

Senate File 151 - Reprinted

SENATE FILE 151
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 1022)

(As Amended and Passed by the Senate March 17, 2015)

A BILL FOR

1 An Act establishing an orientation and classification center
2 at the Iowa correctional institution for women and at the
3 Anamosa state penitentiary.

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

1 Section 1. Section 218.92, Code 2015, is amended to read as
2 follows:

3 **218.92 Patients with dangerous mental disturbances.**

4 When a patient in a state resource center for persons with an
5 intellectual disability, a state mental health institute, or
6 another institution under the administration of the department
7 of human services has become so mentally disturbed as to
8 constitute a danger to self, to other patients or staff of
9 the institution, or to the public, and the institution cannot
10 provide adequate security, the administrator in charge of
11 the institution, with the consent of the director of the
12 Iowa department of corrections, may order the patient to be
13 transferred to the Iowa medical and classification center
14 at Oakdale, if the superintendent of the institution from
15 which the patient is to be transferred, with the support of a
16 majority of the medical staff, recommends the transfer in the
17 interest of the patient, other patients, or the public. If
18 the patient transferred was hospitalized pursuant to sections
19 229.6 to 229.15, the transfer shall be promptly reported to
20 the court that ordered the hospitalization of the patient, as
21 required by section 229.15, subsection 5. The Iowa medical
22 and classification center at Oakdale has the same rights,
23 duties, and responsibilities with respect to the patient as the
24 institution from which the patient was transferred had while
25 the patient was hospitalized in the institution. The cost of
26 the transfer shall be paid from the funds of the institution
27 from which the transfer is made.

28 Sec. 2. Section 226.30, Code 2015, is amended to read as
29 follows:

30 **226.30 Transfer of dangerous patients.**

31 When a patient of any hospital for persons with mental
32 illness becomes incorrigible, and unmanageable to such an
33 extent that the patient is dangerous to the safety of others
34 in the hospital, the administrator may apply in writing to the
35 district court or to any judge thereof, of the county in which

1 the hospital is situated, for an order to transfer the patient
2 to the Iowa medical and classification center at Oakdale and if
3 the order is granted the patient shall be so transferred. The
4 county attorney of the county shall appear in support of the
5 application on behalf of the administrator.

6 Sec. 3. Section 229.1, subsection 14, paragraph c, Code
7 2015, is amended to read as follows:

8 c. Any other publicly supported hospital or institution,
9 or part of such hospital or institution, which is equipped
10 and staffed to provide inpatient care to persons with mental
11 illness, except the Iowa medical and classification center
12 established by chapter 904 at Oakdale.

13 Sec. 4. Section 331.756, subsection 45, Code 2015, is
14 amended to read as follows:

15 45. Appear on behalf of the administrator of the division
16 of mental health and disability services of the department
17 of human services in support of an application to transfer
18 a person with mental illness who becomes incorrigible and
19 dangerous from a state hospital for persons with mental illness
20 to the Iowa medical and classification center at Oakdale as
21 provided in section 226.30.

22 Sec. 5. Section 690.4, subsection 1, Code 2015, is amended
23 to read as follows:

24 1. ~~The warden of the Iowa medical and~~ appropriate
25 classification center and superintendent of the state training
26 school shall take or procure the taking of the fingerprints,
27 and, in the case of the Iowa medical and classification center
28 at Oakdale only, Bertillon photographs of any person received
29 on commitment to their respective institutions, and shall
30 forward such fingerprint records and photographs within ten
31 days after they are taken to the department of public safety.
32 Information obtained from fingerprint cards submitted pursuant
33 to this section may be retained by the department of public
34 safety as criminal history records. If a charge for a serious
35 misdemeanor, aggravated misdemeanor, or felony is brought

1 against a person already in the custody of a law enforcement or
2 correctional agency and the charge is filed in a case separate
3 from the case for which the person was previously arrested
4 or confined, the agency shall take the fingerprints of the
5 person in connection with the new case and submit them to the
6 department of public safety.

7 Sec. 6. Section 812.6, subsection 2, paragraph a, Code 2015,
8 is amended to read as follows:

9 a. A defendant who poses a danger to the public peace or
10 safety, or who is otherwise not qualified for pretrial release,
11 shall be committed as a safekeeper to the custody of the
12 director of the department of corrections at the Iowa medical
13 and classification center at Oakdale, or other appropriate
14 treatment facility as designated by the director, for treatment
15 designed to restore the defendant to competency. The costs of
16 the treatment pursuant to this paragraph shall be borne by the
17 department of corrections.

