
NEW SECTION. TITLE. These rules shall be known as the rules of criminal procedure. (R. Cr. P.).

Approved July 10, 1977

CHAPTER 154
COMMUNITY-BASED CORRECTIONAL PROGRAM

S. F. 112

AN ACT relating to correction programs by providing work adjustment and training positions at the Riverview release center and requiring that each judicial district in this state develop and maintain a community-based correctional program, providing for the administration, support and content of those programs, extending the work release program, and repealing sections two hundred seventeen point twenty-four (217.24) through two hundred seventeen point twenty-nine (217.29) of the Code.

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

Section 1. As used in this Act, unless the context otherwise requires:

1. "Administrative agent" means the county selected by the district board to perform accounting, budgeting, personnel, facilities management, insurance, payroll and other supportive services on the behalf of the district board.

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 in lieu of or as a result of a sentence of incarceration imposed upon conviction of any of these offenses.

3. "Director" means the director of a judicial district department of correctional services.

4. "District board" means the board of directors of a judicial district department of correctional services.

5. "District department" means a judicial district department of correctional services, established as required by section two (2) of this Act.

6. "Project" means a locally functioning part of a community-based correctional program, officed and operating in a physical location separate from the offices of the district department.

7. "Project advisory committee" means a committee of no more than seven persons which shall act in an advisory capacity to the director on matters pertaining to the planning, operation and other pertinent functions of each project in the judicial district. The members of the project advisory committee for each such project shall be initially appointed by the director from among the general public. No member of the project advisory committee shall hold public office or public employment during membership on such committee. The terms of the initial members of the project advisory committee shall be staggered to permit the terms of just over half of the members to expire in two years and those of the remaining members to expire in one year. Subsequent appointments to the project advisory committee shall be by vote of a majority of the whole project advisory committee for two-year terms.

Sec. 2. NEW SECTION. DISTRICT DEPARTMENTS ESTABLISHED. There shall be established in each judicial district in this state a public agency to be known as the "_____ judicial district department of correctional services." Each district department shall furnish or contract for those services necessary to provide a community-based correctional program which meets the needs of that judicial district. The district department shall be under the direction of a board of directors, selected as provided in section three (3) of this Act, and shall be administered by a director employed by the board.

Sec. 3. NEW SECTION. BOARD OF DIRECTORS--EXECUTIVE COMMITTEE--EXPENSES REIMBURSED.

1. The board of directors of each district department shall be composed as follows:

a. One member shall be chosen from and by the board of supervisors of each county in the judicial district and shall be so designated annually by the respective boards of supervisors at the organizational meetings held under section three hundred thirty-one point thirteen (331.13) of the Code.

b. One member shall be chosen from each of the project advisory committees within the judicial district, which person shall be designated annually, no later than January fifteenth by and from the project advisory committee.

c. A number of members equal to the number of authorized board members from project advisory committees shall be appointed by the judges of the judicial district no later than January fifteenth of each year.

Within thirty days after the members of the district board have been so designated for the year, the district board shall organize by election of a chairperson, a vice chairperson and members of the executive committee as required by subsection two (2) of this section. The district board shall meet at least quarterly during the calendar year but may meet more frequently upon the call of the chairperson or upon a call signed by a majority, determined by weighted vote computed as in subsection four (4) of this section hereinafter, of the members of the board.

2. Each district board shall have an executive committee consisting of the chairperson and vice chairperson and at least one but no more than five other members of the district board. Either the chairperson or the vice chairperson shall be a supervisor, and the remaining representation on the executive committee shall be divided as equally as possible among supervisor members, project advisory committee members, and judicially-appointed members. The executive committee may exercise all of the powers and discharge all of the duties of the district board, as prescribed by this Act, except those specifically withheld from the executive committee by action of the district board.

3. The members of the district board and of the executive committee shall be reimbursed from funds of the district department for travel and other expenses necessarily incurred in attending meetings of those bodies, or while otherwise engaged on business of the district department.

4. Each member of the district board shall have one vote on the board. However, upon the request of any supervisory member, the vote on any matter before the board shall be taken by weighted vote. In each such case, the vote of the supervisor representative of the least populous county in the judicial district shall have a weight of one unit, and the vote of each of the other supervisor members shall have a weight which bears the same proportion to one unit as the population of the county that supervisor member represents bears to the population of the least populous county in the district. In the event of weighted vote, the vote of each member appointed from a project advisory committee and each judicially appointed member shall have a weight of one unit.

