

**House Study Bill 193 - Introduced**

HOUSE FILE \_\_\_\_\_

BY (PROPOSED COMMITTEE ON  
APPROPRIATIONS BILL BY  
HOUSE APPROPRIATIONS  
SUBCOMMITTEE ON JUSTICE  
SYSTEM)

**A BILL FOR**

1 An Act relating to and making appropriations to the justice  
2 system.

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

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DIVISION I  
APPROPRIATIONS

Section 1. DEPARTMENT OF JUSTICE.

1. There is appropriated from the general fund of the state to the department of justice for the fiscal year beginning July 1, 2011, and ending June 30, 2012, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

a. For the general office of attorney general for salaries, support, maintenance, and miscellaneous purposes, including the prosecuting attorneys training program, matching funds for federal violence against women grant programs, victim assistance grants, office of drug control policy prosecuting attorney program, and odometer fraud enforcement, and for not more than the following full-time equivalent positions:

.....	\$	7,292,930
.....	FTEs	212.00

It is the intent of the general assembly that as a condition of receiving the appropriation provided in this lettered paragraph, the department of justice shall maintain a record of the estimated time incurred representing each agency or department.

b. For victim assistance grants:  
..... \$ 2,876,400

The funds appropriated in this lettered paragraph shall be used to provide grants to care providers providing services to crime victims of domestic abuse or to crime victims of rape and sexual assault.

The balance of the victim compensation fund established in section 915.94 may be used to provide salary and support of not more than 24 FTEs and to provide maintenance for the victim compensation functions of the department of justice.

The department of justice may transfer moneys from the victim compensation fund established in section 915.94 to the victim assistance grant program.

1 c. For legal services for persons in poverty grants as  
2 provided in section 13.34:

3 ..... \$ 1,000,000

4 2. a. The department of justice, in submitting budget  
5 estimates for the fiscal year commencing July 1, 2012, pursuant  
6 to section 8.23, shall include a report of funding from sources  
7 other than amounts appropriated directly from the general fund  
8 of the state to the department of justice or to the office of  
9 consumer advocate. These funding sources shall include but  
10 are not limited to reimbursements from other state agencies,  
11 commissions, boards, or similar entities, and reimbursements  
12 from special funds or internal accounts within the department  
13 of justice. The department of justice shall also report actual  
14 reimbursements for the fiscal year commencing July 1, 2010,  
15 and actual and expected reimbursements for the fiscal year  
16 commencing July 1, 2011.

17 b. The department of justice shall include the report  
18 required under paragraph "a", as well as information regarding  
19 any revisions occurring as a result of reimbursements actually  
20 received or expected at a later date, in a report to the  
21 co-chairpersons and ranking members of the joint appropriations  
22 subcommittee on the justice system and the legislative services  
23 agency. The department of justice shall submit the report on  
24 or before January 15, 2012.

25 Sec. 2. OFFICE OF CONSUMER ADVOCATE. There is appropriated  
26 from the department of commerce revolving fund created in  
27 section 546.12 to the office of consumer advocate of the  
28 department of justice for the fiscal year beginning July 1,  
29 2011, and ending June 30, 2012, the following amount, or so  
30 much thereof as is necessary, to be used for the purposes  
31 designated:

32 For salaries, support, maintenance, miscellaneous purposes,  
33 and for not more than the following full-time equivalent  
34 positions:

35 ..... \$ 3,136,163

1 ..... FTEs 22.00

2 Sec. 3. DEPARTMENT OF CORRECTIONS — FACILITIES.

3 1. There is appropriated from the general fund of the  
4 state to the department of corrections for the fiscal year  
5 beginning July 1, 2011, and ending June 30, 2012, the following  
6 amounts, or so much thereof as is necessary, to be used for the  
7 operation of adult correctional institutions, reimbursement  
8 of counties for certain confinement costs, and federal prison  
9 reimbursement, to be allocated as follows:

10 a. For the operation of the Fort Madison correctional  
11 facility, including salaries, support, maintenance, and  
12 miscellaneous purposes:

13 ..... \$ 41,031,283

14 b. For the operation of the Anamosa correctional facility,  
15 including salaries, support, maintenance, and miscellaneous  
16 purposes:

17 ..... \$ 31,985,974

18 c. For the operation of the Oakdale correctional facility,  
19 including salaries, support, maintenance, and miscellaneous  
20 purposes:

21 ..... \$ 54,374,426

22 d. For the operation of the Newton correctional facility,  
23 including salaries, support, maintenance, and miscellaneous  
24 purposes:

25 ..... \$ 25,958,757

26 e. For the operation of the Mt. Pleasant correctional  
27 facility, including salaries, support, maintenance, and  
28 miscellaneous purposes:

29 ..... \$ 25,917,815

30 f. For the operation of the Rockwell City correctional  
31 facility, including salaries, support, maintenance, and  
32 miscellaneous purposes:

33 ..... \$ 9,316,466

34 g. For the operation of the Clarinda correctional facility,  
35 including salaries, support, maintenance, and miscellaneous

1 purposes:

2 ..... \$ 24,639,518

3 Moneys received by the department of corrections as  
4 reimbursement for services provided to the Clarinda youth  
5 corporation are appropriated to the department and shall be  
6 used for the purpose of operating the Clarinda correctional  
7 facility.

8 h. For the operation of the Mitchellville correctional  
9 facility, including salaries, support, maintenance, and  
10 miscellaneous purposes:

11 ..... \$ 15,615,374

12 i. For the operation of the Fort Dodge correctional  
13 facility, including salaries, support, maintenance, and  
14 miscellaneous purposes:

15 ..... \$ 29,062,235

16 j. For reimbursement of counties for temporary confinement  
17 of work release and parole violators, as provided in sections  
18 901.7, 904.908, and 906.17, and for offenders confined pursuant  
19 to section 904.513:

20 ..... \$ 775,092

21 k. For federal prison reimbursement, reimbursements for  
22 out-of-state placements, and miscellaneous contracts:

23 ..... \$ 239,411

24 2. The department of corrections shall use moneys  
25 appropriated in subsection 1 to continue to contract for the  
26 services of a Muslim imam and a Native American spiritual  
27 leader.

28 Sec. 4. DEPARTMENT OF CORRECTIONS — ADMINISTRATION.

29 There is appropriated from the general fund of the state to  
30 the department of corrections for the fiscal year beginning  
31 July 1, 2011, and ending June 30, 2012, the following amounts,  
32 or so much thereof as is necessary, to be used for the purposes  
33 designated:

34 1. For general administration, including salaries, support,  
35 maintenance, employment of an education director to administer

1 a centralized education program for the correctional system,  
2 and miscellaneous purposes:

3 ..... \$ 4,835,542

4 a. It is the intent of the general assembly that as a  
5 condition of receiving the appropriation provided in this  
6 lettered paragraph the department of corrections shall not,  
7 except as otherwise provided in paragraph "c", enter into a  
8 new contract, unless the contract is a renewal of an existing  
9 contract, for the expenditure of moneys in excess of \$100,000  
10 during the fiscal year beginning July 1, 2011, for the  
11 privatization of services performed by the department using  
12 state employees as of July 1, 2011, or for the privatization  
13 of new services by the department without prior consultation  
14 with any applicable state employee organization affected  
15 by the proposed new contract and prior notification of the  
16 co-chairpersons and ranking members of the joint appropriations  
17 subcommittee on the justice system.

18 b. It is the intent of the general assembly that each  
19 lease negotiated by the department of corrections with a  
20 private corporation for the purpose of providing private  
21 industry employment of inmates in a correctional institution  
22 shall prohibit the private corporation from utilizing inmate  
23 labor for partisan political purposes for any person seeking  
24 election to public office in this state and that a violation  
25 of this requirement shall result in a termination of the lease  
26 agreement.

27 c. It is the intent of the general assembly that as a  
28 condition of receiving the appropriation provided in this  
29 subsection the department of corrections shall not enter into  
30 a lease or contractual agreement pursuant to section 904.809  
31 with a private corporation for the use of building space for  
32 the purpose of providing inmate employment without providing  
33 that the terms of the lease or contract establish safeguards to  
34 restrict, to the greatest extent feasible, access by inmates  
35 working for the private corporation to personal identifying

1 information of citizens.

2 2. For educational programs for inmates at state penal  
3 institutions:

4 ..... \$ 2,308,109

5 a. As a condition of receiving the appropriation in this  
6 subsection, the department of corrections shall transfer at  
7 least \$300,000 from the canteen operating funds established  
8 pursuant to section 904.310 to be used for correctional  
9 educational programs funded in this subsection.

