

H-3/11/96 Local Gov.  
H-3/22/96 Do Pass  
FILED FEB 28 1996

SENATE FILE **2352**  
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SF 254)

Passed Senate, Date 3/5/96 (p. 636) Passed House, Date 4/1/96 (p. 1167)  
Vote: Ayes 43 Nays 7 Vote: Ayes 97 Nays 1  
Approved April 10, 1996

**A BILL FOR**

1 An Act providing that the sheriff may charge for room and board  
2 provided to county prisoners and providing for the creation  
3 and filing of a room and board reimbursement lien.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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S.F. 2352

1 Section 1. NEW SECTION. 356.7 CHARGE FOR ROOM AND BOARD  
2 -- LIEN.

3 1. The county sheriff may charge a prisoner who is  
4 eighteen years of age or older for the room and board provided  
5 to the prisoner while in the custody of the county sheriff.  
6 Moneys collected by the sheriff under this section shall be  
7 credited to the county general fund. If a prisoner fails to  
8 pay for the room and board, the sheriff may file a room and  
9 board reimbursement lien as provided in subsection 2. The  
10 county attorney may file the room and board reimbursement lien  
11 on behalf of the sheriff and the county. This section does  
12 not apply to prisoners who are paying for their room and board  
13 by court order pursuant to sections 356.26 through 356.35.

14 2. The sheriff or the county attorney, on behalf of the  
15 sheriff, may file a room and board reimbursement lien with the  
16 clerk of the district court which shall include all of the  
17 following information, if known:

18 a. The name and date of birth of the person whose property  
19 or other interests are subject to the lien.

20 b. The present address of the residence and principal  
21 place of business of the person named in the lien.

22 c. The criminal proceeding pursuant to which the lien is  
23 filed, including the name of the court, the title of the  
24 action, and the court's file number.

25 d. The name and address of the sheriff or the name and  
26 address of the county attorney who is filing the lien on  
27 behalf of the sheriff.

28 e. A statement that the notice is being filed pursuant to  
29 this section.

30 f. The amount of room and board reimbursement the person  
31 has been ordered to pay or is likely to be ordered to pay.

32 3. The filing of a room and board reimbursement lien in  
33 accordance with this section creates a lien in favor of the  
34 sheriff in any personal or real property identified in the  
35 lien to the extent of the interest held in that property by

1 the person named in the lien.

2 4. This section does not limit the right of the sheriff to  
3 obtain any other remedy authorized by law.

4 EXPLANATION

5 This bill authorizes the county sheriff to charge prisoners  
6 who are 18 years of age or older for the room and board which  
7 are provided to them while the prisoners are in the sheriff's  
8 custody. If a prisoner fails to pay for the room and board,  
9 the sheriff may file a room and board reimbursement lien. The  
10 county attorney may file the lien on behalf of the county  
11 sheriff. The room and board reimbursement lien does not apply  
12 to prisoners who are under court order to pay for their room  
13 and board under a work release program.

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**SENATE FILE 2352  
FISCAL NOTE**

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A fiscal note for Senate File 2352 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.

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Senate File 2352 permits county sheriffs to charge prisoners for room and board while in jail. The sheriff may file a room and board reimbursement lien on behalf of the county against prisoners who fail to pay the charge.

**ASSUMPTIONS**

1. The average FY 1995 statewide jail population was 2,058 adult prisoners.
2. The average per diem charged to the Department of Corrections for confining a parole or work release violator until their return to prison is \$50. Other prisoners would be charged the same per diem.

**FISCAL IMPACT**

The maximum amount counties could charge prisoners for room and board is approximately \$37.6 million annually.

This estimate should be considered a maximum. No information is available on the prisoner's ability to pay for room and board or what property they may have against which liens could be filed. If a large number of the prisoners are indigent, then the actual amounts collected would be less.

**SOURCE**

Department of Corrections

(LSB 1147sv, MDF)

FILED MARCH 6, 1996

BY DENNIS PROUTY, FISCAL DIRECTOR

SENATE FILE 2352

AN ACT

PROVIDING THAT THE SHERIFF MAY CHARGE FOR ROOM AND BOARD PROVIDED TO COUNTY PRISONERS AND PROVIDING FOR THE CREATION AND FILING OF A ROOM AND BOARD REIMBURSEMENT LIEN.

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

Section 1. NEW SECTION. 356.7 CHARGE FOR ROOM AND BOARD -- LIEN.

1. The county sheriff may charge a prisoner who is eighteen years of age or older for the room and board provided to the prisoner while in the custody of the county sheriff. Moneys collected by the sheriff under this section shall be credited to the county general fund. If a prisoner fails to pay for the room and board, the sheriff may file a room and board reimbursement lien as provided in subsection 2. The county attorney may file the room and board reimbursement lien on behalf of the sheriff and the county. This section does not apply to prisoners who are paying for their room and board by court order pursuant to sections 356.26 through 356.35.

2. The sheriff or the county attorney, on behalf of the sheriff, may file a room and board reimbursement lien with the clerk of the district court which shall include all of the following information, if known:

- a. The name and date of birth of the person whose property or other interests are subject to the lien.
- b. The present address of the residence and principal place of business of the person named in the lien.
- c. The criminal proceeding pursuant to which the lien is filed, including the name of the court, the title of the action, and the court's file number.
- d. The name and address of the sheriff or the name and address of the county attorney who is filing the lien on behalf of the sheriff.

e. A statement that the notice is being filed pursuant to this section.

f. The amount of room and board reimbursement the person has been ordered to pay or is likely to be ordered to pay.

3. The filing of a room and board reimbursement lien in accordance with this section creates a lien in favor of the sheriff in any personal or real property identified in the lien to the extent of the interest held in that property by the person named in the lien.

4. This section does not limit the right of the sheriff to obtain any other remedy authorized by law.

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LEONARD L. BOSWELL  
President of the Senate

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RON J. CORBETT  
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2352, Seventy-sixth General Assembly.

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JOHN F. DWYER  
Secretary of the Senate

Approved *Sept 10*, 1996

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TERRY E. BRANSTAD  
Governor