

Amended

SENATE FILE 392
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 111)

Passed Senate, Date (P791) 3/23/93 Passed House, Date _____
Vote: Ayes 50 Nays 0 Vote: Ayes _____ Nays _____
Approved 4/26/93

A BILL FOR

1 An Act relating to duties and procedures of the department of
2 corrections, providing for agreements for private employment
3 of inmates, application of witness fees earned by an inmate
4 toward payment of restitution or crime victim compensation,
5 removing language relating to transfers of certain inmates,
6 providing for temporary supervision and placement of inmates
7 in violator facilities, making changes in provisions relating
8 to escape from work release, and changing times of payment of
9 certain funds to inmates.

SF 392

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

SENATE FILE 392

S-3201

1 Amend Senate File 392 as follows:
2 1. Page 2, by inserting after line 12, the
3 following:
4 "Sec. ____ . Section 904.104, Code 1993, is amended
5 to read as follows:
6 904.104 BOARD CREATED.
7 A board of corrections is created within the
8 department. The board shall consist of seven members
9 appointed by the governor subject to confirmation by
10 the senate. Not more than four of the members shall
11 be from the same political party. Members shall be
12 electors of this state. ~~Five-of-the-seven-members~~
13 ~~shall-each-be-a-resident-of-a-different-congressional~~
14 ~~district.~~ Members of the board shall serve four-year
15 staggered terms."
16 2. By numbering and renumbering as necessary.
By RALPH ROSENBERG

1 Section 1. Section 85.59, unnumbered paragraphs 1 and 4,
2 Code 1993, are amended to read as follows:

3 For the purposes of this section, the term "inmate"
4 includes a person confined in a reformatory, state
5 penitentiary, release center, or other state penal or
6 correctional institution while that person works in connection
7 with the maintenance of the institution, or in an industry
8 maintained therein in the institution, or in an industry
9 referred to in section 904.809, or while on detail to perform
10 services on a public works project.

11 If an inmate is permanently incapacitated by injury in the
12 performance of the inmate's work in connection with the
13 maintenance of the institution, or in an industry maintained
14 in the institution, or in an industry referred to in section
15 904.809, while on detail to perform services on a public works
16 project, or while performing services authorized pursuant to
17 section 904.809, or is permanently or temporarily
18 incapacitated in connection with the performance of unpaid
19 community service under the direction of the district court,
20 board of parole, or judicial district department of
21 correctional services, or in connection with the provision of
22 services pursuant to a chapter 28E agreement entered into
23 pursuant to section 904.703, or who is performing a work
24 assignment of value to the state or to the public under
25 chapter 232, that inmate shall be awarded only the benefits
26 provided in section 85.27 and section 85.34, subsections 2 and
27 3. The weekly rate for such permanent disability is equal to
28 sixty-six and two-thirds percent of the state average weekly
29 wage paid employees as determined by the department of
30 employment services under section 96.19, subsection 36, and in
31 effect at the time of the injury.

32 Sec. 2. Section 599.1, Code 1993, is amended by adding the
33 following new unnumbered paragraph:

34 NEW UNNUMBERED PARAGRAPH. A person who is less than
35 eighteen years old, but who is tried, convicted, and sentenced

1 as an adult and committed to the custody of the director of
2 the department of corrections shall be deemed to have attained
3 the age of majority for purposes of making decisions and
4 giving consent to medical care, related services, and
5 treatment during the period of the person's incarceration.

6 Sec. 3. Section 622.69, Code 1993, is amended by adding
7 the following new unnumbered paragraph:

8 NEW UNNUMBERED PARAGRAPH. Witness fees to be received by
9 an inmate, while in the custody of the department of
10 corrections, shall be applied either toward payment of any
11 restitution owed by the inmate or to the crime victim
12 compensation program established in chapter 912.

13 Sec. 4. Section 904.206, subsection 1, Code 1993, is
14 amended to read as follows:

15 1. The correctional release center at Newton shall be
16 utilized for the preparation of inmates of the correctional
17 institutions for discharge, work release, or parole. ~~The~~
18 ~~director may transfer an inmate of a correctional institution~~
19 ~~to the correctional release center for intensive training to~~
20 ~~assist the inmate in the transition to civilian living.~~ The
21 statutes applicable to an inmate at the correctional
22 institution from which transferred shall remain applicable
23 during the inmate's stay at the correctional release center.

24 Sec. 5. Section 904.207, Code 1993, is amended to read as
25 follows:

26 904.207 VIOLATOR FACILITY.

27 The director shall establish a violator facility as a
28 freestanding facility, or designate a portion of an existing
29 correctional facility for the purpose. A violator facility is
30 for the temporary confinement of offenders, ~~for no longer than~~
31 ~~sixty days,~~ who have violated conditions of release under work
32 release, or parole as defined in section 906.1, or probation,
33 ~~or who are sentenced granted as a result of suspension of a~~
34 sentence to the custody of the director ~~for assignment to a~~
35 ~~treatment facility under section 904.513~~ of the department of

1 corrections. The director shall adopt rules pursuant to
2 chapter 17A, subject to the approval of the board, to
3 implement this section.

4 Sec. 6. Section 904.809, Code 1991, is amended by striking
5 the section and inserting in lieu thereof the following:

6 904.809 PRIVATE INDUSTRY EMPLOYMENT OF INMATES OF
7 CORRECTIONAL INSTITUTIONS.

8 1. The following conditions shall apply to all agreements
9 to provide private industry employment for inmates of
10 correctional institutions:

11 a. The state director and the industries board shall
12 comply with the intent of section 904.801.

13 b. An inmate shall not be compelled to take private
14 industry employment.

15 c. Inmates shall receive allowances commensurate with
16 those wages paid persons in similar jobs outside the
17 correctional institutions. This may include piece rating in
18 which the inmate is paid only for what is produced.

19 d. Employment of inmates in private industry shall not
20 displace employed workers, apply to skills, crafts, or trades
21 in which there is a local surplus of labor, or impair existing
22 contracts for employment or services.

23 e. Inmates employed in private industry shall be eligible
24 for workers' compensation in accordance with section 85.59.

25 f. Inmates employed in private industry shall not be
26 eligible for unemployment compensation while incarcerated.

27 g. The state director shall implement a system for
28 screening and security of inmates to protect the safety of the
29 public.

30 2. a. Any other provision of the Code to the contrary
31 notwithstanding, the state director may, after obtaining the
32 advice of the industries board, lease one or more buildings or
33 portions thereof on the grounds of any state adult
34 correctional institution, together with the real estate needed
35 for reasonable access to and egress from the leased buildings,

1 for a term not to exceed twenty years, to a private
2 corporation for the purpose of establishing and operating a
3 factory for the manufacture and processing of products, or any
4 other commercial enterprise deemed by the state director to be
5 consistent with the intent stated in section 904.801.

