

H. 3/5/98 Local Gov.
FILED FEB 18 1998 H. 3/20/98 Do Pass
H. 3/26/98 Unfinished Bus. Calendar

SENATE FILE 2254
BY COMMITTEE ON LOCAL
GOVERNMENT

(SUCCESSOR TO SSB 2028)

(P. 565)
Passed Senate, Date 3/4/98 Passed House, Date 4/3/98
Vote: Ayes 49 Nays 0 Vote: Ayes 93 Nays 2
Approved April 17, 1998

A BILL FOR

1 An Act relating to charges for room and board by certain
2 prisoners.

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

4
5
6
7
8

SENATE FILE 2254

H-8679

1 Amend Senate File 2254, as passed by the Senate, as
2 follows:

3 1. Page 1, line 19, by inserting after the figure
4 "356.35" the following: "or to prisoners without
5 financial resources to pay the fees or that if the
6 fees are paid, the payment will cause a serious
7 financial hardship upon dependent family members".

By FALLON of Polk

H-8679 FILED MARCH 25, 1998

Lost 4/3/98 (p. 1226)

S.F. 2254

18
19
20
21
22

1 Section 1. Section 356.7, subsection 1, Code Supplement
2 1997, is amended to read as follows:

3 1. The county sheriff may charge a prisoner who is
4 eighteen years of age or older and who has been convicted of a
5 criminal offense or sentenced for contempt of court for
6 violation of a domestic abuse order for the room and board
7 provided to the prisoner while in the custody of the county
8 sheriff. Moneys collected by the sheriff under this section
9 shall be credited to the county general fund and distributed
10 as provided in this section. If a prisoner who has been
11 convicted of a criminal offense or sentenced for contempt of
12 court for violation of a domestic abuse order fails to pay for
13 the room and board, the sheriff may file a room and board
14 reimbursement claim with the district court as provided in
15 subsection 2. The county attorney may file the room and board
16 reimbursement claim on behalf of the sheriff and the county.
17 This section does not apply to prisoners who are paying for
18 their room and board by court order pursuant to sections
19 356.26 through 356.35.

20 Sec. 2. Section 602.8107, subsection 4, unnumbered
21 paragraph 2, Code Supplement 1997, is amended to read as
22 follows:

23 This subsection does not apply to amounts collected for
24 victim restitution, the victim compensation fund, criminal
25 penalty surcharge, ~~or~~ amounts collected as a result of
26 procedures initiated under subsection 5 or under section
27 421.17, subsection 25, or sheriff's room and board fees.

28 EXPLANATION

29 This bill provides that a sheriff may collect room and
30 board charges from a prisoner serving a sentence of contempt
31 of court for violation of a domestic abuse order. The bill
32 also exempts the sheriff's room and board fees collected as
33 delinquent fees from distribution as other delinquent fines,
34 penalties, court costs, surcharges, and restitution payments
35 are distributed.

**SENATE FILE 2254
FISCAL NOTE**

The estimate for Senate File 2254 is hereby submitted as a fiscal note pursuant to Joint Rule 17 and as a correctional impact statement pursuant to Section 2.56, Code of Iowa. Data used in developing this fiscal note and correctional impact statement are available from the Legislative Fiscal Bureau to members of the Legislature upon request.

Senate File 2254 provides that sheriffs may collect room and board charges from a prisoner serving a sentence of contempt of court for violation of a domestic abuse order. The Bill also provides that a county's 35.0% share of delinquent fines and fees collected by the county attorney is not paid from amounts collected from sheriff's room and board charges.

ASSUMPTIONS

No data is available to identify the number of contempt of court violations that will be affected by this Bill.

FISCAL IMPACT

Senate File 2254 will have no significant impact on the Judicial Branch. Sheriffs will be allowed to collect room and board charges from the affected jail prisoners which are not shared with the county attorney when collected as delinquent fines and fees. The increased revenues for the counties cannot be determined.

SOURCES

Judicial Branch
Iowa State Association of Counties

(LSB 3655SV, MDF)

FILED MARCH 4, 1998

BY DENNIS PROUTY, FISCAL DIRECTOR

Zieman
Redwine
Dearden

SSB 2028

Local Government

Successed By

SF ~~2254~~ 2254

SENATE FILE

BY (PROPOSED COMMITTEE ON
LOCAL GOVERNMENT BILL BY
CHAIRPERSON ZIEMAN)

Passed Senate, Date _____

Passed House, Date _____

Vote: Ayes _____ Nays _____

Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act relating to charges for room and board by certain
2 prisoners.

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

- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23

1 Section 1. Section 356.7, subsection 1, Code Supplement
2 1997, is amended to read as follows:

3 1. The county sheriff may charge a prisoner who is
4 eighteen years of age or older and who has been convicted of a
5 criminal offense or sentenced for contempt of court for
6 violation of a domestic abuse order for the room and board
7 provided to the prisoner while in the custody of the county
8 sheriff. Moneys collected by the sheriff under this section
9 shall be credited to the county general fund and distributed
10 as provided in this section. If a prisoner who has been
11 convicted of a criminal offense or sentenced for contempt of
12 court for violation of a domestic abuse order fails to pay for
13 the room and board, the sheriff may file a room and board
14 reimbursement claim with the district court as provided in
15 subsection 2. The county attorney may file the room and board
16 reimbursement claim on behalf of the sheriff and the county.
17 This section does not apply to prisoners who are paying for
18 their room and board by court order pursuant to sections
19 356.26 through 356.35.

20 Sec. 2. Section 602.8107, subsection 4, unnumbered
21 paragraph 2, Code Supplement 1997, is amended to read as
22 follows:

23 This subsection does not apply to amounts collected for
24 victim restitution, the victim compensation fund, criminal
25 penalty surcharge, or amounts collected as a result of
26 procedures initiated under subsection 5 or under section
27 421.17, subsection 25, or sheriff's room and board fees.

28 EXPLANATION

29 This bill provides that a sheriff may collect room and
30 board charges from a prisoner serving a sentence of contempt
31 of court for violation of a domestic abuse order. The bill
32 also exempts the sheriff's room and board fees collected as
33 delinquent fees from distribution as other delinquent fines,
34 penalties, court costs, surcharges, and restitution payments
35 are distributed.

SENATE FILE 2254

AN ACT
RELATING TO CHARGES FOR ROOM AND BOARD BY CERTAIN
PRISONERS.

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

Section 1. Section 356.7, subsection 1, Code Supplement 1997, is amended to read as follows:

1. The county sheriff may charge a prisoner who is eighteen years of age or older and who has been convicted of a criminal offense or sentenced for contempt of court for violation of a domestic abuse order 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 and distributed as provided in this section. If a prisoner who has been convicted of a criminal offense or sentenced for contempt of court for violation of a domestic abuse order fails to pay for the room and board, the sheriff may file a room and board reimbursement claim with the district court as provided in subsection 2. The county attorney may file the room and board reimbursement claim 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.

Sec. 2. Section 602.8107, subsection 4, unnumbered paragraph 2, Code Supplement 1997, is amended to read as follows:

This subsection does not apply to amounts collected for victim restitution, the victim compensation fund, criminal penalty surcharge, or amounts collected as a result of

procedures initiated under subsection 5 or under section 421.17, subsection 25, or sheriff's room and board fees.

MARY E. KRAMER
President of the Senate

RON J. CORBETT
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2254, Seventy-seventh General Assembly.

MARY PAT GUNDERSON
Secretary of the Senate

Approved *April 17*, 1998

TERRY E. BRANSTAD
Governor

