

**Justice System Appropriations Bill**  
**Senate File 510**  
*As amended by H-1744 (Senate Amendment)*  
*Senate/House Difference Report*

Last Action:

**Senate Floor**  
**Second Time**

June 21, 2011

**AN ACT relating to and making appropriations to the justice system.**

**Fiscal Services Division**  
**Legislative Services Agency**

**NOTES ON BILLS AND AMENDMENTS (NOBA)**

Available on line at <http://www.legis.iowa.gov/LSAReports/noba.aspx>  
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# JUSTICE SYSTEM APPROPRIATIONS BILL EXECUTIVE SUMMARY NOBA

## SENATE FILE 510 AS AMENDED BY H-1744

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**Funding Summary:** Senate File 510, as amended by H-1744, appropriates a total of \$506.3 million from the General Fund and 5,822.9 FTE positions for FY 2012. This is an increase of \$14.8 million compared to estimated FY 2011 and an increase of \$621,802 compared to H.F. 697 (Omnibus Appropriations Bill). Senate File 510 also appropriates \$13.2 million from other funds. This is no change compared to estimated FY 2011 and an increase of \$200,181 compared to H.F. 697. See the attached tracking document for funding totals and difference comparisons for individual budget unit items.

**Biennial Budgeting – FY 2013:** House File 697 appropriates General Fund, other funds, and FTE positions for FY 2013 for the Justice System budget and includes necessary corresponding language. These appropriations are equal to 85.0% of the House Omnibus appropriations for FY 2012, except for the Office of the State Public Defender and Indigent Defense. The Senate provides 50.0% of the FY 2012 Senate action appropriations for FY 2013.

### Language Differences:

**Department of Justice:** Senate requires at least \$150,000 be transferred from the Victim Compensation Fund to Victim Assistance Grants. The Omnibus Bill permits transfers from the Victim Compensation Fund to Victim Assistance Grants.

### Department of Corrections (DOC):

- The Senate requires the DOC to continue operating the prison farms. The Omnibus Bill does not address this.
- The Senate requires the DOC to solicit requests for information to improve pharmacy efficiencies. The Omnibus Bill does not address this.
- The Omnibus Bill requires the Community-Based Corrections (CBC) District Departments to accept the transfer of offenders into residential facilities between CBC District Departments. The Senate does not address this.
- The Senate requests the Legislative Council to establish an interim committee to study treatment and placement options available for geriatric and psychiatric patients currently under the care, custody, and control of the State. The Omnibus Bill does not address this.

### Departments of Corrections and Public Safety:

- The Senate requires the DOC and the Department of Public Safety (DPS) to make every effort to preserve correctional officer and peace officer positions. The Omnibus Bill does not address this.
- The Omnibus Bill exempts the DOC, CBC District Departments, and the DPS from span of control requirements for FY 2012. The Senate does not address this.

### Gaming Enforcement Revolving Fund:

- The Omnibus Bill requires the DPS to submit a quarterly report to the DOM and the LSA related to revenues billed and collected and expenditures from the Fund. The Senate does not address this.
- The Omnibus Bill requires an estimate as early as possible on the amount of General Fund dollars needed to cash flow the Fund. The Senate does not address this.
- The Omnibus Bill requires the interest to be deposited in the General Fund. The Senate does not address this.
- The Omnibus Bill requires the DPS to comply with Executive Branch restrictions such as hiring justifications and out-of-State travel. The Senate does not address this.
- NOTE: Section 515 of the Omnibus Bill permits funding annual pay adjustments and related benefits for racetrack, excursion boat, or gambling enforcement activities for agents and officers of the Division of Criminal Investigation. The Senate amendment includes the same language.

