated the conditions of probation shall proceed
43 by arrest or summons as in the case of a parole
44 violation. The functions of the liaison officer and
45 the board of parole shall be performed by the judge or
46 magistrate who placed the alleged violator on
47 probation if that judge or magistrate is available,
48 otherwise by another judge or magistrate who would
49 have had jurisdiction to try the original offense. If
50 the probation officer proceeds by arrest, any

S-4069

Page 10

1 magistrate may receive the complaint, issue an arrest
2 warrant, or conduct the initial appearance and
3 probable cause hearing if it is not convenient for the
4 judge who placed the alleged violator on probation to
5 do so. The initial appearance, probable cause
6 hearing, and probation revocation hearing, or any of
7 them, may at the discretion of the court be merged
8 into a single hearing when it appears that the alleged
9 violator will not be prejudiced thereby. If the
10 violation is established, the court may continue the
11 probation with or without an alteration of the
12 conditions of probation. If the defendant is an adult
13 the court may hold the defendant in contempt of court
14 and sentence the defendant to a jail term while
15 continuing the probation, or may revoke the probation
16 and require the defendant to serve the sentence
17 imposed or any lesser sentence, and, if imposition of
18 sentence was deferred, may impose any sentence which
19 might originally have been imposed. If the defendant
20 was originally committed to the custody of the
21 department of corrections, the defendant's sentence
22 was suspended or deferred, and the defendant has been
23 placed on probation for violation of a class "C" or
24 "D" felony or an aggravated misdemeanor, and a
25 violation of probation has been established, the court
26 may revoke probation and, as an alternative to serving
27 the sentence originally imposed, require the defendant
28 to serve a maximum term of imprisonment of one year in
29 a county jail if the defendant is eligible for work
30 release, educational work release, or a community-
31 based correctional program and the county and the
32 department of corrections have entered into a chapter
33 28E agreement pursuant to section 906.18. A probation
34 violator confined in a county jail pursuant to this
35 section shall remain under the supervision and
36 direction of the violator's probation officer. For
37 purposes of this section, a person who receives
38 consecutive sentences for serious misdemeanor
39 violations, which sentences are not suspended and
40 exceed a total of one year, shall be considered to
41 have committed an aggravated misdemeanor."

42 17. By renumbering, relettering, or redesignating
43 and correcting internal references as necessary.

By COMMITTEE ON APPROPRIATIONS
JOE J. WELSH, Chairperson

S-4069 FILED MAY 2, 1989

adopted 53-81 (p. 1882)

HOUSE FILE 772

S-4091

1 Amend the amendment, S-4069, to House File 772 as
2 amended, passed and reprinted by the House as follows:

3 1. Page 2, by striking line 40 and inserting the
4 following:

5 "1. For".

6 2. Page 2, by striking line 47.

7 3. Page 2, line 50, by striking the word
8 "administrator" and inserting the following:
9 department of corrections".

10 4. Page 3, line 4, by striking the words
11 "educational administrator" and inserting the
12 following: "department of corrections".

13 5. Page 3, line 9, by striking the words
14 "educational administrator" and inserting the
15 following: "department of corrections".

By RICHARD J. VARN

S-4091 FILED MAY 3, 1989

ADOPTED 5-3-89 (p. 1882)

HOUSE FILE 772

S-4083

1 Amend the amendment, S-4069, to House File 772, as
 2 amended, passed, and reprinted by the House, as
 3 follows:
 4 1. Page 4, by striking lines 4 through 10 and
 5 inserting the following:
 6 "a. The addition of one hundred additional medium
 7 security beds to be located as determined by the
 8 department of corrections. However, these beds shall
 9 not be added until the department has notified and
 10 provided an explanation for the placement of the beds
 11 to the members of the corrections system review task
 12 force created in 1988 Iowa Acts, chapter 1271, section
 13 14."

By CALVIN O. HULTMAN
 LINN FUHRMAN

S-4083 FILED MAY 3, 1989

LOST 5-3-89 (p.1881)

HOUSE FILE 772

S-4084

1 Amend House File 772, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 6, line 29, by striking the word "twenty-
 4 five" and inserting the following: "fifty".
 5 2. Page 7, line 11, by striking the word "twenty-
 6 five" and inserting the following: "fifty".

By DONALD V. DOYLE
 JOE J. WELSH

S-4084 FILED MAY 3, 1989

ADOPTED 5-3-89 (p.1882)

HOUSE FILE 772

S-4088

1 Amend amendment, S-4069, to House File 772, as
 2 amended, passed, and reprinted by the House, as
 3 follows:

4 1. Page 1, by striking lines 6 and 7.

By AL STURGEON

S-4088 FILED MAY 3, 1989

ADOPTED 5-3-89 (p.1881)

HOUSE FILE 772

S-4089

1 Amend the Committee amendment, S-4069, to House File
 2 772 as amended, passed and reprinted by the House as
 3 follows:

4 1. Page 5, by striking lines 15 through 36.

By CALVIN O. HULTMAN

S-4089 FILED MAY 3, 1989

LOST 5-3-89 (p.1882)

SENATE AMENDMENT TO HOUSE FILE 772

H-4411

1 Amend House File 772, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 1, line 10, by striking the figure
4 "4,187,362" and inserting the following: "4,527,362".

5 2. Page 1, line 11, by striking the figure
6 "157.5" and inserting the following: "158.5".

7 3. Page 2, by striking line 20 and inserting the
8 following:

9 "..... \$ 200,000"

10 4. Page 2, by inserting after line 20 the follow-
11 ing:

12 "9. The balance of the fund created under section
13 321J.17 may be used to provide salary and support of
14 not more than 10.5 FTE positions, of which 4.5 FTE
15 positions shall be utilized in the department of
16 public safety for the operation and administration of
17 the missing persons clearinghouse and domestic abuse
18 registry, and to provide maintenance for the victim
19 compensation functions of the department of justice.

20 The department of justice shall reimburse the
21 department of public safety, from amounts deposited in
22 the fund created under section 321J.17, in an amount
23 of not more than \$167,028, for the operation and
24 administration of the missing persons clearinghouse
25 and domestic abuse registry.

26 The enactment of this subsection and the
27 appropriation of \$240,000 of the total amount
28 appropriated in subsection 1, are contingent upon the
29 enactment of 1989 Iowa Acts, House File 700."

30 5. Page 2, by inserting after line 30, the
31 following:

32 "The office of consumer advocate may expend
33 additional funds, including funds for outside
34 consultants, if those additional expenditures are
35 actual expenses which exceed the funds budgeted for
36 utilities investigations and directly result from
37 investigations of utilities. Before the office
38 expends or encumbers an amount in excess of the funds
39 budgeted for investigations, the director of the
40 department of management shall approve the expenditure
41 or encumbrance. Before approval is given, the
42 director of the department of management shall
43 determine that the investigation expenses exceed the
44 funds budgeted by the general assembly to the office
45 of consumer advocate and that the office does not have
46 other funds from which investigation expenses can be
47 paid. Upon approval of the director of the department
48 of management, the office may expend and encumber
49 funds for excess investigation expenses. The amounts
50 necessary to fund the excess investigation expenses

H-4411

Page 2

1 shall be collected from those utilities being
2 investigated which caused the excess expenditures, and
3 the collections shall be treated as repayment receipts
4 as defined in section 8.2, subsection 5."

5 6. Page 3, line 4, by striking the figure
6 "728,785" and inserting the following: "752,285".

7 7. Page 3, line 5, by striking the figure "18.0"
8 and inserting the following: "19.0".

9 8. Page 3, by inserting after line 9 the
10 following:

11 "As an additional condition, limitation, and
12 qualification of the appropriation the board of parole
13 shall employ an additional statistical research
14 analyst to assist with the application of the risk
15 assessment model in the parole decision-making
16 process. The board of parole shall also require the
17 board's administrative staff to begin cross-training
18 of the staff to assure that each individual on that
19 staff is familiar with all tasks performed by the
20 staff."

21 9. Page 6, line 29, by striking the word "twenty-
22 five" and inserting the following: "fifty".

23 10. Page 7, line 11, by striking the word
24 "twenty-five" and inserting the following: "fifty".

25 11. Page 7, line 20, by striking the figure
26 "1,833,714" and inserting the following: "1,973,714".

27 12. Page 7, line 21, by striking the figure
28 "37.52" and inserting the following: "40.52".

29 13. Page 7, by inserting after line 21 the
30 following:

31 "As a condition, limitation, and qualification of
32 this appropriation, \$50,000 of the amounts
33 appropriated in this subsection shall be used for a
34 contractual agreement with a criminal justice research
35 firm to develop valid criteria for the purpose of
36 improving the community-based corrections risk/needs
37 assessment classification model. The department shall
38 implement a revised, standardized risk/needs
39 assessment classification model and case management
40 guidelines by March 1, 1990. The department shall
41 promulgate rules for the implementation and monitoring
42 of the risk/needs classification model. The
43 department shall monitor the use of the classification
44 model by the judicial district departments and has the
45 authority to override a district department's decision
46 regarding classification of community-based clients.
47 The department shall notify a district department of
48 the reasons for the override. The department shall
49 provide three full-time equivalent positions to
50 provide research and technical assistance to the

H-4411

Page 3

1 criminal justice research firm during the development
 2 of the revised community-based corrections risk/needs
 3 assessment model. These positions shall be
 4 responsible for providing training services to the
 5 districts for implementing the revised model and shall
 6 monitor the districts' implementation and use of the
 7 revised model."

44347 8 14. Page 8, by inserting after line 10, the
 9 following:

10 "Sec. _____. There is appropriated from the general
 11 fund of the state to the community-based correctional
 12 division of the department of corrections for the
 13 fiscal year beginning July 1, 1989, and ending June
 14 30, 1990, the following amounts, or so much thereof as
 15 is necessary, to be used for the purposes designated:

4420 16 1. For an education pilot project to implement the
 17 computer training system for community-based
 18 correctional program clients in the first and fifth
 19 judicial districts, and for not more than the
 20 following full-time equivalent positions:

21 \$ 450,000

22 As a condition, limitation, and qualification of
 23 the appropriation made under this subsection, the
 24 department of corrections shall determine which
 25 computer training system meets the needs of the
 26 correctional program clients to the greatest extent,
 27 and shall use such system in the pilot project.

28 Upon request by the department of corrections, the
 29 department of general services shall provide technical
 30 assistance related to the evaluation, selection, and
 31 use of computer hardware to be used in the pilot
 32 project.

33 Upon request by the department of corrections, the
 34 department of education shall provide technical
 35 assistance related to the evaluation, selection, and
 36 use of computer software and other educational
 37 material to be used in the pilot project.

38 Funds appropriated under this subsection are not
 39 subject to reversion under section 8.33.

40 2. For job training and development grant programs
 41 to award grants under contract to nonprofit
 42 organizations for community-based correctional
 43 clients:

44 \$ 400,000

45 As a condition, limitation, and qualification of
 46 the appropriation under this subsection, \$200,000
 47 shall be used for a client development and job
 48 training pilot project, \$120,000 shall be used for
 49 contracting for services in the eighth judicial
 50 district, and \$80,000 shall be used for contracting

H-4411

Page 4

1 for services in the seventh judicial district. Job
 2 training grant programs must be designed and
 3 administered so that the programs are not in direct
 4 competition with other federal Job Training
 5 Partnership Act programs in order to be eligible for
 6 these grants.

