

1 FEB 16 2000

JUDICIARY

HOUSE FILE

**2313**

BY GARMAN and DAVIS

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

**A BILL FOR**

1 An Act relating to the temporary confinement of inmates in county  
 2 jail facilities.

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

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**HF 2313**

1 Section 1. Section 331.427, subsection 1, unnumbered  
2 paragraph 1, Code 1999, is amended to read as follows:

3 Except as otherwise provided by state law, county revenues  
4 from taxes and other sources for general county services shall  
5 be credited to the general fund of the county, including  
6 revenues received under sections 101A.3, 101A.7, 123.36,  
7 123.143, 142B.6, 176A.8, 321.105, 321.152, 321G.7, section  
8 331.554, subsection 6, sections 341A.20, 364.3, 368.21,  
9 422A.2, 428A.8, 430A.3, 433.15, 434.19, 445.57, 453A.35,  
10 458A.21, 483A.12, 533.24, 556B.1, 567.10, 583.6, 602.8108, and  
11 904.908, ~~and-906-17~~, and chapter 405A, and the following:

12 Sec. 2. NEW SECTION. 904.208 TEMPORARY CONFINEMENT BY  
13 COUNTIES -- REIMBURSEMENT.

14 1. Upon request by the department or by court order, a  
15 county shall provide temporary confinement of offenders, if  
16 space is available, according to the department's established  
17 capacity for each jail.

18 2. The following persons may be temporarily confined in  
19 the county:

20 a. Convicted persons awaiting judgment of conviction and  
21 sentencing under chapter 901 and who subsequently are  
22 committed to the custody of the director of the department of  
23 corrections.

24 b. Convicted persons seeking postconviction relief under  
25 chapter 822 and who have been committed to the custody of the  
26 director of the department of corrections.

27 c. Convicted persons who have been committed to the  
28 custody of the director of the department of corrections and  
29 who are seeking reconsideration of a sentence under section  
30 902.4 or 903.2.

31 d. Convicted persons who have been committed to the  
32 custody of the director of the department of corrections and  
33 who are seeking a reopening of sentence under section 901.5A.

34 e. Alleged probation and parole violators under chapter  
35 908.

1 3. The department shall reimburse a county for the  
 2 temporary confinement of offenders under this section. The  
 3 amount to be reimbursed shall be determined by multiplying the  
 4 number of days confined by the average daily cost of confining  
 5 a person in the county facility as negotiated by the  
 6 department. Payment shall be made upon submission of a  
 7 voucher executed by the sheriff and approved by the director  
 8 of the department. If an executed voucher has not been paid  
 9 within sixty days of being submitted and the department does  
 10 not dispute the amount of the voucher, the county may not  
 11 confine additional offenders under this section until the  
 12 voucher is paid by the department.

13 Sec. 3. Section 906.17, Code 1999, is repealed.

14 EXPLANATION

15 This bill relates to the temporary confinement of convicted  
 16 state offenders in county jails.

17 The bill provides that an offender who is alleged to have  
 18 violated conditions of probation or parole, offenders awaiting  
 19 sentencing and who are subsequently sentenced to the custody  
 20 of the director of the department of corrections, and  
 21 offenders seeking postconviction release, reopening of a  
 22 sentence, or reconsideration of a sentence may be confined in  
 23 county jails, if the jail meets the department's established  
 24 capacity for the jail. The bill provides that the department  
 25 of corrections shall reimburse the county for the temporary  
 26 confinement of an offender at a rate to be negotiated by the  
 27 department. The department shall reimburse the county within  
 28 60 days of a request for payment being submitted or the county  
 29 may choose not to confine additional offenders who are subject  
 30 to new Code section 904.208.

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