

FILED MAR 12 '03

SENATE FILE 360
BY COMMITTEE ON JUDICIARY

Referred to Ways + means 3/17/03
(SUCCESSOR TO SSB 1097)

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

A BILL FOR

1 An Act relating to the department of corrections and its duties
2 regarding treatment and education of inmates at various
3 correctional facilities, release of presentence reports,
4 optional inmate treatment and education provision, expansion
5 of and appeals regarding earned time credits, change to the
6 inmate savings and inmate telephone rebate fund, and payment
7 of supervision fees.

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

SF 360

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1 Section 1. Section 901.4, Code 2003, is amended to read as
2 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 to the director with the order of commitment by the
23 clerk of the district court and to the board of parole at the
24 time of commitment. The Pursuant to section 904.602, the
25 presentence investigation report may also be released by the
26 department of corrections or a judicial district department of
27 correctional services ~~pursuant to section 904.602~~ to another
28 jurisdiction for the purpose of providing interstate probation
29 and parole compact services or evaluations, or to a substance
30 abuse or mental health services provider when referring a
31 defendant for services. The defendant or the defendant's
32 attorney may file with the presentence investigation report, a
33 denial or refutation of the allegations, or both, contained in
34 the report. The denial or refutation shall be included in the
35 report. If the person is sentenced for an offense which

1 requires registration under chapter 692A, the court shall
2 release the report to the department which is responsible
3 under section 692A.13A for performing the assessment of risk.

4 Sec. 2. Section 901B.1, subsection 1, paragraph c,
5 subparagraph (5), Code 2003, is amended to read as follows:

6 (5) A substance abuse treatment facility as established
7 and operated by the Iowa department of public health or the
8 department of corrections.

9 Sec. 3. Section 901B.1, subsection 3, unnumbered paragraph
10 1, Code 2003, is amended to read as follows:

11 Each judicial district and judicial district department of
12 correctional services shall, if sufficient funding is
13 available, implement an intermediate criminal sanctions
14 program by July 1, 2001. An intermediate criminal sanctions
15 program shall consist of only levels two, three, and sublevels
16 one and three of level four of the corrections continuum and
17 shall be operated in accordance with an intermediate criminal
18 sanctions plan adopted by the chief judge of the judicial
19 district and the director of the judicial district department
20 of correctional services. The plan adopted shall be designed
21 to reduce probation revocations to prison through the use of
22 incremental, community-based sanctions for probation
23 violations.

24 Sec. 4. Section 903A.2, subsection 1, paragraph a, Code
25 2003, is amended to read as follows:

26 a. Category "A" sentences are those sentences which are
27 not subject to a maximum accumulation of earned time of
28 fifteen percent of the total sentence of confinement under
29 section 902.12. To the extent provided in subsection 5,
30 category "A" sentences also include life sentences imposed
31 under section 902.1. An inmate of an institution under the
32 control of the department of corrections who is serving a
33 category "A" sentence is eligible for a reduction of sentence
34 equal to one and two-tenths days for each day the inmate
35 demonstrates good conduct and satisfactorily participates in

1 any program or placement status identified by the director to
2 earn the reduction. The programs include but are not limited
3 to the following:

- 4 (1) Employment in the institution.
- 5 (2) Iowa state industries.
- 6 (3) An employment program established by the director.
- 7 (4) A treatment program established by the director.
- 8 (5) An inmate educational program approved by the
9 director.

10 An inmate serving a category "A" sentence is eligible for
11 an additional reduction of sentence of up to three hundred
12 sixty-five days of the full term of the sentence of the inmate
13 for exemplary acts. In accordance with section 903A.4, the
14 director shall by policy identify what constitutes an
15 exemplary act that may warrant an additional reduction of
16 sentence.

17 Sec. 5. Section 903A.3, subsection 2, Code 2003, is
18 amended to read as follows:

19 2. The orders of the administrative law judge are subject
20 to appeal to the superintendent or warden of the institution,
21 or the superintendent's or warden's designee, who may either
22 affirm, modify, remand for correction of procedural errors, or
23 reverse an order. However, sanctions shall not be increased
24 on appeal. ~~A decision of the superintendent, warden, or~~
25 ~~designee is subject to review by the director of the Iowa~~
26 ~~department of corrections who may either affirm, modify,~~
27 ~~remand for correction of procedural errors, or reverse the~~
28 ~~decision. -- However, sanctions shall not be increased on~~
29 ~~review.~~

30 Sec. 6. Section 904.108, subsection 1, paragraph d, Code
31 2003, is amended to read as follows:

32 d. Establish If sufficient funding is available, establish
33 and maintain acceptable standards of treatment, training,
34 education, and rehabilitation in the various state penal and
35 corrective institutions which shall include habilitative

