

## CHAPTER 1043

## CORRECTIONAL FACILITIES

H. F. 1539

AN ACT to appropriate funds for the purpose of providing a program to alleviate overcrowded conditions existing and anticipated in state correctional facilities.

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

- 1 SECTION 1. There is appropriated from the general fund of the state to the  
 2 department of social services, division of adult corrections, the following  
 3 amounts, or so much thereof as is necessary, to be used in the manner designated:  
 4 1. For replacement of federal funds for community-based correction  
 5 programs, the establishment of residential halfway houses and pre-  
 6 institutional residential facilities and for operating costs of such  
 7 halfway houses and pre-institutional residential facilities, provided that  
 8 if the department deems it appropriate up to one hundred thousand  
 9 (100,000) dollars of the amount appropriated by this subsection may  
 10 be used for such programs within state mental health institutes .....\$ 2,850,000  
 11 2. For additional staff and remodeling of the Riverview Release  
 12 Center in order to develop it to full capacity .....\$ 158,000  
 13 3. To convert and improve the dormitory at farm 3 at the State  
 14 Penitentiary, Fort Madison .....\$ 50,000  
 15 4. For use, at the option of the department of social services, to  
 16 convert the existing minimum security dormitory located outside the  
 17 walls of the Fort Madison penitentiary to either a minimum or  
 18 medium security facility .....\$ 250,000  
 19 5. The sum of one million three hundred fifty thousand (1,350,000) dollars to  
 20 be used for any one—but only one—of the three following options which the  
 21 governor, in consultation with the commissioner of social services, may direct the  
 22 department to implement:  
 23 a. Conversion of the physical plant now occupied by the state training school  
 24 for girls at Mitchellville to a medium security correctional facility, transfer of the  
 25 persons under care and custody at that training school to the state juvenile home  
 26 at Toledo or to an appropriate community facility pursuant to suitable  
 27 arrangements to permit the transfer to be made as expeditiously as possible, and  
 28 operation of the medium security correctional facility at the Mitchellville site; or  
 29 b. Modification of building 20 at the mental health institute at Mount Pleasant  
 30 for use as a medium security correctional facility, and operation of the facility,  
 31 without discontinuing any of the mental health programs now offered at that  
 32 institute and without intent on the part of the general assembly to influence or to  
 33 restrict the scope of the recommendations relative to future utilization, conversion  
 34 or discontinuation of the state mental health institutes which the department is  
 35 required by this Act to prepare; or  
 36 c. Conversion of the physical plant formerly occupied by Midwestern college at  
 37 Denison to a medium security correctional facility, and operation of the facility.  
 38 If the governor elects to direct the department to implement one of the  
 39 foregoing options, the facility so converted or modified shall under no  
 40 circumstances have a capacity in excess of one hundred fifty prisoners, and shall  
 41 not be operated for more than two years after the effective date of this Act  
 42 without specific extension by the general assembly of authority to operate the  
 43 facility. Notwithstanding the provisions of section four (4) of this Act relative to  
 44 reversion of capital funds, any unencumbered balance of the money appropriated  
 45 by this subsection shall revert to the general fund on June 30, 1977.

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46	6. For additional probation, parole and clerical staff .....	\$ 400,000
47	7. For additional personnel for the State Penitentiary at Fort	
48	Madison .....	\$ 537,000
49	8. For additional personnel for the State Reformatory at Anamosa	
50	.....	\$ 205,200

1 SEC. 2. There is appropriated from the general fund of the state to the Iowa  
2 drug abuse authority the sum of two hundred ten thousand (210,000) dollars, or  
3 so much thereof as is necessary, for the fiscal year beginning July 1, 1976 and  
4 ending June 30, 1977 to be used to provide aid for the alternatives in drug abuse  
5 prevention and treatment program.

1 SEC. 3. Within six months of the establishment of any residential halfway  
2 house or pre-institutional residential facility pursuant to subsection one (1) of  
3 section one (1) of this Act, the division of adult corrections shall, if at all  
4 practicable, contract with the community-based correctional program as defined  
5 in section two hundred seventeen point twenty-four (217.24) of the Code, in the  
6 judicial district where established, for the control and operation of that house or  
7 facility.

1 SEC. 4. Unobligated or unencumbered funds remaining on June 30, 1980 from  
2 the funds appropriated by section one (1) of this Act for capital improvements  
3 and used for such purposes shall revert to the general fund of the state on  
4 September 30, 1980. Unobligated or unencumbered funds remaining on June 30,  
5 1977 from funds appropriated by section one (1) of this Act for staff services, or  
6 purposes other than capital improvements, shall revert to the general fund on  
7 September 30, 1977.

1 SEC. 5. All federal grants to and the federal receipts of the agencies  
2 appropriated funds under this Act are appropriated for the purposes set forth in  
3 such federal grants or receipts.

