

CHAPTER 316

**CORRECTIONS, COURTS, AND JUSTICE DEPARTMENT
APPROPRIATIONS AND PROVISIONS**

H.F. 772

AN ACT relating to and making appropriations to the justice system.

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

Section 1. There is appropriated from the general fund of the state to the department of justice for the fiscal year beginning July 1, 1989, and ending June 30, 1990, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For the general office of attorney general for salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	4,527,362
.....	FTEs	158.5

2. Prosecuting attorney training program for salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	94,996
.....	FTEs	2.0

3. Preparation of a new domestic abuse manual and updating of the desk manual for prosecutors:

.....	\$	15,000
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4. Prosecuting intern program; however, counties participating in the prosecuting intern program shall match funds appropriated by this subsection:

.....	\$	44,955
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5. In addition to the funds appropriated under subsection 1, there is appropriated from the general fund of the state to the department of justice for the fiscal year beginning July 1, 1989, and ending June 30, 1990, an amount not exceeding \$95,000 to be used for the enforcement of the Iowa competition law under chapter 553. The expenditure of the funds appropriated under this subsection is contingent upon receipt by the general fund of the state of an amount at least equal to either the expenditures from damages awarded to the state or a political subdivision of the state by a civil judgment under chapter 553, if the judgment authorizes the use of the award for enforcement purposes or costs or attorneys fees awarded the state in state or federal antitrust actions.

6. In addition to funds appropriated under subsection 1, there is appropriated from the general fund of the state to the department of justice for the fiscal year beginning July 1, 1989, and ending June 30, 1990, an amount not exceeding \$50,000 to be used for public education relating to consumer fraud and for enforcement of section 714.16. The expenditure of the funds appropriated under this subsection is contingent upon receipt by the general fund of the state of an amount at least equal to the expenditures from damages awarded to the state or a political subdivision of the state by a civil consumer fraud judgment, if the judgment authorizes the use of the award for public education on consumer fraud. Notwithstanding section 8.33, funds received in a previous fiscal year which have not been expended shall be credited to this fiscal year.

7. For the farm mediation service program:

.....	\$	200,000
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8. For the legal assistance for farmers program:

.....	\$	200,000
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9. The balance of the fund created under section 321J.17 may be used to provide salary and support of not more than 10.5 FTE positions, of which 4.5 FTE positions shall be utilized in the department of public safety for the operation and administration of the missing persons clearinghouse and domestic abuse registry, and to provide maintenance for the victim compensation functions of the department of justice.

The department of justice shall reimburse the department of public safety, from amounts deposited in the fund created under section 321J.17, in an amount of not more than \$167,028, for the operation and administration of the missing persons clearinghouse and domestic abuse registry.

The enactment of this subsection and the appropriation of \$240,000 of the total amount appropriated in subsection 1, are contingent upon the enactment of 1989 Iowa Acts, House File 700.

Sec. 2. There is appropriated from the utilities trust fund to the office of consumer advocate of the department of justice for the fiscal year beginning July 1, 1989 and ending June 30, 1990, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	1,620,912
.....	FTEs	31.0

The office of consumer advocate may expend additional funds, including funds for outside consultants, if those additional expenditures are actual expenses which exceed the funds budgeted for utilities investigations and directly result from investigations of utilities. Before the office expends or encumbers an amount in excess of the funds budgeted for investigations, the director of the department of management shall approve the expenditure or encumbrance. Before approval is given, the director of the department of management shall determine that the investigation expenses exceed the funds budgeted by the general assembly to the office of consumer advocate and that the office does not have other funds from which investigation expenses can be paid. Upon approval of the director of the department of management, the office may expend and encumber funds for excess investigation expenses. The amounts necessary to fund the excess investigation expenses shall be collected from those utilities being investigated which caused the excess expenditures, and the collections shall be treated as repayment receipts as defined in section 8.2, subsection 5.

