

FILED MAR 03 '14

SENATE FILE 2242
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 3052)

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

A BILL FOR

1 An Act relating to various issues under the purview of the
2 department of corrections including the creation of an inmate
3 labor fund.

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

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SF 2242
JUDICIARY

1 Section 1. Section 901.4, Code Supplement 2003, is amended
2 to read as follows:

3 901.4 PRESENTENCE INVESTIGATION REPORT CONFIDENTIAL --
4 DISTRIBUTION.

5 The presentence investigation report is confidential and
6 the court shall provide safeguards to ensure its
7 confidentiality, including but not limited to sealing the
8 report, which may be opened only by further court order. At
9 least three days prior to the date set for sentencing, the
10 court shall serve all of the presentence investigation report
11 upon the defendant's attorney and the attorney for the state,
12 and the report shall remain confidential except upon court
13 order. However, the court may conceal the identity of the
14 person who provided confidential information. The report of a
15 medical examination or psychological or psychiatric evaluation
16 shall be made available to the attorney for the state and to
17 the defendant upon request. The reports are part of the
18 record but shall be sealed and opened only on order of the
19 court. If the defendant is committed to the custody of the
20 Iowa department of corrections and is not a class "A" felon, a
21 copy of the presentence investigation report shall be
22 forwarded by ordinary or electronic mail to the director with
23 the order of commitment by the clerk of the district court and
24 to the board of parole at the time of commitment. Pursuant to
25 section 904.602, the presentence investigation report may also
26 be released by ordinary or electronic mail by the department
27 of corrections or a judicial district department of
28 correctional services to another jurisdiction for the purpose
29 of providing interstate probation and parole compact services
30 or evaluations, or to a substance abuse or mental health
31 services provider when referring a defendant for services.
32 The defendant or the defendant's attorney may file with the
33 presentence investigation report, a denial or refutation of
34 the allegations, or both, contained in the report. The denial
35 or refutation shall be included in the report. If the person

1 is sentenced for an offense which requires registration under
2 chapter 692A, the court shall release the report by ordinary
3 or electronic mail to the department which is responsible
4 under section 692A.13A for performing the assessment of risk.

5 Sec. 2. Section 904.201, subsections 2, 6, and 7, Code
6 2003, are amended to read as follows:

7 2. The ~~superintendent-of-the-center~~ medical director of
8 the department or the medical director's designee shall secure
9 the professional care and treatment of each person confined at
10 the center and maintain a complete record on the condition of
11 each person confined at the center.

12 6. All admissions to the forensic psychiatric hospital
13 shall be by written application only. Application shall be
14 made by the head of the state institution, agency,
15 governmental body, or court requesting admission to the
16 ~~superintendent-of-the-center~~ medical director of the
17 department or the medical director's designee. An application
18 may be denied by ~~the-superintendent~~ the medical director of
19 the department or the medical director's designee, with the
20 approval of the director, if the admission will result in an
21 overcrowded condition or if adequate staff or facilities are
22 not available. The decision regarding admission and discharge
23 of persons shall be made by the ~~superintendent-of-the-center~~
24 medical director of the department or the medical director's
25 designee, subject to approval of the director.

26 7. When a person transferred to the center from any other
27 state institution or admitted by request or order of any
28 agency, governmental body, or court no longer requires special
29 treatment in the security setting, the person may be returned
30 to the source from which received. The state institution,
31 agency, governmental body, or court that referred the person
32 for hospitalization shall retain constructive jurisdiction
33 over the person. Persons without legal encumbrances may be
34 discharged directly from the center upon concurrence of the
35 ~~superintendent-of-the-center~~ medical director of the

1 department or the medical director's designee and the head of
2 the referring institution, agency, governmental body, or
3 court. The support, commitment, and release statutes
4 applicable to a person at the state institution from which
5 transferred shall remain applicable while the person is at the
6 center.

7 Sec. 3. Section 904.703, Code 2003, is amended to read as
8 follows:

9 904.703 SERVICES OF INMATES -- INSTITUTIONS AND PUBLIC
10 SERVICE -- INMATE LABOR FUND.

