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SENATE FILE 2332  
BY BENNETT

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

A BILL FOR

1 An Act establishing a home electronic monitoring pilot project  
2 for repeat operating-while-intoxicated offenders, and  
3 providing an effective date.

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

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S.F. 2332

1 Section 1. DEFINITIONS.

2 1. "Department" means the judicial department.

3 2. "Home electronic monitor" means a computerized home  
4 detention system approved by the department that provides  
5 regular visual and other confirmation of a defendant's  
6 presence at home, which may be combined with a continuous  
7 radio transmission signal emitted from a band worn by the  
8 defendant, and which includes monitoring of the defendant's  
9 blood alcohol level by means of regular remote breath alcohol  
10 testing.

11 3. "OWI" means operating while intoxicated, an offense  
12 under section 321J.2, subsection 1.

13 4. "Repeat offender" means a person who has, within the  
14 last six years, twice been previously convicted of an OWI  
15 offense.

16 Sec. 2. HOME ELECTRONIC MONITORING PILOT PROJECT --  
17 ESTABLISHED.

18 1. A home electronic monitoring pilot project is  
19 established within the judicial department.

20 a. The pilot project shall operate in Woodbury county and  
21 Blackhawk county for a period of one year.

22 b. A project manager shall be hired to supervise the pilot  
23 project. The project manager may hire an assistant manager  
24 for each county participating in the project, as determined by  
25 the chief justice of the supreme court.

26 c. The salaries of the project manager and assistant  
27 managers shall be determined by the chief justice. All  
28 persons employed for the pilot project shall serve at the  
29 pleasure of the chief justice.

30 d. The department shall negotiate a contract with a  
31 private vendor to provide home electronic monitoring services  
32 in the participating counties. The project manager shall be  
33 responsible for overseeing the implementation of the contract.

34 2. The primary purpose of the pilot project is to provide  
35 a better method of pretrial supervision of OWI repeat

1 offenders, which does not utilize the existing correctional  
2 facilities.

3 a. At the time of the initial appearance for a defendant  
4 who has been arrested for a third or subsequent OWI violation,  
5 the defendant shall be required either to submit the entire  
6 cash bond, or to post a minimal bond and to participate in the  
7 pilot project pending trial.

8 b. If the defendant chooses to participate in the pilot  
9 project, the defendant shall be required to execute a written  
10 document in which the defendant stipulates to the following:

11 (1) The defendant agrees, as a pretrial condition of  
12 release, to submit to home electronic monitoring. Through  
13 this process, the defendant will be required to submit to  
14 electronic alcohol testing up to three times per day, at pre-  
15 arranged times. The defendant shall also be required to  
16 consent to the use of recording equipment to record  
17 conversations between the defendant and the monitoring  
18 personnel solely for the purpose of identification, and not  
19 for the purpose of eavesdropping or conducting any other  
20 illegal monitoring. Prior to trial, the defendant agrees not  
21 to use, possess, or consume any mood-altering chemical,  
22 including alcohol, unless prescribed by a physician.

23 (2) If the defendant fails to answer the telephone, or if  
24 the defendant tests positive for alcohol, the defendant will  
25 immediately be picked up by law enforcement personnel and  
26 incarcerated.

27 (3) The defendant agrees to pay a fee of up to ten dollars  
28 per day to participate in the monitoring program. The amount  
29 of the fee can be adjusted by the court in accordance with the  
30 defendant's income level.

31 3. The department shall develop policies and procedures  
32 for implementation of this program, covering issues including:

33 a. A list of required elements in the offender's home for  
34 the effective use of the monitoring system.

35 b. Notice to, and consent forms to be executed by, other

1 residents of the offender's home.

2 c. Procedures for responding to violations of conditions  
3 of release.

4 d. Fee structures.

5 e. Staff training.

6 f. Other issues relevant to effective implementation of  
7 electronic monitoring.

8 4. The department shall prepare a report on the  
9 implementation of the pilot project, and present this report  
10 to the general assembly in January 1998.

11 Sec. 3. FUNDING. There is appropriated from the general  
12 fund of the state to the judicial department for the fiscal  
13 year beginning July 1, 1996, and ending June 30, 1997, the  
14 following amount, or so much thereof as is necessary, to be  
15 used for the purpose designated:

16 For the home electronic monitoring pilot project, including  
17 salaries, support, maintenance, miscellaneous purposes, and  
18 for not more than the following full-time equivalent  
19 positions:

20 .....	\$	250,000
21 .....	FTEs	3.00

22 Sec. 4. EFFECTIVE DATE. This Act, being deemed of  
23 immediate importance, takes effect upon enactment.

24 EXPLANATION

25 This bill establishes a home electronic monitoring pilot  
26 project, to provide for home monitoring, pending trial, of the  
27 breath-alcohol level of repeat OWI offenders. A repeat  
28 offender who participated in the project would agree to submit  
29 to breath-alcohol testing up to three times a day, according  
30 to a prearranged schedule. A defendant who missed a testing  
31 time, or failed a test would be incarcerated immediately.  
32 During the period of pretrial release, the defendant would not  
33 be permitted to use, possess, or consume any mood altering  
34 chemical, including alcohol, unless by a doctor's  
35 prescription. The defendant would be required to pay a fee of

1 up to \$10 per day, according to the defendant's income level,  
2 to cover the costs of participating in the project.

3 The project is established within the judicial department,  
4 with an initial appropriation of \$250,000. The chief justice  
5 is directed to appoint a project manager to oversee  
6 implementation of the pilot project in Woodbury and Blackhawk  
7 counties. The department is also directed to develop written  
8 policies and procedures pertaining to implementation of the  
9 program.

10 The monitoring services are provided by a private vendor.  
11 The judicial department would secure the contract with the  
12 vendor, and the project manager would oversee its  
13 implementation.

14 To permit contract procurement to begin immediately, the  
15 bill is effective immediately.

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