

CHAPTER 20
EMPLOYEES DECLINING TO DONATE TO CHARITY
S.F. 90

AN ACT to prohibit adverse personnel actions against state employees based upon the employees' declining to participate in contributions or donations to charitable or community organizations.

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

Section 1. Section 79.28, Code 1985, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. A person shall not discharge an employee from or take or fail to take action regarding an employee's appointment or proposed appointment to, promotion or proposed promotion to, or any advantage in, a position in a state employment system administered by, or subject to approval of, a state agency as a reprisal for the employee's declining to participate in contributions or donations to charities or community organizations.

Approved March 27, 1985

CHAPTER 21
DEPARTMENT OF CORRECTIONS REVISIONS
H.F. 186

AN ACT amending the Code chapters relating to the Iowa department of corrections by reorganizing the statutes, making changes to sexually discriminatory statutes dealing with both minor and adult offenders, and modifying statutes relating to allowances paid to inmates for work, absconding from work release, temporary confinement of work release violators, departmental employees as chauffeurs, and to district court reports of criminal convictions.

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

Section 1. Section 216.1, unnumbered paragraph 1, and subsection 1, unnumbered paragraph 1, Code 1985, are amended to read as follows:

It is the intent of this chapter that there be made available to inmates of the state correc-

tional institutions opportunities for employment work in meaningful jobs with the following objectives:

To develop within those inmates willing to accept and persevere in such employment work:

Sec. 2. Section 216.1, subsection 2, unnumbered paragraph 1, Code 1985, is amended to read as follows:

To enable those inmates willing to accept and persevere in such employment work to:

Sec. 3. Section 216.2, subsection 2, Code 1985, is amended to read as follows:

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

Sec. 4. Section 216.3, subsection 1, paragraph a, subparagraph (1), Code 1985, is amended to read as follows:

(1) One member shall represent agriculture and one member shall represent manufacturing, with particular reference to the roles of their constituencies as potential employers of inmates and former inmates of the state's correctional institutions.

Sec. 5. Section 216.5, subsections 3, 4, and 5, Code 1985, are amended to read as follows:

3. Establish, transfer and close industrial operations as deemed advisable to maximize opportunities for gainful employment of work for inmates and to adjust to actual or potential market demand for particular products or services.

4. Establish and from time to time adjust, as necessary, levels of pay for allowances paid to inmates employed by working in Iowa state industries.

5. Co-ordinate Iowa state industries, and other opportunities for gainful employment work available to inmates of adult correctional institutions, with vocational and technical training opportunities and apprenticeship programs, to the greatest extent feasible.

Sec. 6. Section 216.5, subsection 7, unnumbered paragraph 1, Code 1985, is amended to read as follows:

Implement an inmate employment work program ~~to employ~~ for trustworthy inmates of state correctional institutions, under proper supervision, whether at employment work centers located outside the state correctional institutions or in construction or maintenance work at public or charitable facilities, which shall meet the following conditions:

Sec. 7. Section 216.5, subsection 7, paragraph d, subparagraph (2), and paragraph e, Code 1985, are amended to read as follows:

(2) Exhibits appropriate conduct to enable the participant to ~~be employed~~ work outside the state correctional institutions without constituting a threat to the security of the local community.

e. The state director may ~~promulgate~~ adopt rules allowing inmates participating in a program to receive educational or vocational training outside the state correctional institutions and away from the employment work centers or public or charitable facilities utilized under a program.

Sec. 8. Section 216.8, subsection 3, Code 1985, is amended to read as follows:

3. A department or agency of the state shall cooperate and enter into agreements, if possible, for the provision of products and services under an inmate employment work program established by the state director under section 216.5, subsection 7.

Sec. 9. Section 216.9, subsection 2, paragraph b, Code 1985, is amended to read as follows:

b. Payment of all costs incurred by the industries board, including but not limited to per diem and expenses of its members, and of salaries, allowances, support and maintenance of Iowa state industries. Payments from the revolving fund authorized by this subsection shall be made in the same manner as payments from appropriations for salaries, allowances, support and maintenance of the institutions under the jurisdiction of the state director.