7 3. For an offender reorientation project in the
 8 fifth judicial district:

9 \$ 100,000

10 4. For an alternative sentencing project in the
 11 third judicial district, to provide judges and the
 12 parole board with alternatives to returning parole or
 13 probation violators to prison:

14 \$ 200,000

15 Violators who may be included in the project
 16 include class "C" and class "D" felons and persons
 17 convicted of an aggravated misdemeanor. Alternatives
 18 under the project could include, but are not limited
 19 to, local jail or community service sentencing.

20 5. For costs associated with the design of prison
 21 expansion:

22 \$ 250,000

23 6. To provide for financial arrangements for and
 24 to begin construction of a \$8,332,880 expansion in
 25 prison capacity in the manner provided in this
 26 subsection:

27 \$ 1,100,000

441728 a. Construction of an additional one hundred bed
 29 minimum security facility at Newton for parole and
 30 probation violators of which twenty-five beds are to
 31 be specifically used for substance abuse treatment
 32 programs for clients of the state adult corrections
 33 system and twenty-five beds are to be specifically
 34 used for work release inmates.

35 b. Construction of a one hundred twenty bed medium
 36 security dormitory style facility at the Oakdale
 37 corrections campus along with the upgrading of the
 38 kitchen, dining room space, and records management at
 39 the campus.

40 c. Replacement of the existing thirty community
 41 corrections residential bed facility with a new
 42 seventy-five community corrections residential bed
 43 facility at Cedar Rapids.

44 d. The addition of thirty-six additional community
 45 corrections residential beds as determined by the
 46 department of corrections. However, these beds shall
 47 not be added until the department has notified and
 48 provided an explanation for the placement of the beds
 49 to the members of the corrections system review task
 442050 force created in 1988 Iowa Acts, chapter 1271, section

H-4411

Page 5

1 14.

2 e. Renovation of sixty-five and the addition of
3 twenty dormitory-style minimum security beds at farm
4 three at the Fort Madison correctional facility.

5 f. For a total designed capacity of seventy-one
6 minimum security beds at the Luster Heights facility
7 by renovation of eighteen and the addition of
8 seventeen minimum security beds."

9 15. Page 12, by inserting after line 4, the
10 following:

11 "Sec. _____. There is appropriated from the general
12 fund of the state to the department of corrections for
13 the fiscal year beginning July 1, 1989, and ending
14 June 30, 1990, the following amounts, or so much
15 thereof as is necessary, to be used for the purposes
16 designated:

17 For the third judicial district department of
18 correctional services:

19 \$ 126,375

20 As a condition, limitation, and qualification of
21 this appropriation, \$76,375 shall be used for the
22 operating costs of ten new OWI program beds within the
23 district, and \$50,000 shall be used for the operating
24 costs of fifteen new community corrections residential
25 beds within the district.

26 Sec. _____. There is appropriated from the general
27 fund of the state to the department of corrections for
28 the period beginning January 1, 1990, and ending June
29 30, 1990, the following amounts, or so much thereof as
30 is necessary, to be used for the purposes designated:

31 For operating costs and twenty-one additional
32 positions for staffing and support for eighty-five
33 minimum security beds at farm three at the Fort
34 Madison correctional facility, contingent upon the
35 renovation of sixty-five and the addition of twenty
36 dormitory-style beds at farm three as provided in this
37 Act:

38 \$ 465,059

39 Sec. _____. Notwithstanding any contrary provision
40 of law, the department shall establish a pilot program
41 within the third judicial district for the diversion
42 of OWI offenders. The department of corrections shall
43 develop standardized assessment criteria for the
44 assignment of offenders to a facility established
45 pursuant to section 246.513. The offender shall be
46 assigned by the director to a facility pursuant to
47 section 321J.2, subsection 2, paragraph "c". If the
48 person cannot be assigned to a facility established
49 pursuant to section 246.513 due to insufficient bed
50 space, the person shall be released from custody upon

H-4411

Page 6

1 the person's own recognizance, bond, or supervision by
 2 the judicial district department of correctional
 3 services until space is available. If an offender
 4 fails to satisfactorily perform in a treatment program
 5 conducted in the residential facility operated by the
 6 judicial district department of correctional services,
 7 the offender shall be assigned to the Iowa medical
 8 classification facility at Oakdale for classification.
 9 The offender shall be assigned to an institution
 10 following classification.

4420

11 Sec. _____. The corrections system review task force
 12 established in 1988 Iowa Acts, chapter 1271, section
 13 14, shall request the consultant working with the task
 14 force in establishing the ten-year corrections master
 15 plan to evaluate the effect of the provisions of this
 16 Act on the state's corrections system while assisting
 17 the task force in developing the ten-year corrections
 18 master plan.

19 Sec. _____. There is appropriated from the general
 20 fund of the state to the department of corrections for
 21 the fiscal year beginning July 1, 1989, and ending
 22 June 30, 1990, the following amount, or so much
 23 thereof as is necessary, to provide for the financing
 24 of and to begin construction of forty-four additional
 25 residential community corrections beds in the first
 26 judicial district:

27 \$ 200,000"

4433, 4432

28 16. Page 12, line 19, by striking the figure
 29 "63,584,259" and inserting the following:
 30 "63,717,370".

31 17. Page 12, line 26, by inserting after the word
 32 "county," the following: "\$50,000 shall be used for
 33 the addition of two juvenile court officers, \$68,327
 34 shall be used for the addition of two court reporters,
 35 \$14,784 shall be used for the addition of two half-
 36 time juvenile court specialists, \$184,000 shall be
 37 used to reimburse the auditor of state for expenses
 38 incurred in completing audits of the offices of the
 39 clerks of the district court during the fiscal year
 40 beginning July 1, 1989,".

41 18. Page 13, line 6, by striking the figure
 42 "891,000" and inserting the following: "730,379".

4448

43 19. Page 13, by inserting after line 35 the
 44 following:

45 "Sec. _____. Funds appropriated for the fiscal year
 46 beginning July 1, 1988, and ending June 30, 1989, to
 47 the judicial department for the costs of adult
 48 indigent defense and costs of juvenile proceedings
 49 including attorney and witness fees, which remain on
 50 June 30, 1989, after the payment of all claims

4443

H-4411

Page 7

1 submitted on or before June 30, 1989, for the fiscal
2 year beginning July 1, 1988, and pursuant to 1988 Iowa
3 Acts, chapter 1161, section 20, shall be transferred
4 to the department of inspections and appeals to be
5 used for the costs of adult indigent defense and costs
6 of juvenile proceedings, and shall not be subject to
7 reversion pursuant to section 8.33. Any claims
8 received by the judicial department after June 30,
9 1989, for adult indigent defense or juvenile
10 proceedings shall be forwarded to the department of
11 inspections and appeals for payment."

4419 12 20. Page 14, line 27, by inserting after the word
13 "program" the following: ", and using the same line
14 item definitions of expenditures as used for the
15 current fiscal year's budget request,".

16 21. Page 15, by striking lines 7 through 12, and
17 inserting the following:

4421 18 "Sec. ____ . Section 356.15, Code 1989, is amended
19 to read as follows:

20 356.15 EXPENSES.

21 All charges and expenses for the safekeeping and
22 maintenance of prisoners shall be allowed by the board
23 of supervisors, except those committed or detained by
24 the authority of the courts of the United States, in
25 which cases the United States must pay such expenses
26 to the county, and those committed for violation of a
27 city ordinance, in which case the city shall pay
28 expenses to the county. If a parole or probation
29 violator is committed to a county jail pursuant to
30 section 908.9 or 908.11, the county shall be
31 reimbursed by the department of corrections in
32 accordance with section 906.18. If the violator is
33 granted work release from the county jail, the
34 violator is liable to the county for the cost of the
35 violator's board as provided in section 356.30.
36 However, the state shall reimburse the county for the
37 balance of the cost of confining the violator.

38 Sec. ____ . Section 905.1, subsection 2, Code 1989,
39 is amended to read as follows:

40 2. "Community-based correctional program" means
41 correctional programs and services designed to
42 supervise and assist individuals who are charged with
43 or have been convicted of a felony, an aggravated
44 misdemeanor or a serious misdemeanor, or who are on
45 probation or parole in lieu of or as a result of a
46 sentence of incarceration imposed upon conviction of
47 any of these offenses, or who have been confined in a
48 county jail as a result of revocation of probation or
49 parole for conviction and sentence of a class "C" or
50 "D" felony or aggravated misdemeanor, or who are

H-4411

Page 8

1 contracted to the district department for supervision
2 and housing while on work release.

3 Sec. ____ . Section 906.9, Code 1989, is amended to
4 read as follows:

5 906.9 CLOTHING, TRANSPORTATION, AND MONEY.

6 When an inmate is discharged, paroled, or placed on
7 work release, or ~~placed in a community-based~~
8 ~~correctional program under section 246.513,~~ the warden
9 or superintendent shall furnish the inmate, at state
10 expense, appropriate clothing and transportation to
11 the place in this state indicated in the inmate's
12 discharge, parole, or work release plan ~~or community-~~
13 ~~based corrections assignment.~~ When an inmate is
14 discharged, paroled, or placed on work release, or
15 ~~placed in a community-based correctional program under~~
16 ~~section 246.513,~~ the warden or superintendent shall
17 provide the inmate, at state expense, money in
18 accordance with the following schedule:

19 1. Upon discharge or parole, one hundred dollars.

20 2. Upon being placed on work release, fifty
21 dollars.

22 3. Upon going from an educational work release to
23 parole or discharge, fifty dollars.

24 ~~4. Upon being placed in a community-based~~
25 ~~correctional program under section 246.513, fifty~~
26 ~~dollars.~~

27 Those inmates receiving payment under subsection 2
28 or ~~3 or 4~~ shall not be eligible for payment under
29 subsection 1 unless they are returned to the
30 institution. The warden or superintendent shall
31 maintain an account of all funds expended pursuant to
32 this section.

33 Sec. ____ . NEW SECTION. 906.18 CONFINEMENT OF
34 PAROLE AND PROBATION VIOLATORS BY COUNTIES --
35 REIMBURSEMENT.

36 1. A county may enter into a chapter 28E agreement
37 with the department of corrections for the confinement
38 of parole and probation violators pursuant to section
39 908.9 or 908.11, and the agreement may contain
40 provisions relating to reimbursement to the county for
41 confining the violators, and any other terms the
42 contracting parties deem appropriate.

43 2. The department of corrections and counties may
44 commence negotiation and execution of the chapter 28E
45 agreements provided in subsection 1 on or after July
46 1, 1989.

47 3. Parole and probation violators may be confined
48 in county jails pursuant to sections 908.9 and 908.11
49 commencing January 1, 1990.

50 Sec. ____ . Section 908.9, Code 1989, is amended to

H-4411

Page 9

1 read as follows:

2 908.9 DISPOSITION OF VIOLATOR.

3 1. If the parole of a parole violator is revoked,
4 the violator shall remain in the custody of the Iowa
5 department of corrections under the terms of the
6 parolee's original commitment.

