

*Reprinted*

HOUSE FILE 215

FEB 23 1995

JUDICIARY

BY HARRISON, HURLEY, BOGGESS,  
HUSEMAN, BRADLEY, COON,  
BRUNKHORST, HAHN, BLODGETT,  
CARROLL, CORNELIUS, MILLAGE,  
CORMACK, VAN FOSSEN, BODDICKER,  
SCHULTE, WELTER, GARMAN,  
GRUBBS, HOUSER, CHURCHILL,  
GRIES, LAMBERTI, ARNOLD,  
MARTIN, JACOBS, KLEMME,  
SALTON, DISNEY, NUTT, THOMSON,  
GREINER, GREIG, LARSON,  
SUKUP, WITT, MUNDIE, METCALF,  
GRUNDBERG, HAMMITT, DRAKE,  
LORD, RENKEN, RANTS, TYRRELL,  
BRAUNS, EDDIE, BRANSTAD,  
NELSON of Marshall, ERTL,  
MERTZ, and LARKIN

Passed House, Date <sup>(p. 861)</sup> 3/21/95 Passed Senate, Date <sup>(p. 1443)</sup> 4/26/95  
Vote: Ayes 97 Nays 2 Vote: Ayes 49 Nays 0  
Approved May 4, 1995

HF 215

A BILL FOR

1 An Act to require that all inmates of the institutions under the  
2 control of the department of corrections perform hard labor,  
3 and providing transition provisions.

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

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1 Section 1. Section 904.701, Code 1995, is amended to read  
2 as follows:

3 904.701 SERVICES REQUIRED -- GRATUITOUS ALLOWANCES.

4 1. Inmates-of-the-institutions-may An inmate of an  
5 institution shall be required to perform any-proper-and  
6 reasonable-service hard labor which is suited to their the  
7 inmate's age, gender, physical and mental condition, strength,  
8 and attainments,7-for-the-benefit-of-the-institutions-or-the  
9 welfare-of-the-inmates,7-either in the institutions institution  
10 proper, or in the industries established in connection with  
11 them the institution, or at such other places as may be  
12 determined by the director. Hard labor may include any  
13 training necessary to perform the work required and shall,  
14 where possible, provide the inmate with marketable vocational  
15 skill. When If an inmate of an institution is working outside  
16 the institution proper, the inmate shall be deemed at all  
17 times to be in the actual custody of the superintendent of the  
18 institution.

19 2. The director may when practicable pay the inmate an  
20 allowance as the director deems proper in view of the  
21 circumstances, and in view of the cost attending the  
22 maintenance of the inmate. The allowance is a gratuitous  
23 payment and is not a wage arising out of an employment  
24 relationship. The payment shall not exceed the amount paid to  
25 free labor for a like or equivalent service.

26 3. For purposes of this section, "hard labor" means  
27 useful, productive, physical labor which is performed by an  
28 inmate for at least forty hours each week. "Hard labor" does  
29 not include labor which is dangerous to an inmate's life or  
30 health, is unduly painful, or is required to be performed  
31 under conditions that would violate occupational safety and  
32 health standards applicable to such labor if performed by a  
33 person who is not an inmate.

34 4. Notwithstanding subsection 1, an inmate who has been  
35 determined by the director to be unsuitable for the

1 performance of hard labor due to the inmate's age, gender,  
2 physical or mental condition, strength, or security risk shall  
3 not be required to perform hard labor.

4 5. The department shall adopt rules to implement this  
5 section.

6 Sec. 2. DEVELOPMENT OF PLAN AND TRANSITION TO FULL WORK  
7 PROGRAMMING BY DEPARTMENT. Notwithstanding section 1 of this  
8 Act, the department of corrections shall not be required to  
9 fully implement the requirements of section 904.701, until  
10 July 1, 1997. However, the department shall develop and  
11 implement a plan which provides for the incremental  
12 implementation of the hard labor requirements contained in  
13 section 904.701, for each inmate who is physically and  
14 mentally able to perform the labor and does not present an  
15 unreasonable security risk, and who is not currently engaged  
16 in labor meeting the requirements. The plan shall provide for  
17 the full implementation of the requirements of section 904.701  
18 by July 1, 1997, and may provide for the performance of work  
19 by inmates both inside and outside of the institutions under  
20 the control of the department. The plan shall include a  
21 procedure for the determination of suitability of an inmate  
22 for the performance of hard labor and, if an inmate is found  
23 to be suitable, the placement of the inmate in an appropriate  
24 work program. In selecting and developing work programs which  
25 are included within the plan, the department shall choose work  
26 programs which would require minimal additional administrative  
27 costs, which minimize the need for additional personnel, and  
28 which minimize the security risks to the general public.