Sec. 10. Section 216.10, subsection 2, paragraph a and subsection 3, Code 1985, are amended to read as follows:

a. All persons employed working in the factory or other commercial enterprise operated in the leased property, except the lessee's supervisory employees and necessary training personnel approved by the industries board, shall be inmates of the institution where the leased property is located who are approved for such employment work by the state director and the lessee.

3. Except as prohibited by applicable provisions of the United States Code, inmates of adult correctional institutions of this state may be employed work in the manufacture and processing of products for introduction into interstate or intrastate commerce, so long as they are paid wages allowances commensurate with those wages paid persons employed in similar jobs outside the correctional institutions.

Sec. 11. Section 216.12, subsections 1 and 2, Code 1985, are amended to read as follows:

1. Wages Allowances paid to inmates are commensurate with those wages paid employees doing similar work. This may include piece rating for which the individual would be paid only for what is produced. The private employer shall pay to Iowa state industries at a rate commensurate with wages paid to other workers performing similar work.

2. Such paid inmate employment work will not result in displacement of employed workers.

Sec. 12. Section 216.13, Code 1985, is amended to read as follows:

216.13 INMATE EMPLOYEES' PAY ALLOWANCE SUPPLEMENT REVOLVING FUND.

There is established in the treasury of the state a permanent adult correctional institutions inmate employees' pay allowance supplement revolving fund, consisting solely of money paid as board and maintenance by inmates employed by working in Iowa state industries, or employed working pursuant to section 216.10. The fund established by this section may be used to supplement the pay allowances of inmates who perform other institutional work within and about the adult correctional institutions including those who are employed by working in Iowa state industries. Payments made from ~~such~~ the fund shall supplement and not replace all or any part of the pay allowances otherwise received by, and shall be equably distributed among such inmates. The employment work of inmates to ~~perform in~~ other institutional or industry work shall, to the greatest extent feasible, be in accord with the intent stated in section 216.1. The fund may also be used to supplement other rehabilitation activities within the adult correctional institutions. Determination of the use of the funds is the responsibility of the director of adult corrections who shall first seek the advice of the prison industries advisory board.

Sec. 13. Section 217A.2, subsections 5 and 6, are amended by striking the subsections and inserting in lieu thereof the following:

5. North central correctional facility at Rockwell City.

6. Mount Pleasant correctional facility.

Sec. 14. Section 217A.5, Code 1985, is amended by adding the following new subsection and renumbering as necessary:

NEW SUBSECTION. 6. Report biennially to the governor a summary of releases recommended, paroles granted, parole revocations, and other information relating to the parole of inmates as the board deems advisable.

Sec. 15. Section 217A.8, subsection 6, Code 1985, is amended to read as follows:

6. The director or the director's designee, having probable cause to believe that a person has escaped from a state correctional institution or a person released on work release has ~~violated the conditions of the person's absconded from a work release facility~~, may make a complaint before a judge or magistrate ~~charging the violation~~. If it is determined from the complaint or accompanying affidavits that there is probable cause to believe that the person has escaped from a state correctional institution or ~~violated the terms of the person's absconded from a work release facility~~, the judge or magistrate shall issue a warrant for the arrest of the person.

Sec. 16. Section 217A.23, Code 1985, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The superintendents and employees of the correctional institutions shall receive salaries or compensation as determined by the director, shall receive a midshift meal when on duty, and shall be provided uniforms if uniforms are required to be worn when on duty. The uniforms shall be maintained and replaced by the department at no cost to the employees and shall remain the property of the department.

Sec. 17. Section 217A.31, subsection 1, unnumbered paragraph 1, Code 1985, is amended to read as follows:

The director may transfer at the expense of the state department an inmate of one institution to another ~~similar~~ institution under the director's control if the director is satisfied that the transfer is in the best interests of the institutions or inmates.