7 2. Notwithstanding subsection 1, if the parole of
8 a parole violator, originally committed to the
9 department for conviction of a class "C" or "D"
10 felony, or aggravated misdemeanor, is revoked, the
11 parole revocation officer or board panel shall
12 determine whether the violator is to remain in the
13 custody of the director of the department of
14 corrections under the terms of the parolee's original
15 commitment, or is to be confined in a county jail, for
16 a maximum period of one year, as part of the
17 violator's subsequent plan of parole or work release.
18 A violator shall be confined in a county jail only if
19 the violator is placed on work release, educational
20 work release, or in a community-based correctional
21 program and the county and the department of
22 corrections have entered into a chapter 28E agreement
23 pursuant to section 906.18. A violator assigned to
24 county jail confinement pursuant to this subsection
25 shall be transported directly to the assigned county
26 jail, and shall remain under the jurisdiction of the
27 board of parole and under the supervision and
28 direction of the judicial district department of
29 correctional services. For purposes of this
30 subsection, a violator, who has been committed to the
31 custody of the director of the department of
32 corrections upon the imposition of consecutive
33 sentences for serious misdemeanor violations and the
34 consecutive sentences exceed a total of one year,
35 shall be considered to have been convicted of an
36 aggravated misdemeanor.

37 3. Notwithstanding subsections 2 and 4, if a
38 parolee's parole is subject to revocation, the
39 parolee's parole officer may recommend, and the parole
40 revocation officer or board panel may consider, as an
41 alternative to revocation of the parolee's parole,
42 placing the parolee in the minimum security facility
43 at Newton, subject to available bed space, as part of
44 the parolee's revised plan of parole. The parolee
45 shall be placed directly in the Newton facility
46 without reclassification at the Iowa medical
47 classification facility at Oakdale.

48 4. If the parole of a parole violator is not
49 revoked, the parole revocation officer or board panel
50 shall order the person's release subject to the terms

H-4411

Page 10

1 of the person's parole with any modifications that the
2 parole revocation officer or board panel determines
3 proper.

4 Sec. ____ . NEW SECTION. 908.9A CUSTODY OF PAROLE
5 OR PROBATION VIOLATOR.

6 A parole or probation violator confined to a county
7 jail pursuant to section 908.9 or 908.11 shall remain
8 committed to the custody of the director of the
9 department of corrections.

10 Sec. ____ . Section 908.11, Code 1989, is amended to
11 read as follows:

12 908.11 VIOLATION OF PROBATION.

13 A probation officer or the judicial district
14 department of correctional services having probable
15 cause to believe that any person released on probation
16 has violated the conditions of probation shall proceed
17 by arrest or summons as in the case of a parole
18 violation. The functions of the liaison officer and
19 the board of parole shall be performed by the judge or
20 magistrate who placed the alleged violator on
21 probation if that judge or magistrate is available,
22 otherwise by another judge or magistrate who would
23 have had jurisdiction to try the original offense. If
24 the probation officer proceeds by arrest, any
25 magistrate may receive the complaint, issue an arrest
26 warrant, or conduct the initial appearance and
27 probable cause hearing if it is not convenient for the
28 judge who placed the alleged violator on probation to
29 do so. The initial appearance, probable cause
30 hearing, and probation revocation hearing, or any of
31 them, may at the discretion of the court be merged
32 into a single hearing when it appears that the alleged
33 violator will not be prejudiced thereby. If the
34 violation is established, the court may continue the
35 probation with or without an alteration of the
36 conditions of probation. If the defendant is an adult
37 the court may hold the defendant in contempt of court
38 and sentence the defendant to a jail term while
39 continuing the probation, or may revoke the probation
40 and require the defendant to serve the sentence
41 imposed or any lesser sentence, and, if imposition of
42 sentence was deferred, may impose any sentence which
43 might originally have been imposed. If the defendant
44 was originally committed to the custody of the
45 department of corrections, the defendant's sentence
46 was suspended or deferred, and the defendant has been
47 placed on probation for violation of a class "C" or
48 "D" felony or an aggravated misdemeanor, and a
49 violation of probation has been established, the court
50 may revoke probation and, as an alternative to serving

H-4411

Page 11

1 the sentence originally imposed, require the defendant
2 to serve a maximum term of imprisonment of one year in
3 a county jail if the defendant is eligible for work
4 release, educational work release, or a community-
5 based correctional program and the county and the
6 department of corrections have entered into a chapter
7 28E agreement pursuant to section 906.18. A probation
8 violation confined in a county jail pursuant to this
9 section shall remain under the supervision and
10 direction of the violator's probation officer. For
11 purposes of this section, a person who receives
12 consecutive sentences for serious misdemeanor
13 violations, which sentences are not suspended and
14 exceed a total of one year, shall be considered to
15 have committed an aggravated misdemeanor."
16 22. By renumbering, relettering, or redesignating
17 and correcting internal references as necessary.

RECEIVED FROM THE SENATE

H-4411 FILED MAY 4, 1989

CONCURRED AS AMENDED

5-4-89 (p. 2486)

HOUSE FILE 772

H-4420

Amend the Senate amendment, H-4411, to House File
2 772, as amended, passed, and reprinted by the House,
3 as follows:

- 4 1. Page 3, by striking lines 19 and 20 and
5 inserting the following: "judicial districts".
- 6 2. Page 4, line 50, by striking the word "in" and
7 inserting the following: "by the legislative council
8 pursuant to".
- 9 3. Page 6, line 12, by striking the words "estab-
10 lished in" and inserting the following: "created by
11 the legislative council pursuant to".
- 12 4. Page 6, line 15, by striking the word "effect"
13 and inserting the following: "effects".

By KNAPP of Dubuque

H-4420 FILED MAY 4, 1989

ADOPTED 5-4-89 (p. 2481)

HOUSE FILE 772

H-4421

Amend the Senate amendment, H-4411, to House File
2 772, as amended, passed, and reprinted by the House,
3 as follows:

- 4 1. Page 7, by inserting after line 17 the
5 following:
6 ""Sec. ____ . NEW SECTION. 248A.7 RIGHTS NOT
7 RESTORABLE.

8 Notwithstanding any other provision of this
9 chapter, a person who has been convicted of a forcible
10 felony, a felony violation of chapter 204 involving a
11 firearm, or a felony violation of chapter 724 shall
12 not have the person's rights of citizenship restored
13 to the extent of allowing the person to receive,
14 transport, or possess firearms."

- 15 2. By renumbering as necessary.

By SHERZAN of Polk

H-4421 FILED MAY 4, 1989

ADOPTED 5-4-89 (p. 2486)

H-4419

1 Amend the amendment, H-4411, to House File 772, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 7, by inserting after line 11 the
5 following:
6 "____. Page 14, by inserting after line 11 the
7 following:
8 "Sec. _____. 1988 Iowa Acts, chapter 1259, sections
9 7, 8, and 9, are amended to read as follows:
10 SEC. 7. Notwithstanding section 802.4,
11 prosecutions for violations of chapter 299, which
12 occur between the effective date of this Act and July
13 1, ~~1989~~ 1991, shall be deferred until after July 1,
14 ~~1989~~ 1991 unless the parent, guardian, or custodian
15 fails to meet the requirements of section 299.4.
16 This section does not apply to any parent,
17 guardian, or custodian who has enrolled a child in an
18 equivalent instruction program which meets the
19 requirements of section 299.1 on or prior to the
20 effective date of this Act.
21 SEC. 8. Until July 1, ~~1989~~ 1991, any person
22 providing equivalent instruction under section 299.1
23 shall provide evidence, as part of the report
24 submitted under section 299.4, that any child
25 instructed has complied with the immunization
26 requirements of section 139.9.
27 SEC. 9. Until July 1, ~~1989~~ 1991, a person who is
28 not a certified instructor, but who is providing
29 equivalent instruction under section 299.1, is a
30 mandatory reporter of child abuse under section
31 232.69."
32 2. By renumbering as necessary.

By CORBETT of Linn

H-4419 FILED MAY 4, 1989

NOT GERMANE

5-4-89 (p. 2485)
HOUSE FILE 772

H-4417

1 Amend the Senate amendment, H-4411, to House File
2 772, as amended, passed, and reprinted by the House,
3 as follows:
4 1. Page 4, by striking lines 28 through 34 and
5 inserting the following:
6 "a. The addition of one hundred forty-six
7 additional medium security beds to be located as
8 determined by the Iowa board of corrections. However,
9 these beds shall not be added until the department has
10 notified and provided an explanation for the placement
11 of the beds to the members of the corrections system
12 review task force created by the legislative council
13 pursuant to 1988 Iowa Acts, chapter 1271, section 14."
By BENNETT of Ida HARBOR of Mills
MAULSBY of Calhoun BEAMAN of Clarke
ROYER of Page EDDIE of Buena Vista

H-4417 FILED MAY 4, 1989

LOST

5-4-89 (p. 2483)

HOUSE FILE 772

H-4422

1 Amend the Senate amendment, H-4411, to House File
2 772, as amended, passed, and reprinted by the House,
3 as follows:

4 1. Page 6, by inserting after line 27 the
5 following:

6 "____. Page 12, by inserting after line 4 the
7 following:

8 "Sec. _____. There is appropriated from the general
9 fund of the state to the department of human services
10 for the fiscal year beginning July 1, 1989, and ending
11 June 30, 1990, the following amounts, or so much
12 thereof as is necessary, to be used for the purposes
13 designated:

14 For capital improvements at the juvenile
15 institutions:

16 \$ 1,200,000

17 The department of human services shall expend the
18 funds appropriated in this subsection at the following
19 named facilities for the projects designated with
20 similar projects being grouped and funded at the same
21 time:

	FACILITY	PROJECT
22		
23	1. Eldora	Facility engineering/design
24		and program analysis
25	2. Eldora	Asbestos removal (phase 1)
26	3. Eldora	Fire detection and alarm -
27		various buildings
28	4. Eldora	Auditorium elevator and
29		school ramp for 504 compliance
30	5. Toledo	Asbestos removal (phase 1)
31	6. Toledo	Update fire alarm systems -
32		campus wide
33	7. Toledo	Vent system upgrade - center
34		kitchen
35	8. Eldora	Test 33 transformers and oil
36		switches for PCB
37	9. Eldora	Remove underground fuel tank
38	10. Toledo	Test 15 electrical transformers
39		for PCB
40	11. Toledo	Replace 4 underground tanks
41	12. Eldora	Repair copper roof deck and
42		spot tuckpoint - gym
43	13. Toledo	Electric system reconstruction -
44		school admin. building
45	14. Toledo	Tuckpoint and waterproof -
46		school admin. building
47	15. Toledo	Reroof Arnold cottage
48	16. Toledo	Roof replacement - Bryant cottage
49	17. Toledo	Roof replacement - Palmer cottage
50	18. Toledo	Repair gym walls

H-4422

Page 2

1 19. Toledo
2
3 20. Toledo
4 21. Toledo
5
6 22. Toledo

Replace gutters, downspouts -
Dugan, Chapel, Roberts
Replace dietary building elevator
Reroof - shop, power plant,
dietary buildings
Reconstruct tunnel sections".
By STROMER of Hancock

H-4422 FILED MAY 4, 1989
WITHDRAWN

5-4-89 (p. 2483)

HOUSE FILE 772

H-4432

1 Amend the Senate amendment, H-4411, to House File
2 772, as amended, passed, and reprinted by the House,
3 as follows:

4 1. Page 6, by inserting after line 27 the
5 following:

6 "____. Page 12, by inserting after line 4 the
7 following:

8 "Sec. _____. There is appropriated from the general
9 fund of the state to the department of corrections for
10 the fiscal year beginning July 1, 1989, and ending
11 June 30, 1990, the following amount, or so much
12 thereof as is necessary, to be used for the purpose
13 designated:

14 1. For capital and major maintenance projects at
15 correctional institutions:

16 \$ 3,900,000

17 Notwithstanding section 8.39, funds appropriated in
18 this section shall be used for the purposes designated
19 and are not subject to transfer.

