

**CHAPTER 96**  
**DEPARTMENT OF CORRECTIONS ESTABLISHED**  
*S.F. 464*

AN ACT reorganizing the department of social services by establishing a department of corrections, renaming the department of social services as the department of human services, and providing penalties.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Sections 2 through 54 are enacted as a new chapter 217A of the Code.

Sec. 2. NEW SECTION. 217A.1 DEFINITIONS. For purposes of this chapter, unless the context otherwise requires:

1. "Department" means the Iowa department of corrections established in section 217A.2.
2. "Board" means the board of corrections established in section 217A.4.
3. "Director" means the director of the department.

Sec. 3. NEW SECTION. 217A.2 DEPARTMENT ESTABLISHED. The Iowa department of corrections is established to be responsible for the control, treatment, and rehabilitation of offenders committed under law to the following institutions:

1. Iowa correctional institution for women.
2. Iowa state men's reformatory.
3. Iowa state penitentiary.
4. Iowa security and medical facility.
5. North central correctional facility.
6. Mount Pleasant correctional facility.
7. Clarinda correctional treatment facility.
8. Correctional release center.
9. Rehabilitation camps.
10. Other institutions related to an institution in subsections 1 through 9 but not attached to the campus of the main institution as program developments require.

Sec. 4. NEW SECTION. 217A.3 RESPONSIBILITIES OF DEPARTMENT. The department shall administer the institutions listed in section 217A.2. The department shall be responsible to the extent provided for by law for all of the following:

1. Accreditation and funding of community-based corrections programs including but not limited to pretrial release, probation, residential facilities, presentence investigation, parole, and work release.
2. Iowa state industries.
3. Jail inspections.
4. Other duties provided for by law.

Sec. 5. NEW SECTION. 217A.4 BOARD CREATED. A board of corrections is created within the department. The board shall consist of seven members appointed by the governor subject to confirmation by the senate. Not more than four of the members shall be from the same political party. Members shall be electors of this state. Six of the seven members shall each be a resident of a different congressional district. Members of the board shall serve four-year staggered terms.

Sec. 6. NEW SECTION. 217A.5 BOARD—DUTIES. The board of corrections shall:

1. Organize annually and select a chairperson and vice chairperson.
2. Adopt and establish policies for the operation and conduct of the department and the implementation of all department programs.
3. Recommend to the governor the names of individuals qualified for the position of director when a vacancy exists in the office.
4. Report immediately to the governor any failure by the director of the department to carry out any of the policy decisions or directives of the board.
5. Approve the budget of the department prior to submission to the governor.
6. Adopt rules in accordance with chapter 17A as the board deems necessary to transact its business and for the administration and exercise of its powers and duties.
7. Make recommendations from time to time to the governor and the general assembly.
8. Perform other functions as provided by law.

Sec. 7. NEW SECTION. 217A.6 MEETINGS. The board shall meet at least twelve times a year. Special meetings may be called by the chairperson or upon written request of any three members of the board. The chairperson shall preside at all meetings or in the chairperson's absence, the vice chairperson shall preside. The members of the board shall be paid forty dollars per diem while in session, and their reasonable and necessary expenses while attending the meetings.

Sec. 8. NEW SECTION. 217A.7 DIRECTOR—APPOINTMENT AND QUALIFICATIONS. The chief administrative officer for the department is the director. The director shall be appointed by the governor subject to confirmation by the senate and shall serve at the pleasure of the governor. The director shall be qualified in reformatory and prison management, knowledgeable in community-based corrections, and shall possess administrative ability. The director shall also have experience in the field of criminology and discipline and in the supervision of inmates in corrective penal institutions. The director shall not be selected on the basis of political affiliation, and while employed as the director, shall not be a member of a political committee, participate in a political campaign, be a candidate for a partisan elective office, and shall not contribute to a political campaign fund, except that the director may designate on the checkoff portion of the state or federal income tax return, or both, a party or parties to which a contribution is made pursuant to the checkoff. The director shall not hold any other office under the laws of the United States or of this or any state or hold any position for profit and shall devote full time to the duties of office.

Sec. 9. NEW SECTION. 217A.8 DIRECTOR—GENERAL DUTIES AND RESPONSIBILITIES.

1. The director shall:
  - a. Supervise the operations of the institutions under the department's jurisdiction and may delegate the powers and authorities given the director by statute to officers or employees of the department.
  - b. Supervise state agents whose duties relate primarily to the department.
  - c. Establish and maintain a program to oversee women's institutional and community corrections programs and to provide community support to ensure continuity and consistency of programs. The person responsible for implementing this section shall report to the director.
  - d. Establish and maintain acceptable standards of treatment, training, education, and rehabilitation in the various state penal and corrective institutions which shall include habilitative services and treatment for mentally retarded offenders. For the purposes of this paragraph, habilitative services and treatment means medical, mental health, social, educational, counseling, and other services which will assist a mentally retarded person to become self-reliant. However, the director may also provide rehabilitative treatment and services to

other persons who require the services. The director shall identify all individuals entering the correctional system who are mentally retarded, as defined in section 222.2, subsection 5. Identification shall be made by a qualified mental retardation professional. In assigning a mentally retarded offender, or an offender with an inadequately developed intelligence or with impaired mental abilities, to a correctional facility, the director shall consider both the program needs and the security needs of the offender. The director shall consult with the department of human services in providing habilitative services and treatment to mentally ill and mentally retarded offenders.

e. Employ, assign, and reassign personnel as necessary for the performance of duties and responsibilities assigned to the department. Employees shall be selected on the basis of fitness for work to be performed with due regard to training and experience and are subject to chapter 19A.

f. Examine all state institutions which are penal, reformatory, or corrective to determine their efficiency for adequate care, custody, and training of their inmates and report the findings to the board.

g. Prepare a budget for the department, subject to the approval of the board, and other reports as required by law.

h. Develop long-range correctional planning and an ongoing five-year corrections master plan. The director shall annually report to the general assembly to inform its members as to the status and content of the planning and master plan.

i. Supervise rehabilitation camps within the state as may be established by the director. Persons committed to institutions under the department may be transferred to the facilities of the camp system and upon transfer shall be subject to the same laws as pertain to the transferring institution.

j. Adopt rules subject to the approval of the board, pertaining to the internal management of institutions and agencies under the director's charge and necessary to carry out the duties and powers outlined in this section.

k. Adopt rules, policies, and procedures, subject to the approval of the board, pertaining to the supervision of parole and work release.

2. The director, with the express approval of the board, may establish for any inmate sentenced pursuant to section 902.3 a furlough program under which inmates sentenced to and confined in any institution under the jurisdiction of the department may be temporarily released. A furlough for a period not to exceed fourteen days may be granted when an immediate member of an inmate's family is seriously ill or has died, when an inmate is to be interviewed by a prospective employer, or when an inmate is authorized to participate in a training program not available within the institution. Furloughs for a period not to exceed fourteen days may also be granted in order to allow inmates to participate in programs or activities that serve rehabilitative objectives.

3. The director may establish a sales bonus system for the sales representatives for prison industry products. If a sales bonus system is established, the system shall not affect the status of the sales representatives under chapter 19A.

4. The director may expend moneys from the support allocation of the department as reimbursement for replacement or repair of personal items of the department's employees damaged or destroyed by clients of the department during the employee's tour of duty. However, the reimbursement shall not exceed one hundred fifty dollars for each item. The director shall establish rules in accordance with chapter 17A to carry out the purpose of this subsection.

5. The director may obtain assistance for the department including construction, facility planning, data processing and project accomplishment, by contracting under chapter 28E with the department of human services or the department of general services.

Sec. 10. NEW SECTION. 217A.9 OFFICIAL SEAL. The department shall have an official seal with the words "Iowa Department of Corrections" and other engraved design as the board prescribes. Every commission, order, or other paper of an official nature executed by the department may be attested with the seal.

Sec. 11. NEW SECTION. 217A.10 TRAVEL EXPENSES. The director, staff members, assistants, and employees, in addition to salary, shall receive their necessary traveling expenses by the nearest practicable route, when engaged in the performance of official business. Permission shall not be granted to any person to travel to another state except by approval of the board and the executive council.

Sec. 12. NEW SECTION. 217A.11 REPORT BY DEPARTMENT. Annually at the time provided by law, the department shall make a report to the governor and the general assembly, which shall cover the annual period ending with June thirtieth preceding the date of the report and shall include:

1. An itemized statement of the department's expenditures for each program under the department's administration.
2. Adequate and complete statistical reports for the state as a whole concerning payments made under the department's administration.
3. Recommendations concerning changes in laws under the department's administration as the board deems necessary.
4. Observations and recommendations of the board and the director relative to the programs of the department.
5. Information concerning long-range planning and the master plan as provided by section 217A.8, subsection 1, paragraph h.
6. Other information the board or the director deems advisable, or which is requested by the governor or the general assembly.

Sec. 13. NEW SECTION. 217A.12 CONFIDENTIALITY OF RECORDS—REPORT.

1. The following information regarding individuals receiving services from the department is confidential:
  - a. Names and addresses of individuals receiving services from the department, and the types of services or amounts of assistance provided, except as otherwise provided in subsection 4.
  - b. Information concerning the social or economic conditions or circumstances of particular individuals who are receiving or have received services or assistance from the department.
  - c. Agency evaluations of information about a particular individual.
  - d. Medical or psychiatric data, including diagnosis and past history of disease or disability, concerning a particular individual.
2. Information described in subsection 1 shall not be disclosed to or used by any person or agency except for purposes of administration of the department's programs of services or assistance and shall not, except as otherwise provided in subsection 4, be disclosed to or used by persons or agencies outside the department unless they are subject to standards of confidentiality comparable to those imposed on the department by this section.
3. This section does not restrict the disclosure or use of information regarding the cost, purpose, number of persons served or assisted by, and results of any program administered by the department, and other general and statistical information, so long as the information does not identify particular individuals served or assisted.



4. The general assembly finds and determines that the use and disclosure of information as provided in this subsection is for purposes directly connected with the administration of the programs of services and assistance referred to in this section and is essential for their proper administration.

Confidential information described in subsection 1, paragraphs a, b and c shall be disclosed to public officials for use in connection with their official duties relating to law enforcement, audits, and other purposes directly connected with the administration of the programs, upon written application to and with the approval of the director or the director's designee.

5. If it is established that a provision of this section would cause any of the department's programs of services or assistance to be ineligible for federal funds, the provision shall be limited or restricted to the extent which is essential to make the program eligible for federal funds. The department shall adopt, pursuant to chapter 17A, rules necessary to implement this subsection.

6. Violation of this section is a serious misdemeanor.

7. This section takes precedence over section 17A.12, subsection 7.

Sec. 14. NEW SECTION. 217A.13 ACTION FOR DAMAGES. A person may institute a civil action for damages under chapter 25A or to restrain the dissemination of confidential records set out in subsection 1, paragraph b, c, or d of section 217A.12, in violation of that section, and a person, including but not limited to an agency or governmental body, proven to have disseminated or to have requested and received confidential records in violation of subsection 1, paragraph b, c, or d of section 217A.12, is liable for actual damages and exemplary damages for each violation and is liable for court costs, expenses, and reasonable attorneys' fees incurred by the party bringing the action. The award for damages shall not be less than one hundred dollars.

Any reasonable grounds to believe that a public employee has violated a provision of section 217A.12 is grounds for immediate removal from access of any kind to confidential records or suspension from duty without pay.

Sec. 15. NEW SECTION. 217A.14 POWERS OF GOVERNOR—REPORT OF ABUSES. Section 217A.8, subsection 1, paragraph a, does not limit the general supervisory or examining powers vested in the governor by the laws or constitution of the state, or legally vested by the governor in a committee appointed by the governor.

The superintendent of an institution shall make reports to the board and the director as requested by the board and the director and the director shall report, in writing, to the governor any abuses found to exist in any of the institutions.

Sec. 16. NEW SECTION. 217A.15 APPOINTMENT OF SUPERINTENDENTS. The director shall appoint, subject to the approval of the board, the superintendents of the institutions provided for in section 217A.2.

The superintendent has the immediate custody and control, subject to the orders and policies of the director, of all property used in connection with the institution except as otherwise provided by statute. The tenure of office of a superintendent shall be at the pleasure of the appointing authority but a superintendent may be removed for inability or refusal to properly perform the duties of the office. Removal shall occur only after an opportunity is given the person to be heard before the board and the director and upon preferred written charges. The removal when made is final.

Sec. 17. NEW SECTION. 217A.16 FARM OPERATIONS ADMINISTRATOR. The director may appoint a farm operations administrator for institutions under the control of the departments of corrections and human services. If appointed, the farm operations administrator, subject to the direction of the director shall do all of the following:

1. Manage and supervise all farming and nursery operations at institutions, farms and gardens of the departments of corrections and human services.