PARAGRAPH DIVIDED. The director may transfer at the expense of the department 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. 18. Section 217A.31, subsection 2, Code 1985, is amended to read as follows:

2. When the state director has cause to believe that a ~~prisoner~~ an inmate in a state correctional institution is mentally ill, the Iowa department of corrections may cause that ~~prisoner the inmate~~ to be transferred to the Iowa medical and classification center for examination, diagnosis, or treatment. The ~~prisoner inmate~~ shall be confined at that institution or a state hospital for the mentally ill until the expiration of the ~~prisoner's inmate's~~ sentence or until the ~~prisoner inmate~~ is pronounced in good mental health. If the ~~prisoner inmate~~ is pronounced in good mental health before the expiration of the ~~prisoner's inmate's~~ sentence, the ~~prisoner inmate~~ shall be returned to the state correctional institution until the expiration of the ~~prisoner's inmate'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 medical and classification center. However, section 246.32 applies to the total inmate population, including both convicts and patients.~~

Sec. 19. Section 217A.31, Code 1985, is amended by adding the following new subsection:

NEW SUBSECTION. 4. The director shall assure that an inmate transferred pursuant to this section is accompanied by a person of the same sex as the inmate.

Sec. 20. Section 217A.32, Code 1985, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The director shall keep other records for the use of the board of parole as the board of parole may request.

Sec. 21. NEW SECTION. 217A.33 DISCIPLINARY PROCEDURES – USE OF FORCE.

1. Inmates who disobey the disciplinary rules of the institution to which they are committed shall be punished by the imposition of the penalties prescribed in the disciplinary rules, according to the following guidelines:

- a. To ensure that sanctions are imposed only at such times and to such a degree as is necessary to regulate inmate behavior within the limits of the disciplinary rules and to promote a safe and orderly institutional environment.
- b. To control inmate behavior in an impartial and consistent manner.
- c. To ensure that disciplinary procedures are fair and that sanctions are not capricious or retaliatory.
- d. To prevent the commission of offenses through the deterrent effect of the sanctions available.
- e. To define the elements of each offense and the penalties which may be imposed for violations, in order to give fair warning of prohibited conduct.
- f. To provide procedures for preparation of reports of disciplinary actions, for conducting disciplinary hearings, and for processing of disciplinary appeals.

2. The superintendent of each institution shall maintain a register of all penalties imposed on inmates and the cause for which the penalties were imposed.

3. A correctional officer of a correctional institution or the officer's assistant shall, in case an inmate resists the officer's or assistant's lawful authority, or refuses to obey the officer's or assistant's lawful command, only use such force as is reasonably necessary under all attendant circumstances. The use of a deadly weapon is justified under conditions of extreme necessity and as a last resort to protect the life or safety of a person. The use of a deadly weapon is not justified solely to prevent damage to or destruction of property where there is no danger to the life or safety of a person. An officer or assistant is justified in using force which causes injury or death to an inmate if the officer's or assistant's actions comply with the requirements of this subsection.

Sec. 22. Section 217A.39, Code 1985, is amended to read as follows:

217A.39 FEDERAL PRISONERS.

Inmates sentenced for any term by any court of the United States may be received by the ~~warden or~~ superintendent of a state correctional institution and kept there in pursuance of their sentences. ~~Inmates~~ The director may transfer inmates at state correctional institutions ~~may also be transferred to the federal bureau of prisons.~~

Sec. 23. Section 217A.46, Code 1985, is amended to read as follows:

217A.46 SERVICES REQUIRED — WAGES GRATUITOUS ALLOWANCES.

Inmates of the institutions may be required to ~~render perform~~ any proper and reasonable service suited to their strength and attainments, for the benefit of the institutions or the welfare of the inmates, 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 an allowance~~ as the director deems proper in view of the circumstances, and in view of the cost attending the maintenance of the inmate. The allowance is a gratuitous payment and is not a wage arising out of an employment relationship. The wage payment shall not exceed the amount paid to free labor for a like or equivalent service.

Sec. 24. Section 217A.47, Code 1985, is amended to read as follows:

217A.47 DEDUCTION TO PAY COURT COSTS OR DEPENDENTS — DEPOSITS.

If ~~wages allowances~~ are paid pursuant to section 217A.46, 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 allowances~~ paid pursuant to section 217A.46 directly to a dependent of the inmate, or may deposit the ~~wage allowance~~ to the account of the inmate, or may deposit a portion and allow the inmate a portion for the inmate's personal use.