Sec. 3. There is appropriated from the general fund of the state to the board of parole for the fiscal year beginning July 1, 1989, and ending June 30, 1990, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	752,285
.....	FTEs	19.0

As a condition, limitation, and qualification of this appropriation the board of parole shall create an automated docket and shall also automate the board's risk assessment model.

As an additional condition, limitation, and qualification of the appropriation the board of parole shall employ an additional statistical research analyst to assist with the application of the risk assessment model in the parole decision-making process. The board of parole shall also require the board's administrative staff to begin cross-training of the staff to assure that each individual on that staff is familiar with all tasks performed by the staff.

It is the intent of the general assembly that the department of corrections and the board of parole shall review, and implement as necessary, the findings and recommendations contained in the final report prepared by the consultant and presented to the corrections system review task force which was established by 1988 Iowa Acts, chapter 1271, as they relate to the department of corrections and the board of parole. The board shall report to the justice system appropriations subcommittee during the 1990 legislative session, at the request of the subcommittee, steps taken to implement any of those recommendations, or the reasons for failing to implement such recommendations.

Sec. 4. There is appropriated from the general fund of the state to the department of corrections for the fiscal year beginning July 1, 1989, and ending June 30, 1990, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For the operation of adult correctional institutions, to be allocated as follows:

a. For the operation of the Fort Madison correctional facility, including salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	18,460,504
.....	FTEs	479.5

As a condition, limitation, and qualification of this appropriation, the facility shall employ two hundred ninety-four correctional officers. The additional correctional officers may be used to provide security for any increased activity of the inmate work detail program.

b. For the operation of the Anamosa correctional facility, including salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	13,286,645
.....	FTEs	325.0

As a condition, limitation, and qualification of this appropriation, the facility shall employ one hundred ninety-three correctional officers and a part-time chaplain of a minority race, and an additional counselor. The additional correctional officers may be used to provide security for any increased activity of the inmate work detail program.

Of the funds appropriated, the department's budget for Anamosa shall include funding for a full-time substance abuse counselor for the Luster Heights facility, for the purpose of certification of a substance abuse program at that facility.

c. For the operation of the Oakdale correctional facility, including salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	9,141,174
.....	FTEs	246.5

As a condition, limitation, and qualification of this appropriation, the facility shall employ one hundred twenty-six correctional officers, and an additional counselor. The additional correctional officers may be used to provide security for any increased activity of the inmate work detail program.

d. For the operation of the Newton correctional facility, including salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	2,401,032
.....	FTEs	57.5

As a condition, limitation, and qualification of this appropriation, the facility shall employ twenty correctional officers. The additional correctional officers may be used to provide security for any increased activity of the inmate work detail program.

e. For the operation of the Mt. Pleasant correctional facility, including salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	10,118,391
.....	FTEs	259.28

As a condition, limitation, and qualification of this appropriation, the facility shall employ one hundred forty-one correctional officers, and a full-time protestant chaplain to provide religious counseling at the Oakdale and Mt. Pleasant correctional facilities. The additional correctional officers may be used to provide security for any increased activity of the inmate work detail program.

f. For the operation of the Rockwell City correctional facility, including salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	2,476,622
.....	FTEs	67.0

As a condition, limitation, and qualification of this appropriation, the facility shall employ thirty-nine correctional officers. The additional correctional officers may be used to provide security for any increased activity of the inmate work detail program.

g. For the operation of the Clarinda correctional facility, including salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	3,740,697
.....	FTEs	105.65

As a condition, limitation, and qualification of this appropriation, the facility shall employ sixty-two correctional officers. The additional correctional officers may be used to provide security for any increased activity of the inmate work detail program.

h. For the operation of the Mitchellville correctional facility, including salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	3,143,574
.....	FTEs	86.5

As a condition, limitation, and qualification of this appropriation, the facility shall employ forty-nine correctional officers. The additional correctional officers may be used to provide security for any increased activity of the inmate work detail program.

