

3/7/95 Judiciary
3/16/95 Do Pass

FILED MAR 7 1995
4/10/95 Referred back Judiciary

SENATE FILE 254
BY ZIEMAN, RITTMER, BORLAUG,
SORENSEN, FREEMAN, BARTZ,
PRIEBE, and MCKEAN

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

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. 254

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

SENATE FILE 254 REQ. BY SENATOR ZIEMAN
FISCAL NOTE

A fiscal note for Senate File 254 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.

Senate File 254 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 statewide jail population is 1,820 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 \$51.07. Other prisoners would be charged the same per diem.

Fiscal Impact:

The amount counties could charge prisoners for room and board is approximately \$33.9 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 amounts collected would be much less.

Source: Department of Corrections

(LSB 1147ss, MDF)

FILED MARCH 7, 1995

BY DENNIS PROUTY, FISCAL DIRECTOR

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