1 services and treatment for offenders with mental retardation.
2 For the purposes of this paragraph, "habilitative services and
3 treatment" means medical, mental health, social, educational,
4 counseling, and other services which will assist a person with
5 mental retardation to become self-reliant. ~~However,~~ If
6 sufficient funding is available, the director may also provide
7 rehabilitative treatment and services to other persons who
8 require the services. The director shall identify all
9 individuals entering the correctional system who are persons
10 with mental retardation, as defined in section 222.2,
11 subsection 4. Identification shall be made by a qualified
12 professional in the area of mental retardation. In assigning
13 an offender with mental retardation, or an offender with an
14 inadequately developed intelligence or with impaired mental
15 abilities, to a correctional facility, the director shall
16 consider both the program needs and the security needs of the
17 offender. The director shall consult with the department of
18 human services in providing habilitative services and
19 treatment to offenders with mental illness or mental
20 retardation. The director may enter into agreements with the
21 department of human services to utilize mental health
22 institutions and share staff and resources for purposes of
23 providing habilitative services and treatment, as well as
24 providing other special needs programming. Any agreement to
25 utilize mental health institutions and to share staff and
26 resources shall provide that the costs of the habilitative
27 services and treatment shall be paid from state funds. Not
28 later than twenty days prior to entering into any agreement to
29 utilize mental health institution staff and resources, other
30 than the use of a building or facility, for purposes of
31 providing habilitative services and treatment, as well as
32 other special needs programming, the directors of the
33 departments of corrections and human services shall each
34 notify the chairpersons and ranking members of the joint
35 appropriations subcommittees that last handled the

1 appropriation for their respective departments of the pending
2 agreement. Use of a building or facility shall require
3 approval of the general assembly if the general assembly is in
4 session or, if the general assembly is not in session, the
5 legislative council may grant temporary authority, which shall
6 be subject to final approval of the general assembly during
7 the next succeeding legislative session.

8 Sec. 7. Section 904.503, subsection 2, Code 2003, is
9 amended to read as follows:

10 2. When the director has cause to believe that an inmate
11 in a state correctional institution is mentally ill, the Iowa
12 department of corrections may cause the inmate to be
13 transferred to the Iowa medical and classification center, or
14 to another appropriate facility within the department, for
15 examination, diagnosis, or treatment. The inmate shall be
16 confined at that ~~institution~~ center or facility or a state
17 hospital for persons with mental illness until the expiration
18 of the inmate's sentence or until the inmate is pronounced in
19 good mental health. If the inmate is pronounced in good
20 mental health before the expiration of the inmate's sentence,
21 the inmate shall be returned to the state correctional
22 institution until the expiration of the inmate's sentence.

23 Sec. 8. Section 904.508, subsection 2, Code 2003, is
24 amended to read as follows:

25 2. ~~The~~ Pursuant to section 904.702, the director shall
26 establish and maintain an inmate savings fund in an interest-
27 bearing account for the deposit of all or part of an inmate's
28 allowances, ~~as provided in section 904.702~~ and amounts sent to
29 the inmate from a source other than the department. All or
30 part of an inmate's allowances and amounts from a source other
31 than the department shall be deposited into the savings fund,
32 until the inmate's deposit is equal to ~~the amount due the~~
33 ~~inmate upon discharge, parole, or placement on work release,~~
34 one hundred dollars as provided in section 906.9. If an
35 inmate's deposits are equal this amount to or in excess of one

1 hundred dollars, the inmate may voluntarily withdraw from the
2 savings fund. The director shall notify the inmate of this
3 right to withdraw and shall provide the inmate with a written
4 request form to facilitate the withdrawal. If the inmate
5 withdraws and the inmate's deposits exceed the amount due as
6 provided in section 906.9, the director shall disburse the
7 excess amount as provided for allowances under section
8 904.702, except the director shall not deposit the excess
9 amount in the inmate savings fund. If the inmate chooses to
10 continue to participate in the savings fund, the inmate's
11 deposits shall be returned to the inmate upon discharge,
12 parole, or placement on work release. Otherwise, the inmate's
13 deposits shall be disposed of as provided in subsection 3. An
14 inmate's deposits into the savings fund may be used to provide
15 the money due the inmate upon discharge, parole, or placement
16 on work release, as required under section 906.9. Interest
17 earned from the savings fund shall be placed in a separate
18 account, and may be used for purchases approved by the
19 director to directly and collectively benefit inmates.

20 Sec. 9. Section 904.508A, Code 2003, is amended to read as
21 follows:

22 904.508A INMATE TELEPHONE REBATE FUND.

23 The department is authorized to establish and maintain an
24 inmate telephone rebate fund ~~in each institution~~ for the
25 deposit of moneys received for inmate telephone rebates. All
26 funds deposited in this fund shall be used for the benefit of
27 inmates. The director shall adopt rules providing for the
28 disbursement of moneys from the fund.