29

#### EXPLANATION

30 This bill requires all inmates of institutions under the  
31 control of the department of corrections, who are determined  
32 to be physically and mentally able to perform work, to perform  
33 hard labor. Hard labor is defined to mean useful, productive,  
34 physical labor which is performed by an inmate for at least 40  
35 hours each week, and may include any training necessary to

1 perform the work required. Hard labor, where possible, is to  
2 provide the inmate with marketable vocational skills. Hard  
3 labor is not to include labor which is dangerous to an  
4 inmate's life or health, is unduly painful, or is required to  
5 be performed under conditions that would violate applicable  
6 occupational safety and health standards. The bill provides  
7 for the incremental implementation of the hard labor  
8 requirements by the department of corrections, with full  
9 implementation required by July 1, 1997. In selecting work  
10 programs to meet the hard labor requirements, the department  
11 is to choose work programs which would require minimal  
12 additional administrative costs, minimize the need for  
13 additional personnel, and minimize the security risks to the  
14 general public.

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**HOUSE FILE 215  
FISCAL NOTE**

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A fiscal note for House File 215 is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note is available from the Legislative Fiscal Bureau to members of the Legislature upon request.

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House File 215 requires all inmates who are physically and mentally able to perform hard labor. Hard labor is defined as useful, productive, physical labor performed for at least 40 hours per week. Training is to be provided as needed. Where possible, hard labor should teach marketable vocational skills.

**Assumptions:**

The Department of Corrections is given one year to develop a plan to implement hard labor for inmates. No cost estimate is possible until elements of the plan are developed.

**Correctional Impact:**

This Bill will not increase the prison population. It will significantly alter the management and organization of the prisons. The Department of Corrections will be required to address a number of issues. These include:

1. There are approximately 5,000 prison inmates. An estimated 1,200 are not available for work due to health or segregation for administrative and protective reasons. Approximately 1,000 are employed full-time (7 hours per day). Another 2,100 are working part-time. The remaining 700 inmates are eligible for work. The Department of Corrections estimates it would need to create the equivalent of 1,550 new jobs for full employment.
2. Inmates generally lack vocational skills and would require significant training.
3. Accommodations would need to be made for treatment and educational programs, some of which require several hours attendance per day.
4. New markets would have to be developed for expanded production and new products.
5. Goods could not be sold in interstate commerce unless certain conditions are met. For example, inmate wages and benefits would have to be comparable to other non-inmate employees if they are working in a private sector firm. No non-inmate employee can be displaced by an inmate worker.
6. For manufacturing operations, equipment and a physical plant would need to be provided.
7. Community service work programs would require transportation and security staffing of two correctional officers for every 20 to 25 inmates. It is likely additional staff would be needed. Each new correctional officer costs approximately \$35,000 per year. Each bus added for transportation to worksites costs approximately \$50,000.

**Fiscal Impact:**

No estimate can be provided due to insufficient information.

**Source:**

Department of Corrections

(LSB 1672yh, MDF)

FILED MARCH 20, 1995

BY DENNIS PROUTY, FISCAL DIRECTOR

HOUSE FILE 215

H-3361

- 1 Amend the amendment, H-3285, to House File 215 as  
2 follows:  
3 1. Page 1, by striking lines 21 through 27 and  
4 inserting the following:  
5 " . Page 2, by striking lines 10 through 20 and  
6 inserting the following: "a copy of a plan for  
7 implementation of the requirements of section 904.701,  
8 has been submitted to and approved by the general  
9 assembly. The plan shall include a".  
10 2. By numbering and renumbering as necessary.

By LARKIN of Lee

H-3361 FILED MARCH 20, 1995

(p. 859) **WITHDRAWN**  
3-21-95

HOUSE CLIP SHEET

MARCH 22, 1995

Page 14

HOUSE FILE 215

H-3365

- 1 Amend the amendment, H-3285, to House File 215 as  
2 follows:  
3 1. Page 1, by striking lines 21 through 27 and  
4 inserting the following:  
5 " . Page 2, by striking lines 9 through 20 and  
6 inserting the following: "implement section 904.701,  
7 unless a copy of a plan for implementation of the  
8 requirements of section 904.701, has been submitted to  
9 and approved by the general assembly. The plan shall  
10 include a".  
11 2. By numbering and renumbering as necessary.

