

Senate Study Bill 252

Bill Text

PAG LIN

1 1 Section 1. DEPARTMENT OF JUSTICE. There is appropriated
1 2 from the general fund of the state to the department of
1 3 justice for the fiscal year beginning July 1, 1997, and ending
1 4 June 30, 1998, the following amounts, or so much thereof as is
1 5 necessary, to be used for the purposes designated:
1 6 1. For the general office of attorney general for
1 7 salaries, support, maintenance, miscellaneous purposes
1 8 including odometer fraud enforcement, and for not more than
1 9 the following full-time equivalent positions:
1 10 \$ 6,995,561
1 11 FTEs 177.50
1 12 2. Prosecuting attorney training program for salaries,
1 13 support, maintenance, miscellaneous purposes, and for not more
1 14 than the following full-time equivalent positions:
1 15 \$ 269,392
1 16 FTEs 6.00
1 17 a. In addition to the funds appropriated in this
1 18 subsection for the fiscal year beginning July 1, 1997, and
1 19 ending June 30, 1998, the attorney general shall provide up to
1 20 \$41,000 in state matching funds from moneys retained by the
1 21 attorney general from property forfeited pursuant to section
1 22 809.13, for the prosecuting attorney training program, the
1 23 prosecuting intern program, or both. Counties participating
1 24 in the prosecuting intern program shall match the state funds.
1 25 b. In addition to the funds appropriated in this
1 26 subsection for the fiscal year beginning July 1, 1997, and
1 27 ending June 30, 1998, and the moneys retained by the attorney
1 28 general pursuant to paragraph "a", the attorney general shall
1 29 provide up to \$10,000 in state matching funds from moneys
1 30 retained by the attorney general from property forfeited
1 31 pursuant to section 809.13, for the office of the prosecuting
1 32 attorneys training coordinator to use for continuation of the
1 33 domestic violence response enhancement program established in
1 34 accordance with 1992 Iowa Acts, chapter 1240, section 1,
1 35 subsection 2, paragraph "b".
2 1 c. The prosecuting attorneys training program shall use a
2 2 portion of the funds appropriated in this subsection for
2 3 educating and training prosecuting attorneys, as defined in
2 4 section 13A.1, in alternative dispute resolution techniques.
2 5 3. In addition to the funds appropriated in subsection 1,
2 6 there is appropriated from the general fund of the state to
2 7 the department of justice for the fiscal year beginning July
2 8 1, 1997, and ending June 30, 1998, an amount not exceeding
2 9 \$200,000 to be used for the enforcement of the Iowa
2 10 competition law. The expenditure of the funds appropriated in
2 11 this subsection is contingent upon receipt by the general fund
2 12 of the state of an amount at least equal to either the
2 13 expenditures from damages awarded to the state or a political
2 14 subdivision of the state by a civil judgment under chapter
2 15 553, if the judgment authorizes the use of the award for
2 16 enforcement purposes or costs or attorneys fees awarded the
2 17 state in state or federal antitrust actions. However, if the
2 18 funds received as a result of these judgments are in excess of
2 19 \$200,000, the excess funds shall not be appropriated to the
2 20 department of justice pursuant to this subsection.
2 21 4. In addition to the funds appropriated in subsection 1,

2 22 there is appropriated from the general fund of the state to
2 23 the department of justice for the fiscal year beginning July
2 24 1, 1997, and ending June 30, 1998, an amount not exceeding
2 25 \$150,000 to be used for public education relating to consumer
2 26 fraud and for enforcement of section 714.16, and an amount not
2 27 exceeding \$75,000 for investigation, prosecution, and consumer
2 28 education relating to consumer and criminal fraud against
2 29 older Iowans. The expenditure of the funds appropriated in
2 30 this subsection is contingent upon receipt by the general fund
2 31 of the state of an amount at least equal to the expenditures
2 32 from damages awarded to the state or a political subdivision
2 33 of the state by a civil consumer fraud judgment or settlement,
2 34 if the judgment or settlement authorizes the use of the award
2 35 for public education on consumer fraud. However, if the funds
3 1 received as a result of these judgments and settlements are in
3 2 excess of \$225,000, the excess funds shall not be appropriated
3 3 to the department of justice pursuant to this subsection.

3 4 5. For victim assistance grants:
3 5 \$ 1,759,806

3 6 a. The funds appropriated in this subsection shall be used
3 7 to provide grants to care providers providing services to
3 8 crime victims of domestic abuse or to crime victims of rape
3 9 and sexual assault.

3 10 b. Notwithstanding section 8.33 or 8.39, any balance
3 11 remaining from the appropriation in this subsection shall not
3 12 revert to the general fund of the state but shall be available
3 13 for expenditure during the subsequent fiscal year for the same
3 14 purpose, and shall not be transferred to any other program.

3 15 6. For the GASA prosecuting attorney program and for not
3 16 more than the following full-time equivalent positions:

3 17 \$ 121,259
3 18 FTEs 2.00

3 19 7. The balance of the victim compensation fund established
3 20 under section 912.14 may be used to provide salary and support
3 21 of not more than 13.00 FTEs and to provide maintenance for the
3 22 victim compensation functions of the department of justice.

3 23 8. The department of justice shall submit monthly
3 24 financial statements to the legislative fiscal bureau and the
3 25 department of management containing all appropriated accounts
3 26 in the same manner as provided in the monthly financial status
3 27 reports and personal services usage reports of the department
3 28 of revenue and finance. The monthly financial statements
3 29 shall include comparisons of the moneys and percentage spent
3 30 of budgeted to actual revenues and expenditures on a
3 31 cumulative basis for full-time equivalent positions and
3 32 available moneys.

3 33 9. a. The department of justice, in submitting budget
3 34 estimates for the fiscal year commencing July 1, 1998,
3 35 pursuant to section 8.23, shall include a report of funding
4 1 from sources other than amounts appropriated directly from the
4 2 general fund of the state to the department of justice or to
4 3 the office of consumer advocate. These funding sources shall
4 4 include, but are not limited to, reimbursements from other
4 5 state agencies, commissions, boards, or similar entities, and
4 6 reimbursements from special funds or internal accounts within
4 7 the department of justice. The department of justice shall
4 8 report actual reimbursements for the fiscal year commencing
4 9 July 1, 1996, and actual and expected reimbursements for the
4 10 fiscal year commencing July 1, 1997.

4 11 b. The department of justice shall include the report
4 12 required under paragraph "a", as well as information regarding
4 13 any revisions occurring as a result of reimbursements actually
4 14 received or expected at a later date, in a report to the co-
4 15 chairpersons and ranking members of the joint appropriations
4 16 subcommittee on the justice system and the legislative fiscal
4 17 bureau. The department of justice shall submit the report on
4 18 or before January 15, 1998.

4 19 10. For legal services for persons in poverty grants as
4 20 provided in section 13.34:

4 21 \$ 475,000

4 22 As a condition for accepting a grant funded pursuant to
4 23 this subsection, an organization receiving a grant shall
4 24 submit a report to the general assembly by January 1, 1998,
4 25 concerning the use of any grants received during the previous
4 26 fiscal year and efforts made by the organization to find
4 27 alternative sources of revenue to replace any reductions in
4 28 federal funding for the organization.

4 29 It is the intent of the general assembly that no moneys
4 30 shall be appropriated for this purpose for fiscal years
4 31 beginning on or after July 1, 1998.

4 32 Sec. 2. DEPARTMENT OF JUSTICE ENVIRONMENTAL CRIMES
4 33 INVESTIGATION AND PROSECUTION FUNDING. There is
4 34 appropriated from the environmental crime fund of the
4 35 department of justice, consisting of court-ordered fines and
5 1 penalties awarded to the department arising out of the
5 2 prosecution of environmental crimes, to the department of
5 3 justice for the fiscal year beginning July 1, 1997, and ending
5 4 June 30, 1998, an amount not exceeding \$20,000 to be used by
5 5 the department, at the discretion of the attorney general, for
5 6 the investigation and prosecution of environmental crimes,
5 7 including the reimbursement of expenses incurred by county,
5 8 municipal, and other local governmental agencies cooperating
5 9 with the department in the investigation and prosecution of
5 10 environmental crimes.