2. Determine priorities on the use of agricultural resources and labor for farming and nursery operations.

3. Develop an annual operations plan for crop and livestock production and utilization that will provide work experience and contribute to developing vocational skills of the institutions' inmates and residents. The department of human services must approve the parts of the plan that affect farm operations on property of institutions having programs of the department of human services.

4. Coordinate farm lease arrangements, farm input purchases, farm product distribution, machinery maintenance and replacement, and renovation of farm buildings, fences and livestock facilities.

5. Develop and maintain accounting records, budgeting and cash flow systems, and inventory records.

6. Advise and instruct institution staff and inmates in application of agricultural technology.

7. Implement actions to restore and maintain productivity of soil resources at the institutions through crop rotation, minimum tillage, contouring, terracing, waterways, pasture renovation, windbreaks, buffer zones, and wildlife habitat in accordance with soil conservation service plans and recommendations.

8. Administer the revolving farm fund created in section 217A.48.

9. Do any other farm management duties assigned by the director.

Sec. 18. NEW SECTION. 217A.17 SUBORDINATE OFFICERS AND EMPLOYEES. The director shall determine the number and compensation of subordinate officers and employees for each institution subject to chapter 19A. Subject to this chapter, the officers and employees shall be appointed and discharged by the superintendent who shall keep in the record of each subordinate officer and employee, the date of employment, the compensation, and the date of and the reasons for each discharge.

Sec. 19. NEW SECTION. 217A.18 BONDS. The director shall require officers and employees of institutions under the director's control who are charged with the custody or control of money or property belonging to the state, to give an official bond properly conditioned and signed by sufficient sureties in a sum to be fixed by the director. The bond is subject to approval by the director and shall be filed in the office of the secretary of state.

Sec. 20. NEW SECTION. 217A.19 DWELLING HOUSE. The director may furnish the superintendent of each of the institutions, in addition to salary, with a dwelling house or with appropriate quarters in lieu of a house, or the director may compensate the superintendent of each of the institutions in lieu of furnishing a house or quarters. If a superintendent of the institution is furnished with a dwelling house or quarters, either of which is owned by the state, the superintendent may also be furnished with water, heat, and electricity.

The director may furnish assistant superintendents or other employees, or both, with dwelling houses or with appropriate quarters, owned by the state. The assistant superintendent or employee, who is so furnished shall pay rent for the dwelling house or quarters in an amount to be determined by the superintendent of the institution, which shall be the fair market rental value of the house or quarters. If an assistant superintendent or employee is furnished with a dwelling house or quarters either of which is owned by the state, the assistant superintendent or employee may also be furnished with water, heat, and electricity. However, the furnishing of these utilities shall be considered in determining the fair market rental value of the house or quarters.

Sec. 21. NEW SECTION. 217A.20 TRANSFER OF INMATES. The director may transfer at the expense of the state an inmate of one institution to another similar institution under the director's control. The director may transfer an inmate under the director's

jurisdiction from any institution supervised by the director to another institution under the control of a director of a division of the department of human services with the consent and approval of the other director and may transfer an inmate to any other institution for mental or physical examination or treatment retaining jurisdiction over the inmate when so transferred.

Sec. 22. NEW SECTION. 217A.21 RECORD OF INMATES. The director shall keep the following record of every person committed to any of the department's institutions: Name, residence, sex, age, place of birth, occupation, civil condition, date of entrance or commitment, date of discharge, whether a discharge is final, condition of the person when discharged, the name of the institutions from which and to which the person has been transferred, and if the person is dead, the date and cause of death.

Sec. 23. NEW SECTION. 217A.22 RECORD PRIVILEGED. Except with the consent of the director, or on an order of the district court, the record provided in section 217A.21 shall be accessible only to the board and the director and to assistants and proper clerks authorized by the director. The director may permit the state libraries and the Iowa state historical department's division of historical museum and archives to copy or reproduce by any photographic, photostatic, microfilm, microcard, or other process which accurately reproduces in a durable medium and to destroy in the manner described by law the records of inmates required in section 217A.21.

Sec. 24. NEW SECTION. 217A.23 REPORTS TO DIRECTOR. The superintendent of each institution shall, within ten days after the commitment or entrance of a person to the institution, cause a true copy of the person's entrance record to be made and forwarded to the director. When an inmate leaves, is discharged, transferred, or dies in any institution, the superintendent or person in charge shall within ten days thereafter send the information to the office of the director on forms which the director prescribes.

Sec. 25. NEW SECTION. 217A.24 QUESTIONABLE COMMITMENT. The superintendent shall within three days of the commitment or entrance of a person at the institution notify the director if there is any question as to the propriety of the commitment or detention of any person received at the institution, and the director upon notification shall inquire into the matter presented, and take appropriate action.

Sec. 26. NEW SECTION. 217A.25 RELIGIOUS BELIEFS. The superintendent receiving a person committed to any of the institutions shall ask the person to state the person's religious preference, shall enter the stated preference in a book kept for that purpose, and shall request that the person sign the entry. If the person is a minor and has formed no choice, the preference may be expressed at any later time by the person.

Sec. 27. NEW SECTION. 217A.26 RELIGIOUS WORSHIP. Any inmate, during the time of detention, shall be allowed for at least one hour on each Sunday or other holy day or in times of extreme sickness, and at other suitable and reasonable times consistent with proper discipline in the institution, to receive spiritual advice, instruction, and ministrations from any recognized member of the clergy who represents the inmate's religious belief.

Sec. 28. NEW SECTION. 217A.27 INVESTIGATION. The director or director's designee shall visit and inspect the institutions under the director's control, and investigate the financial condition and management of the institutions at least once in six months.

During the investigation the director or designee shall see every inmate of each institution as far as practicable, especially those admitted since the preceding visit, and shall give the inmates suitable opportunity to converse with the director or designee apart from the officers and attendants.

Sec. 29. NEW SECTION. 217A.28 INVESTIGATION OF OTHER INSTITUTIONS. The director may investigate charges of abuse, neglect or mismanagement on the

part of any officer or employee of any public or private institution subject to the director's supervision or control.

Sec. 30. NEW SECTION. 217A.29 WITNESSES. The director may exercise the following powers in an investigation:

1. Summon and compel the attendance of witnesses.
2. Examine the witnesses under oath, which the director may administer.
3. Have access to all books, papers, and property material to the investigation.
4. Order the production of books or papers material to the investigation.

Witnesses other than those in the employ of the state are entitled to the same fees as in civil cases in the district court.

Sec. 31. NEW SECTION. 217A.30 CONTEMPT. If a person fails or refuses to obey the orders of the director issued under section 217A.29, or fails or refuses to give or produce evidence when required, the director shall petition the district court in the county where the offense occurs for an order of contempt and the court shall proceed as for contempt of court.

Sec. 32. NEW SECTION. 217A.31 TRANSCRIPT OF TESTIMONY. The director shall cause the testimony taken at the investigation to be transcribed and filed in the director's office at the seat of government within ten days after the testimony is taken, or as soon as practicable, and when filed the testimony shall be open for the inspection of any person.

Sec. 33. NEW SECTION. 217A.32 SERVICES REQUIRED—WAGES. Inmates of the institutions may be required to render any proper and reasonable service either in the institutions proper or in the industries established in connection with them. When an inmate of an institution is working outside the institution proper, the inmate shall be deemed at all times to be in the actual custody of the superintendent of the institution.

The director may when practicable pay the inmate a wage as the director deems proper in view of the circumstances, and in view of the cost attending the maintenance of the inmate. The wage shall not exceed the amount paid to free labor for a like or equivalent service.

Sec. 34. NEW SECTION. 217A.33 DEDUCTION TO PAY COURT COSTS OR DEPENDENTS—DEPOSITS. If wages are paid pursuant to section 217A.32, the director may deduct an amount established by the inmates' restitution plan of payment. The amount deducted shall be forwarded to the clerk of the district court or proper official. The director may pay all or any part of remaining wages paid pursuant to section 217A.32 directly to a dependent of the inmate, or may deposit the wage to the account of the inmate, or may deposit a portion and allow the inmate a portion for the inmate's personal use.

Sec. 35. NEW SECTION. 217A.34 CONFERENCES. Quarterly conferences of the superintendents of the institutions shall be held with the director for the consideration of all matters relative to the management of the institutions. Full minutes of the meetings shall be preserved in the records of the director. The director may cause papers to be prepared and read at the conferences on appropriate subjects.

Sec. 36. NEW SECTION. 217A.35 DIAGNOSTIC CLINIC—INMATE CLASSIFICATION. The director may provide facilities and personnel for a diagnostic clinic. The work of the clinic shall include a scientific study of each inmate, the inmate's career and life history, the causes of the inmate's criminal acts and recommendations for the inmate's custody, care, training, employment, and counseling with a view to rehabilitation and to the protection of society. To facilitate the work of the clinic and to aid in the rehabilitation of the inmates, the trial judge, prosecuting attorney, and presentence investigators shall furnish the director upon request with a full statement of facts and circumstances attending the commission of the offense so far as known or believed by them. If the department develops and utilizes an inmate classification system, it must, within a reasonable time, present evidence from independent experts as to the effectiveness and validity of the classification system.



Sec. 37. NEW SECTION. 217A.36 ANNUAL REPORTS. The superintendent of each institution shall make an annual report to the director. The report shall include a detailed and accurate inventory of the stock and supplies on hand, and their amount and value.

Sec. 38. NEW SECTION. 217A.37 CONTINGENT FUND. The director may permit the superintendent of each institution to retain a stated amount of funds in possession as a contingent fund for the payment of freight, postage, commodities purchased on authority of the director on a cash basis, salaries, and bills granting discount for cash. If necessary, the director shall make proper requisition upon the state comptroller for a warrant on the treasurer of state to secure the contingent fund for each institution. A monthly report of the status of the contingent fund shall be submitted by the superintendent of the institution to the director, according to rules prescribed by the director.

Sec. 39. NEW SECTION. 217A.38 PURCHASE OF SUPPLIES. The director shall adopt rules governing the purchase of all articles and supplies needed at the various institutions and the form and verification of vouchers for the purchases. When purchases are made by sample, the sample shall be properly marked and retained until after an award or delivery of the items is made. The director may purchase supplies from any institution under the director's control, for use in any other institution, and reasonable reimbursement shall be made for these purchases.

Sec. 40. NEW SECTION. 217A.39 EMERGENCY PURCHASES. The purchase of materials or equipment for penal or correctional institutions under the department is exempted from the requirements of centralized purchasing and bidding by the department of general services if the materials or equipment are needed to make an emergency repair at an institution or the security of the institution would be jeopardized because the materials or equipment could not be purchased soon enough through centralized purchasing and bidding and, in either case, if the director approves the emergency purchase.

Sec. 41. NEW SECTION. 217A.40 PLANS AND SPECIFICATIONS. The director shall cause plans and specifications to be prepared for all improvements authorized and costing over twenty-five thousand dollars. An appropriation for any improvement costing over twenty-five thousand dollars shall not be expended until the adoption of suitable plans and specifications, prepared by a competent architect and accompanied by a detailed statement of the amount, quality, and description of all material and labor required for the completion of the improvement.

A plan shall not be adopted, and an improvement shall not be constructed, which contemplates an expenditure of money in excess of the appropriation.

Sec. 42. NEW SECTION. 217A.41 LETTING OF CONTRACTS—REPAIRS OR ALTERATIONS. The director shall, in writing, let all contracts for authorized improvements costing in excess of twenty-five thousand dollars to the lowest responsible bidder, after advertisement for bids as the director deems proper in order to secure full competition. The director may reject all bids and readvertise. A preliminary deposit of money, bank check, or certified check, or a bid bond as provided in section 23.20, in an amount the director prescribes shall be required as an evidence of good faith, upon all proposals for the construction of improvements. The deposit, bank check, or certified check shall be held under the direction of the director. Upon prior authorization by the director, improvements costing five thousand dollars or less may be made by the superintendent of any institution.

Contracts are not required for improvements at any state institution where the labor of inmates is to be used.

Sec. 43. NEW SECTION. 217A.42 PAYMENT FOR IMPROVEMENTS. The director shall not authorize payment for construction purposes until satisfactory proof has been furnished to the director by the proper officer or supervising architect, that the contract has been complied with by the parties. Payments shall be made in a manner similar to that in which the current expenses of the institutions are paid.



Sec. 44. NEW SECTION. 217A.43 PROPERTY OF DECEASED INMATE. Upon the death of an inmate, the superintendent of the institution shall immediately take possession of the decedent's property left at the institution and shall deliver the property to the duly appointed representative of the deceased. However, if administration is not granted within one year from the date of the death of the decedent and the value of the estate of decedent is so small as to make the granting of administration inadvisable, then delivery of the money and other property left by the decedent may be made to the surviving spouse or an heir of the decedent. If administration is not granted within one year from the death of decedent and no surviving spouse or heir is known, the superintendent shall convert the property into money.