6 b. Each lease negotiated and concluded under this
7 subsection shall include, and shall be valid only so long as
8 the lessee adheres to, the following provisions:

9 (1) Persons working in the factory or other commercial
10 enterprise operated in the leased property, except the
11 lessee's supervisory employees and necessary support personnel
12 approved by the industries board, shall be inmates of the
13 institution where the leased property is located who are
14 approved for such work by the state director and the lessee.

15 (2) The factory or other commercial enterprise operated in
16 the leased property shall observe at all times such practices
17 and procedures regarding security as the lease may specify, or
18 as the state director may temporarily stipulate during periods
19 of emergency.

20 3. The state director with the advice of the prison
21 industries advisory board may provide an inmate work force to
22 private industry. Under the program inmates will be employees
23 of a private business.

24 4. Private or nonprofit organizations may subcontract with
25 Iowa state industries to perform work in Iowa state industries
26 shops located on the grounds of a state institution. The
27 execution of the subcontract is subject to the following
28 conditions:

29 a. The private employer shall pay to Iowa state industries
30 a per unit price sufficient to fund allowances for inmate
31 workers commensurate with similar jobs outside corrections
32 institutions.

33 b. Iowa state industries shall negotiate a per unit price
34 which takes into account staff supervision and equipment
35 provided by Iowa state industries.

1 Sec. 7. Section 904.901, Code 1993, is amended to read as
2 follows:

3 904.901 WORK RELEASE PROGRAM.

4 The Iowa department of corrections, in consultation with
5 the board of parole, shall establish a work release program
6 under which the board of parole may grant inmates sentenced to
7 an institution under the jurisdiction of the department the
8 privilege of leaving actual confinement during necessary and
9 reasonable hours for the purpose of working at gainful
10 employment. Under appropriate conditions the program may also
11 include an out-of-state work or treatment placement or release
12 for the purpose of seeking employment, and attendance at an
13 educational institution, or family visitation. An inmate may
14 be placed on work release status in the inmate's own home,
15 under appropriate circumstances, which may include child care
16 and housekeeping in the inmate's own home. This work release
17 program is in addition to the institutional work release
18 program established in section 904.910.

19 Sec. 8. Section 904.909, Code 1993, is amended to read as
20 follows:

21 904.909 WORK RELEASE AND OWI VIOLATORS -- REIMBURSEMENT TO
22 DEPARTMENT FOR TRANSPORTATION COSTS.

23 The department of corrections shall arrange for the return
24 of a work release client, or offender convicted of violating
25 chapter 321J, who escapes or-participates-in-an-act-of
26 absconding from the facility to which the client is assigned
27 or violates the conditions of supervision. The client or
28 offender shall reimburse the department of corrections for the
29 cost of transportation incurred because of the escape or act
30 of-absconding violation. The amount of reimbursement shall be
31 the actual cost incurred by the department and shall be
32 credited to the support account from which the billing
33 occurred. The director of the department of corrections shall
34 recommend rules pursuant to chapter 17A, subject to approval
35 by the board of corrections pursuant to section 904.105,

1 subsection 7, to implement this section.

2 Sec. 9. Section 906.1, Code 1993, is amended by adding the
3 following new unnumbered paragraph:

4 NEW UNNUMBERED PARAGRAPH. A person who has been released
5 on parole or work release may be temporarily assigned to the
6 supervision of the director of the department of corrections
7 as a result of placement in a violator facility established
8 pursuant to section 904.207.

9 Sec. 10. Section 906.9, subsection 3, and unnumbered
10 paragraph 2, Code 1993, are amended to read as follows:

11 ~~3:--Upon going from an educational work release to parole~~
12 ~~or discharge, fifty dollars.~~

13 Those inmates receiving payment under subsection 2 or 3
14 shall not be eligible for payment under subsection 1 unless
15 they are returned to the institution. An inmate shall only be
16 eligible to receive one payment under this section during any
17 twelve-month period. The warden or superintendent shall
18 maintain an account of all funds expended pursuant to this
19 section.

20 Sec. 11. Section 908.9, Code 1993, is amended to read as
21 follows:

22 908.9 DISPOSITION OF VIOLATOR.

23 If the parole of a parole violator is revoked, the violator
24 shall remain in the custody of the Iowa department of
25 corrections under the terms of the parolee's original
26 commitment. ~~The violator may be placed in a violator facility~~
27 ~~established pursuant to section 904.207 if the parole~~
28 ~~revocation officer or board panel determines that placement in~~
29 ~~a violator facility is necessary.~~ If the parole of a parole
30 violator is not revoked, the parole revocation officer or
31 board panel shall order the person's release subject to the
32 terms of the person's parole with any modifications that the
33 parole revocation officer or board panel determines proper, or
34 may order that the violator be placed in a violator facility,
35 established pursuant to section 904.207, if the parole

1 revocation officer or board panel determines that placement in
2 a violator facility is necessary.

3 Sec. 12. Sections 904.810 and 904.811, Code 1993, are
4 repealed.

5 EXPLANATION

6 Sections 1, 6, and 12 of this bill in part relate to
7 private industry employment of inmates of correctional
8 institutions. The sections provide that inmates shall not be
9 employed involuntarily, shall be eligible for workers'
10 compensation while working in a private industry outside the
11 institution, shall not be eligible for unemployment
12 compensation while incarcerated, and shall not be employed in
13 jobs which would displace existing workers, in which there is
14 a local surplus of labor, or which would impair existing
15 employment agreements. Private employers are also required
16 pay to Iowa state industries a per unit price sufficient to
17 pay inmate employees allowances comparable with wages paid
18 employees of similar jobs outside the corrections institutions
19 and that Iowa state industries shall negotiate a per unit
20 price sufficient to cover its staff and equipment overhead.

21 Section 2 of the bill provides that minors who are tried,
22 convicted, and sentenced to prison in adult court are to be
23 deemed to have attained the age of majority for purposes of
24 making medical decisions during their incarceration.

25 Section 3 provides that any witness fees received by an
26 inmate of a correctional institution are to either be used to
27 make payments on any restitution that the inmate owes or to be
28 paid to the crime victim compensation program.

29 Section 4 of the bill strikes language relating to the
30 specific uses of the Newton correctional facility from
31 provisions that establish the various adult correctional
32 institutions.