29 Sec. 10. Section 904.513, subsection 1, paragraph b,
30 subparagraph (4), Code 2003, is amended to read as follows:

31 (4) Assignment may also be made on the basis of the
32 offender's treatment program performance, as a disciplinary
33 measure, for medical needs, and for space availability at
34 community residential facilities. If there is insufficient
35 space at a community residential facility, the court may order

1 an offender to be released to the supervision of the judicial
2 district department of correctional services, or held in jail,
3 or committed to the custody of the director of the department
4 of corrections for assignment to an appropriate correctional
5 facility until there is sufficient space at a community
6 residential facility.

7 Sec. 11. Section 904.702, unnumbered paragraph 1, Code
8 2003, is amended to read as follows:

9 If allowances are paid pursuant to section 904.701, the
10 director shall establish an inmate account, for deposit of
11 those allowances and for deposit of moneys sent to the inmate
12 from a source other than the department of corrections. The
13 director may deduct an amount, not to exceed ten percent of
14 the amount of the allowance, unless the inmate requests a
15 larger amount, to be deposited into the inmate savings fund as
16 required under section 904.508, subsection 2. In addition to
17 deducting a portion of the allowance, the director may also
18 deduct from an inmate account any amount sent to the inmate
19 from a source other than the department of corrections for
20 deposit in the inmate savings fund as required under section
21 904.508, subsection 2, until the amount in the fund equals the
22 amount due the inmate upon discharge, parole, or placement on
23 work release. The director shall deduct from the inmate
24 account an amount established by the inmate's restitution plan
25 of payment. The director shall also deduct from any remaining
26 account balance an amount sufficient to pay all or part of any
27 judgment against the inmate, including but not limited to
28 judgments for taxes and child support, and court costs and
29 fees assessed either as a result of the inmate's confinement
30 or amounts required to be paid under section 610A.1. Written
31 notice of the amount of the deduction shall be given to the
32 inmate, who shall have five days after receipt of the notice
33 to submit in writing any and all objections to the deduction
34 to the director, who shall consider the objections prior to
35 transmitting the deducted amount to the clerk of the district

1 court. The director need give only one notice for each action
2 or appeal under section 610A.1 for which periodic deductions
3 are to be made. The director shall next deduct from any
4 remaining account balance an amount sufficient to pay all or
5 part of any costs assessed against the inmate for misconduct
6 or damage to the property of others. The director may deduct
7 from the inmate's account an amount sufficient to pay for the
8 inmate's share of the costs of health services requested by
9 the inmate and for the treatment of injuries inflicted by the
10 inmate on the inmate or others. The director may deduct and
11 disburse an amount sufficient for industries' programs to
12 qualify under the eligibility requirements established in the
13 Justice Assistance Act of 1984, Pub. L. No. 98-473, including
14 an amount to pay all or part of the cost of the inmate's
15 incarceration. The director may pay all or any part of
16 remaining allowances paid pursuant to section 904.701 directly
17 to a dependent of the inmate, or may deposit the allowance to
18 the account of the inmate, or may deposit a portion and allow
19 the inmate a portion for the inmate's personal use.

20 Sec. 12. Section 905.7, unnumbered paragraph 1, Code 2003,
21 is amended to read as follows:

22 The Iowa department of corrections shall provide assistance
23 and support to the respective judicial districts to aid them
24 in complying with this chapter, and shall promulgate rules
25 pursuant to chapter 17A establishing guidelines in accordance
26 with and in furtherance of the purposes of this chapter. The
27 guidelines shall include, but need not be limited to,
28 requirements that each district department, if sufficient
29 funding is available:

30 Sec. 13. Section 907.9, subsections 1, 2, and 4, Code
31 2003, are amended to read as follows:

32 1. At any time that the court determines that the purposes
33 of probation have been fulfilled and the fees imposed under
34 section 905.14 have been paid ~~to-or-waived-by-the-judicial~~
35 ~~district-department-of-correctional-services~~ or on condition

1 that unpaid supervision fees be paid, the court may order the
2 discharge of a person from probation.

3 2. At any time that a probation officer determines that
4 the purposes of probation have been fulfilled and the fees
5 imposed under section 905.14 have been paid ~~to-or-waived-by~~
6 ~~the-judicial-district-department-of-correctional-services~~ or
7 on condition that unpaid supervision fees be paid, the officer
8 may order the discharge of a person from probation after
9 approval of the district director and notification of the
10 sentencing court and the county attorney who prosecuted the
11 case.

12 4. At the expiration of the period of probation and if the
13 fees imposed under section 905.14 have been paid ~~to-or-waived~~
14 ~~by-the-judicial-district-department-of-correctional-services~~
15 or on condition that unpaid supervision fees be paid, the
16 court shall order the discharge of the person from probation,
17 and the court shall forward to the governor a recommendation
18 for or against restoration of citizenship rights to that
19 person. A person who has been discharged from probation shall
20 no longer be held to answer for the person's offense. Upon
21 discharge from probation, if judgment has been deferred under
22 section 907.3, the court's criminal record with reference to
23 the deferred judgment shall be expunged. The record
24 maintained by the state court administrator as required by
25 section 907.4 shall not be expunged. The court's record shall
26 not be expunged in any other circumstances.