5 11 The expenditure of the funds appropriated in this section
5 12 is contingent upon receipt by the environmental crime fund of
5 13 the department of justice of an amount at least equal to the
5 14 appropriations made in this section and received from
5 15 contributions, court-ordered restitution as part of judgments
5 16 in criminal cases, and consent decrees entered into as part of
5 17 civil or regulatory enforcement actions. However, if the
5 18 funds received during the fiscal year are in excess of
5 19 \$20,000, the excess funds shall be deposited in the general
5 20 fund of the state.

5 21 Notwithstanding section 8.33, moneys appropriated in this
5 22 section which remain unexpended or unobligated at the close of
5 23 the fiscal year shall not revert to the general fund of the
5 24 state but shall remain available for expenditure for the
5 25 designated purpose in the succeeding fiscal year.

5 26 Sec. 3. OFFICE OF CONSUMER ADVOCATE. There is
5 27 appropriated from the general fund of the state to the office
5 28 of consumer advocate of the department of justice for the
5 29 fiscal year beginning July 1, 1997, and ending June 30, 1998,
5 30 the following amount, or so much thereof as is necessary, to
5 31 be used for the purposes designated:

5 32 For salaries, support, maintenance, miscellaneous purposes,
5 33 and for not more than the following full-time equivalent
5 34 positions:

5 35 \$ 2,372,826
6 1 FTEs 32.00

6 2 Sec. 4. DEPARTMENT OF CORRECTIONS FACILITIES. There is
6 3 appropriated from the general fund of the state to the
6 4 department of corrections for the fiscal year beginning July
6 5 1, 1997, and ending June 30, 1998, the following amounts, or
6 6 so much thereof as is necessary, to be used for the purposes
6 7 designated:

6 8 1. For the operation of adult correctional institutions,
6 9 to be allocated as follows:

6 10 a. For the operation of the Fort Madison correctional
6 11 facility, including salaries, support, maintenance, employment
6 12 of correctional officers, miscellaneous purposes, and for not
6 13 more than the following full-time equivalent positions:

6 14 \$ 27,618,153
6 15 FTEs 507.97

6 16 b. For the operation of the Anamosa correctional facility,
6 17 including salaries, support, maintenance, employment of
6 18 correctional officers and a part-time chaplain to provide
6 19 religious counseling to inmates of a minority race,
6 20 miscellaneous purposes, and for not more than the following
6 21 full-time equivalent positions:

6 22 \$ 20,888,037
6 23 FTEs 384.75

6 24 Moneys are provided within this appropriation for two full-
6 25 time substance abuse counselors for the Luster Heights
6 26 facility, for the purpose of certification of a substance
6 27 abuse program at that facility.

6 28 c. For the operation of the Oakdale correctional facility,
6 29 including salaries, support, maintenance, employment of
6 30 correctional officers, miscellaneous purposes, and for not
6 31 more than the following full-time equivalent positions:

6 32 \$ 17,284,751
6 33 FTEs 334.30

6 34 d. For the operation of the Newton correctional facility,
6 35 including salaries, support, maintenance, employment of
7 1 correctional officers, miscellaneous purposes, and for not
7 2 more than the following full-time equivalent positions:

7 3 \$ 19,251,272
7 4 FTEs 375.75

7 5 e. For the operation of the Mt. Pleasant correctional
7 6 facility, including salaries, support, maintenance, employment
7 7 of correctional officers and a full-time chaplain to provide
7 8 religious counseling at the Oakdale and Mt. Pleasant
7 9 correctional facilities, miscellaneous purposes, and for not
7 10 more than the following full-time equivalent positions:

7 11 \$ 14,911,431
7 12 FTEs 289.32

7 13 f. For the operation of the Rockwell City correctional
7 14 facility, including salaries, support, maintenance, employment
7 15 of correctional officers, miscellaneous purposes, and for not
7 16 more than the following full-time equivalent positions:

7 17 \$ 5,950,292
7 18 FTEs 115.00

7 19 g. For the operation of the Clarinda correctional
7 20 facility, including salaries, support, maintenance, employment
7 21 of correctional officers, miscellaneous purposes, and for not
7 22 more than the following full-time equivalent positions:

7 23 \$ 15,441,395
7 24 FTEs 263.00

7 25 Moneys received by the department of corrections as
7 26 reimbursement for services provided to the Clarinda youth
7 27 corporation are appropriated to the department and shall be
7 28 used for the purpose of operating the Clarinda correctional
7 29 facility.

7 30 h. For the operation of the Mitchellville correctional
7 31 facility, including salaries, support, maintenance, employment
7 32 of correctional officers, miscellaneous purposes, and for not
7 33 more than the following full-time equivalent positions:

7 34 \$ 7,138,684
7 35 FTEs 146.00

8 1 i. For the operation of the Fort Dodge correctional
8 2 facility, including salaries, support, maintenance, employment
8 3 of correctional officers, miscellaneous purposes, and for not
8 4 more than the following full-time equivalent positions:

8 5 \$ 9,540,122
8 6 FTEs 149.00

8 7 2. a. If the inmate tort claim fund for inmate claims of
8 8 less than \$100 is exhausted during the fiscal year, sufficient
8 9 funds shall be transferred from the institutional budgets to
8 10 pay approved tort claims for the balance of the fiscal year.
8 11 The warden or superintendent of each institution or
8 12 correctional facility shall designate an employee to receive,

8 13 investigate, and recommend whether to pay any properly filed
8 14 inmate tort claim for less than the above amount. The
8 15 designee's recommendation shall be approved or denied by the
8 16 warden or superintendent and forwarded to the department of
8 17 corrections for final approval and payment. The amounts
8 18 appropriated to this fund pursuant to 1987 Iowa Acts, chapter
8 19 234, section 304, subsection 2, are not subject to reversion
8 20 under section 8.33.

8 21 b. Tort claims denied at the institution shall be
8 22 forwarded to the state appeal board for their consideration as
8 23 if originally filed with that body. This procedure shall be
8 24 used in lieu of chapter 669 for inmate tort claims of less
8 25 than \$100.

8 26 3. The department of corrections is authorized to
8 27 construct a 200-bed living unit at the Mitchellville
8 28 correctional facility utilizing federal grant moneys received
8 29 by the department for this purpose.

8 30 Sec. 5. DEPARTMENT OF CORRECTIONS ADMINISTRATION.
8 31 There is appropriated from the general fund of the state to
8 32 the department of corrections for the fiscal year beginning
8 33 July 1, 1997, and ending June 30, 1998, the following amounts,
8 34 or so much thereof as is necessary, to be used for the
8 35 purposes designated:

- 9 1 1. For general administration, including salaries,
- 9 2 support, maintenance, employment of an education director and
- 9 3 clerk to administer a centralized education program for the
- 9 4 correctional system, miscellaneous purposes, and for not more
- 9 5 than the following full-time equivalent positions:
- 9 6 \$ 2,024,844
- 9 7 FTEs 37.18

9 8 The department shall monitor the use of the classification
9 9 model by the judicial district departments of correctional
9 10 services and has the authority to override a district
9 11 department's decision regarding classification of community-
9 12 based clients. The department shall notify a district
9 13 department of the reasons for the override.

9 14 It is the intent of the general assembly that as a
9 15 condition of receiving the appropriation provided in this
9 16 subsection, the department of corrections shall not enter into
9 17 a new contract, unless the contract is a renewal of an
9 18 existing contract, for the expenditure of moneys in excess of
9 19 \$100,000 during the fiscal year beginning July 1, 1997, for
9 20 the privatization of services performed by the department
9 21 using state employees as of July 1, 1997, or for the
9 22 privatization of new services by the department, without prior
9 23 consultation with any applicable state employee organization
9 24 affected by the proposed new contract and prior notification
9 25 of the co-chairpersons and ranking members of the joint
9 26 appropriations subcommittee on the justice system.