10 b. It is the intent of the general assembly that moneys  
11 appropriated in this subsection shall be used solely for the  
12 purpose indicated and that the moneys shall not be transferred  
13 for any other purpose. In addition, it is the intent of the  
14 general assembly that the department shall consult with the  
15 community colleges in the areas in which the institutions are  
16 located to utilize moneys appropriated in this subsection  
17 to fund the high school completion, high school equivalency  
18 diploma, adult literacy, and adult basic education programs in  
19 a manner so as to maintain these programs at the institutions.

20 c. To maximize the funding for educational programs,  
21 the department shall establish guidelines and procedures to  
22 prioritize the availability of educational and vocational  
23 training for inmates based upon the goal of facilitating an  
24 inmate's successful release from the correctional institution.

25 d. The director of the department of corrections may  
26 transfer moneys from Iowa prison industries for use in  
27 educational programs for inmates.

28 e. Notwithstanding section 8.33, moneys appropriated in  
29 this subsection that remain unobligated or unexpended at the  
30 close of the fiscal year shall not revert but shall remain  
31 available to be used only for the purposes designated in this  
32 subsection until the close of the succeeding fiscal year.

33 3. For the development of the Iowa corrections offender  
34 network (ICON) data system:

35 ..... \$ 424,364

1     4. For offender mental health and substance abuse  
 2 treatment:  
 3 ..... \$       22,319

4     5. For viral hepatitis prevention and treatment:  
 5 ..... \$       167,881

6     Sec. 5. JUDICIAL DISTRICT DEPARTMENTS OF CORRECTIONAL  
 7 SERVICES.

8     1. There is appropriated from the general fund of the state  
 9 to the department of corrections for the fiscal year beginning  
 10 July 1, 2011, and ending June 30, 2012, for salaries, support,  
 11 maintenance, and miscellaneous purposes, the following amounts,  
 12 or so much thereof as is necessary, to be allocated as follows:

13     a. For the first judicial district department of  
 14 correctional services:  
 15 ..... \$ 12,020,098

16     b. For the second judicial district department of  
 17 correctional services:  
 18 ..... \$ 10,336,948

19     c. For the third judicial district department of  
 20 correctional services:  
 21 ..... \$ 5,599,765

22     d. For the fourth judicial district department of  
 23 correctional services:  
 24 ..... \$ 5,391,355

25     e. For the fifth judicial district department of  
 26 correctional services, including funding for electronic  
 27 monitoring devices for use on a statewide basis:  
 28 ..... \$ 18,742,129

29     f. For the sixth judicial district department of  
 30 correctional services:  
 31 ..... \$ 13,112,563

32     g. For the seventh judicial district department of  
 33 correctional services:  
 34 ..... \$ 6,492,814

35     h. For the eighth judicial district department of



1 correctional services:

2 ..... \$ 6,731,055

3 2. Each judicial district department of correctional  
4 services, within the funding available, shall continue programs  
5 and plans established within that district to provide for  
6 intensive supervision, sex offender treatment, diversion of  
7 low-risk offenders to the least restrictive sanction available,  
8 job development, and expanded use of intermediate criminal  
9 sanctions.

10 3. Each judicial district department of correctional  
11 services shall provide alternatives to prison consistent with  
12 chapter 901B. The alternatives to prison shall ensure public  
13 safety while providing maximum rehabilitation to the offender.  
14 A judicial district department of correctional services may  
15 also establish a day program.

16 4. The governor's office of drug control policy shall  
17 consider federal grants made to the department of corrections  
18 for the benefit of each of the eight judicial district  
19 departments of correctional services as local government  
20 grants, as defined pursuant to federal regulations.

21 5. The department of corrections shall continue to contract  
22 with a judicial district department of correctional services to  
23 provide for the rental of electronic monitoring equipment which  
24 shall be available statewide.

25 6. A judicial district department of correctional services  
26 shall accept into the facilities of the district department,  
27 offenders assigned from other judicial district departments of  
28 correctional services.

29 Sec. 6. DEPARTMENT OF CORRECTIONS — REALLOCATION OF  
30 APPROPRIATIONS. Notwithstanding section 8.39, within  
31 the moneys appropriated in this Act to the department of  
32 corrections, the department may reallocate the moneys  
33 appropriated and allocated as necessary to best fulfill the  
34 needs of the correctional institutions, administration of  
35 the department, and the judicial district departments of

1 correctional services. However, in addition to complying with  
2 the requirements of sections 904.116 and 905.8 and providing  
3 notice to the legislative services agency, the department  
4 of corrections shall also provide notice to the department  
5 of management, prior to the effective date of the revision  
6 or reallocation of an appropriation made pursuant to this  
7 section. The department of corrections shall not reallocate an  
8 appropriation or allocation for the purpose of eliminating any  
9 program.

10 Sec. 7. INTENT — REPORTS.

11 1. The department of corrections in cooperation with  
12 townships, the Iowa cemetery associations, and other nonprofit  
13 or governmental entities may use inmate labor during the  
14 fiscal year beginning July 1, 2011, to restore or preserve  
15 rural cemeteries and historical landmarks. The department in  
16 cooperation with the counties may also use inmate labor to  
17 clean up roads, major water sources, and other water sources  
18 around the state.

19 2. On a quarterly basis the department shall provide a  
20 status report regarding private-sector employment to the  
21 legislative services agency beginning on July 1, 2011. The  
22 report shall include the number of offenders employed in the  
23 private sector, the combined number of hours worked by the  
24 offenders, the total amount of allowances, and the distribution  
25 of allowances pursuant to section 904.702, including any moneys  
26 deposited in the general fund of the state.

27 Sec. 8. ELECTRONIC MONITORING REPORT. The department of  
28 corrections shall submit a report on electronic monitoring to  
29 the general assembly, to the co-chairpersons and the ranking  
30 members of the joint appropriations subcommittee on the justice  
31 system, and to the legislative services agency by January  
32 15, 2012. The report shall specifically address the number  
33 of persons being electronically monitored and break down the  
34 number of persons being electronically monitored by offense  
35 committed. The report shall also include a comparison of any

1 data from the prior fiscal year with the current year.

2 Sec. 9. STATE AGENCY PURCHASES FROM PRISON INDUSTRIES.

3 1. As used in this section, unless the context otherwise  
4 requires, "state agency" means the government of the state  
5 of Iowa, including but not limited to all executive branch  
6 departments, agencies, boards, bureaus, and commissions, the  
7 judicial branch, the general assembly and all legislative  
8 agencies, institutions within the purview of the state board of  
9 regents, and any corporation whose primary function is to act  
10 as an instrumentality of the state.

11 2. State agencies are hereby encouraged to purchase  
12 products from Iowa state industries, as defined in section  
13 904.802, when purchases are required and the products are  
14 available from Iowa state industries. State agencies shall  
15 obtain bids from Iowa state industries for purchases of  
16 office furniture during the fiscal year beginning July 1,  
17 2011, exceeding \$5,000 or in accordance with applicable  
18 administrative rules related to purchases for the agency.

19 Sec. 10. STATE PUBLIC DEFENDER. There is appropriated from  
20 the general fund of the state to the office of the state public  
21 defender of the department of inspections and appeals for the  
22 fiscal year beginning July 1, 2011, and ending June 30, 2012,  
23 the following amounts, or so much thereof as is necessary, to  
24 be allocated as follows for the purposes designated:

25 1. For salaries, support, maintenance, miscellaneous  
26 purposes, and for not more than the following full-time  
27 equivalent positions:

28 ..... \$ 24,083,182  
29 ..... FTEs 219.00

30 2. For the fees of court-appointed attorneys for indigent  
31 adults and juveniles, in accordance with section 232.141 and  
32 chapter 815:

33 ..... \$ 29,680,929

34 Sec. 11. BOARD OF PAROLE. There is appropriated from the  
35 general fund of the state to the board of parole for the fiscal

1 year beginning July 1, 2011, and ending June 30, 2012, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	1,053,835
.....	FTEs	12.50

Sec. 12. DEPARTMENT OF PUBLIC DEFENSE. There is appropriated from the general fund of the state to the department of public defense for the fiscal year beginning July 1, 2011, and ending June 30, 2012, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. MILITARY DIVISION

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	5,527,042
.....	FTEs	313.00

The military division may temporarily exceed and draw more than the amount appropriated in this subsection and incur a negative cash balance as long as there are receivables of federal funds equal to or greater than the negative balance and the amount appropriated in this subsection is not exceeded at the close of the fiscal year.

2. HOMELAND SECURITY AND EMERGENCY MANAGEMENT DIVISION

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	1,836,877
.....	FTEs	40.00

a. The homeland security and emergency management division may temporarily exceed and draw more than the amount appropriated in this subsection and incur a negative cash

1 balance as long as there are receivables of federal funds  
2 equal to or greater than the negative balance and the amount  
3 appropriated in this subsection is not exceeded at the close  
4 of the fiscal year.

