

MAR 14 1995

JUDICIARY

HOUSE FILE 418
BY HARRISON

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:

5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

HF 418

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

3 904.702 DEDUCTION TO PAY COURT COSTS, INDUSTRIES PROGRAM
4 COSTS, INCARCERATION COSTS, OR DEPENDENTS -- DEPOSITS --
5 SAVINGS FUND.

6 If allowances are paid pursuant to section 904.701, the
7 director ~~may~~ shall deduct an amount established by the
8 inmate's restitution plan of payment or an amount sufficient
9 to pay all or part of the court costs taxed as a result of the
10 inmate's commitment. The amount deducted shall be forwarded
11 to the clerk of the district court or proper official. The
12 director may deduct an amount, not to exceed ten percent of
13 the amount of the allowance, unless the inmate requests a
14 larger amount, to be deposited into the inmate savings fund
15 established in section 904.508. However, if the inmate's
16 deposit in the inmate savings fund is sufficient to pay the
17 amount due the inmate upon discharge, parole, or placement on
18 work release pursuant to section 906.9, and the inmate has
19 voluntarily withdrawn from the savings fund, the director
20 shall not make further deposits from the inmate's allowances
21 into the savings fund unless the inmate chooses to participate
22 in the savings fund. The director ~~may~~ shall deduct and
23 disburse an amount sufficient for industries' programs to
24 qualify under the eligibility requirements established in the
25 Justice Assistance Act of 1984, Pub. L. No. 98-473, including
26 an amount to pay all or part of the cost of the inmate's
27 incarceration. The director may pay all or any part of
28 remaining allowances paid pursuant to section 904.701 directly
29 to a dependent of the inmate, or may deposit the allowance to
30 the account of the inmate, or may deposit a portion and allow
31 the inmate a portion for the inmate's personal use.

32 EXPLANATION

33 This bill requires the department of corrections to deduct
34 from allowances paid to an inmate of an institution under the
35 department's control, money to pay amounts owed under the

1 inmate's restitution plan for fines, court costs, victim
2 compensation, legal representation, and the costs of the
3 person's incarceration.

- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28
- 29
- 30
- 31
- 32
- 33
- 34
- 35

**HOUSE FILE 418
FISCAL NOTE**

A fiscal note for House File 418 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.

House File 418 requires the Department of Corrections to make deductions from allowances paid by Department to an inmate to pay the amounts owed under an inmate's restitution plan and to pay the costs of incarceration. Current law permits, but does not require, the Department to make the deductions.

ASSUMPTIONS

1. Most inmates already participate in the current program and have the deductions made.
2. The federal requirement that inmates be permitted to retain 20.0% of their allowances will remain in effect.

FISCAL IMPACT

There will be some increase in collections, but the amount is not expected to be significant.

SOURCES

Department of Corrections

(LSB 2471yh, MDF)

FILED MARCH 5, 1996

BY DENNIS PROUTY, FISCAL DIRECTOR