27

EXPLANATION

28 This bill relates to the department of corrections and
29 inmates committed to the custody of the director of the
30 department of corrections.

31 Code section 901.4, relating to the confidentiality of a
32 presentence investigation report, is amended. The bill
33 provides that the department of corrections and a judicial
34 district department of correctional services may release a
35 presentence investigation report to a substance abuse or

1 mental health service provider when referring an inmate for
2 services. A presentence investigation report generally
3 contains information about the inmate, the crime committed,
4 and the impact on the victim.

5 Code sections 901B.1, 904.108, and 905.7, relating to
6 intermediate criminal sanctions programs, inmate education and
7 treatment, and assistance by the department of corrections to
8 the judicial districts, are amended. The bill provides that
9 intermediate criminal sanctions programs, inmate education and
10 treatment, and assistance by the department of corrections to
11 the judicial districts are contingent upon sufficient funding.

12 Code section 901B.1(1)(c)(5) relating to a substance abuse
13 treatment facility operated by the Iowa department of public
14 health is amended. The bill permits a substance abuse
15 facility to be operated by the department of corrections.

16 Code section 903A.2, relating to the accumulation of earned
17 time credits by an inmate, is amended. Under the bill, an
18 inmate may earn up to an additional 365-day reduction of the
19 remaining balance of the inmate's sentence if the inmate
20 commits an exemplary act. The bill provides that the director
21 shall by policy identify what constitutes an exemplary act
22 which warrants a reduction of sentence. The amendment to Code
23 section 903A.2 does not apply to an inmate serving an 85
24 percent sentence.

25 Code section 903A.3, relating to inmate appeals over loss
26 of or forfeited earned time, is amended. The bill changes the
27 inmate appeals process. Current law provides an inmate may
28 appeal an order of an administrative law judge to the
29 superintendent or warden of the institution, and if the inmate
30 is not satisfied with the ruling of the superintendent or
31 warden, the inmate may appeal to the director of the
32 department of corrections. The bill prohibits appeals
33 directly to the director, thus the final appeal of an inmate
34 is to the superintendent or warden before any action may be
35 filed in district court.

1 Code section 904.503(2), relating to the treatment of
2 mentally ill inmates, is amended. The bill provides that a
3 mentally ill inmate may be treated at the Iowa medical and
4 classification center at Oakdale, or another appropriate
5 facility within the department of corrections. Current law
6 provides that a mentally ill inmate be treated at the Iowa
7 medical and classification center at Oakdale.

8 Code sections 904.508 and 904.702, relating to an inmate
9 savings fund, are amended. The bill provides that moneys sent
10 to an inmate from a source other than the department of
11 corrections in addition to a portion of inmate allowances
12 shall be deposited into the inmate savings fund until the
13 moneys attributable to the inmate equal \$100. The bill and
14 current law provide that an inmate shall receive \$100 from the
15 inmate savings fund upon discharge or parole, or \$50 upon
16 assignment to work release, even if the amount of the inmate's
17 moneys in the fund is less than \$100. If an inmate possesses
18 funds in excess of \$100 in the fund, the bill and current law
19 provide for disbursement of these funds pursuant to Code
20 section 904.702.

21 Code section 904.508A, relating to the inmate telephone
22 rebate fund, is amended. The bill eliminates the requirement
23 that the inmate telephone rebate fund be established and
24 maintained in each correctional facility.

25 Code section 904.513, relating to placement of persons
26 convicted of a third offense of operating while intoxicated,
27 is amended. The bill provides that a person convicted of a
28 third offense of operating while intoxicated, who is assigned
29 to a community residential treatment facility and there is
30 insufficient space at the facility, may be committed to the
31 custody of the director of the department of corrections for
32 assignment at a correctional facility until there is
33 sufficient space at the residential treatment facility.

34 Code section 907.9, relating to the payment of supervision
35 fees pursuant to Code section 905.14, is amended. The bill

1 provides that a person on probation may be discharged from
2 probation on condition that supervision fees assessed pursuant
3 to Code section 905.14 are paid.

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Larson
Fraise
Putney

Judiciary

SSB 1097

Succeeded By
(SF) / HF 360

SENATE/HOUSE FILE _____
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 the department of corrections and its duties
2 regarding treatment and education of inmates at various
3 correctional facilities, release of presentence reports,
4 optional inmate treatment and education provision, expansion
5 of and appeals regarding earned time credits, optional
6 operational provisions for some correctional facilities,
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20 Iowa department of corrections and is not a class "A" felon, a
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23 clerk of the district court and to the board of parole at the
24 time of commitment. The Pursuant to section 904.602, the
25 presentence investigation report may also be released by the
26 department of corrections or a judicial district department of
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28 jurisdiction for the purpose of providing interstate probation
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30 abuse or mental health services provider when referring a
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32 attorney may file with the presentence investigation report, a
33 denial or refutation of the allegations, or both, contained in
34 the report. The denial or refutation shall be included in the
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13 available, implement an intermediate criminal sanctions
14 program by July 1, 2001. An intermediate criminal sanctions
15 program shall consist of only levels two, three, and sublevels
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17 shall be operated in accordance with an intermediate criminal
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19 district and the director of the judicial district department
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31 under section 902.1. An inmate of an institution under the
32 control of the department of corrections who is serving a
33 category "A" sentence is eligible for a reduction of sentence
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35 demonstrates good conduct and satisfactorily participates in

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2 earn the reduction. The programs include but are not limited
3 to the following:

- 4 (1) Employment in the institution.
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- 7 (4) A treatment program established by the director.
- 8 (5) An inmate educational program approved by the
9 director.