20 2. The department of corrections shall expend the
21 funds appropriated in this section in the following
22 priority at the following named facilities for the
23 capital and major maintenance projects designated:

24 a. CAPITALS:

25 FACILITY

PROJECT

26 (1) Luster Heights

For repairs/upgrade of a
sewer lagoon, materials
for construction of an in-
dustries program building,
remodeling/rewiring original
dorm, and kitchen sanitation
equipment

33 (2) Fort Madison

Water main system

34 (3) Mount Pleasant

Sewer update

35 (4) All facilities

Asbestos removal

36 (5) Newton

Security monitoring

37 (6) Mitchellville

City water hook-up

38 (7) Rockwell City

Individual heating and hot
water.

40 (8) Fort Madison

Water main replacement

41 (9) Mitchellville

Emergency generator

42 (10) Mount Pleasant

Switchgear and transformers

43 (11) Mitchellville

Freezer

44 (12) Anamosa

Sign shop addition

45 (13) Fort Madison

Fire alarm extension

46 (14) Rockwell City

Surface perimeter road

47 (15) Fort Madison

Alarm system

48 (John Bennett)

49 (16) Oakdale

Water treatment building

50 (17) Rockwell City

Electrical distribution and

H-4432

Page 2

- 1
- 2
- 3 b. MAJOR MAINTENANCE:
- 4 FACILITY
- 5 (1) Fort Madison
- 6 (2) Anamosa
- 7 (3) Oakdale
- 8 (4) Mount Pleasant
- 9 (5) Newton
- 10 (6) Rockwell City
- 11 (7) Mitchellville
- 12 (8) Clarinda
- 13 (9) Fort Madison
- 14 (10) Anamosa
- 15 (11) Oakdale
- 16 (12) Mount Pleasant
- 17 (13) Newton
- 18 (14) Rockwell City
- 19 (15) Mitchellville
- 20 (16) Clarinda

rewiring and connection to the city sewer system

- PROJECT
- Perimeter tuckpoint
- Fire escapes
- Kitchen ventilation
- Boom truck
- Roof repair - dorms
- Replace slate roof
- Rework fire alarm
- Water main loop
- Tuckpoint CH 18 and 19
- Fire doors CH 3
- Precast panel repair
- Radio conversion
- Lock system for dorm
- Lock system for dorm
- Replace locks
- Tuckpointing".

By MAULSBY of Calhoun

H-4432 FILED MAY 4, 1989

WITHDRAWN

5-4-89 (p2483)

HOUSE FILE 772

H-4434

1 Amend the Senate amendment, H-4411, to House File
 2 772, as amended, passed, and reprinted by the House,
 3 as follows:
 4 1. Page 3, by inserting after line 7, the
 5 following:
 6 "____. Page 8, by inserting after line 10, the
 7 following:
 8 "Sec. _____. There is appropriated from the general
 9 fund of the state to the department of corrections for
 10 the fiscal year beginning July 1, 1989, and ending
 11 June 30, 1990, the following amount, or so much
 12 thereof as is necessary, to be used for the purposes
 13 designated:
 14 For capital, major maintenance, and security needs
 15 at the state's correctional institutions:
 16 \$ 2,000,000".
 17 2. Renumber as necessary.

By SHERZAN of Polk

H-4434 FILED MAY 4, 1989

ADOPTED 5-4-89 (p2481)

HOUSE FILE 772

H-4442

1 Amend the Senate amendment, H-4411, to House File
 2 772, as amended, passed, and reprinted by the House,
 3 as follows:
 4 1. Page 6, by striking lines 41 and 42.
 5 2. Renumber as necessary.

By EDDIE of Buena Vista

H-4442 FILED MAY 4, 1989

LOST 5-4-89 (p2483)

HOUSE FILE 772

H-4443

1 Amend the Senate amendment, H-4411, to House File
 2 772, as amended, passed, and reprinted by the House,
 3 as follows:
 4 1. Page 6, by inserting after line 42, the
 5 following:
 6 "____. Page 13, by inserting after line 24, the
 7 following:
 8 "Sec. _____. It is the intent of the general
 9 assembly that a new automated child support system be
 10 developed and staffed under the Iowa court information
 11 system and funds appropriated in 1989 Iowa Acts,
 12 Senate File 363, section 17, shall be used by the
 13 judicial department to begin implementation of 1988
 14 Iowa Acts, chapter 1218, section 15. The judicial
 15 department shall report to the general assembly by
 16 January 1, 1990, on the total estimated cost of
 17 implementation of this system for the fiscal year
 18 beginning July 1, 1989, and ending June 30, 1990, and
 19 shall request a supplemental appropriation for the
 20 amounts needed to meet these costs. The department of
 21 human services and the judicial department shall
 22 report each month to the legislative fiscal bureau
 23 concerning the progress of the implementation of the
 24 system, and shall identify any problems that may
 25 adversely affect the implementation."
 26 2. By renumbering as necessary.

By PETERSON of Carroll

H-4443 FILED MAY 4, 1989

ADOPTED 5-4-89 (p2484)

HOUSE AMENDMENT TO SENATE AMENDMENT TO
HOUSE FILE 772

S-4130

1 Amend the Senate amendment, H-4411, to House File
2 772, as amended, passed, and reprinted by the House,
3 as follows:

4 1. Page 3, by inserting after line 7, the
5 following:

6 "_____. Page 8, by inserting after line 10, the
7 following:

8 "Sec. _____. There is appropriated from the general
9 fund of the state to the department of corrections for
10 the fiscal year beginning July 1, 1989, and ending
11 June 30, 1990, the following amount, or so much
12 thereof as is necessary, to be used for the purposes
13 designated:

14 For capital, major maintenance, and security needs
15 at the state's correctional institutions:

16 \$ 2,000,000".

17 2. Page 3, by striking lines 19 and 20 and
18 inserting the following: "judicial districts:".

19 3. Page 4, line 50, by striking the word "in" and
20 inserting the following: "by the legislative council
21 pursuant to".

22 4. Page 6, line 12, by striking the words "estab-
23 lished in" and inserting the following: "created by
24 the legislative council pursuant to".

25 5. Page 6, line 15, by striking the word "effect"
26 and inserting the following: "effects".

27 6. Page 6, by inserting after line 42, the
28 following:

29 "_____. Page 13, by inserting after line 24, the
30 following:

31 "Sec. _____. It is the intent of the general
32 assembly that a new automated child support system be
33 developed and staffed under the Iowa court information
34 system and funds appropriated in 1989 Iowa Acts,
35 Senate File 363, section 17, shall be used by the
36 judicial department to begin implementation of 1988
37 Iowa Acts, chapter 1218, section 15. The judicial
38 department shall report to the general assembly by
39 January 1, 1990, on the total estimated cost of
40 implementation of this system for the fiscal year
41 beginning July 1, 1989, and ending June 30, 1990, and
42 shall request a supplemental appropriation for the
43 amounts needed to meet these costs. The department of
44 human services and the judicial department shall
45 report each month to the legislative fiscal bureau
46 concerning the progress of the implementation of the
47 system, and shall identify any problems that may
48 adversely affect the implementation.""

49 7. Page 7, by inserting after line 17 the
50 following:

S-4130

Page 2

1 "Sec. ____ . NEW SECTION. 248A.7 RIGHTS NOT
2 RESTORABLE.
3 Notwithstanding any other provision of this
4 chapter, a person who has been convicted of a forcible
5 felony, a felony violation of chapter 204 involving a
6 firearm, or a felony violation of chapter 724 shall
7 not have the person's rights of citizenship restored
8 to the extent of allowing the person to receive,
9 transport, or possess firearms."
10 8. By renumbering, relettering, or redesignating
11 and correcting internal references as necessary.

RECEIVED FROM THE HOUSE

S-4130 FILED MAY 5, 1989

CONCURRED

5-5-89 (p.1952)

H-4411

Page 9

1 read as follows:

2 908.9 DISPOSITION OF VIOLATOR.

3 1. If the parole of a parole violator is revoked,
4 the violator shall remain in the custody of the Iowa
5 department of corrections under the terms of the
6 parolee's original commitment.

7 2. Notwithstanding subsection 1, if the parole of
8 a parole violator, originally committed to the
9 department for conviction of a class "C" or "D"
10 felony, or aggravated misdemeanor, is revoked, the
11 parole revocation officer or board panel shall
12 determine whether the violator is to remain in the
13 custody of the director of the department of
14 corrections under the terms of the parolee's original
15 commitment, or is to be confined in a county jail, for
16 a maximum period of one year, as part of the
17 violator's subsequent plan of parole or work release.
18 A violator shall be confined in a county jail only if
19 the violator is placed on work release, educational
20 work release, or in a community-based correctional
21 program and the county and the department of
22 corrections have entered into a chapter 28E agreement
23 pursuant to section 906.18. A violator assigned to
24 county jail confinement pursuant to this subsection
25 shall be transported directly to the assigned county
26 jail, and shall remain under the jurisdiction of the
27 board of parole and under the supervision and
28 direction of the judicial district department of
29 correctional services. For purposes of this
30 subsection, a violator, who has been committed to the
31 custody of the director of the department of
32 corrections upon the imposition of consecutive
33 sentences for serious misdemeanor violations and the
34 consecutive sentences exceed a total of one year,
35 shall be considered to have been convicted of an
36 aggravated misdemeanor.

37 3. Notwithstanding subsections 2 and 4, if a
38 parolee's parole is subject to revocation, the
39 parolee's parole officer may recommend, and the parole
40 revocation officer or board panel may consider, as an
41 alternative to revocation of the parolee's parole,
42 placing the parolee in the minimum security facility
43 at Newton, subject to available bed space, as part of
44 the parolee's revised plan of parole. The parolee
45 shall be placed directly in the Newton facility
46 without reclassification at the Iowa medical
47 classification facility at Oakdale.

48 4. If the parole of a parole violator is not
49 revoked, the parole revocation officer or board panel
50 shall order the person's release subject to the terms

E-4411

Page 10

1 of the person's parole with any modifications that the
2 parole revocation officer or board panel determines
3 proper.

4 Sec. ____ . NEW SECTION. 908.9A CUSTODY OF PAROLE
5 OR PROBATION VIOLATOR.

6 A parole or probation violator confined to a county
7 jail pursuant to section 908.9 or 908.11 shall remain
8 committed to the custody of the director of the
9 department of corrections.

10 Sec. ____ . Section 908.11, Code 1985, is amended to
11 read as follows:

12 908.11 VIOLATION OF PROBATION.

