

Senate File 394 - Reprinted

SENATE FILE 394
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SF 238)

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

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 hospital or other medical facility shall, through all
24 reasonable means, attempt to collect from the prisoner the
25 amount charged. If the hospital or other medical facility
26 is unable to collect from the prisoner, after exhausting
27 all reasonable means of collection, the applicable board
28 of supervisors, city council, state agency, or the United
29 States shall pay the expenses for the medical aid, as required
30 pursuant to paragraph "a".

31 2. All charges and expenses for the safekeeping and
32 maintenance of a prisoner before an initial appearance before
33 a magistrate shall be paid for by the governmental entity
34 responsible for arresting the prisoner if the charges and
35 expenses are not otherwise billed and collected as provided in

1 subsection 1, paragraph "b".

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

4 **804.28 ~~Department of public safety prisoners~~ Sheriff to**
5 **accept custody.**

6 1. The sheriff of any county shall accept for custody in
7 the county jail of the sheriff's respective county any person
8 handed over to the sheriff for safekeeping and lodging by any
9 of the following:

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

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

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

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

32 Sec. 3. IMPLEMENTATION OF ACT. Section 25B.2, subsection
33 3, shall not apply to this Act.