Sec. 45. NEW SECTION. 217A.44 MONEY DEPOSITED WITH TREASURER OF STATE. Money from property converted pursuant to section 217A.43 shall be transmitted to the treasurer of state as soon after one year after the death of the inmate as practicable. A complete permanent record of the property, showing by whom and with whom it was left, its amount when converted to money, the date of the death of the owner, the owner's reputed place of residence before becoming an inmate of the institution, the date on which the money was sent to the treasurer of state, and any other facts which may tend to identify the decedent and explain the case, shall be kept by the superintendent of the institution, and a transcript of the record shall be sent to and kept by the treasurer of state.

Money deposited with the treasurer of state pursuant to this section shall be paid at any time within ten years from the death of the inmate to any person who is shown to be entitled to it.

Sec. 46. NEW SECTION. 217A.45 TEMPORARY QUARTERS IN EMERGENCY. If the buildings at any institution under the management of the director are destroyed or rendered unfit for habitation by reason of fire, storms, or other like causes, to such an extent that the inmates cannot be confined and cared for at the institution, the director shall make temporary provision for the confinement and care of the inmates at some other place in the state. Like provision may be made in case of an epidemic among the inmates. The reasonable cost of the change including the cost of transfer of inmates, shall be paid from any money in the state treasury not otherwise appropriated.

Sec. 47. NEW SECTION. 217A.46 INDUSTRIES. The director may establish industries at or in connection with any of the institutions under the director's control and may make contractual agreements with the United States, other states, state departments and agencies, and subdivisions of the state, for purchase of industry products.

The director may with the assistance of the Iowa state conservation commission establish and operate forestry nurseries on state-owned land under the control of the department. Residents of the adult correctional institutions shall provide the labor for the operation. Nursery stock shall be sold in accordance with the rules of the state conservation commission. The department shall pay the costs of establishing and operating the forestry nurseries out of the revolving farm fund created in section 217A.47. The state conservation commission shall pay the costs of transporting, sorting, and distributing nursery stock to and from or on state-owned land under the control of the commission. Receipts from the sale of nursery stock produced under this section shall be divided between the department and the state conservation commission in direct proportion to their respective costs as a percentage of the total costs. The department shall deposit its receipts in the revolving farm fund created in section 217A.47.

Sec. 48. NEW SECTION. 217A.47 REVOLVING FARM FUND. A revolving farm fund is created in the state treasury in which the department shall deposit receipts from agricultural products, nursery stock, agricultural land rentals, and the sale of livestock. However, before any agricultural operation is phased out, the department which

proposes to discontinue this operation shall notify the governor, chairpersons and ranking members of the house and senate appropriations committees, and cochairpersons and ranking members of the subcommittee in the senate and house of representatives which has handled the appropriation for this department in the past session of the legislature. Before the department sells farmland under the control of the department, the director shall notify the governor, chairpersons and ranking members of the house and senate appropriations committees, and cochairpersons and ranking members of the joint appropriations subcommittee that handled the appropriation for the department during the past legislative session. The department may pay from the fund for the operation, maintenance, and improvement of farms and agricultural or nursery property under the control of the department. A purchase order for five thousand dollars or less payable from the fund is exempt from the general purchasing requirements of chapter 18. Notwithstanding section 8.33, unencumbered or unobligated receipts in the revolving farm fund at the end of a fiscal year shall not revert to the general fund of the state.

The department shall annually prepare a financial statement to provide for an accounting of the funds in the revolving farm fund. The financial statement shall be filed with the legislative fiscal bureau on or before February 1 each year.

As used in this section, "department" means the Iowa department of corrections and the Iowa department of human services.

The farm operations administrator appointed under section 217A.16 shall perform the functions described under section 217A.16 for agricultural operations on property of the Iowa department of human services.

The Iowa department of human services shall enter into an agreement under chapter 28D with the Iowa department of corrections to implement this paragraph.

Sec. 49. NEW SECTION. 217A.48 COOPERATION. The department and the director shall cooperate with any department or agency of the state government in any manner, including the exchange of employees, calculated to improve administration of the affairs of the institutions. Joint use of facilities by the department and another public agency as defined in section 28E.2 shall be only according to an agreement entered into under chapter 28E. All joint campuses shall have one superintendent and one business manager who shall be employed by the department with supervisory responsibility for the majority of the facility's population. Employment of the superintendent and business manager shall be done in consultation with the department which has responsibility for services for the other population at the facility.

Sec. 50. NEW SECTION. 217A.49 CONSULTANTS. The director may secure the services of consultants to furnish advice on administrative, professional, or technical problems to the director, or the employees of institutions under the director's jurisdiction or to provide in-service training and instruction for the employees. The director may pay the consultants from funds appropriated to the department or to any institution under the department's jurisdiction.

Sec. 51. NEW SECTION. 217A.50 DIRECTOR MAY BUY AND SELL REAL ESTATE—OPTIONS. The director, subject to the approval of the board and executive council, may secure options to purchase real estate and acquire and sell real estate for the proper uses of the institutions. Real estate shall be acquired and sold upon terms and conditions the director recommends subject to the approval of the board and the executive council. Upon sale of the real estate, the proceeds shall be deposited with the treasurer of state and credited to the general fund of the state. There is appropriated from the general fund of the state to the department a sum equal to the proceeds so deposited and credited to the general fund of the state which, with the prior approval of the executive council, may be used to purchase other real estate or for capital improvements upon property under the director's supervision.

The costs incident to the securing of options and acquisition and sale of real estate including, but not limited to, appraisals, invitations for offers, abstracts, and other necessary costs, may be paid from moneys appropriated for support and maintenance to the institution at which the real estate is located. The fund shall be reimbursed from the proceeds of the sale.

Sec. 52. NEW SECTION. 217A.51 FIRE PROTECTION CONTRACTS. The director may enter into contracts with the governing body of any city for the protection from fire of any property under the director's primary control, located in any city or in territory contiguous to a city.

The state fire marshal shall cause an annual inspection to be made of all the institutions listed in section 217A.2 and shall make a written report of the inspection to the director.

Sec. 53. NEW SECTION. 217A.52 GIFTS. The department may accept gifts of real or personal property from the federal government or any source. The director may exercise powers with reference to the property so accepted as necessary or appropriate to its preservation and the purposes for which it is given.

Sec. 54. NEW SECTION. 217A.53 CANTEEN MAINTAINED. The director may maintain a canteen at any institution under the director's jurisdiction for the sale to persons confined in the institution of items such as toilet articles, candy, tobacco products, notions, and other sundries, and may provide the necessary facilities, equipment, personnel, and merchandise for the canteen. The director shall specify the items to be sold in the canteen. The department may establish and maintain a permanent operating fund for each canteen. The fund shall consist of the receipts from the sale of commodities at the canteen.

Sec. 55. Section 19A.3, subsection 13, Code 1983, is amended to read as follows:

13. All physicians, psychiatrists, and heads of institutions under the jurisdiction of the Iowa department of social services human services and the Iowa department of corrections.

Sec. 56. Section 25A.2, subsection 3, Code 1983, is amended to read as follows:

3. "Employee of the state" includes any one or more officers, agents, or employees of the state or any state agency, including members of the general assembly, and persons acting on behalf of the state or any state agency in any official capacity, temporarily or permanently in the service of the state of Iowa, whether with or without compensation but does not include a contractor doing business with the state. Professional personnel, including medical doctors physicians, osteopathic physicians and surgeons, osteopathic physicians, optometrists and dentists, who render services to patients and inmates of state institutions under the jurisdiction of the department of social human services or the Iowa department of corrections are to be considered employees of the state, whether such the personnel are employed on a full-time basis or render such services on a part-time basis on a fee schedule or other arrangement, but shall not include any contractor doing business with the state.

Sec. 57. Section 85.60, unnumbered paragraph 1, Code 1983, is amended to read as follows:

The Iowa department of social services corrections may elect to include as an employee for purposes of this chapter any person confined as an inmate at the Riverview release center an institution provided for in section 217A.2 and who is participating in the inmate employment program. If an inmate in the performance of work sustains an injury arising out of and in the course of the work, the inmate shall be awarded and paid compensation at the rates provided in this chapter. If death results from such the injury, death benefits shall be awarded and paid to the dependents of the inmate. If any such person is awarded weekly compensation under the provisions of this section and is still committed to a penal institution, the person's compensation benefits under section 85.33 or section 85.34, subsection 1, shall be paid to the department and held in trust for the inmate for so long as the inmate shall remain remains so committed. However, the department shall deduct from the benefits awarded the cost of maintaining the inmate not to exceed the level the inmate was paying under the inmate employment

program. Weekly compensation benefits awarded pursuant to section 85.34, subsection 2, shall be held in trust and paid to ~~such~~ the person as provided in this chapter upon final discharge or parole, whichever occurs first. In the event ~~such~~ the person is recommitted to a penal institution prior to receiving in full weekly benefits pursuant to section 85.33 or section 85.34, subsection 1, such benefits shall again be paid to the department for so long as the person ~~shall remain~~ remains so recommitted. Also, weekly benefits under section 85.34, subsection 2, shall be suspended and again held in trust until ~~such~~ the person is again released by final discharge or parole, whichever first occurs. However, the industrial commissioner may, if the industrial commissioner finds that dependents of the person awarded weekly compensation pursuant to section 85.33 or section 85.34, subsections 1 and 2, would require welfare aid as a result of terminating the compensation, order ~~such~~ the weekly compensation to be paid to a responsible person for the use of dependents.

Sec. 58. Section 85.60, subsection 1, Code 1983, is amended to read as follows:

1. "Department" means the Iowa department of ~~social services~~ corrections.

Sec. 59. Section 110.24, unnumbered paragraph 7, Code 1983, is amended to read as follows:

No license shall be required of minor pupils of the state school for the blind, state school for the deaf, nor of minor residents of other state institutions under the control of a director of a division of the department of ~~social human services~~, ~~except that this provision shall not apply to the inmates of state institutions under the control of the director of the division of adult corrections~~, nor shall any person who is on active duty with the ~~Armed Forces~~ armed forces of the United States, on authorized leave, and a legal resident of the state of Iowa, be required to have a license to hunt or fish in this state. No license shall be required of residents of county care facilities or any person who is receiving old-age assistance under chapter 249.

Sec. 60. Section 159.5, subsection 14, Code 1983, is amended to read as follows:

14. Annually inspect for sanitation the areas where food is prepared and where food is served, including but not limited to the utensils, machinery, and other equipment, in the adult penal or correctional facilities operated by the Iowa department of ~~social services~~ corrections and in the ~~Eldora state training school, the Mitchellville training school, and the Iowa juvenile home~~. For purposes of this subsection, community-based correctional facilities shall be considered operated by the Iowa department of ~~social services~~ corrections.

If a municipal corporation wants its local board of health to make the inspections required by this section on facilities located within its jurisdiction, the municipal corporation may enter into an agreement with the secretary. The secretary may enter into such an agreement if the secretary finds that the local board of health has adequate resources to perform the required functions.

The secretary of agriculture shall prepare a report on the inspections and shall send a copy of the report concerning the adult penal or correctional facilities to the director of the ~~division Iowa department of corrections of the department of social services~~. A copy of the report concerning the ~~Eldora state training school, the Mitchellville training school, and the Iowa juvenile home~~ shall be sent to the director of the division of child and family services of the department of ~~social human services~~.

Sec. 61. Section 216.2, subsections 2 and 3, Code 1983, are amended to read as follows:

2. "Iowa state industries" means prison industries that are established and maintained by the ~~division Iowa department of adult corrections~~, in consultation with the industries board, at or adjacent to the state's adult correctional institutions, except that an inmate employment program established by the state director under section 216.5, subsection 7 is not restricted to industries at or adjacent to the institutions.

3. "State director" means the director of the ~~division Iowa department of adult corrections of the department of social services~~, or that the director's designee.



Sec. 62. Section 216.9, subsection 4, Code 1983, is amended to read as follows:

4. The fund established by this section shall not revert to the general fund of the state at the end of any annual or biennial period and the investment proceeds earned from the balance of the fund shall be credited to the fund and used for the purposes provided for in this section.

Sec. 63. Section 217.1, Code 1983, is amended to read as follows:

217.1 PROGRAMS OF DEPARTMENT. There is hereby established a department of ~~social~~ human services to administer programs designed to improve the well-being and productivity of the people of the state of Iowa. The department shall concern itself with the problems of human behavior, adjustment, and daily living through the administration of programs of family, child, and adult welfare, economic assistance (including costs of medical care), rehabilitation toward self-care and support, delinquency prevention and control, treatment and rehabilitation of ~~adult and~~ juvenile offenders, care and treatment of the mentally ill and mentally retarded, and other related programs as provided by law.

Sec. 64. Section 217.6, unnumbered paragraph 2, Code 1983, is amended to read as follows:

The department of ~~social~~ human services may be initially divided into the following divisions of responsibility: The division of child and family services, the division of mental health, mental retardation, and developmental disabilities, the division of administration, ~~the division of corrections~~ and the division of planning, research and statistics.