By LARKIN of Lee

H-3365 FILED MARCH 21, 1995

LOST

(p. 859)

## HOUSE FILE 215

H-3285

1 Amend House File 215 as follows:

2 1. Page 1, line 12, by striking the words "Hard  
3 labor may include any" and inserting the following:  
4 "Substantially equivalent hard labor programs shall be  
5 available to both male and female inmates. Hard labor  
6 programs may include any appropriate treatment or  
7 education programs, any".

8 2. Page 1, line 13, by striking the words  
9 "required and shall," and inserting the following:  
10 "required, and shall".

11 3. Page 1, line 15, by striking the word "skill"  
12 and inserting the following: "skills".

13 4. Page 1, line 27, by inserting after the word  
14 "physical" the following: "or mental".

15 5. Page 1, line 28, by striking the words "at  
16 least forty hours each week" and inserting the  
17 following: "a period of time which shall average, as  
18 nearly as is possible, forty hours each week".

19 6. Page 2, line 2, by striking the word "risk"  
20 and inserting the following: "status".

21 7. Page 2, line 11, by inserting after the word  
22 "plan" the following: "in consultation with state and  
23 local agencies and members of the private sector,".

24 8. Page 2, line 14, by striking the words "the  
25 labor" and inserting the following: "hard labor".

26 9. Page 2, line 15, by striking the word "risk"  
27 and inserting the following: "status".

28 10. Page 2, line 24, by striking the words "work  
29 program." and inserting the following: "hard labor  
30 program."

31 11. Page 2, line 28, by inserting after the word  
32 "public." the following: "The department shall submit  
33 reports to the general assembly on January 1, 1996,  
34 and January 1, 1997, outlining the progress made  
35 towards implementation of this Act. The department  
36 shall also file a copy of the completed plan with the  
37 general assembly on July 1, 1997."

38 12. By numbering and renumbering as necessary.

By COMMITTEE ON JUDICIARY

HURLEY of Fayette, Chairperson

H-3285 FILED MARCH 10, 1995



## HOUSE FILE 215

H-3368

1 Amend the amendment, H-3285, to House File 215, as  
2 follows:

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

5 "\_\_\_ . Page 1, by striking lines 12 through 15 and  
6 inserting the following: "determined by the director.  
7 Substantially equivalent hard labor programs shall be  
8 available to both male and female inmates. When an  
9 inmate of an institution is working outside"."

10 2. Page 1, by inserting after line 12 the  
11 following:

12 "\_\_\_ . Page 1, line 18, by inserting after the  
13 word "institution." the following: "Inmates  
14 performing hard labor may be attired in brightly  
15 colored uniforms that readily identify them as inmates  
16 of correctional institutions. The employment of  
17 inmates in hard labor shall not displace employed  
18 workers, shall not be applied to skills, crafts, or  
19 trades in which a local surplus of labor exists, and  
20 shall not impair existing contracts for employment or  
21 services.""

22 3. Page 1, by striking lines 13 through 18 and  
23 inserting the following:

24 "\_\_\_ . Page 1, by striking lines 27 and 28 and  
25 inserting the following: "physical or mental labor  
26 which is performed for a period of time which shall  
27 average, as nearly as possible, forty hours each week,  
28 and may include useful and productive work,  
29 educational or treatment programs, highly secured work  
30 groups, menial labor, any training necessary to  
31 perform any work required, and, if possible, work  
32 providing an inmate with marketable vocational skills.  
33 "Hard labor" does"."

34 4. By renumbering as necessary.

By HARRISON of Scott  
WITT Of Black Hawk

H-3368 FILED MARCH 21, 1995

ADOPTED *A+B. (P. 860)*

*3-21-95*

## HOUSE FILE 215

H-3373

1 Amend the amendment, H-3368, to amendment H-3285,  
2 to House File 215, as follows:

3 1. Page 1, line 29, by inserting before the word  
4 "highly" the word "including".

By CONNORS of Polk

H-3373 FILED MARCH 21, 1995

ADOPTED BY UNANIMOUS CONSENT

*(P. 860)*

HOUSE FILE 215

H-3364

1 Amend the amendment, H-3285, to House File 215, as  
2 follows:

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

5 " . Page 1, by striking lines 12 through 15 and  
6 inserting the following: "determined by the director.  
7 Substantially equivalent hard labor programs shall be  
8 available to both male and female inmates. When an  
9 inmate of an institution is working outside"."