Sec. 25. Section 217A.66, Code 1985, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The superintendent of each institution shall receive and care for any property an inmate may possess on the inmate's person upon entering the institution, and on the discharge of the inmate, return the property to the inmate or the inmate's legal representatives, unless the property has been previously disposed of according to the inmate's written designation or policies prescribed by the board. The superintendent may place an inmate's money at interest, keeping an account of the money and returning the remaining money and interest upon discharge.

Sec. 26. Section 217A.78, Code 1985, is amended to read as follows:

217A.78 EMPLOYMENT SERVICES OF INMATES — INSTITUTIONS AND PUBLIC SERVICE.

Inmates shall be ~~employed work~~ only on state account in the maintenance of state institutions, in the erection, repair, authorized demolition, or operation of buildings and works used in connection with the institutions, and in industries established and maintained in connection with the institutions by the state director. The state director may detail ~~prisoners inmates~~ classified as trustees, from correctional institutions under the control of the state director to perform public service for the conservation commission and other agencies of state, county, or local government. The supervision, security, ~~and transportation of~~, and ~~compensation of allowances paid to~~ inmates used in public service projects shall be provided pursuant to agreements made by the state director and the agency of state, local, or county government for which the work is done. Housing and maintenance shall also be provided pursuant to the agreement unless the inmate is housed and maintained in the correctional facility. All such ~~employment work~~, including but not limited to that provided in this section, shall have as its primary purpose, and shall provide for, inculcation or the reactivation of attitudes, skills, and habit patterns which will be conducive to inmate rehabilitation.

However, an inmate shall not be ~~employed work~~ in a public service project if the ~~employment work~~ of that inmate would replace a person employed by the state agency or political subdivision, which employee is performing the work of the public service project at the time the inmate is being considered for ~~employment work~~ in the project.

Sec. 27. Section 217A.79, Code 1985, is amended to read as follows:

217A.79 LIMITATION ON CONTRACT.

The state director or the ~~wardens and~~ superintendents of the institutions shall not, nor shall any other person employed by the state, make any contract by which the labor or time of a ~~prisoner or~~ an inmate in the institution is given, loaned, or sold to any person unless as provided by chapter 216 or section 217A.78.

Sec. 28. Section 217A.80, Code 1985, is amended to read as follows:

217A.80 VISITATIONS.

Members of the executive council, the attorney general, the lieutenant governor, members of the general assembly, judges of the supreme and district court and court of appeals, judicial magistrates, county attorneys and persons ordained or designated as regular leaders of a religious community are authorized to visit all institutions under the control of the Iowa department of corrections ~~and the state training school~~ at reasonable times. No other person shall be granted admission except by permission of the ~~warden or~~ superintendent.

Sec. 29. NEW SECTION. 217A.85 IOWA MEDICAL AND CLASSIFICATION CENTER.

1. The Iowa medical and classification center at Oakdale shall be utilized as a forensic psychiatric hospital for persons displaying evidence of mental illness or psychosocial disorders and requiring diagnostic services or treatment in a security setting, as a security unit for persons requiring confinement in a security setting, and as a classification unit for the reception, orientation, and classification of inmates before placement in the most appropriate correctional institutions according to necessary security and custody arrangements and the assessed service needs of the inmates.

2. The superintendent of the center shall secure the professional care and treatment of each person confined at the center and maintain a complete record on the condition of each person confined at the center.

3. The forensic psychiatric hospital may admit the following persons:

a. Residents transferred from an institution under the jurisdiction of the department of human services or the Iowa department of corrections.

b. Persons committed by the courts as mentally incompetent to stand trial under section 812.4.

c. Persons referred by the courts for psychosocial diagnosis and recommendations as part of the pretrial or presentence procedure or determination of mental competency to stand trial.

d. Prisoners transferred from county and city jails for diagnosis, evaluation, or treatment for mental illness.

Other persons may be admitted providing the admissions are not inconsistent with law and are within the capacity of the facilities and staff to accommodate the persons.