1 SEC. 6.

2 1. It is the intent of the general assembly to seek an analysis of the state's total  
3 adult and juvenile corrections system, independent of advice thus far received,  
4 from qualified persons chosen by the judicial, executive and legislative branches  
5 of state government, and to consider this analysis before deciding upon a long-  
6 term program to update the state's prisons and make their capacity adequate for  
7 the actual needs of the state.

8 2. To carry out the intent expressed in subsection one (1) of this section, there  
9 is created as a temporary body the advisory commission on corrections relief  
10 composed of six persons, none of whom shall be members of or candidates for  
11 election to the general assembly during their tenure on the commission, two of  
12 whom shall be appointed by the chief justice of the Iowa supreme court, two by  
13 the governor and two by the legislative council. These appointments shall be  
14 made within thirty days after the effective date of this Act. The members of the  
15 commission who are not state employees shall be entitled to receive forty dollars  
16 per diem for each day devoted to their duties as commission members. All  
17 members shall receive reimbursement for expenses actually and necessarily  
18 incurred in discharge of these duties. Staff assistance shall be provided to the  
19 commission by the legislative service bureau.

20 To further carry out the intent expressed in subsection one (1) of this section,  
21 the advisory commission shall hire professional corrections consultants to  
22 evaluate the state's correctional needs. For that purpose there is appropriated  
23 from the general fund of the state to the advisory commission on corrections  
24 relief the sum of, or so much thereof as is necessary, one hundred thousand  
25 (100,000) dollars. Unobligated or unencumbered funds remaining on March 1,  
26 1977 from this appropriation shall revert to the general fund of the state  
27 forthwith. The evaluation established by this subsection shall include, but need

28 not be limited to, the information sought by subsection three (3) of this section.  
 29 This evaluation shall be completed and submitted to the legislative council by  
 30 March 1, 1977, and it shall be submitted along with the final report required by  
 31 subsection three (3) of this section.

32 3. The commission shall make such interim progress reports as the legislative  
 33 council may request, and shall submit a final report not later than March 1, 1977.  
 34 The final report shall include, but need not be limited to, information concerning:

35 a. Whether present major correctional facilities in the state are sufficient to  
 36 contain and treat current and foreseeable populations of adult male and female  
 37 offenders.

38 b. Whether present community corrections facilities are sufficient for male or  
 39 female offenders.

40 c. The need for more medium security institutions in this state, in the form of  
 41 either new construction or of modification of one or more existing state facilities,  
 42 including those not now used as penal institutions.

43 d. The alternatives to construction as contemplated by paragraph b of this  
 44 subsection.

45 e. The economic and other impacts of construction of new facilities or  
 46 modification of existing ones on community corrections facilities and the  
 47 philosophy of community placement in this state.

48 f. The appropriate actions for the legislative and executive branches of Iowa  
 49 government in resolving the conflicting demands and proposals for relief of  
 50 Iowa's corrections problems.

51 4. To help insure that the general assembly is knowledgeable of the  
 52 commission's work and of the background of the report submitted by it, the joint  
 53 human resources subcommittees of the senate and house committees on  
 54 appropriations shall meet periodically with the commission. No more than four  
 55 such meetings shall be held during the interval between adjournment of the 1976  
 56 Session of the Sixty-sixth General Assembly and convening of the 1977 Session of  
 57 the Sixty-seventh General Assembly. The joint human resources subcommittee  
 58 shall not have authority to mandate, alter or reject any comment or  
 59 recommendation in the report required of the commission by subsection three (3)  
 60 of this section.

61 5. There is appropriated from the general fund of the state to the legislative  
 62 service bureau for the fiscal period beginning July 1, 1976, to be used for the per  
 63 diem and expenses of members of the advisory commission on corrections relief  
 64 and for other expenses incidental for the study, the sum of ten thousand (10,000)  
 65 dollars or so much thereof as may be necessary. The legislative service bureau  
 66 may expend other funds available to it to carry out this Act. The commission is  
 67 abolished July 1, 1977.

1 SEC. 7. The department of social services, division of mental health services,  
 2 shall prepare and submit to the legislative council for transmission to the first  
 3 session of the Sixty-seventh General Assembly recommendations relative to the  
 4 future utilization, conversion or discontinuation and disposition of the state  
 5 mental health institutes at Cherokee, Clarinda, Independence and Mount  
 6 Pleasant.

1 SEC. 8. Anything in chapter two hundred forty-two (242) of the Code to the  
 2 contrary notwithstanding, the department of social services may at its option  
 3 initiate and maintain co-educational programs and services at the state training  
 4 school at Eldora during the fiscal period for which appropriations for operating  
 5 expenses are made by this Act. The legislative service bureau shall report to the  
 6 legislative council prior to the convening of the first session of the Sixty-seventh  
 7 General Assembly such amendments to chapter two hundred forty-two (242) of  
 8 the Code and other statutes as may be needed to permit continuation of co-  
 9 educational programs and services at the state training school at Eldora.

Approved June 18, 1976