

McKean
Hammond
Maddox

SSB-3134
Judiciary
Sponsored By
(SF/HF 2243)

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
JUDICIARY BILL BY
CHAIRPERSON MCKEAN)

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

A BILL FOR

1 An Act relating to the placement in treatment programs of
2 offenders sentenced for operating while intoxicated
3 violations.

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

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

1 Section 1. Section 904.513, subsection 1, Code 1999, is
2 amended to read as follows:

3 1. a. The department of corrections, in cooperation with
4 the judicial district departments of correctional services,
5 shall establish in each judicial district a continuum of
6 programming for the supervision and treatment of offenders
7 convicted of violating chapter 321J who are sentenced to the
8 custody of the director. The continuum shall include a range
9 of sanctioning options that include, but are not limited to,
10 prisons and residential facilities.

11 b. (1) The department of corrections shall develop
12 standardized assessment criteria for the assignment of
13 offenders pursuant to this chapter.

14 (2) Offenders convicted of violating chapter 321J,
15 sentenced to the custody of the director, and awaiting
16 placement in a community residential substance abuse treatment
17 program for such offenders shall be placed in an institutional
18 substance abuse program for such offenders within sixty days
19 of admission to the institution or as soon as practical. When
20 placing offenders convicted of violating chapter 321J in
21 community residential substance abuse treatment programs for
22 such offenders, the department shall give priority as
23 appropriate to the placement of those offenders currently in
24 institutional substance abuse programs for such offenders.
25 The department shall work with each judicial district to
26 enable such offenders to enter community residential substance
27 abuse treatment programs at a level comparable to their prior
28 institutional program participation.

29 (3) Assignment shall be for the purposes of risk
30 management and substance abuse treatment and may include
31 education or work programs when the offender is not
32 participating in other program components.

33 (4) Assignment may also be made on the basis of the
34 offender's treatment program performance, as a disciplinary
35 measure, for medical needs, and for space availability at

1 community residential facilities. If there is insufficient
2 space at a community residential facility, the court may order
3 an offender to be released to the supervision of the judicial
4 district department of correctional services or held in jail.

5 EXPLANATION

6 This bill addresses placement of institutional OWI
7 offenders in community OWI programs, to allow credit within
8 the community program for progress made by the offender within
9 the institutional program, rather than requiring the offender
10 to start the community program from the beginning. The bill
11 also requires placement in an institutional program within 60
12 days of admission to the correctional system, or as soon as
13 practical.

14 The bill also reorganizes subsection 1 of Code section
15 904.513 into paragraphs and subparagraphs.

16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35

H- 3/3/00 Judiciary
H- 3/14/00 Do Pass
FILED FEB 22 2000
H- 3/23/00 Judiciary Business Calendar
2243

SENATE FILE
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 3134)

Passed Senate (P. 510) Date 3/2/00 Passed House (P. 1729) Date 4-24-00
Vote: Ayes 47 Nays 0 Vote: Ayes 98 Nays 0
Approved 5/19

A BILL FOR

1 An Act relating to the placement in treatment programs of
2 offenders sentenced for operating while intoxicated
3 violations.

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

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

SF 2243

1 Section 1. Section 904.513, subsection 1, Code 1999, is
2 amended to read as follows:

3 1. a. The department of corrections, in cooperation with
4 the judicial district departments of correctional services,
5 shall establish in each judicial district a continuum of
6 programming for the supervision and treatment of offenders
7 convicted of violating chapter 321J who are sentenced to the
8 custody of the director. The continuum shall include a range
9 of sanctioning options that include, but are not limited to,
10 prisons and residential facilities.

11 b. (1) The department of corrections shall develop
12 standardized assessment criteria for the assignment of
13 offenders pursuant to this chapter.

14 (2) Offenders convicted of violating chapter 321J,
15 sentenced to the custody of the director, and awaiting
16 placement in a community residential substance abuse treatment
17 program for such offenders shall be placed in an institutional
18 substance abuse program for such offenders within sixty days
19 of admission to the institution or as soon as practical. When
20 placing offenders convicted of violating chapter 321J in
21 community residential substance abuse treatment programs for
22 such offenders, the department shall give priority as
23 appropriate to the placement of those offenders currently in
24 institutional substance abuse programs for such offenders.
25 The department shall work with each judicial district to
26 enable such offenders to enter community residential substance
27 abuse treatment programs at a level comparable to their prior
28 institutional program participation.