# JUSTICE SYSTEM APPROPRIATIONS BILL

## EXECUTIVE SUMMARY NOBA

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# SENATE FILE 510 AS AMENDED BY H-1744

### Statutory Changes:

- The Senate extends requirements that a notice of the availability of mortgage foreclosure counseling and mediation services be provided to individuals facing foreclosure proceedings prior to July 1, 2012. The Omnibus Bill has identical language in Division 88.
- The Omnibus Bill adds bath salts, salvia divinorum, and K2 to the list of Schedule I controlled substances. The penalty for manufacturing, delivery, or possession with intent to manufacture or deliver is a Class D felony. Possession under Code Section 124.401(5) is a serious misdemeanor. The changes take effect upon enactment. The Senate also adds bath salts, salvia divinorum, and K2 to the list of Schedule I controlled substances. The penalty for manufacturing, delivery, or possession with intent to manufacture or deliver is an aggravated misdemeanor. Possession under Code Section 124.401(5) is a serious misdemeanor. The changes related to K2 take effect upon enactment. The changes related to salvia divinorum and bath salts take effect 30 days after enactment.

# Justice System

## General Fund

	H Act Supp Omni FY 2011 (1)	Senate Supp FY 2011 (2)	House Act-Omni FY 2012 (3)	Senate FY 2012 (4)	Senate vs House FY 12 (5)	House Act-Omni FY 2013 (6)	Senate FY 2013 (7)	Senate vs House FY 13 (8)
<b><u>Justice, Department of</u></b>								
<b>Justice, Dept. of</b>								
General Office A.G.	\$ 0	\$ 0	\$ 7,692,930	\$ 7,942,930	\$ 250,000	\$ 6,538,991	\$ 3,971,465	\$ -2,567,526
Victim Assistance Grants	0	0	2,876,400	2,876,400	0	2,444,940	1,438,200	-1,006,740
Legal Services Poverty Grants	0	0	1,800,000	1,814,831	14,831	1,530,000	907,416	-622,584
<b>Total Justice, Department of</b>	<b>\$ 0</b>	<b>\$ 0</b>	<b>\$ 12,369,330</b>	<b>\$ 12,634,161</b>	<b>\$ 264,831</b>	<b>\$ 10,513,931</b>	<b>\$ 6,317,081</b>	<b>\$ -4,196,850</b>
<b><u>Civil Rights Commission</u></b>								
<b>Civil Rights Commission</b>								
Civil Rights Commission	\$ 0	\$ 0	\$ 1,297,069	\$ 1,397,069	\$ 100,000	\$ 1,102,509	\$ 698,535	\$ -403,974
<b>Total Civil Rights Commission</b>	<b>\$ 0</b>	<b>\$ 0</b>	<b>\$ 1,297,069</b>	<b>\$ 1,397,069</b>	<b>\$ 100,000</b>	<b>\$ 1,102,509</b>	<b>\$ 698,535</b>	<b>\$ -403,974</b>
<b><u>Corrections, Dept. of</u></b>								
<b>Fort Madison</b>								
Ft. Madison Institution	\$ 0	\$ 0	\$ 41,031,283	\$ 41,188,445	\$ 157,162	\$ 34,876,591	\$ 20,594,223	\$ -14,282,368
<b>Anamosa</b>								
Anamosa Institution	\$ 0	\$ 0	\$ 31,985,974	\$ 31,985,974	\$ 0	\$ 27,188,078	\$ 15,992,987	\$ -11,195,091
<b>Oakdale</b>								
Oakdale Institution	\$ 0	\$ 0	\$ 55,594,426	\$ 55,594,426	\$ 0	\$ 47,255,262	\$ 27,797,213	\$ -19,458,049
<b>Newton</b>								
Newton Institution	\$ 0	\$ 0	\$ 25,958,757	\$ 25,958,757	\$ 0	\$ 22,064,943	\$ 12,979,379	\$ -9,085,564
<b>Mt Pleasant</b>								
Mt. Pleasant Inst.	\$ 0	\$ 0	\$ 25,917,815	\$ 25,917,815	\$ 0	\$ 22,030,143	\$ 12,958,908	\$ -9,071,235
<b>Rockwell City</b>								
Rockwell City Institution	\$ 0	\$ 0	\$ 9,316,466	\$ 9,316,466	\$ 0	\$ 7,918,996	\$ 4,658,233	\$ -3,260,763
<b>Clarinda</b>								
Clarinda Institution	\$ 0	\$ 0	\$ 24,639,518	\$ 24,482,356	\$ -157,162	\$ 20,943,590	\$ 12,241,178	\$ -8,702,412
<b>Mitchellville</b>								
Mitchellville Institution	\$ 0	\$ 0	\$ 15,615,374	\$ 15,615,374	\$ 0	\$ 13,273,068	\$ 7,807,687	\$ -5,465,381
<b>Fort Dodge</b>								
Ft. Dodge Institution	\$ 0	\$ 0	\$ 29,062,235	\$ 29,062,235	\$ 0	\$ 24,702,900	\$ 14,531,118	\$ -10,171,782