13 A probation officer or the judicial district
14 department of correctional services having probable
15 cause to believe that any person released on probation
16 has violated the conditions of probation shall proceed
17 by arrest or summons as in the case of a parole
18 violation. The functions of the liaison officer and
19 the board of parole shall be performed by the judge or
20 magistrate who placed the alleged violator on
21 probation if that judge or magistrate is available,
22 otherwise by another judge or magistrate who would
23 have had jurisdiction to try the original offense. If
24 the probation officer proceeds by arrest, any
25 magistrate may receive the complaint, issue an arrest
26 warrant, or conduct the initial appearance and
27 probable cause hearing if it is not convenient for the
28 judge who placed the alleged violator on probation to
29 do so. The initial appearance, probable cause
30 hearing, and probation revocation hearing, or any of
31 them, may, at the discretion of the court be merged
32 into a single hearing when it appears that the alleged
33 violator will not be prejudiced thereby. If the
34 violation is established, the court may continue the
35 probation with or without an alteration of the
36 conditions of probation. If the defendant is an adult,
37 the court may hold the defendant in contempt of court
38 and sentence the defendant to a jail term while
39 continuing the probation, or may revoke the probation
40 and require the defendant to serve the sentence
41 imposed or any lesser sentence, and, if imposition of
42 sentence was deferred, may impose any sentence which
43 might originally have been imposed. If the defendant
44 was originally committed to the custody of the
45 department of corrections, the defendant's sentence
46 was suspended or deferred, and the defendant has been
47 placed on probation for violation of a class "C" or
48 "D" felony or an aggravated misdemeanor, and a
49 violation of probation has been established, the court
50 may revoke probation and, as an alternative to serving

H-4411

Page 11

1 the sentence originally imposed, require the defendant
 2 to serve a maximum term of imprisonment of one year in
 3 a county jail if the defendant is eligible for work
 4 release, educational work release, or a community-
 5 based correctional program and the county and the
 6 department of corrections have entered into a chapter
 7 28E agreement pursuant to section 906.18. A probation
 8 violation confined in a county jail pursuant to this
 9 section shall remain under the supervision and
 10 direction of the violator's probation officer. For
 11 purposes of this section, a person who receives
 12 consecutive sentences for serious misdemeanor
 13 violations, which sentences are not suspended and
 14 exceed a total of one year, shall be considered to
 15 have committed an aggravated misdemeanor."

16 22. By renumbering, relettering, or redesignating
 17 and correcting internal references as necessary.

RECEIVED FROM THE SENATE

H-4411 FILED MAY 4, 1989

CONCURRED AS AMENDED 5-4-89 (P. 2486)

HOUSE FILE 772

H-4420

Amend the Senate amendment, H-4411, to House File
772, as amended, passed, and reprinted by the House,
as follows:

1. Page 3, by striking lines 19 and 20 and inserting the following: "judicial districts".
2. Page 4, line 50, by striking the word "in" and inserting the following: "by the legislative council pursuant to".
3. Page 6, line 12, by striking the words "established in" and inserting the following: "created by the legislative council pursuant to".
4. Page 6, line 15, by striking the word "effect" and inserting the following: "effects".

By KNAPP of Dubuque

H-4420 FILED MAY 4, 1989

ADOPTED 5-4-89 (p2481)

HOUSE FILE 772

H-4421

Amend the Senate amendment, H-4411, to House File
772, as amended, passed, and reprinted by the house,
as follows:

1. Page 7, by inserting after line 17 the following:
"Sec. ____ . NEW SECTION. 248A.7 RIGHTS NOT RESTORABLE.
Notwithstanding any other provision of this chapter, a person who has been convicted of a forcible felony, a felony violation of chapter 204 involving a firearm or a felony violation of chapter 724 shall not have the person's rights of citizenship restored to the extent of allowing the person to receive, transport, or possess firearms."
2. By renumbering as necessary.

By SHERZAN of Polk

H-4421 FILED MAY 4, 1989

ADOPTED 5-4-89 (p 2486)

H-4419

1 Amend the amendment, H-4411, to House File 772, as
2 amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 7, by inserting after line 11 the
5 following:

6 "_____. Page 14, by inserting after line 11 the
7 following:

8 "Sec. _____. 1988 Iowa Acts, chapter 1259, sections
9 7, 8, and 9, are amended to read as follows:

10 SEC. 7. Notwithstanding section 802.4,
11 prosecutions for violations of chapter 299, which
12 occur between the effective date of this Act and July
13 1, 1989 1991, shall be deferred until after July 1,
14 1989 1991 unless the parent, guardian, or custodian
15 fails to meet the requirements of section 299.4.

16 This section does not apply to any parent,
17 guardian, or custodian who has enrolled a child in an
18 equivalent instruction program which meets the
19 requirements of section 299.1 on or prior to the
20 effective date of this Act.

21 SEC. 8. Until July 1, 1989 1991, any person
22 providing equivalent instruction under section 299.1
23 shall provide evidence, as part of the report
24 submitted under section 299.4, that any child
25 instructed has complied with the immunization
26 requirements of section 139.9.

27 SEC. 9. Until July 1, 1989 1991, a person who is
28 not a certified instructor, but who is providing
29 equivalent instruction under section 299.1, is a
30 mandatory reporter of child abuse under section
31 232.69."

32 2. By renumbering as necessary.

By CORBETT of Linn

H-4419 FILED MAY 4, 1989

NOT GERMANE

5-4-89 (p. 2485)

HOUSE FILE 772

H-4417

1 Amend the Senate amendment, H-4411, to House File
2 772, as amended, passed, and reprinted by the house,
3 as follows:

4 1. Page 4, by striking lines 28 through 34 and
5 inserting the following:

6 "a. The addition of one hundred forty-six
7 additional medium security beds to be located as
8 determined by the Iowa board of corrections. However,
9 these beds shall not be added until the department has
10 notified and provided an explanation for the placement
11 of the beds to the members of the corrections system
12 review task force created by the legislative council
13 pursuant to 1988 Iowa Acts, chapter 1271, section 14."

By BENNETT of Ida

HARBOR of Mills

MAULSBY of Calhoun

BEAMAN of Clarke

ROYER of Page

EDDIE of Buena Vista

H-4417 FILED MAY 4, 1989

LOST

5-4-89 (p. 2483)

HOUSE FILE 772

H-4422

1 Amend the Senate amendment, H-4411, to House File
2 772, as amended, passed, and reprinted by the House,
3 as follows:

4 1. Page 6, by inserting after line 27 the
5 following:

6 "____. Page 12, by inserting after line 4 the
7 following:

8 "Sec. ____ . There is appropriated from the general
9 fund of the state to the department of human services
10 for the fiscal year beginning July 1, 1989, and ending
11 June 30, 1990, the following amounts, or so much
12 thereof as is necessary, to be used for the purposes
13 designated:

14 For capital improvements at the juvenile
15 institutions:

16 \$ 1,200,000

17 The department of human services shall expend the
18 funds appropriated in this subsection at the following
19 named facilities for the projects designated with
20 similar projects being grouped and funded at the same
21 time:

FACILITY	PROJECT
1. Eldora	Facility engineering/design and program analysis
2. Eldora	Asbestos removal (phase 1)
3. Eldora	Fire detection and alarm - various buildings
4. Eldora	Auditorium elevator and school ramp for 504 compliance
5. Toledo	Asbestos removal (phase 1)
6. Toledo	Update fire alarm systems - campus wide
7. Toledo	Vent system upgrade - center kitchen
8. Eldora	Test 33 transformers and oil switches for PCB
9. Eldora	Remove underground fuel tank
10. Toledo	Test 15 electrical transformers for PCB
11. Toledo	Replace 4 underground tanks
12. Eldora	Repair copper roof deck and spot tuckpoint - gym
13. Toledo	Electric system reconstruction - school admin. building
14. Toledo	Tuckpoint and waterproof - school admin. building
15. Toledo	Reroof Arnold cottage
16. Toledo	Roof replacement - Bryant cottage
17. Toledo	Roof replacement - Palmer cottage
18. Toledo	Repair gym walls

H-4422

Page 2

1 19. Toledo
 2
 3 20. Toledo
 4 21. Toledo
 5
 6 22. Toledo

Replace gutters, downspouts
 Dugan, Chapel, Roberts
 Replace dietary building elevator
 Reroof - shop, power plant,
 dietary buildings
 Reconstruct tunnel sections."
 By STROMER of Hancock

H-4422 FILED MAY 4, 1989

WITHDRAWN

5-4-89 (p. 2483)

HOUSE FILE 772

R-4432

Amend the Senate amendment, H-4411, to House File 772, as amended, passed, and reprinted by the House, as follows:

1. Page 6, by inserting after line 27 the following:

2. Page 12, by inserting after line 4 the following:

"Sec. ____ There is appropriated from the general fund of the state to the Department of Corrections for the fiscal year beginning July 1, 1989 and ending June 30, 1990, the following amount, to be used thereof as is necessary to be used for the purposes designated:

1. For capital and major maintenance projects at correctional institutions.

..... \$ 3,900,000

Notwithstanding section 2.39, funds appropriated in this section shall be used for the purposes designated and are not subject to transfer.

2. The department of corrections shall expend the funds appropriated in this section in the following priority at the following named facilities for the capital and major maintenance projects designated:

a. CAPITALS:

FACILITY	PROJECT
(1) Luster Heights	For repairs/upgrade of sewer lagoon, materials for construction of an industries program building, remodeling/rewiring original dorm, and kitchen sanitation equipment
(2) Fort Madison	Water main system
(3) Mount Pleasant	Sewer update
(4) All facilities	Asbestos removal
(5) Newton	Security monitoring
(6) Mitchellville	City water hook-up
(7) Rockwell City	Individual heating and hot water
(8) Fort Madison	Water main replacement
(9) Mitchellville	Emergency generator
(10) Mount Pleasant	Switchgear and transformers
(11) Mitchellville	Freezer
(12) Anamosa	Sign shop addition
(13) Fort Madison	Fire alarm extension
(14) Rockwell City	Surface perimeter road
(15) Fort Madison	Alarm system
(16) Oakdale	Water treatment building
(17) Rockwell City	Electrical distribution and

R-4432

Page 2

1			rewiring and connection to
2			the city sewer system
3	b.	MAJOR MAINTENANCE:	
4		FACILITY	PROJECT
5	(1)	Fort Madison	Perimeter tuckpoint
6	(2)	Anamosa	Fire escapes
7	(3)	Oakdale	Kitchen ventilation
8	(4)	Mount Pleasant	Boom truck
9	(5)	Newton	Roof repair - dorms
10	(6)	Rockwell City	Replace slate roof
11	(7)	Mitchellville	Rework fire alarm
12	(8)	Clarinda	Water main loop
13	(9)	Fort Madison	Tuckpoint CH 18 and 19
14	(10)	Anamosa	Fire doors CH 3
15	(11)	Oakdale	Precast panel repair
16	(12)	Mount Pleasant	Radio conversion
17	(13)	Newton	Lock system for dorm
18	(14)	Rockwell City	Lock system for dorm
19	(15)	Mitchellville	Replace locks
20	(16)	Clarinda	Tuckpointing."

By "AULSBY" of Carbon

R-4432 FILED MAY 4, 1989

WITHDRAWN

5489 (p2483)

H-4434

Amend the Senate amendment, H-4411, to House File
 2 772, as amended, passed, and reprinted by the House.
 3 as follows:
 4 Page 3, by inserting after line 7, the
 5 following:
 6 Page 8, by inserting after line 19, the
 7 following:
 8 "Sec. ____ There is appropriated from the general
 9 fund of the state to the department of corrections for
 10 the fiscal year beginning July 1, 1989, and ending
 11 July 30, 1990, the following amount, or so much
 12 thereof as is necessary, to be used for the purposes
 13 designated:
 14 for capital, major maintenance, and security needs
 15 of the state's correctional institutions:
 16 \$ 2,000,000."
 17 2. Renumber as necessary.

By SHERZAN of Iowa

H-4434 FILED MAY 4, 1989

ADOPTED 5-4-89 (P2481)

HOUSE FILE 772

H-4442

Amend the Senate amendment, H-4411, to House File
 2 772, as amended, passed, and reprinted by the House,
 3 as follows:
 4 Page 6, by striking lines 11 and 12.
 5 Renumber as necessary.