10 An inmate serving a category "A" sentence is eligible for
11 an additional reduction of sentence of up to three hundred
12 sixty-five days of the full term of the sentence of the inmate
13 for exemplary acts. In accordance with section 903A.4, the
14 director shall by policy identify what constitutes an
15 exemplary act that may warrant an additional reduction of
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24 on appeal. ~~A decision of the superintendent, warden, or~~
25 ~~designee is subject to review by the director of the Iowa~~
26 ~~department of corrections who may either affirm, modify,~~
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29 ~~review.~~

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32 d. Establish If sufficient funding is available, establish
33 and maintain acceptable standards of treatment, training,
34 education, and rehabilitation in the various state penal and
35 corrective institutions which shall include habilitative

1 services and treatment for offenders with mental retardation.
2 For the purposes of this paragraph, "habilitative services and
3 treatment" means medical, mental health, social, educational,
4 counseling, and other services which will assist a person with
5 mental retardation to become self-reliant. However, If
6 sufficient funding is available, the director may also provide
7 rehabilitative treatment and services to other persons who
8 require the services. The director shall identify all
9 individuals entering the correctional system who are persons
10 with mental retardation, as defined in section 222.2,
11 subsection 4. Identification shall be made by a qualified
12 professional in the area of mental retardation. In assigning
13 an offender with mental retardation, or an offender with an
14 inadequately developed intelligence or with impaired mental
15 abilities, to a correctional facility, the director shall
16 consider both the program needs and the security needs of the
17 offender. The director shall consult with the department of
18 human services in providing habilitative services and
19 treatment to offenders with mental illness or mental
20 retardation. The director may enter into agreements with the
21 department of human services to utilize mental health
22 institutions and share staff and resources for purposes of
23 providing habilitative services and treatment, as well as
24 providing other special needs programming. Any agreement to
25 utilize mental health institutions and to share staff and
26 resources shall provide that the costs of the habilitative
27 services and treatment shall be paid from state funds. Not
28 later than twenty days prior to entering into any agreement to
29 utilize mental health institution staff and resources, other
30 than the use of a building or facility, for purposes of
31 providing habilitative services and treatment, as well as
32 other special needs programming, the directors of the
33 departments of corrections and human services shall each
34 notify the chairpersons and ranking members of the joint
35 appropriations subcommittees that last handled the

1 appropriation for their respective departments of the pending
2 agreement. Use of a building or facility shall require
3 approval of the general assembly if the general assembly is in
4 session or, if the general assembly is not in session, the
5 legislative council may grant temporary authority, which shall
6 be subject to final approval of the general assembly during
7 the next succeeding legislative session.

8 Sec. 7. Section 904.206, Code 2003, is amended to read as
9 follows:

10 904.206 NEWTON CORRECTIONAL FACILITY.

11 The correctional facility at Newton shall be utilized as a
12 correctional facility. The facility shall include minimum
13 security facilities and may include violator facilities
14 pursuant to section 904.207.

15 Sec. 8. Section 904.207, Code 2003, is amended to read as
16 follows:

17 904.207 VIOLATOR FACILITY.

18 The director ~~shall~~ may establish a violator facility as a
19 freestanding facility, or designate a portion of an existing
20 correctional facility for the purpose. A violator facility is
21 for the temporary confinement of offenders who have violated
22 conditions of release under work release or parole as defined
23 in section 906.1, or probation granted as a result of
24 suspension of a sentence to the custody of the director of the
25 department of corrections. The director shall adopt rules
26 pursuant to chapter 17A, subject to the approval of the board,
27 to ~~implement~~ administer this section.

28 Sec. 9. Section 904.503, subsection 2, Code 2003, is
29 amended to read as follows:

30 2. When the director has cause to believe that an inmate
31 in a state correctional institution is mentally ill, the Iowa
32 department of corrections may cause the inmate to be
33 transferred to the Iowa medical and classification center, or
34 to another appropriate facility within the department, for
35 examination, diagnosis, or treatment. The inmate shall be

1 confined at that institution center or facility or a state
2 hospital for persons with mental illness until the expiration
3 of the inmate's sentence or until the inmate is pronounced in
4 good mental health. If the inmate is pronounced in good
5 mental health before the expiration of the inmate's sentence,
6 the inmate shall be returned to the state correctional
7 institution until the expiration of the inmate's sentence.

