

MAR 5 2004
Place On Calendar

HOUSE FILE 2471
BY COMMITTEE ON LOCAL GOVERNMENT
(SUCCESSOR TO HSB 671)

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

A BILL FOR

1 An Act relating to a prisoner from another state being detained
2 or committed to a county jail in this state.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 2471

HOUSE FILE 2471

H-8247

- 1 Amend House File 2471 as follows:
- 2 1. Page 1, line 23, by striking the words "other
- 3 state" and inserting the following: "governmental
- 4 entity from the other state sending the prisoners".
- 5 2. Page 1, by inserting after line 23, the
- 6 following:
- 7 "Sec. ____ . EFFECTIVE DATE. This Act, being deemed
- 8 of immediate importance, takes effect upon enactment."
- 9 3. Title page, line 2, by inserting after the
- 10 word "state" the following: ", and providing an
- 11 effective date".
- 12 4. By renumbering as necessary.

By HANSON of Benton

H-8247 FILED MARCH 16, 2004

1 Section 1. Section 331.658, subsection 3, Code 2003, is
2 amended to read as follows:

3 3. The sheriff is accountable to the board for fees due or
4 collected for boarding, lodging, and providing other services
5 for prisoners in the sheriff's custody under the order of
6 another state or a federal court.

7 Sec. 2. Section 356.1, unnumbered paragraph 2, Code 2003,
8 is amended to read as follows:

9 The provisions of this section extend to persons detained
10 or committed by authority of the courts of the United States
11 as well as of this any state.

12 Sec. 3. Section 356.15, Code 2003, is amended to read as
13 follows:

14 356.15 EXPENSES.

15 All charges and expenses for the safekeeping and
16 maintenance of prisoners shall be allowed by the board of
17 supervisors, except those committed or detained by the
18 authority of the courts of the United States, in which cases
19 the United States must pay such expenses to the county, and or
20 those committed for violation of a city ordinance, in which
21 case the city shall pay expenses to the county, or those
22 committed or detained from another state, in which case the
23 other state shall pay expenses to the county.

24 EXPLANATION

25 This bill allows a prisoner from another state, who has not
26 been charged with a criminal offense in this state, to be
27 detained or committed in a county jail in this state. If
28 another state sends prisoners to this state for detention or
29 commitment to a county jail, the bill provides that the state
30 sending the prisoners is responsible for paying expenses to
31 the county for housing the prisoners.

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**Fiscal Services Division
Legislative Services Agency
Fiscal Note**

HF 2471 - Out-of-State Prisoners in Iowa Jails (LSB 6524 HV)
Analyst: Beth Lenstra (Phone: (515) 281-6301) (beth.lenstra@legis.state.ia.us)
Fiscal Note Version - New

Description

House File 2471 permits Iowa counties to hold prisoners from other states. The states that send prisoners to Iowa county jails are required to reimburse the county.

Assumptions

1. The marginal cost per day for county jails is \$15.
2. Counties charge the State Department of Corrections for holding certain state inmates, for example, alleged parole violators pending a revocation proceeding. The charges range from \$48 to \$75 per day.
3. Counties also contract with the federal Bureau of Prisons to hold federal detainees and inmates. The charges range from \$55 to \$100 per day.
4. Counties will utilize existing vacant beds to house any prisoners from other states.
5. The increase for each county will vary depending on the following factors for each county: availability of excess jail capacity, lack of jail capacity in other states, and the willingness of other states to house prisoners in Iowa and to reimburse counties for the expense.

Correctional Impact

There is no significant correctional impact under HF 2471.

Fiscal Impact

The fiscal impact of HF 2471 cannot be determined due to insufficient information.

Iowa counties may experience increased receipts due to housing prisoners from other states. Based on information from Allamakee, Hardin, Kossuth, and Mitchell counties, increased receipts would range from approximately \$12,000 to \$135,000 annually for each county participating.