Sec. 4. NEW SECTION. DUTIES OF THE BOARD. The district board shall:

1. Adopt bylaws and rules for the conduct of its own business and for the government of the district department's community-based correctional program.

2. Employ a director having the qualifications required by section six (6) of this Act to head the district department's community-based correctional program and, within a range established by the state department of social services, fix the compensation of and have control over the director and the district department's staff. For purposes of collective bargaining under chapter twenty (20) of the Code, employees of the district board who are not exempt from chapter twenty (20) of the Code shall be employees of the state, and the employees of all of the district boards shall be included within one collective bargaining unit.

3. Designate one of the counties in the judicial district to serve as the district department's administrative agent and to provide, in that capacity, all accounting, personnel, facilities management and supportive services needed by the district department, on such terms as may be mutually agreeable in regard to advancement of funds to the county for the added expense it incurs as a result of being so designated.

4. File with the board of supervisors of each county in the district and with the state department of social services, 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.

5. Arrange for, by contract or on such alternative basis as may be mutually acceptable, and equip suitable quarters at one or more sites in the district as may be necessary for the district department's community-based correctional program, provided that the board shall to the greatest extent feasible utilize existing facilities and shall keep capital expenditures for acquisition, renovation and repair of facilities to a minimum.

6. Have authority to accept property by gift, devise, bequest or otherwise and to sell or exchange any property so accepted and apply the proceeds thereof, or the property received in exchange therefor, to the purposes enumerated in subsection five (5) of this section.

7. Recruit, promote, accept and use local financial support for the district department's community-based correctional program from private sources such as community service funds, business, industrial and private foundations, voluntary agencies and other lawful sources.

8. Accept and expend state and federal funds available directly to the district department for all or any part of the cost of its community-based correctional program.

9. Arrange, by contract or on such alternative basis as may be mutually acceptable, and with approval of the director of the division 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 Act 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. 5. NEW SECTION. FUNCTIONS OF COUNTIES DESIGNATED ADMINISTRATIVE AGENTS.

1. The county designated under section four (4), subsection three (3) of this Act as administrative agent for each district department shall submit that district department's budget and supporting information to the state department of social services in accordance with the provisions of chapter eight (8) of the Code. 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 at the beginning of each fiscal quarter.

2. For all administrative purposes, other than negotiations regarding the terms and conditions of employment, all employees of each district department shall be considered employees

of the county designated by the district board as the administrative agent for that district department.

3. The administrative agent shall perform only those administrative functions assigned to it by the district board and shall not perform any activity unless especially directed to do so by the district board.

Sec. 6. NEW SECTION. DUTIES OF DIRECTOR. The director employed by the district board under section four (4), subsection two (2) of this Act shall be qualified in the administration of correctional programs. The director shall:

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

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

3. Employ, with approval of the district board, and supervise the employees of the district department.

4. Assist the county serving as administrative agent for the district department to prepare all budgets and fiscal documents, and certify for payment all expenses and payrolls lawfully incurred by the district department.

5. Act as secretary to the district board, prepare its agenda and record its proceedings.

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 department of social services under this Act.

7. Negotiate and, upon approval by the district board, implement contracts or other arrangements for utilization of local treatment and service resources authorized by section four (4), subsection nine (9) of this Act.

Sec. 7. NEW SECTION. ASSISTANCE BY STATE DEPARTMENT. The state department of social services shall provide assistance and support to the respective judicial districts to aid them in complying with this Act, and shall promulgate rules pursuant to chapter seventeen A (17A) of the Code establishing guidelines in accordance with and in furtherance of the purposes of this Act. The guidelines so adopted shall include, but need not be limited to, requirements that each district department:

1. Provide pretrial release, presentence investigations, probation services, and residential treatment centers throughout the district, as necessary.
2. Locate community-based correctional program services in or near municipalities providing a substantial number of treatment and service resources.
3. Follow practices and procedures which maximize the availability of federal funding for the district department's community-based correctional program.
4. Provide for gathering and evaluating performance data relative to the district department's community-based correctional program.
5. Maintain personnel and fiscal records on a uniform basis.

Sec. 8. NEW SECTION. STATE FUNDS ALLOCATED. The state department of social services 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 be allocated under this section to any judicial district unless the state department has reviewed and approved that district department's community-based correctional program for compliance with the requirements of this Act and the guidelines adopted under section seven (7) of this Act.