4. The classification unit shall admit inmates for purposes of orientation and classification before placement in the most appropriate correctional institutions.

5. The director may house inmates from any correctional institution at the center in order to provide the inmates with 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.

6. All admissions to the forensic psychiatric hospital shall be by written application only. Application shall be made by the head of the state institution, agency, governmental body, or court requesting admission to the superintendent of the center. An application may be denied by the superintendent, with the approval of the director, if the admission will result in an overcrowded condition or if adequate staff or facilities are not available. The decision regarding admission and discharge of persons shall be made by the superintendent of the center, subject to approval of the director.

7. When a person transferred to the center from any other state institution or admitted by request or order of any agency, governmental body, or court no longer requires special treatment in the security setting, the person may be returned to the source from which received. The state institution, agency, governmental body, or court that referred the person for hospitalization shall retain constructive jurisdiction over the person. Persons without legal encumbrances may be discharged directly from the center upon concurrence of the superintendent of the center and the head of the referring institution, agency, governmental body, or court. The support, commitment, and release statutes applicable to a person at the state institution from which transferred shall remain applicable while the person is at the center.

8. Chapter 230 governs the determination of costs and charges for the care and treatment of mentally ill persons admitted to the forensic psychiatric hospital, except that charges for the care and treatment of any person transferred to the forensic psychiatric hospital from an adult correctional institution or from a state training school shall be paid entirely from state funds. Charges for all other persons at the forensic psychiatric hospital shall be billed to the respective counties at the same ratio as for patients at state mental health institutes under section 230.20.

Sec. 30. NEW SECTION. 217A.86 NORTH CENTRAL CORRECTIONAL FACILITY AT ROCKWELL CITY.

The state correctional facility at Rockwell City shall be utilized as a medium security correctional facility for men.

Sec. 31. NEW SECTION. 217A.87 MOUNT PLEASANT CORRECTIONAL FACILITY — SPECIAL TREATMENT UNIT.

The correctional facility at Mount Pleasant shall be utilized as a medium security facility for men primarily for treatment of inmates 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 217A.31.

Sec. 32. NEW SECTION. 217A.88 CLARINDA CORRECTIONAL FACILITY.

The state correctional facility at Clarinda shall be utilized as a secure men's correctional facility primarily for chemically dependent, mentally retarded, and socially inadequate offenders.

Sec. 33. NEW SECTION. 217A.89 CORRECTIONAL RELEASE CENTER AT NEWTON.

1. The correctional release center at Newton shall be utilized for the preparation of inmates of the correctional institutions for discharge or parole. The director may transfer an inmate of a correctional institution within ninety days of the inmate's release from custody to the correctional release center for intensive training to assist the inmate in the transition to civilian living. The statutes applicable to an inmate at the corrective institution from which transferred shall remain applicable during the inmate's stay at the correctional release center.

2. The superintendent of the correctional release center shall be a reputable and qualified person experienced in the administration of programs for the rehabilitation and preparation of inmates for their return to society.

Sec. 34. Section 218B.2, Article III, subsection 3, Code 1985, is amended to read as follows:

3. Participation in programs of inmate ~~employment work~~, if any; the disposition or crediting of any payments received by inmates on account ~~thereof of the work~~; and the crediting of proceeds from or disposal of any products resulting ~~therefrom from the work~~.

Sec. 35. Section 229.1, subsection 8, paragraph c, Code 1985, is amended to read as follows:

c. Any other publicly supported hospital or institution, or part ~~thereof of such hospital or institution~~, which is equipped and staffed to provide inpatient care to the mentally ill, except ~~that this definition is not applicable to the Iowa medical and classification center established by chapter 223 217A.~~

Sec. 36. Section 229.26, Code 1985, is amended to read as follows:

229.26 EXCLUSIVE PROCEDURE FOR INVOLUNTARY HOSPITALIZATION.

Sections 229.6 to 229.19 constitute the exclusive procedure for involuntary hospitalization of persons by reason of serious mental impairment in this state, except that ~~nothing in this chapter negates does not negate~~ the provisions of sections 245.12 and 217A.31, subsection 2

section 217A.31 relating to transfer of mentally ill prisoners to state hospitals for the mentally ill ~~or applies and does not apply~~ to commitments of persons under chapter 812 or the rules of criminal procedure, Iowa court rules, 2d ed.