5 b. It is the intent of the general assembly that the  
6 homeland security and emergency management division work in  
7 conjunction with the department of public safety, to the extent  
8 possible, when gathering and analyzing information related  
9 to potential domestic or foreign security threats, and when  
10 monitoring such threats.

11 Sec. 13. DEPARTMENT OF PUBLIC SAFETY. There is appropriated  
12 from the general fund of the state to the department of public  
13 safety for the fiscal year beginning July 1, 2011, and ending  
14 June 30, 2012, the following amounts, or so much thereof as is  
15 necessary, to be used for the purposes designated:

16 1. For the department's administrative functions, including  
17 the criminal justice information system, and for not more than  
18 the following full-time equivalent positions:

19 .....	\$	4,007,075
20 .....	FTEs	36.00

21 2. For the division of criminal investigation, including  
22 the state's contribution to the peace officers' retirement,  
23 accident, and disability system provided in chapter 97A in the  
24 amount of the state's normal contribution rate, as defined in  
25 section 97A.8, multiplied by the salaries for which the funds  
26 are appropriated, to meet federal fund matching requirements,  
27 and for not more than the following full-time equivalent  
28 positions:

29 .....	\$	12,533,931
30 .....	FTEs	159.10

31 The department shall employ one additional special agent and  
32 one additional criminalist for the purpose of investigating  
33 cold cases. Prior to employing the additional special agent  
34 and criminalist authorized in this paragraph, the department  
35 shall provide a written statement to prospective employees that

1 states to the effect that the positions are being funded by a  
2 temporary federal grant and there are no assurances that funds  
3 from other sources will be available after the federal funding  
4 expires. If the federal funding for the additional positions  
5 expires during the fiscal year, the number of full-time  
6 equivalent positions authorized in this subsection is reduced  
7 by 2.00 FTEs.

8 3. For the criminalistics laboratory fund created in  
9 section 691.9:

10 ..... \$ 302,345

11 4. a. For the division of narcotics enforcement, including  
12 the state's contribution to the peace officers' retirement,  
13 accident, and disability system provided in chapter 97A in the  
14 amount of the state's normal contribution rate, as defined in  
15 section 97A.8, multiplied by the salaries for which the funds  
16 are appropriated, to meet federal fund matching requirements,  
17 and for not more than the following full-time equivalent  
18 positions:

19 ..... \$ 6,429,884

20 ..... FTEs 74.00

21 b. For the division of narcotics enforcement for undercover  
22 purchases:

23 ..... \$ 109,042

24 5. For the division of state fire marshal, for fire  
25 protection services as provided through the state fire service  
26 and emergency response council as created in the department,  
27 and for the state's contribution to the peace officers'  
28 retirement, accident, and disability system provided in chapter  
29 97A in the amount of the state's normal contribution rate, as  
30 defined in section 97A.8, multiplied by the salaries for which  
31 the funds are appropriated, and for not more than the following  
32 full-time equivalent positions:

33 ..... \$ 4,298,707

34 ..... FTEs 55.00

35 6. For the division of state patrol, for salaries, support,

1 maintenance, workers' compensation costs, and miscellaneous  
2 purposes, including the state's contribution to the peace  
3 officers' retirement, accident, and disability system provided  
4 in chapter 97A in the amount of the state's normal contribution  
5 rate, as defined in section 97A.8, multiplied by the salaries  
6 for which the funds are appropriated, and for not more than the  
7 following full-time equivalent positions:

8 ..... \$ 51,903,233  
9 ..... FTEs 513.00

10 It is the intent of the general assembly that members of the  
11 state patrol be assigned to patrol the highways and roads in  
12 lieu of assignments for inspecting school buses for the school  
13 districts.

14 7. For deposit in the sick leave benefits fund established  
15 under section 80.42 for all departmental employees eligible to  
16 receive benefits for accrued sick leave under the collective  
17 bargaining agreement:

18 ..... \$ 279,517

19 8. For costs associated with the training and equipment  
20 needs of volunteer fire fighters:

21 ..... \$ 575,520

22 a. Notwithstanding section 8.33, moneys appropriated in  
23 this subsection that remain unencumbered or unobligated at the  
24 close of the fiscal year shall not revert but shall remain  
25 available for expenditure only for the purpose designated in  
26 this subsection until the close of the succeeding fiscal year.

27 b. Notwithstanding section 8.39, within the moneys  
28 appropriated in this section, the department of public safety  
29 may reallocate moneys as necessary to best fulfill the needs  
30 provided for in the appropriation. However, the department  
31 shall not reallocate an appropriation made to the department  
32 in this section unless notice of the reallocation is given  
33 to the legislative services agency and the department of  
34 management prior to the effective date of the reallocation.  
35 The notice shall include information regarding the rationale

1 for reallocating the appropriation. The department shall  
2 not reallocate an appropriation made in this section for the  
3 purpose of eliminating any program.

4 9. For the law enforcement training council, if enacted by  
5 this Act, for salaries, support, maintenance, miscellaneous  
6 purposes, and for not more than the following full-time  
7 equivalent positions:

8 .....	\$	398,500
9 .....	FTEs	3.00

10 Sec. 14. GAMING ENFORCEMENT.

11 1. There is appropriated from the gaming enforcement  
12 revolving fund created in section 80.43 to the department of  
13 public safety for the fiscal year beginning July 1, 2011, and  
14 ending June 30, 2012, the following amount, or so much thereof  
15 as is necessary, to be used for the purposes designated:

16 For any direct and indirect support costs for agents  
17 and officers of the division of criminal investigation's  
18 excursion gambling boat, gambling structure, and racetrack  
19 enclosure enforcement activities, including salaries, support,  
20 maintenance, miscellaneous purposes, and for not more than the  
21 following full-time equivalent positions:

22 .....	\$	9,836,306
23 .....	FTEs	120.00

24 2. For each additional license to conduct gambling games on  
25 an excursion gambling boat, gambling structure, or racetrack  
26 enclosure issued during the fiscal year beginning July 1, 2011,  
27 there is appropriated from the gaming enforcement fund to the  
28 department of public safety for the fiscal year beginning July  
29 1, 2011, and ending June 30, 2012, an additional amount of not  
30 more than \$521,000 to be used for not more than 6.00 additional  
31 full-time equivalent positions.

32 3. The department of public safety, with the approval  
33 of the department of management, may employ no more than two  
34 special agents and four gaming enforcement officers for each  
35 additional riverboat or gambling structure regulated after July



1 1, 2011, and one special agent for each racing facility which  
2 becomes operational during the fiscal year which begins July 1,  
3 2011. One additional gaming enforcement officer, up to a total  
4 of four per riverboat or gambling structure, may be employed  
5 for each riverboat or gambling structure that has extended  
6 operations to 24 hours and has not previously operated with a  
7 24-hour schedule. Positions authorized in this subsection are  
8 in addition to the full-time equivalent positions otherwise  
9 authorized in this section.

10 Sec. 15. CIVIL RIGHTS COMMISSION. There is appropriated  
11 from the general fund of the state to the Iowa state civil  
12 rights commission for the fiscal year beginning July 1,  
13 2011, and ending June 30, 2012, the following amount, or so  
14 much thereof as is necessary, to be used for the purposes  
15 designated:

16 For salaries, support, maintenance, miscellaneous purposes,  
17 and for not more than the following full-time equivalent  
18 positions:

19 .....	\$	1,297,069
20 .....	FTEs	28.00

21 The Iowa state civil rights commission may enter into  
22 a contract with a nonprofit organization to provide legal  
23 assistance to resolve civil rights complaints.

24 Sec. 16. 2009 Iowa Acts, chapter 178, section 20, is amended  
25 to read as follows:

26 SEC. 20. CONSUMER EDUCATION AND LITIGATION

27 FUND. Notwithstanding section 714.16C, for each fiscal  
28 year of the period beginning July 1, 2008, and ending June  
29 30, ~~2011~~ 2013, the annual appropriations in section 714.16C,  
30 are increased from \$1,125,000 to \$1,875,000, and \$75,000 to  
31 \$125,000 respectively. Moneys appropriated from the consumer  
32 education and litigation fund may be allocated for cash flow  
33 purposes to the victim compensation fund established in section  
34 915.94 during each of the fiscal years enumerated, provided  
35 that any moneys so allocated are returned to the consumer

1 education and litigation fund by the end of each fiscal year an  
2 allocation occurs.

