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JUDICIARY

HOUSE FILE 557

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FOEGE, MYERS, MAY, CHAPMAN, STEVENS,
and SCHERRMAN

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to enforcement, prevention, education, and
2 treatment for substance abuse and sexual abuse, and providing
3 appropriations.

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

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HF 557

DIVISION I

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2 Section 1. ENFORCEMENT. There is appropriated from the
3 general fund of the state to the department of public safety,
4 for the designated fiscal years, the following amounts, or so
5 much as is necessary, to be used for the purposes designated:

6 1. For the division of narcotics enforcement:

7 a. For the fiscal year beginning July 1, 1999, and ending
8 June 30, 2000:

9 For the employment of six narcotics enforcement agents:

10 \$ 505,000

11 b. For the fiscal year beginning July 1, 2000, and ending
12 June 30, 2001:

13 For the employment of 12 narcotics enforcement agents:

14 \$ 885,000

15 c. For the fiscal year beginning July 1, 2001, and ending
16 June 30, 2002:

17 For the employment of 18 narcotics enforcement agents:

18 \$ 1,265,000

19 d. For the fiscal year beginning July 1, 2002, and ending
20 June 30, 2003:

21 For the employment of 18 narcotics enforcement agents:

22 \$ 1,140,000

23 2. For the division of criminal investigation:

24 For the fiscal year beginning July 1, 1999, and ending June
25 30, 2000:

26 For the hiring of two criminalists for the division's
27 laboratory who will primarily focus on methamphetamine
28 testing:

29 \$ 80,956

30 3. For the establishment of a clandestine methamphetamine
31 laboratory emergency response team within the department:

32 a. For the fiscal year beginning July 1, 1999, and ending
33 June 30, 2000:

34 \$ 980,000

35 b. For the fiscal year beginning July 1, 2000, and ending

1 June 30, 2001:

2 \$ 700,000

3 The clandestine methamphetamine laboratory emergency
4 response team established pursuant to this subsection shall
5 consist of five narcotics agents, one fire marshal special
6 agent, five state patrol officers, one division of criminal
7 investigation investigator, and one division of narcotics
8 enforcement technical support employee.

9 Sec. 2. JUVENILE DELINQUENT TREATMENT. There is
10 appropriated from the general fund of the state to the
11 department of human services for the state training school at
12 Eldora, for the fiscal year beginning July 1, 1999, and ending
13 June 30, 2000, the following amount, or so much as is
14 necessary, to be used for the purpose designated:

15 For providing treatment programs for every substance abuser
16 and sexual predator placed at the state training school
17 needing treatment:

18 \$ 62,000

19 Sec. 3. YOUTH LEADERSHIP MODEL. There is appropriated
20 from the general fund of the state to the Iowa department of
21 corrections for the fiscal year beginning July 1, 1999, and
22 ending June 30, 2000, the following amount, or so much thereof
23 as is necessary, to be used for the purpose designated:

24 For the establishment of a youth leadership model program
25 to help at-risk youth in a judicial district department of
26 correctional services selected by the department:

27 \$ 100,000

28 As a part of the program, the judicial district department
29 of correctional services may recruit high school athletes in
30 communities in the judicial district to work with at-risk
31 children.

32 Sec. 4. METHAMPHETAMINE TREATMENT. There is appropriated
33 from the general fund of the state to the Iowa department of
34 public health for the fiscal year beginning July 1, 1999, and
35 ending June 30, 2000, the following amounts, or so much

1 thereof as is necessary, to be used for the purposes
2 designated:

3 1. For additional methamphetamine treatment under the
4 substance abuse treatment program:
5 \$ 1,500,000

6 2. For development of a model substance abuse prevention
7 program based upon the North high school program in Des
8 Moines:
9 \$ 30,000

10 Information about the model substance abuse prevention
11 program developed under this subsection shall be distributed
12 to schools in this state that have a high percent of students
13 susceptible to substance abuse, particularly methamphetamine
14 abuse, to assist those schools that are submitting
15 applications for competitive grants from the department.

16 Sec. 5. YOUTH LEADERSHIP CONFERENCE ON MENTORING. There
17 is appropriated from the general fund of the state to the
18 governor's alliance on substance abuse for the fiscal year
19 beginning July 1, 1999, and ending June 30, 2000, the
20 following amount, or so much thereof as is necessary, to be
21 used for the purpose designated:

22 For planning and holding a youth leadership conference on
23 mentoring for individuals who agree to serve as mentors to
24 youth to help reduce substance abuse, especially
25 methamphetamine abuse, in schools:
26 \$ 20,000

27 Sec. 6. LABOR MANAGEMENT SUBSTANCE ABUSE EDUCATION
28 PROGRAM. The executive council shall transfer from the health
29 insurance surplus account to the department of personnel for
30 the fiscal year beginning July 1, 1999, and ending June 30,
31 2000, the following amount, or so much as is necessary, which
32 is appropriated to be used for the purpose designated:

33 For development of a labor management substance abuse
34 education program, with an emphasis on methamphetamine abuse,
35 that can serve as a model to be used by labor and management

1 throughout the state:

2 \$ 30,000

3 Sec. 7. STRENGTHENING FAMILIES PROGRAM.

4 1. The cooperative extension service at Iowa state
5 university, in association with the institute of social and
6 behavioral research at Iowa state university, shall develop a
7 strengthening families program to provide funding and
8 assistance to communities for families who have children
9 between the ages of 10 and 14 years of age for prevention of
10 substance abuse with an emphasis on prevention of
11 methamphetamine abuse. Communities participating in the
12 program must contract with the cooperative extension service
13 for the cooperative extension service to bring the program to
14 the community.