Sec. 37. Section 242.4, Code 1985, is amended to read as follows:

242.4 INSTRUCTION AND EMPLOYMENT.

The state director shall cause the children in the state training school to be instructed on the Constitutions of the United States and of this state as is required in the common schools, and in such branches of useful knowledge as are adapted to their age and capacity, including the effect of alcoholic liquors, stimulants, and narcotics on the human system, and in some regular course of labor, either mechanical, agricultural, or manufacturing, as is best suited to their age, strength, disposition, capacity, reformation, and well-being.

Sec. 38. NEW SECTION. 242.16 VISITATIONS.

Members of the executive council, the attorney general, the lieutenant governor, members of the general assembly, judges of the supreme and district court and court of appeals, magistrates, county attorneys and persons ordained or designated as regular leaders of a religious community are authorized to visit the state training school at reasonable times. No other person shall be granted admission except by permission of the superintendent.

Sec. 39. Section 244.3, subsection 1, Code 1985, is amended by striking the subsection.

Sec. 40. Section 247A.10, subsection 1, Code 1985, is amended to read as follows:

1. Upon request by the Iowa department of corrections or a judicial district department of correctional services a county shall provide temporary confinement for alleged violators of work release conditions if space is available.

Sec. 41. Section 321.1, subsection 43, Code 1985, is amended to read as follows:

43. "Chauffeur" means ~~any~~ a person who operates a motor vehicle, including a school bus, in the transportation of persons for wages, compensation or hire, or ~~any~~ a person who operates a truck tractor, road tractor or any motor truck which is required to be registered at a gross weight classification exceeding five tons, or any such motor vehicle exempt from registration which would be within the gross weight classification if not so exempt. ~~except~~ A person is not a chauffeur when the operation of the motor vehicle by the owner or operator is occasional and merely incidental to the owner or operator's principal business.

PARAGRAPH DIVIDED. A person is not a chauffeur when the operation is by a volunteer fire fighter operating fire apparatus, or is by a volunteer ambulance or rescue squad attendant operating ambulance or rescue squad apparatus. If a volunteer fire fighter or ambulance or rescue squad operator receives nominal compensation not based upon the value of the services performed, the fire fighter or operator shall be considered to be receiving no compensation and classified as a volunteer.

If authorized to transport inmates, probationers, parolees, or work releasees by the director of the Iowa department of corrections or the director's designee, an employee of the Iowa department of corrections or a district department of correctional services is not a chauffeur when transporting the inmates, probationers, parolees, or work releasees in an automobile.

Subject to the ~~provisions~~ of section 321.179, a farmer or the farmer's hired help ~~shall is not be deemed~~ a chauffeur, when operating a truck owned by the farmer, and used exclusively in connection with the transportation of the farmer's own products or property.

Sec. 42. Section 331.510, subsection 2, Code 1985, is amended by striking the subsection.

Sec. 43. Section 356.4, Code 1985, is amended by striking the section and inserting in lieu thereof the following:

356.4 SEPARATION OF MEN AND WOMEN.

All jails shall be equipped with separate cells for men and women. Men and women prisoners shall not be allowed in the same cell within a jail at the same time.

Sec. 44. Section 448.12, Code 1985, is amended to read as follows:

448.12 LIMITATION OF ACTIONS.

~~No~~ An action for the recovery of real estate sold for the nonpayment of taxes shall not be brought after five years from the execution and recording of the treasurer's deed, unless the owner is, at the time of the sale, a minor, mentally ill person, or ~~convict~~ an inmate in the penitentiary an adult correctional institution, in which case such action must be brought within five years after such disability is removed.

Sec. 45. Section 602.8102, subsection 44, Code 1985, is amended to read as follows:

44. Certify to the warden of the ~~penitentiary or men's reformatory~~ or to the superintendent of the ~~Iowa~~ each correctional institution ~~for women~~ the number of days that have been credited toward completion of an inmate's sentence as provided in section ~~246.38~~ 903A.5.

