

CHAPTER 177
STATE'S LIABILITY FOR CERTAIN INJURIES

H.F. 130

AN ACT relating to community service by providing that the state assumes liability for injuries to persons performing unpaid community service.

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

Section 1. Section 85.59, unnumbered paragraphs 2, 3, and 4, Code 1985, are amended to read as follows:

For purposes of this section, ~~the term "inmate" excludes~~ includes a person who is performing unpaid community service under ~~section~~ sections 907.13 and 910.2 or a work assignment of value to the state or to the public under chapter 232.

If an inmate is permanently incapacitated by injury in the performance of the inmate's work in connection with the maintenance of the institution or in an industry maintained therein ~~or~~, while on detail to perform services on a public works project, or is permanently or temporarily incapacitated in connection with the performance of unpaid community service under sections 907.13 and 910.2 or a work assignment of value to the state or to the public under chapter 232, that inmate shall be awarded only ~~such the~~ benefits as are provided in section 85.27 and section 85.34, subsections 2 and 3. The weekly rate for such permanent disability ~~shall be~~ is equal to sixty-six and two-thirds percent of the state average weekly wage paid employees as determined by the Iowa department of job service under ~~the provisions of~~ section 96.3 and in effect at the time of the injury.

Weekly compensation benefits under this section may be determined prior to the inmate's release from the institution, but payment of benefits to an inmate shall commence as of the time of the inmate's release from the institution either upon parole or final discharge. However, if the inmate is awarded benefits for an injury incurred in connection with the performance of unpaid community service under sections 907.13 and 910.2 or a work assignment of value to the state or to the public under chapter 232, weekly compensation benefits under this section shall be determined and paid as in other worker's compensation cases.

Sec. 2. Section 232.13, Code 1985, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The state of Iowa is exclusively liable for and shall pay any compensation becoming due a person under section 85.59.

Approved May 23, 1985