33 Section 5 strikes language limiting the length of time that
34 a probation violator can be required to stay at a violator
35 facility and specifies that only violators of work release,

1 parole, or probation conditions can be confined at the
2 violator facility.

3 Section 7 adds out-of-state family visitation to the
4 privileges that may be included in a work release program for
5 an inmate of a correctional institution.

6 Section 8 adds violation of the terms of supervision to the
7 grounds upon which a work release client or operating-while-
8 intoxicated offender can be returned to the facility by the
9 department of corrections and billed for the cost of the
10 transportation.

11 Section 9 of the bill provides that parole or work release
12 violators who are placed in violator facilities are assigned
13 to the supervision of the director of the department of
14 corrections as a result of being placed in the facility.

15 Section 10 strikes language that provides for the issuance
16 of \$50 to inmates being transferred from educational work
17 release to parole or discharge. Language is added that
18 provides that inmates who receive moneys upon being discharged
19 or placement on work release are to be eligible to receive
20 only one payment per 12-month period.

21 Section 11 rewrites language relating to placement of
22 parole violators in violator facilities as a modification of
23 the person's parole, short of revocation of the parole.

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3/25/93 House - Judiciary
4/7/93 Do Pass

SENATE FILE 392
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 111)

(AS AMENDED AND PASSED BY THE SENATE MARCH 23, 1993)

_____ - New Language by the Senate

Passed Senate, Date _____ Passed House, Date ^(p. 1399) 4-19-93
Vote: Ayes _____ Nays _____ Vote: Ayes 97 Nays 0
Approved April 26, 1993

A BILL FOR

1 An Act relating to duties and procedures of the department of
2 corrections, providing for agreements for private employment
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10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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S.F. 392

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19 community service under the direction of the district court,
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22 services pursuant to a chapter 28E agreement entered into
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24 assignment of value to the state or to the public under
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14 follows:

15 904.104 BOARD CREATED.

16 A board of corrections is created within the department.
17 The board shall consist of seven members appointed by the
18 governor subject to confirmation by the senate. Not more than
19 four of the members shall be from the same political party.
20 Members shall be electors of this state. Five-of-the-seven
21 members-shall-each-be-a-resident-of-a-different-congressional
22 district. Members of the board shall serve four-year
23 staggered terms.

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26 1. The correctional release center at Newton shall be
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28 institutions for discharge, work release, or parole. The
29 ~~director may transfer an inmate of a correctional institution~~
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31 ~~assist the inmate in the transition to civilian living.~~ The
32 statutes applicable to an inmate at the correctional
33 institution from which transferred shall remain applicable
34 during the inmate's stay at the correctional release center.

35 Sec. 6. Section 904.207, Code 1993, is amended to read as

1 follows:

2 904.207 VIOLATOR FACILITY.

3 The director shall establish a violator facility as a
4 freestanding facility, or designate a portion of an existing
5 correctional facility for the purpose. A violator facility is
6 for the temporary confinement of offenders, ~~for no longer than~~
7 ~~sixty days~~, who have violated conditions of release under work
8 release, or parole as defined in section 906.1, or probation,
9 ~~or who are sentenced~~ granted as a result of suspension of a
10 sentence to the custody of the director ~~for assignment to a~~
11 ~~treatment facility under section 904.513~~ of the department of
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19 1. The following conditions shall apply to all agreements
20 to provide private industry employment for inmates of
21 correctional institutions:

22 a. The state director and the industries board shall
23 comply with the intent of section 904.801.

24 b. An inmate shall not be compelled to take private
25 industry employment.

26 c. Inmates shall receive allowances commensurate with
27 those wages paid persons in similar jobs outside the
28 correctional institutions. This may include piece rating in
29 which the inmate is paid only for what is produced.

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31 displace employed workers, apply to skills, crafts, or trades
32 in which there is a local surplus of labor, or impair existing
33 contracts for employment or services.

34 e. Inmates employed in private industry shall be eligible
35 for workers' compensation in accordance with section 85.59.

1 f. Inmates employed in private industry shall not be
2 eligible for unemployment compensation while incarcerated.

3 g. The state director shall implement a system for
4 screening and security of inmates to protect the safety of the
5 public.

6 2. a. Any other provision of the Code to the contrary
7 notwithstanding, the state director may, after obtaining the
8 advice of the industries board, lease one or more buildings or
9 portions thereof on the grounds of any state adult
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11 for reasonable access to and egress from the leased buildings,
12 for a term not to exceed twenty years, to a private
13 corporation for the purpose of establishing and operating a
14 factory for the manufacture and processing of products, or any
15 other commercial enterprise deemed by the state director to be
16 consistent with the intent stated in section 904.801.

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18 subsection shall include, and shall be valid only so long as
19 the lessee adheres to, the following provisions:

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21 enterprise operated in the leased property, except the
22 lessee's supervisory employees and necessary support personnel
23 approved by the industries board, shall be inmates of the
24 institution where the leased property is located who are
25 approved for such work by the state director and the lessee.

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27 the leased property shall observe at all times such practices
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30 of emergency.

31 3. The state director with the advice of the prison
32 industries advisory board may provide an inmate work force to
33 private industry. Under the program inmates will be employees
34 of a private business.

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1 Iowa state industries to perform work in Iowa state industries
2 shops located on the grounds of a state institution. The
3 execution of the subcontract is subject to the following
4 conditions:

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6 a per unit price sufficient to fund allowances for inmate
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17 under which the board of parole may grant inmates sentenced to
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19 privilege of leaving actual confinement during necessary and
20 reasonable hours for the purpose of working at gainful
21 employment. Under appropriate conditions the program may also
22 include an out-of-state work or treatment placement or release
23 for the purpose of seeking employment, and attendance at an
24 educational institution, or family visitation. An inmate may
25 be placed on work release status in the inmate's own home,
26 under appropriate circumstances, which may include child care
27 and housekeeping in the inmate's own home. This work release
28 program is in addition to the institutional work release
29 program established in section 904.910.

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33 DEPARTMENT FOR TRANSPORTATION COSTS.

34 The department of corrections shall arrange for the return
35 of a work release client, or offender convicted of violating

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2 ~~absconding~~ from the facility to which the client is assigned
3 or violates the conditions of supervision. The client or
4 offender shall reimburse the department of corrections for the
5 cost of transportation incurred because of the escape or act
6 ~~of-absconding~~ violation. The amount of reimbursement shall be
7 the actual cost incurred by the department and shall be
8 credited to the support account from which the billing
9 occurred. The director of the department of corrections shall
10 recommend rules pursuant to chapter 17A, subject to approval
11 by the board of corrections pursuant to section 904.105,
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15 NEW UNNUMBERED PARAGRAPH. A person who has been released
16 on parole or work release may be temporarily assigned to the
17 supervision of the director of the department of corrections
18 as a result of placement in a violator facility established
19 pursuant to section 904.207.