By EDGIE of Blue Grass

H-4442 FILED MAY 4, 1989

ADOPTED 5-4-89 (P2483)

HOUSE FILE 772

H-4443

Amend the Senate amendment, H-4411, to House File
 2 772, as amended, passed, and reprinted by the House,
 3 as follows:
 4 Page 1, by inserting after line 12, the
 5 following:
 6 Page 13, by inserting after line 19, the
 7 following:
 8 "Sec. ____ The department of corrections shall
 9 establish and implement a new automated criminal justice system by
 10 development and drafted under the 1988 computer automation
 11 system and funds appropriated in 1987 Iowa Acts,
 12 Senate File 363, section 17, shall be used by the
 13 judicial department to begin implementation of 1988
 14 Iowa Acts, chapter 1218, section 15. The judicial
 15 department shall report to the general assembly by
 16 January 1, 1990, on the total estimated cost of
 17 implementation of this system for the fiscal year
 18 beginning July 1, 1989, and ending June 30, 1990, and
 19 shall request a supplemental appropriation for the
 20 amounts needed to meet these costs. The department of
 21 human services and the judicial department shall
 22 report each month to the legislative fiscal bureau
 23 concerning the progress of the implementation of the
 24 system, and shall identify any problems that may
 25 adversely affect the implementation."
 26 2. By renumbering as necessary.

By PETERSON of Carroll

H-4443 FILED MAY 4, 1989

ADOPTED 5-4-89 (P2484)

HOUSE AMENDMENT TO SENATE AMENDMENT TO
HOUSE FILE 772

S-4130

1 Amend the Senate amendment, H-4411, to House File
2 772, as amended, passed, and reprinted by the House,
3 as follows:

4 1. Page 3, by inserting after line 7, the
5 following:

6 "____. Page 8, by inserting after line 10, the
7 following:

8 "Sec. ____ . There is appropriated from the general
9 fund of the state to the department of corrections for
10 the fiscal year beginning July 1, 1989, and ending
11 June 30, 1990, the following amount, or so much
12 thereof as is necessary, to be used for the purposes
13 designated:

14 For capital, major maintenance, and security needs
15 at the state's correctional institutions:

16 \$ 2,000,000."

17 2. Page 3, by striking lines 19 and 20 and
18 inserting the following: "judicial districts:".

19 3. Page 4, line 50, by striking the word "in" and
20 inserting the following: "by the legislative council
21 pursuant to".

22 4. Page 6, line 12, by striking the words "estab-
23 lished in" and inserting the following: "created by
24 the legislative council pursuant to".

25 5. Page 6, line 15, by striking the word "effect"
26 and inserting the following: "effects".

27 6. Page 6, by inserting after line 42, the
28 following:

29 "____. Page 13, by inserting after line 24, the
30 following:

31 "Sec. ____ . It is the intent of the general
32 assembly that a new automated child support system be
33 developed and staffed under the Iowa court information
34 system and funds appropriated in 1989 Iowa Acts,
35 Senate File 363, section 17, shall be used by the
36 judicial department to begin implementation of 1988
37 Iowa Acts, chapter 1218, section 15. The judicial
38 department shall report to the general assembly by
39 January 1, 1990, on the total estimated cost of
40 implementation of this system for the fiscal year
41 beginning July 1, 1989, and ending June 30, 1990, and
42 shall request a supplemental appropriation for the
43 amounts needed to meet these costs. The department of
44 human services and the judicial department shall
45 report each month to the legislative fiscal bureau
46 concerning the progress of the implementation of the
47 system, and shall identify any problems that may
48 adversely affect the implementation."

49 7. Page 7, by inserting after line 17 the
50 following:

S-4130

Page 2

1 Sec. . NEW SECTION. 248A.7 RIGHTS NOT
2 RESTORABLE.

3 Notwithstanding any other provision of this
4 chapter, a person who has been convicted of a forcible
5 felony, a felony violation of chapter 204 involving a
6 firearm, or a felony violation of chapter 724 shall
7 not have the person's rights of citizenship restored
8 to the extent of allowing the person to receive,
9 transport, or possess firearms."

10 8. By renumbering, relettering, or redesignating
11 and correcting internal references as necessary.

RECEIVED FROM THE HOUSE

S-4130 FILED MAY 5, 1989

CONCURRED

55-81 (p 1952)

HOUSE FILE 772

AN ACT

RELATING TO AND MAKING APPROPRIATIONS TO THE JUSTICE SYSTEM

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, 1989, and ending June 30, 1990, 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, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$ 4,527,362
..... FTEs	158.5

2. Prosecuting attorney training program for salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$ 91,936
..... FTEs	2.0

3. Preparation of a new domestic abuse manual and updating of the desk manual for prosecutors

.....	\$ 15,000
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4. Prosecuting intern program; however, counties participating in the prosecuting intern program shall match funds appropriated by this subsection:

.....	\$ 44,955
-------	-----------

5. 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, 1989, and ending June 30, 1990, an amount not exceeding \$95,000 to be used for the enforcement of the Iowa competition

law under chapter 551. 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 551, 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.

6. 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, 1989, and ending June 30, 1990, an amount not exceeding \$50,000 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 8.13, funds received in a previous fiscal year which have not been expended shall be credited to this fiscal year.

7. For the farm mediation service program:

.....	\$ 200,000
-------	------------

8. For the legal assistance for farmers program:

.....	\$ 200,000
-------	------------

9. The balance of the fund created under section 121J.17 may be used to provide salary and support of not more than 10.5 FTE positions, of which 4.5 FTE positions shall be utilized in the department of public safety for the operation and administration of the missing persons clearinghouse and domestic abuse registry, and to provide maintenance for the victim compensation functions of the department of justice.

The department of justice shall reimburse the department of public safety, from amounts deposited in the fund created under section 333.17, in an amount of not more than \$167,028, for the operation and administration of the missing persons clearinghouse and domestic abuse registry.

The enactment of this subsection and the appropriation of \$240,000 of the total amount appropriated in subsection 1, are contingent upon the enactment of 1989 Iowa Acts, House file 780.

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, 1989 and ending June 30, 1990, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 1,520,812
..... FTEs 11.0

The office of consumer advocate may expend additional funds including funds for outside consultants if those additional expenditures are actual expenses which exceed the funds budgeted for utilities investigations and directly result from investigations of utilities. Before the office expends or encumbers an amount in excess of the funds budgeted for investigations, the director of the department of management shall approve the expenditure or encumbrance. Before approval is given, the director of the department of management shall determine that the investigation expenses exceed the funds budgeted by the general assembly to the office of consumer advocate and that the office does not have other funds from which investigation expenses can be paid. Upon approval of the director of the department of management, the office may expend and encumber funds for excess investigation expenses. The amounts necessary to fund the

excess investigation expenses shall be collected from those utilities being investigated which caused the excess expenditures, and the collections shall be treated as repayment receipts as defined in section 8.2, subsection 3.

Sec. 3. There is appropriated from the general fund of the state to the board of parole for the fiscal year beginning July 1, 1989, and ending June 30, 1990, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 752,285
..... FTEs 10.0

As a condition, limitation, and qualification of this appropriation the board of parole shall create an automated docket and shall also automate the board's risk assessment model

As an additional condition, limitation, and qualification of the appropriation the board of parole shall employ an additional statistical research analyst to assist with the application of the risk assessment model; the parole decision-making process. The board of parole shall also require the board's administrative staff to begin cross training of the staff to assure that each individual on that staff is familiar with all tasks performed by the staff

It is the intent of the general assembly that the department of corrections and the board of parole shall review, and implement as necessary, the findings and recommendations contained in the final report prepared by the consultant and presented to the corrections system review task force which was established by 1988 Iowa Acts, chapter 1771, as they relate to the department of corrections and the board of parole. The board shall report to the justice system appropriations subcommittee during the 1990 legislative

session, at the request of the subcommittee, steps later to implement any of those recommendations, or the reasons for failing to implement such recommendations.

Sec 4 There is appropriated from the general fund of the state to the department of corrections for the fiscal year beginning July 1, 1989, and ending June 30, 1990, 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, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 18,460,504
..... FTEs 479.5

As a condition, limitation, and qualification of this appropriation, the facility shall employ two hundred ninety four correctional officers. The additional correctional officers may be used to provide security for any increased activity of the inmate work detail program.

b. For the operation of the Anamosa correctional facility, including salaries, support, maintenance, miscellaneous purposes, and for not more than the following full time equivalent positions

..... \$ 13,286,645
..... FTEs 325.0

As a condition, limitation, and qualification of this appropriation, the facility shall employ one hundred ninety-three correctional officers and a part-time chaplain of a minority race, and an additional counselor. The additional correctional officers may be used to provide security for any increased activity of the inmate work detail program.

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.
c. For the operation of the Osdale correctional facility, including salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions

..... \$ 9,141,174
..... FTEs 246.5

As a condition, limitation, and qualification of this appropriation, the facility shall employ one hundred twenty-six correctional officers, and an additional counselor. The additional correctional officers may be used to provide security for any increased activity of the inmate work detail program.

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

..... \$ 2,401,032
..... FTEs 57.5

As a condition, limitation, and qualification of this appropriation, the facility shall employ twenty correctional officers. The additional correctional officers may be used to provide security for any increased activity of the inmate work detail program.

e. For the operation of the Mt. Pleasant correctional facility, including salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions

..... \$ 10,118,391
..... FTEs 259.78

As a condition, limitation, and qualification of this appropriation, the facility shall employ one hundred forty-one correctional officers, and a full-time protestant chaplain to provide religious counseling at the Osdale and Mt. Pleasant

correctional facilities. The additional correctional officers may be used to provide security for any increased activity of the inmate work detail program.

f. For the operation of the Rockwell City correctional facility, including salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 2,476,677
..... FTEs 670

As a condition, limitation, and qualification of this appropriation, the facility shall employ thirty-nine correctional officers. The additional correctional officers may be used to provide security for any increased activity of the inmate work detail program.

g. For the operation of the Clarinda correctional facility, including salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 1,720,607
..... FTEs 104.65

As a condition, limitation, and qualification of this appropriation, the facility shall employ sixty-two correctional officers. The additional correctional officers may be used to provide security for any increased activity of the inmate work detail program.

h. For the operation of the Mitchellville correctional facility, including salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 3,143,574
..... FTEs 86.5

As a condition, limitation, and qualification of this appropriation, the facility shall employ forty-nine correctional officers. The additional correctional officers may be used to provide security for any increased activity of the inmate work detail program.

2. The department of corrections shall provide a report to the cc chairpersons and ranking members of the justice system appropriations subcommittee and the legislative fiscal bureau on or before January 15, 1990, 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 fifty 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 designer'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 211, section 104, 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 fifty dollars.

Sec. 5. There is appropriated from the general fund of the state to the department of corrections for the fiscal year beginning July 1, 1989, and ending June 30, 1990, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For general administration, including salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 1,973,714
..... Files 40 52

As a condition, limitation, and qualification of this appropriation, \$50,000 of the amounts appropriated in this subsection shall be used for a contractual agreement with a criminal justice research firm to develop valid criteria for the purpose of improving the community-based corrections risk/needs assessment classification model. The department shall implement a revised, standardized risk/needs assessment classification model and case management guidelines by March 1, 1990. The department shall promulgate rules for the implementation and monitoring of the risk/needs classification model. The department shall monitor the use of the classification model by the judicial district departments and has the authority to override a district department's decision regarding classification of community-based clients. The department shall notify a district department of the reasons for the override. The department shall provide three full-time equivalent positions to provide research and technical assistance to the criminal justice research firm during the development of the revised community-based corrections risk/needs assessment model. These positions shall be responsible for providing training services to the districts for implementing the revised model and shall monitor the districts' implementation and use of the revised model.

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.