# Justice System

## General Fund

	H Act Supp Omni FY 2011 (1)	Senate Supp FY 2011 (2)	House Act-Omni FY 2012 (3)	Senate FY 2012 (4)	Senate vs House FY 12 (5)	House Act-Omni FY 2013 (6)	Senate FY 2013 (7)	Senate vs House FY 13 (8)
<b>Central Office</b>								
County Confinement	\$ 0	\$ 0	\$ 775,092	\$ 775,092	\$ 0	\$ 658,828	\$ 387,546	\$ -271,282
Federal Prisoners/Contractual	0	0	239,411	239,411	0	203,499	119,706	-83,793
Corrections Administration	0	0	4,835,542	4,835,542	0	4,110,211	2,417,771	-1,692,440
Corrections Education	0	0	2,308,109	2,308,109	0	1,961,893	1,154,055	-807,838
Iowa Corrections Offender Network	0	0	424,364	424,364	0	360,709	212,182	-148,527
Mental Health/Substance Abuse	0	0	22,319	22,319	0	18,971	11,160	-7,811
Hepatitis Treatment And Education	0	0	167,881	167,881	0	142,699	83,941	-58,758
<b>Total Central Office</b>	<b>\$ 0</b>	<b>\$ 0</b>	<b>\$ 8,772,718</b>	<b>\$ 8,772,718</b>	<b>\$ 0</b>	<b>\$ 7,456,810</b>	<b>\$ 4,386,361</b>	<b>\$ -3,070,449</b>
<b>CBC District 1</b>								
CBC District I	\$ 0	\$ 0	\$ 12,020,098	\$ 12,204,948	\$ 184,850	\$ 10,217,083	\$ 6,102,474	\$ -4,114,609
<b>CBC District 2</b>								
CBC District II	\$ 0	\$ 0	\$ 10,336,948	\$ 10,336,948	\$ 0	\$ 8,786,406	\$ 5,168,474	\$ -3,617,932
<b>CBC District 3</b>								
CBC District III	\$ 0	\$ 0	\$ 5,599,765	\$ 5,599,765	\$ 0	\$ 4,759,800	\$ 2,799,883	\$ -1,959,917
<b>CBC District 4</b>								
CBC District IV	\$ 0	\$ 0	\$ 5,391,355	\$ 5,391,355	\$ 0	\$ 4,582,652	\$ 2,695,678	\$ -1,886,974
<b>CBC District 5</b>								
CBC District V	\$ 0	\$ 0	\$ 18,742,129	\$ 18,742,129	\$ 0	\$ 15,930,810	\$ 9,371,065	\$ -6,559,745
<b>CBC District 6</b>								
CBC District VI	\$ 0	\$ 0	\$ 13,112,563	\$ 13,112,563	\$ 0	\$ 11,145,679	\$ 6,556,282	\$ -4,589,397
<b>CBC District 7</b>								
CBC District VII	\$ 0	\$ 0	\$ 6,492,814	\$ 6,492,814	\$ 0	\$ 5,518,892	\$ 3,246,407	\$ -2,272,485
<b>CBC District 8</b>								
CBC District VIII	\$ 0	\$ 0	\$ 6,731,055	\$ 6,879,715	\$ 148,660	\$ 5,721,397	\$ 3,439,858	\$ -2,281,539
<b>Total Corrections, Dept. of</b>	<b>\$ 0</b>	<b>\$ 0</b>	<b>\$ 346,321,293</b>	<b>\$ 346,654,803</b>	<b>\$ 333,510</b>	<b>\$ 294,373,100</b>	<b>\$ 173,327,408</b>	<b>\$ -121,045,692</b>
<b>Inspections &amp; Appeals, Dept. of</b>								
<b>Public Defender</b>								
Public Defender	\$ 0	\$ 0	\$ 25,083,182	\$ 24,083,182	\$ -1,000,000	\$ 25,083,182	\$ 12,041,591	\$ -13,041,591
Indigent Defense Appropriation	0	0	30,680,929	31,680,929	1,000,000	30,680,929	15,840,465	-14,840,464
<b>Total Inspections &amp; Appeals, Dept. of</b>	<b>\$ 0</b>	<b>\$ 0</b>	<b>\$ 55,764,111</b>	<b>\$ 55,764,111</b>	<b>\$ 0</b>	<b>\$ 55,764,111</b>	<b>\$ 27,882,056</b>	<b>\$ -27,882,055</b>

