

**Senate Study Bill 3105 - Introduced**

SENATE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE  
ON JUDICIARY BILL BY  
CHAIRPERSON KREIMAN)

**A BILL FOR**

1 An Act relating to the confinement of persons committed to the  
2 custody of the department of corrections at a jail.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 901.7, Code 2009, is amended to read as  
2 follows:

3 **901.7 Commitment to custody.**

4 In imposing a sentence of confinement for more than one  
5 year, the court shall commit the defendant to the custody of  
6 the director of the ~~Iowa~~ department of corrections. Upon entry  
7 of judgment and sentence, the clerk of the district court  
8 immediately shall notify the director of the commitment. The  
9 court shall make an order as appropriate for the temporary  
10 custody of the defendant pending the defendant's transfer to  
11 the custody of the director. The court shall order the county  
12 where a person was convicted to pay the cost of temporarily  
13 confining the person and of transporting the person to the  
14 state institution where the person is to be confined in  
15 execution of the judgment. If the person is sentenced to  
16 confinement pursuant to section 903.4, subsection 3, paragraph  
17 "b", the state shall pay the cost of confinement beginning  
18 on the first day of confinement after sentencing. The order  
19 shall require that a person transported to a state institution  
20 pursuant to this section shall be accompanied by a person of  
21 the same sex.

22 Sec. 2. Section 903.1, subsection 2, Code 2009, is amended  
23 to read as follows:

24 2. When a person is convicted of an aggravated misdemeanor,  
25 and a specific penalty is not provided for, the maximum penalty  
26 shall be imprisonment not to exceed two years. There shall be  
27 a fine of at least six hundred twenty-five dollars but not to  
28 exceed six thousand two hundred fifty dollars. When a judgment  
29 of conviction of an aggravated misdemeanor is entered against  
30 any person and the court imposes a sentence of confinement  
31 for a period of more than one year the term shall be an  
32 indeterminate term. Such confinement may be at a jail pursuant  
33 to section 903.4, subsection 3, paragraph "b".

34 Sec. 3. Section 903.4, Code 2009, is amended to read as  
35 follows:

1     **903.4 Providing place of confinement.**

2     ~~1. All persons~~ A person sentenced to confinement for a  
3 period of one year or less shall be confined in a place to be  
4 furnished by the county where the conviction was had unless the  
5 person is presently committed to the custody of the director  
6 of the ~~Iowa~~ department of corrections, in which case the  
7 provisions of section 901.8 apply.

8     ~~2. All persons~~ A person sentenced to confinement for a  
9 period of more than one year shall be committed to the custody  
10 of the director of the ~~Iowa~~ department of corrections to be  
11 confined in a place to be designated by the director ~~and the~~  
12 ~~cost of the confinement shall be borne by the state~~ except as  
13 provided in subsection 3.

14     ~~3. A person sentenced to confinement for a period of more~~  
15 than one year but not exceeding two years shall be committed to  
16 the custody of the director of the department of corrections to  
17 be confined for an indefinite term in a place designated by the  
18 court as follows:

19     a. The court may order the confinement be in a place  
20 designated by the director.

21     b. The court may order the confinement be served in a jail  
22 subject to the limitations in subsection 4.

23     (1) A person confined pursuant to this paragraph "b" is  
24 eligible to receive a reduction of sentence as provided in  
25 chapter 903A.

26     (2) A person confined pursuant to this paragraph "b" shall  
27 be paroled or placed on work release status, if eligible, in  
28 the same manner as other persons committed to the custody of  
29 the director of the department of corrections.

30     (3) The director shall consider a person confined pursuant  
31 to this paragraph "b" an inmate confined at an institution of  
32 the department when practical.

33     4. The court shall not sentence a person to confinement  
34 pursuant to subsection 3, paragraph "b", unless the director  
35 has approved the jail as an acceptable place of confinement

1 for persons committed to the custody of the director and the  
2 director has negotiated a contract with the county pursuant to  
3 subsection 6.

4 5. The cost of confinement pursuant to subsections 2 and 3  
5 shall be borne by the state.

6 6. The director may contract with ~~local governmental~~  
7 units a county for the use of ~~detention or correctional~~  
8 facilities maintained by the units a jail for the confinement  
9 of such persons pursuant to subsection 3, paragraph "b".

10 Sec. 4. Section 903A.1, Code 2009, is amended to read as  
11 follows:

12 **903A.1 Conduct review.**

13 The director of the Iowa department of corrections shall  
14 appoint independent administrative law judges whose duties  
15 shall include but are not limited to review, as provided in  
16 section 903A.3, of the conduct of inmates in institutions under  
17 the department or inmates committed to the custody of the  
18 director of the department of corrections but confined in a  
19 county jail pursuant to section 903.4, subsection 3, paragraph  
20 "b". Sections 10A.801 and 17A.11 do not apply to administrative  
21 law judges appointed pursuant to this section.

22 Sec. 5. Section 903A.2, subsection 1, paragraph a,  
23 subparagraphs (3) and (4), Code 2009, are amended to read as  
24 follows:

25 (3) An employment program established or approved by the  
26 director.

