

CHAPTER 204

COUNTY DETENTION FACILITY

S. F. 190

AN ACT relating to the transfer of persons committed to jail.

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

1 SECTION 1. A county board of supervisors may, by majority vote,
2 establish and maintain by lease, purchase, or contract with a public
3 or private nonprofit agency or corporation to establish and maintain,
4 facilities where persons may be detained or confined pursuant to a
5 court order as provided in section three hundred fifty-six point one
6 (356.1), of the Code. Such facilities may be in lieu of or in addition
7 to the jail required in section three hundred fifty-six point thirty-
8 seven (356.37) of the Code. The board shall establish rules and regu-
9 lations for the operation of each such facility. Any person detained
10 or confined to such a facility shall be required to do all cleaning, upkeep,
11 maintenance, minor repairs, and anything else necessary to properly
12 maintain, operate, and preserve such facility. The sheriff shall not
13 have charge or custody of any person detained or confined in such
14 facility or transferred thereto. Such facility need not contain any
15 cells, cell blocks, or bars, if it is not necessary for the protection of
16 the public, as determined by the board.

1 SEC. 2. If the board of supervisors contract with a public or pri-
2 vate nonprofit agency or corporation for the establishment and main-
3 tenance of such a facility, the contract shall state the charge per per-
4 son per day to be paid by the county; that each such facility shall
5 insure the performance of the duties of the keeper as defined in sec-
6 tion three hundred fifty-six point five (356.5) of the Code; the activi-
7 ties and service to be provided those detained or confined; the extent
8 of security to be provided in the best interests of the community; the
9 maximum number of persons that can be detained or committed at
10 any one time; the number of employees to be provided by the contract-
11 ing private nonprofit agency or corporation for the maintenance,
12 supervision, control, and security of persons detained or confined
13 therein; and any other matters deemed necessary by the supervisors.
14 All such contracts shall be for a period not to exceed two years. The
15 board of supervisors shall deliver a copy of the contract to each municip-
16 al court judge in the county and to each district court judge of the
17 district which includes that county.

1 SEC. 3. Any municipal or district court judge may sentence and
2 commit a person to a facility established and maintained pursuant to
3 section one (1) or two (2) of this Act instead of the county jail. A
4 district court judge may order the transfer of a person sentenced
5 and committed to the county jail to such a facility upon his own
6 motion, the motion of the sentenced and committed person, or the
7 motion of the sheriff. The original order of commitment or the order
8 of transfer to the facility shall set forth the terms and conditions of
9 the detention or commitment; that the detained or committed person
10 shall abide by the terms and conditions of this Act and the rules and
11 regulations of the facility to which committed or transferred. The
12 order shall be read to the detained, committed or transferred person

13 in open court. The committing court or a district court judge may
 14 order any person who has been detained, committed, or transferred
 15 to such a facility to be transferred to the county jail if, upon hearing,
 16 the court determines such person has been refractory, disorderly,
 17 has willfully destroyed or injured any property in the facility, or has
 18 violated any of the terms and conditions of the order of detention,
 19 commitment, or transfer or the provisions of this Act or the rules
 20 and regulations of the facility wherein he was detained or committed.
 21 Any violations of the order of detention, commitment, or transfer
 22 shall further be punished as contempt of court pursuant to chapter
 23 six hundred sixty-five (665) of the Code. The provisions of chapter
 24 seven hundred forty-five (745) of the Code shall be applicable to any
 25 person detained, committed, or transferred to a facility established
 26 and maintained pursuant to this Act. The county or city to which
 27 the cause originally belonged shall be liable for the expense of the
 28 original detention, commitment, or transfer and the subsequent ex-
 29 penses of maintaining such person in the facility. The county's ex-
 30 pense shall be levied and paid out of the court expense fund pursuant
 31 to section four hundred forty-four point ten (444.10) of the Code.

1 SEC. 4. A person detained, committed, or transferred to a facility
 2 established and maintained pursuant to sections one (1) or two (2)
 3 of this Act, may further be released from such facility during neces-
 4 sary and reasonable hours, by court order, for the purposes stated
 5 in section three hundred fifty-six point twenty-six (356.26) of the
 6 Code. Such release and any wages earned shall be governed by the
 7 provisions of sections three hundred fifty-six point twenty-seven
 8 (356.27) through three hundred fifty-six point thirty-six (356.36),
 9 inclusive, except that during such time the released person shall not
 10 be in the legal custody of the sheriff; any wages earned shall be col-
 11 lected, managed, and dispensed by the person in charge of the facility
 12 and not the sheriff; and any wages earned shall first be applied to
 13 the reasonable cost of housing such person in the facility.

