

Senate Study Bill 3134

Bill Text

PAG LIN

1 1 Section 1. Section [904.513](#), subsection 1, Code 1999, is
1 2 amended to read as follows:

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

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

1 14 (2) Offenders convicted of violating chapter 321J,
1 15 sentenced to the custody of the director, and awaiting
1 16 placement in a community residential substance abuse treatment
1 17 program for such offenders shall be placed in an institutional
1 18 substance abuse program for such offenders within sixty days
1 19 of admission to the institution or as soon as practical. When
1 20 placing offenders convicted of violating chapter 321J in
1 21 community residential substance abuse treatment programs for
1 22 such offenders, the department shall give priority as
1 23 appropriate to the placement of those offenders currently in
1 24 institutional substance abuse programs for such offenders.
1 25 The department shall work with each judicial district to
1 26 enable such offenders to enter community residential substance
1 27 abuse treatment programs at a level comparable to their prior
1 28 institutional program participation.

1 29 (3) Assignment shall be for the purposes of risk
1 30 management and substance abuse treatment and may include
1 31 education or work programs when the offender is not
1 32 participating in other program components.

1 33 (4) Assignment may also be made on the basis of the
1 34 offender's treatment program performance, as a disciplinary
1 35 measure, for medical needs, and for space availability at
2 1 community residential facilities. If there is insufficient
2 2 space at a community residential facility, the court may order
2 3 an offender to be released to the supervision of the judicial
2 4 district department of correctional services or held in jail.

EXPLANATION

2 5 This bill addresses placement of institutional OWI
2 6 offenders in community OWI programs, to allow credit within
2 7 the community program for progress made by the offender within
2 8 the institutional program, rather than requiring the offender
2 9 to start the community program from the beginning. The bill
2 10 also requires placement in an institutional program within 60
2 11 days of admission to the correctional system, or as soon as
2 12 practical.

2 14 The bill also reorganizes subsection 1 of Code section
2 15 904.513 into paragraphs and subparagraphs.

2 16 LSB 5774XC 78

2 17 jj/cf/24