Sec. 9. NEW SECTION. REPORT OF REVIEW--SANCTION. Upon completion of a review of a district community-based correctional program, made under section eight (8) of this Act, the state department of social services shall submit its findings to the district board in writing. If the state department concludes that the district department's community-based correctional program fails to meet any of the requirements of this Act and of the guidelines adopted under section seven (7) of this Act, it shall also request in writing a response to this finding from the district board. If no response is received within sixty days after the date of that request, or if the response is unsatisfactory, the state department may call a public hearing on the matter. If after the hearing, the state department is not satisfied that the district's community-based correctional program will expeditiously be brought into compliance with the requirements of this Act and of the guidelines adopted under section seven (7) of this Act, it may assume responsibility for

administration of the district's community-based correctional program on an interim basis.

Sec. 10. NEW SECTION. POST-INSTITUTIONAL PROGRAMS AND SERVICES. Persons participating in post-institutional services shall remain under the jurisdiction of the state department of social services' division of corrections. The state department 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. 11. Section two hundred forty-seven point twenty-four (247.24), Code 1977, is amended to read as follows:

247.24 PAROLE AGENT AND PROBATION AGENT AS PEACE OFFICER OFFICERS. Any agent or investigator appointed or employed by the chief parole agent or by the director of a judicial district department of correctional services for the purpose of making investigations and of apprehending and returning persons granted a parole or probation under the jurisdiction of the chief parole agent or of the director of a judicial district department of correctional services to any institution, shall, while engaged in such duty or work, have all the powers of peace officers.

Sec. 12. Section seven hundred eighty-nine A point one (789A.1), subsection two (2), Code 1977, is amended to read as follows:

2. By record entry at time of or after sentencing, the court may suspend the sentence and place the defendant on probation upon such terms and conditions as it may require including commitment to an alternate jail facility or a community correctional residential treatment facility for a specific number of days to be followed by a term of probation as specified in section seven hundred eighty-nine A point two (789A.2) of the Code. A person so committed who has probation revoked shall be given credit for such time served.

Sec. 13. Chapter one thousand two hundred forty-five (1245), Acts of the Sixty-sixth General Assembly, 1976 Session, chapter three (3), section one hundred two (102), is amended to read as follows:

SEC. 102. NEW SECTION. PRESENTENCE INVESTIGATION. Upon a plea of guilty, a verdict of guilty, or a special verdict upon which a judgment of conviction of any public offense may be rendered, the court shall receive from the state, from

the judicial district department of correctional services, and from the defendant any information which may be offered which is relevant to the question of sentencing. The court may consider information from other sources, and, if the offense is a felony, shall order that a presentence investigation be made. If the offense is not a felony, the court may, in its discretion, order that a presentence investigation be made whenever the maximum period of confinement which may be imposed is in excess of thirty days.

The court may withhold execution of any judgment or sentence for such time as shall be reasonably necessary for an investigation with respect to deferment of judgment or suspension of sentence and probation. The investigation shall be made by the ~~probation-and-parole-service,-or-by-another appropriate-agency-as-determined-by-the-court~~ judicial district department of correctional services.

Sec. 14. Chapter one thousand two hundred forty-five (1245), Acts of the Sixty-sixth General Assembly, 1976 Session, chapter three (3), section five hundred one (501), is amended to read as follows:

SECTION 501. NEW SECTION. PROBATION ~~AND-PAROLE~~ SERVICE. Pursuant to designation by the court, ~~parole-and~~ probation services shall be provided by ~~the-department-of-social-services or-by-a-local-agency-established-under-chapter-two-hundred-seventeen-(247)-of-the-Code~~ the judicial district department of correctional services. ~~Parole-and-probation~~ Probation officers shall perform the duties assigned to them by law and by the director of the ~~agency-by-which-they-are-employed~~ judicial district department of correctional services.

Sec. 15. Chapter one thousand two hundred forty-five (1245), Acts of the Sixty-sixth General Assembly, 1976 Session, chapter three (3), section five hundred two (502), is amended to read as follows:

SEC. 502. NEW SECTION. PAROLE OFFICERS AND PROBATION OFFICERS. Parole officers and probation officers, while performing their duties as such, are peace officers and have all the powers and authority of peace officers. Parole officers and probation officers shall investigate all persons referred to them for investigation by the chief parole officer or by any court to which they may be assigned or by the director of a judicial district department of correctional services. They shall furnish to each person released under their supervision a written statement of conditions. They

shall keep informed of each person's conduct and condition and shall use all suitable methods to aid and encourage ~~him~~ ~~or her~~ the person to bring about improvement in his or her conduct or condition. Parole officers and probation officers shall keep records of their work, shall make reports as required by the court, and shall perform other such duties as may be assigned to them by the chief parole officer or the court or the director of a judicial district department of correctional services. They shall coordinate their work with that of other social welfare agencies which offer services of a corrective nature operating in the area to which they are assigned.