9 27 It is the intent of the general assembly that the
9 28 department of general services shall, notwithstanding any
9 29 provisions of law or rule to the contrary, permit the
9 30 department of corrections the opportunity to acquire, at no
9 31 cost, computers that would otherwise be disposed of by the
9 32 department of general services. The department of corrections
9 33 shall use computers acquired under this paragraph to provide
9 34 educational training and programs for inmates.

- 9 35 2. For reimbursement of counties for temporary confinement
- 10 1 of work release and parole violators, as provided in sections
- 10 2 901.7, 904.908, and 906.17 and for offenders confined pursuant
- 10 3 to section 904.513:
- 10 4 \$ 524,038

- 10 5 3. For federal prison reimbursement, reimbursements for
- 10 6 out-of-state placements, and miscellaneous contracts:
- 10 7 \$ 341,334
- 10 8 The department of corrections shall use funds appropriated
- 10 9 in this subsection to continue to contract for the services of

10 10 a Muslim imam.

10 11 4. For salaries, support, maintenance, miscellaneous
10 12 purposes, and for not more than the following full-time
10 13 equivalent positions at the correctional training center at
10 14 Mt. Pleasant:

10 15 \$ 463,128
10 16 FTEs 8.16

10 17 5. For annual payment relating to the financial
10 18 arrangement for the construction of expansion in prison
10 19 capacity as provided in 1989 Iowa Acts, chapter 316, section
10 20 7, subsection 6:

10 21 \$ 625,860

10 22 6. For annual payment relating to the financial
10 23 arrangement for the construction of expansion in prison
10 24 capacity as provided in 1990 Iowa Acts, chapter 1257, section
10 25 24:

10 26 \$ 3,186,275

10 27 7. For educational programs for inmates at state penal
10 28 institutions:

10 29 \$ 2,950,600

10 30 It is the intent of the general assembly that moneys
10 31 appropriated in this subsection shall be used solely for the
10 32 purpose indicated and that the moneys shall not be transferred
10 33 for any other purpose. In addition, it is the intent of the
10 34 general assembly that the department shall consult with the
10 35 community colleges in the areas in which the institutions are
11 1 located to utilize moneys appropriated in this subsection to
11 2 fund the high school completion, high school equivalency
11 3 diploma, adult literacy, and adult basic education programs in
11 4 a manner so as to maintain these programs at the institutions.

11 5 Notwithstanding section 8.33, moneys appropriated in this
11 6 subsection which remain unobligated or unexpended at the close
11 7 of the fiscal year shall not revert to the general fund of the
11 8 state but shall remain available only for the purposes
11 9 designated in this subsection in the succeeding fiscal year.

11 10 8. The department of corrections shall submit a report to
11 11 the general assembly on January 1, 1998, concerning progress
11 12 made in implementing the requirements of section 904.701,
11 13 concerning hard labor by inmates.

11 14 9. The department of corrections shall study and consider
11 15 the adoption of new guidelines concerning the transportation
11 16 of inmates. The study may consider the use of the federal
11 17 marshal transportation services. The department shall submit
11 18 a report to the general assembly by January 15, 1998,
11 19 concerning the results of the study, including information
11 20 concerning the costs associated with the recommendations.

11 21 10. The department of corrections shall study and consider
11 22 the implementation of a computer database to provide inmate
11 23 case management and offender profiling to better identify,
11 24 track, and assist inmates of the correctional institutions.

11 25 11. It is the intent of the general assembly that the
11 26 department of corrections connect all of its correctional
11 27 facilities to the Iowa communications network (ICN).

11 28 12. It is the intent of the general assembly that the
11 29 department of corrections shall continue to operate the
11 30 correctional farms at Fort Madison as minimum security living
11 31 units and shall further attempt to provide meaningful job
11 32 opportunities for inmates at the living units.

11 33 Sec. 6. JUDICIAL DISTRICT DEPARTMENTS OF CORRECTIONAL
11 34 SERVICES.

11 35 1. There is appropriated from the general fund of the
12 1 state to the department of corrections for the fiscal year
12 2 beginning July 1, 1997, and ending June 30, 1998, the
12 3 following amounts, or so much thereof as is necessary, to be
12 4 allocated as follows:

12 5 a. For the first judicial district department of
12 6 correctional services, including the treatment and supervision

12 7 of probation and parole violators who have been released from
12 8 the department of corrections violator program, the following
12 9 amount, or so much thereof as is necessary:

12 10 \$ 7,157,999

12 11 (1) The district department shall continue the intensive
12 12 supervision program established within the district in 1988
12 13 Iowa Acts, chapter 1271, section 6, subsection 1, paragraph
12 14 "a", and the sex offender treatment program established within
12 15 the district in 1989 Iowa Acts, chapter 316, section 8,
12 16 subsection 1, paragraph "a".

12 17 (2) The district department, in cooperation with the chief
12 18 judge of the judicial district, shall continue the
12 19 implementation of a plan to divert low-risk offenders to the
12 20 least restrictive sanction available.

12 21 b. For the second judicial district department of
12 22 correctional services, including the treatment and supervision
12 23 of probation and parole violators who have been released from
12 24 the department of corrections violator program, the following
12 25 amount, or so much thereof as is necessary:

12 26 \$ 5,729,149

12 27 (1) The district department shall continue the sex
12 28 offender treatment program established within the district in
12 29 1988 Iowa Acts, chapter 1271, section 6, subsection 1,
12 30 paragraph "b".

12 31 (2) The district department, in cooperation with the chief
12 32 judge of the judicial district, shall continue the
12 33 implementation of a plan to divert low-risk offenders to the
12 34 least restrictive sanction available.

12 35 c. For the third judicial district department of
13 1 correctional services, including the treatment and supervision
13 2 of probation and parole violators who have been released from
13 3 the department of corrections violator program, the following
13 4 amount, or so much thereof as is necessary:

13 5 \$ 3,465,497

13 6 (1) The district department shall continue the sex
13 7 offender treatment program established within the district in
13 8 1988 Iowa Acts, chapter 1271, section 6, subsection 1,
13 9 paragraph "c", and the intensive supervision program
13 10 established within the district in 1990 Iowa Acts, chapter
13 11 1268, section 6, subsection 3, paragraph "d".

13 12 (2) The district department, in cooperation with the chief
13 13 judge of the judicial district, shall continue the
13 14 implementation of a plan to divert low-risk offenders to the
13 15 least restrictive sanction available.

13 16 d. For the fourth judicial district department of
13 17 correctional services, including the treatment and supervision
13 18 of probation and parole violators who have been released from
13 19 the department of corrections violator program, the following
13 20 amount, or so much thereof as is necessary:

13 21 \$ 2,664,415

13 22 (1) The district department shall continue the sex
13 23 offender treatment program established within the district in
13 24 1988 Iowa Acts, chapter 1271, section 6, subsection 1,
13 25 paragraph "d".

13 26 (2) The district department, in cooperation with the chief
13 27 judge of the judicial district, shall continue the
13 28 implementation of a plan to divert low-risk offenders to the
13 29 least restrictive sanction available.

13 30 e. For the fifth judicial district department of
13 31 correctional services, including the treatment and supervision
13 32 of probation and parole violators who have been released from
13 33 the department of corrections violator program, the following
13 34 amount, or so much thereof as is necessary:

13 35 \$ 9,339,723

14 1 (1) The district department shall continue the intensive
14 2 supervision program established within the district in 1988
14 3 Iowa Acts, chapter 1271, section 6, subsection 1, paragraph

14 4 "e", and shall continue to provide for the rental of
14 5 electronic monitoring equipment.