10 2. Page 1, by inserting after line 12 the  
11 following:

12 " . Page 1, line 18, by inserting after the  
13 word "institution." the following: "Inmates  
14 performing hard labor on chain gangs may be attired in  
15 brightly colored uniforms that readily identify them  
16 as inmates of correctional institutions. The  
17 employment of inmates in hard labor shall not displace  
18 employed workers, shall not be applied to skills,  
19 crafts, or trades in which a local surplus of labor  
20 exists, and shall not impair existing contracts for  
21 employment or services.""

22 3. Page 1, by striking lines 13 through 18 and  
23 inserting the following:

24 " . Page 1, by striking lines 27 and 28 and  
25 inserting the following: "physical or mental labor  
26 which is performed for a period of time which shall  
27 average, as nearly as possible, forty hours each week,  
28 and may include useful and productive work,  
29 educational or treatment programs, chain gangs, menial  
30 labor, any training necessary to perform any work  
31 required, and, if possible, work providing an inmate  
32 with marketable vocational skills. "Hard labor"  
33 does"."

34 4. By renumbering as necessary.

By HARRISON of Scott

H-3364 FILED MARCH 21, 1995  
OUT OF ORDER

(p. 860)

HOUSE FILE 215

BY HARRISON, HURLEY, BOGGESS,  
HUSEMAN, BRADLEY, COON,  
BRUNKHORST, HAHN, BLODGETT,  
CARROLL, CORNELIUS, MILLAGE,  
CORMACK, VAN FOSSEN, BODDICKER,  
SCHULTE, WELTER, GARMAN,  
GRUBBS, HOUSER, CHURCHILL,  
GRIES, LAMBERTI, ARNOLD,  
MARTIN, JACOBS, KLEMME,  
SALTON, DISNEY, NUTT, THOMSON,  
GREINER, GREIG, LARSON,  
SUKUP, WITT, MUNDIE, METCALF,  
GRUNDBERG, HAMMITT, DRAKE,  
LORD, RENKEN, RANTS, TYRRELL,  
BRAUNS, EDDIE, BRANSTAD,  
NELSON of Marshall, ERTL,  
MERTZ, and LARKIN

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

(As Amended and Passed by the House March 21, 1995)

Passed House, Date (P.1904) 4/26/95 Passed Senate, Date (P.1443) 4/26/95  
Vote: Ayes 94 Nays 5 Vote: Ayes 49 Nays 0  
Approved May 4, 1995

A BILL FOR

1 An Act to require that all inmates of the institutions under the  
2 control of the department of corrections perform hard labor,  
3 and providing transition provisions.

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

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7

1 Section 1. Section 904.701, Code 1995, is amended to read  
2 as follows:

3 904.701 SERVICES REQUIRED -- GRATUITOUS ALLOWANCES.

4 1. Inmates-of-the-institutions-may An inmate of an  
5 institution shall be required to perform any-proper-and  
6 reasonable-service hard labor which is suited to their the  
7 inmate's age, gender, physical and mental condition, strength,  
8 and attainments,-for-the-benefit-of-the-institutions-or-the  
9 welfare-of-the-inmates,-either in the institutions institution  
10 proper, or in the industries established in connection with  
11 them the institution, or at such other places as may be  
12 determined by the director. Substantially equivalent hard  
13 labor programs shall be available to both male and female  
14 inmates. When an inmate of an institution is working outside  
15 the institution proper, the inmate shall be deemed at all  
16 times to be in the actual custody of the superintendent of the  
17 institution. Inmates performing hard labor may be attired in  
18 brightly colored uniforms that readily identify them as  
19 inmates of correctional institutions. The employment of  
20 inmates in hard labor shall not displace employed workers,  
21 shall not be applied to skills, crafts, or trades in which a  
22 local surplus of labor exists, and shall not impair existing  
23 contracts for employment or services.

24 2. The director may when practicable pay the inmate an  
25 allowance as the director deems proper in view of the  
26 circumstances, and in view of the cost attending the  
27 maintenance of the inmate. The allowance is a gratuitous  
28 payment and is not a wage arising out of an employment  
29 relationship. The payment shall not exceed the amount paid to  
30 free labor for a like or equivalent service.