20 Sec. 11. Section 906.9, subsection 3, and unnumbered
21 paragraph 2, Code 1993, are amended to read as follows:

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

24 Those inmates receiving payment under subsection 2 ~~or-3~~
25 shall not be eligible for payment under subsection 1 unless
26 they are returned to the institution. An inmate shall only be
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7 board panel shall order the person's release subject to the
8 terms of the person's parole with any modifications that the
9 parole revocation officer or board panel determines proper, or
10 may order that the violator be placed in a violator facility,
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14 Sec. 13. Sections 904.810 and 904.811, Code 1993, are
15 repealed.

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ROSENBERG, CH.
SZYMONIAK
McKEAN

SSB 111
JUDICIARY

SENATE/HOUSE FILE 322
BY (PROPOSED DEPARTMENT OF
CORRECTIONS BILL)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to persons and institutions subject to the
2 authority of the department of corrections.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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6 correctional institution while that person works in connection
7 with the maintenance of the institution, or in an industry
8 maintained therein in the institution, or in an industry
9 referred to in section 904.809, or while on detail to perform
10 services on a public works project.

11 If an inmate is permanently incapacitated by injury in the
12 performance of the inmate's work in connection with the
13 maintenance of the institution, or in an industry maintained
14 in the institution, or in an industry referred to in section
15 904.809, while on detail to perform services on a public works
16 project, or while performing services authorized pursuant to
17 section 904.809, or is permanently or temporarily
18 incapacitated in connection with the performance of unpaid
19 community service under the direction of the district court,
20 board of parole, or judicial district department of
21 correctional services, or in connection with the provision of
22 services pursuant to a chapter 28E agreement entered into
23 pursuant to section 904.703, or who is performing a work
24 assignment of value to the state or to the public under
25 chapter 232, that inmate shall be awarded only the benefits
26 provided in section 85.27 and section 85.34, subsections 2 and
27 3. The weekly rate for such permanent disability is equal to
28 sixty-six and two-thirds percent of the state average weekly
29 wage paid employees as determined by the department of
30 employment services under section 96.19, subsection 36, and in
31 effect at the time of the injury.

32 Sec. 2. Section 599.1, Code 1993, is amended by adding the
33 following new unnumbered paragraph:

34 NEW UNNUMBERED PARAGRAPH. A person who is less than
35 eighteen years old, but who is tried, convicted, and sentenced

1 as an adult and committed to the custody of the director of
2 the department of corrections shall be deemed to have attained
3 the age of majority for purposes of making decisions and
4 giving consent to medical care, related services, and
5 treatment during the period of the person's incarceration.

6 Sec. 3. Section 622.69, Code 1993, is amended by adding
7 the following new unnumbered paragraph:

8 NEW UNNUMBERED PARAGRAPH. Witness fees to be received by
9 an inmate, while in the custody of the department of
10 corrections, shall be applied either toward payment of any
11 restitution owed by the inmate or to the crime victim
12 compensation program established in chapter 912.

13 Sec. 4. Section 690.4, unnumbered paragraph 2, Code 1993,
14 is amended to read as follows:

15 The wardens and superintendents shall procure the taking of
16 a photograph showing a-full-length-view the facial features of
17 each inmate of a state correctional institution in the
18 inmate's release clothing ~~immediately~~ prior to the inmate's
19 ~~discharge from the institution either upon expiration of~~
20 ~~sentence or commitment or on parole, and shall forward the~~
21 ~~photograph within two days after it is taken.~~ The photograph
22 of an inmate shall be placed in the inmate's file and shall be
23 made available to the division of criminal investigation and
24 ~~bureau of identification, Iowa~~ the department of public safety
25 or any other law enforcement agency upon request.

26 Sec. 5. Section 704.8, Code 1993, is amended to read as
27 follows:

28 704.8 ESCAPE FROM PLACE OF CONFINEMENT.

29 A ~~correctional officer or~~ peace officer is justified in
30 using reasonable force, including deadly force, which is
31 necessary to prevent the escape of any person from any jail,
32 penal institution, correctional facility, or similar place of
33 confinement, or place of trial or other judicial proceeding,
34 or to prevent the escape from custody of any person who is
35 being transported from any such place of confinement, trial,

1 or judicial proceeding to any other such place, except that
2 deadly force may shall not be used to prevent the escape of
3 one who the ~~correctional-officer-or~~ peace officer knows or
4 should know is confined on a charge or conviction of any class
5 of misdemeanor.

6 A correctional officer is justified in using reasonable
7 force, including deadly force, which is necessary to prevent
8 the escape of any person from any jail, penal institution,
9 correctional facility, or similar place of confinement, or
10 from the place of trial or other judicial proceeding, or to
11 prevent the escape from custody of any person who is being
12 transported from any place of confinement, trial, or judicial
13 proceeding to any other place.

14 Sec. 6. Section 904.104, Code 1993, is amended to read as
15 follows:

16 904.104 BOARD CREATED.

17 A board of corrections is created within the department.
18 The board shall consist of seven members appointed by the
19 governor subject to confirmation by the senate. Not more than
20 four of the members shall be from the same political party.
21 Members shall be electors of this state. ~~Five-of-the-seven~~
22 ~~members-shall-each-be-a-resident-of-a-different-congressional~~
23 ~~district.~~ Members of the board shall serve four-year
24 staggered terms.

25 Sec. 7. Section 904.203, Code 1993, is amended to read as
26 follows:

27 904.203 NORTH CENTRAL CORRECTIONAL FACILITY AT ROCKWELL
28 CITY.

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

31 Sec. 8. Section 904.204, Code 1993, is amended to read as
32 follows:

33 904.204 MOUNT PLEASANT CORRECTIONAL FACILITY -- SPECIAL
34 TREATMENT UNIT.

35 The correctional facility at Mount Pleasant shall be

1 utilized as a medium-security correctional facility for men
2 primarily-for-treatment-of-inmates-who-exhibit-treatable
3 personality-disorders,-with-or-without-accompanying-history-of
4 drug-or-alcohol-abuse. Such-inmates-may-apply-for-and-upon
5 their-application-may-be-selected-for-treatment-by-the-staff
6 of-the-treatment-facility-at-Mount-Pleasant-in-accordance-with
7 section-904.503-

8 Sec. 9. Section 904.206, subsection 1, Code 1993, is
9 amended to read as follows:

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

19 Sec. 10. Section 904.207, Code 1993, is amended to read as
20 follows:

21 904.207 VIOLATOR FACILITY.