Sec. 16. Chapter one thousand two hundred forty-five (1245), Acts of the Sixty-sixth General Assembly, 1976 Session, chapter three (3), section seven hundred one (701), is amended to read as follows:

SECTION 701. NEW SECTION. PROBATION. Probation is the procedure under which a defendant, against whom a judgment of conviction of a public offense may be entered, is released by the court subject to supervision by ~~probation and parole~~ a resident of this state or by the judicial district department of correctional services.

Sec. 17. Chapter one thousand two hundred forty-five (1245), Acts of the Sixty-sixth General Assembly, 1976 Session, chapter three (3), section seven hundred two (702), subsection one (1), unnumbered paragraph one (1) and subsection two (2), are amended to read as follows:

With the consent of the defendant, the court may defer judgment and place the defendant on probation upon such conditions as it may require, or defer sentence and ~~place~~ assign the defendant ~~as provided in section seven hundred nine-(709)-of-this-division~~ to the judicial district department of correctional services. Upon a showing that such person is not cooperating with the program or is not responding to it, the court may withdraw the person from the program and impose any sentence authorized by law. Before taking such action, the court shall give the person an opportunity to be heard on any matter relevant to the proposed action. Upon fulfillment of the conditions of probation, the defendant shall be discharged without entry of judgment. Upon violation of the conditions of probation, the court may proceed as provided in division eight (VIII) of this chapter.

2. By record entry at the time of or after sentencing, the court may suspend the sentence and place the defendant on probation upon such terms and conditions as it may require including commitment to an alternate jail facility or a community correctional residential treatment facility for a specific number of days to be followed by a term of probation as specified in section seven hundred six (706) of this chapter. A person so committed who has probation revoked shall be given credit for such time served.

Sec. 18. Chapter one thousand two hundred forty-five (1245), Acts of the Sixty-sixth General Assembly, 1976 Session, chapter three (3), section seven hundred six (706), unnumbered paragraph two (2), is amended to read as follows:

~~If the person is ordered placed under the custody, care and supervision of the probation and parole service, the term of probation shall be determined by the board of parole and the probation of the defendant shall be supervised by the probation and parole service.~~ The length of the probation shall not be less than one year and shall not be less than two years if the offense is a felony. However, the court may subsequently reduce the length of the probation if the court determines that the purposes of probation have been fulfilled, ~~as provided in section seven hundred eight (708) of this division.~~ The purposes of probation are to provide maximum opportunity for the rehabilitation of the defendant and to protect the community from further offenses by the defendant and others.

Sec. 19. Chapter one thousand two hundred forty-five (1245), Acts of the Sixty-sixth General Assembly, 1976 Session, chapter three (3), section seven hundred seven (707), is amended to read as follows:

SEC. 707. NEW SECTION. SUPERVISION DURING PROBATIONARY PERIOD. A person released on probation shall be assigned to a parole probation officer. Both the person and his or her parole probation officer shall be furnished with the conditions of the person's probation and the regulations which the person will be required to observe, in writing. The parole probation officer shall explain these conditions and regulations to the person, and shall supervise, assist, and counsel the person during the term of his or her probation.

When probation is granted, the court shall order said person committed to the custody, care, and supervision:

1. Of any suitable resident of this state; or
 2. ~~Of any local agency established under chapter two hundred seventeen (217) of the Code, or~~ the judicial district department of correctional services.