3 Sec. 17. IOWA COMMUNICATIONS NETWORK. It is the  
4 intent of the general assembly that the executive branch  
5 agencies receiving an appropriation in this Act utilize  
6 the Iowa communications network or secure other electronic  
7 communications in lieu of traveling for the fiscal year  
8 addressed by the appropriations.

9 Sec. 18. HOMELAND SECURITY AND EMERGENCY MANAGEMENT  
10 DIVISION. There is appropriated from the wireless E911  
11 emergency communications fund created in section 34A.7A to the  
12 administrator of the homeland security and emergency management  
13 division of the department of public defense for the fiscal  
14 year beginning July 1, 2011, and ending June 30, 2012, an  
15 amount not exceeding \$200,000 to be used for implementation,  
16 support, and maintenance of the functions of the administrator  
17 and program manager under chapter 34A and to employ the auditor  
18 of the state to perform an annual audit of the wireless E911  
19 emergency communications fund.

20 Sec. 19. SUPERVISORY EMPLOYEES TO OTHER EMPLOYEES —  
21 RATIO. Notwithstanding section 8A.402, subsection 2, paragraph  
22 "g", for the fiscal year beginning July 1, 2011, the department  
23 of corrections, department of public safety, and the judicial  
24 district departments of correctional services shall be exempt  
25 from the target ratio of supervisory employees to other  
26 employees otherwise applicable for that fiscal year under  
27 section 8A.402, subsection 2, paragraph "g".

28 DIVISION II

29 CREATION OF LAW ENFORCEMENT TRAINING COUNCIL

30 Sec. 20. Section 7E.5, subsection 2, paragraph a, Code 2011,  
31 is amended to read as follows:

32 a. There is a civil rights commission, a public employment  
33 relations board, an interstate cooperation commission, an  
34 ethics and campaign disclosure board, and an ~~Iowa~~ a law  
35 enforcement ~~academy~~ training council.

1     Sec. 21. Section 80.1A, Code 2011, is amended by adding the  
2 following new subsections:

3     NEW SUBSECTION. 05. "*Law enforcement officer*" means an  
4 officer appointed by the director of the department of natural  
5 resources, a member of a police force or other agency or  
6 department of the state, county, city, or tribal government  
7 regularly employed as such and who is responsible for the  
8 prevention and detection of crime and the enforcement of the  
9 criminal laws of this state and all individuals, as determined  
10 by the council, who by the nature of their duties may be  
11 required to perform the duties of a peace officer.

12     NEW SUBSECTION. 6. "*Telecommunicator*" means a person who  
13 receives requests for, or dispatches requests to, emergency  
14 response agencies which include but are not limited to law  
15 enforcement, fire, rescue, and emergency medical services  
16 agencies.

17     Sec. 22. Section 80.11, Code 2011, is amended to read as  
18 follows:

19     **80.11 Course of instruction.**

20     The course of instruction for peace officers of the  
21 department shall, at a minimum, be equal to the course of  
22 instruction required by the ~~Iowa law enforcement academy~~  
23 pursuant to chapter 80B a law enforcement training school as  
24 provided in chapter 260D.

25     Sec. 23. NEW SECTION. **80.44 Law enforcement training**  
26 **council.**

27     1. The law enforcement training council is created  
28 within the department which shall consist of the following  
29 seven voting members appointed by the governor subject to  
30 confirmation by the senate to terms of four years commencing  
31 as provided in section 69.19:

32     a. Three residents of the state.

33     b. A sheriff of a county.

34     c. A police officer who is a member of a police department  
35 of a city with a population larger than fifty thousand persons.

1     *d.* A police officer who is a member of a police department  
2 of a city with a population of less than fifty thousand  
3 persons.

4     *e.* A member of the department of public safety.

5     2. One senator appointed by the majority leader of the  
6 senate, one senator appointed by the minority leader of the  
7 senate, one representative appointed by the speaker of the  
8 house of representatives, and one representative appointed by  
9 the minority leader of the house of representatives are also ex  
10 officio, nonvoting members of the council who shall serve terms  
11 as provided in section 69.16B.

12     3. In the event a member appointed pursuant to this section  
13 is unable to complete a term, the vacancy shall be filled  
14 for the unexpired term in the same manner as the original  
15 appointment.

16     Sec. 24. NEW SECTION. **80.45 Officers of training council.**

17     The training council shall elect from its membership a  
18 chairperson and a vice chairperson each of whom shall serve for  
19 a term of one year and who may be reelected. Membership on  
20 the council shall not constitute holding a public office and  
21 members of the council shall not be required to take and file  
22 oaths of office before serving on the council. A member of  
23 the council shall not be disqualified from holding any public  
24 office or employment by reason of appointment or membership  
25 on the council, and a member shall not forfeit any such  
26 office or employment by reason of appointment to the council,  
27 notwithstanding the provisions of any general, special or local  
28 law, ordinance or city charter.

29     Sec. 25. NEW SECTION. **80.46 Training council —**  
30 **compensation and expenses.**

31     The members of the training council, who are not employees  
32 of the state or a political subdivision, shall be paid a per  
33 diem as specified in section 7E.6. All members of the council  
34 shall be reimbursed for necessary and actual expenses incurred  
35 in attending meetings and in the performance of their duties.

1 All per diem and expense moneys paid to nonlegislative members  
2 shall be paid from funds appropriated to the department.  
3 Legislative members of the council shall receive payment  
4 pursuant to sections 2.10 and 2.12.

5 **Sec. 26. NEW SECTION. 80.47 Training council — meetings.**

6 The training council shall meet at least four times each year  
7 and shall hold special meetings when called by the chairperson  
8 or, in the absence of the chairperson, by the vice chairperson,  
9 or by the chairperson upon written request of five members  
10 of the council. The council shall establish procedures and  
11 requirements with respect to quorum, place, and conduct of  
12 meetings.

13 **Sec. 27. NEW SECTION. 80.48 Training council — annual  
14 report.**

15 The training council shall make an annual report to the  
16 governor, the attorney general, and the commissioner of  
17 public safety which shall include pertinent data regarding  
18 the standards established and the degree of participation of  
19 agencies in the law enforcement training schools.

20 **Sec. 28. NEW SECTION. 80.49 Training council — rules.**

21 1. The commissioner, subject to the approval of the council,  
22 shall adopt rules in accordance with the provisions of this  
23 chapter and chapter 17A, giving due consideration to varying  
24 factors and special requirements of law enforcement agencies  
25 relative to the following:

26 a. Minimum entrance requirements, course of study,  
27 attendance requirements, and equipment and facilities required  
28 at approved law enforcement training schools. The minimum  
29 age requirement for entrance to approved law enforcement  
30 training schools shall be eighteen years of age. The minimum  
31 course of study requirements shall include a separate domestic  
32 abuse curriculum, which may include but is not limited to  
33 outside speakers from domestic abuse shelters and crime  
34 victim assistance organizations. The minimum course of study  
35 requirements shall also include a sexual assault curriculum.

1     *b.* Minimum basic training requirements a law enforcement  
2 officer employed after July 1, 1968, must complete in order to  
3 remain eligible for continued employment and the time within  
4 which such basic training must be completed. The minimum  
5 requirements shall mandate training devoted to the topic of  
6 domestic abuse and sexual assault. The training council shall  
7 submit an annual report to the general assembly by January 15  
8 of each year relating to the continuing education requirements  
9 devoted to the topic of domestic abuse, including the number  
10 of hours required, the substance of the classes offered, and  
11 other related matters.

12     *c.* (1) Categories or classifications of advanced in-service  
13 training programs and minimum courses of study and attendance  
14 requirements for such categories or classifications.

15     (2) In-service training under this paragraph "c" shall  
16 include the requirement that all law enforcement officers  
17 complete a course on investigation, identification, and  
18 reporting of public offenses based on the race, color,  
19 religion, ancestry, national origin, political affiliation,  
20 sex, sexual orientation, age, or disability of the victim. The  
21 commissioner shall consult with the civil rights commission,  
22 the department, and the prosecuting attorneys training  
23 coordinator in developing the requirements for this course and  
24 may contract with outside providers for this course.

25     *d.* Within the existing curriculum, expanded training  
26 regarding racial and cultural awareness and dealing with  
27 gang-affected youth.

28     *e.* Training standards on the subject of human trafficking,  
29 to include curricula on cultural sensitivity and the means to  
30 deal effectively and appropriately with trafficking victims.  
31 Such training shall encourage law enforcement personnel to  
32 communicate in the language of the trafficking victims. The  
33 course of instruction and training standards shall be developed  
34 by the commissioner in consultation with the appropriate  
35 national and state experts in the field of human trafficking.

