

House Study Bill 76

Bill Text

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1 1 Section 1. Section [669.2](#), subsection 4, unnumbered
1 2 paragraph 1, Code 1997, is amended to read as follows:
1 3 "Employee of the state" includes any one or more officers,
1 4 agents, or employees of the state or any state agency,
1 5 including members of the general assembly, and persons acting
1 6 on behalf of the state or any state agency in any official
1 7 capacity, temporarily or permanently in the service of the
1 8 state of Iowa, whether with or without compensation, but does
1 9 not include a contractor doing business with the state.
1 10 Professional personnel, including physicians, osteopathic
1 11 physicians and surgeons, osteopathic physicians, optometrists,
1 12 dentists, nurses, physician assistants, and other medical
1 13 personnel, who render services to patients or inmates of state
1 14 institutions under the jurisdiction of the department of human
1 15 services, and employees of the commission of veterans affairs,
1 16 or the Iowa department of corrections are to be considered
1 17 employees of the state, whether the personnel are employed on
1 18 a full-time basis or render services on a part-time basis on a
1 19 fee schedule or other arrangement. Criminal defendants while
1 20 performing unpaid community service ordered by the district
1 21 court, board of parole, or judicial district department of
1 22 correctional services,

~~or an inmate~~

- inmates providing services
1 23 pursuant to

~~a chapter 28E~~

- an agreement entered into pursuant
1 24 to section 904.703, and persons providing supervision,
1 25 security, or transportation for inmates or criminal defendants
1 26 who are providing the services, are to be considered employees
1 27 of the state.

1 28 Sec. 2. Section [904.703](#), unnumbered paragraph 1, Code
1 29 1997, is amended to read as follows:

1 30 Inmates shall work on state account in the maintenance of
1 31 state institutions, in the erection, repair, authorized
1 32 demolition, or operation of buildings and works used in
1 33 connection with the institutions, and in industries
1 34 established and maintained in connection with the institutions
1 35 by the director. The director shall encourage the making of
2 1 agreements, including agreements under chapter 28E, with
2 2 departments and agencies of the state or its political
2 3 subdivisions to provide products or services under an inmate
2 4 work program to the departments

~~and~~

~~agencies, and political~~

2 5 subdivisions. The director may implement an inmate work
2 6 program for trustworthy inmates of state correctional
2 7 institutions, under proper supervision, whether at work
2 8 centers located outside the state correctional institutions or
2 9 in construction or maintenance work at public or charitable
2 10 facilities and for other agencies of state, county, or local
2 11 government. The supervision, security, and transportation of,
2 12 and allowances paid to inmates used in public service projects

2 13 shall be provided pursuant to agreements made by the director
2 14 and the agency for which the work is done. Housing and
2 15 maintenance shall also be provided pursuant to the agreement
2 16 unless the inmate is housed and maintained in the correctional
2 17 facility. All such work, including but not limited to that
2 18 provided in this section, shall have as its primary purpose
2 19 the development of attitudes, skills, and habit patterns which
2 20 are conducive to inmate rehabilitation. The director may
2 21 adopt rules allowing inmates participating in an inmate work
2 22 program to receive educational or vocational training outside
2 23 the state correctional institutions and away from the work
2 24 centers or public or charitable facilities used under a
2 25 program.

2 26 Sec. 3. Section [904.703](#), unnumbered paragraph 3, Code
2 27 1997, is amended by striking the paragraph.

2 28 EXPLANATION

2 29 This bill extends the provisions of the state tort claims
2 30 Act to cover persons who supervise, provide security for, or
2 31 transport criminal defendants and inmates who are providing
2 32 services either pursuant to an order of the court, the board
2 33 of parole, or a judicial district department of correctional
2 34 services or pursuant to an agreement for inmate services. The
2 35 state tort claims Act contains specific procedures for the
3 1 recovery of claims for damages against the state for negligent
3 2 acts or omissions of employees of the state, which must be
3 3 followed in order for a person to receive compensation for
3 4 those damages.

3 5 This bill also includes chapter 28E agreements for inmate
3 6 services to departments, state agencies, and political
3 7 subdivisions of the state under general provisions governing
3 8 inmate work contracts. Currently, chapter 28E agreements with
3 9 county boards of supervisors or county conservation boards for
3 10 inmate services for environmental maintenance are governed
3 11 separately from other agreements. Under those provisions,
3 12 county boards of supervisors or conservation boards are
3 13 responsible for reimbursing the department of corrections for
3 14 allowances paid to inmates for the services, and the
3 15 supervision, security, and transportation of inmates is
3 16 provided by the department of corrections. The changes made
3 17 under the bill would delete the statutory requirements and
3 18 bring the issues of allowances, supervision, security, and
3 19 transportation under the terms of the inmate service
3 20 agreements.

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