1 SEC. 5. Any person sentenced, detained, committed, or transferred
 2 to a facility established and maintained pursuant to section one (1)
 3 or two (2) of this Act shall be discharged therefrom upon completion
 4 of their original term of detention or commitment. The person in
 5 charge of such facility shall keep a calendar as required in section
 6 three hundred fifty-six point six (356.6) of the Code and return a
 7 copy of the calendar as required by section three hundred fifty-six
 8 point seven (356.7) of the Code.

1 SEC. 6. A judge of the municipal or district court may originally
 2 commit a person to the county jail to serve any part of the sentence
 3 pronounced and thereafter be transferred to a facility established
 4 and maintained pursuant to section one (1) or two (2) of this Act.

1 SEC. 7. A county board of supervisors may further contract with
 2 another county or a city maintaining a jail meeting the requirements
 3 of sections three hundred fifty-six point thirty-seven (356.37) to
 4 three hundred fifty-six point forty-one (356.41), inclusive, of the
 5 Code for detention and commitment of persons pursuant to section
 6 three hundred fifty-six point one (356.1) of the Code. Any person
 7 detained or confined therein shall be in charge of and in the custody of

8 the governmental unit maintaining the jail. The cost of detention and
 9 confinement shall be levied and paid by the city or from the court
 10 expense fund of the county to which the cause originally belonged
 11 pursuant to section four hundred forty-four point ten (444.10) of
 12 the Code.

1 SEC. 8. Section three hundred fifty-six point forty-three (356.43),
 2 unnumbered paragraph one (1), Code 1971, is amended as follows:

3 The state department of social services shall have general charge
 4 and supervision of the provisions of sections 356.37 to 356.44, inclu-
 5 sive. The state department of social services and its inspectors and
 6 agents shall have the power and duty to make periodic inspections of
 7 each such jail *and all such facilities established pursuant to this Act*,
 8 and officially to notify the county board of supervisors in writing to
 9 comply fully with the provisions of sections 356.37 to 356.44, inclusive.

1 SEC. 9. This Act, being deemed of immediate importance, shall
 2 take effect and be in force from and after its publication in the Lee
 3 Town News, a newspaper published in Des Moines, Iowa, and in the
 4 Marshalltown Times-Republican, a newspaper published in Marshall-
 5 town, Iowa.

Approved May 5, 1971.

I hereby certify that the foregoing Act, Senate File 190, was published in the Lee
 Town News, Des Moines, Iowa, May 13, 1971, and in the Marshalltown Times-Repub-
 lican, Marshalltown, Iowa, May 8, 1971.

MELVIN D. SYNHORST, *Secretary of State.*

CHAPTER 205
 COUNTY LIBRARY DISTRICT
 S. F. 530

AN ACT relating to conditions of withdrawal from a county library district.

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

1 SECTION 1. Section three hundred fifty-eight B point sixteen
 2 (358B.16), Code 1971, is amended as follows:

3 **358B.16 Withdrawal of city or town from district.** Whenever any
 4 incorporated city or town, having maintained [an association] a
 5 library *pursuant to the provisions of chapter 378* for at least ten years
 6 [prior to the establishment of a county library which has become a
 7 part of the tax supported city or town library and being a part of the
 8 county library district,] and having levied a tax of its own [equal to
 9 or greater than that of the county library district] for the same pur-
 10 pose, shall decide to withdraw from the county library district, it may
 11 do so by giving notice by certified mail to the board of library trustees
 12 of said county library and the county auditor prior to July 10, by the
 13 governing body of said incorporated city or town, of its withdrawal
 14 from the county library district, and [thereafter said incorporated
 15 city or town,] shall cease to be a part of or included in said county
 16 library district.

Approved May 27, 1971.

Italics indicate new material added to existing statutes; brackets indicate deletions from existing statutes.
 However, see Editor's note, page iii.