

Reprinted

*2/9/95 Judiciary
3/15/95 Amended/Do Pass W/S-3127*

FILED FEB 9 1995

SENATE FILE 120
BY TINSMAN, BORLAUG, BARTZ,
MADDOX, FREEMAN, JUDGE,
and SZYMONIAK

Passed Senate, Date 3/22/95 (p. 822) Passed House, Date 4/28/95 (P2109)
Vote: Ayes 48 Nays 1 Vote: Ayes 94 Nays 0
Approved May 16, 1995

A BILL FOR

1 An Act requiring that prison inmates obtain a general equivalency
2 diploma prior to the granting of parole or work release, and
3 providing exceptions.

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

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S.F. 120

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3/5/95 Amend/Do Pass W/S-3127

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S.F. 120

1 Section 1. Section 906.4, Code 1995, is amended by adding
2 the following new unnumbered paragraph:

3 NEW UNNUMBERED PARAGRAPH. The board shall, subject to such
4 exceptions as may be deemed necessary by the board, require
5 each inmate who is physically and mentally capable to complete
6 the requirements for and obtain a high school equivalency
7 diploma under chapter 259A prior to release of the inmate on
8 parole or work release.

9 EXPLANATION

10 This bill requires the board of parole to require each
11 inmate who is physically and mentally capable to complete the
12 requirements for a high school equivalency diploma prior to
13 release of the inmate on parole or work release. The nature
14 of the requirements for and the tests for high school
15 equivalency diplomas are determined by the department of
16 education. The application fee currently is \$20 as set by
17 rule and the fee for issuance of a diploma is \$5.

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**SENATE FILE 120
FISCAL NOTE**

The estimate for **Senate File 120** is hereby submitted as a fiscal note pursuant to Joint Rule 17 and as a correctional impact statement pursuant to Section 2.56, Code of Iowa. Data used in developing this fiscal note and correctional impact statement are available from the Legislative Fiscal Bureau to members of the Legislature upon request.

Senate File 120 requires an inmate who is physically and mentally capable to complete a high school equivalency diploma before being released on parole or work release.

Assumptions:

1. There were 358 persons released on parole in calendar year 1994.
2. Six earned a high school equivalency diploma.
3. Forty-three (12.2%) have low intelligence scores and are not likely to pass the examinations.
4. Eighty-six (24.4%) would have taken one year to earn the diploma.
5. Another 221 (62.8%) would have earned the diploma in six months.
6. Two (0.5%) were non-English speaking, and it is unknown how long it would have taken for them to earn a diploma.
7. Conviction patterns, sentencing trends, prisoner length of stay, and related factors will remain stable over the projection period.
8. Inmates currently incarcerated will be required to obtain a diploma prior to parole or work release.
9. Inmate support costs are budgeted at \$10 per day.
10. The cost per student to earn a high school equivalency diploma is \$175.

Correctional Impact:

Given current treatment and programming patterns, inmates will require additional time to earn a high school equivalency diploma. The prison population will increase by 130 inmates in FY 1996, 175 inmates in FY 1997, and 206 inmates by FY 2000.

Fiscal Impact:

The Department of Corrections would incur the following costs:

-2-

	<u>FY 1996</u>	<u>FY 1997</u>	<u>FY 2000</u>
Inmate Support Costs	\$474,500	\$638,750	\$751,900
Educational Program Costs	54,000	54,000	54,000
Total Costs	<u>\$528,500</u> =====	<u>\$692,750</u> =====	<u>\$805,900</u> =====

Sources:

Department of Corrections
Department of Education

(LSB 1427XS, MDF)

FILED MARCH 22, 1995

BY DENNIS PROUTY, FISCAL DIRECTOR

SENATE FILE 120

S-3127

1 Amend Senate File 120 as follows:

2 1. Page 1, by inserting before line 1 the
3 following:

4 "Section 1. NEW SECTION. 904.516 ACADEMIC
5 ACHIEVEMENT OF INMATES -- LITERACY AND HIGH SCHOOL
6 EQUIVALENCY PROGRAMS.