14 6 (2) The district department, in cooperation with the chief
14 7 judge of the judicial district, shall continue the
14 8 implementation of a plan to divert low-risk offenders to the
14 9 least restrictive sanction available.

14 10 f. For the sixth judicial district department of
14 11 correctional services, including the treatment and supervision
14 12 of probation and parole violators who have been released from
14 13 the department of corrections violator program, the following
14 14 amount, or so much thereof as is necessary:

14 15 \$ 7,271,360

14 16 (1) The district department shall continue the intensive
14 17 supervision program established within the district in 1988
14 18 Iowa Acts, chapter 1271, section 6, subsection 1, paragraph
14 19 "f", and the sex offender treatment program established within
14 20 the district in 1989 Iowa Acts, chapter 316, section 8,
14 21 subsection 1, paragraph "f".

14 22 (2) The district department, in cooperation with the chief
14 23 judge of the judicial district, shall continue the
14 24 implementation of a plan to divert low-risk offenders to the
14 25 least restrictive sanction available.

14 26 (3) The district department shall continue the
14 27 implementation of a plan providing for the expanded use of
14 28 intermediate criminal sanctions, as provided in 1993 Iowa
14 29 Acts, chapter 171, section 6, subsection 1, paragraph "f",
14 30 subparagraph (3).

14 31 g. For the seventh judicial district department of
14 32 correctional services, including the treatment and supervision
14 33 of probation and parole violators who have been released from
14 34 the department of corrections violator program, the following
14 35 amount, or so much thereof as is necessary:

15 1 \$ 4,599,542

15 2 (1) The district department shall continue the intensive
15 3 supervision program established within the district in 1988
15 4 Iowa Acts, chapter 1271, section 6, subsection 1, paragraph
15 5 "g", and shall continue the sex offender treatment program
15 6 established within the district in 1989 Iowa Acts, chapter
15 7 316, section 8, subsection 1, paragraph "g".

15 8 (2) The district department shall continue the job
15 9 development program established within the district in 1990
15 10 Iowa Acts, chapter 1268, section 6, subsection 7, paragraph
15 11 "e".

15 12 (3) The district department, in cooperation with the chief
15 13 judge of the judicial district, shall continue the
15 14 implementation of a plan to divert low-risk offenders to the
15 15 least restrictive sanction available.

15 16 h. For the eighth judicial district department of
15 17 correctional services, including the treatment and supervision
15 18 of probation and parole violators who have been released from
15 19 the department of corrections violator program, the following
15 20 amount, or so much thereof as is necessary:

15 21 \$ 4,286,894

15 22 (1) The district department shall continue the intensive
15 23 supervision program established within the district in 1988
15 24 Iowa Acts, chapter 1271, section 6, subsection 1, paragraph
15 25 "h", and shall continue the sex offender treatment program
15 26 established within the district in 1989 Iowa Acts, chapter
15 27 316, section 8, subsection 1, paragraph "h".

15 28 (2) The district department, in cooperation with the chief
15 29 judge of the judicial district, shall continue the
15 30 implementation of a plan to divert low-risk offenders to the
15 31 least restrictive sanction available.

15 32 i. For the department of corrections for the assistance
15 33 and support of each judicial district department of
15 34 correctional services, the following amount, or so much
15 35 thereof as is necessary:

16 1 \$ 83,576

16 2 2. The department of corrections shall continue to
16 3 contract with a judicial district department of correctional
16 4 services to provide for the rental of electronic monitoring
16 5 equipment which shall be available statewide.

16 6 3. Each judicial district department of correctional
16 7 services and the department of corrections shall continue the
16 8 treatment alternatives to street crime programs established in
16 9 1989 Iowa Acts, chapter 225, section 9.

16 10 4. The governor's alliance on substance abuse shall
16 11 consider federal grants made to the department of corrections
16 12 for the benefit of each of the eight judicial district
16 13 departments of correctional services as local government
16 14 grants, as defined pursuant to federal regulations.

16 15 5. Each judicial district department of correctional
16 16 services shall provide a report concerning the treatment and
16 17 supervision of probation and parole violators who have been
16 18 released from the department of corrections violator program,
16 19 to the co-chairpersons and ranking members of the joint
16 20 appropriations subcommittee on the justice system and the
16 21 legislative fiscal bureau, on or before January 15, 1998.

16 22 6. It is the intent of the general assembly that each
16 23 judicial district department of correctional services shall
16 24 operate the community-based correctional facilities in a
16 25 manner which provides for a residential population of at least
16 26 110 percent of the design capacity of the facility.

16 27 7. In addition to the requirements of section 8.39, the
16 28 department of corrections shall not make an intradepartmental
16 29 transfer of moneys appropriated to the department, unless
16 30 notice of the intradepartmental transfer is given prior to its
16 31 effective date to the legislative fiscal bureau. The notice
16 32 shall include information on the department's rationale for
16 33 making the transfer and details concerning the work load and
16 34 performance measures upon which the transfers are based.

16 35 Sec. 7. CORRECTIONAL INSTITUTIONS VOCATIONAL TRAINING.

17 1 The state prison industries board and the department of
17 2 corrections shall continue the implementation of a plan to
17 3 enhance vocational training opportunities within the
17 4 correctional institutions listed in section 904.102, as
17 5 provided in 1993 Iowa Acts, chapter 171, section 12. The plan
17 6 shall provide for increased vocational training opportunities
17 7 within the correctional institutions, including the
17 8 possibility of approving community college credit for inmates
17 9 working in prison industries. The department of corrections
17 10 shall provide a report concerning the implementation of the
17 11 plan to the co-chairpersons and ranking members of the joint
17 12 appropriations subcommittee on the justice system and the
17 13 legislative fiscal bureau, on or before January 15, 1998.

17 14 It is the intent of the general assembly that each
17 15 correctional facility make all reasonable efforts to maintain
17 16 vocational education programs for inmates and to identify
17 17 available funding sources to continue these programs. The
17 18 department of corrections shall submit a report to the general
17 19 assembly by January 1, 1998, concerning the efforts made by
17 20 each correctional facility in maintaining vocational education
17 21 programs for inmates.

17 22 Sec. 8. APPROPRIATIONS TO THE DEPARTMENT OF CORRECTIONS
17 23 MONEYS ENCUMBERED PRIORITIES.

17 24 1. Notwithstanding any other provision of law to the
17 25 contrary, moneys appropriated to the department of corrections
17 26 pursuant to 1996 Iowa Acts, chapter 1216, sections 6, 7, and
17 27 8, shall be considered encumbered pursuant to section 8.33,
17 28 and shall not revert to the general fund of the state
17 29 following the close of the fiscal year commencing July 1,
17 30 1996. As used in this section, unless the context otherwise
17 31 requires, "encumbered funds" means the moneys appropriated to
17 32 the department of corrections pursuant to 1996 Iowa Acts,

17 33 chapter 1216, sections 6, 7, and 8, which would otherwise
17 34 revert to the general fund of the state following the close of
17 35 the fiscal year in which the moneys were appropriated, but for
18 1 the prohibition contained in this section.

18 2 2. The department of corrections shall use encumbered
18 3 funds in the fiscal year commencing July 1, 1997, to fund up
18 4 to an additional 50 FTEs for the employment of correctional
18 5 officers in the correctional institutions specified in section
18 6 904.102, and to purchase surveillance cameras and other
18 7 necessary surveillance or safety equipment for use in
18 8 correctional institutions. The full-time equivalent positions
18 9 authorized in this section for the employment of correctional
18 10 officers and the funding provided for the purchase of
18 11 equipment are in addition to any full-time equivalent
18 12 positions authorized or equipment funded in section 4 of this
18 13 Act, providing appropriations for department of corrections
18 14 facilities. The department of corrections shall use its
18 15 discretion in distributing the additional correctional
18 16 officers and equipment throughout the correctional facilities.
18 17 The department of corrections shall file a report with the
18 18 department of management concerning correctional officer
18 19 positions filled and critically needed safety equipment
18 20 purchased from encumbered funds provided under this section.
18 21 If the department is able to fund an additional 50 FTEs for
18 22 the employment of correctional officers pursuant to this
18 23 section and to purchase all critically needed safety
18 24 equipment, any remaining funds shall be unencumbered and shall
18 25 revert to the general fund of the state at the close of the
18 26 fiscal year commencing July 1, 1997.