22 The director shall establish a violator facility as a
23 freestanding facility, or designate a portion of an existing
24 correctional facility for the purpose. A violator facility is
25 for the temporary confinement of offenders,-for-no-longer-than
26 sixty-days, who have violated conditions of release under work
27 release, or parole as defined in section 906.1, or probation,
28 or-who-are-sentenced granted as a result of suspension of a
29 sentence to the custody of the director for-assignment-to-a
30 treatment-facility-under-section-904.513 of the department of
31 corrections. The director shall adopt rules pursuant to
32 chapter 17A, subject to the approval of the board, to
33 implement this section.

34 Sec. 11. Section 904.602, subsection 9, unnumbered
35 paragraph 1, Code 1993, is amended to read as follows:

1 Regulations, procedures, and policies, and other documents
2 that govern the internal administration of the department and
3 the judicial district departments of correctional services
4 under chapter 905, which if released may jeopardize the secure
5 operation of a correctional institution operation or program
6 are confidential unless otherwise ordered by a court. These
7 records include procedures ~~on~~ and documents concerning inmate
8 movement and control, staffing patterns and regulations,
9 emergency plans, internal investigations, equipment use and
10 security, building plans, operation, and security, security
11 procedures for inmate, staff, and visits, daily operation
12 records, and contraband and medicine control.

13 Sec. 12. Section 904.809, Code 1991, is amended by
14 striking the section and inserting in lieu thereof the
15 following:

16 904.809 PRIVATE INDUSTRY EMPLOYMENT OF INMATES OF
17 CORRECTIONAL INSTITUTIONS.

18 1. The following conditions shall apply to all agreements
19 to provide private industry employment for inmates of
20 correctional institutions:

21 a. The state director and the industries board shall
22 comply with the intent of section 904.801.

23 b. An inmate shall not be compelled to take private
24 industry employment.

25 c. Inmates shall receive allowances commensurate with
26 those wages paid persons in similar jobs outside the
27 correctional institutions. This may include piece rating in
28 which the inmate is paid only for what is produced.

29 d. Employment of inmates in private industry shall not
30 displace employed workers, apply to skills, crafts, or trades
31 in which there is a local surplus of labor, or impair existing
32 contracts for employment or services.

33 e. Inmates employed in private industry shall be eligible
34 for workers' compensation in accordance with section 85.59.

35 f. Inmates employed in private industry shall not be

1 eligible for unemployment compensation while incarcerated.

2 g. The state director shall implement a system for
3 screening and security of inmates to protect the safety of the
4 public.

5 2. a. Any other provision of the Code to the contrary
6 notwithstanding, the state director may, after obtaining the
7 advice of the industries board, lease one or more buildings or
8 portions thereof on the grounds of any state adult
9 correctional institution, together with the real estate needed
10 for reasonable access to and egress from the leased buildings,
11 for a term not to exceed twenty years, to a private
12 corporation for the purpose of establishing and operating a
13 factory for the manufacture and processing of products, or any
14 other commercial enterprise deemed by the state director to be
15 consistent with the intent stated in section 904.801.

16 b. Each lease negotiated and concluded under this
17 subsection shall include, and shall be valid only so long as
18 the lessee adheres to, the following provisions:

19 (1) Persons working in the factory or other commercial
20 enterprise operated in the leased property, except the
21 lessee's supervisory employees and necessary support personnel
22 approved by the industries board, shall be inmates of the
23 institution where the leased property is located who are
24 approved for such work by the state director and the lessee.

25 (2) The factory or other commercial enterprise operated in
26 the leased property shall observe at all times such practices
27 and procedures regarding security as the lease may specify, or
28 as the state director may temporarily stipulate during periods
29 of emergency.

30 3. The state director with the advice of the prison
31 industries advisory board may provide an inmate work force to
32 private industry. Under the program inmates will be employees
33 of a private business.

34 4. Private or nonprofit organizations may subcontract with
35 Iowa state industries to perform work in Iowa state industries

1 shops located on the grounds of a state institution. The
2 execution of the subcontract is subject to the following
3 conditions:

4 a. The private employer shall pay to Iowa state industries
5 a per unit price sufficient to fund allowances for inmate
6 workers commensurate with similar jobs outside corrections
7 institutions.

8 b. Iowa state industries shall negotiate a per unit price
9 which takes into account staff supervision and equipment
10 provided by Iowa state industries.

11 Sec. 13. Section 904.901, Code 1993, is amended to read as
12 follows:

13 904.901 WORK RELEASE PROGRAM.

14 The Iowa department of corrections, in consultation with
15 the board of parole, shall establish a work release program
16 under which the board of parole may grant inmates sentenced to
17 an institution under the jurisdiction of the department the
18 privilege of leaving actual confinement during necessary and
19 reasonable hours for the purpose of working at gainful
20 employment. Under appropriate conditions the program may also
21 include an out-of-state work or treatment placement or release
22 for the purpose of seeking employment, and attendance at an
23 educational institution, or family visitation. An inmate may
24 be placed on work release status in the inmate's own home,
25 under appropriate circumstances, which may include child care
26 and housekeeping in the inmate's own home. This work release
27 program is in addition to the institutional work release
28 program established in section 904.910.

29 Sec. 14. Section 904.903, Code 1993, is amended to read as
30 follows:

31 904.903 AGREEMENT BY INMATE.

32 An inmate approved to participate in the work release
33 program shall sign a work release agreement. The agreement
34 shall include ~~a statement that the inmate agrees to abide by~~
35 all terms and conditions of the particular plan adopted for

1 the inmate by the board of parole, and shall state-the-name
 2 and-address-of-the-proposed-employer,-if-any,-and-contain
 3 include a statement that the inmate agrees to abide by all
 4 terms and conditions the board of parole deems necessary and
 5 proper in the agreement. The plan agreement shall be signed
 6 by the inmate prior to participation in the program. Approval
 7 may-be-revoked-for-any-reason-by-a-member-of-the-board-of
 8 parole-at-any-time-after-being-granted The agreement may be
 9 terminated by the department of corrections according to its
 10 administrative rules.

11 Sec. 15. Section 904.909, Code 1993, is amended to read as
 12 follows:

13 904.909 WORK RELEASE AND OWI VIOLATORS -- REIMBURSEMENT TO
 14 DEPARTMENT FOR TRANSPORTATION COSTS.