# Justice System

## General Fund

	H Act Supp Omni FY 2011 (1)	Senate Supp FY 2011 (2)	House Act-Omni FY 2012 (3)	Senate FY 2012 (4)	Senate vs House FY 12 (5)	House Act-Omni FY 2013 (6)	Senate FY 2013 (7)	Senate vs House FY 13 (8)
<b><u>Law Enforcement Academy</u></b>								
Law Enforcement Academy	\$ 0	\$ 0	\$ 868,698	\$ 868,698	\$ 0	\$ 738,393	\$ 434,349	\$ -304,044
<b>Total Law Enforcement Academy</b>	<b>\$ 0</b>	<b>\$ 0</b>	<b>\$ 868,698</b>	<b>\$ 868,698</b>	<b>\$ 0</b>	<b>\$ 738,393</b>	<b>\$ 434,349</b>	<b>\$ -304,044</b>
<b><u>Parole, Board of</u></b>								
Parole Board	\$ 0	\$ 0	\$ 1,053,835	\$ 1,053,835	\$ 0	\$ 895,760	\$ 526,918	\$ -368,842
<b>Total Parole, Board of</b>	<b>\$ 0</b>	<b>\$ 0</b>	<b>\$ 1,053,835</b>	<b>\$ 1,053,835</b>	<b>\$ 0</b>	<b>\$ 895,760</b>	<b>\$ 526,918</b>	<b>\$ -368,842</b>
<b><u>Public Defense, Dept. of</u></b>								
Public Defense, Dept. of	\$ 0	\$ 0	\$ 5,527,042	\$ 5,527,042	\$ 0	\$ 4,697,986	\$ 2,763,521	\$ -1,934,465
Emergency Management Division	\$ 0	\$ 0	\$ 1,836,877	\$ 1,836,877	\$ 0	\$ 1,561,345	\$ 918,439	\$ -642,906
<b>Total Public Defense, Dept. of</b>	<b>\$ 0</b>	<b>\$ 0</b>	<b>\$ 7,363,919</b>	<b>\$ 7,363,919</b>	<b>\$ 0</b>	<b>\$ 6,259,331</b>	<b>\$ 3,681,960</b>	<b>\$ -2,577,371</b>
<b><u>Public Safety, Department of</u></b>								
Public Safety, Dept. of	\$ 0	\$ 0	\$ 4,007,075	\$ 4,007,075	\$ 0	\$ 3,406,014	\$ 2,003,538	\$ -1,402,476
Public Safety Administration	0	0	12,533,931	12,533,931	0	10,653,841	6,266,966	-4,386,875
Public Safety DCI	0	0	302,345	302,345	0	256,993	151,173	-105,820
DCI - Crime Lab Equipment/Training	0	0	6,429,884	6,353,345	-76,539	5,465,401	3,176,673	-2,288,728
Narcotics Enforcement	0	0	109,042	109,042	0	92,686	54,521	-38,165
Public Safety Undercover Funds	0	0	4,298,707	4,298,707	0	3,653,901	2,149,354	-1,504,547
DPS Fire Marshal	0	0	51,903,233	51,903,233	0	44,117,748	25,951,617	-18,166,131
Iowa State Patrol	0	0	279,517	279,517	0	237,589	139,759	-97,830
DPS/SPOC Sick Leave Payout	0	0	725,520	725,520	0	616,692	362,760	-253,932
Fire Fighter Training	0	0	80,589,254	80,512,715	-76,539	68,500,865	40,256,361	-28,244,504
<b>Total Public Safety, Department of</b>	<b>\$ 0</b>	<b>\$ 0</b>	<b>\$ 80,589,254</b>	<b>\$ 80,512,715</b>	<b>\$ -76,539</b>	<b>\$ 68,500,865</b>	<b>\$ 40,256,361</b>	<b>\$ -28,244,504</b>
<b>Total Justice System</b>	<b>\$ 0</b>	<b>\$ 0</b>	<b>\$ 505,627,509</b>	<b>\$ 506,249,311</b>	<b>\$ 621,802</b>	<b>\$ 438,148,000</b>	<b>\$ 253,124,668</b>	<b>\$ -185,023,332</b>

