

Referred back 4/10/95 Local Gov.

MAR 1 1995  
Place On Calendar

HOUSE FILE 239  
BY COMMITTEE ON LOCAL GOVERNMENT

(SUCCESSOR TO HSB 81)

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to the payment of confinement expenses of felons  
2 during presentence investigations.

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

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**HOUSE FILE 239**

6  
7 H-3291

1 Amend House File 239 as follows:

2 1. Page 1, line 5, by inserting after the word  
3 "period" the following: "after the first thirty days  
4 of confinement".

5 2. Page 1, line 5, by inserting after the word  
6 "of" the following: "a".

7 3. Page 1, by striking line 6 and inserting the  
8 following: "investigation of each felon who has pled  
9 guilty to, or has been".

By VANDE HOEF of Osceola

14 H-3291 FILED MARCH 13, 1995

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HF  
239

1 Section 1. Section 356.15, Code 1995, is amended by adding  
2 the following new unnumbered paragraph:

3 NEW UNNUMBERED PARAGRAPH. The state shall reimburse each  
4 county for all costs of confinement and maintenance incurred  
5 during the time period for completion of presentence  
6 investigations of felons who have pled guilty to, or have been  
7 convicted of, a class "B", class "C", or class "D" felony.  
8 Each affected county auditor shall make a quarterly billing of  
9 the confinement and maintenance costs on forms provided by the  
10 department of revenue and finance. The director of revenue  
11 and finance shall make quarterly reimbursement payments from  
12 state funds appropriated for that purpose. As used in this  
13 paragraph, "costs of confinement and maintenance" includes  
14 food, lodging, clothing, and necessary medical expenses.

15 Sec. 2. Section 901.7, Code 1995, is amended to read as  
16 follows:

17 901.7 COMMITMENT TO CUSTODY.

18 In imposing a sentence of confinement for more than one  
19 year, the court shall commit the defendant to the custody of  
20 the director of the Iowa department of corrections. Upon  
21 entry of judgment and sentence, the clerk of the district  
22 court immediately shall notify the director of the commitment.  
23 The court shall make an order as appropriate for the temporary  
24 custody of the defendant pending the defendant's transfer to  
25 the custody of the director and for the payment of the costs  
26 of temporary custody as provided in section 356.15. The court  
27 shall order the county where a person was convicted to pay the  
28 cost of ~~temporarily-confining-the-person-and-of~~ transporting  
29 the person to the state institution where the person is to be  
30 confined in execution of the judgment. The order shall  
31 require that a person transported to a state institution  
32 pursuant to this section shall be accompanied by a person of  
33 the same sex.

34 EXPLANATION

35 This bill requires that the state reimburse counties for

1 the costs of confinement and maintenance of felons who have  
2 pled guilty to, or have been convicted of, a class "B", class  
3 "C", or class "D" felony, during the time period for  
4 completion of the presentence investigation. Upon a plea of  
5 guilty or conviction, a felon normally is transferred to the  
6 custody of the state correctional system. However, the class  
7 "B", class "C", and class "D" felons are required to have a  
8 presentence investigation completed for them before  
9 sentencing, a procedure which may require an additional period  
10 of confinement in the county jail. Currently, the counties  
11 pay for the costs of confinement and maintenance during the  
12 investigation.

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**HOUSE FILE 239  
FISCAL NOTE**

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A fiscal note for **House File 239** 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 239 requires the State to reimburse counties for the costs of confining an inmate in jail after conviction of a Class B, C, or D felony during the presentence investigation.

**Assumptions:**

1. There are 210 presentence investigations per month for Class B, C, and D felonies.
2. The average time spent in jail while the presentence investigation is being completed is 47 days.
3. The average per diem charged to the Department of Corrections for confining a parole or work release violator until their return to prison is \$51.07. The same charges will be applied.

**Fiscal Impact:**

The State would reimburse counties an estimated \$6.0 million annually.

**Sources:**

Department of Corrections  
Iowa State Association of Counties

(LSB 1678hv, MDF)

FILED MARCH 6, 1995

BY DENNIS PROUTY, FISCAL DIRECTOR

**HOUSE FILE 239  
FISCAL NOTE**

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A fiscal note for Amendment H 3291 to House File 239 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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Amendment H-3291 to House File 239 amends the bill such that the counties pay for the first 30 days of confinement during an offender's presentence investigation.

**Assumptions:**

1. There are 210 presentence investigations per month.
2. Thirty days of the confinement costs will be absorbed by the counties.
3. The per deim reimbursement from the State would be \$51.07.

**Fiscal Impact:**

The amendment reduces the State's reimbursement to the counties by \$3.9 million annually.

**Sources:**

Department of Corrections  
Iowa State Association of Counties

(LSB 1678hv.2, MDF)

FILED MARCH 21, 1995

BY DENNIS PROUTY, FISCAL DIRECTOR

Vande Hoef, chr.  
Weldman  
Myers

HSB 81

LOCAL GOVERNMENT

Succeeded by

HOUSE FILE \_\_\_\_\_

BY (PROPOSED COMMITTEE ON  
LOCAL GOVERNMENT BILL BY  
CHAIRPERSON VANDE HOEF)

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
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