27 (4) A treatment program established or approved by the  
28 director.

29 Sec. 6. Section 903A.2, subsection 3, Code 2009, is amended  
30 to read as follows:

31 3. a. Time served in a jail or another facility prior to  
32 actual placement in an institution under the control of the  
33 department of corrections and credited against the sentence by  
34 the court shall accrue for the purpose of reduction of sentence  
35 under this section. Time which elapses during an escape shall

1 not accrue for purposes of reduction of sentence under this  
2 section.

3 b. Time served in a jail or another facility prior to actual  
4 placement in a jail pursuant to section 903.4, subsection  
5 3, paragraph "b", and credited against the sentence by the  
6 court shall accrue for the purpose of reduction of sentence  
7 under this section. Time which elapses during an escape shall  
8 not accrue for purposes of reduction of sentence under this  
9 section.

10 Sec. 7. Section 906.6, Code 2009, is amended to read as  
11 follows:

12 **906.6 Cooperation of correction personnel.**

13 All persons employed in a correctional institution or  
14 jail shall grant to the members of the board of parole, or its  
15 properly accredited representatives, access at all reasonable  
16 times to any person over whom the board has jurisdiction, shall  
17 provide for the board or its representatives facilities for  
18 communicating with and observing the person, and shall furnish  
19 to the board reports the board requires concerning the conduct  
20 and character of any person in their custody and any other  
21 facts deemed by the board pertinent in determining whether the  
22 person shall be released on parole or work release.

23 Sec. 8. Section 906.9, unnumbered paragraph 1, Code 2009,  
24 is amended to read as follows:

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

34 Sec. 9. Section 906.9, unnumbered paragraph 2, Code 2009,  
35 is amended to read as follows:

1 Those inmates receiving payment under subsection 2 shall  
2 not be eligible for payment under subsection 1 unless they are  
3 returned to the institution or jail. An inmate shall only be  
4 eligible to receive one payment under this section during any  
5 twelve-month period. The sheriff, warden, or superintendent  
6 shall maintain an account of all funds expended pursuant to  
7 this section.

8 Sec. 10. Section 906.16, subsections 1 and 4, Code 2009, are  
9 amended to read as follows:

10 1. Except as otherwise provided in this section, the  
11 time when a prisoner is on parole or work release from the  
12 institution or jail shall apply to the sentence against the  
13 parolee or work releasee.

14 4. The time when a prisoner is absent from the institution  
15 or jail by reason of an escape shall not apply upon the  
16 sentence against the prisoner.

17 EXPLANATION

18 This bill relates to confining persons committed to the  
19 custody of the department of corrections at a jail.

20 The bill affects a person sentenced to confinement for more  
21 than one year but not exceeding two years.

22 Under the bill, a person sentenced to confinement for more  
23 than one year but not exceeding two years shall be committed to  
24 the custody of the director of the department of corrections  
25 for an indefinite term in a place designated by the court. The  
26 bill allows the court to sentence a period of confinement at  
27 an institution designated by the director of the department of  
28 corrections or, in the alternative, the court may order the  
29 period of confinement be served in a county jail. Current law  
30 requires any person sentenced to confinement for more than one  
31 year serve that sentence in a place to be designated by the  
32 director of the department of corrections.

33 The court shall not sentence persons eligible for  
34 confinement at a jail pursuant to the bill, unless the director  
35 of the department of corrections has approved the jail as an

1 acceptable place of confinement for persons committed to the  
2 custody of the director and the director has negotiated a  
3 contract with the county to confine such persons. The bill  
4 specifies the director of the department of corrections may  
5 contract with a county for the use of the jail for persons  
6 sentenced to confinement under the bill. Current law permits  
7 the director of the department of corrections to contract with  
8 a local government for the use of a detention or correctional  
9 facility maintained by the local government to confine persons.

10 The costs of a person sentenced to confinement at a jail  
11 under the bill shall be paid by the state.

12 The bill directs the director of the department of  
13 corrections to consider an inmate confined at a jail pursuant  
14 to the bill an inmate confined at an institution of the  
15 department of corrections.

16 A person sentenced to confinement at a jail under the  
17 bill is eligible to receive earned time in the same manner  
18 as other inmates committed to the custody of the director of  
19 the department of corrections and who are serving a sentence  
20 of confinement at an institution under the control of the  
21 department of corrections.

22 The bill expands the authority of the director of the  
23 department of corrections to approve employment and treatment  
24 programs, not established by the director, that would be  
25 available to reduce the sentence of an inmate, if the inmate  
26 successfully completes such a program.

27 The bill allows an administrative law judge appointed  
28 pursuant to Code section 903A.1 to review the conduct of  
29 an inmate committed to the custody of the director of the  
30 department of corrections who is sentenced to confinement in  
31 a jail.

32 A person confined at a jail pursuant to the bill shall be  
33 paroled, if eligible, in the same manner as other persons  
34 committed to the custody of the director of the department of  
35 corrections.

S.F. \_\_\_\_\_

1     The bill does not affect reimbursements to counties for  
2 violators under Code sections 904.513 (operating while  
3 intoxicated), 904.908 (work release), and 906.17 (parole).