15 The department of corrections shall arrange for the return
 16 of a work release client, or offender convicted of violating
 17 chapter 321J, who escapes or-participates-in-an-act-of
 18 absconding from the facility to which the client is assigned
 19 or violates the conditions of supervision. The client or
 20 offender shall reimburse the department of corrections for the
 21 cost of transportation incurred because of the escape or act
 22 of-absconding violation. The amount of reimbursement shall be
 23 the actual cost incurred by the department and shall be
 24 credited to the support account from which the billing
 25 occurred. The director of the department of corrections shall
 26 recommend rules pursuant to chapter 17A, subject to approval
 27 by the board of corrections pursuant to section 904.105,
 28 subsection 7, to implement this section.

29 Sec. 16. Section 906.9, subsection 3, and unnumbered
 30 paragraph 2, Code 1993, are amended to read as follows:

31 ~~3:--Upon-going-from-an-educational-work-release-to-parole~~
 32 ~~or-discharge,-fifty-dollars-~~

33 Those inmates receiving payment under subsection 2 ~~or-3~~
 34 shall not be eligible for payment under subsection 1 unless
 35 they are returned to the institution. An inmate shall only be

1 eligible to receive one payment under this section during any
2 twelve-month period. The warden or superintendent shall
3 maintain an account of all funds expended pursuant to this
4 section.

5 Sec. 17. LEASE-PURCHASE BY FIFTH JUDICIAL DISTRICT
6 DEPARTMENT OF CORRECTIONS. The fifth judicial district
7 department of correctional services may enter into a lease-
8 purchase agreement for the purchase and renovation of a
9 building for use as a work release facility. The building,
10 which is the subject of the lease-purchase agreement, may also
11 be used as a minimum security jail facility. Any expenses
12 incurred in entering into the lease-purchase agreement, that
13 exceed moneys available to fund the facility, shall be
14 assessed against and collected from a county that uses the
15 facility, offenders housed in the facility, or both the county
16 and offenders.

17 Sec. 18. Sections 904.810 and 904.811, Code 1993, are
18 repealed.

19 EXPLANATION

20 Sections 1, 12, and 18 of this bill in part relate to
21 private industry employment of inmates of correctional
22 institutions. The sections provide that inmates shall not be
23 employed involuntarily, shall be eligible for workers'
24 compensation while working in a private industry outside the
25 institution, shall not be eligible for unemployment
26 compensation while incarcerated, and shall not be employed in
27 jobs which would displace existing workers, in which there is
28 a local surplus of labor, or which would impair existing
29 employment agreements. Private employers are also required
30 pay to Iowa state industries a per unit price sufficient to
31 pay inmate employees allowances comparable with wages paid
32 employees of similar jobs outside the corrections institutions
33 and that Iowa state industries shall negotiate a per unit
34 price sufficient to cover its staff and equipment overhead.

35 Section 2 of the bill provides that minors who are tried,

1 convicted, and sentenced to prison in adult court are to be
2 deemed to have attained the age of majority for purposes of
3 making medical decisions during their incarceration.

4 Section 3 provides that any witness fees received by an
5 inmate of a correctional institution are to either be used to
6 make payments on any restitution that the inmate owes or to be
7 paid to the crime victim compensation program.

8 Section 4 provides that the photographs that are taken of
9 inmates of correctional institutions are to be of the facial
10 features of the inmate, not a full length view, and that the
11 photographs are to be kept in the inmate's file. If either
12 the division of criminal investigation or any law enforcement
13 agency requests the photograph, the institution is required to
14 make the photograph available.

15 Section 5 of the bill permits the use of deadly force by
16 correctional officers to prevent the escape of any person,
17 regardless of the offense committed, from any jail, penal
18 institution, correctional facility, or similar place of
19 confinement, from the place of trial or other judicial
20 proceedings, or while the person is being transported from any
21 place of confinement, trial, or judicial proceeding to any
22 other place. The statute currently prohibits the use of
23 deadly force if the person who is escaping is confined on a
24 charge or conviction of any class of misdemeanor.

25 Section 6 of the bill deletes a requirement from the
26 enabling legislation for the board of corrections that
27 requires five of the seven members of the board to each be a
28 resident of a different congressional district.

29 Sections 7, 8, and 9 of the bill strike language relating
30 to the specific uses of the facilities from provisions that
31 establish the various adult correctional institutions.

32 Section 10 strikes language limiting the length of time
33 that a probation violator can be required to stay at a
34 violator facility and specifies that only violators of work
35 release, parole, or probation conditions can be confined at

1 the violator facility.

2 Section 11 of the bill includes other documents that govern
3 the internal administration of the department of corrections
4 and the judicial district departments of correctional services
5 to the items that are confidential records unless otherwise
6 ordered by the court.

7 Section 13 adds out-of-state family visitation to the
8 privileges that may be included in a work release program for
9 an inmate of a correctional institution.

10 Section 14 deletes a requirement that the name of any
11 proposed employer be included in a work release agreement.
12 Work release agreements can be terminated by the department of
13 corrections pursuant to administrative rules adopted by the
14 department.

15 Section 15 adds violation of the terms of supervision to
16 the grounds upon which a work release client or operating-
17 while-intoxicated offender can be returned to the facility by
18 the department of corrections and billed for the cost of the
19 transportation.

20 Section 16 strikes language that provides for the issuance
21 of \$50 to inmates being transferred from educational work
22 release to parole or discharge. Language is added that
23 provides that inmates who receive moneys upon being discharged
24 or placement on work release are to be eligible to receive
25 only one payment per 12-month period.

26 Section 17 permits the fifth judicial district department
27 of correctional services to enter into a lease-purchase
28 agreement for the purchase and renovation of a building for
29 use as a work release facility and minimum security jail.
30 Additional costs incurred, over moneys available for the
31 purchase and renovation, are to be charged back to the county
32 and inmates of the facility.

33 BACKGROUND STATEMENT

34 SUBMITTED BY THE AGENCY

35 Current Code of Iowa language covering cooperative

1 agreements between prison industries and private sector firms
2 is so restrictive as to make such agreements an impossibility.
3 The proposed language contained in sections 1 and 12, and
4 section 18, bring Iowa law into conformity with federal
5 legislation covering public/private sector agreements.
6 Adoption of these changes will make the possibility of such
7 agreements more likely with the benefit of increased work
8 opportunities for inmates.

9 Section 2 of the bill will allow juveniles in the custody
10 of the department to act on their own behalf in authorizing
11 medical treatment and in making similar decisions relating to
12 medical care that would otherwise require the consent of a
13 parent or guardian.

14 Section 3 of the bill directs that witness fees received by
15 prison inmates for testifying in court should be applied
16 toward restitution owed by the inmate or to assist the victims
17 of crime.