Sec. 65. Section 217.17, Code 1983, is amended to read as follows:

217.17 DIRECTOR OF DIVISION OF PLANNING. The director of the division of planning, research and statistics shall be qualified in the general field of governmental planning with special training and experience in the areas of preparation and development of plans for future efficient reorganization and administration of government social functions. The director of the division of planning, research and statistics shall co-operate with the directors of the other divisions of the department of ~~social~~ human services assisting them and the commissioner of the department in their planning, research and statistical problems. ~~He~~ The director of the division of planning, research and statistics shall assist the directors, commissioner and the council of ~~social~~ human services by proposing administrative and organizational changes at both the state and local level to provide more efficient and integrated social services to the citizens of this state. The planning, research and statistical operations now forming an integral part of the present state functions assigned to the directors of this department along with their future needs in this regard are hereby all assigned to and shall be administered by the director of this division.

Sec. 66. Section 218.1, subsections 10 through 16, Code 1983, are amended by striking the subsections.

Sec. 67. Section 218.3, subsection 3, Code 1983, is amended by striking the subsection.

Sec. 68. Section 218.9, unnumbered paragraph 2, Code 1983, is amended by striking the unnumbered paragraph.

Sec. 69. Section 218.92, Code 1983, is amended to read as follows:

218.92 DANGEROUS MENTAL PATIENTS. When a patient in any state hospital-school for the mentally retarded, any mental health institute, or any institution under the administration of the director of the division of mental health of the department of ~~social~~ human services, has become so mentally disturbed as to constitute a danger to self, to other patients in the institution or to the public, and the institution involved cannot provide adequate security, the director of mental health with the consent of the director of the Iowa department of corrections of the department of ~~social~~ services may order the patient to be transferred to the Iowa security and medical facility, provided that the executive head of the institution from which the patient is to be transferred, with the support of a majority of the medical staff recommends the transfer in the interest of the patient, other patients or the public. If the patient



transferred was hospitalized pursuant to sections 229.6 to 229.15, the transfer shall be promptly reported to the court which hospitalized the patient, as required by section 229.15, subsection 3. The Iowa security and medical facility has the same rights, duties and responsibilities with respect to the patient as the institution from which the patient was transferred had while the patient was hospitalized there. The cost of the transfer shall be paid from the funds of the institution from which the transfer is made.

Sec. 70. Section 218B.3, Code 1983, is amended to read as follows:

218B.3 DUTY OF ~~COMMISSIONER~~ DIRECTOR. The ~~commissioner~~ director of ~~social services~~ is authorized and directed to the Iowa department of corrections shall do all things necessary or incidental to the carrying out of the compact in every particular and he may in his discretion delegate this authority to the director of the division of corrections.

Sec. 71. Section 222.7, unnumbered paragraph 1, Code 1983, is amended to read as follows:

The state director may transfer patients from one state hospital-school to the other and may at any time transfer any patient patients from the hospital-schools to the hospitals for the mentally ill, or transfer patients in the hospital-schools to a special unit or vice versa, or make such transfers as are permitted in section 218.02. The state director may also transfer patients from a hospital for the mentally ill to a hospital-school if:

Sec. 72. Section 223.1, Code 1983, is amended to read as follows:

223.1 INSTITUTION ESTABLISHED. There is established an institution for persons displaying evidence of mental illness or psychosocial disorders and requiring diagnostic services and treatment in a security setting. The institution may also be used for persons only requiring confinement in a security setting. The institution is under the jurisdiction of the Iowa department of ~~social services~~ corrections and shall be known as the Iowa security and medical facility.

Sec. 73. Section 223.2, Code 1983, is amended to read as follows:

223.2 SUPERINTENDENT. A superintendent of the Iowa security and medical facility shall be appointed as designated in section 218.0 by the director of the Iowa department of corrections with the approval of the board of corrections. The superintendent shall be a reputable and qualified person experienced in the administration of programs for the care and treatment of persons afflicted with mental disorders and with have other qualifications the department deems director and board deem necessary.

Sec. 74. Section 223.3, subsections 1 and 4, Code 1983, are amended to read as follows:

1. Perform all duties required by law and by the state director of the Iowa department of ~~social services~~ corrections not inconsistent with this chapter.

4. Retain custody of all patients, in such the manner as deemed necessary and in the best interest of the patients subject to the regulations rules of the director of the Iowa department of ~~social services~~ corrections.

Sec. 75. Section 223.4, subsection 1, Code 1983, is amended to read as follows:

1. Residents of any an institution under the jurisdiction of the department of ~~social~~ human services or the Iowa department of corrections.

Sec. 76. Section 223.4, unnumbered paragraph 3, Code 1983, is amended to read as follows:

The director of the ~~division~~ Iowa department of adult corrections may house inmates from any penal institution at the Iowa security and medical facility in order to provide the inmates with either suitable security or medical treatment, or both. Unless an inmate is determined to be mentally ill, the inmate shall not be subjected involuntarily to psychiatric treatment.

Sec. 77. Section 223.5, Code 1983, is amended to read as follows:

223.5 ADMISSIONS IN WRITING ONLY. All admissions to the facility shall be by written application only. Application shall be made by the head of the state institution, agency, governmental body, or court requesting same admission to the superintendent of the

facility. An application may be denied by the superintendent, with the approval of the director of the ~~division~~ Iowa department of corrections, if the admission will result in an overcrowded condition or if adequate staff or facilities are not available.

Sec. 78. Section 223.6, Code 1983, is amended to read as follows:

223.6 FINAL DECISION. The decision regarding admission and discharge of patients shall be made by the superintendent of the facility, subject to approval of the director of the ~~division~~ Iowa department of corrections.

Sec. 79. Section 232.71, subsection 4, Code 1983, is amended to read as follows:

4. The county attorney and any law enforcement or social services agency in the state shall co-operate and assist in the investigation upon the request of the department of ~~social~~ human services. The county attorney and appropriate law enforcement agencies shall also take any other lawful action which may be necessary or advisable for the protection of the child.

Sec. 80. Section 245.1, Code 1983, is amended to read as follows:

245.1 OFFICIAL DESIGNATION—DEFINITIONS. The state correctional facility for women at Mitchellville shall be known as the "Iowa correctional institution for women". For the purpose of this chapter "director" or "state director" ~~shall mean~~ means the director of the ~~division of adult~~ Iowa department of corrections of the ~~department of social services~~.

Sec. 81. Section 245.2, Code 1983, is amended to read as follows:

245.2 SUPERINTENDENT—SALARY. The superintendent of the ~~women's reformatory~~ Iowa correctional institution for women shall receive a salary as determined by the state director.

Sec. 82. Section 245.3, Code 1983, is amended to read as follows:

245.3 SERVICE REQUIRED. The superintendent may, with the approval of the state director, require any inmate to perform any service suited to her strength and attainments and which may be needed for the benefit of the ~~reformatory~~ Iowa correctional institution for women or for the welfare of ~~such~~ the inmate.

Sec. 83. Section 245.4, Code 1983, is amended to read as follows:

245.4 EMPLOYEES TO RECEIVE A MIDSHIFT MEAL. The employees of the ~~women's reformatory~~ Iowa correctional institution for women shall receive a midshift meal when on duty.

Sec. 84. Section 245.7, Code 1983, is amended to read as follows:

245.7 TERM OF COMMITMENTS. A female convicted of a felony shall not be detained in ~~said reformatory~~ the Iowa correctional institution for women under one commitment for a period longer than the maximum term of imprisonment provided by law for ~~said~~ the felony. A female convicted of a crime and sentenced to a term of less than one year shall not be detained ~~therein in that institution~~.

Sec. 85. Section 245.8, Code 1983, is amended to read as follows:

245.8 MANNER OF COMMITTING FEMALES. Females committed to ~~said reformatory~~ the Iowa correctional institution for women shall be taken ~~thereto to the institution~~ by ~~some~~ a woman, or by ~~some~~ a peace officer accompanied by ~~some~~ a woman, appointed by the court.

Sec. 86. Section 245.9, Code 1983, is amended to read as follows:

245.9 COSTS OF COMMITMENT. The costs and expenses allowed for taking females to the ~~reformatory~~ Iowa correctional institution for women shall be the same as those allowed by law for taking girls to the training school, and shall be audited and paid in like manner by the counties from which they are sent.

Sec. 87. Section 245.12, Code 1983, is amended to read as follows:

245.12 TRANSFER OF MENTALLY ILL. The state director may cause any woman committed to the ~~reformatory~~ Iowa correctional institution for women and suspected of being mentally ill to be examined by one of the superintendents or the superintendent's qualified

designee of a state hospital for the mentally ill or transferred to the Iowa security and medical facility for examination. If the woman is found to be mentally ill, the Iowa department of corrections may order the woman transferred to or retained at a state hospital or the Iowa security and medical facility where she shall thereafter be maintained and treated at the expense of the state until such time as she regains her good mental health when she shall be returned to the reformatory Iowa correctional institution for women. The cost of transfer and return shall be paid as provided for other transfers.

Sec. 88. Section 245.15, Code 1983, is amended to read as follows:

245.15 ESCAPE. Any inmate of ~~said reformatory~~ the Iowa correctional institution for women who ~~shall escape therefrom~~ escapes from it may be arrested and returned to ~~said reformatory~~ the institution, by an officer or employee ~~thereof~~ of the institution without any other authority than this chapter, and by any peace officer or other person on the request in writing of the superintendent or the state director.

Sec. 89. Section 245.20, Code 1983, is amended to read as follows:

245.20 FEDERAL PRISONERS. ~~Inmates~~ Female inmates sentenced for any term by any court of the United States may be received by the superintendent into the women's reformatory Iowa correctional institution for women and there kept ~~in pursuant of~~ to their sentences. Inmates at the ~~women's reformatory~~ institution may also be transferred to the federal bureau of prisons. ~~If an inmate objects to her transfer to the federal bureau of prisons, the inmate shall be afforded a hearing as provided in section 217.22.~~

Sec. 90. Section 246.1, Code 1983, is amended to read as follows:

246.1 DEFINITIONS. For the purpose of this chapter "director" or "state director" ~~shall mean~~ means the director of the division of adult corrections of the Iowa department of ~~social services~~ corrections, or that director's designee.

Sec. 91. Section 246.11, Code 1983, is amended to read as follows:

246.11 FEDERAL PRISONERS. ~~Inmates~~ Male inmates sentenced for any term by any court of the United States may be received by the warden into the penitentiary or the men's reformatory and there kept in pursuance of their sentences. Inmates at either the penitentiary or men's reformatory may also be transferred to the federal bureau of prisons. ~~If an inmate objects to his transfer to the federal bureau of prisons, the inmate shall be afforded a hearing as provided in section 217.22.~~

Sec. 92. Section 246.16, Code 1983, is amended to read as follows:

246.16 TRANSFER OF MENTALLY ILL. When the state director has cause to believe that a prisoner in the penitentiary or reformatory is mentally ill, the Iowa department of corrections may cause that prisoner to be transferred to the Iowa security and medical facility for examination, diagnosis, or treatment. The prisoner shall be confined at that institution or a state hospital for the mentally ill until the expiration of the prisoner's sentence or until the prisoner is pronounced in good mental health. If the prisoner is pronounced in good mental health before the expiration of the prisoner's sentence, the prisoner shall be returned to the penitentiary or reformatory until the expiration of the prisoner's sentence. The provisions of the Code applicable to an inmate at the correctional institution from which the prisoner is transferred remain applicable during the inmate's stay at the Iowa security and medical facility. However, section 246.32 applies to the total inmate population, including both convicts and patients.

Sec. 93. Section 246.38, Code 1983, is amended to read as follows:

246.38 TIME TO BE SERVED—CREDIT. No inmate shall be discharged from the penitentiary, ~~or the men's or women's reformatory, or the Iowa correctional institution for women,~~ until ~~he or she~~ the inmate has served the full term for which the inmate was sentenced, less good time earned and not forfeited, unless the inmate is pardoned or otherwise legally released. Any provision to the contrary notwithstanding, good time earned and not forfeited shall apply to reduce a mandatory minimum sentence being served pursuant to section 204.406, 204.413, 902.7, 902.8, or 906.5. The inmate shall be deemed to be serving ~~his or her~~ the inmate's sentence from the day on which the inmate is received into the institution, but not while in solitary confinement for violation of the rules of the institution; ~~provided, however,~~ However, if an inmate had been confined to a county jail or other correctional or mental institution at any time prior to sentencing, or after sentencing but prior to the case having been decided on appeal, because of failure to furnish bail or because of being charged with a nonbailable offense, the inmate shall be given credit for such days already served in jail upon the term of the sentence. The clerk of the district court of the county from which the inmate was sentenced, shall certify to the warden the number of days so served.

