

FEB 2 1996
JUDICIARY

HOUSE FILE 2143
BY TYRRELL

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

A BILL FOR

1 An Act concerning the payment of medical costs by prisoners and
2 inmates.

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

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HF 2143

1 Section 1. NEW SECTION. 356.30A PRISONER TO PAY MEDICAL
2 COSTS.

3 Every prisoner of a county jail is liable for the cost of
4 the prisoner's medical care furnished pursuant to section
5 356.5. The costs of such medical care shall be paid by the
6 prisoner through any health benefits or insurance contract
7 under which the prisoner is eligible to receive medical care
8 benefits. If the prisoner is not eligible for such medical
9 care benefits, the sheriff shall charge the prisoner's account
10 for the medical care provided pursuant to section 356.31. If
11 any portion of the costs of such medical care remain unpaid,
12 the county shall have a cause of action against the prisoner
13 to recover the costs.

14 Sec. 2. Section 356.31, subsection 2, Code 1995, is
15 amended to read as follows:

16 2. Necessary travel expense to and from work including
17 reimbursement for travel furnished by the county, medical care
18 costs paid for by the county, and other incidental expenses of
19 the prisoner.

20 Sec. 3. Section 610A.4, Code Supplement 1995, is amended
21 to read as follows:

22 610A.4 COST SETOFF.

23 The state or a municipality shall have the right to set off
24 the cost of incarceration of an inmate or prisoner at any
25 time, including the cost of providing the inmate or prisoner
26 medical care, following notice and hearing, against any claim
27 made by or monetary obligation owed to an inmate or prisoner
28 for whom the cost of incarceration can be calculated.

29 Sec. 4. NEW SECTION. 904.517 INMATE TO PAY MEDICAL
30 COSTS.

31 Every inmate is liable for the cost of the inmate's medical
32 care furnished the inmate. The costs of such medical care
33 shall be paid by the inmate through any health benefits or
34 insurance contract under which the inmate is eligible to
35 receive medical care benefits. If the inmate is not eligible

1 for such medical care benefits, an amount equal to the cost of
2 the medical care may be set off as provided in section 610A.4
3 or deducted from inmate accounts as provided in section
4 904.702. If any portion of the costs of such medical care
5 remain unpaid, the state shall have a cause of action against
6 the inmate to recover the costs.

7 Sec. 5. Section 904.702, unnumbered paragraph 1, Code
8 Supplement 1995, is amended to read as follows:

9 If allowances are paid pursuant to section 904.701, the
10 director shall establish an inmate account, for deposit of
11 those allowances and for deposit of moneys sent to the inmate
12 from a source other than the department of corrections. The
13 director may deduct an amount, not to exceed ten percent of
14 the amount of the allowance, unless the inmate requests a
15 larger amount, to be deposited into the inmate savings fund as
16 required under section 904.508, subsection 2. The director
17 shall deduct from the inmate account an amount established by
18 the inmate's restitution plan of payment. The director shall
19 also deduct from any remaining account balance an amount
20 sufficient to pay all or part of any judgment against the
21 inmate, including but not limited to judgments for taxes and
22 child support, an amount sufficient to pay all or any part of
23 medical care provided the inmate, and court costs and fees
24 assessed either as a result of the inmate's confinement or
25 amounts required to be paid under section 610A.1. Written
26 notice of the amount of the deduction shall be given to the
27 inmate, who shall have five days after receipt of the notice
28 to submit in writing any and all objections to the deduction
29 to the director, who shall consider the objections prior to
30 transmitting the deducted amount to the clerk of the district
31 court or the department, whichever is applicable. The
32 director need give only one notice for each action or appeal
33 under section 610A.1 for which periodic deductions are to be
34 made. The director shall next deduct from any remaining
35 account balance an amount sufficient to pay all or part of any

1 costs assessed against the inmate for misconduct or damage to
2 the property of others. The director may deduct and disburse
3 an amount sufficient for industries' programs to qualify under
4 the eligibility requirements established in the Justice
5 Assistance Act of 1984, Pub. L. No. 98-473, including an
6 amount to pay all or part of the cost of the inmate's
7 incarceration. The director may pay all or any part of
8 remaining allowances paid pursuant to section 904.701 directly
9 to a dependent of the inmate, or may deposit the allowance to
10 the account of the inmate, or may deposit a portion and allow
11 the inmate a portion for the inmate's personal use.

12 EXPLANATION

13 This bill provides for the recovery of the cost of medical
14 care provided inmates and prisoners. The bill provides that
15 prisoners in county jails and inmates subject to the control
16 of the department of corrections are liable for the cost of
17 their medical care while incarcerated. The bill provides that
18 an inmate's or prisoner's health benefits or insurance
19 coverage would be liable for payment.

20 If no coverage exists for a prisoner, the bill provides
21 that a county can attempt to recover its costs through an
22 application of wages pursuant to section 356.31, a setoff as
23 provided in section 610A.4, or through a cause of action
24 against the prisoner.

25 If no coverage exists in regard to an inmate, the bill
26 provides that the department of corrections can attempt to
27 recover its costs through a setoff provided in section 610A.4,
28 through a deduction from inmate accounts pursuant to section
29 904.702, or through a cause of action against the inmate.

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