15 2. The governor's alliance on substance abuse shall
16 transfer an amount not exceeding \$270,000 of moneys received
17 by the alliance under the federal Edward Byrne memorial state
18 and local law enforcement assistance program to be deposited
19 into a strengthening families program fund, established in the
20 office of the treasurer of state under the authority of the
21 department of education. The moneys shall be distributed on a
22 first-come, first-served matching funds basis by the
23 department of education to communities participating in the
24 strengthening families program.

25 Notwithstanding section 8.33, moneys in the fund that
26 remain unencumbered or unobligated at the close of the fiscal
27 year shall not revert but shall remain available for
28 expenditure for the purposes designated until the close of the
29 succeeding fiscal year.

30 3. The cooperative extension service shall solicit the
31 assistance of the department of education, the Iowa department
32 of public health, and other public and private agencies
33 providing services to families in promoting the program.

34 4. There is appropriated from the general fund of the
35 state to the department of education for the fiscal year

1 beginning July 1, 1999, and ending June 30, 2000, the
2 following amount, or so much thereof as is necessary, to be
3 used for the purpose designated:

4 For providing matching funds for communities to participate
5 in the strengthening families program:

6 \$ 50,000

7 DIVISION II

8 Sec. 8. NEW SECTION. 135.16 SPECIAL WOMEN, INFANTS, AND
9 CHILDREN SUPPLEMENTAL FOOD PROGRAM -- FUNDING ALLOCATION.

10 As a component of the federal funding received by the
11 department as the administering agency for the special women,
12 infants, and children supplemental food program, from the
13 United States department of agriculture, food and consumer
14 service, the department shall incorporate a methamphetamine
15 education program into its nutrition and health-related
16 education services. The department shall be responsible for
17 the development of the education program to be delivered, and
18 for the selection of qualified contract agencies to deliver
19 the instruction under the program.

20 Sec. 9. Section 217.12, subsection 3, paragraph b, Code
21 1999, is amended to read as follows:

22 b. Designation of the services to be provided for the
23 families served, including assistance regarding job-seeking
24 skills, family budgeting, nutrition, self-esteem,
25 methamphetamine education, health and hygiene, child rearing,
26 child education preparation, and goal setting. Grant
27 proposals shall indicate the support groups and support
28 systems to be developed for the families served during the
29 transition between the need for assistance and self-
30 sufficiency.

31 Sec. 10. Section 279.51, subsection 1, paragraph d, Code
32 1999, is amended to read as follows:

33 d. For the fiscal year beginning July 1, 1996, and for
34 each fiscal year thereafter, three million five hundred
35 thousand dollars of the funds appropriated shall be allocated

1 as grants to school districts that have elementary schools
2 that demonstrate the greatest need for programs for at-risk
3 students with preference given to innovative programs for the
4 early elementary school years. School districts receiving
5 grants under this paragraph shall at a minimum provide
6 activities and materials designed to encourage children's
7 self-esteem, provide role modeling and mentoring techniques in
8 social competence and social skills, and discourage
9 inappropriate drug use. The grant allocations made in this
10 paragraph may be renewed for additional periods of time. Of
11 the amount allocated under this paragraph for each fiscal
12 year, seventy-five thousand dollars shall be allocated to
13 school districts which have an actual student population of
14 ten thousand or less and have an actual non-English speaking
15 student population which represents greater than five percent
16 of the total actual student population for grants to
17 elementary schools in those districts.

18 Sec. 11. Section 279.51, subsection 3, unnumbered
19 paragraph 3, Code 1999, is amended to read as follows:

20 Programs shall provide at a minimum recreation
21 opportunities₇; personal skills development₇; activities and
22 materials designed to encourage children's self-esteem,
23 provide role modeling and mentoring techniques in social
24 competence and social skills, and discourage inappropriate
25 drug use; basic academic skills development₇; family
26 interaction opportunities₇; and mentoring. Additional
27 objectives of the programs shall be: to increase the ability
28 of existing agencies within the community to address the
29 multiple problems of children and youth and to coordinate
30 their activities and to facilitate joint planning to make the
31 most economic and innovative use of community resources.
32 Priority shall be given to programs that provide access to a
33 center for children and youth after school, in the evening,
34 and on weekends, and during the summer and that provide a
35 twenty-four-hour telephone hotline or similar service, and

1 that provide access to day care or on-site child day care.
2 Programs shall at a minimum provide career development
3 services, mental health and family counseling services, and
4 primary health care services that include but are not limited
5 to physical examinations, immunizations, hearing and vision
6 screening, and preventive and primary health care services, in
7 the context of the educational needs of the students.
8 Programs shall not include abortion counseling or the
9 dispensing of contraceptives.