Sources

Iowa State Association of Counties
Iowa State Sheriffs and Deputies Association
Iowa Department of Corrections

Dennis C Prouty

March 9, 2004

The fiscal note and correctional impact statement for this bill was prepared pursuant to Joint Rule 17 and pursuant to Section 2.56, Code of Iowa. Data used in developing this fiscal note and correctional impact statement are available from the Fiscal Services Division, Legislative Services Agency to members of the Legislature upon request.

HOUSE FILE 2471

BY COMMITTEE ON LOCAL GOVERNMENT

(SUCCESSOR TO HSB 671)

(As Amended and Passed by the House March 17, 2004)

Passed House, Date _____ Passed Senate, Date _____

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

Approved _____

A BILL FOR

1 An Act relating to a prisoner from another state being detained
2 or committed to a county jail in this state, and providing an
3 effective date.

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

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House Amendments _____

HOUSE FILE 2471

S-5252

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1 Amend House File 2471, as amended, passed, and
2 reprinted by the House as follows:
3 1. Page 1, by inserting before line 1 the
4 following:
5 "Section 1. Section 331.658, Code 2003, is amended
6 by adding the following new subsection:
7 NEW SUBSECTION. 1A. A county shall not send a
8 prisoner from the county to another state if the
9 prisoner is awaiting judgment of conviction or serving
10 a sentence for an offense committed in this state
11 unless the prisoner poses a substantial danger to
12 oneself or another person if the prisoner remains in a
13 jail in this state. This subsection shall not apply
14 to chapter 821."
15 2. Title page, by striking lines 1 and 2, and
16 inserting the following: "An Act relating to
17 detaining prisoners in this state or another state,
18 and providing an".

By KEITH A. KREIMAN

S-5252 FILED APRIL 1, 2004

HF 2471

jm/es/25

HF 2471

1 Section 1. Section 331.658, subsection 3, Code 2003, is
2 amended to read as follows:

3 3. The sheriff is accountable to the board for fees due or
4 collected for boarding, lodging, and providing other services
5 for prisoners in the sheriff's custody under the order of
6 another state or a federal court.

7 Sec. 2. Section 356.1, unnumbered paragraph 2, Code 2003,
8 is amended to read as follows:

9 The provisions of this section extend to persons detained
10 or committed by authority of the courts of the United States
11 as well as of this any state.

12 Sec. 3. Section 356.15, Code 2003, is amended to read as
13 follows:

14 356.15 EXPENSES.

15 All charges and expenses for the safekeeping and
16 maintenance of prisoners shall be allowed by the board of
17 supervisors, except those committed or detained by the
18 authority of the courts of the United States, in which cases
19 the United States must pay such expenses to the county, and or
20 those committed for violation of a city ordinance, in which
21 case the city shall pay expenses to the county, or those
22 committed or detained from another state, in which case the
23 governmental entity from the other state sending the prisoners
24 shall pay expenses to the county.

25 Sec. 4. EFFECTIVE DATE. This Act, being deemed of
26 immediate importance, takes effect upon enactment.

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Chair Hanson
Jones
Zensing

SUC
S- 02471

HSB 671
LOCAL GOVERNMENT

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
LOCAL GOVERNMENT BILL BY
CHAIRPERSON VAN ENGELENHOVEN)

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

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S.F. _____ H.F. _____

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29 commitment to a county jail, the bill provides that the state
30 sending the prisoners is responsible for paying expenses to
31 the county for housing the prisoners.

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HOUSE FILE 2471

Sec. 4. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

AN ACT

RELATING TO A PRISONER FROM ANOTHER STATE BEING DETAINED OR COMMITTED TO A COUNTY JAIL IN THIS STATE, AND PROVIDING AN EFFECTIVE DATE.

CHRISTOPHER C. RANTS
Speaker of the House

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

JEFFREY M. LAMBERTI
President of the Senate

Section 1. Section 331.658, subsection 3, Code 2003, is amended to read as follows:

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I hereby certify that this bill originated in the House and is known as House File 2471, Eightieth General Assembly.

MARGARET THOMSON
Chief Clerk of the House

Approved _____, 2004

THOMAS J. VILSACK
Governor