

JAN 13 1988  
JUDICIARY

HOUSE FILE 2018  
BY GIPP and THOMAS

(COMPANION TO LSB 3366SS BY  
ZIEMAN)

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

A BILL FOR

1 An Act relating to criminal defendant community service and  
2 inmate work programs.

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

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HF 2018

1 Section 1. Section 669.2, subsection 4, Code Supplement  
2 1997, is amended to read as follows:

3 4. "Employee of the state" includes any one or more  
4 officers, agents, or employees of the state or any state  
5 agency, including members of the general assembly, and persons  
6 acting on behalf of the state or any state agency in any  
7 official capacity, temporarily or permanently in the service  
8 of the state of Iowa, whether with or without compensation,  
9 but does not include a contractor doing business with the  
10 state. Professional personnel, including physicians,  
11 osteopathic physicians and surgeons, osteopathic physicians,  
12 optometrists, dentists, nurses, physician assistants, and  
13 other medical personnel, who render services to patients or  
14 inmates of state institutions under the jurisdiction of the  
15 department of human services or the Iowa department of  
16 corrections, and employees of the commission of veterans  
17 affairs, are to be considered employees of the state, whether  
18 the personnel are employed on a full-time basis or render  
19 services on a part-time basis on a fee schedule or other  
20 arrangement. Criminal defendants while performing unpaid  
21 community service ordered by the district court, board of  
22 parole, or judicial district department of correctional  
23 services, or an inmate providing services pursuant to a  
24 chapter 28E agreement entered into pursuant to section  
25 904.703, and persons supervising those criminal defendants or  
26 inmates, are to be considered employees of the state.

27 Sec. 2. Section 904.703, unnumbered paragraph 3, Code  
28 1997, is amended to read as follows:

29 The director may enter into a chapter 28E agreement with a  
30 county board of supervisors or county conservation board to  
31 provide inmate services for environmental maintenance  
32 including but not limited to brush and weed cutting, tree  
33 planting, and erosion control. ~~The board of supervisors or~~  
34 ~~conservation board shall reimburse the department of~~  
35 ~~corrections for the allowance paid the inmates by the~~

1 director.--The-supervision,-security,-and-transportation-of  
2 inmates-used-pursuant-to-the-chapter-28E-agreement-shall-be  
3 provided-by-the-department-of-corrections-

4 EXPLANATION

5 This bill makes changes relating to community service work  
6 programs for criminal defendants and institutional and public  
7 service work programs for inmates of correctional  
8 institutions. The state tort claims act immunity provisions  
9 are amended to provide that persons supervising criminal  
10 defendants who are performing community service, and persons  
11 who are supervising inmates who are performing services under  
12 a chapter 28E services agreement, are to be considered  
13 "employees of the state". The state tort claims act provides  
14 tort claim liability coverage by the state for state employees  
15 who commit negligent acts or omissions during the course of  
16 their employment.

17 The bill deletes language which requires that a county  
18 board of supervisors or county conservation board reimburse  
19 the department of corrections for any allowances paid to  
20 inmates who are performing environmental maintenance services  
21 for the county under a chapter 28E agreement. The bill also  
22 deletes a requirement that the department of corrections  
23 provide the supervision, security, and transportation of  
24 inmates who are used to perform the environmental maintenance  
25 services under a chapter 28E agreement.

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