18 27 Sec. 9. STATE AGENCY PURCHASES FROM PRISON INDUSTRIES.

18 28 1. As used in this section, unless the context otherwise
18 29 requires, "state agency" means the government of the state of
18 30 Iowa, including but not limited to all executive departments,
18 31 agencies, boards, bureaus, and commissions, the judicial
18 32 department, the general assembly and all legislative agencies,
18 33 institutions within the purview of the state board of regents,
18 34 and any corporation whose primary function is to act as an
18 35 instrumentality of the state.

19 1 2. State agencies are hereby encouraged to purchase
19 2 products from Iowa state industries, as defined in section
19 3 904.802, when purchases are required and the products are
19 4 available from Iowa state industries.

19 5 3. State agencies shall submit to the legislative fiscal
19 6 bureau by January 15, 1998, a report of the dollar value of
19 7 products and services purchased from Iowa state industries by
19 8 the state agency during the fiscal year beginning July 1,
19 9 1996, and ending June 30, 1997.

19 10 Sec. 10. STATE PUBLIC DEFENDER. There is appropriated
19 11 from the general fund of the state to the office of the state
19 12 public defender of the department of inspections and appeals
19 13 for the fiscal year beginning July 1, 1997, and ending June
19 14 30, 1998, the following amount, or so much thereof as is
19 15 necessary, for the purposes designated:

19 16 \$ 33,087,035

19 17 The funds appropriated and full-time equivalent positions
19 18 authorized in this section are allocated as follows:

19 19 1. For salaries, support, maintenance, and miscellaneous
19 20 purposes, and for not more than the following full-time
19 21 equivalent positions:

19 22 \$ 12,300,519

19 23 FTEs 199.00

19 24 2. For the fees of court-appointed attorneys for indigent
19 25 adults and juveniles, notwithstanding section 232.141 and
19 26 chapter 815:

19 27 \$ 20,786,516

19 28 Sec. 11. JUDICIAL DEPARTMENT. There is appropriated from
19 29 the general fund of the state to the judicial department for

19 30 the fiscal year beginning July 1, 1997, and ending June 30,
19 31 1998, the following amounts, or so much thereof as is
19 32 necessary, to be used for the purposes designated:

19 33 1. For salaries of supreme court justices, appellate court
19 34 judges, district court judges, district associate judges,
19 35 judicial magistrates and staff, state court administrator,
20 1 clerk of the supreme court, district court administrators,
20 2 clerks of the district court, juvenile court officers, board
20 3 of law examiners and board of examiners of shorthand reporters
20 4 and judicial qualifications commission, receipt and
20 5 disbursement of child support payments, reimbursement of the
20 6 auditor of state for expenses incurred in completing audits of
20 7 the offices of the clerks of the district court during the
20 8 fiscal year beginning July 1, 1997, and maintenance,
20 9 equipment, and miscellaneous purposes:

20 10 \$ 95,267,213

20 11 a. The judicial department, except for purposes of
20 12 internal processing, shall use the current state budget
20 13 system, the state payroll system, and the Iowa finance and
20 14 accounting system in administration of programs and payments
20 15 for services, and shall not duplicate the state payroll,
20 16 accounting, and budgeting systems.

20 17 b. The judicial department shall submit monthly financial
20 18 statements to the legislative fiscal bureau and the department
20 19 of management containing all appropriated accounts in the same
20 20 manner as provided in the monthly financial status reports and
20 21 personal services usage reports of the department of revenue
20 22 and finance. The monthly financial statements shall include a
20 23 comparison of the dollars and percentage spent of budgeted
20 24 versus actual revenues and expenditures on a cumulative basis
20 25 for full-time equivalent positions and dollars.

20 26 c. It is the intent of the general assembly that counties
20 27 installing new telephone systems shall provide those systems
20 28 to all judicial department offices within the county at no
20 29 cost.

20 30 d. Of the funds appropriated in this subsection, not more
20 31 than \$1,897,728 may be transferred into the revolving fund
20 32 established pursuant to section 602.1302, subsection 3, to be
20 33 used for the payment of jury and witness fees and mileage.

20 34 e. The judicial department shall focus efforts upon the
20 35 collection of delinquent fines, penalties, court costs, fees,
21 1 surcharges, or similar amounts.

21 2 f. It is the intent of the general assembly that the
21 3 offices of the clerks of the district court operate in all
21 4 ninety-nine counties and be accessible to the public as much
21 5 as is reasonably possible in order to address the relative
21 6 needs of the citizens of each county.

21 7 g. In addition to the requirements for transfers under
21 8 section 8.39, the judicial department shall not change the
21 9 appropriations from the amounts appropriated to the department
21 10 in this Act, unless notice of the revisions is given prior to
21 11 their effective date to the legislative fiscal bureau. The
21 12 notice shall include information on the department's rationale
21 13 for making the changes and details concerning the work load
21 14 and performance measures upon which the changes are based.

21 15 h. The judicial department shall provide a report
21 16 semiannually to the co-chairpersons and ranking members of the
21 17 joint appropriations subcommittee on the justice system and to
21 18 the legislative fiscal bureau specifying the amounts of fines,
21 19 surcharges, and court costs collected using the Iowa court
21 20 information system. The report shall demonstrate and specify
21 21 how the Iowa court information system is used to improve the
21 22 collection process.

21 23 The report required by this lettered paragraph shall be
21 24 made by January 15, 1998, for the additional counties added to
21 25 the system by 1996 Iowa Acts, chapter 1216, indicating whether
21 26 the counties have reduced uncollected court fines and fees by

21 27 50 percent as a result of being added to the system.
21 28 i. The judicial department shall provide a report to the
21 29 general assembly by January 1, 1998, concerning the amounts
21 30 received and expended from the enhanced court collections fund
21 31 created in section 602.1304 and the court technology and
21 32 modernization fund created in section 602.8108, subsection 4,
21 33 during the fiscal year beginning July 1, 1996, and ending June
21 34 30, 1997, and the plans for expenditures from each fund during
21 35 the fiscal year beginning July 1, 1997, and ending June 30,
22 1 1998.

22 2 2. For the juvenile victim restitution program:
22 3 \$ 155,396

22 4 Sec. 12. COURT TECHNOLOGY AND MODERNIZATION FUND
22 5 DISTRIBUTION. Of the moneys collected and deposited in the
22 6 court technology and modernization fund established in section
22 7 602.8108 in the fiscal year beginning July 1, 1997, \$58,333
22 8 shall be expended for the implementation of the criminal
22 9 justice improvement network (CJIN) and up to \$45,000 shall be
22 10 expended for the data warehousing project.

22 11 Sec. 13. ENHANCED COURT COLLECTIONS FUND DISTRIBUTION.
22 12 Of the moneys collected and deposited in the enhanced court
22 13 collections fund created in section 602.1304, the first
22 14 \$50,000 deposited in the fund in the fiscal year beginning
22 15 July 1, 1997, shall be expended by the judicial department to
22 16 provide federal matching funds for the Iowa supreme court
22 17 improvement project for child in need of assistance cases.