1     *f.* Minimum standards of physical, educational, and moral  
2 fitness which shall govern the recruitment, selection, and  
3 appointment of law enforcement officers.

4     *g.* Minimum standards of mental fitness which shall govern  
5 the initial recruitment, selection, and appointment of law  
6 enforcement officers. The rules shall include but are not  
7 limited to providing a battery of psychological tests to  
8 determine cognitive skills, personality characteristics, and  
9 suitability of an applicant for a law enforcement career.  
10 However, this battery of tests need only be given to applicants  
11 being considered in the final selection process for a law  
12 enforcement position. Notwithstanding any provision of  
13 chapter 400, an applicant shall not be hired if the employer  
14 determines from the tests that the applicant does not possess  
15 sufficient cognitive skills, personality characteristics, or  
16 suitability for a law enforcement career. The commissioner  
17 shall provide for the cognitive and psychological examinations  
18 and their administration to the law enforcement agencies or  
19 applicants, and shall identify and hire persons to interpret  
20 the examinations.

21     *h.* Grounds for revocation or suspension of a law enforcement  
22 officer's certification.

23     *i.* Exemptions from particular provisions in case of any  
24 state, county, or city, if, in the opinion of the training  
25 council, the standards of law enforcement training established  
26 and maintained by the governmental agency are as high or  
27 higher than those established pursuant to this chapter; or  
28 revocation in whole or in part of such exemption, if in its  
29 opinion the standards of law enforcement training established  
30 and maintained by the governmental agency are lower than those  
31 established pursuant to this chapter.

32     *j.* Minimum qualifications for instructors in  
33 telecommunicator training schools.

34     *k.* Minimum qualifications for instructors in law enforcement  
35 and jailer training schools.

1 1. Certification through examination for individuals who  
2 have successfully completed the federal bureau of investigation  
3 national academy, have corrected Snellen vision in both eyes  
4 of 20/20 or better, and were employed on or before January  
5 1, 1996, as chief of police of a city in this state with a  
6 population of twenty thousand or more.

7 2. A certified course of instruction provided for under this  
8 section shall not be eliminated by the law enforcement council.

9 Sec. 29. NEW SECTION. 80.50 Authority of law enforcement  
10 training council.

11 The council may do all of the following:

12 1. Designate members to visit and inspect any law  
13 enforcement or jailer training schools, or examine the  
14 curriculum or training procedures, for which application for  
15 approval has been made.

16 2. Issue certificates to law enforcement training schools  
17 qualifying under the regulations of the council.

18 3. Issue certificates to law enforcement officers and  
19 jailers who have met the requirements of this chapter and rules  
20 adopted under chapter 17A relative to hiring and training  
21 standards.

22 4. Make recommendations to the governor, the attorney  
23 general, the commissioner, and the general assembly on matters  
24 pertaining to qualification and training of law enforcement  
25 officers and jailers and other matters considered necessary to  
26 improve law enforcement services and jailer training.

27 5. Cooperate with federal, state, and local enforcement  
28 agencies in establishing and conducting local or area schools,  
29 or regional training centers for instruction and training of  
30 law enforcement officers and jailers.

31 6. Direct research in the field of law enforcement and  
32 jailer training and accept grants for such purposes.

33 7. a. Revoke a law enforcement officer's certification  
34 for the conviction of a felony or revoke or suspend a law  
35 enforcement officer's certification for a violation of rules



1 adopted pursuant to section 80.49, subsection 1, paragraph "h".  
2 In addition, the council may consider revocation or suspension  
3 proceedings when an employing agency recommends to the council  
4 that revocation or suspension would be appropriate with regard  
5 to a current or former employee. If a law enforcement officer  
6 resigns, the employing agency shall notify the council that an  
7 officer has resigned and state the reason for the resignation  
8 if a substantial likelihood exists that the reason would result  
9 in the revocation or suspension of an officer's certification  
10 for a violation of the rules.

11 b. A recommendation by an employing agency must be in  
12 writing and set forth the reasons why the action is being  
13 recommended, the findings of the employing agency concerning  
14 the matter, the action taken by the employing agency, and that  
15 the action by the agency is final. "Final", as used in this  
16 section, means that all appeals through a grievance procedure  
17 available to the officer or civil service have been exhausted.  
18 The written recommendations shall be unavailable for inspection  
19 by anyone except personnel of the employing agency, the council  
20 and the affected law enforcement officer, or as ordered by a  
21 reviewing court.

22 c. The council shall establish a process for the protest  
23 and appeal of a revocation or suspension made pursuant to this  
24 subsection.

25 8. In accordance with chapter 17A, conduct investigations,  
26 hold hearings, appoint hearing examiners, administer oaths  
27 and issue subpoenas enforceable in district court on matters  
28 relating to the revocation or suspension of a law enforcement  
29 officer's certification.

30 9. Secure the assistance of the state division of criminal  
31 investigation in the investigation of alleged violations, as  
32 provided under section 80.9A, subsection 6, paragraphs "c" and  
33 "g", of the provisions adopted under section 80.49.

34 Sec. 30. NEW SECTION. 80.51 Training council —  
35 telecommunicator training standards.

1 The commissioner, subject to the approval of the law  
2 enforcement training council, in consultation with the Iowa  
3 state sheriffs' and deputies' association, the Iowa police  
4 executive forum, the Iowa association of chiefs of police and  
5 peace officers, the Iowa state police association, the Iowa  
6 association of professional fire fighters, the Iowa emergency  
7 medical services association, the joint council of Iowa fire  
8 service organizations, the Iowa chapter of the association of  
9 public safety communications officials-international, inc., the  
10 Iowa chapter of the national emergency number association, the  
11 homeland security and emergency management division of the Iowa  
12 department of public defense, and the Iowa department of public  
13 health, shall adopt rules pursuant to chapter 17A establishing  
14 minimum standards and fees for training of telecommunicators.

15 Sec. 31. Section 80D.1A, subsections 1 and 2, Code 2011, are  
16 amended to read as follows:

17 ~~1. "Academy" means the Iowa law enforcement academy.~~

18 ~~2. 1. "Council" means the Iowa law enforcement academy~~  
19 training council.

20 Sec. 32. Section 80D.3, subsection 3, paragraph a, Code  
21 2011, is amended to read as follows:

22 a. A person appointed to serve as a reserve peace officer  
23 who has received basic training as a peace officer and has  
24 been certified by the ~~academy~~ a law enforcement training  
25 school pursuant to chapter ~~80B~~ 260D and rules adopted pursuant  
26 to ~~chapter 80B~~ chapters 80 and 260D may be exempted from  
27 completing the minimum training course at the discretion of  
28 the appointing authority. However, such a person appointed  
29 to serve as a reserve peace officer shall meet mandatory  
30 in-service training requirements established by academy rules  
31 if the person has not served as an active peace officer within  
32 one hundred eighty days of appointment as a reserve peace  
33 officer.

34 Sec. 33. Section 80D.7, Code 2011, is amended to read as  
35 follows:

1       **80D.7 Carrying weapons.**

2       A member of a reserve force shall not carry a weapon in  
3 the line of duty until the member has been approved by the  
4 governing body and certified by the ~~Iowa~~ law enforcement  
5 ~~academy~~ training council to carry weapons. After approval and  
6 certification, a reserve peace officer may carry a weapon in  
7 the line of duty only when authorized by the chief of police,  
8 sheriff, commissioner of public safety or the commissioner's  
9 designee, or director of the judicial district department of  
10 correctional services or the director's designee, as the case  
11 may be.

12       Sec. 34. Section 80F.1, subsection 1, paragraph e, Code  
13 2011, is amended to read as follows:

14       *e.* "*Officer*" means a certified law enforcement officer, fire  
15 fighter, emergency medical technician, corrections officer,  
16 detention officer, jailer, probation or parole officer,  
17 communications officer, or any other law enforcement officer  
18 certified by the ~~Iowa~~ law enforcement ~~academy~~ training council  
19 and employed by a municipality, county, or state agency.

20       Sec. 35. Section 97B.49B, subsection 1, paragraph e,  
21 subparagraph (9), Code 2011, is amended to read as follows:

22       (9) A jailer or detention officer who performs duties as  
23 a jailer, including but not limited to the transportation of  
24 inmates, who is certified as having completed jailer training  
25 pursuant to chapter ~~80B~~ 904, and who is employed by a county as  
26 a jailer.

27       Sec. 36. Section 200.17A, subsection 4, Code 2011, is  
28 amended to read as follows:

29       4. The department, a law enforcement officer as defined  
30 in section ~~80B.3~~ 80.1A, or an agent of the United States  
31 department of justice may examine and photocopy the record  
32 during regular business hours.