## Justice System Other Fund

	H Act Supp Omni FY 2011 <u>(1)</u>	Senate Supp FY 2011 <u>(2)</u>	House Act-Omni FY 2012 <u>(3)</u>	Senate FY 2012 <u>(4)</u>	Senate vs House FY 12 <u>(5)</u>	House Act-Omni FY 2013 <u>(6)</u>	Senate FY 2013 <u>(7)</u>	Senate vs House FY 13 <u>(8)</u>
<u>Justice, Department of</u>								
Consumer Advocate								
Consumer Advocate - CMRF	\$ 0	\$ 0	\$ 3,136,163	\$ 3,336,344	\$ 200,181	\$ 2,665,739	\$ 1,668,172	\$ -997,567
<b>Total Justice, Department of</b>	<b>\$ 0</b>	<b>\$ 0</b>	<b>\$ 3,136,163</b>	<b>\$ 3,336,344</b>	<b>\$ 200,181</b>	<b>\$ 2,665,739</b>	<b>\$ 1,668,172</b>	<b>\$ -997,567</b>
<u>Public Safety, Department of</u>								
Public Safety, Dept. of								
DPS Gaming Enforcement	\$ 0	\$ 0	\$ 9,836,306	\$ 9,836,306	\$ 0	\$ 8,360,860	\$ 4,918,153	\$ -3,442,707
<b>Total Public Safety, Department of</b>	<b>\$ 0</b>	<b>\$ 0</b>	<b>\$ 9,836,306</b>	<b>\$ 9,836,306</b>	<b>\$ 0</b>	<b>\$ 8,360,860</b>	<b>\$ 4,918,153</b>	<b>\$ -3,442,707</b>
<b>Total Justice System</b>	<b>\$ 0</b>	<b>\$ 0</b>	<b>\$ 12,972,469</b>	<b>\$ 13,172,650</b>	<b>\$ 200,181</b>	<b>\$ 11,026,599</b>	<b>\$ 6,586,325</b>	<b>\$ -4,440,274</b>