8 Sec. 10. Section 904.503, subsection 3, Code 2003, is
9 amended by striking the subsection.

10 Sec. 11. Section 904.508, subsection 2, Code 2003, is
11 amended to read as follows:

12 2. The Pursuant to section 904.702, the director shall
13 establish and maintain an inmate savings fund in an interest-
14 bearing account for the deposit of all or part of an inmate's
15 allowances~~7--as-provided-in-section-904-702~~ and amounts sent to
16 the inmate from a source other than the department. All or
17 part of an inmate's allowances and amounts from a source other
18 than the department shall be deposited into the savings fund,
19 until the inmate's deposit is equal to ~~the-amount-due-the~~
20 ~~inmate-upon-discharge7--parole7--or-placement-on-work-release7~~
21 one hundred dollars as provided in section 906.9. If an
22 inmate's deposits are equal this-amount to or in excess of one
23 hundred dollars, the inmate may voluntarily withdraw from the
24 savings fund. The director shall notify the inmate of this
25 right to withdraw and shall provide the inmate with a written
26 request form to facilitate the withdrawal. If the inmate
27 withdraws and the inmate's deposits exceed the amount due as
28 provided in section 906.9, the director shall disburse the
29 excess amount as provided for allowances under section
30 904.702, except the director shall not deposit the excess
31 amount in the inmate savings fund. If the inmate chooses to
32 continue to participate in the savings fund, the inmate's
33 deposits shall be returned to the inmate upon discharge,
34 parole, or placement on work release. Otherwise, the inmate's
35 deposits shall be disposed of as provided in subsection 3. An

1 inmate's deposits into the savings fund may be used to provide
2 the money due the inmate upon discharge, parole, or placement
3 on work release, as required under section 906.9. Interest
4 earned from the savings fund shall be placed in a separate
5 account, and may be used for purchases approved by the
6 director to directly and collectively benefit inmates.

7 Sec. 12. Section 904.508A, Code 2003, is amended to read
8 as follows:

9 904.508A INMATE TELEPHONE REBATE FUND.

10 The department is authorized to establish and maintain an
11 inmate telephone rebate fund ~~in each institution~~ for the
12 deposit of moneys received for inmate telephone rebates. All
13 funds deposited in this fund shall be used for the benefit of
14 inmates. The director shall adopt rules providing for the
15 disbursement of moneys from the fund.

16 Sec. 13. Section 904.513, subsection 1, paragraph b,
17 subparagraph (4), Code 2003, is amended to read as follows:

18 (4) Assignment may also be made on the basis of the
19 offender's treatment program performance, as a disciplinary
20 measure, for medical needs, and for space availability at
21 community residential facilities. If there is insufficient
22 space at a community residential facility, the court may order
23 an offender to be released to the supervision of the judicial
24 district department of correctional services, or held in jail,
25 or committed to the custody of the director of the department
26 of corrections for assignment to an appropriate correctional
27 facility until there is sufficient space at a community
28 residential facility.

29 Sec. 14. Section 904.516, Code 2003, is amended by adding
30 the following new subsection:

31 NEW SUBSECTION. 1A. If sufficient funding is available,
32 the department shall provide special education to a child
33 under eighteen years of age committed to the custody of the
34 director if the child requires special education pursuant to
35 chapter 256B.

1 Sec. 15. Section 904.702, unnumbered paragraph 1, Code
2 2003, is amended to read as follows:

3 If allowances are paid pursuant to section 904.701, the
4 director shall establish an inmate account, for deposit of
5 those allowances and for deposit of moneys sent to the inmate
6 from a source other than the department of corrections. The
7 director may deduct an amount, not to exceed ten percent of
8 the amount of the allowance, unless the inmate requests a
9 larger amount, to be deposited into the inmate savings fund as
10 required under section 904.508, subsection 2. In addition to
11 deducting a portion of the allowance, the director may also
12 deduct from an inmate account any amount sent to the inmate
13 from a source other than the department of corrections for
14 deposit in the inmate savings fund as required under section
15 904.508, subsection 2, until the amount in the fund equals the
16 amount due the inmate upon discharge, parole, or placement on
17 work release. The director shall deduct from the inmate
18 account an amount established by the inmate's restitution plan
19 of payment. The director shall also deduct from any remaining
20 account balance an amount sufficient to pay all or part of any
21 judgment against the inmate, including but not limited to
22 judgments for taxes and child support, and court costs and
23 fees assessed either as a result of the inmate's confinement
24 or amounts required to be paid under section 610A.1. Written
25 notice of the amount of the deduction shall be given to the
26 inmate, who shall have five days after receipt of the notice
27 to submit in writing any and all objections to the deduction
28 to the director, who shall consider the objections prior to
29 transmitting the deducted amount to the clerk of the district
30 court. The director need give only one notice for each action
31 or appeal under section 610A.1 for which periodic deductions
32 are to be made. The director shall next deduct from any
33 remaining account balance an amount sufficient to pay all or
34 part of any costs assessed against the inmate for misconduct
35 or damage to the property of others. The director may deduct