31 3. For purposes of this section, "hard labor" means  
32 physical or mental labor which is performed for a period of  
33 time which shall average, as nearly as possible, forty hours  
34 each week, and may include useful and productive work,  
35 educational or treatment programs, including highly secured

1 work groups, menial labor, any training necessary to perform  
2 any work required, and, if possible, work providing an inmate  
3 with marketable vocational skills. "Hard labor" does not  
4 include labor which is dangerous to an inmate's life or  
5 health, is unduly painful, or is required to be performed  
6 under conditions that would violate occupational safety and  
7 health standards applicable to such labor if performed by a  
8 person who is not an inmate.

9 4. Notwithstanding subsection 1, an inmate who has been  
10 determined by the director to be unsuitable for the  
11 performance of hard labor due to the inmate's age, gender,  
12 physical or mental condition, strength, or security status  
13 shall not be required to perform hard labor.

14 5. The department shall adopt rules to implement this  
15 section.

16 Sec. 2. DEVELOPMENT OF PLAN AND TRANSITION TO FULL WORK  
17 PROGRAMMING BY DEPARTMENT. Notwithstanding section 1 of this  
18 Act, the department of corrections shall not be required to  
19 fully implement the requirements of section 904.701, until  
20 July 1, 1997. However, the department shall develop and  
21 implement a plan in consultation with state and local agencies  
22 and members of the private sector, which provides for the  
23 incremental implementation of the hard labor requirements  
24 contained in section 904.701, for each inmate who is  
25 physically and mentally able to perform hard labor and does  
26 not present an unreasonable security status, and who is not  
27 currently engaged in labor meeting the requirements. The plan  
28 shall provide for the full implementation of the requirements  
29 of section 904.701 by July 1, 1997, and may provide for the  
30 performance of work by inmates both inside and outside of the  
31 institutions under the control of the department. The plan  
32 shall include a procedure for the determination of suitability  
33 of an inmate for the performance of hard labor and, if an  
34 inmate is found to be suitable, the placement of the inmate in  
35 an appropriate hard labor program. In selecting and

1 developing work programs which are included within the plan,  
2 the department shall choose work programs which would require  
3 minimal additional administrative costs, which minimize the  
4 need for additional personnel, and which minimize the security  
5 risks to the general public. The department shall submit  
6 reports to the general assembly on January 1, 1996, and  
7 January 1, 1997, outlining the progress made towards  
8 implementation of this Act. The department shall also file a  
9 copy of the completed plan with the general assembly on July  
10 1, 1997.

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## HOUSE FILE 215

## S-3178

1 Amend House File 215 as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 1, line 17, by striking the word "may"  
4 and inserting the following: "shall".  
5 2. Page 1, by striking lines 32 and 33 and  
6 inserting the following: "physical labor performed by  
7 an inmate for at least forty hours".  
8 3. By striking page 1, line 35 through page 2,  
9 line 1 and inserting the following: "educational or  
10 treatment programs, chain gangs, menial labor, any  
11 training necessary to perform".  
12 4. By striking page 2, line 16 through page 3,  
13 line 10.  
14 5. Title page, by striking lines 2 and 3 and  
15 inserting the following: "control of the department  
16 of corrections perform hard labor."

By TONY BISIGNANO

S-3178 FILED MARCH 22, 1995  
ADOPTED

## HOUSE FILE 215

## S-3180

1 Amend House File 215, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 1, line 17, by inserting after the word  
4 "labor" the following: "at a location other than  
5 within or on the grounds of a correctional  
6 institution".

By JOHNIE HAMMOND

S-3180 FILED MARCH 22, 1995  
ADOPTED

## HOUSE FILE 215

## S-3181

1 Amend the amendment, S-3178, to House File 215, as  
2 amended, passed, and reprinted by the House, as  
3 follows:  
4 1. Page 1, lines 9 and 10, by striking the words  
5 "educational or treatment programs".

