

3/25/96 Rereferred to Judiciary

MAR 7 1996

Place On Calendar

HOUSE FILE **2474**
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HF 418)

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

A BILL FOR

1 An Act to require the deduction of certain costs from allowances
2 paid to an inmate of an institution under the control of the
3 department of corrections.

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

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HF 2474

1 Section 1. Section 904.702, Code Supplement 1995, is
2 amended to read as follows:

3 904.702 DEDUCTIONS FROM INMATE ACCOUNTS.

4 If allowances are paid pursuant to section 904.701, the
5 director shall establish an inmate account, for deposit of
6 those allowances and for deposit of moneys sent to the inmate
7 from a source other than the department of corrections. The
8 director may deduct an amount, not to exceed ten percent of
9 the amount of the allowance, unless the inmate requests a
10 larger amount, to be deposited into the inmate savings fund as
11 required under section 904.508, subsection 2. The director
12 shall deduct from the inmate account an amount established by
13 the inmate's restitution plan of payment. The director shall
14 also deduct from any remaining account balance an amount
15 sufficient to pay all or part of any judgment against the
16 inmate, including but not limited to judgments for taxes and
17 child support, and court costs and fees assessed either as a
18 result of the inmate's confinement or amounts required to be
19 paid under section 610A.1. Written notice of the amount of
20 the deduction shall be given to the inmate, who shall have
21 five days after receipt of the notice to submit in writing any
22 and all objections to the deduction to the director, who shall
23 consider the objections prior to transmitting the deducted
24 amount to the clerk of the district court. The director need
25 give only one notice for each action or appeal under section
26 610A.1 for which periodic deductions are to be made. The
27 director shall next deduct from any remaining account balance
28 an amount sufficient to pay all or part of any costs assessed
29 against the inmate for misconduct or damage to the property of
30 others. The director ~~may~~ shall deduct and disburse an amount
31 sufficient for industries' programs to qualify under the
32 eligibility requirements established in the Justice Assistance
33 Act of 1984, Pub. L. No. 98-473, including an amount to pay
34 all or part of the cost of the inmate's incarceration. The
35 director may pay all or any part of remaining allowances paid

1 pursuant to section 904.701 directly to a dependent of the
 2 inmate, or may deposit the allowance to the account of the
 3 inmate, or may deposit a portion and allow the inmate a
 4 portion for the inmate's personal use.

5 The director, the institutional division, and the depart-
 6 ment shall not be liable to any person for any damages caused
 7 by the withdrawal or failure to withdraw money or the payment
 8 or failure to make any payment under this section.

9 EXPLANATION

10 This bill requires the department of corrections to deduct
 11 from allowances paid to an inmate of an institution under the
 12 department's control, money to pay amounts for costs of the
 13 person's incarceration.

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