

FEB 17 1998

JUDICIARY

HOUSE FILE 2307

BY FALCK

Passed House, Date _____ Passed Senate, Date _____

Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act relating to tort and workers' compensation liability for
2 labor performed by inmates of jails and county detention
3 facilities.

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

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HF 2307

1 Section 1. Section 85.59, unnumbered paragraph 2, Code
2 1997, is amended to read as follows:

3 For purposes of this section, "inmate" includes a person
4 who is performing unpaid community service under the direction
5 of the district court, board of parole, or judicial district
6 department of correctional services, or an inmate providing
7 services pursuant to a chapter 28E agreement entered into
8 pursuant to section 904.703, or who is performing a work
9 assignment of value to the state or to the public under
10 chapter 232, or who is performing unpaid hard labor while
11 confined in a jail or county detention facility under chapter
12 356 or 356A. For purposes of this section, "unpaid community
13 service under the direction of the district court" includes
14 but is not limited to community service ordered and performed
15 pursuant to section 598.23A.

16 Sec. 2. NEW SECTION. 356.20A LIABILITY OF STATE.

17 The state of Iowa is exclusively liable, according to and
18 under chapter 669, for a tortious act committed by a prisoner
19 while performing unpaid hard labor under sections 356.16
20 through 356.20. The state of Iowa is exclusively liable for
21 and shall pay any compensation due any person under section
22 85.59 resulting from the performance of the hard labor.

23 Sec. 3. NEW SECTION. 356A.8 LIABILITY OF STATE.

24 The state of Iowa is exclusively liable, according to and
25 under chapter 669, for a tortious act committed by a prisoner
26 who has been transferred pursuant to section 356A.3 and is
27 performing unpaid hard labor while confined in a county
28 detention facility. The state of Iowa is exclusively liable
29 for and shall pay any compensation due any person under
30 section 85.59 resulting from the performance of the hard
31 labor.

32 Sec. 4. Section 669.2, subsection 4, unnumbered paragraph
33 2, Code Supplement 1997, is amended to read as follows:

34 "Employee of the state" also includes an individual
35 performing unpaid community service under an order of the

1 district court pursuant to section 598.23A and prisoners
2 performing unpaid hard labor while confined in a jail or
3 county detention facility under chapter 356 or 356A.

4 EXPLANATION

5 This bill provides that the state is exclusively liable for
6 tortious acts and workers' compensation benefits due because
7 of prisoners of jails or county detention facilities
8 performing hard labor.

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