~~3. Of the probation and parole service. The chief parole officer may also accept the custody, care and supervision of any person granted probation or parole from a sentence to a term in a county jail. Jurisdiction of these persons shall remain with the sentencing court. The chief parole officer shall not, however, accept the custody, care and supervision of any person who in the chief probation officer's judgment could not be properly supervised.~~

In each case wherein the court shall order said person committed to the custody, care, and supervision of the ~~probation and parole service~~ judicial district department of correctional services, the clerk of the district shall at once furnish the ~~chief parole officer~~ director of the judicial district department of correctional services with certified copies of the indictment or information, the minutes of testimony attached thereto, the judgment entry if judgment is not deferred, and the original mittimus. The county attorney shall at once advise the ~~chief parole officer~~ director, by letter, that the defendant has been placed under the supervision of the ~~probation and parole service~~ judicial district department of correctional services and give ~~to the chief parole officer~~ him or her a detailed statement of the facts and circumstances surrounding the crime committed and the record and history of the defendant as may be known to the county attorney. If the defendant is confined in the county jail at the time of sentence, the court may order the defendant held until arrangements are made by the ~~probation and parole service~~ judicial district department of correctional services for the defendant's employment and he or she has signed the necessary probation papers. If the defendant is not confined in the county jail at the time of sentence, the court may order the defendant to remain in the county wherein the defendant has been convicted and sentenced and report to the sheriff as to his or her whereabouts.

Sec. 20. Chapter one thousand two hundred forty-five (1245), Acts of the Sixty-sixth General Assembly, 1976 Session, chapter three (3), section seven hundred ten (710), is amended to read as follows:

SEC. 710. NEW SECTION. RELEASE AFTER COMPLETION. When the court has determined that any person ordered to participate in a locally administered correctional program, pursuant to section seven hundred two (702), subsection one (1) of this division, has successfully completed such program, the court shall order such person to be released on probation. ~~The provisions of sections six hundred three (603) through six hundred eight (608), inclusive, of this chapter, shall apply to such release.~~

Sec. 21. Chapter one thousand two hundred forty-five (1245), Acts of the Sixty-sixth General Assembly, 1976 Session, chapter three (3), section eight hundred ten (810), is amended to read as follows:

SEC. 810. NEW SECTION. VIOLATION OF PROBATION. A parole probation officer or other agency charged with the supervision of a probationer as authorized by sections one hundred seven (107) and five hundred one (504) of this chapter the judicial district department of correctional services having probable cause to believe that any person released on probation has violated the conditions of his or her probation shall proceed by arrest or summons as in the case of a parole violation. The functions of the magistrate and the board of parole shall be performed by the judge or magistrate who would have had jurisdiction to try the original offense. Where the parole probation officer proceeds by arrest, any magistrate may receive the complaint, issue an arrest warrant, or conduct the initial appearance, probable cause hearing, and probation revocation hearing, or any of them, may at the discretion of the court be merged into a single hearing, when it appears that the alleged violator will not be prejudiced thereby. If the violation is established, the court may continue the probation with or without an alteration of the conditions of probation, or may revoke the probation and may require the defendant to serve the sentence imposed, or any lesser sentence, and, if imposition of sentence was deferred, may impose any sentence which might originally have been imposed.

Sec. 22. Chapter one thousand two hundred forty-five (1245), Acts of the Sixty-sixth General Assembly, 1976 Session, chapter three (3), sections five hundred four (504) and seven hundred nine (709) are repealed.

Sec. 23. Sections two hundred seventeen point twenty-four (217.24) through two hundred seventeen point twenty-nine (217.29), Code 1977, are repealed.

Sec. 24. Any person who on the effective date of this Act is employed in community corrections services in any capacity in parole, probation or pretrial services, and who is thereafter transferred to a position in a district department's community-based correctional program as a result of reduction in force by the state department of social services' bureau of community correctional services or through creation of this Act, shall be entitled to the continued benefits enumerated in this section until that person becomes eligible for the benefits available under the personnel program of the county designated as administrative agent of that district department. The state employee benefits to which this section is applicable are:

1. Continuation, at the employee's option, in the state retirement program.
2. Eligibility for a health insurance program.
3. Continuation of life insurance coverage.
4. Continuation of disability insurance coverage.
5. Carry-over of accrued vacation and sick leave.

Sec. 25. Sections thirteen (13) through twenty-two (22) of this Act are effective on the date set forth in chapter one thousand two hundred forty-five (1245), Acts of the Sixty-sixth General Assembly, 1976 Session, chapter four (4), section five hundred twenty-nine (529).

Sec. 26. Section nineteen A point three (19A.3), subsection eight (8), Code 1977, is amended to read as follows:

8. Patients or inmates employed in state institutions or persons on parole employed in work experience positions in state government for a period of time not to exceed one year.