By RANDAL J. GIANNETTO

S-3181 FILED MARCH 22, 1995  
ADOPTED

HOUSE AMENDMENT TO SENATE AMENDMENT TO  
HOUSE FILE 215

S-3581

- 1 Amend the Senate amendment, H-3428, to House File  
2 215, as amended, passed, and reprinted by the House,  
3 as follows:  
4 1. Page 1, line 4, by inserting before the word  
5 "at" the following: "on chain gangs".  
6 2. Page 1, by inserting after line 8 the  
7 following:  
8 "    . Page 1, line 19, by inserting after the  
9 word "institutions." the following: "Inmates  
10 performing other types of hard labor at locations  
11 other than within or on the grounds of a correctional  
12 institution may also be required by the department to  
13 wear the brightly colored uniforms. Inmates not  
14 required to wear brightly colored uniforms while  
15 performing hard labor shall be otherwise clearly  
16 designated as inmates of correctional institutions."  
17 3. Page 1, by striking lines 9 through 11.  
18 4. Page 1, line 14, by inserting after the word  
19 "labor," the following: "substance abuse or sex  
20 offender treatment programs,".  
21 5. Page 1, by striking lines 15 through 19 and  
22 inserting the following:  
23 "    . Page 2, by striking line 28 and inserting  
24 the following: "shall provide for implementation of  
25 hard labor work programs during the interval of time  
26 between the effective date of this Act and July 1,  
27 1997, with full implementation of the requirements".  
28 "    . Page 3, by striking line 6 and inserting the  
29 following: "a report to the general assembly on".  
30 "    . Page 3, line 7, by striking the figure  
31 "1997" and inserting the following: "1996".  
32 "    . Page 3, line 9, by striking the word "July"  
33 and inserting the following: "January"."  
34 6. By numbering and renumbering as necessary.

RECEIVED FROM THE HOUSE

S-3581 FILED APRIL 26, 1995  
CONCURRED

(P. 1442)



SENATE AMENDMENT TO HOUSE FILE 215

H-3428

- 1 Amend House File 215 as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, line 17, by inserting after the word
- 4 "labor" the following: "at a location other than
- 5 within or on the grounds of a correctional
- 6 institution".
- 7 2. Page 1, line 17, by striking the word "may"
- 8 and inserting the following: "shall".
- 9 3. Page 1, by striking lines 32 and 33 and
- 10 inserting the following: "physical labor performed by
- 11 an inmate for at least forty hours".
- 12 4. By striking page 1, line 35 through page 2,
- 13 line 1 and inserting the following: "chain gangs,
- 14 menial labor, any training necessary to perform".
- 15 5. By striking page 2, line 16 through page 3,
- 16 line 10.
- 17 6. Title page, by striking lines 2 and 3 and
- 18 inserting the following: "control of the department
- 19 of corrections perform hard labor."
- 20 7. By renumbering, relettering, or redesignating
- 21 and correcting internal references as necessary.

RECEIVED FROM THE SENATE

H-3428 FILED MARCH 23, 1995

*House Concurred*  
*4-26-95 (P. 1904)*

HOUSE FILE 215

H-4074

- 1 Amend the Senate amendment, H-3428, to House File
- 2 215, as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. Page 1, line 4, by inserting before the word
- 5 "at" the following: "on chain gangs".
- 6 2. Page 1, by inserting after line 8 the
- 7 following:
- 8 "\_\_\_\_. Page 1, line 19, by inserting after the
- 9 word "institutions." the following: "Inmates
- 10 performing other types of hard labor at locations
- 11 other than within or on the grounds of a correctional
- 12 institution may also be required by the department to
- 13 wear the brightly colored uniforms. Inmates not
- 14 required to wear brightly colored uniforms while
- 15 performing hard labor shall be otherwise clearly
- 16 designated as inmates of correctional institutions."
- 17 3. Page 1, by striking lines 9 through 11.
- 18 4. Page 1, line 14, by inserting after the word
- 19 "labor," the following: "substance abuse or sex
- 20 offender treatment programs,".
- 21 5. Page 1, by striking lines 15 through 19 and
- 22 inserting the following:
- 23 "\_\_\_\_. Page 2, by striking line 28 and inserting
- 24 the following: "shall provide for implementation of
- 25 hard labor work programs during the interval of time
- 26 between the effective date of this Act and July 1,
- 27 1997, with full implementation of the requirements".
- 28 \_\_\_\_\_. Page 3, by striking line 6 and inserting the
- 29 following: "a report to the general assembly on".
- 30 \_\_\_\_\_. Page 3, line 7, by striking the figure
- 31 "1997" and inserting the following: "1996".
- 32 \_\_\_\_\_. Page 3, line 9, by striking the word "July"
- 33 and inserting the following: "January"."
- 34 6. By numbering and renumbering as necessary.