Sec. 46. Section 602.8102, subsection 45, Code 1985, is amended by striking the subsection.

Sec. 47. Section 812.5, Code 1985, is amended to read as follows:

812.5 EFFECT OF RESTORATION OF MENTAL CAPACITY.

If the accused is committed to the department of human services, after the expiration of a period not to exceed six months, the court shall upon hearing review the confinement and determine whether there is a substantial probability the ~~prisoner~~ accused will regain capacity within a reasonable time. If not, the state shall be directed to institute civil commitment proceedings. When it thereafter appears that the accused can effectively assist in the accused's defense, ~~that the~~ department shall give notice to the sheriff and county attorney of the proper county of such fact, and the sheriff, without delay, ~~must~~ shall receive and hold the accused in custody until the accused is brought to trial or judgment, as the case may be, or is legally discharged, the expense for conveying and returning the accused, or any other, to be paid in the first instance by the county from which the accused is sent, but such county may recover the same from another county or municipal body ~~bound~~ required to provide for or maintain the accused elsewhere, and the sheriff shall be allowed for the sheriff's services the same fees as are allowed for conveying ~~convicts~~ persons to the ~~penitentiary institutions~~ under section 331.655.

Sec. 48. Section 815.8, Code 1985, is amended to read as follows:

815.8 SHERIFF'S FEES.

For delivering ~~prisoners~~ defendants under the change of venue provisions of R.Cr.P. 10 or transferring ~~prisoners~~ arrested persons under section 804.24, sheriffs are entitled to the same fees as are allowed for the conveyance of ~~convicts~~ persons to the ~~penitentiary institutions~~ under section 331.655.

Sec. 49. Section 901.7, Code 1985, 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 Iowa department of corrections. Upon entry of judgment and sentence, the clerk of the district court immediately shall notify the director of the commitment. The court shall make an order as 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 the person is to be confined in execution of the judgment. The order shall require that a person transported to a state institution pursuant to this section shall be accompanied by a person of the same sex.

Sec. 50. NEW SECTION. 904.6 REPORTS TO THE DEPARTMENT OF CORRECTIONS.

The board of parole shall make detailed reports to the board of corrections as requested by the board of corrections or the director of the department of corrections.

Sec. 51. Section 905.7, subsection 4, Code 1985, is amended to read as follows:

4. Provide for gathering and evaluating performance data relative to the district department's community-based correctional program and make other detailed reports to the Iowa department of corrections as requested by the board of corrections or the director of the department of corrections.

Sec. 52. Section 906.5, unnumbered paragraph 1, Code 1985, is amended to read as follows:

Within one year after the commitment of a person other than a class "A" felon to the custody of the director of the Iowa department of 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 the person's prospects for parole. At such the time of an interview, the board shall consider all pertinent information regarding this person, including the circumstances of the person's offense, any presentence report which ~~may be~~ is available, the previous social history and criminal record of the person, the person's conduct, ~~employment work,~~ and attitude in prison, and the reports of physical and mental examinations that have been made.

Sec. 53. REPEALS.

1. Chapters 223, 245, 246, and 246A, Code 1985, are repealed.

2. Sections 247.29 through 247.32, and 247A.1, Code 1985, are repealed.

Sec. 54. CODIFICATION. In the codification of this Act, the Code editor shall:

1. Transfer chapter 217A relating to the Iowa department of corrections to new chapter 246, divide the chapter into divisions, and rearrange the order of sections as necessary.

2. Transfer chapter 216 relating to Iowa state industries as a separate division to new chapter 246.

3. Transfer chapter 218B relating to the interstate corrections compact to new chapter 247.

4. Transfer section 247.40 relating to the interstate probation and parole compact to new chapter 907A.

5. Transfer sections 247A.2 through 247A.5 and 247A.7 through 247A.11 relating to inmate work release as a separate division to new chapter 246.

However, if the Code arrangement required by this section is not feasible or is not satisfactory to the Code editor, the Code editor may rearrange the affected chapters and sections as necessary.

Approved March 27, 1985