

House File 528 - Introduced

HOUSE FILE 528
BY COMMITTEE ON LOCAL
GOVERNMENT

(SUCCESSOR TO HSB 115)

A BILL FOR

1 An Act relating to responsibilities for expenses for the
2 safekeeping and maintenance of prisoners by counties and
3 cities.

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

1 Section 1. Section 356.15, Code 2015, is amended to read as
2 follows:

3 **356.15 Expenses.**

4 1. a. All charges and expenses for the safekeeping and
5 maintenance of prisoners, as described in section 356.5, after
6 an initial appearance before a magistrate required under
7 section 804.21 or 804.22 shall be ~~allowed~~ paid for by the board
8 of supervisors, except those committed or detained by the
9 authority of the courts of the United States, in which cases
10 the United States must pay such expenses to the county, or
11 those committed for violation of a city ordinance, in which
12 case the city shall pay expenses to the county, or those
13 committed or detained from another state, in which case the
14 governmental entity from the other state sending the prisoners
15 shall pay expenses to the county.

16 b. For a prisoner who receives medical aid at a hospital
17 or other medical facility and is eligible for Medicaid or
18 is insured by a third-party payer, the hospital or medical
19 facility shall first bill Medicaid or the prisoner's insurer.
20 If the prisoner is not eligible for Medicaid and is not
21 insured, the hospital or medical facility shall bill the
22 prisoner. If a prisoner fails to pay the expenses for medical
23 aid, the applicable board of supervisors or city council shall
24 pay the expenses for the medical aid, as required pursuant to
25 paragraph "a".

26 2. All charges and expenses for the safekeeping and
27 maintenance of a prisoner before an initial appearance before
28 a magistrate shall be paid for by the governmental entity
29 responsible for arresting the prisoner if the charges and
30 expenses are not otherwise billed and collected as provided in
31 subsection 1, paragraph "b".

32 Sec. 2. Section 804.28, Code 2015, is amended to read as
33 follows:

34 **804.28 ~~Department of public safety prisoners~~ Sheriff to**
35 **accept custody.**

1 1. The sheriff of any county shall accept for custody in
2 the county jail of the sheriff's respective county any person
3 handed over to the sheriff for safekeeping and lodging by any
4 of the following:

5 a. Any member of the department of public safety.

6 b. Any member of any law enforcement agency within the
7 county after a magistrate has committed the person to bail
8 pursuant to section 804.21 or 804.22.

9 2. The county shall not be liable for medical treatment for
10 injuries incurred by a person before the person is transferred
11 to the custody of the sheriff. Medical treatment for injuries
12 experienced by a person before the person is transferred to
13 the custody of the sheriff shall be the liability of the
14 governmental entity responsible for arresting the person if the
15 medical treatment expenses are not billed to and collected from
16 the person or an insurer. Any expenses payable by the state
17 pursuant to this section shall be paid out of any moneys in
18 the state treasury not otherwise appropriated. The expenses
19 payable by the state shall be paid on claims filed with the
20 department of administrative services.

21 3. For the purposes of this section "custody" is defined to
22 begin at the conclusion of a person's initial appearance before
23 a magistrate under section 804.21 or 804.22 unless defined
24 otherwise in an agreement between the county and another
25 governmental entity responsible for making an individual
26 arrest.

27 Sec. 3. IMPLEMENTATION OF ACT. Section 25B.2, subsection
28 3, shall not apply to this Act.

29

EXPLANATION

30 The inclusion of this explanation does not constitute agreement with
31 the explanation's substance by the members of the general assembly.

32 This bill relates to expenses for the safekeeping and
33 maintenance of prisoners by counties and cities. Under current
34 law, the board of supervisors for a county is required to allow
35 all charges and expenses for the safekeeping and maintenance

1 of prisoners at a county facility. The bill provides that
2 medical treatment for injuries experienced by a person before
3 the person is transferred to the sheriff are the liability
4 of the arresting governmental entity if the expenses are not
5 billed and collected from the person or an insurer. The bill
6 also establishes a structure for charging and billing for the
7 medical aid expenses of prisoners.

8 The bill may include a state mandate as defined in Code
9 section 25B.3. The bill makes inapplicable Code section 25B.2,
10 subsection 3, which would relieve a political subdivision from
11 complying with a state mandate if funding for the cost of
12 the state mandate is not provided or specified. Therefore,
13 political subdivisions are required to comply with any state
14 mandate included in the bill.