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.

..... \$ 113,500
3. For federal prison reimbursement and miscellaneous contracts

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, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions at the correctional training center at Mt. Pleasant.

..... \$ 794,917
..... FTEs 6.22

Sec. 6. There is appropriated from the general fund of the state to the department of corrections for the fiscal year beginning July 1, 1989, and ending June 30, 1990, the following amount, or so much thereof as is necessary, to be used for the purposes designated

For capital, repair maintenance, and security needs at the state's correctional institutions

..... \$ 2,000,000

Sec. 7. There is appropriated from the general fund of the state to the community-based correctional division of the department of corrections for the fiscal year beginning July 1, 1989, and ending June 30, 1990, the following amounts, or so much thereof as is necessary, to be used for the purposes designated.

1. For an education pilot project to implement a computer training system for community-based correctional program clients in the first and fifth judicial districts

..... \$ 450,000

As a condition, limitation, and qualification of the appropriation made under this subsection, the department of corrections shall determine which computer training system meets the needs of the correctional program clients to the

greatest extent, and shall use such system in the pilot project

Upon request by the department of corrections, the department of general services shall provide technical assistance related to the evaluation, selection, and use of computer hardware to be used in the pilot project

Upon request by the department of corrections, the department of education shall provide technical assistance related to the evaluation, selection, and use of computer software and other educational material to be used in the pilot project.

Funds appropriated under this subsection are not subject to reversion under section 8 31

2. For job training and development grant programs to award grants under contract to nonprofit organizations for community-based correctional clients.

..... \$ 100,000
As a condition, limitation, and qualification of the appropriation under this subsection, \$290,000 shall be used for a client development and job training pilot project. \$170,000 shall be used for contracting for services in the eighth judicial district, and \$80,000 shall be used for contracting for services in the seventh judicial district. Job training grant programs must be designed and administered so that the programs are not in direct competition with other federal Job Training Partnership Act programs in order to be eligible for these grants.

3. For an offender reorientation project in the fifth judicial district
..... \$ 100,000

4. For an alternative sentencing project in the third judicial district, to provide judges and the parole board with alternatives to returning parole or probation violators to prison
..... \$ 200,000

Violators who may be included in the project include class C and class D felons and persons convicted of an aggravated misdemeanor. Alternatives under the project could include, but are not limited to, local jail or community service sentencing.

5. For costs associated with the design of prison expansion
..... \$ 250,000

6. To provide for financial arrangements for and to begin construction of a \$8,112,880 expansion in prison capacity in the manner provided in this subsection.
..... \$ 1,100,000

a. Construction of an additional one hundred bed minimum security facility at Weston for parole and probation violators of which twenty-five beds are to be specifically used for substance abuse treatment programs for clients of the state adult corrections system and twenty-five beds are to be specifically used for work release inmates

b. Construction of a one hundred twenty bed medium security dormitory style facility at the Osadale Corrections campus along with the upgrading of the kitchen, dining room space, and records management at the campus

c. Replacement of the existing thirty community corrections residential bed facility with a new seventy-five community corrections residential bed facility at Cedar Rapids.

7. The addition of thirty-six additional community corrections residential beds as determined by the department of corrections. However, these beds shall not be added until the department has notified and provided an explanation for the placement of the beds to the members of the corrections system review task force created by the legislative council pursuant to 1988 Iowa Acts, chapter 1271, section 16

8. Renovation of sixty-five and the addition of twenty dormitory-style minimum security beds at farm three at the Fort Madison correctional facility.

f. For a total designed capacity of seventy-one minimum security beds at the Luster Heights facility by renovation of eighteen and the addition of seventeen minimum security beds.

Sec. 8.

1. There is appropriated from the general fund of the state to the department of corrections for the fiscal year beginning July 1, 1989, and ending June 30, 1990, the following amounts, or so much thereof as is necessary, to be allocated as follows:

a. For the first judicial district department of correctional services, the following amount, or so much thereof as is necessary:
..... \$ 1,667,398

The district department shall continue the intensive supervision program established within the district in 1988 Iowa Acts, chapter 1271, section 6, subsection 1, paragraph "a", and as a condition, limitation, and qualification of this appropriation \$1,668 shall be used for a sex offender treatment program to be established within the district

b. For the second judicial district department of correctional services, the following amount, or so much thereof as is necessary
..... \$ 2,950,616

The district department shall continue the sex offender program established within the district in 1988 Iowa Acts chapter 1271, section 6, subsection 1, paragraph "b", and as a condition, limitation, and qualification of this appropriation \$2,756 shall be used to expand the sex offender program established within the district and \$22,388 shall be used to expand the OMI program in the district established pursuant to 1986 Iowa Acts, chapter 1246, section 402.

c. For the third judicial district department of correctional services, the following amount, or so much thereof as is necessary:
..... \$ 1,675,891

The district department shall continue the sex offender program established within the district in 1988 Iowa Acts, chapter 1271, section 6, subsection 1, paragraph "c", and as a condition, limitation, and qualification of this appropriation \$21,007 shall be used to expand the sex offender program established within the district and \$7,098 shall be used to expand the OMI program in the district established pursuant to 1986 Iowa Acts, chapter 1246, section 402.

d. For the fourth judicial district department of correctional services, the following amount, or so much thereof as is necessary
..... \$ 1,661,335

The district department shall continue the sex offender program established within the district in 1988 Iowa Acts, chapter 1271, section 6, subsection 1, paragraph "d", and as a condition, limitation, and qualification of this appropriation \$60,800 shall be used to expand the sex offender program and provide intensive supervision and treatment programs for sex offenders and an intensive supervision program for high-risk clients.

e. For the fifth judicial district department of correctional services, the following amount, or so much thereof as is necessary
..... \$ 4,968,233

The district department shall continue the intensive supervision program established within the district in 1988 Iowa Acts, chapter 1271, section 6, subsection 1, paragraph "e", and as a condition, limitation, and qualification of this appropriation \$20,000 shall be used for the rental of electronic monitoring equipment.

f. For the sixth judicial district department of correctional services, the following amount, or so much thereof as is necessary:
..... \$ 1,699,180

The district department shall continue the intensive supervision program established within the district in 1988 Iowa Acts, chapter 1271, section 6, subsection 1, paragraph f, and as a condition, limitation, and qualification of this appropriation \$35,823 shall be used for the establishment of a sex offender program within the district and \$15,240 shall be used to expand the OMI program in the district established pursuant to 1986 Acts, chapter 1246, section 402

g. For the seventh judicial district department of correctional services, the following amount, or so much thereof as is necessary
..... \$ 3,147,932

The district department shall continue the intensive supervision program established within the district in 1988 Iowa Acts, chapter 1271, section 6, subsection 1, paragraph "g", and as a condition, limitation, and qualification of this appropriation \$41,435 shall be used for the expansion of intensive supervision programs, the establishment of an intensive supervision program for sex offenders and other high-risk clients, and a sex offender treatment program within the district

In addition, as a condition, limitation, and qualification of this appropriation \$70,000 shall be used for job development programs

h. For the eighth judicial district department of correctional services, the following amount, or so much thereof as is necessary
..... \$ 1,587,702

The district department shall continue the intensive supervision program established within the district in 1988 Iowa Acts, chapter 1271, section 6, subsection 1, paragraph "h", and as a condition, limitation, and qualification of this appropriation \$40,000 shall be used for the establishment of a sex offender program within the district

1. For the department of corrections for the assistance and support of each judicial district department of correctional services, the following amount, or so much thereof as is necessary

..... \$ 88,465

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 of corrections shall use the department of management's budget system in developing the budget information for the eight district departments of correctional services, and each of the district departments shall be treated as a separate budget unit with each program modularly classified as a separate organization code.

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 OMI facilities established in 1986 Iowa Acts, chapter 1246, section 402, in compliance with the conditions specified in that section

Sec. 9. There is appropriated from the general fund of the state to the department of corrections for the fiscal year beginning July 1, 1989, and ending June 30, 1990, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

For the third judicial district department of correctional services.
..... \$ 126,375

As a condition, limitation, and qualification of this appropriation, \$76,375 shall be used for the operating costs of ten new OMI program beds within the district, and \$50,000 shall be used for the operating costs of fifteen new community corrections residential beds within the district.

Sec. 10. There is appropriated from the general fund of the state to the department of corrections for the period beginning January 1, 1990, and ending June 30, 1990, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

for operating costs and twenty-one additional positions for staffing and support for eighty-five minimum security beds at farm three at the Fort Madison correctional facility.
contingent upon the renovation of sixty five and the addition of twenty dormitory-style beds at farm three as provided in this act
..... \$ 465,050

Sec. 11. Notwithstanding any contrary provision of law, the department shall establish a pilot program within the third judicial district for the diversion of OMI offenders. The department of corrections shall develop standardized assessment criteria for the assignment of offenders to a facility established pursuant to section 246.513. The offender shall be assigned by the director to a facility pursuant to section 246.513, subsection 2, paragraph 'c' if the person cannot be assigned to a facility established pursuant to section 246.513 due to insufficient bed space. The

person shall be released from custody upon the person's own recognizance, bond, or supervision by the judicial district department of correctional services until space is available. If an offender fails to satisfactorily perform in a treatment program conducted in the residential facility operated by the judicial district department of correctional services, the offender shall be assigned to the Iowa medical classification facility at Oakdale for classification. The offender shall be assigned to an institution following classification.

Sec. 12. The corrections system review task force created by the legislative council pursuant to 1988 Iowa Acts, chapter 1271, section 14, shall request the consultant working with the task force in establishing the ten-year corrections master plan to evaluate the effects of the provisions of this act on the state's corrections system while assisting the task force in developing the ten-year corrections master plan.

Sec. 13. There is appropriated from the general fund of the state to the department of corrections for the fiscal year beginning July 1, 1989, and ending June 30, 1990, the following amount, or so much thereof as is necessary, to provide for the financing of and to begin construction of forty-four additional residential community corrections beds in the first judicial district
..... \$ 700,000

Sec. 14. There is appropriated from the general fund of the state to the judicial department for the fiscal year beginning July 1, 1989, and ending June 30, 1990, 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 administrators, clerks 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.

As a condition, limitation, and qualification of this appropriation, \$71,497 shall be used for expansion of the court-appointed special advocate program, \$135,955 shall be used for the appointment of two district associate judges in lieu of magistrates pursuant to section 602.6102, \$114,000 shall be used for an addition of a district associate judge to serve Johnson county, \$50,000 shall be used for the addition of two juvenile court officers, \$88,327 shall be used for the addition of two court reporters, \$14,784 shall be used for the addition of two half-time juvenile court specialists, \$181,000 shall be used to reimburse the auditor of state for expenses incurred in completing audits of the offices of the clerks of the district court during the fiscal year beginning July 1, 1989, and funds shall be used to employ a personnel management specialist, an internal auditor, and a screening attorney.

Of the funds appropriated under this subsection, not more than \$1,600,000 may be transferred into the revolving fund established pursuant to section 602.1302 subsection 1, to be used for the payment of jury and witness fees and mileage.

2. For the juvenile victim restitution program \$ 100,000 Notwithstanding chapter 212A, it is the intent of the general assembly that the judicial department receive the funds appropriated and administer the Iowa juvenile victim restitution program.