1 from the inmate's account an amount sufficient to pay for the
2 inmate's share of the costs of health services requested by
3 the inmate and for the treatment of injuries inflicted by the
4 inmate on the inmate or others. The director may deduct and
5 disburse an amount sufficient for industries' programs to
6 qualify under the eligibility requirements established in the
7 Justice Assistance Act of 1984, Pub. L. No. 98-473, including
8 an amount to pay all or part of the cost of the inmate's
9 incarceration. The director may pay all or any part of
10 remaining allowances paid pursuant to section 904.701 directly
11 to a dependent of the inmate, or may deposit the allowance to
12 the account of the inmate, or may deposit a portion and allow
13 the inmate a portion for the inmate's personal use.

14 Sec. 16. Section 905.7, unnumbered paragraph 1, Code 2003,
15 is amended to read as follows:

16 The Iowa department of corrections shall provide assistance
17 and support to the respective judicial districts to aid them
18 in complying with this chapter, and shall promulgate rules
19 pursuant to chapter 17A establishing guidelines in accordance
20 with and in furtherance of the purposes of this chapter. The
21 guidelines shall include, but need not be limited to,
22 requirements that each district department, if sufficient
23 funding is available:

24 Sec. 17. Section 906.9, Code 2003, is amended to read as
25 follows:

26 906.9 CLOTHING, TRANSPORTATION, AND MONEY.

27 When an inmate is discharged, paroled, or placed on work
28 release, the warden or superintendent shall furnish the
29 inmate, at state expense, appropriate clothing and
30 transportation to the place in this state indicated in the
31 inmate's discharge, parole, or work release plan. ~~When an~~
32 ~~inmate is discharged, paroled, or placed on work release, the~~
33 The warden or superintendent shall provide the inmate ~~at~~
34 ~~state expense or through inmate savings as provided in section~~
35 ~~904.508, money in accordance with the following schedule:~~

1 ~~1.---Upon one hundred dollars upon discharge, or parole, one~~
2 ~~hundred-dollars or work release. However, if the amount in~~
3 ~~the fund is less than one hundred dollars upon discharge,~~
4 ~~parole, or work release, the inmate shall only receive the~~
5 ~~balance of the funds available. If the balance of the funds~~
6 ~~exceeds one hundred dollars, the inmate shall receive one~~
7 ~~hundred dollars and any excess funds shall be disbursed as~~
8 ~~provided in section 904.508.~~

9 ~~2.---Upon-being-placed-on-work-release, fifty-dollars.~~

10 ~~Those-inmates-receiving-payment-under-subsection-2-shall~~
11 ~~not-be-eligible-for-payment-under-subsection-1-unless-they-are~~
12 ~~returned-to-the-institution.--An-inmate-shall-only-be-eligible~~
13 ~~to-receive-one-payment-under-this-section-during-any-twelve-~~
14 ~~month-period. The warden or superintendent shall maintain an~~
15 ~~account of all funds expended pursuant to this section.~~

16 Sec. 18. Section 907.9, subsections 1, 2, and 4, Code
17 2003, are amended to read as follows:

18 1. At any time that the court determines that the purposes
19 of probation have been fulfilled and the fees imposed under
20 section 905.14 have been paid ~~to-or-waived-by-the-judicial~~
21 ~~district-department-of-correctional-services~~ or on condition
22 that unpaid supervision fees be paid, the court may order the
23 discharge of a person from probation.

24 2. At any time that a probation officer determines that
25 the purposes of probation have been fulfilled and the fees
26 imposed under section 905.14 have been paid ~~to-or-waived-by~~
27 ~~the-judicial-district-department-of-correctional-services~~ or
28 on condition that unpaid supervision fees be paid, the officer
29 may order the discharge of a person from probation after
30 approval of the district director and notification of the
31 sentencing court and the county attorney who prosecuted the
32 case.

33 4. At the expiration of the period of probation and if the
34 fees imposed under section 905.14 have been paid ~~to-or-waived~~
35 ~~by-the-judicial-district-department-of-correctional-services~~

1 or on condition that unpaid supervision fees be paid, the
2 court shall order the discharge of the person from probation,
3 and the court shall forward to the governor a recommendation
4 for or against restoration of citizenship rights to that
5 person. A person who has been discharged from probation shall
6 no longer be held to answer for the person's offense. Upon
7 discharge from probation, if judgment has been deferred under
8 section 907.3, the court's criminal record with reference to
9 the deferred judgment shall be expunged. The record
10 maintained by the state court administrator as required by
11 section 907.4 shall not be expunged. The court's record shall
12 not be expunged in any other circumstances.

13

EXPLANATION

14 This bill relates to the department of corrections and
15 inmates committed to the custody of the director of the
16 department of corrections.