Sec. 94. Section 246.39, unnumbered paragraph 1, Code 1983, is amended to read as follows:

Each ~~prisoner~~ inmate who shall have ~~has~~ no infraction of the rules of discipline of the penitentiary, ~~or the men's or women's reformatory, or the Iowa correctional institution for women,~~ or laws of the state, recorded against ~~him~~ the inmate, and who performs in a faithful manner the duties assigned to ~~him~~ the inmate, shall be ~~is~~ entitled to a reduction of sentence as follows, and if the sentence be for less than a year, then the pro rata part thereof:

Sec. 95. Section 246.45, Code 1983, is amended to read as follows:

246.45 APPLICABILITY TO OTHER INSTITUTIONS. Sections 246.38, 246.39, 246.41, 246.42, and 246.43 also apply to the inmates at the ~~women's reformatory~~ Iowa correctional institution for women and the Iowa security and medical facility.

Sec. 96. Section 246.48, subsection 1, Code 1983, is amended to read as follows:

1. ~~Beginning April 1, 1978, the~~ The medium security correctional facility at Mount Pleasant shall be utilized as a secure facility for treatment of inmates of adult correctional institutions who exhibit treatable personality disorders, with or without accompanying history of drug or alcohol abuse. Such inmates may apply for and upon their application may be selected for treatment by the staff of the treatment facility at Mount Pleasant in accordance with section ~~218.90~~ 217A.20.

Sec. 97. Section 246A.1, Code 1983, is amended to read as follows:

246A.1 ESTABLISHED BY DEPARTMENT OF SOCIAL SERVICES CORRECTIONS. The Iowa department of ~~social services~~ is hereby authorized to corrections may establish a facility for the preparation of all inmates of the corrective institutions under the department's jurisdiction, for discharge or parole. The facility shall be known as the correctional release center and shall be operated in conjunction with and utilize the facilities of the ~~prison honor farm at Newton, Iowa.~~

Sec. 98. Section 246A.2, Code 1983, is amended to read as follows:

246A.2 SUPERINTENDENT. The director of ~~division~~ the Iowa department of corrections, subject to approval of the ~~department~~ board of corrections, shall appoint a superintendent who shall serve as the chief executive of the correctional release center. The superintendent shall be a reputable and qualified person experienced in the administration of programs for the rehabilitation and preparation of ~~prisoners~~ inmates for their return to society.



Sec. 99. Section 246A.3, Code 1983, is amended to read as follows:

246A.3 TRANSFER OF PRISONERS TO CENTER. The Iowa department of corrections may transfer any inmate of a corrective institution within ninety days of the inmate's approaching release from custody to the release center for intensive training to assist the inmate in the transition to civilian living.

Sec. 100. Section 247.29, unnumbered paragraph 1, Code 1983, is amended to read as follows:

The clerk of the district court shall, on or before July 15 each year, shall report to the board of parole and the director of the division Iowa department of corrections of the department of social services:

Sec. 101. Section 247.31, Code 1983, is amended to read as follows:

247.31 AUDITOR TO REPORT STATISTICS TO CLERK. The county auditor shall report to the clerk of the district court, on or before July 5 of each year, the expenses of the county in criminal prosecutions during the year ending June 30 preceding, including but distinguishing the compensation of the county attorney. ~~Such~~ The report shall include all the items of criminal expenses which appear in the records of ~~his~~ the clerk's office and which are required to be reported by the clerk of the district court to the board of parole and the director of the division Iowa department of corrections of the department of social services. The clerk of the district court shall furnish to the auditor the blanks to be used in making ~~such~~ the report.

Sec. 102. Section 247.32, Code 1983, is amended to read as follows:

247.32 BIENNIAL REPORTS. The board of parole and the ~~chief parole officer~~ judicial district departments of correctional services shall make ~~such~~ detailed reports to the director of the division Iowa department of corrections of the department of social services as are requested by ~~him~~ the director and ~~he~~ the director shall forward ~~such~~ the reports along with his personal recommendations to the ~~commissioner~~ board of corrections of the Iowa department of social services corrections. The ~~commissioner~~ board of corrections in turn shall, biannually, at the time provided by law, report to the governor a summary of paroles granted and releases recommended, the names of all ~~prisoners~~ inmates who have violated their paroles, and ~~such~~ other information concerning this departmental operation as ~~may be~~ deemed advisable, including an abstract for each year of the returns relative to criminal matters.

Sec. 103. Section 247A.2, Code 1983, is amended to read as follows:

247A.2 PROGRAM. The Iowa department of social services corrections shall establish a work release program under which inmates sentenced to an institution under the jurisdiction of the department may be granted the privilege of leaving actual confinement during necessary and reasonable hours for the purpose of working at gainful employment. Under appropriate conditions the program may also include release for the purpose of seeking employment and attendance at an educational institution. In the case of inmates who have children in their homes under the age of eighteen years, the program may include child care and housekeeping in their homes.

Sec. 104. Section 247A.3, Code 1983, is amended to read as follows:

247A.3 COMMITTEE. A committee shall be designated by the Iowa department of corrections consisting of one member of the parole board or its designee, one representative of the division Iowa department of corrections, and one representative of the institution in which the inmate is confined at the time of application.

Sec. 105. Section 247A.5, Code 1983, is amended to read as follows:

247A.5 HOUSING FACILITIES — HALFWAY HOUSES. The department shall designate and adopt facilities in the institutions and camps under its jurisdiction for the housing of inmates granted work release privileges. In areas where facilities are not within reasonable



proximity of the place of employment of an inmate so released Unless the inmate is transferred to the correctional release center, or returns after working hours to the institution under jurisdiction of the department of corrections, the department may of corrections shall contract with the proper authorities of political subdivisions of the state or suitable public or private agencies a judicial district department of correctional services for the quartering and supervision of the inmate in local housing facilities. The committee shall include as a specific term or condition in the work release plan of any inmate the place where the inmate is to be housed when not on the work assignment. The committee shall not place an inmate on work release for longer than six months in any twelve-month period, provided, however, that. However, an inmate may be placed on work release for a period in excess of six months in any twelve-month period if unanimous approval is given by the committee. Inmates may be temporarily released to the supervision of a responsible person to participate in family and selected community, religious, educational, social, civic, and recreational activities when it is determined that the participation will directly facilitate the release transition from institution to community. The department of corrections shall provide a copy of the work release plan and a copy of any restitution plan of payment to the judicial district department of correctional services quartering and supervising the inmate.

Sec. 106. Section 247A.7, subsection 1, Code 1983, is amended to read as follows:

1. An amount determined to be the cost to the state judicial district department of correctional services for providing food, lodging and clothing for the inmate while under the program. The judicial district department of correctional services shall be reimbursed this amount unless the contract with the department of corrections provides otherwise.

Sec. 107. Section 247A.8, Code 1983, is amended to read as follows:

247A.8 STATUS OF INMATES ON WORK RELEASE. ~~No~~ An inmate employed in the community under the provisions of this chapter shall be deemed to be is not an agent, employee, or involuntary servant of the department of social services corrections nor the judicial district department of correctional services while released from confinement under the terms of any a work release plan. Should any If an inmate suffer suffers an injury arising out of or in the course of the inmate's employment under this chapter, the inmate's recovery shall be from the insurance carrier of the employer of the project and no proceedings for compensation shall be maintained against the insurance carrier of the state institution, or the state, the insurance carrier of the judicial district department of correctional services, or the judicial district department of correctional services, and it is understood that there is no employer-employee relationship between the inmate and the state institution or the judicial district department of correctional services.

Sec. 108. Section 247A.10, Code 1983, is amended to read as follows:

247A.10 ALLEGED WORK RELEASE VIOLATORS—REIMBURSEMENT TO COUNTIES FOR TEMPORARY CONFINEMENT. ~~The division Iowa~~ department of adult corrections shall negotiate a reimbursement rate with each county for the temporary confinement of alleged violators of work release conditions who are in the custody of the director of the division Iowa department of adult corrections or who are housed or supervised by the judicial district department of correctional services. The amount to be reimbursed shall be determined by multiplying the number of days ~~so~~ a person is confined by the average daily cost of confining a person in the county facility as negotiated with the department. Payment shall be made upon submission of a voucher executed by the sheriff and approved by the director of the ~~division Iowa~~ department of adult corrections. The money shall be deposited in the county general fund to be credited to the jail account.

Sec. 109. Section 255.28, Code 1983, is amended to read as follows:

255.28 TRANSFER OF PATIENTS FROM STATE INSTITUTIONS. The commissioner of the department of ~~social human services~~ and, in respect to institutions under the commissioner's control, the director of any of the divisions of ~~such the department~~, in respect to the institutions under the director's control, the director of the Iowa department of corrections, in respect to the institutions under the department's control, and the state board in control of regents in respect to the Iowa braille and sight-saving school, and the Iowa school for the deaf, may, ~~respectively~~, send any inmate, student, or patient of any of ~~said~~ institutions, or any person committed or applying for admission thereto, to the hospital of the medical college of the state university for treatment and care as provided in this chapter, without securing the order of court required in other cases. ~~Said state~~ The department of social human services, the Iowa department of corrections and the state board in control of regents the Iowa braille and sight-saving school and the Iowa school for the deaf, shall respectively pay the traveling expenses of ~~any a~~ patient thus committed, and when necessary the traveling expenses of an attendant for ~~such the~~ patient, out of funds appropriated for the use of the institution from which ~~he the~~ patient is sent.

Sec. 110. Section 255.29, Code 1983, is amended to read as follows:

255.29 MEDICAL CARE FOR PAROLEES. The director of the ~~division Iowa department~~ of corrections ~~of the department of social services~~ may send former inmates of the Iowa state penitentiary and men's or women's reformatory institutions provided for in section 217A.2, while on parole, to the hospital of the college of medicine of the state University of Iowa for treatment and care as provided in this chapter, without securing the order of the court required in other cases. ~~Said~~ The director may pay the traveling expenses of any patient thus committed, and, when necessary, the traveling expenses of an attendant of ~~such the~~ patient out of funds appropriated for the use of ~~such the~~ division.

Sec. 111. Section 331.756, subsection 41, Code 1983, is amended by striking the subsection.

Sec. 112. Section 331.756, subsection 42, Code 1983, is amended to read as follows:

42. Provide the Iowa department of ~~social services~~ corrections with information relating to the background and criminal acts committed by each person sentenced to a state correctional institution from the county as provided in section ~~218.07~~ 217A.35.

Sec. 113. Section 356.14, Code 1983, is amended to read as follows:

356.14 REFRACTORY PRISONERS. If any person confined in a jail is refractory or disorderly or willfully destroys or injures any part ~~thereof of the jail~~ or of its contents, the sheriff may secure ~~such the~~ person or cause ~~him or her the person~~ to be kept in solitary confinement not more than ten days for any one offense, during which time the person may be fed minimum diet requirements as established by the Iowa department of ~~social services~~ corrections unless other food is necessary for the preservation of the person's health.

Sec. 114. Section 356.36, Code 1983, is amended to read as follows:

356.36 ESTABLISHMENT OF JAIL STANDARDS. The Iowa department of ~~social services~~ corrections, in consultation with the Iowa state sheriff's association and the Iowa board of supervisors association, shall draw up minimum standards for the regulation of jails and alternative jails. When completed by the department, the standards shall be ~~promulgated~~ adopted as rules pursuant to chapter 17A.

The sole remedy for violation of a rule adopted pursuant to this section, is by a proceeding for compliance initiated by request to the Iowa department of ~~social services~~ corrections. A violation of a rule does not permit any civil action to recover damages against the state of Iowa, its departments, agents, or employees or any county, its agents or employees.

Sec. 115. Section 356.43, Code 1983, is amended to read as follows:

356.43 INSPECTION BY DEPARTMENT—REPORT OF INSPECTION. The state Iowa department of social services corrections and its inspectors and agents shall have the power and duty to make periodic inspections of each such jail and all such facilities established pursuant to chapter 356A, and officially to notify the county board of supervisors in writing to comply fully with the provisions of section 356.36.

The Iowa department of social services corrections may order the governing body of a political subdivision to either correct any violations found in the inspection of a jail within a designated period, or may prohibit the confinement of prisoners in the jail. If the governing body fails to comply with the order within the period designated, the Iowa department of social services corrections may schedule a hearing on the alleged violation. The department may subpoena witnesses, documents, and other information deemed necessary to determine the validity of the alleged violation. The department shall upon written request from the governing body of the political subdivision grant representatives of the political subdivision the right to appear before the department at the hearing. Such The representatives shall have the right to counsel and may produce witnesses and present statements, documents, and other information with respect to the alleged violation for consideration at the hearing.

The department after the hearing shall affirm, revoke, or modify the original order. If the order is upheld, the department may include a schedule for correction of the violation or violations and designate the date before by which each violation shall be corrected.