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*4-26-95*  
*A-D*  
*Adopted*

H-4074 FILED APRIL 25, 1995

By HARRISON of Scott

HOUSE FILE 215

AN ACT

TO REQUIRE THAT ALL INMATES OF THE INSTITUTIONS UNDER THE CONTROL OF THE DEPARTMENT OF CORRECTIONS PERFORM HARD LABOR, AND PROVIDING TRANSITION PROVISIONS.

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

Section 1. Section 904.701, Code 1995, is amended to read as follows:

904.701 SERVICES REQUIRED -- GRATUITOUS ALLOWANCES.

~~1. Inmates of the institutions may~~ An inmate of an institution shall be required to perform any proper and reasonable service hard labor which is suited to their the inmate's age, gender, physical and mental condition, strength, and attainments, for the benefit of the institutions or the welfare of the inmates, either in the institutions institution proper, or in the industries established in connection with them the institution, or at such other places as may be determined by the director. Substantially equivalent hard labor programs shall be available to both male and female inmates. When an inmate of an institution is working outside the institution proper, the inmate shall be deemed at all times to be in the actual custody of the superintendent of the institution. Inmates performing hard labor on chain gangs at

a location other than within or on the grounds of a correctional institution shall be attired in brightly colored uniforms that readily identify them as inmates of correctional institutions. Inmates performing other types of hard labor at locations other than within or on the grounds of a correctional institution may also be required by the department to wear the brightly colored uniforms. Inmates not required to wear brightly colored uniforms while performing hard labor shall be otherwise clearly designated as inmates of correctional institutions. The employment of inmates in hard labor shall not displace employed workers, shall not be applied to skills, crafts, or trades in which a local surplus of labor exists, and shall not impair existing contracts for employment or services.

2. The director may when practicable pay the inmate an allowance as the director deems proper in view of the circumstances, and in view of the cost attending the maintenance of the inmate. The allowance is a gratuitous payment and is not a wage arising out of an employment relationship. The payment shall not exceed the amount paid to free labor for a like or equivalent service.

3. For purposes of this section, "hard labor" means physical or mental labor which is performed for a period of time which shall average, as nearly as possible, forty hours each week, and may include useful and productive work, chain gangs, menial labor, substance abuse or sex offender treatment programs, any training necessary to perform any work required, and, if possible, work providing an inmate with marketable vocational skills. "Hard labor" does not include labor which is dangerous to an inmate's life or health, is unduly painful, or is required to be performed under conditions that would violate occupational safety and health standards applicable to such labor if performed by a person who is not an inmate.

4. Notwithstanding subsection 1, an inmate who has been determined by the director to be unsuitable for the

performance of hard labor due to the inmate's age, gender, physical or mental condition, strength, or security status shall not be required to perform hard labor.

5. The department shall adopt rules to implement this section.

Sec. 2. DEVELOPMENT OF PLAN AND TRANSITION TO FULL WORK PROGRAMMING BY DEPARTMENT. Notwithstanding section 1 of this Act, the department of corrections shall not be required to fully implement the requirements of section 904.701, until July 1, 1997. However, the department shall develop and implement a plan in consultation with state and local agencies and members of the private sector, which provides for the incremental implementation of the hard labor requirements contained in section 904.701, for each inmate who is physically and mentally able to perform hard labor and does not present an unreasonable security status, and who is not currently engaged in labor meeting the requirements. The plan shall provide for implementation of hard labor work programs during the interval of time between the effective date of this Act and July 1, 1997, with full implementation of the requirements of section 904.701 by July 1, 1997, and may provide for the performance of work by inmates both inside and outside of the institutions under the control of the department. The plan shall include a procedure for the determination of suitability of an inmate for the performance of hard labor and, if an inmate is found to be suitable, the placement of the inmate in an appropriate hard labor program. In selecting and developing work programs which are included within the plan, the department shall choose work programs which would require minimal additional administrative costs, which minimize the need for additional personnel, and which minimize the security risks to the general public. The department shall submit a report to the general assembly on January 1, 1996, outlining the progress made towards implementation of this Act. The department shall also file a

copy of the completed plan with the general assembly on January 1, 1997.

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RON J. CORBETT  
Speaker of the House

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LEONARD L. BOSWELL  
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 215, Seventy-sixth General Assembly.

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ELIZABETH ISAACSON  
Chief Clerk of the House

Approved *May 4*, 1995

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TERRY E. BRANSTAD  
Governor