18 Section 4 of the bill brings the Code into compliance with
19 current practice. In addition, costly duplicate files are
20 eliminated.

21 Correctional officers must be prepared to use deadly force
22 in the line of duty to protect the public, their fellow
23 officers, or inmates under their care. Existing Code language
24 places an unreasonable burden on correctional officers to
25 distinguish between offenders convicted of a misdemeanor and
26 those convicted of a felony. In addition, the department
27 believes that current Code language unnecessarily creates
28 circumstances where the state could be held liable for
29 damages. The change proposed in section 5 of the bill by the
30 department removes the prohibition against the use of deadly
31 force by correctional officers against misdemeanants. This
32 recognizes that in the prison environment, felons and
33 misdemeanants mingle together and cannot be distinguished from
34 one another. The proposal also distinguishes between the
35 correctional officer, who is only dealing with individuals

1 convicted of a crime, and other law enforcement officers, who
2 may be dealing with individuals who are not yet convicted of
3 any crime.

4 Current Code language establishing the board of corrections
5 calls for a seven-member board with representation from each
6 of Iowa's congressional districts, plus two at large members.
7 The recent establishment of new congressional boundaries and
8 the reduction in the number of congressional districts from
9 six to five disrupts the continuity of board membership. The
10 department proposes in section 6 of the bill to strike the
11 congressional district residency requirement from the Code.
12 This requirement is unusual among Iowa's public boards. In
13 addition, it would allow the board to keep its membership at
14 seven and continue all current appointees as eligible board
15 members.

16 The Code changes contained in sections 7 and 8 are proposed
17 in order to bring the Code into conformity with current
18 practice. Mt. Pleasant and Rockwell City are the only
19 institutions with a security designation specified in the
20 Code. The department feels that this designation is
21 inappropriate for the following reasons:

22 1. The term "medium security" is not defined in the Code.

23 2. Most institutions contain two or more security levels.

24 3. Each institution houses inmates with a variety of
25 security needs.

26 4. The department should have the flexibility to alter the
27 mission of a facility as needs and resources change.

28 Section 9 is proposed to eliminate obsolete provisions of
29 the Code and bring Code language into conformity with the
30 current mission of the institution.

31 The language proposed in section 10 eliminates the time
32 constraints that could needlessly restrict the program's
33 future effectiveness. The language also more specifically
34 defines those who are eligible for placement in a violator
35 facility.

1 The language contained in section 11 has been recommended
2 by the department's legal counsel in order to ensure that all
3 documents relevant to institutional security remain
4 confidential.

5 The proposed language contained in section 13 impacts
6 offenders on work release. The department's proposal is to
7 add family visitation to the list of activities for which an
8 offender would be allowed to cross state lines. The list of
9 acceptable activities currently includes treatment,
10 employment, and education. This issue is particularly
11 critical in border cities where an offender often has family
12 living in a neighboring state. This proposed change
13 recognizes that family relationships often play a significant
14 role in the rehabilitative process. It should be noted that
15 eligibility for this benefit will be determined on a case-by-
16 case basis and may not be available to all inmates placed on
17 work release.

18 The change proposed in section 14 is designed to clarify
19 and update the Code and to bring it into conformity with
20 current practice.

21 The changes contained in section 15 enhance the
22 department's ability to recover actual expenses from offenders
23 who must be incarcerated and/or transported due to violations
24 of their release conditions.

25 Section 16 removes obsolete language from the Code and
26 places limits on the eligibility of inmates to receive "gate
27 money".

28 Section 17 provides the necessary authorization for the
29 fifth judicial district department of corrections to enter
30 into a lease-purchase agreement. The proposed agreement
31 involves the remodeling of a building at the Ft. Des Moines
32 site near the district's present residential facility. The
33 plan would consolidate the district's residential programs at
34 a single site and provide additional space for low-risk
35 offenders in the custody of the county sheriff. Funding would

1 be provided through fees from the housing of offenders at the
2 facility.

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SENATE FILE 392

AN ACT

RELATING TO DUTIES AND PROCEDURES OF THE DEPARTMENT OF CORRECTIONS, PROVIDING FOR AGREEMENTS FOR PRIVATE EMPLOYMENT OF INMATES, APPLICATION OF WITNESS FEES EARNED BY AN INMATE TOWARD PAYMENT OF RESTITUTION OR CRIME VICTIM COMPENSATION, REMOVING LANGUAGE RELATING TO TRANSFERS OF CERTAIN INMATES, PROVIDING FOR TEMPORARY SUPERVISION AND PLACEMENT OF INMATES IN VIOLATOR FACILITIES, MAKING CHANGES IN PROVISIONS RELATING TO ESCAPE FROM WORK RELEASE, AND CHANGING TIMES OF PAYMENT OF CERTAIN FUNDS TO INMATES.

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

Section 1. Section 85.59, unnumbered paragraphs 1 and 4, Code 1993, are amended to read as follows:

For the purposes of this section, the term "inmate" includes a person confined in a reformatory, state penitentiary, release center, or other state penal or correctional institution while that person works in connection with the maintenance of the institution, or in an industry maintained therein in the institution, or in an industry referred to in section 904.809, or while on detail to perform services on a public works project.

If an inmate is permanently incapacitated by injury in the performance of the inmate's work in connection with the maintenance of the institution, or in an industry maintained

in the institution, or in an industry referred to in section 904.809, while on detail to perform services on a public works project, or while performing services authorized pursuant to section 904.809, or is permanently or temporarily incapacitated in connection with the performance of unpaid community service under the direction of the district court, board of parole, or judicial district department of correctional services, or in connection with the provision of services pursuant to a chapter 28E agreement entered into pursuant to section 904.703, or who is performing a work assignment of value to the state or to the public under chapter 232, that inmate shall be awarded only the benefits provided in section 85.27 and section 85.34, subsections 2 and 3. The weekly rate for such permanent disability is equal to sixty-six and two-thirds percent of the state average weekly wage paid employees as determined by the department of employment services under section 96.19, subsection 36, and in effect at the time of the injury.

Sec. 2. Section 599.1, Code 1993, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. A person who is less than eighteen years old, but who is tried, convicted, and sentenced as an adult and committed to the custody of the director of the department of corrections shall be deemed to have attained the age of majority for purposes of making decisions and giving consent to medical care, related services, and treatment during the period of the person's incarceration.

Sec. 3. Section 622.69, Code 1993, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Witness fees to be received by an inmate, while in the custody of the department of corrections, shall be applied either toward payment of any restitution owed by the inmate or to the crime victim compensation program established in chapter 912.