If the political subdivision does not comply with the order within the designated period, the department may petition the attorney general to institute proceedings to enjoin the political subdivision from confining prisoners in the jail and require the transfer of prisoners to a jail declared by the director to be suitable for confinement. The county or municipality from which prisoners are transferred shall be is liable for the cost of transfer and expenditures incurred in the confinement of prisoners in the jail to which transferred. Following inspection of any county jail, a report of the same inspection shall be filed with the director of the division Iowa department of corrections of the department of social services, and a copy shall be filed with the sheriff, the county board of supervisors, and one copy with the county attorney, which shall be presented at the next session of the grand jury of that county.

Sec. 116. Section 690.4, unnumbered paragraph 2, Code 1983, is amended to read as follows:

It shall also be the duty of the said wardens and superintendents to procure the taking of five- by seven-inch photographic negative showing the full length view of each convict, prisoner or inmate of the penitentiary, men's reformatory, and women's reformatory Iowa correctional institution for women in his or her the inmate's release clothing immediately prior to his or her the inmate's discharge from the institution either upon expiration of sentence or commitment or on parole, and to forward such the photographic negative within two days after the same it is taken to the division of criminal investigation and bureau of identification, Iowa department of public safety.

Sec. 117. Section 692.1, subsection 7, Code 1983, is amended to read as follows:

7. "Correctional data" means information pertaining to the status, location, and activities of persons under the supervision of the county sheriff, the division Iowa department of corrections of the department of social services, the board of parole, or any other state or local agency performing the same or similar function, but does not include investigative, sociological, psychological, economic, or other subjective information maintained by the division Iowa department of corrections of the department of social services or board of parole.

Sec. 118. Section 707.2, subsection 4, Code 1983, is amended to read as follows:

4. The person intentionally kills a peace officer, correctional officer, public employee, or hostage while such the person is imprisoned in a correctional institution under the jurisdiction of the Iowa department of social services corrections, or in a city or county jail.

Sec. 119. Section 719.4, subsection 3, Code 1983, is amended to read as follows:

3. ~~Any~~ A person who has been committed to ~~any~~ an institution under the control of the ~~division Iowa department~~ of ~~adult~~ corrections, or to ~~any~~ a jail or correctional institution, who knowingly and voluntarily absents himself or herself from ~~any~~ a place where the person is required to be, commits a serious misdemeanor.

Sec. 120. Section 719.7, Code 1983, is amended to read as follows:

719.7 FURNISHING INTOXICANT TO INMATES. ~~Any~~ A person not authorized by law who furnishes or knowingly makes available ~~any~~ an intoxicating beverage to ~~any~~ an inmate at ~~any~~ a detention facility, correctional institution, or ~~any~~ an institution under the management of the Iowa department of ~~social services~~ corrections, or who introduces ~~any~~ an intoxicating beverage into the premises of ~~any~~ such an institution, commits a ~~simple misdemeanor class~~ "D" felony.

Sec. 121. Section 719.8, Code 1983, is amended to read as follows:

719.8 FURNISHING CONTROLLED SUBSTANCE TO INMATES. ~~Any~~ A person not authorized by law who furnishes or knowingly makes available ~~any~~ a controlled substance to ~~any~~ an inmate at ~~any~~ a detention facility or correctional institution, or at ~~any~~ an institution under the management of the Iowa department of ~~social services~~ corrections, or who introduces ~~any~~ a controlled substance into the premises of ~~any~~ such an institution, commits a class "D" felony.

Sec. 122. Section 724.2, subsection 4, Code 1983, is amended to read as follows:

4. ~~Any~~ A correctional officer, serving in an institution under the authority of the ~~division Iowa department~~ of ~~adult~~ corrections.

Sec. 123. Section 724.4, subsection 4, Code 1983, is amended to read as follows:

4. ~~Any~~ A correctional officer, when ~~his or her~~ the officer's duties require, serving under the authority of the ~~division Iowa department~~ of ~~adult~~ corrections.

Sec. 124. Section 901.4, Code 1983, is amended to read as follows:

901.4 PRESENTENCE INVESTIGATION REPORT CONFIDENTIAL. The court may, ~~in its discretion~~, make the presentence investigation report or parts of it available to the defendant, or the court may make the report or parts of it available while concealing the identity of the person who provided confidential information. The report of ~~any~~ a medical examination or psychiatric evaluation shall be made available to the attorney for the state and to the defendant upon request. ~~Such~~ The reports shall be part of the record but shall be sealed and opened only on order of the court. ~~In any case where~~ If the defendant is committed to the custody of the ~~division Iowa department~~ of ~~adult~~ corrections and is not a class "A" felon, a copy of the presentence investigation report shall be sent to the director at the time of commitment.

Sec. 125. Section 901.7, Code 1983, is amended to read as follows:

901.7 COMMITMENT TO CUSTODY. In imposing a sentence of confinement for more than one year, the court shall commit the defendant to the custody of the director of the ~~division Iowa department~~ of ~~adult~~ corrections. Upon entry of judgment and sentence, the clerk of the district court immediately shall notify the director of ~~such~~ the commitment. The court shall make ~~such~~ an order as is appropriate for the temporary custody of the defendant pending the defendant's transfer to the custody of the director. The court shall order the county where a person was convicted to pay the cost of temporarily confining the person and of transporting the person to the state institution where ~~he or she~~ the person is to be confined in execution of the judgment.

Sec. 126. Section 901.8, Code 1983, is amended to read as follows:

901.8 CONSECUTIVE SENTENCES. If a person is sentenced for two or more separate



offenses, the sentencing judge may order the second or further sentence to begin at the expiration of the first or succeeding sentence. If a person is sentenced for escape under section 719.4 or for a crime committed while confined in a detention facility or penal institution, the sentencing judge shall order the sentence to begin at the expiration of any existing sentence. If the person is presently in the custody of the director of the ~~division~~ Iowa department of adult corrections, the sentence shall be served at the facility or institution in which the person is already confined unless the person is transferred by the director. If consecutive sentences are specified in the order of commitment, the several terms shall be construed as one continuous term of imprisonment.

Sec. 127. Section 902.1, Code 1983, is amended to read as follows:

902.1 CLASS "A" FELONY. Upon a plea of guilty, a verdict of guilty, or a special verdict upon which a judgment of conviction of a class "A" felony may be rendered, the court shall enter a judgment of conviction and shall commit the defendant into the custody of the director of the ~~division~~ Iowa department of adult corrections for the rest of the defendant's life. Nothing in the Iowa corrections code pertaining to deferred judgment, deferred sentence, suspended sentence, or reconsideration of sentence ~~shall apply~~ applies to a class "A" felony, and ~~no~~ a person convicted of a class "A" felony shall not be released on parole unless the governor commutes the sentence to a term of years.

Sec. 128. Section 902.3, Code 1983, is amended to read as follows:

902.3 INDETERMINATE SENTENCE. When a judgment of conviction of a felony, other than a class "A" felony is entered against ~~any~~ a person, the court, in imposing a sentence of confinement, shall commit the person into the custody of the director of the ~~division~~ Iowa department of adult corrections for an indeterminate term, the maximum length of which shall not exceed the limits as fixed by section 707.3 or section 902.9 nor shall the term be less than the minimum term imposed by law, if a minimum sentence is provided.

Sec. 129. Section 902.4, Code 1983, is amended to read as follows:

902.4 RECONSIDERATION OF FELON'S SENTENCE. For a period of ninety days from the date when a person convicted of a felony, other than a class "A" felony or a felony for which a minimum sentence of confinement is imposed, begins to serve a sentence of confinement, the court, on its own motion or on the recommendation of the ~~commissioner~~ director of social services the Iowa department of corrections, may order the person to be returned to the court, at which time the court may review its previous action and reaffirm it or substitute for it any sentence permitted by law. The court's final order in ~~any such~~ the proceeding shall be delivered to the defendant personally or by certified mail. ~~Such action is discretionary with the court, and its~~ The court's decision to take such the action or not to take such the action is not subject to appeal. ~~The provisions of this section notwithstanding~~ However, for the purposes of appeal, a judgment of conviction of a felony is a final judgment when pronounced.

Sec. 130. Section 902.5, Code 1983, is amended to read as follows:

902.5 PLACE OF CONFINEMENT. The director of the ~~division~~ Iowa department of adult corrections shall determine the appropriate place of confinement of any person committed to the director's custody, in any institution administered by the director, and may transfer the person from one institution to another during the person's period of confinement.

Sec. 131. Section 902.6, Code 1983, is amended to read as follows:

902.6 RELEASE. A person who has been committed to the custody of the director of the ~~division~~ Iowa department of adult corrections shall remain in ~~such~~ custody until released by the order of the board of parole, in accordance with the law governing paroles, or by order of the judge after reconsideration of a felon's sentence pursuant to section 902.4 or until the maximum term of the person's confinement, as fixed by law, has been completed.



Sec. 132. Section 902.10, Code 1983, is amended to read as follows:

902.10 APPLICATION FOR INVOLUNTARY HOSPITALIZATION. For the purposes of chapter 229, the director of the ~~division~~ Iowa department of corrections ~~shall be considered is~~ an interested person and all applicable provisions of chapter 229, relating to involuntary hospitalization, ~~shall apply to any persons who have been committed to the custody of the division~~ Iowa department of corrections as a result of a conviction of a public offense.

Sec. 133. Section 903.4, Code 1983, is amended to read as follows:

903.4 PROVIDING PLACE OF CONFINEMENT. All persons sentenced to confinement for a period of one year or less shall be confined in a place to be furnished by the county where the conviction was had unless the person is presently committed to the custody of the director of the ~~division~~ Iowa department of ~~adult~~ corrections, in which case the provisions of section 901.8 apply. All persons sentenced to confinement for a period of more than one year shall be committed to the custody of the director of the ~~division~~ Iowa department of ~~adult~~ corrections to be confined in a place to be designated by the director and the cost of ~~such~~ the confinement shall be borne by the state. The director may contract with local governmental units for the use of detention or correctional facilities maintained by ~~such~~ the units for the confinement of such persons.

Sec. 134. Section 905.1, subsection 2, Code 1983, is amended to read as follows:

2. "Community-based correctional program" means correctional programs and services designed to supervise and assist individuals who are charged with or have been convicted of a felony, an aggravated misdemeanor or a serious misdemeanor, or who are on probation or parole in lieu of or as a result of a sentence of incarceration imposed upon conviction of any of these offenses, or who are contracted to the district department for supervision and housing while on work release.

Sec. 135. Section 905.4, subsections 2, 4, and 9, Code 1983, are amended to read as follows:

2. Employ a director having the qualifications required by section 905.6 to head the district department's community-based correctional program and, within a range established by the ~~state~~ Iowa department of ~~social services~~ corrections, fix the compensation of and have control over the director and the district department's staff. For purposes of collective bargaining under chapter 20, employees of the district board who are not exempt from chapter 20 ~~shall be~~ are employees of the state, and the employees of all of the district boards shall be included within one collective bargaining unit.

4. File with the board of supervisors of each county in the district and with the ~~state~~ Iowa department of ~~social services~~ corrections, within thirty days after the close of each fiscal year, a report covering the district board's proceedings and a statement of receipts and expenditures during the preceding fiscal year.

9. Arrange, by contract or on ~~such~~ an alternative basis as ~~may be~~ mutually acceptable, and with approval of the director of the ~~division~~ Iowa department of ~~adult~~ corrections of the ~~department~~ of ~~social services~~ or that director's designee for utilization of existing local treatment and service resources, including but not limited to employment, job training, general, special, or remedial education; psychiatric and marriage counseling; and alcohol and drug abuse treatment and counseling. It is the intent of this chapter that a district board shall approve the development and maintenance of such resources by its own staff only if the resources ~~to be so developed and maintained~~ are otherwise unavailable to the district department within reasonable proximity to the community where these services are needed in connection with the community-based correctional program.

Sec. 136. Section 905.5, subsection 1, Code 1983, is amended to read as follows:

1. The county designated under section 905.4, subsection 3, as administrative agent for each district department, or the district department itself, if designated as administrative agent by the district board, shall submit that district department's budget and supporting information to the state Iowa department of social services corrections in accordance with the provisions of chapter 8. The state department shall incorporate the budgets of each of the district departments into its own budget request, to be processed as prescribed by the uniform budget, accounting and administrative procedures established by the state comptroller. Funds appropriated pursuant to the budget requests of the respective district departments shall be allocated on a quarterly basis, and the state comptroller shall authorize advancement of the funds so allocated to each district department's administrative agent, or to the district department itself if the district department acts as administrative agent, at the beginning of each fiscal quarter.

Sec. 137. Section 905.6, subsections 1, 2, and 6, Code 1983, are amended to read as follows:

1. Perform the duties and have the responsibilities delegated by the district board or specified by the state Iowa department of social services corrections pursuant to this chapter.

2. Manage the district department's community-based correctional program, in accordance with the policies of the district board and the state Iowa department of social services corrections.