7 1. Effective July 1, 1997, a person who is
8 committed to the custody of the director of the
9 department of corrections may be evaluated for
10 purposes of determining the level of achievement in
11 the basic skills of arithmetic, the communicative arts
12 of reading, writing, grammar, and spelling, social
13 studies, and the sciences.

14 2. Persons who demonstrate functional literacy
15 competence below the sixth grade level may be required
16 to participate in literacy programs established by the
17 department. Participation shall be voluntary, but
18 shall be reflected as part of the person's record at
19 the institution. Persons who are required to
20 participate in literacy programs and who refuse to
21 participate shall be subject to the following
22 penalties:

23 a. Eligibility only for a minimum allowance.

24 b. Placement on idle status.

25 c. Ineligibility for work bonuses.

26 d. Ineligibility for minimum out or minimum live
27 out status.

28 e. Ineligibility for other privileges as
29 determined by the department.

30 3. Persons who have not completed the requirements
31 for high school or a high school equivalency diploma
32 may be required to complete the requirements for and
33 to obtain a high school equivalency diploma under
34 chapter 259A.

35 4. The department, in cooperation with the board
36 of parole, shall adopt rules which establish a
37 procedure for evaluation of inmates to determine basic
38 skills achievement, and criteria for placement of
39 inmates in educational programs. Rules adopted may
40 include, but shall not be limited to, the
41 establishment of standards for the development of
42 appropriate programming, imposition of any applicable
43 penalties, and for waiver of any educational
44 requirements."

45 2. Page 1, line 3, by striking the word "shall"
46 and inserting the following: "may, effective July 1,
47 1997".

48 3. Page 1, line 5, by inserting after the word
49 "capable" the following: "to demonstrate functional
50 literacy competence at or above the sixth grade level

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S-3127

Page 2

1 or".

2 4. Page 1, by inserting after line 8 the
3 following:

4 "Sec. ____ . PROGRESS REPORTS -- BUDGET REQUEST.

5 The department of corrections shall submit, as part of
6 the department's budget request to the governor, plans
7 for the implementation of this Act by July 1, 1997.
8 The department shall also submit a report, in January
9 of 1996, to the general assembly which outlines the
10 progress made towards implementation of this Act."

11 5. Title page, line 1, by inserting after the
12 word "inmates" the following: "demonstrate functional
13 literacy competence at or above the sixth grade level
14 or".

15 6. Title page, line 2, by striking the word
16 "prior" and inserting the following: ", conditioning
17 receipt of certain privileges on participation in
18 education programs, and permitting the use of
19 educational competence as a precondition".

20 7. By renumbering as necessary.

By COMMITTEE ON JUDICIARY

RANDAL J. GIANNETTO, Chairperson

S-3127 FILED MARCH 15, 1995

Adopted
3/22/95
(P. 822)

**SENATE FILE 120
FISCAL NOTE**

The estimate for Senate File 120 is hereby submitted as a fiscal note pursuant to Joint Rule 17 and as a correctional impact statement pursuant to Section 2.56, Code of Iowa. Data used in developing this fiscal note and correctional impact statement are available from the Legislative Fiscal Bureau to members of the Legislature upon request.

Senate File 120 permits the Department of Corrections to require an inmate, whose functional literacy is below the sixth grade level and who is physically and mentally capable, to participate in literacy programs. Inmates who refuse may be penalized, and the refusal may be reflected in the inmate's record. The Parole Board has the option of requiring physically and mentally capable inmates to demonstrate functional literacy at or above the sixth grade level or to obtain a high school equivalency diploma before granting parole or work release. The Department of Corrections, in consultation with the Parole Board, is required to adopt rules establishing criteria and procedures. The Department of Corrections is to implement these changes by July 1, 1997. A progress report to the General Assembly is due in January 1996.