11 1. Inmates shall work on state account in the maintenance
12 of state institutions, in the erection, repair, authorized
13 demolition, or operation of buildings and works used in
14 connection with the institutions, and in industries
15 established and maintained in connection with the institutions
16 by the director. The director shall encourage the making of
17 agreements, including chapter 28E agreements, with departments
18 and agencies of the state or its political subdivisions to
19 provide products or services under an inmate work program to
20 the departments and agencies. The director may implement an
21 inmate work program for trustworthy inmates of state
22 correctional institutions, under proper supervision, whether
23 at work centers located outside the state correctional
24 institutions or in construction or maintenance work at public
25 or charitable facilities and for other agencies of state,
26 county, or local government. The supervision, security, and
27 transportation of, and allowances paid to inmates used in
28 public service projects shall be provided pursuant to
29 agreements, including chapter 28E agreements, made by the
30 director and the agency for which the work is done. Housing
31 and maintenance shall also be provided pursuant to the
32 agreement, including a chapter 28E agreement, unless the
33 inmate is housed and maintained in the correctional facility.
34 All such work, including but not limited to that provided in
35 this section, shall have as its primary purpose the

1 development of attitudes, skills, and habit patterns which are
2 conducive to inmate rehabilitation. The director may adopt
3 rules allowing inmates participating in an inmate work program
4 to receive educational or vocational training outside the
5 state correctional institutions and away from the work centers
6 or public or charitable facilities used under a program.

7 ~~However,~~ an 2. An inmate shall not work in a public
8 service project if the work of that inmate would replace a
9 person employed by the state agency or political subdivision,
10 which employee is performing the work of the public service
11 project at the time the inmate is being considered for work in
12 the project.

13 3. An inmate labor fund is established under the control
14 of the department. All fees, grants, appropriations, or
15 reimbursed costs received by the department and related to
16 inmate labor shall be deposited into the fund and the moneys
17 shall be used by the department to offset staff and
18 transportation costs related to providing inmate labor, to
19 public entities. Notwithstanding section 8.33, moneys
20 remaining in the fund at the end of a fiscal year shall not
21 revert to the general fund of the state. Notwithstanding
22 section 12C.7, interest and earnings deposited in the fund
23 shall be credited to the fund.

24 EXPLANATION

25 This bill concerns distribution of presentence
26 investigation reports, moneys related to inmate labor, and
27 persons confined at the Iowa medical classification center at
28 Oakdale.

29 The bill provides that a presentence investigation report
30 may be provided to several entities by ordinary or electronic
31 mail.

32 The bill establishes an inmate labor fund. The bill
33 provides that all fees, reimbursement costs, grants, or
34 appropriations related to inmate labor shall be deposited into
35 the fund and the moneys shall be used by the department of

1 corrections to offset staff and transportation costs related
2 to providing inmate labor to public entities.

3 The bill provides that the medical director of the
4 department of corrections or the director's designee shall
5 secure the professional care and treatment of each person
6 confined at the Iowa medical and classification center.
7 Current law provides that the superintendent of the center
8 shall secure the professional care and treatment.

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

SF 2242 - Corrections Omnibus (LSB 5167 SV)
Analyst: Beth Lenstra (Phone: (515) 281-6301 (beth.lenstra@legis.state.ia.us))
Fiscal Note Version – New
Requested by Senator Gene Fraise

Description

Senate File 2242 creates the Inmate Labor Fund, a restricted fund under the control of the Department of Corrections. Fund receipts consist of any fees, grants, appropriations or reimbursed costs received by the Department related to inmate labor. Fund expenditures are restricted to those related to the provision of inmate labor to public entities, such as staff and transportation costs.

Assumptions

1. The Department of Corrections will propose administrative rules to implement SF 2242. The Department is considering a sliding fee scale of \$3.00 to \$5.00 per day per inmate to be charged to public entities. The rules will include a waiver provision.
2. Approximately 1,200 inmates are working for public entities at any given time.

Fiscal Impact

Receipts to the Inmate Labor Fund are anticipated to be no more than \$80,000 annually. The receipts will be used to offset the costs of providing inmate labor, such as vehicle maintenance, required safety equipment, and security.