18 Sec. 7. Section 901.2, subsection 2, paragraph a, Code 2015,
19 is amended to read as follows:

20 a. The court shall not order a presentence investigation
21 when the offense is a class "A" felony. If, however, the board
22 of parole determines that the ~~Iowa medical and~~ appropriate
23 classification center reception report for a class "A" felon is
24 inadequate, the board may request and shall be provided with
25 additional information from the appropriate judicial district
26 department of correctional services.

27 Sec. 8. Section 903A.5, subsection 1, Code 2015, is amended
28 to read as follows:

29 1. An inmate shall not be discharged from the custody
30 of the director of the Iowa department of corrections until
31 the inmate has served the full term for which the inmate was
32 sentenced, less earned time and other credits earned and not
33 forfeited, unless the inmate is pardoned or otherwise legally
34 released. Earned time accrued and not forfeited shall apply
35 to reduce a mandatory minimum sentence being served pursuant

1 to section 124.406, 124.413, 902.7, 902.8, 902.8A, or 902.11.
2 An inmate shall be deemed to be serving the sentence from the
3 day on which the inmate is received into the institution. If
4 an inmate was confined to a county jail, municipal holding
5 facility, or other correctional or mental facility at any time
6 prior to sentencing, or after sentencing but prior to the case
7 having been decided on appeal, because of failure to furnish
8 bail or because of being charged with a nonbailable offense,
9 the inmate shall be given credit for the days already served
10 upon the term of the sentence. However, if a person commits
11 any offense while confined in a county jail, municipal holding
12 facility, or other correctional or mental health facility, the
13 person shall not be granted credit for that offense. Unless
14 the inmate was confined in a correctional facility, the sheriff
15 of the county in which the inmate was confined or the officer
16 in charge of the municipal holding facility in which the inmate
17 was confined shall certify to the clerk of the district court
18 from which the inmate was sentenced and to the department of
19 corrections' records administrator at the ~~Iowa medical and~~
20 appropriate classification center the number of days so served.
21 The department of corrections' records administrator, or the
22 administrator's designee, shall apply credit as ordered by the
23 court of proper jurisdiction or as authorized by this section
24 and section 907.3, subsection 3.

25 Sec. 9. Section 904.102, subsections 1 and 4, Code 2015, are
26 amended to read as follows:

27 1. Iowa correctional institution for women at
28 Mitchellville.

29 4. Iowa medical and classification center at Oakdale.

30 Sec. 10. Section 904.108, subsection 1, paragraph c, Code
31 2015, is amended to read as follows:

32 c. (1) Establish and maintain an orientation and
33 classification center at the Iowa correctional institution for
34 women at Mitchellville.

35 (2) Establish and maintain a program to oversee women's

1 institutional and community corrections programs and to provide
2 community support to ensure continuity and consistency of
3 programs. The person responsible for implementing this section
4 shall report to the director.

5 Sec. 11. Section 904.202, Code 2015, is amended to read as
6 follows:

7 **904.202 Intake and classification center centers.**

8 The director ~~may~~ shall provide facilities and personnel
9 for a diagnostic intake and classification center ~~at the Iowa~~
10 medical and classification center at Oakdale and at the Iowa
11 correctional institution for women at Mitchellville. The
12 director shall also provide facilities and personnel for a
13 diagnostic intake and classification center for juveniles
14 at the Anamosa state penitentiary. The work of ~~the~~ each
15 center shall include a scientific study of each inmate, the
16 inmate's career and life history, the causes of the inmate's
17 criminal acts and recommendations for the inmate's custody,
18 care, training, employment, and counseling with a view to
19 rehabilitation and to the protection of society. To facilitate
20 the work of ~~the~~ each center and to aid in the rehabilitation
21 of the inmates, the trial judge, prosecuting attorney,
22 and presentence investigators shall furnish the director
23 with any previously authorized presentence investigation
24 report and a full statement of facts and circumstances
25 attending the commission of the offense so far as known or
26 believed by them. If the department develops and utilizes an
27 inmate classification system, it must, within a reasonable
28 time, present evidence from independent experts as to the
29 effectiveness and validity of the classification system.

30 Sec. 12. Section 904.503, subsections 2 and 3, Code 2015,
31 are amended to read as follows:

32 2. When the director has cause to believe that an inmate
33 in a state correctional institution is mentally ill, the
34 Iowa department of corrections may cause the inmate to be
35 transferred to the Iowa medical and classification center

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

10 3. When the director has reason to believe that a prisoner
11 in a state correctional institution, whose sentence has
12 expired, is mentally ill, the director shall cause examination
13 to be made of the prisoner by competent physicians who shall
14 certify to the director whether the prisoner is in good
15 mental health or mentally ill. The director may make further
16 investigation and if satisfied that the prisoner is mentally
17 ill, the director may cause the prisoner to be transferred
18 to one of the hospitals for persons with mental illness, or
19 may order the prisoner to be confined in the Iowa medical and
20 classification center at Oakdale.