29 (3) Assignment shall be for the purposes of risk
30 management and substance abuse treatment and may include
31 education or work programs when the offender is not
32 participating in other program components.

33 (4) Assignment may also be made on the basis of the
34 offender's treatment program performance, as a disciplinary
35 measure, for medical needs, and for space availability at

1 community residential facilities. If there is insufficient
2 space at a community residential facility, the court may order
3 an offender to be released to the supervision of the judicial
4 district department of correctional services or held in jail.

5 EXPLANATION

6 This bill addresses placement of institutional OWI
7 offenders in community OWI programs, to allow credit within
8 the community program for progress made by the offender within
9 the institutional program, rather than requiring the offender
10 to start the community program from the beginning. The bill
11 also requires placement in an institutional program within 60
12 days of admission to the correctional system, or as soon as
13 practical.

14 The bill also reorganizes subsection 1 of Code section
15 904.513 into paragraphs and subparagraphs.

16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35

**SENATE FILE 2243
FISCAL NOTE**

The estimate for Senate File 2243 is hereby submitted as a fiscal note pursuant to Joint Rule 17 and as a correctional impact statement pursuant to Section 2.56, Code of Iowa. Data used in developing this fiscal note and correctional impact statement are available from the Legislative Fiscal Bureau to members of the Legislature upon request.

Senate File 2243 requires placement of Operating While Intoxicated (OWI) offenders, who are held in prison until Community-Based Corrections (CBC) residential facility space is available, into an institutional substance-abuse program within 60 days of admission or as soon as practical. These offenders are to be given priority for entering the prison's treatment program. When moving to the CBC residential facility, offenders are to continue their treatment at a level comparable to their progress in the institutional program.

ASSUMPTIONS

The Department of Corrections and the CBC Districts will prioritize programming openings for OWI offenders held in prison.

CORRECTIONAL IMPACT

Senate File 2243 will not have a significant correctional impact. To the extent that OWI offenders receive priority and are able to continue their treatment as they move from prison to the CBC residential facility, their residential facility stay will be shortened and some savings will be realized.

FISCAL IMPACT

Senate File 2243 is not expected to have a significant fiscal impact.

SOURCE

Criminal and Juvenile Justice Planning Division, Department of Human Rights

(LSB 5774SV, MDF)

FILED FEBRUARY 24, 2000

BY DENNIS PROUTY, FISCAL DIRECTOR

SENATE FILE 2243

AN ACT

RELATING TO THE PLACEMENT IN TREATMENT PROGRAMS OF OFFENDERS
SENTENCED FOR OPERATING WHILE INTOXICATED VIOLATIONS.

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

Section 1. Section 904.513, subsection 1, Code 1999, is amended to read as follows:

1. a. The department of corrections, in cooperation with the judicial district departments of correctional services, shall establish in each judicial district a continuum of programming for the supervision and treatment of offenders convicted of violating chapter 321J who are sentenced to the custody of the director. The continuum shall include a range of sanctioning options that include, but are not limited to, prisons and residential facilities.

b. (1) The department of corrections shall develop standardized assessment criteria for the assignment of offenders pursuant to this chapter.

(2) Offenders convicted of violating chapter 321J, sentenced to the custody of the director, and awaiting placement in a community residential substance abuse treatment program for such offenders shall be placed in an institutional substance abuse program for such offenders within sixty days of admission to the institution or as soon as practical. When placing offenders convicted of violating chapter 321J in community residential substance abuse treatment programs for such offenders, the department shall give priority as appropriate to the placement of those offenders currently in institutional substance abuse programs for such offenders. The department shall work with each judicial district to enable such offenders to enter community residential substance abuse treatment programs at a level comparable to their prior institutional program participation.

(3) Assignment shall be for the purposes of risk management and substance abuse treatment and may include education or work programs when the offender is not participating in other program components.

(4) Assignment may also be made on the basis of the offender's treatment program performance, as a disciplinary measure, for medical needs, and for space availability at community residential facilities. If there is insufficient space at a community residential facility, the court may order an offender to be released to the supervision of the judicial district department of correctional services or held in jail.

MARY E. KRAMER
President of the Senate

BRENT SIEGRIST
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2243, Seventy-eighth General Assembly.

MICHAEL E. MARSHALL
Secretary of the Senate

Approved 5/19, 2000

THOMAS J. VILSACK
Governor