3. For the receipt and disbursement of child support payments as provided in chapter 242A. \$ 100,000

4. Notwithstanding the appropriations made pursuant to section 602.6401 one magistrate shall be appropriated as follows:

4. The number of magistrates apportioned to Johnson county is reduced from four to three. The terms of all magistrates in Johnson county, appointed in April 1989, shall expire July 31, 1989. In June 1989, the magistrate nominating commission shall appoint three magistrates for Johnson county.

b. One additional magistrate is apportioned to judicial election district 8A for allocation, by order of the chief judge of the judicial district, upon an affirmative vote of the judges in the judicial election district, to a county in which the administration of justice would best be served by an additional magistrate. A copy of the order allocating the magistrate shall be delivered to the chairperson of the appropriate county magistrate appointing commission no later than May 31, 1989. A copy of the order shall also be sent to the state court administrator.

Sec. 15. It is the intent of the general assembly that a new automated child support system be developed and staffed under the Iowa court information system and funds appropriated in 1989 Iowa Acts, Senate file 363, section 17, shall be used by the judicial department to begin implementation of 1988 Iowa Acts, chapter 121A, section 15. The judicial department shall report to the general assembly by January 1, 1990, on the total estimated cost of implementation of this system for the fiscal year beginning July 1, 1989, and ending June 30, 1990, and shall request a supplemental appropriation for the amounts needed to meet these costs. The department of human services and the judicial department shall report each month to the legislative fiscal bureau concerning the progress of the implementation of the system, and shall identify any problems that may adversely affect the implementation.

Sec. 16. There is appropriated from the general fund of the state to the judicial department for the fiscal year beginning July 1, 1989, and ending June 30, 1990, the following amount, or so much thereof as is necessary, to be used for the implementation of the pilot program of mandatory

mediation of contested issues of child custody and visitation established pursuant to House File 20, if enacted by the Seventy-third General Assembly, 1989 Session.

..... \$ 20,000
The department shall establish the program at the dispute resolution center in Linn county.

Sec. 17. Funds appropriated for the fiscal year beginning July 1, 1988, and ending June 30, 1989, to the judicial department for the costs of adult indigent defense and costs of juvenile proceedings including attorney and witness fees, which remain on June 30, 1989, after the payment of all claims submitted on or before June 30, 1989, for the fiscal year beginning July 1, 1988, and pursuant to 1988 Iowa Acts, chapter 1161, section 20, shall be transferred to the department of inspections and appeals to be used for the costs of adult indigent defense and costs of juvenile proceedings, and shall not be subject to reversion pursuant to section 833. Any claims received by the judicial department after June 30, 1989, for adult indigent defense or juvenile proceedings shall be forwarded to the department of inspections and appeals for payment.

Sec. 18. The department of corrections, judicial district departments of correctional services, board of parole, and the judicial department shall develop an automated data system for use in the sharing of information between the department of corrections, judicial district departments of correctional services, board of parole, and the judicial department. The information to be shared shall concern any individual who may, as the result of an arrest or infraction of any law, be subject to the jurisdiction of the department of corrections, judicial district departments of correctional services, or board of parole.

Sec. 19. Section 602.1101, subsection 2, paragraph a, Code 1989, 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 the format specified by the director of management and used by all departments and establishments in transmitting to the director estimates of their expenditure requirements pursuant to section 8.27, except the estimates of expenditure requirements shall be based upon one hundred percent of funding for the current fiscal year accounted for by program, and using the same life span definitions of expenditures as used for the current fiscal year's budget request, and the remainder of the estimate of expenditure requirements prioritized by program. 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 transmission of information as required under section 8.15A.

Sec. 20. NEW SECTION 905.13 COMPLIANCE WITH BUILDING CODES.

The department of corrections and the district departments of correctional services shall, comply with local, building regulations and zoning ordinances in the construction, reconstruction, alteration, conversion, repair, and use of buildings owned and operated by the department as part of a community-based correctional program.

Sec. 21. NEW SECTION 218A.7 RIGHTS NOT RESTORABLE.

Notwithstanding any other provision of this chapter, a person who has been convicted of a forcible felony, a felony violation of chapter 204 involving a firearm, or a felony violation of chapter 724 shall not have the person's rights of

citizenship restored to the extent of allowing the person to receive, transport, or possess firearms.

Sec. 22. Section 356.15, Code 1989, is amended to read as follows:

356.15 EXPENSES

All charges and expenses for the safekeeping and maintenance of prisoners shall be allowed by the board of supervisors, except those committed or detained by the authority of the courts of the United States, in which cases the United States must pay such expenses to the county, and those committed for violation of a city ordinance, in which case the city shall pay expenses to the county. If a parole or probation violator is committed to a county jail pursuant to section 908.9 or 908.11, the county shall be reimbursed by the department of corrections in accordance with section 906.18. If the violator is granted work release from the county jail, the violator is liable to the county for the cost of the violator's board as provided in section 356.10. However, the state shall reimburse the county for the balance of the cost of confining the violator.

Sec. 23. Section 905.1, subsection 2, Code 1989, is amended to read as follows:

2. 'Community-based correctional program' means correctional programs and services designed to supervise and assist individuals who are charged with or have been convicted of a felony, an aggravated misdemeanor or a serious misdemeanor, or who are on probation or parole in lieu of or as a result of a sentence of incarceration imposed upon conviction of any of these offenses, or who have been confined in a county jail as a result of revocation of probation or parole for conviction and sentence of a class C or D felony or aggravated misdemeanor, or who are contracted to the district department for supervision and housing while on work release.

Sec. 24. Section 906.9, Code 1989, is amended to read as follows:

906.9 CLOTHING, TRANSPORTATION, AND MONEY

When an inmate is discharged, paroled, or placed on work release, or placed in a community based correctional program under section 246.513, the warden or superintendent shall furnish the inmate, at state expense, appropriate clothing and transportation to the place in this state indicated in the inmate's discharge, parole, or work release plan, or community based corrections assignment. When an inmate is discharged, paroled, or placed on work release, or placed in a community based correctional program under section 246.513, the warden or superintendent shall provide the inmate, at state expense, money in accordance with the following schedule:

1. Upon discharge or parole, one hundred dollars.
2. Upon being placed on work release, fifty dollars.
3. Upon going from an educational work release to parole or discharge, fifty dollars.
4. Upon being placed in a community based correctional program under section 246.513, fifty dollars.

Those inmates receiving payment under subsection 2, or 3, or 4 shall not be eligible for payment under subsection 1 unless they are returned to the institution. The warden or superintendent shall maintain an account of all funds expended pursuant to this section.

Sec. 25. NEW SECTION 906.18 CONFINEMENT OF PAROLE AND PROBATION VIOLATORS BY COUNTIES -- REIMBURSEMENT

1. A county may enter into a chapter 28E agreement with the department of corrections for the confinement of parole and probation violators pursuant to section 908.9 or 908.11, and the agreement may contain provisions relating to reimbursement to the county for confining the violators, and any other terms the contracting parties deem appropriate.

2. The department of corrections and counties may commence negotiation and execution of the chapter 287 agreements provided in subsection 1 on or after July 1, 1989.

3. Parole and probation violators may be confined in county jails pursuant to sections 908.9 and 908.11 commencing January 1, 1990.

Sec. 26. Section 908.9, Code 1989, is amended to read as follows:

908.9 DISPOSITION OF VIOLATOR.

1. If the parole of a parole violator is revoked, the violator shall remain in the custody of the Iowa department of corrections under the terms of the parolee's original commitment.

2. Notwithstanding subsection 1, if the parole of a parole violator, originally committed to the department for conviction of a class "C" or "D" felony, or aggravated misdemeanor, is revoked, the parole revocation officer or board panel shall determine whether the violator is to remain in the custody of the director of the department of corrections under the terms of the parolee's original commitment, or is to be confined in a county jail, for a minimum period of one year, as part of the violator's subsequent plan of parole or work release. A violator shall be confined in a county jail only if the violator is placed on work release, educational work release, or in a community based corrections program and the county and the department of corrections have entered into a chapter 287 agreement pursuant to section 906.18. A violator assigned to county jail confinement pursuant to this subsection shall be transported directly to the assigned county jail, and shall remain under the jurisdiction of the board of parole and under the supervision and direction of the judicial district department of correctional services. For purposes of this subsection, a violator, who has been committed to the custody of the director of the department of corrections upon the

imposition of consecutive sentences for serious misdemeanor violations and the consecutive sentences exceed a total of one year, shall be considered to have been convicted of an aggravated misdemeanor.

3. Notwithstanding subsections 2 and 4, if a parolee's parole is subject to revocation, the parolee's parole officer may recommend, and the parole revocation officer or board panel may consider, as an alternative to revocation of the parolee's parole, placing the parolee in the minimum security facility at Newton, subject to available bed space, as part of the parolee's revised plan of parole. The parolee shall be placed directly in the Newton facility without reclassification at the Iowa medical classification facility at Oakdale.

4. If the parole of a parole violator is not revoked, the parole revocation officer or board panel shall order the person's release subject to the terms of the person's parole with any modifications that the parole revocation officer or board panel determines proper.

Sec. 27. NEW SECTION. 908.9A CUSTODY OF PAROLEE ON PROBATION VIOLATOR.

A parole or probation violator confined to a county jail pursuant to section 908.9 or 908.11 shall remain committed to the custody of the director of the department of corrections.

Sec. 28. Section 908.11, Code 1989, is amended to read as follows:

908.11 VIOLATION OF PROBATION.

A probation officer or the judicial district department of correctional services having probable cause to believe that any person released on probation has violated the conditions of probation shall proceed by arrest or summons as in the case of a parole violation. The functions of the liaison officer and the board of parole shall be performed by the judge or magistrate who placed the alleged violator on probation if that judge or magistrate is available, otherwise by another

Judge or Magistrate who would have had jurisdiction to try the original offense. If the probation officer proceeds by arrest, any magistrate may receive the complaint, issue an arrest warrant, or conduct the initial appearance and probable cause hearing if it is not convenient for the judge who placed the alleged violator on probation to do so. The initial appearance, probable cause hearing, and probation revocation hearing, or any of them, may at the discretion of the court be merged into a single hearing when it appears that the alleged violator will not be prejudiced thereby. If the violation is established, the court may continue the probation with or without an alteration of the conditions of probation. If the defendant is an adult the court may hold the defendant in contempt of court and sentence the defendant to a jail term while continuing the probation. It may revoke the probation and require the defendant to serve the sentence imposed or any lesser sentence, and, if imposition of sentence was deferred, may impose any sentence which might originally have been imposed. If the defendant was originally committed to the custody of the department of corrections, the defendant's sentence was suspended or deferred, and the defendant has been placed on probation for violation of a class C or D felony or an aggravated misdemeanor, and a violation of probation has been established, the court may revoke probation and, as an alternative to serving the sentence originally imposed, require the defendant to serve a maximum term of imprisonment of one year in a county jail if the defendant is eligible for work release, educational work release, or a community-based correctional program and the county and the department of corrections have entered into a chapter 28E agreement pursuant to section 906.18. A probation violator confined in a county jail pursuant to this section shall remain under the supervision and direction of the violator's probation officer. For purposes of this section, a person who receives consecutive sentences for serious misdemeanor violations.

which sentences are not suspended and exceed a total of one year, shall be considered to have committed an aggravated misdemeanor.

Sec. 29. All federal grants to and the federal receipts of the agencies to whom funds are appropriated under this Act, not otherwise appropriated, are appropriated for the purposes set forth in the federal grants or receipts unless otherwise provided by the general assembly.

Sec. 30. Section 14, subsection 4, 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 777, Seventy-third General Assembly

JOSEPH O'NEIL
Chief Clerk of the House

Approved July 5, 1989

TERRY E. BRANSTAD
Governor