33       Sec. 37. Section 232.69, subsection 3, paragraph d,  
34 subparagraph (3), Code 2011, is amended to read as follows:

35       (3) A training program using such an approved curriculum

1 offered by the department of human services, the department of  
2 education, an area education agency, a school district, ~~the~~  
3 ~~Iowa a law enforcement academy training school~~, or a similar  
4 public agency.

5 Sec. 38. Section 235B.16, subsection 5, paragraph d,  
6 subparagraph (3), Code 2011, is amended to read as follows:

7 (3) A training program using such an approved curriculum  
8 offered by the department of human services, the department on  
9 aging, the department of inspections and appeals, ~~the Iowa a~~  
10 law enforcement ~~academy~~ training school, or a similar public  
11 agency.

12 Sec. 39. NEW SECTION. 260D.1 Purpose of law enforcement  
13 training schools.

14 In order to maximize training opportunities for law  
15 enforcement officers throughout the state it is the intent of  
16 the legislature to authorize the creation of law enforcement  
17 training schools in the community colleges under the  
18 coordination and direction of the law enforcement training  
19 council created in section 80.44.

20 Sec. 40. NEW SECTION. 260D.1A Definition.

21 As used in this chapter "*law enforcement officer*" means the  
22 same as defined in section 80.1A.

23 Sec. 41. NEW SECTION. 260D.2 Authorization of law  
24 enforcement training schools.

25 Each community college is authorized to create a law  
26 enforcement training school for the certification of a law  
27 enforcement officer in order to serve the best interests of  
28 the state and in carrying out the intent and purpose of this  
29 chapter.

30 Sec. 42. NEW SECTION. 260D.3 Examination and attendance  
31 fees — training cost.

32 1. The full cost of providing cognitive and psychological  
33 examinations of law enforcement officer candidates may be  
34 charged by a law enforcement training school.

35 2. A law enforcement training school shall charge to the

1 following entities the following costs to provide the basic  
2 training course which is designed to meet the minimum basic  
3 training requirements for a law enforcement officer:

4     *a.* To the department of natural resources and the department  
5 of transportation, the total cost.

6     *b.* To a candidate from any other state agency or department  
7 of the state, the total cost. The candidate and the agency or  
8 department may negotiate the portion of the total cost each  
9 must pay.

10     *c.* For a candidate sponsored by a political subdivision  
11 and hired by the political subdivision, the total cost. The  
12 candidate and the political subdivision may negotiate the  
13 portion of the total cost each must pay.

14     *d.* For all other candidates, including a candidate from a  
15 tribal government, to the candidate the total costs.

16     Sec. 43. NEW SECTION. **260D.4 Training.**

17     1. An individual who is not a certified law enforcement  
18 officer may apply for attendance at a short course of study at  
19 an approved law enforcement training school if such individual  
20 is sponsored by a law enforcement agency. Such individual may  
21 be sponsored by a law enforcement agency that either intends to  
22 hire or has hired the individual as a law enforcement officer.

23     2. An individual who submits an application pursuant to  
24 subsection 1 shall, at a minimum, meet all minimum hiring  
25 standards as established by the law enforcement training  
26 council rules, including the successful completion of certain  
27 psychological and physical testing examinations. In addition,  
28 such individual shall be of good moral character as determined  
29 by a thorough background investigation by the hiring law  
30 enforcement agency. The law enforcement training school shall  
31 conduct the requisite testing and background investigation for  
32 a fee if the law enforcement agency does not do so, and for  
33 such purposes, the law enforcement school shall be defined as a  
34 law enforcement agency and shall have the authority to conduct  
35 a background investigation including a fingerprint search of

1 local, state, and national fingerprint files.

2 3. An individual who submits an application pursuant to  
3 subsection 1 shall, at a minimum, submit proof of successful  
4 completion of a two-year or four-year police science or  
5 criminal justice program at an accredited educational  
6 institution in this state approved by the law enforcement  
7 training council.

8 4. An individual shall not be granted permission to  
9 attend an approved law enforcement training school pursuant  
10 to subsection 1 if such acceptance would result in the  
11 nonacceptance of another qualifying applicant who is a law  
12 enforcement officer.

13 5. This section applies only to individuals who apply for  
14 certification through a short course of study as established  
15 by rule.

16 6. An individual who has not been hired by a law enforcement  
17 agency must be hired by a law enforcement agency within  
18 eighteen months of completing the short course of study in  
19 order to obtain certification pursuant to this section.

20 **Sec. 44. NEW SECTION. 260D.5 Law enforcement training —**  
21 **application by individual — individual expense.**

22 1. Notwithstanding any other provision of law to the  
23 contrary, an individual who is not a certified law enforcement  
24 officer may apply for attendance at a law enforcement training  
25 school if such individual is sponsored by a law enforcement  
26 agency that either intends to hire or has hired the individual  
27 as a law enforcement officer on the condition that the  
28 individual meets the minimum eligibility standards described in  
29 subsection 2. The costs for attendance by such an individual  
30 at the law enforcement training school shall be paid as  
31 provided in section 260D.3.

32 2. An individual who submits an application pursuant to  
33 subsection 1 shall, at a minimum, meet all minimum hiring  
34 standards as established by law enforcement training council  
35 rules, including the successful completion of certain

1 psychological and physical testing examinations. In addition,  
2 such individual shall be of good moral character as determined  
3 by a thorough background investigation by the law enforcement  
4 training school for a fee. For such purposes, the law  
5 enforcement training school shall have the authority to conduct  
6 a background investigation of the individual, including a  
7 fingerprint search of local, state, and national fingerprint  
8 files.

9 3. An individual shall not be granted permission to attend a  
10 law enforcement training school if such acceptance would result  
11 in the nonacceptance of another qualifying applicant who is a  
12 law enforcement officer.

13 4. An individual who has not been hired by a law enforcement  
14 agency must be hired by a law enforcement agency within  
15 eighteen months of completing the appropriate coursework  
16 at the law enforcement training school in order to obtain  
17 certification pursuant to chapter 80.

18 Sec. 45. NEW SECTION. **260D.6 Law enforcement officer —**  
19 **tribal government.**

20 A law enforcement officer who is a member of a police force  
21 of a tribal government and who becomes certified through  
22 a law enforcement training school shall be subject to the  
23 certification and revocation of certification rules and  
24 procedures as provided in this chapter. The certified law  
25 enforcement officer shall be subject to the jurisdiction of the  
26 courts of this state if an agreement exists between the tribal  
27 government and the state or between the tribal government  
28 and a county, which grants authority to the law enforcement  
29 officer to act in a law enforcement capacity off a settlement  
30 or reservation.

31 Sec. 46. Section 262.13, Code 2011, is amended to read as  
32 follows:

33 **262.13 Security officers at institutions as peace officers.**

34 The board may authorize any institution under its control  
35 to commission one or more of its employees as special security

1 officers. Special security officers shall have the powers,  
2 privileges, and immunities of regular peace officers when  
3 acting in the interests of the institution by which they are  
4 employed. The board shall provide as rapidly as practicable  
5 for the adequate training of such special security officers at  
6 ~~the Iowa~~ a law enforcement academy training school or in an  
7 equivalent training program, unless they have already received  
8 such training.

9 Sec. 47. Section 321.52, subsection 4, paragraph c, Code  
10 2011, is amended to read as follows:

11 c. A salvage theft examination shall be made by a peace  
12 officer who has been specially certified and recertified when  
13 required by the ~~Iowa~~ law enforcement academy training council  
14 to do salvage theft examinations. The ~~Iowa~~ law enforcement  
15 academy training council shall determine standards for  
16 training and certification, conduct training, and may approve  
17 alternative training programs which satisfy the ~~academy's~~  
18 council's standards for training and certification. The owner  
19 of the salvage vehicle shall make the vehicle available for  
20 examination at a time and location designated by the peace  
21 officer doing the examination. The owner may obtain a permit  
22 to drive the vehicle to and from the examination location by  
23 submitting a repair affidavit to the agency performing the  
24 examination stating that the vehicle is reasonably safe for  
25 operation and listing the repairs which have been made to the  
26 vehicle. The owner must be present for the examination and  
27 have available for inspection the salvage title, bills of  
28 sale for all essential parts changed, if applicable, and the  
29 repair affidavit. The examination shall be for the purposes  
30 of determining whether the vehicle or repair components have  
31 been stolen. The examination is not a safety inspection and  
32 a signed salvage theft examination certificate shall not be  
33 construed by any court of law to be a certification that the  
34 vehicle is safe to be operated. There shall be no cause of  
35 action against the peace officer or the agency conducting



1 the examination or the county treasurer for failure to  
2 discover or note safety defects. If the vehicle passes the  
3 theft examination, the peace officer shall indicate that the  
4 vehicle passed examination on the salvage theft examination  
5 certificate. The permit and salvage theft examination  
6 certificate shall be on controlled forms prescribed and  
7 furnished by the department. The owner shall pay a fee of  
8 thirty dollars upon completion of the examination. The agency  
9 performing the examinations shall retain twenty dollars of the  
10 fee and shall pay five dollars of the fee to the department  
11 and five dollars of the fee to the treasurer of state for  
12 deposit in the general fund of the state. Moneys deposited  
13 to the general fund under this paragraph are subject to the  
14 requirements of section 8.60 and shall be used by the Iowa  
15 law enforcement ~~academy~~ council to provide for the special  
16 training, certification, and recertification of officers as  
17 required by this subsection.