22 18 Sec. 14. JUDICIAL RETIREMENT FUND. There is appropriated
22 19 from the general fund of the state to the judicial retirement
22 20 fund for the fiscal year beginning July 1, 1997, and ending
22 21 June 30, 1998, the following amount, or so much thereof as is
22 22 necessary, to be used for the purpose designated:

22 23 For the state's contribution to the judicial retirement
22 24 fund established in section 602.9104, in the amount of 23.7
22 25 percent of the basic salaries of the judges covered under
22 26 chapter 602, article 9:
22 27 \$ 3,806,457

22 28 Sec. 15. INDIGENT DEFENSE COSTS. The supreme court shall
22 29 submit a written report for the preceding fiscal year no later
22 30 than January 1, 1998, indicating the amounts collected
22 31 pursuant to section 815.9A, relating to recovery of indigent
22 32 defense costs. The report shall include the total amount
22 33 collected by all courts, as well as the amounts collected by
22 34 each judicial district. The supreme court shall also submit a
22 35 written report quarterly indicating the number of criminal and
23 1 juvenile filings which occur in each judicial district for
23 2 purposes of estimating indigent defense costs. A copy of each
23 3 report shall be provided to the public defender, the
23 4 department of management, and the legislative fiscal bureau.
23 5 The judicial department shall continue to assist in the
23 6 development of an automated data system for use in the sharing
23 7 of information utilizing the generic program interface for
23 8 legislative and executive branch uses.

23 9 Sec. 16. AUTOMATED DATA SYSTEM. The department of
23 10 corrections, judicial district departments of correctional
23 11 services, board of parole, and the judicial department shall
23 12 continue to develop an automated data system for use in the
23 13 sharing of information between the department of corrections,
23 14 judicial district departments of correctional services, board
23 15 of parole, and the judicial department. The information to be
23 16 shared shall concern any individual who may, as the result of
23 17 an arrest or infraction of any law, be subject to the
23 18 jurisdiction of the department of corrections, judicial
23 19 district departments of correctional services, or board of
23 20 parole. The department of corrections, in consultation and
23 21 cooperation with the judicial district departments of
23 22 correctional services, the board of parole, and the judicial
23 23 department, shall provide a report concerning the development

23 24 of the automated data system to the co-chairpersons and
23 25 ranking members of the joint appropriations subcommittee on
23 26 the justice system and the legislative fiscal bureau, on or
23 27 before January 15, 1997.

23 28 Sec. 17. IOWA LAW ENFORCEMENT ACADEMY. There is
23 29 appropriated from the general fund of the state to the Iowa
23 30 law enforcement academy for the fiscal year beginning July 1,
23 31 1997, and ending June 30, 1998, the following amounts, or so
23 32 much thereof as is necessary, to be used for the purposes
23 33 designated:

23 34 1. For salaries, support, maintenance, miscellaneous
23 35 purposes, including jailer training and technical assistance,
24 1 and for not more than the following full-time equivalent
24 2 positions:

24 3 \$ 1,145,287
24 4 FTEs 27.55

24 5 2. For salaries, support, maintenance, and miscellaneous
24 6 purposes to provide statewide coordination of the drug abuse
24 7 resistance education (D.A.R.E.) program:

24 8 \$ 30,000

24 9 3. The Iowa law enforcement academy may annually select at
24 10 least five automobiles of the department of public safety,
24 11 division of highway safety, uniformed force, and radio
24 12 communications, prior to turning over the automobiles to the
24 13 state vehicle dispatcher to be disposed of by public auction
24 14 and the Iowa law enforcement academy may exchange any
24 15 automobile owned by the academy for each automobile selected
24 16 if the selected automobile is used in training law enforcement
24 17 officers at the academy. However, any automobile exchanged by
24 18 the academy shall be substituted for the selected vehicle of
24 19 the department of public safety and sold by public auction
24 20 with the receipts being deposited in the depreciation fund to
24 21 the credit of the department of public safety, division of
24 22 highway safety, uniformed force, and radio communications.

24 23 Sec. 18. BOARD OF PAROLE. There is appropriated from the
24 24 general fund of the state to the board of parole for the
24 25 fiscal year beginning July 1, 1997, and ending June 30, 1998,
24 26 the following amount, or so much thereof as is necessary, to
24 27 be used for the purposes designated:

24 28 For salaries, support, maintenance, including maintenance
24 29 of an automated docket and the board's automated risk
24 30 assessment model, employment of two statistical research
24 31 analysts to assist with the application of the risk assessment
24 32 model in the parole decision-making process, miscellaneous
24 33 purposes, and for not more than the following full-time
24 34 equivalent positions:

24 35 \$ 924,802
25 1 FTEs 18.00

25 2 A portion of the funds appropriated in this section shall
25 3 be used to start a pilot program for probation violations in
25 4 the sixth judicial district department of correctional
25 5 services. Data shall be maintained to evaluate the pilot
25 6 program.

25 7 Sec. 19. DEPARTMENT OF PUBLIC DEFENSE. There is
25 8 appropriated from the general fund of the state to the
25 9 department of public defense for the fiscal year beginning
25 10 July 1, 1997, and ending June 30, 1998, the following amounts,
25 11 or so much thereof as is necessary, to be used for the
25 12 purposes designated:

25 13 1. MILITARY DIVISION

25 14 For salaries, support, maintenance, miscellaneous purposes,
25 15 and for not more than the following full-time equivalent
25 16 positions:

25 17 \$ 4,253,196
25 18 FTEs 227.26

25 19 If there is a surplus in the general fund of the state for
25 20 the fiscal year ending June 30, 1998, within 60 days after the

25 21 close of the fiscal year, the military division may incur up
25 22 to an additional \$500,000 in expenditures from the surplus
25 23 prior to transfer of the surplus pursuant to section 8.57.

25 24 2. EMERGENCY MANAGEMENT DIVISION

25 25 For salaries, support, maintenance, miscellaneous purposes,
25 26 and for not more than the following full-time equivalent
25 27 positions:

25 28 \$ 590,971
25 29 FTEs 15.25

25 30 Sec. 20. DEPARTMENT OF PUBLIC SAFETY. There is
25 31 appropriated from the general fund of the state to the
25 32 department of public safety for the fiscal year beginning July
25 33 1, 1997, and ending June 30, 1998, the following amounts, or
25 34 so much thereof as is necessary, to be used for the purposes
25 35 designated:

26 1 1. For the department's administrative functions,
26 2 including the criminal justice information system, and for not
26 3 more than the following full-time equivalent positions:

26 4 \$ 2,272,374
26 5 FTEs 38.80

26 6 2. For the division of criminal investigation and bureau
26 7 of identification including the state's contribution to the
26 8 peace officers' retirement, accident, and disability system
26 9 provided in chapter 97A in the amount of 17 percent of the
26 10 salaries for which the funds are appropriated, to meet federal
26 11 fund matching requirements, and for not more than the
26 12 following full-time equivalent positions:

26 13 \$ 9,975,859
26 14 FTEs 198.00

26 15 Riverboat enforcement costs shall be billed in accordance
26 16 with section 99F.10, subsection 4. The costs shall be not
26 17 more than the department's estimated expenditures, including
26 18 salary adjustment, for riverboat enforcement for the fiscal
26 19 year.

26 20 The department of public safety, with the approval of the
26 21 department of management, may employ no more than two special
26 22 agents and four gaming enforcement officers for each
26 23 additional riverboat regulated after March 31, 1997, and one
26 24 special agent for each racing facility which becomes
26 25 operational during the fiscal year which begins July 1, 1997.
26 26 One additional gaming enforcement officer, up to a total of
26 27 four per boat, may be employed for each riverboat that has
26 28 extended operations to 24 hours and has not previously
26 29 operated with a 24-hour schedule. Positions authorized in
26 30 this paragraph are in addition to the full-time equivalent
26 31 positions authorized in this subsection.