Source

Department of Corrections

Dennis C Prouty

March 8, 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.

Rectfern
Fraise
Miller

Succeeded By SSB#3052
(Sr) HF 2242
SENATE/HOUSE FILE Judiciary
BY (PROPOSED DEPARTMENT OF
CORRECTIONS BILL)

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

A BILL FOR

1 An Act relating to various issues under the purview of the
2 department of corrections including the creation of an inmate
3 labor fund and establishing criminal offenses for certain
4 interstate compact for adult offender supervision violations,
5 and providing a penalty.

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

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8 report, which may be opened only by further court order. At
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10 court shall serve all of the presentence investigation report
11 upon the defendant's attorney and the attorney for the state,
12 and the report shall remain confidential except upon court
13 order. However, the court may conceal the identity of the
14 person who provided confidential information. The report of a
15 medical examination or psychological or psychiatric evaluation
16 shall be made available to the attorney for the state and to
17 the defendant upon request. The reports are part of the
18 record but shall be sealed and opened only on order of the
19 court. If the defendant is committed to the custody of the
20 Iowa department of corrections and is not a class "A" felon, a
21 copy of the presentence investigation report shall be
22 forwarded by ordinary or electronic mail to the director with
23 the order of commitment by the clerk of the district court and
24 to the board of parole at the time of commitment. Pursuant to
25 section 904.602, the presentence investigation report may also
26 be released by ordinary or electronic mail by the department
27 of corrections or a judicial district department of
28 correctional services to another jurisdiction for the purpose
29 of providing interstate probation and parole compact services
30 or evaluations, or to a substance abuse or mental health
31 services provider when referring a defendant for services.
32 The defendant or the defendant's attorney may file with the
33 presentence investigation report, a denial or refutation of
34 the allegations, or both, contained in the report. The denial
35 or refutation shall be included in the report. If the person

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1 is sentenced for an offense which requires registration under
2 chapter 692A, the court shall release the report by ordinary
3 or electronic mail to the department which is responsible
4 under section 692A.13A for performing the assessment of risk.

5 Sec. 2. Section 904.703, Code 2003, is amended to read as
6 follows:

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8 SERVICE -- INMATE LABOR FUND.

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10 of state institutions, in the erection, repair, authorized
11 demolition, or operation of buildings and works used in
12 connection with the institutions, and in industries
13 established and maintained in connection with the institutions
14 by the director. The director shall encourage the making of
15 agreements, including chapter 28E agreements, with departments
16 and agencies of the state or its political subdivisions to
17 provide products or services under an inmate work program to
18 the departments and agencies. The director may implement an
19 inmate work program for trustworthy inmates of state
20 correctional institutions, under proper supervision, whether
21 at work centers located outside the state correctional
22 institutions or in construction or maintenance work at public
23 or charitable facilities and for other agencies of state,
24 county, or local government. The supervision, security, and
25 transportation of, and allowances paid to inmates used in
26 public service projects shall be provided pursuant to
27 agreements, including chapter 28E agreements, made by the
28 director and the agency for which the work is done. Housing
29 and maintenance shall also be provided pursuant to the
30 agreement, including a chapter 28E agreement, unless the
31 inmate is housed and maintained in the correctional facility.
32 All such work, including but not limited to that provided in
33 this section, shall have as its primary purpose the
34 development of attitudes, skills, and habit patterns which are
35 conducive to inmate rehabilitation. The director may adopt

1 rules allowing inmates participating in an inmate work program
2 to receive educational or vocational training outside the
3 state correctional institutions and away from the work centers
4 or public or charitable facilities used under a program.

5 ~~However~~⁷-an 2. An inmate shall not work in a public
6 service project if the work of that inmate would replace a
7 person employed by the state agency or political subdivision,
8 which employee is performing the work of the public service
9 project at the time the inmate is being considered for work in
10 the project.

11 3. An inmate labor fund is established under the control
12 of the department. All fees, grants, appropriations, or
13 reimbursed costs received by the department and related to
14 inmate labor shall be deposited into the fund and the moneys
15 shall be used by the department to offset staff and
16 transportation costs related to providing inmate labor, to
17 public entities. Notwithstanding section 8.33, moneys
18 remaining in the fund at the end of a fiscal year shall not
19 revert to the general fund of the state. Notwithstanding
20 section 12C.7, interest and earnings deposited in the fund
21 shall be credited to the fund.