18 Sec. 48. Section 321.267A, subsection 4, Code 2011, is  
19 amended to read as follows:

20 4. For the purposes of this section, "*certified law*  
21 *enforcement officer*" includes a law enforcement officer who is  
22 certified through ~~the Iowa~~ a law enforcement academy training  
23 school under chapter 260D as provided in section ~~80B.13~~ 80.50,  
24 subsection 3, or a reserve peace officer certified through ~~the~~  
25 ~~Iowa~~ a law enforcement academy training school under chapter  
26 206D as provided in section 80D.4A.

27 Sec. 49. Section 321J.1, subsection 8, paragraph e, Code  
28 2011, is amended to read as follows:

29 e. Any other law enforcement officer who has satisfactorily  
30 completed an approved course relating to motor vehicle  
31 operators under the influence of alcoholic beverages at ~~the~~  
32 ~~Iowa~~ a law enforcement academy training school or a other law  
33 enforcement training program approved by the department of  
34 public safety.

35 Sec. 50. Section 331.651, subsection 2, paragraph c, Code

1 2011, is amended to read as follows:

2 *c.* Be a certified peace officer recognized by the Iowa law  
3 enforcement ~~academy~~ training council under chapter ~~80B~~ 80,  
4 or complete the basic training course provided at ~~the Iowa~~  
5 ~~law enforcement academy's central training facility~~ by a law  
6 enforcement training school under chapter 260D, or a location  
7 other than the central training facility within one year of  
8 taking office. A person shall be deemed to have completed  
9 the basic training course if the person meets all course  
10 requirements except the physical training requirements.

11 Sec. 51. Section 341A.6, subsection 2, Code 2011, is amended  
12 to read as follows:

13 2. To administer practical tests designed to determine  
14 the ability of persons examined to perform the duties of the  
15 position for which they are seeking appointment. Such tests  
16 shall be designed and prepared by the ~~director of the Iowa~~  
17 ~~law enforcement academy~~ commissioner of the department of  
18 public safety, shall be administered by each commission in  
19 a uniform manner prescribed by the ~~director~~ commissioner of  
20 the department of public safety, and shall be consistent with  
21 standards established pursuant to ~~chapter 80B~~ chapters 80 and  
22 260D governing standards for employment of Iowa law enforcement  
23 officers. Notice of such tests shall be posted in the office  
24 of the sheriff and the office of the board of supervisors not  
25 less than thirty days prior to giving such tests.

26 Sec. 52. Section 341A.10, Code 2011, is amended to read as  
27 follows:

28 **341A.10 Citizenship.**

29 An applicant for any position under civil service shall be a  
30 citizen of the United States who can read and write the English  
31 language, and shall meet the minimum requirements of ~~the Iowa a~~  
32 ~~law enforcement academy~~ training council for a law enforcement  
33 officer.

34 Sec. 53. Section 341A.11, unnumbered paragraph 1, Code  
35 2011, is amended to read as follows:

1 The tenure of every deputy sheriff holding an office or  
2 position of employment under the provisions of this chapter  
3 shall be conditional upon a probationary period. If the  
4 employee has successfully completed training at ~~the Iowa~~ a law  
5 enforcement ~~academy~~ training school or a regional training  
6 facility certified by the ~~director of the Iowa~~ law enforcement  
7 ~~academy~~ training council prior to initial appointment as a  
8 deputy sheriff, the probationary period shall be for a period  
9 of up to nine months and shall commence with the date of  
10 initial appointment as a deputy sheriff. If the employee  
11 has not successfully completed training at ~~the Iowa~~ a law  
12 enforcement ~~academy~~ training school or a regional training  
13 facility certified by the ~~director of the Iowa~~ law enforcement  
14 ~~academy~~ training council prior to initial appointment as a  
15 deputy sheriff, the probationary period shall commence with  
16 the date of initial employment as a deputy sheriff and shall  
17 continue for a period of up to nine months following the  
18 date of successful completion of training at the ~~Iowa~~ law  
19 enforcement ~~academy~~ training council or a regional training  
20 facility certified by the ~~director of the Iowa~~ law enforcement  
21 ~~academy~~ training council. During the probationary period, the  
22 appointee may be removed or discharged by the sheriff without  
23 the right of appeal to the commission. Each deputy sheriff who  
24 transfers from one jurisdiction to another shall be employed  
25 subject to a probationary period of up to nine months. After  
26 the probationary period, the deputy sheriff may be removed or  
27 discharged, suspended without pay, demoted, or reduced in rank,  
28 or deprived of vacation privileges or other privileges for any  
29 of the following reasons:

30 Sec. 54. Section 384.15, subsection 7, unnumbered paragraph  
31 1, Code 2011, is amended to read as follows:

32 Adopt rules for the administration of a law enforcement  
33 officer training reimbursement program by the director of the  
34 department of management. A decision of the director may be  
35 appealed by a city or county to the committee. The program

1 shall provide reimbursement to a city or county for necessary  
2 and actual expenses incurred in training a law enforcement  
3 officer who resigns from law enforcement service with the  
4 city or county within four years after completion of the law  
5 enforcement training. The reimbursable training expenses  
6 include mileage, food, lodging, tuition, replacement of an  
7 officer while the officer is in training if the replacement  
8 officer is a temporary employee hired for that purpose only  
9 or is on overtime status, and salary costs of the officer  
10 while in training. The law enforcement training eligible for  
11 reimbursement is the minimum law enforcement officer training  
12 required under ~~chapter 80B~~ chapters 80 and 260D and, if funding  
13 is available, approved advanced law enforcement training and  
14 reserve officer training required under chapter 80D. The  
15 committee shall adopt rules prescribing application forms,  
16 expense documentation, and procedures necessary to administer  
17 the reimbursement program.

18 Sec. 55. Section 400.8, subsection 3, Code 2011, is amended  
19 to read as follows:

20 3. All appointments to such positions shall be conditional  
21 upon a probation period of not to exceed six months, and in  
22 the case of police dispatchers and fire fighters a probation  
23 period not to exceed twelve months. In the case of police  
24 patrol officers, if the employee has successfully completed  
25 training at ~~the Iowa law enforcement academy~~ training school or  
26 another training facility certified by the ~~director of the Iowa~~  
27 law enforcement academy training council before the initial  
28 appointment as a police patrol officer, the probationary  
29 period shall be for a period of up to nine months and shall  
30 commence with the date of initial appointment as a police  
31 patrol officer. If the employee has not successfully completed  
32 training at ~~the Iowa~~ a law enforcement academy training school  
33 or another training facility certified by the ~~director of~~  
34 ~~the law enforcement academy~~ training council before initial  
35 appointment as a police patrol officer, the probationary

1 period shall commence with the date of initial employment as  
2 a police patrol officer and shall continue for a period of up  
3 to nine months following the date of successful completion of  
4 training at ~~the Iowa~~ a law enforcement academy training school  
5 or another training facility certified by the ~~director of~~  
6 ~~the Iowa~~ law enforcement academy training council. A police  
7 patrol officer transferring employment from one jurisdiction to  
8 another shall be employed subject to a probationary period of  
9 up to nine months. However, in cities with a population over  
10 one hundred seventy-five thousand, appointments to the position  
11 of fire fighter shall be conditional upon a probation period  
12 of not to exceed twenty-four months. During the probation  
13 period, the appointee may be removed or discharged from such  
14 position by the appointing person or body without the right  
15 of appeal to the commission. A person removed or discharged  
16 during a probationary period shall, at the time of discharge,  
17 be given a notice in writing stating the reason or reasons  
18 for the dismissal. A copy of such notice shall be promptly  
19 filed with the commission. Continuance in the position after  
20 the expiration of such probationary period shall constitute a  
21 permanent appointment.