Assumptions:

1. The Department of Corrections currently can include educational programming as a component of an inmate's treatment.
2. The sanctions listed in the bill are currently available to the Department for misbehavior, disruptiveness, and lack of cooperation by inmates.
3. The Department and the Parole Board currently examine an inmate's active participation in treatment and educational programming in determining eligibility for parole and work release. A lack of cooperation and participation in programming is seen as an indication that the inmate is not ready for parole or work release.
4. The Department and the Parole Board will not refuse parole for educational reasons often enough to significantly increase the prison population.
5. The Department can continue educational programming for paroled inmates by making continued education or earning a high school equivalency diploma part of the parole agreement.

Correctional Impact:

Given current treatment and programming patterns, there will be no significant impact on the prison populations because of this Bill.

Fiscal Impact:

The Department of Corrections will continue educational programming at the currently funded levels and will not be significantly impacted by this Bill.

-2-

Source: Department of Corrections

(LSB 1427xs.2, MDF)

FILED APRIL 27, 1995

BY DENNIS PROUTY, FISCAL DIRECTOR

1 Section 1. NEW SECTION. 904.516 ACADEMIC ACHIEVEMENT OF
2 INMATES -- LITERACY AND HIGH SCHOOL EQUIVALENCY PROGRAMS.

3 1. Effective July 1, 1997, a person who is committed to
4 the custody of the director of the department of corrections
5 may be evaluated for purposes of determining the level of
6 achievement in the basic skills of arithmetic, the
7 communicative arts of reading, writing, grammar, and spelling,
8 social studies, and the sciences.

9 2. Persons who demonstrate functional literacy competence
10 below the sixth grade level may be required to participate in
11 literacy programs established by the department.

12 Participation shall be voluntary, but shall be reflected as
13 part of the person's record at the institution. Persons who
14 are required to participate in literacy programs and who
15 refuse to participate shall be subject to the following
16 penalties:

17 a. Eligibility only for a minimum allowance.

18 b. Placement on idle status.

19 c. Ineligibility for work bonuses.

20 d. Ineligibility for minimum out or minimum live out
21 status.

22 e. Ineligibility for other privileges as determined by the
23 department.

24 3. Persons who have not completed the requirements for
25 high school or a high school equivalency diploma may be
26 required to complete the requirements for and to obtain a high
27 school equivalency diploma under chapter 259A.

28 4. The department, in cooperation with the board of
29 parole, shall adopt rules which establish a procedure for
30 evaluation of inmates to determine basic skills achievement,
31 and criteria for placement of inmates in educational programs.
32 Rules adopted may include, but shall not be limited to, the
33 establishment of standards for the development of appropriate
34 programming, imposition of any applicable penalties, and for
35 waiver of any educational requirements.

1 Sec. 2. Section 906.4, Code 1995, is amended by adding the
2 following new unnumbered paragraph:

3 NEW UNNUMBERED PARAGRAPH. The board may, effective July 1,
4 1997, subject to such exceptions as may be deemed necessary by
5 the board, require each inmate who is physically and mentally
6 capable to demonstrate functional literacy competence at or
7 above the sixth grade level or to complete the requirements
8 for and obtain a high school equivalency diploma under chapter
9 259A prior to release of the inmate on parole or work release.

10 Sec. 3. PROGRESS REPORTS -- BUDGET REQUEST. The
11 department of corrections shall submit, as part of the
12 department's budget request to the governor, plans for the
13 implementation of this Act by July 1, 1997. The department
14 shall also submit a report, in January of 1996, to the general
15 assembly which outlines the progress made towards
16 implementation of this Act.

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SENATE FILE 120

H-4155

- 1 Amend Senate File 120 as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 2, line 7, by striking the words "to
- 4 complete" and inserting the following: "make progress
- 5 towards completion of".
- 6 2. Page 2, line 8, by striking the words "and
- 7 obtain".
- 8 3. Title page, lines 2 and 3, by striking the
- 9 words "or obtain" and inserting the following: "or
- 10 make progress towards completion of".