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DIVISION III

11 Sec. 12. NEW SECTION. 901B.2 DRUG COURT PILOT PROGRAMS.

12 1. The judicial branch, the department of corrections, the
13 state prosecuting attorneys training coordinator, the
14 governor's alliance on substance abuse, and the state public
15 defender shall each appoint a member to a committee to assist
16 in the establishment of pilot programs pertaining to the
17 referral of certain offenders charged with a drug or drug-
18 related crime to drug courts. The judicial branch, in
19 cooperation with the committee, shall establish drug courts in
20 two judicial districts with high occurrences of drug-related
21 crime relative to the occurrence of drug-related crime in the
22 state as a whole.

23 2. The committee, in assisting in the establishment of the
24 pilot programs, shall develop a written plan establishing the
25 procedures and plan of implementation for the drug courts.
26 The members shall seek input from the chief judges of the
27 selected judicial districts for the drug courts and law
28 enforcement agencies within the jurisdiction of the selected
29 judicial districts in developing the written plan. The
30 committee shall seek assistance from substance abuse treatment
31 counselors, participants in the Polk county drug court, and
32 other interested members of the public. Once a model plan is
33 developed, the members shall make their model plan available
34 to all interested parties. The plan must state goals and
35 contain policies and procedures. The policies and procedures

1 shall include but shall not be limited to the following:

2 a. The establishment of criteria for certain offenders to
3 qualify for drug court.

4 b. The establishment of procedures and the plan of
5 implementation for the operation of a drug court.

6 c. The responsibilities of the various departments,
7 agencies, parties, and counselors in each drug court case.

8 d. The education of local law enforcement agency
9 personnel, employees of the judicial district department of
10 correctional services, attorneys, and counselors about the
11 contents of the plan and their role in assisting with its
12 implementation and operation.

13 e. A timetable for implementation.

14 f. An annual review of the plan to evaluate whether it is
15 meeting its goals effectively and whether improvements are
16 necessary.

17 3. The county attorney's offices of counties for the
18 selected judicial districts shall report to the general
19 assembly prior to January 15 of each year as to the number of
20 offenders who either completed or failed the drug court pilot
21 program during the preceding year. The pilot program shall
22 terminate on June 30, 2002.

23 Sec. 13. DRUG COURT PILOT PROGRAMS. The governor's
24 alliance on substance abuse shall transfer from moneys
25 received by the alliance under the federal Edward Byrne
26 memorial state and local law enforcement assistance program to
27 the judicial branch for the fiscal year beginning July 1,
28 1999, and ending June 30, 2000, the following amount, or so
29 much as is necessary, to be used for the purpose designated:

30 For expenses associated with establishment of the two drug
31 court pilot programs:

32 \$ 60,000

33 EXPLANATION

34 This bill provides funding and establishes programs for
35 enforcement, prevention, education, and treatment for

1 substance abuse, especially methamphetamine abuse. The
2 program shall be funded through the department of education
3 using federal moneys and state moneys appropriated for use as
4 matching funds.

5 The bill requires that the Iowa department of public health
6 include a methamphetamine education program component in the
7 nutrition and health-related education services it administers
8 under the federal special supplemental food program for women,
9 infants, and children; that grant proposals submitted to the
10 family development and self-sufficiency council by public or
11 private organizations for provision of family development
12 services to families at risk of long-term welfare dependency
13 must include methamphetamine education as part of the
14 services; and that school districts which receive school-based
15 youth services grants or grants for elementary schools
16 demonstrating the greatest need for at-risk programs must
17 provide activities and materials designed to encourage
18 children's self-esteem, provide role modeling and mentoring
19 techniques in social competence and social skills, and
20 discourage inappropriate drug use.

21 The bill establishes two drug court pilot programs for
22 persons who have committed drug or drug-related crimes. The
23 bill provides that the judicial branch, the department of
24 corrections, the prosecuting attorneys training coordinator,
25 the governor's alliance on substance abuse, and the state
26 public defender shall each appoint a member to a committee to
27 assist in the establishment and implementation of the drug
28 courts to be located in counties with a high rate of drug-
29 related crimes.

30 The committee shall establish goals and procedures for the
31 implementation and operation of the drug court and select the
32 criteria for admitting certain offenders into the program.
33 The committee shall seek input and assistance from local
34 authorities to help establish drug courts in the selected
35 counties. Federal moneys are transferred to the judicial

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2 program shall be funded through the department of education
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4 matching funds.

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29 related crimes.

30 The committee shall establish goals and procedures for the
31 implementation and operation of the drug court and select the
32 criteria for admitting certain offenders into the program.
33 The committee shall seek input and assistance from local
34 authorities to help establish drug courts in the selected
35 counties. Federal moneys are transferred to the judicial

1 branch for establishing the pilot program drug courts.

2 The bill provides the drug court pilot programs shall
3 terminate on June 30, 2002.

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