6. Develop and submit to the district board a plan for the establishment, implementation, and operation of a community-based correctional program in that judicial district, which program conforms to the guidelines drawn up by the state Iowa department of social services corrections under this chapter and which conform to rules, policies, and procedures pertaining to the supervision of parole and work release adopted by the director of the Iowa department of corrections concerning the community-based correctional program.

Sec. 138. Section 905.7, unnumbered paragraph 1, Code 1983, is amended to read as follows:

The state Iowa department of social services corrections shall provide assistance and support to the respective judicial districts to aid them in complying with this chapter, and shall promulgate rules pursuant to chapter 17A establishing guidelines in accordance with and in furtherance of the purposes of this chapter. The guidelines ~~so~~ adopted shall include, but need not be limited to, requirements that each district department:

Sec. 139. Section 905.7, subsection 1, Code 1983, is amended to read as follows:

1. Provide pretrial release, presentence investigations, probation services, parole services, work release services, and residential treatment centers throughout the district, as necessary.

Sec. 140. Section 905.8, Code 1983, is amended to read as follows:

905.8 STATE FUNDS ALLOCATED. The state Iowa department of social services corrections shall provide for the allocation among judicial districts in the state of ~~any~~ state funds appropriated for the establishment, operation, support, and evaluation of community-based correctional programs and services. However, ~~no~~ state funds shall not be allocated under this section to ~~any~~ a judicial district unless the state Iowa department of corrections has reviewed and approved that district department's community-based correctional program for compliance with the requirements of this chapter and the guidelines adopted under section 905.7.

Sec. 141. Section 905.9, Code 1983, is amended to read as follows:

905.9 REPORT OF REVIEW—SANCTION. Upon completion of a review of a district community-based correctional program, made under section 905.8, the state Iowa department of social services corrections shall submit its findings to the district board in writing. If the state Iowa department of corrections concludes that the district department's community-based correctional program fails to meet any of the requirements of this chapter and of the

guidelines adopted under section 905.7, it shall also request in writing a response to this finding from the district board. If ~~no~~ a response is not received within sixty days after the date of that request, or if the response is unsatisfactory, the state Iowa department of corrections may call a public hearing on the matter. If after the hearing, the state Iowa department of corrections is not satisfied that the district's community-based correctional program will expeditiously be brought into compliance with the requirements of this chapter and of the guidelines adopted under section 905.7, it may assume responsibility for administration of the district's community-based correctional program on an interim basis.

Sec. 142. Section 905.10, Code 1983, is amended to read as follows:

905.10 POST-INSTITUTIONAL PROGRAMS AND SERVICES. Persons participating in post-institutional services ~~shall, except those persons paroled and those persons contracted to the district department, remain under the jurisdiction of the state Iowa department of social services' division of corrections.~~ shall, except those persons paroled and those persons contracted to the district department, remain under the jurisdiction of the state Iowa department of social services' division of corrections. The state district department of correctional services shall maintain adequate personnel to provide post-institutional residential services, parole services, and supervision of persons transferred into the state under the interstate compact for supervision of parolees and probationers.

Sec. 143. Section 906.1, Code 1983, is amended to read as follows:

906.1 DEFINITION OF PAROLE. Parole is the release of a person who has been committed to the custody of the ~~commissioner director of social services~~ the Iowa department of corrections by reason of the person's commission of a public offense, which release occurs prior to the expiration of the person's term, is subject to supervision by the district department of social services correctional services, and on conditions imposed by the district department.

Sec. 144. Section 906.3, Code 1983, is amended to read as follows:

906.3 AUTHORITY OF PAROLE BOARD. The board of parole shall ~~promulgate regulations~~ adopt rules regarding a system of paroles from correctional institutions, and shall direct, control, and supervise the administration of ~~such~~ the system of paroles. The board shall determine which of those persons who have been committed to the custody of the director of the division Iowa department of adult corrections, by reason of their conviction of a public offense, shall be released on parole. The grant or denial of parole ~~shall is not be deemed~~ a contested case as defined in section 17A.2.

Sec. 145. Section 906.5, Code 1983, is amended to read as follows:

906.5 RECORD REVIEWED—ELIGIBILITY OF PRIOR FORCIBLE FELON FOR PAROLE—RULES. Within one year after the commitment of ~~any~~ a person other than a class "A" felon to the custody of the director of the division Iowa department of adult corrections, a member of the board shall interview the person. Thereafter, at regular intervals, not to exceed one year, the board shall interview the person and consider ~~his or her~~ the person's prospects for parole. At such time, the board shall consider all pertinent information regarding this person, including the circumstances of the person's offense, any presentence report which may be available, the previous social history and criminal record of ~~such~~ the person, the person's conduct, employment, and attitude in prison, and the reports of ~~such~~ physical and mental examinations as that have been made.

If the person who is under consideration for parole is serving a sentence for conviction of a felony and has a criminal record of one or more prior convictions for a forcible felony or a crime of a similar gravity in this or any other state, parole shall be denied unless the defendant person has served at least one-half of the maximum term of ~~his or her~~ the sentence.

Every A person while on parole ~~shall be is~~ under the supervision of the district department of social services, which correctional services of the district designated by the board of parole. The department of corrections shall prescribe regulations for governing persons on parole. The board may adopt other rules not inconsistent with the ~~above~~ rules of the department of corrections as it may ~~deem~~ deems proper or necessary for the performance of its functions.

Sec. 146. Section 906.10, Code 1983, is amended to read as follows:

906.10 PAROLE RELIEF FUND. There is hereby established, from any unappropriated funds in the state treasury, a fund of twelve hundred fifty dollars which shall be known as the parole relief fund. The treasurer of the state shall ~~continue to maintain said the fund in said that amount.~~ ~~Said~~ The fund may be used for the relief of paroled prisoners who are in distress because of illness, loss of employment, or conditions creating personal need. ~~In no instance shall the~~ The total amount advanced to a prisoner shall not exceed one hundred dollars. The prisoner, at the time of receiving an advancement, shall execute and deliver to his or her the parole officer his or her a written obligation to repay the same advance during the period of the prisoner's parole. When so paid, the amount shall be deposited with the treasurer of the state and credited to the fund from which drawn. ~~Such fund~~ The advance shall be drawn on vouchers executed by the director of the ~~bureau~~ Iowa department of adult corrections in favor of ~~said the~~ needy person. Each voucher shall show that the advancement was ordered by the chief parole officer director of the judicial district department of correctional services, after approval by the director of the department of corrections.

Sec. 147. Section 906.11, Code 1983, is amended to read as follows:

906.11 ASSIGNMENT TO PAROLE OFFICER. A person released on parole shall be assigned to a parole officer by the ~~chief parole officer~~ director of the judicial district department of correctional services. Both the person and his or her the person's parole officer shall be furnished in writing with the conditions of his or her parole including a copy of the plan of restitution and the restitution plan of payment, if any, and the regulations which the person will be required to observe. The parole officer shall explain these conditions and regulations to the person, and supervise, assist, and counsel the person during the term of his or her the person's parole.

Sec. 148. Section 906.17, Code 1983, is amended to read as follows:

906.17 ALLEGED PAROLE VIOLATORS—REIMBURSEMENT TO COUNTIES FOR TEMPORARY CONFINEMENT. The ~~division~~ Iowa department of adult corrections shall reimburse a county for the temporary confinement of alleged parole violators. The amount to be reimbursed shall be determined by multiplying the number of days so confined by the average daily cost of confining a person in the county facility as negotiated by the department. Payment shall be made upon submission of a voucher executed by the sheriff and approved by the director of the ~~division~~ Iowa department of adult corrections. The money shall be deposited in the county general fund to be credited to the jail account.

Sec. 149. Section 908.5, Code 1983, is amended to read as follows:

908.5 WAIVER OF PROBABLE CAUSE HEARING. The alleged parole violator may waive the probable cause hearing, in which event the liaison officer shall proceed as upon a finding of probable cause. Before accepting a waiver of hearing, the liaison officer shall inform the alleged violator of the charge, of the alleged violator's right to a hearing to determine whether there is probable cause to believe that parole has been violated, and that if the hearing is waived, the alleged violator will be committed to the custody of the Iowa department of social services corrections without further proceedings, to await the determination of the parole board. The liaison officer shall make a verbatim record of the proceedings in which the hearing is waived.

Sec. 150. Section 908.6, Code 1983, is amended to read as follows:

908.6 DISPOSITION BY LIAISON OFFICER. If it appears from the evidence that there is no probable cause to believe that the arrested person has violated the conditions of parole, the liaison officer shall order the arrested person to be released from custody and continued on parole. If it appears that there is probable cause to believe that the arrested person has violated the conditions of parole, the liaison officer shall commit the arrested person to the custody of the Iowa department of social services corrections, and the procedure prescribed in



section 901.7 shall apply to ~~such~~ the commitment; or the liaison officer may recommend that the arrested person be admitted to bail as provided in section 908.2. The liaison officer shall make a summary of the testimony and other evidence considered and a statement of the facts relied on as a basis for the finding of probable cause or no probable cause, and shall without delay forward them together with all documents relating to the matter to the executive secretary of the parole board. If the alleged parole violator has waived the probable cause hearing, the verbatim record of that proceeding shall be forwarded in lieu of the summary of evidence and statement of facts.

Sec. 151. Section 908.7, Code 1983, is amended to read as follows:

908.7 ACTION BY PAROLE BOARD. Upon a finding of probable cause to believe that a parole violation has occurred, the board of parole shall proceed without unreasonable delay to hear the charge of parole violation. Upon receipt of the record prepared and forwarded by the liaison officer, the board shall fix a time and place for ~~such~~ the hearing and shall notify in writing the alleged violator, the alleged violator's attorney of record, if any, and the Iowa department of ~~social services~~ corrections of ~~such~~ the hearing and the claimed violation of parole. The alleged violator shall be given an opportunity to be heard by the board under ~~such~~ rules as the board shall adopt. The inquiry shall be limited to the following two matters: 1. Did the alleged parole violation actually occur? 2. If the violation did occur, should the violator's parole be revoked?

PARAGRAPH DIVIDED. If the board determines that the parole should be revoked, it shall make an order revoking the parole. The board shall furnish the violator with a written statement of the facts relied upon to establish a violation and the reasons for revoking parole.

Sec. 152. Section 908.8, Code 1983, is amended to read as follows:

908.8 PROCEEDING WITHOUT ARREST OR PROBABLE CAUSE. The board of parole may receive from a parole officer a charge or complaint of parole violation against any parolee and may proceed to a hearing on ~~such~~ the charge in any case where the alleged violator has not been arrested or has been arrested and discharged by the liaison officer on a finding of no probable cause. The presence of the alleged violator at ~~such~~ the hearing shall be secured by summons. A statement of the charge against the alleged violator shall accompany the summons, and the parole officer shall give the alleged violator ~~such~~ assistance as is needed to get to the place of the hearing. Travel expenses, if any, shall be paid by the board. If the alleged violator fails without good cause to appear as commanded by the summons, ~~such~~ the failure shall be considered a violation of the parole, and the board may proceed to revoke parole. If the parole is revoked, the board shall issue a warrant for the person's arrest and return to the custody of the Iowa department of ~~social services~~ corrections. Upon ~~his or her~~ the person's return to custody, the board shall, upon request, shall give the person an opportunity to present any matters in defense or mitigation of the conduct.

Sec. 153. Section 908.9, Code 1983, is amended to read as follows:

908.9 DISPOSITION OF VIOLATOR. If the parole of ~~any~~ a parole violator is revoked, the violator shall remain in the custody of the Iowa department of ~~social services~~ corrections under the terms of the parolee's original commitment. If the parole of ~~any~~ a parole violator is not revoked, the board shall order ~~his or her~~ the person's release subject to the terms of ~~his or her~~ the person's parole with any modifications that the board shall ~~determine~~ determines proper.

Sec. 154. Section 910.5, subsections 3 and 4, Code 1983, are amended to read as follows:

3. If an offender is to be placed on work release from a facility under control of a county sheriff or the judicial district department of correctional services, restitution shall be a condition of work release. The judicial district department of correctional services shall prepare a restitution plan of payment or may modify any previously existing restitution plan of payment. The new or modified plan of payment shall reflect the offender's present circumstances concerning the offender's income, physical and mental health, education, employment and family circumstances. Failure of the offender to comply with the restitution plan of payment including the community service requirement, if any, shall constitute a violation of a condition of work release. The judicial district department of correctional services may modify the plan of restitution at any time to reflect the offender's present circumstances.