By KREMER of Buchanan

H-4155 FILED APRIL 28, 1995

Adopted (p. 2109)

HOUSE AMENDMENT TO
SENATE FILE 120

S-3637

- 1 Amend Senate File 120 as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 2, line 7, by striking the words "to
- 4 complete" and inserting the following: "make progress
- 5 towards completion of".
- 6 2. Page 2, line 8, by striking the words "and
- 7 obtain".
- 8 3. Title page, lines 2 and 3, by striking the
- 9 words "or obtain" and inserting the following: "or
- 10 make progress towards completion of".

RECEIVED FROM THE HOUSE

S-3637 FILED APRIL 28, 1995

CONCURRED *(p. 1518)*



SENATE FILE 120

AN ACT

REQUIRING THAT PRISON INMATES DEMONSTRATE FUNCTIONAL LITERACY COMPETENCE AT OR ABOVE THE SIXTH GRADE LEVEL OR MAKE PROGRESS TOWARDS COMPLETION OF A GENERAL EQUIVALENCY DIPLOMA, CONDITIONING RECEIPT OF CERTAIN PRIVILEGES ON PARTICIPATION IN EDUCATION PROGRAMS, AND PERMITTING THE USE OF EDUCATIONAL COMPETENCE AS A PRECONDITION TO THE GRANTING OF PAROLE OR WORK RELEASE, AND PROVIDING EXCEPTIONS.

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

Section 1. NEW SECTION. 904.516 ACADEMIC ACHIEVEMENT OF INMATES -- LITERACY AND HIGH SCHOOL EQUIVALENCY PROGRAMS.

1. Effective July 1, 1997, a person who is committed to the custody of the director of the department of corrections may be evaluated for purposes of determining the level of achievement in the basic skills of arithmetic, the communicative arts of reading, writing, grammar, and spelling, social studies, and the sciences.

2. Persons who demonstrate functional literacy competence below the sixth grade level may be required to participate in literacy programs established by the department. Participation shall be voluntary, but shall be reflected as part of the person's record at the institution. Persons who are required to participate in literacy programs and who

refuse to participate shall be subject to the following penalties:

- a. Eligibility only for a minimum allowance.
- b. Placement on idle status.
- c. Ineligibility for work bonuses.
- d. Ineligibility for minimum out or minimum live out status.
- e. Ineligibility for other privileges as determined by the department.

3. Persons who have not completed the requirements for high school or a high school equivalency diploma may be required to complete the requirements for and to obtain a high school equivalency diploma under chapter 259A.

4. The department, in cooperation with the board of parole, shall adopt rules which establish a procedure for evaluation of inmates to determine basic skills achievement, and criteria for placement of inmates in educational programs. Rules adopted may include, but shall not be limited to, the establishment of standards for the development of appropriate programming, imposition of any applicable penalties, and for waiver of any educational requirements.

Sec. 2. Section 906.4, Code 1995, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The board may, effective July 1, 1997, subject to such exceptions as may be deemed necessary by the board, require each inmate who is physically and mentally capable to demonstrate functional literacy competence at or above the sixth grade level or make progress towards completion of the requirements for a high school equivalency diploma under chapter 259A prior to release of the inmate on parole or work release.

Sec. 3. PROGRESS REPORTS -- BUDGET REQUEST. The department of corrections shall submit, as part of the department's budget request to the governor, plans for the implementation of this Act by July 1, 1997. The department

shall also submit a report, in January of 1996, to the general assembly which outlines the progress made towards implementation of this Act.

LEONARD L. BOSWELL
President of the Senate

RON J. CORBETT
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 120, Seventy-sixth General Assembly.

JOHN F. DWYER
Secretary of the Senate

Approved  , 1995

TERRY E. BRANSTAD
Governor