26 32 3. a. For the division of narcotics enforcement,
26 33 including the state's contribution to the peace officers'
26 34 retirement, accident, and disability system provided in
26 35 chapter 97A in the amount of 17 percent of the salaries for
27 1 which the funds are appropriated, to meet federal fund
27 2 matching requirements, and for not more than the following
27 3 full-time equivalent positions:

27 4 \$ 2,573,278
27 5 FTEs 41.00

27 6 b. For the division of narcotics enforcement for
27 7 undercover purchases:

27 8 \$ 139,202

27 9 4. For the state fire marshal's office, including the
27 10 state's contribution to the peace officers' retirement,
27 11 accident, and disability system provided in chapter 97A in the
27 12 amount of 17 percent of the salaries for which the funds are
27 13 appropriated, and for not more than the following full-time
27 14 equivalent positions:

27 15 \$ 1,513,605
27 16 FTEs 31.80

27 17 5. For the capitol security division, including the

27 18 state's contribution to the peace officers' retirement,
27 19 accident, and disability system provided in chapter 97A in the
27 20 amount of 17 percent of the salaries for which the funds are
27 21 appropriated and for not more than the following full-time
27 22 equivalent positions:

27 23 \$ 1,244,094
27 24 FTEs 27.00

27 25 6. For costs associated with the maintenance of the
27 26 automated fingerprint information system (AFIS):
27 27 \$ 233,265

27 28 7. An employee of the department of public safety who
27 29 retires after July 1, 1997, but prior to June 30, 1998, is
27 30 eligible for payment of life or health insurance premiums as
27 31 provided for in the collective bargaining agreement covering
27 32 the public safety bargaining unit at the time of retirement if
27 33 that employee previously served in a position which would have
27 34 been covered by the agreement. The employee shall be given
27 35 credit for the service in that prior position as though it
28 1 were covered by that agreement. The provisions of this
28 2 paragraph shall not operate to reduce any retirement benefits
28 3 an employee may have earned under other collective bargaining
28 4 agreements or retirement programs.

28 5 8. For costs associated with the training of volunteer
28 6 fire fighters:
28 7 \$ 573,792

28 8 9. For costs associated with supplies and support for DNA
28 9 testing:
28 10 \$ 100,000

28 11 10. For the state medical examiner and for not more than
28 12 the following full-time equivalent positions:
28 13 \$ 341,959
28 14 FTEs 4.00

28 15 Any fees collected by the department of public safety for
28 16 autopsies performed by the office of the state medical
28 17 examiner shall be deposited in the general fund of the state.

28 18 Sec. 21. HIGHWAY SAFETY PATROL FUND. There is
28 19 appropriated from the highway safety patrol fund created in
28 20 section 80.41 to the division of highway safety, uniformed
28 21 force, and radio communications of the department of public
28 22 safety, for the fiscal year beginning July 1, 1997, and ending
28 23 June 30, 1998, the following amounts, or so much thereof as is
28 24 necessary, to be used for the purposes designated:

28 25 1. For salaries, support, maintenance, workers'
28 26 compensation costs, and miscellaneous purposes, including the
28 27 state's contribution to the peace officers' retirement,
28 28 accident, and disability system provided in chapter 97A in the
28 29 amount of 17 percent of the salaries for which the funds are
28 30 appropriated, and for not more than the following full-time
28 31 equivalent positions:
28 32 \$ 35,099,662
28 33 FTEs 568.00

28 34 It is the intent of the general assembly that, of the funds
28 35 appropriated in this subsection, the division shall expend the
29 1 amount necessary to provide the state match for the additional
29 2 state troopers hired through the federal community-oriented
29 3 policing services program and authorized pursuant to 1996 Iowa
29 4 Acts, chapter 1216, section 22. It is the intent of the
29 5 general assembly that once federal moneys for this program
29 6 end, the division shall present proposals to the governor and
29 7 the general assembly for continued funding of the state
29 8 troopers described in this paragraph and for consideration of
29 9 reducing the number of state troopers through attrition, by
29 10 the same number as the number of troopers added through the
29 11 federal program.

29 12 2. The division of highway safety, uniformed force, and
29 13 radio communications may expend an amount proportional to the
29 14 costs that are reimbursable from the highway safety patrol

29 15 fund created in section 80.41. Spending for these costs may
29 16 occur from any unappropriated funds in the state treasury upon
29 17 a finding by the department of management that all of the
29 18 amounts requested and approved are reimbursable from the
29 19 highway safety patrol fund. Upon payment to the highway
29 20 safety patrol fund, the division of highway safety, uniformed
29 21 force, and radio communications shall credit the payments
29 22 necessary to reimburse the state treasury.

29 23 3. For payment to the department of personnel for expenses
29 24 incurred in administering the merit system on behalf of the
29 25 division of highway safety, uniformed force, and radio
29 26 communications:

29 27 \$ 44,195

29 28 Sec. 22. DEPARTMENT OF CORRECTIONS FACILITY REMODELING
29 29 FUND. Notwithstanding sections 8.33, 8.39, and 602.8108A, the
29 30 department of corrections shall direct the treasurer of state
29 31 to transfer on June 30, 1997, \$1,600,000 of the unused balance
29 32 of funds in the Iowa prison infrastructure fund created in
29 33 section 602.8108A, to a facility remodeling fund created in
29 34 the state treasury and under the control of the department of
29 35 corrections. Moneys in the facility remodeling fund shall be
30 1 used by the department solely for the purpose of remodeling a
30 2 structure in the fifth judicial district department of
30 3 correctional services for use as a residential facility.

30 4 Sec. 23. Section [99F.10](#), subsection 4, Code 1997, is
30 5 amended to read as follows:

30 6 4. In determining the license fees and state admission
30 7 fees to be charged as provided under section 99F.4 and this
30 8 section, the commission shall use the amount appropriated to
30 9 the commission plus the cost of salaries for no more than two
30 10 special agents and no more than four gaming enforcement
30 11 officers for each excursion gambling boat for the division of
30 12 criminal investigation's excursion gambling boat activities as
30 13 the basis for determining the amount of revenue to be raised
30 14 from the license fees and admission fees. The division's
30 15 salary costs shall be limited to

~~—sixty five~~

~~— one hundred~~

30 16 percent of the salary costs for special agents and

~~—sixty five~~

~~—~~
30 17 one hundred percent of the salary costs for gaming enforcement
30 18 for personnel assigned to excursion gambling boats who enforce
30 19 laws and rules adopted by the commission.

30 20 Sec. 24. Section [602.1304](#), subsection 2, paragraphs b and
30 21 c, Code 1997, are amended to read as follows:

30 22 b. For each fiscal year, a judicial collection estimate
30 23 for that fiscal year shall be equally and proportionally
30 24 divided into a quarterly amount. The judicial collection
30 25 estimate shall be calculated by using the state revenue
30 26 estimating conference estimate made by December 15 pursuant to
30 27 section 8.22A, subsection 3, of the total amount of fines,
30 28 fees, civil penalties, costs, surcharges, and other revenues
30 29 collected by judicial officers and court employees for deposit
30 30 into the general fund of the state. The revenue estimating
30 31 conference estimate shall be reduced by the maximum amounts
30 32 allocated to the Iowa prison infrastructure fund pursuant to
30 33 section 602.8108A,

