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'JUDICIARY'

HOUSE FILE 4/8 BY HARRISON

Passed	House,	Date		Passed	Senate,	Date	
Vote:	Ayes _		Nays	Vote:	Ayes	Nays	· · · · · · · · · · · · · · · · · · ·
	·	Approv	ed				

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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TLSB 2471YH 76 lh/sc/14 S.F. _____ H.F. 418

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

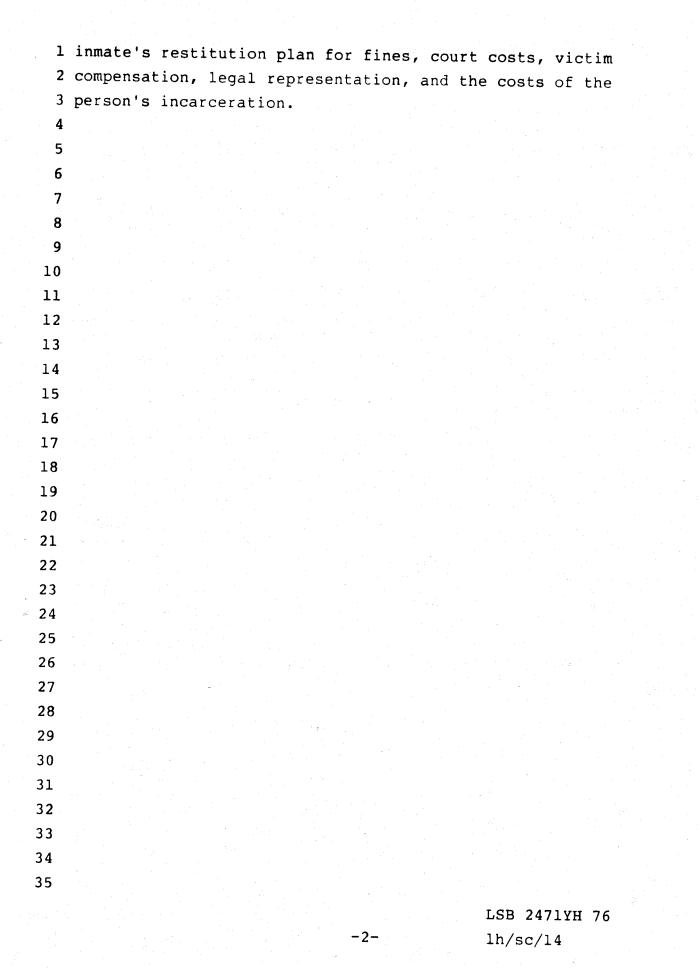
3 904.702 DEDUCTION TO PAY COURT COSTS, INDUSTRIES PROGRAM
4 COSTS, INCARCERATION COSTS, OR DEPENDENTS -- DEPOSITS -5 SAVINGS FUND.

If allowances are paid pursuant to section 904.701, the 6 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upon discharge, parole, or placement on 18 work release pursuant to section 906.9, and the inmate has 19 voluntarily withdrawn from the savings fund, the director 20 shall not make further deposits from the inmate's allowances 21 into the savings fund unless the inmate chooses to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

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S.F. <u>H.F.</u> 4/8



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 inste'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