4. If an offender is to be placed on parole, restitution shall be a condition of parole. The ~~parole office~~ district department of correctional services to which the offender will be assigned shall prepare a restitution plan of payment or may modify any previously existing restitution plan of payment. The new or modified plan of payment shall reflect the offender's present circumstances concerning the offender's income, physical and mental health, education, employment, and family circumstances. Failure of the offender to comply with the restitution plan of payment including a community service requirement, if any, shall constitute a violation of a condition of parole. The parole officer may modify the plan of payment any time to reflect the offender's present circumstances. A restitution plan of payment or modified plan of payment, prepared by a parole officer, must meet the approval of the ~~chief of the bureau director of community the district department of correctional services of the division of adult corrections.~~

Sec. 155. 1981 Iowa Acts, chapter 9, section 7, subsection 6, is amended to read as follows:

6. The following are range four positions: superintendent of banking, director of the Iowa beer and liquor control department, chairperson and members of the Iowa state commerce commission, director of the state conservation commission, director of the Iowa development commission, director of the educational radio and television facility board, director of the Iowa department of job service, director of the department of general services, commissioner of health, director of the office for planning and programming, director of the department of corrections, and commissioner of public safety.

Sec. 156. Sections 217.13, 217.14, 217.22, 218.7, 218.90, 218.91, 218.97, 247.22, 247.23, and 356.45, Code 1983, are repealed.

Sec. 157. Sections 8.6, subsection 19; 12.10; 13.6; 17.3, subsection 5; 17.30, unnumbered paragraph 1; 19A.3, subsections 13 and 18 and unnumbered paragraph 5; 23.1, unnumbered paragraph 2; 64.6, subsection 3; 68B.2, subsection 4; 80C.2, unnumbered paragraph 2; 92.17, subsection 4; 97B.49, subsection 10; 122.5; 125.10, subsection 4; 125.43; 125.47; 135C.14, unnumbered paragraph 1; 135C.16, subsection 3; 135C.17; 135C.19, subsection 3 and unnumbered paragraph 1; 135C.22; 158.3, subsection 1, paragraph e; 159.5, unnumbered paragraph 4; 175.30; 217.2, unnumbered paragraph 1; 217.3, unnumbered paragraph 1 and subsections 2, 3, 4, and 8; 217.5, unnumbered paragraph 1; 217.16; 217.18; 217.21, subsections 4 and 5; 217.32; 217.33; 217.37; 218.1, unnumbered paragraph 1; 218.2, unnumbered paragraph 2; 218.3; 218.4, unnumbered paragraphs 1 and 3; 218.5; 218.7; 218.9, unnumbered paragraphs 1 and 3; 218.10; 218.11; 218.13; 218.14, unnumbered paragraph 1; 218.16; 218.18; 218.21; 218.22; 218.28; 218.29; 218.30; 218.46, subsection 1; 218.50; 218.55; 218.57; 218.58; 218.61; 218.64; 218.72; 218.73; 218.74; 218.75; 218.78; 218.83; 218.84; 218.85; 218.88; 218.90; 218.91; 218.93; 218.94, unnumbered paragraph 1; 218.96; 218.97; 218.98; 218.99; 218.100; 218A.2; 218A.4; 219.7; 219.24; 220.3, subsection 12; 220A.2, subsection 4; 220A.3; 220A.4; 221.1; 221.2; 221.3; 222.2, subsection 3; 222.10; 222.13, unnumbered paragraph 2; 222.31, subsection 2; 222.59, subsections 1, 4, and 5; 222.60,

unnumbered paragraph 1; 222.88, unnumbered paragraph 1; 222.93; 225C.2, subsections 2, 3, 4, and 5; 225C.4, subsection 2, paragraphs b and c; 225C.6; subsection 1, paragraph k and subsection 2; 226.47; 227.19; 229.1, subsection 13; 229.15, subsection 4; 229.19, unnumbered paragraph 1; 229.23, subsection 3; 229.24, subsection 1; 230.15; 230.20, subsection 1, paragraph b; 230.31; 230.34; 232.2, subsections 6 and 12; 232.21, subsection 2, paragraph c; 232.52, subsection 2, paragraph d, subparagraph (3) and paragraph e; 232.68, subsection 3; 232.69, subsection 1, paragraph b; 232.70, subsections 2, 3, 4, unnumbered paragraph 1, and subsection 6; 232.71, subsections 1, 5, 6, 7, 9, 10, and 11; 232.72, unnumbered paragraphs 1 and 2; 232.77; 232.79, subsection 4; 232.81, subsection 2; 232.82, subsection 2; 232.87, subsection 2; 232.89, subsection 3; 232.96, subsections 4 and 6; 232.97, subsection 1; 232.100; 232.101, subsection 1; 232.102, subsection 1, paragraph c, and subsections 2 and 5; 232.111, subsection 1; 232.117, subsection 3, paragraph a; 235.2, subsection 8; 235A.1, subsection 1, unnumbered paragraph 1, subsection 2, and subsection 4, paragraph a; 235A.14, subsections 1, 3, 4, and 5; 235A.15, subsection 2, paragraphs b and k; 235A.18, subsection 3; 235A.24, subsections 1 and 2; 236.9, unnumbered paragraph 1; 237.1, subsections 4 and 5; 237.3, subsection 1; 237A.1, subsections 1 and 2; 237A.13, subsections 1 and 2; 238.1; 238.12, unnumbered paragraph 1; 238.35; 238.36; 239.1, subsection 1; 239.2, subsection 4, paragraph e; 239.3, unnumbered paragraph 2; 239.5, unnumbered paragraphs 2 and 3; 239.7; 239.18; 239.19; 239A.2, unnumbered paragraph 1; 241.1, subsections 2 and 3; 241.4, subsection 2; 242.1; 242.15, unnumbered paragraph 1; 244.1, subsection 1; 244.5; 245.1; 245.10; 246.48, subsection 2; 247.23; 247A.7, subsection 3; 249.1, subsections 4 and 5; 249.4; 249.12; 249A.2, subsections 1 and 2; 249A.4, subsection 10; 249A.11; 249A.13; 249B.17; 249C.1, subsections 1 and 2; 251.1; 252.6; 252.26; 252.43; 252A.12; 252A.13; 252B.1, subsections 4 and 5; 252B.2; 252B.3, unnumbered paragraph 2; 252B.5, subsection 4; 257.17, subsection 1; 263.10; 281.2, subsection 2, unnumbered paragraph 2; 321.149; 321.165; 321.253; 331.382, subsection 6; 331.402, subsection 2, paragraph b; 331.702, subsections 44, 46, 48, and 137; 331.756, subsection 64; 347.16, subsection 2; 356.37; 356.45; 421.17, subsection 21, unnumbered paragraph 1 and paragraphs c and g; 422.45, subsection 5, unnumbered paragraph 1, and subsection 7; 425.2, unnumbered paragraph 3; 427.9; 447.9; 470.5; 509.1, subsection 7; 514.1; 598.12, subsections 2 and 3; 598.34, unnumbered paragraph 1; 600.8, subsection 2, paragraph b; 600.17, unnumbered paragraph 1; 600.18; 600.22; 600A.2, subsection 13; 601C.2, subsection 1; 601F.3, subsection 2; 675.38; 692.2, subsection 1, paragraph c; 692.3, subsection 2; 708.7, subsection 5; 812.4; 812.5; and 912.3, subsection 4, Code 1983, and 1981 Iowa Acts, chapter 9, section 7, subsection 7, are amended by striking the words "social services" and inserting in lieu thereof the words "human services".

Sec. 158. INITIAL TERMS. Notwithstanding section 217A.4, the terms of the initial members of the board of corrections appointed pursuant to section 217A.4 shall be as follows:

Two members shall serve until April 30, 1985.

Two members shall serve until April 30, 1986.

Three members shall serve until April 30, 1987.

Members of the board shall commence serving their terms July 1, 1983.

Sec. 159. TRANSITION. This bill takes effect October 1, 1983 except that this section and sections 157 and 158 of this Act take effect July 1, 1983 and parole and work release programs and responsibilities assigned to community-based corrections under section 217A.3, subsection 1, shall be performed by the Iowa department of corrections until July 1, 1984. On July 1, 1983 the initial appointees to the board of corrections shall commence serving their terms as provided in section 158 of this Act and shall organize, promulgate rules, and shall perform all duties as provided for in section 217A.5 as necessary to insure the commencement of the operation of the department of corrections on October 1, 1983. As soon as practicable after the

effective date of this section the board shall recommend and the governor shall appoint a person to act as director of the department. The acting director shall perform those duties of section 217A.8 and any other duties assigned by the board, necessary to insure commencement of the operation of the department on October 1, 1983. The department of human services shall provide staffing and support for the board of corrections until October 1, 1983. In addition to the staffing and support provided by the department of human services, the acting director shall employ a transition team to help organize the department to identify with the department of human services the administrative support staff, equipment, and other resources to be transferred to the department of corrections, consistent with the purposes of this Act, and to insure the commencement of the department on October 1, 1983.

The department of human services shall retain the responsibilities and duties of adult corrections as provided for in the Code until October 1, 1983 at which time all positions and incumbent staff on the table of organization of the division of adult corrections of the Iowa department of human services and the farm operations administrator for the Iowa department of human services are transferred to the Iowa department of corrections. The Iowa merit employment department in cooperation with the director of the Iowa department of corrections and the director of the Iowa department of human services shall establish a special procedure for the period beginning July 1, 1983 and ending September 1, 1983 for consideration of applications from persons currently employed by the Iowa department of human services for positions available with the Iowa department of corrections. After September 1, 1983 employment of persons by the Iowa department of corrections is subject to rules of the Iowa merit employment department. Duties may be reassigned at the discretion of the director of the Iowa department of corrections to align with the organizational and functional needs of the new agency. Employees of the department of human services whose duty assignments are transferred or terminated because of this Act may be reassigned to other duties or terminated. Employees so transferred or reassigned shall not lose any rights, privileges, or benefits accrued that were associated with their status prior to the effective date of this Act. All policies, procedures, and rules established for or by the division of adult corrections of the department of social services or human services shall apply respectively to the Iowa department of corrections, its employees, residents, and inmates, until otherwise changed as provided by law or rule promulgated by the board of corrections. All applicable contracts and leasing arrangements shall be transferred to the jurisdiction of the Iowa department of corrections on October 1, 1983. All equipment, supplies, and property in the custody of the division of adult corrections of the department of social services or human services, shall be transferred to the Iowa department of corrections on that date. Funds appropriated for the division of adult corrections shall be transferred and be available for the use of the Iowa department of corrections on and after that date.

The department of corrections shall contract with the department of human services until July 1, 1986 for the supplying of food for the institutions and the use of the department of human services' central warehouse. The board of corrections shall study the issue of the purchasing and storing of food for the institutions and shall adopt a policy as to the future purchasing and warehousing of food. The study shall include the feasibility of growing crops and raising livestock at the institutions for consumption at the institutions.

All other contracts, rules, regulations, orders, and directives promulgated and in effect for the Iowa department of social services remain in force and effect for the department of human services even though the department's name has changed. The department of human services shall use the stationery and other goods containing the symbol of the department of social services remaining with the department of human services until such time as the goods are replaced. The department of social services may change its official seal upon the effective



date of the name change of the department. The Iowa department of corrections in consultation with the Iowa merit employment department and subject to approval by the executive council, shall determine which positions of the Iowa department of corrections shall be transferred to the judicial district departments when the transfer of parole and work release programs and responsibilities is made pursuant to this Act.

Employees of the Iowa department of corrections who become employees of judicial district departments of correctional services because of the transfer of parole and work release programs and responsibilities to the judicial district departments, shall be credited with all the seniority, vacation, and sick leave that had accrued to the employee at the time of the employee's transfer to the district department.

If a person transferred to a judicial district department pursuant to this Act, is reemployed by the Iowa department of corrections within two years of the transfer, that person shall be credited with all the seniority that accrued to the person prior to the transfer to the judicial district department.

Sec. 160. The Code editor may change any reference to the "division of corrections" and any reference to the "women's reformatory" inadvertently\* remaining in the Code to the "Iowa department of corrections" and the "Iowa correctional facility for women" and make other corrective changes consistent with the intent of this Act. The Code editor shall change the term "inmate" in chapter 218 to the term "resident", unless the context requires otherwise.

Approved May 6, 1983

\*According to enrolled Act

## CHAPTER 97

### DEPOSIT OF FUNDS BY CERTAIN UTILITIES AND LIBRARIES

*S.F. 484*

AN ACT relating to funds deposited by city utilities and combined utility systems and regional libraries, and providing an effective date upon publication.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 453.1, Code 1983, is amended to read as follows:

453.1 DEPOSITS IN GENERAL. All funds held in the hands of the following officers or institutions shall be deposited in banks first approved by the appropriate governing body as indicated: For the treasurer of state, by the executive council; for the county treasurer, recorder, auditor, sheriff, clerk of the district court, and judicial magistrate, by the board of supervisors; for the city treasurer, by the city council; for the county public hospital or merged area hospital, by the board of hospital trustees; for a memorial hospital, by the memorial hospital commission; for a school corporation, by the board of school directors; for a city utility or combined utility system established under chapter 388, by the utility board; for a regional library established under chapter 303B, by the regional board of library trustees; and for an electric power agency as defined in section 28F.2, by the governing body of the electric power