17 Code section 901.4, relating to the confidentiality of a
18 presentence investigation report, is amended. The bill
19 provides that the department of corrections and a judicial
20 district department of correctional services may release a
21 presentence investigation report to a substance abuse or
22 mental health service provider when referring an inmate for
23 services. A presentence investigation report generally
24 contains information about the inmate, the crime committed,
25 and the impact on the victim.

26 Code sections 901B.1, 904.108, and 905.7, relating to
27 intermediate criminal sanctions programs, inmate education and
28 treatment, and assistance by the department of corrections to
29 the judicial districts, are amended. The bill provides that
30 intermediate criminal sanctions programs, inmate education and
31 treatment, and assistance by the department of corrections to
32 the judicial districts are contingent upon sufficient funding.

33 Code section 901B.1(1)(c)(5) relating to a substance abuse
34 treatment facility operated by the Iowa department of public
35 health is amended. The bill permits a substance abuse

1 facility to be operated by the department of corrections.

2 Code section 903A.2, relating to the accumulation of earned
3 time credits by an inmate, is amended. Under the bill, an
4 inmate may earn up to an additional 365-day reduction of the
5 remaining balance of the inmate's sentence if the inmate
6 commits an exemplary act. The bill provides that the director
7 shall by policy identify what constitutes an exemplary act
8 which warrants a reduction of sentence. The amendment to Code
9 section 903A.2 does not apply to an inmate serving an 85
10 percent sentence.

11 Code section 903A.3, relating to inmate appeals over loss
12 of or forfeited earned time, is amended. The bill changes the
13 inmate appeals process. Current law provides an inmate may
14 appeal an order of an administrative law judge to the
15 superintendent or warden of the institution, and if the inmate
16 is not satisfied with the ruling of the superintendent or
17 warden, the inmate may appeal to the director of the
18 department of corrections. The bill prohibits appeals
19 directly to the director, thus the final appeal of an inmate
20 is to the superintendent or warden before any action may be
21 filed in district court.

22 Code sections 904.206 and 904.207, relating to the
23 violators facility at the correctional facility in Newton, are
24 amended. The bill provides that the department of corrections
25 may establish a violator facility at the correctional facility
26 in Newton. Current law requires that the violator facility be
27 established and maintained at the correctional facility in
28 Newton.

29 Code section 904.503(2), relating to the treatment of
30 mentally ill inmates, is amended. The bill provides that a
31 mentally ill inmate may be treated at the Iowa medical and
32 classification center at Oakdale, or another appropriate
33 facility within the department of corrections. Current law
34 provides that a mentally ill inmate be treated at the Iowa
35 medical and classification center at Oakdale.

1 Code section 904.503(2) relating to the treatment of
2 mentally ill inmates whose sentence has expired is amended.
3 The bill strikes the subsection that requires the director of
4 the department of corrections to have a mentally ill inmate
5 examined upon expiration of the inmate's sentence.

6 Code sections 904.508, 904.702, and 906.9, relating to an
7 inmate savings fund, are amended. Under the bill, an inmate
8 upon discharge, parole, or work release shall receive up to
9 \$100 from the inmate savings fund. The bill provides that
10 moneys sent to an inmate from a source other than the
11 department of corrections in addition to a portion of inmate
12 allowances shall be deposited into the inmate savings fund
13 until the moneys attributable to the inmate equal \$100.
14 Current law provides that a portion of the allowance an inmate
15 earns from labor shall be deposited in the inmate savings
16 fund. Current law provides that an inmate shall receive \$100
17 from the inmate savings fund upon discharge or parole, or \$50
18 upon assignment to work release, even if the amount of the
19 inmate's moneys in the fund is less than \$100. If an inmate
20 possesses funds in excess of \$100 in the fund, the bill and
21 current law provide for disbursement of these funds pursuant
22 to Code section 904.702.

23 Code section 904.508A, relating to the inmate telephone
24 rebate fund, is amended. The bill eliminates the requirement
25 that the inmate telephone rebate fund be established and
26 maintained in each correctional facility.

27 Code section 904.513, relating to placement of persons
28 convicted of a third offense of operating while intoxicated,
29 is amended. The bill provides that a person convicted of a
30 third offense of operating while intoxicated, who is assigned
31 to a community residential treatment facility and there is
32 insufficient space at the facility, may be committed to the
33 custody of the director of the department of corrections for
34 assignment at a correctional facility until there is
35 sufficient space at the residential treatment facility.

1 Code section 904.516, relating to special education needs
2 of children committed to the custody of the department of
3 corrections, is amended. The bill requires, if sufficient
4 funding is available, the department of corrections to provide
5 special education to child inmates who require special
6 education pursuant to Code chapter 256B.

7 Code section 907.9, relating to the payment of supervision
8 fees pursuant to Code section 905.14, is amended. The bill
9 provides that a person on probation may be discharged from
10 probation on condition that supervision fees assessed pursuant
11 to Code section 905.14 are paid.

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