~~—and~~

~~—~~ the court technology and modernization

30 34 fund pursuant to section 602.8108, and the road use tax fund

30 35 pursuant to section 602.8108, subsection 5, and the remainder

31 1 shall be the judicial collection estimate. In each quarter of

31 2 a fiscal year, after revenues collected by judicial officers

31 3 and court employees equal to that quarterly amount are
31 4 deposited into the general fund of the state and after the
31 5 required amount is deposited during the quarter into the Iowa
31 6 prison infrastructure fund pursuant to section 602.8108A and
31 7 into the court technology and modernization fund pursuant to
31 8 section 602.8108, the director of revenue and finance shall
31 9 deposit the remaining revenues for that quarter into the
31 10 enhanced court collections fund in lieu of the general fund.
31 11 However, after total deposits into the collections fund for
31 12 the fiscal year are equal to the maximum deposit amount
31 13 established for the collections fund, remaining revenues for
31 14 that fiscal year shall be deposited into the general fund. If
31 15 the revenue estimating conference agrees to a different
31 16 estimate at a later meeting which projects a lesser amount of
31 17 revenue than the initial estimate amount used to calculate the
31 18 judicial collection estimate, the director of revenue and
31 19 finance shall recalculate the judicial collection estimate
31 20 accordingly. If the revenue estimating conference agrees to a
31 21 different estimate at a later meeting which projects a greater
31 22 amount of revenue than the initial estimate amount used to
31 23 calculate the judicial collection estimate, the director of
31 24 revenue and finance shall recalculate the judicial collection
31 25 estimate accordingly but only to the extent that the greater
31 26 amount is due to an increase in the fines, fees, civil
31 27 penalties, costs, surcharges, or other revenues allowed by law
31 28 to be collected by judicial officers and court employees.
31 29 c. Moneys in the collections fund shall be used by the
31 30 judicial department for the Iowa court information system;
31 31 records management equipment, services, and projects; other
31 32 technological improvements; electronic legal research
31 33 equipment, systems, and projects; and the study, development,
31 34 and implementation of other

~~technological improvements,~~

31 35 innovations

~~and projects that would improve the~~

32 1 administration of justice. The moneys in the collection fund
32 2 may also be used for capital improvements necessitated by the
32 3 installation or connection with the Iowa court information
32 4 system, the Iowa communications network, and other
32 5 technological improvements approved by the department.

32 6 Sec. 25. Section [602.6201](#), subsection 10, Code 1997, is
32 7 amended to read as follows:

32 8 10. Notwithstanding the formula for determining the number
32 9 of judgeships in this section, the number of district judges
32 10 shall not exceed one hundred

~~eleven~~

~~twelve~~ during the period

32 11 commencing July 1,

~~1996~~

~~1997.~~

32 12 Sec. 26. 1995 Iowa Acts, chapter 166, section 2, is
32 13 amended to read as follows:

32 14 SEC. 2. DEVELOPMENT OF PLAN AND TRANSITION TO FULL WORK
32 15 PROGRAMMING BY DEPARTMENT. Notwithstanding section 1 of this
32 16 Act, the department of corrections shall not be required to
32 17 fully implement the requirements of section 904.701, until
32 18 July 1,

~~1997~~

~~1998.~~ However, the department shall develop and

32 19 implement a plan in consultation with state and local agencies

32 20 and members of the private sector, which provides for the
32 21 incremental implementation of the hard labor requiremetns
32 22 contained in section 904.701, for each inmate who is
32 23 physically and mentally able to perform hard labor and does
32 24 not present an unreasonable security status, and who is not
32 25 currently engaged in labor meeting the requirements. The plan
32 26 shall provide for implementation of hard labor work programs
32 27 during the interval of time between the effective date of this
32 28 Act and July 1,

~~1997~~

- 1998, with full implementation of the
32 29 requirements of section 904.701 by July 1,

~~1997~~

- 1998, and may
32 30 provide the performance of work by inmates both inside and
32 31 outside of the institutions under the control of the
32 32 department. The plan shall include a procedure for the
32 33 determination of suitability of an inmate for the performance
32 34 of hard labor and, if an inmate if found to be suitable, the
32 35 placement of the inmate in an appropriate hard labor program.
33 1 In selecting and developing work programs which are included
33 2 within the plan, the department shall choose work programs
33 3 which are include within the plan, the department shall choose
33 4 work programs which would require minimal additional
33 5 administrative costs shall choose work programs which would
33 6 require minimal additional administrative costs, which
33 7 minimize the need for additional personnel, and which minimize
33 8 the security risks to the general public. The department
33 9 shall submit a report to the general assembly on January 1,
33 10

~~1996~~

- 1998, outlining the progress made towards implementation
33 11 of this Act. The department shall also file a copy of the
33 12 completed plan with the general assembly on January 1,

~~1997~~

-
33 13 1999.
33 14 Sec. 27. 1996 Iowa Acts, chapter 1216, section 7,
33 15 subsection 7, is amended to read as follows:
33 16 7. For funding of the criminal justice program at the
33 17 university of northern Iowa:
33 18 \$ 175,000
33 19 Notwithstanding section 8.33, moneys appropriated in this
33 20 subsection which remain unobligated or unexpended at the close
33 21 of the fiscal year shall not revert to the general fund of the
33 22 state but shall remain available only for the purpose
33 23 designated in this subsection in the succeeding fiscal year.
33 24 Sec. 28. LEGAL REPRESENTATION OF INDIGENTS STUDY. The
33 25 legislative council is requested to establish an interim
33 26 committee to study issues concerning the provision of legal
33 27 representation to indigents. The interim committee shall
33 28 submit a report and recommendations to the general assembly by
33 29 January 1, 1998.
33 30 Sec. 29. SENTENCING STUDY. The legislative council is
33 31 requested to establish an interim study committee to review
33 32 current criminal penalties and sentencing practices, including
33 33 but not limited to the effects of mandatory minimum penalties
33 34 on sentencing practices and the effects of sentencing
33 35 practices on inmate populations at state and adult and
34 1 residential community-based correctional facilities. The
34 2 committee shall also conduct a comparative assessment of the
34 3 relative penalties imposed for various crimes based not only
34 4 on the threat posed by the prohibited criminal conduct, but

34 5 also by the risk generally associated with particular criminal
34 6 offenders.

34 7 Sec. 30. EFFECTIVE DATES.

34 8 1. Section 1, subsections 3 and 4, of this Act, relating
34 9 to Iowa competition law or antitrust actions and to civil
34 10 consumer fraud actions, being deemed of immediate importance,
34 11 take effect upon enactment.

34 12 2. Section 8 of this Act, relating to the encumbrance of
34 13 certain moneys appropriated to the department of corrections
34 14 for the fiscal year commencing July 1, 1996, being deemed of
34 15 immediate importance, takes effect upon enactment.

34 16 3. Section 22 of this Act, relating to the Iowa prison
34 17 infrastructure fund and the facility remodeling fund, being
34 18 deemed of immediate importance, takes effect upon enactment.

34 19 4. Section 27 of this Act, relating to the funding of the
34 20 criminal justice program at the university of northern Iowa,
34 21 being deemed of immediate importance, takes effect upon
34 22 enactment.

34 23 EXPLANATION

34 24 This bill makes appropriations for the 1997-1998 fiscal
34 25 year to the departments of justice, corrections, public
34 26 defense, and public safety, and judicial department, Iowa law
34 27 enforcement academy, office of public defender, and board of
34 28 parole.

34 29 The bill also authorizes an additional district court judge
34 30 commencing July 1, 1997.

34 31 The bill also establishes a facility remodeling fund from
34 32 unused funds in the Iowa prison infrastructure fund for the
34 33 purpose of remodeling a facility in the fifth judicial
34 34 district department of correctional services.

34 35 The bill also amends Code section 99F.10 to provide that
35 1 100 percent, and not 65 percent, of the division of criminal
35 2 investigation's salary costs for gaming enforcement of
35 3 gambling boats shall be used in determining the license fees
35 4 and state admission fees to be charged.

35 5 The bill makes changes to the Code provisions concerning
35 6 the enhanced court collections fund by providing that the
35 7 revenue estimating conference shall subtract amounts allocated
35 8 to the road use tax fund pursuant to Code section 602.8108 in
35 9 determining the judicial collection estimate.

35 10 The bill also delays the implementation of the inmate hard
35 11 labor bill adopted in 1995. The bill also provides that any
35 12 unused funds from the appropriation to the University of
35 13 Northern Iowa criminal justice program for the fiscal year
35 14 beginning July 1, 1996, shall not revert to the general fund
35 15 at the close of the fiscal year. The bill also requests the
35 16 legislative council to establish legislative interim
35 17 committees concerning the legal representation of indigents
35 18 and sentencing.

35 19 LSB 1763JA 77

35 20 ec/jw/5.2