22 Sec. 56. Section 456A.14, Code 2011, is amended to read as  
23 follows:

24 **456A.14 Temporary appointments — peace officer status.**

25 The director may appoint temporary officers for a period  
26 not to exceed six months and may adopt minimum physical,  
27 educational, mental, and moral requirements for the temporary  
28 officers. ~~Chapter 80B does~~ Chapters 80 and 260D do not apply  
29 to the temporary officers. Temporary officers have all the  
30 powers of peace officers in the enforcement of this chapter and  
31 chapters 321G, 321I, 456B, 461A, 461B, 462A, 462B, 463B, 465C,  
32 481A, 481B, 482, 483A, 484A, and 484B, and the trespass laws.

33 Sec. 57. Section 462A.2, subsection 28, paragraph e, Code  
34 2011, is amended to read as follows:

35 e. Any other certified law enforcement officer as defined

1 in section ~~80B.3~~ 80.1A, who has satisfactorily completed an  
2 approved course relating to operating while intoxicated, either  
3 at ~~the Iowa a law enforcement academy~~ training school under  
4 chapter 260D or in a law enforcement training program approved  
5 by the department of public safety.

6 Sec. 58. Section 805.1, subsection 3, paragraph a, Code  
7 2011, is amended to read as follows:

8 a. State and local law enforcement agencies in the state  
9 of Iowa may cooperate to formulate uniform guidelines that  
10 will provide for the maximum possible use of citations in lieu  
11 of arrest and in lieu of continued custody for offenses for  
12 which citations are authorized. These guidelines shall be  
13 submitted to the ~~Iowa law enforcement academy~~ training council  
14 for review. The ~~Iowa law enforcement academy~~ training council  
15 shall then submit recommendations to the general assembly no  
16 later than January 1, 1984.

17 Sec. 59. Section 817.3, Code 2011, is amended to read as  
18 follows:

19 **817.3 Certified law enforcement officers — oaths,**  
20 **signatures, and testimony.**

21 A law enforcement officer, as defined in section ~~80B.3~~  
22 80.1A, who is certified by ~~the Iowa a law enforcement academy~~  
23 training school under chapter 260D, may administer oaths,  
24 acknowledge signatures, and take voluntary testimony pursuant  
25 to the officer's duties as provided by law.

26 Sec. 60. NEW SECTION. **904.120 Jailer training standards.**

27 The director, in consultation with the law enforcement  
28 training council, the Iowa state sheriffs' and deputies'  
29 association, and the Iowa association of chiefs of police and  
30 peace officers, shall adopt rules in accordance with chapter  
31 17A establishing minimum standards and fees for the training  
32 of jailers.

33 Sec. 61. MISCELLANEOUS TRANSITION PROVISIONS.

34 1. The initial membership of the law enforcement training  
35 council shall be composed of the membership of the Iowa law

1 enforcement academy council.

2 2. Effective on or after July 1, 2011, as determined by  
3 the law enforcement training council created pursuant to this  
4 division of this Act, all of the membership of the Iowa law  
5 enforcement academy council shall be redesignated to serve as  
6 the membership of the initial law enforcement training council.

7 3. Until the law enforcement training council and the  
8 department of public safety have adopted administrative  
9 rules to implement the provisions of this Act, the department  
10 of public safety shall apply the relevant rules adopted to  
11 implement the Iowa law enforcement academy and the Iowa law  
12 enforcement academy council. The rules shall include measures  
13 to ensure there is continuity of services in the transition  
14 from the Iowa law enforcement academy and the Iowa law  
15 enforcement academy council to the law enforcement training  
16 council and the department of public safety. The rules shall  
17 also address the transition of contracts entered into by the  
18 Iowa law enforcement academy and the Iowa law enforcement  
19 academy council.

20 Sec. 62. REPEAL. Chapter 80B, Code 2011, is repealed.

21 EXPLANATION

22 This bill relates to and makes appropriations to the justice  
23 system.

24 DIVISION I — APPROPRIATIONS. The division makes  
25 appropriations from the general fund of the state for fiscal  
26 year 2011-2012 to the departments of justice, corrections,  
27 public defense, and public safety, and the law enforcement  
28 council, office of the state public defender, board of parole,  
29 and Iowa state civil rights commission.

30 The division appropriates moneys from the department of  
31 commerce revolving fund to the office of consumer advocate of  
32 the department of justice.

33 The division also appropriates moneys from the gaming  
34 enforcement revolving fund to the department of public safety.

35 The division also provides that for each additional license

1 to conduct gambling games on an excursion gambling boat,  
2 gambling structure, or racetrack enclosure issued for the  
3 fiscal year beginning on July 1, 2011, there is appropriated  
4 from the gaming enforcement fund to the department of public  
5 safety for the fiscal year beginning July 1, 2011, and ending  
6 June 30, 2012, an additional amount of not more than \$521,000  
7 to be used for not more than 6.00 additional full-time  
8 equivalent positions.

9 The division extends the fiscal period that increases  
10 the annual appropriations from the consumer education and  
11 litigation fund in Code section 714.16C, to the department of  
12 justice. The division extends the fiscal period authorizing  
13 such increases from the fiscal period beginning on July  
14 1, 2008, and ending on June 30, 2011, to the fiscal period  
15 beginning on July 1, 2008, and ending June 30, 2013. By  
16 extending the fiscal period that authorizes increased  
17 appropriations from the consumer education and litigation fund,  
18 the division also extends the fiscal period that moneys may be  
19 allocated from the consumer education and litigation fund to  
20 the victim compensation fund for cash flow purposes, if the  
21 moneys so allocated are returned to the consumer and education  
22 litigation fund by the end of each fiscal year the allocation  
23 occurs.

24 For the fiscal year beginning July 1, 2011, the division  
25 provides that the department of corrections, department  
26 of public safety, and the judicial district department of  
27 correctional services are exempt from the target ratio of  
28 supervisory employees to other employees otherwise applicable  
29 for the fiscal year beginning July 1, 2011, under Code section  
30 8A.402(2)(g).

31 DIVISION II — LAW ENFORCEMENT TRAINING COUNCIL. The  
32 division eliminates the Iowa law enforcement academy and  
33 repeals Code chapter 80B relating to the establishment of the  
34 academy.

35 The division transfers the duties of the Iowa law



1 enforcement academy council to the law enforcement training  
2 council under the purview of the department of public safety  
3 on July 1, 2011. The transfer of the duties of the Iowa law  
4 enforcement academy council to the law enforcement training  
5 council does not result in the removal of an appointed member  
6 or lengthen or shorten the terms of the current appointed  
7 members.

8 The division moves the telecommunicator training under the  
9 purview of the department of public safety. The division  
10 provides the department shall adopt rules and establish minimum  
11 standards and fees for the training of a telecommunicator. A  
12 "telecommunicator" means a person who receives requests for,  
13 or dispatches requests to, emergency response agencies which  
14 include but are not limited to law enforcement, fire, rescue,  
15 and emergency medical services agencies. Under current law,  
16 the Iowa law enforcement academy provides such training.

17 Under the division, it is the intent of the general assembly  
18 to maximize training opportunities for law enforcement officers  
19 throughout the state under the coordination and direction  
20 of the newly created law enforcement training council. The  
21 division authorizes the community colleges to create law  
22 enforcement training schools for the certification of law  
23 enforcement officers in this state.

24 The bill modifies the fees a community college may charge a  
25 candidate for attending a law enforcement training school from  
26 the current fee structure in Code section 80B.11B.

27 The division also permits the law enforcement training  
28 school to use the funds raised from the fees to fulfill the  
29 obligations of the law enforcement training school to train and  
30 certify a law enforcement officer. This provision currently  
31 exists for fees charged by the Iowa law enforcement academy  
32 under current law.

33 The division provides that an individual who is not a  
34 certified law enforcement officer may apply for attendance  
35 at a law enforcement training school if the individual is

1 sponsored by a law enforcement agency that either intends to  
2 hire or has hired the individual as a law enforcement officer.  
3 This provision currently exists for individuals under similar  
4 circumstances who attend the Iowa law enforcement academy.

5 The division provides a law enforcement officer who is a  
6 member of a police force of a tribal government who becomes  
7 certified by a community college law enforcement training  
8 school shall be subject to the certification and revocation  
9 of certification rules and procedures as other certified law  
10 enforcement officers, as is the case under current law as well.

11 The division transfers the authority to establish standards  
12 for jailer training from the Iowa law enforcement academy to  
13 the department of corrections. The division requires the  
14 director of the department of corrections in consultation with  
15 the law enforcement council, the Iowa state sheriffs' and  
16 deputies' association, and the Iowa association of chiefs of  
17 police and peace officers, to adopt rules in accordance with  
18 Code chapter 17A for the establishment of minimum standards and  
19 fees for the training of jailers.