

Senate File 238 - Introduced

SENATE FILE 238

BY SODDERS

A BILL FOR

1 An Act relating to prisoner charges and expenses.

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

15 2. All charges and expenses for the safekeeping and
16 maintenance of a prisoner before an initial appearance before
17 a magistrate shall be allowed by the governmental entity
18 responsible for arresting the prisoner if the charges and
19 expenses are not charged to and collected from the prisoner
20 pursuant to section 356.7, subsection 1.

21 Sec. 2. Section 804.28, Code 2015, is amended to read as
22 follows:

23 **804.28 ~~Department of public safety prisoners~~ Sheriff to**
24 **accept custody.**

25 1. The sheriff of any county shall accept for custody in
26 the county jail of the sheriff's respective county any person
27 handed over to the sheriff for safekeeping and lodging by any
28 of the following:

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

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

33 2. The county shall not be liable for medical treatment for
34 injuries incurred by a person before the person is transferred
35 to the custody of the sheriff. Medical treatment for injuries

1 experienced by a person before the person is transferred to
2 the custody of the sheriff shall be the liability of the
3 governmental entity responsible for arresting the person if the
4 medical treatment expenses are not charged to and collected
5 from the person. Any expenses payable by the state pursuant
6 to this section shall be paid out of any moneys in the state
7 treasury not otherwise appropriated. The expenses payable by
8 the state shall be paid on claims filed with the department of
9 administrative services.

10 3. For the purposes of this section "custody" is defined to
11 begin at the conclusion of a person's initial appearance before
12 a magistrate under section 804.21 or 804.22 unless defined
13 otherwise in an agreement between the county and another
14 governmental entity responsible for making an individual
15 arrest.

16 Sec. 3. IMPLEMENTATION OF ACT. Section 25B.2, subsection
17 3, shall not apply to this Act.

18 EXPLANATION

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

21 This bill relates to county jail charges and expenses.

22 The bill requires that all charges and expenses for the
23 safekeeping and maintenance of a prisoner before an initial
24 appearance before a magistrate be allowed by the governmental
25 entity responsible for arresting the prisoner if the charges
26 and expenses are not charged to and collected from the prisoner
27 pursuant to Code section 356.7, subsection 1.

28 The bill requires that the sheriff of any county accept
29 for custody in the county jail any person handed over to the
30 sheriff for safekeeping and lodging by any law enforcement
31 agency within the county after a magistrate has committed the
32 person to bail. The bill also requires that a governmental
33 entity responsible for arresting a person is liable for any
34 medical treatment for injuries experienced by such a person
35 before the person is transferred to the custody of the sheriff

1 if those expenses are not charged to and collected from the
2 person.

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