Sec. 27. In addition to funds appropriated for the Riverview release center at Newton by House File four hundred sixty-four (464), as approved by the Sixty-seventh General Assembly, 1977 Session, there is appropriated to the department of social services for the Riverview release center at Newton, for the fiscal year beginning July 1, 1977 and ending June 30, 1978, the sum of one hundred fifty thousand (150,000) dollars, or so much thereof as is necessary. Funds appropriated by this section shall be available to the division of adult corrections for the purpose of establishing work adjustment and training positions for inmates housed at the Riverview release center at Newton in order to prepare the inmates vocationally for similar positions for a period not

exceeding one year in the department of transportation and other state agencies. This pilot project shall be known as the inmate employment program.

The division of adult corrections shall evaluate the program established by this section and report to the house and senate committees on budget prior to February 28, 1978 as to progress of the program and recommendations in regard to it.

Sec. 28. Section two hundred forty-seven A point two (247A.2), Code 1977, is amended to read as follows:

247A.2 PROGRAM. The department of social services 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 ~~in-this-state~~. 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. 29. Chapter eighty-five (85), Code 1977, is amended by adding the following new section:

NEW SECTION. INMATES OF STATE PENAL OR CORRECTIONAL FACILITIES. The department of social services may elect to include as an employee for purposes of this chapter any person confined as an inmate at the Riverview release center 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 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 eighty-five point thirty-three (85.33) of the Code or section eighty-five point thirty-four (85.34), subsection one (1), of the Code shall be paid to the department and held in trust for the inmate for so long as the inmate shall remain 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 eighty-five point thirty-four (85.34), subsection two (2), of the Code shall be held in trust and paid to such person as provided in this chapter upon final discharge or parole, whichever occurs first. In the event such person is recommitted to a penal institution prior to receiving in full weekly benefits pursuant to section eighty-five point thirty-three (85.33) of the Code or section eighty-five point thirty-four (85.34), subsection one (1), of the Code such benefits shall again be paid to the department for so long as the person shall remain so recommitted. Also, weekly benefits under section eighty-five point thirty-four (85.34), subsection two (2), of the Code shall be suspended and again held in trust until such 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 eighty-five point thirty-three (85.33) of the Code or section eighty-five point thirty-four (85.34), subsections one (1) and two (2), of the Code would require welfare aid as a result of terminating the compensation, order such weekly compensation to be paid to a responsible person for the use of dependents.

For the purposes of this section:

1. "Department" means the department of social services.
2. "Penal institution" means any reformatory, state penitentiary, release center, or other state penal or correctional institution.

Sec. 30.

1. Unless otherwise specifically provided, this Act is effective July 1, 1977, however the community-based correctional programs functioning in each judicial district on that date may continue to function, as though sections two hundred seventeen point twenty-four (217.24) through two hundred seventeen point twenty-nine (217.29), Code 1977 had not been repealed, until March 31, 1978 or until such earlier time as the commissioner of social services certifies that the district department established under this Act is ready to begin functioning and the governor issues an executive order transferring responsibility for the community-based correctional program in that judicial district to the district department so established.

2. If the effective date of this Act is earlier than the effective date of chapter one thousand two hundred forty-five

(1245), Acts of the Sixty-sixth General Assembly, 1976 Session, the phrase "an aggravated misdemeanor or a serious misdemeanor" in section two (1), subsection two (2), of this Act shall be construed to mean an indictable misdemeanor for the period until said chapter one thousand two hundred forty-five (1245) takes effect.

Sec. 31. This Act shall be codified within the Iowa Corrections Code.

Approved July 10, 1977

CHAPTER 155 PAROLE BOARD

S. F. 63

AN ACT to change the term of one of the two new board of parole members provided for in the criminal code revision.

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

Section 1. Acts of the Sixty-sixth General Assembly, 1976 Session, chapter one thousand two hundred forty-five (1245), section four hundred three (403) of chapter three (3), is amended to read as follows:

SEC. 403. NEW SECTION. TRANSITION. Persons serving on the board of parole on June 30, 1978 shall continue as members of the board of parole until they have served the term for which they were appointed with the conditions and salary of the initial appointment, and shall be deemed to fill a membership position as provided by section four hundred one (401) of this division. Initial appointment to fill the additional membership positions created by section four hundred one (401) of this division shall serve as follows:

1. One member shall serve until June 30, 1980.
2. The other member shall serve until June 30, ~~1983~~ 1982.

Sec. 2. This Act is effective on the date set forth in chapter one thousand two hundred forty-five (1245) of the Acts of the Sixty-sixth General Assembly, 1976 Session, chapter four (4), section five hundred twenty-nine (529).

Approved March 10, 1977