Sec. 4. Section 904.104, Code 1993, is amended to read as follows:

904.104 BOARD CREATED.

A board of corrections is created within the department. The board shall consist of seven members appointed by the governor subject to confirmation by the senate. Not more than four of the members shall be from the same political party. Members shall be electors of this state. ~~Five-of-the-seven members shall each be a resident of a different congressional district.~~ Members of the board shall serve four-year staggered terms.

Sec. 5. Section 904.206, subsection 1, Code 1993, is amended to read as follows:

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

Sec. 6. Section 904.207, Code 1993, is amended to read as follows:

904.207 VIOLATOR FACILITY.

The director shall establish a violator facility as a freestanding facility, or designate a portion of an existing correctional facility for the purpose. A violator facility is for the temporary confinement of offenders, for no longer than sixty days, who have violated conditions of release under work release, or parole as defined in section 906.1, or probation, or who are sentenced granted as a result of suspension of a sentence to the custody of the director for assignment to a treatment facility under section 984.513 of the department of corrections. The director shall adopt rules pursuant to

chapter 17A, subject to the approval of the board, to implement this section.

Sec. 7. Section 904.809, Code 1993, is amended by striking the section and inserting in lieu thereof the following:

904.809 PRIVATE INDUSTRY EMPLOYMENT OF INMATES OF CORRECTIONAL INSTITUTIONS.

1. The following conditions shall apply to all agreements to provide private industry employment for inmates of correctional institutions:

a. The state director and the industries board shall comply with the intent of section 904.801.

b. An inmate shall not be compelled to take private industry employment.

c. Inmates shall receive allowances commensurate with those wages paid persons in similar jobs outside the correctional institutions. This may include piece rating in which the inmate is paid only for what is produced.

d. Employment of inmates in private industry shall not displace employed workers, apply to skills, crafts, or trades in which there is a local surplus of labor, or impair existing contracts for employment or services.

e. Inmates employed in private industry shall be eligible for workers' compensation in accordance with section 85.59.

f. Inmates employed in private industry shall not be eligible for unemployment compensation while incarcerated.

g. The state director shall implement a system for screening and security of inmates to protect the safety of the public.

2. a. Any other provision of the Code to the contrary notwithstanding, the state director may, after obtaining the advice of the industries board, lease one or more buildings or portions thereof on the grounds of any state adult correctional institution, together with the real estate needed for reasonable access to and egress from the leased buildings, for a term not to exceed twenty years, to a private

corporation for the purpose of establishing and operating a factory for the manufacture and processing of products, or any other commercial enterprise deemed by the state director to be consistent with the intent stated in section 904.801.

b. Each lease negotiated and concluded under this subsection shall include, and shall be valid only so long as the lessee adheres to, the following provisions:

(1) Persons working in the factory or other commercial enterprise operated in the leased property, except the lessee's supervisory employees and necessary support personnel approved by the industries board, shall be inmates of the institution where the leased property is located who are approved for such work by the state director and the lessee.

(2) The factory or other commercial enterprise operated in the leased property shall observe at all times such practices and procedures regarding security as the lease may specify, or as the state director may temporarily stipulate during periods of emergency.

3. The state director with the advice of the prison industries advisory board may provide an inmate work force to private industry. Under the program inmates will be employees of a private business.

4. Private or nonprofit organizations may subcontract with Iowa state industries to perform work in Iowa state industries shops located on the grounds of a state institution. The execution of the subcontract is subject to the following conditions:

a. The private employer shall pay to Iowa state industries a per unit price sufficient to fund allowances for inmate workers commensurate with similar jobs outside corrections institutions.

b. Iowa state industries shall negotiate a per unit price which takes into account staff supervision and equipment provided by Iowa state industries.

Sec. 8. Section 904.901, Code 1993, is amended to read as follows:

904.901 WORK RELEASE PROGRAM.

The Iowa department of corrections, in consultation with the board of parole, shall establish a work release program under which the board of parole may grant inmates sentenced to an institution under the jurisdiction of the department the privilege of leaving actual confinement during necessary and reasonable hours for the purpose of working at gainful employment. Under appropriate conditions the program may also include an out-of-state work or treatment placement or release for the purpose of seeking employment, and attendance at an educational institution, or family visitation. An inmate may be placed on work release status in the inmate's own home, under appropriate circumstances, which may include child care and housekeeping in the inmate's own home. This work release program is in addition to the institutional work release program established in section 904.910.

Sec. 9. Section 904.909, Code 1993, is amended to read as follows:

904.909 WORK RELEASE AND OWI VIOLATORS -- REIMBURSEMENT TO DEPARTMENT FOR TRANSPORTATION COSTS.

The department of corrections shall arrange for the return of a work release client, or offender convicted of violating chapter 321J, who escapes or participates in an act of absconding from the facility to which the client is assigned or violates the conditions of supervision. The client or offender shall reimburse the department of corrections for the cost of transportation incurred because of the escape or act of absconding violation. The amount of reimbursement shall be the actual cost incurred by the department and shall be credited to the support account from which the billing occurred. The director of the department of corrections shall recommend rules pursuant to chapter 17A, subject to approval by the board of corrections pursuant to section 903.105, subsection 7, to implement this section.

Sec. 10. Section 906.1, Code 1993, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. A person who has been released on parole or work release may be temporarily assigned to the supervision of the director of the department of corrections as a result of placement in a violator facility established pursuant to section 904.207.

Sec. 11. Section 906.9, subsection 3, and unnumbered paragraph 2, Code 1993, are amended to read as follows:

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

Those inmates receiving payment under subsection 2 or 3 shall not be eligible for payment under subsection 1 unless they are returned to the institution. An inmate shall only be eligible to receive one payment under this section during any twelve-month period. The warden or superintendent shall maintain an account of all funds expended pursuant to this section.

Sec. 12. Section 908.9, Code 1993, is amended to read as follows:

908.9 DISPOSITION OF VIOLATOR.

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. ~~The violator may be placed in a violator facility established pursuant to section 904.207 if the parole revocation officer or board panel determines that placement in a violator facility is necessary.~~ 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, or may order that the violator be placed in a violator facility, established pursuant to section 904.207, if the parole revocation officer or board panel determines that placement in a violator facility is necessary.

Sec. 13. Sections 904.810 and 904.811, Code 1993, are repealed.

LEONARD L. BOSWELL
President of the Senate

HAROLD VAN MAANEN
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 392, Seventy-fifth General Assembly.

JOHN F. DWYER
Secretary of the Senate

Approved April 26, 1993

TERRY E. BRANSTAD
Governor