22 Sec. 3. NEW SECTION. 907B.5 CRIMINAL OFFENSES.

23 1. A person on parole, probation, or who is under any
24 other form of correctional supervision, in another compacting
25 state, shall not reside or remain in this state for a period
26 greater than three days in violation of the terms or rules of
27 the interstate compact for adult offender supervision.

28 2. A person accepted by this state under the interstate
29 compact for adult offender supervision shall provide a current
30 address to and register with the judicial district department
31 of correctional services in which the person resides. If a
32 person changes residences, the person shall notify the
33 person's probation or parole officer within three days of
34 changing residences.

35 3. A person accepted by this state under the interstate

1 compact for adult offender supervision shall not violate the
2 terms and conditions of supervision set by the judicial
3 district department of correctional services supervising the
4 person.

5 4. A person shall not knowingly provide materially false
6 information during an investigation to determine the
7 appropriateness of placement or acceptance under the
8 interstate compact for adult offender supervision.

9 5. A person who violates this section commits a serious
10 misdemeanor.

11 EXPLANATION

12 This bill concerns distribution of presentence
13 investigation reports, moneys related to inmate labor, and
14 persons under supervision in another state.

15 The bill provides that a presentence investigation report
16 may be provided to several entities by ordinary or electronic
17 mail.

18 The bill establishes an inmate labor fund. The bill
19 provides that all fees, reimbursement costs, grants, or
20 appropriations related to inmate labor shall be deposited into
21 the fund and the moneys shall be used by the department of
22 corrections to offset staff and transportation costs related
23 to providing inmate labor to public entities.

24 The bill also creates criminal offenses related to the
25 interstate compact for adult offender supervision in Code
26 chapter 907B. The bill provides that a person under
27 supervision in another compacting state shall not reside or
28 remain in this state for a period greater than three days in
29 violation of the terms or rules of the compact. The bill
30 provides that a person accepted under the compact shall
31 provide an address to and register with the judicial district
32 department of correctional services responsible for
33 supervising the person under the compact. The bill provides
34 that a person accepted under the compact shall comply with the
35 terms and conditions of supervision set by the judicial

1 district. The bill also provides that a person shall not
2 knowingly provide false information during an investigation to
3 determine the appropriateness of placement or acceptance of a
4 person under the compact. A person who violates the compact
5 supervision provisions of the bill commits a serious
6 misdemeanor.

7 A serious misdemeanor is punishable by confinement for no
8 more than one year and a fine of at least \$250 but not more
9 than \$1,500.

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SSB 3052



STATE OF IOWA

THOMAS J. VILSACK, GOVERNOR
SALLY J. PEDERSON, LT. GOVERNOR

DEPARTMENT OF CORRECTIONS
GARY D. MAYNARD, DIRECTOR

DATE: January 22, 2004
TO: Members of the General Assembly
FROM: Department of Corrections
RE: Department of Corrections Legislation

1. **Section 1 – Presentence Investigation Reports.** This clarifying language would allow the sharing of Presentence Investigation Reports by ordinary or electronic mail. The Courts expressed concern that current Code language is vague on the ability to send the Presentence Investigation Report by electronic means.
2. **Section 2 – Inmate Labor Fund.** This language will comply with auditing procedures by establishing an inmate work fund when the DOC charges public entities for the use of inmate labor. Money deposited in the fund will be used to offset the cost of DOC staff and transportation costs in providing inmate labor to public entities.
3. **Section 3 – Interstate Compact for Adult Offender Supervision Criminal Penalty.** This would amend the Interstate Compact by making it a serious misdemeanor of an offender fails to register, abide by terms of their supervision, or provide false information for an Interstate Compact transfer. Currently, each Judicial District Department of Correctional Services must file a legal action in the State these offenders came from if they violate their supervision.

The mission of the Iowa Department of Corrections is to:
Protect the Public, the Employees, and the Offenders