

JUDICIARY

FILED MAR 4 1999

SENATE FILE 310

BY ANGELO

Passed Senate, Date _____ Passed House, Date _____

Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act relating to adequate care for inmates at correctional
2 facilities.

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

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SF 310 JUDICIARY

1 Section 1. NEW SECTION. 904.108A ADEQUATE CARE.

2 1. For purposes of this section:

3 a. "Federal poverty level" means the first poverty income
4 guidelines published in the calendar year by the United States
5 department of health and human services for a family of one.

6 b. "Yearly per inmate expenditure for care" means an
7 amount representing an institution's allocated expenditure in
8 the preceding twelve months for providing food, shelter,
9 clothing, medical care, goods, services, and programs to
10 inmates, excluding costs related to institutional security,
11 divided by the average number of inmates confined in the
12 institution for the same twelve-month period.

13 2. The care provided an inmate shall be presumed to be
14 adequate if the average yearly per inmate expenditure for care
15 at the institution where the inmate is incarcerated exceeds
16 the federal poverty level. A presumption that the care
17 provided an inmate is adequate may be rebutted by clear and
18 convincing evidence to the contrary.

19 EXPLANATION

20 This bill provides that an inmate is receiving adequate
21 care if the average yearly per inmate expenditure on care in
22 the institution where the inmate is confined exceeds the
23 federal poverty level. An institution's expenditure on care
24 is determined to be moneys expended for providing food,
25 shelter, clothing, medical care, goods, services, and programs
26 to inmates, excluding costs related to institutional security.

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