2. The department of corrections shall provide a report to the co-chairpersons and ranking members of the justice system appropriations subcommittee and the legislative fiscal bureau on or before January 15, 1990, detailing the amount of money to be pooled by the institutions for educational programs, which educational institutions will be involved, the amount of any federal funds received for use with these programs, and any other pertinent information.

3. If the inmate tort claim fund for inmate claims of less than fifty dollars is exhausted during the fiscal year, sufficient funds shall be transferred from the institutional budgets to pay approved tort claims for the balance of the fiscal year. The warden or superintendent of each institution or correctional facility shall designate an employee to receive, investigate, and recommend whether to pay any properly filed inmate tort claim for less than the above amount. The designee's recommendation shall be approved or denied by the warden or superintendent and forwarded to the department of corrections for final approval and payment. The amounts appropriated to this fund pursuant to 1987 Iowa Acts, chapter 234, section 304, subsection 2, are not subject to reversion under section 8.33.

Tort claims denied at the institution shall be forwarded to the state appeal board for their consideration as if originally filed with that body. This procedure shall be used in lieu of chapter 25A for inmate tort claims of less than fifty dollars.

Sec. 5. There is appropriated from the general fund of the state to the department of corrections for the fiscal year beginning July 1, 1989, and ending June 30, 1990, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For general administration, including salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	1,973,714
.....	FTEs	40.52

As a condition, limitation, and qualification of this appropriation, \$50,000 of the amounts appropriated in this subsection shall be used for a contractual agreement with a criminal justice research firm to develop valid criteria for the purpose of improving the community-based corrections risk/needs assessment classification model. The department shall implement a revised, standardized risk/needs assessment classification model and case management guidelines by March 1, 1990. The department shall promulgate rules for the implementation and monitoring of the risk/needs classification model. The department shall monitor the use of the classification model by the judicial district departments and has the authority to override a district department's decision regarding classification of community-based clients. The department shall notify a district department of the reasons for the override. The department shall

provide three full-time equivalent positions to provide research and technical assistance to the criminal justice research firm during the development of the revised community-based corrections risk/needs assessment model. These positions shall be responsible for providing training services to the districts for implementing the revised model and shall monitor the districts' implementation and use of the revised model.

The department of corrections shall report to the legislative fiscal bureau on a monthly basis the current number of persons placed on probation or released on parole residing within this state and supervised pursuant to the interstate probation and parole compact.

It is the intent of the general assembly that the department of human services shall continue to provide for the mailing of vendor warrants for the department of corrections.

2. For reimbursement of counties for temporary confinement of work release and parole violators, as provided in sections 246.908, 901.7, and 906.17:

.....	\$	119,580
3. For federal prison reimbursement and miscellaneous contracts:		
.....	\$	300,000

The department of corrections shall use funds appropriated by this subsection to continue to contract for the service of a Muslim imam.

4. For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions at the correctional training center at Mt. Pleasant:

.....	\$	294,917
.....	FTEs	6.22

Sec. 6. There is appropriated from the general fund of the state to the department of corrections for the fiscal year beginning July 1, 1989, and ending June 30, 1990, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For capital, major maintenance, and security needs at the state's correctional institutions:
..... \$ 2,000,000

Sec. 7. There is appropriated from the general fund of the state to the community-based correctional division of the department of corrections for the fiscal year beginning July 1, 1989, and ending June 30, 1990, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

*1. For an education pilot project to implement the computer training system for community-based correctional program clients in the first and fifth judicial districts:
..... \$ 450,000

As a condition, limitation, and qualification of the appropriation made under this subsection, the department of corrections shall determine which computer training system meets the needs of the correctional program clients to the greatest extent, and shall use such system in the pilot project.

Upon request by the department of corrections, the department of general services shall provide technical assistance related to the evaluation, selection, and use of computer hardware to be used in the pilot project.

Upon request by the department of corrections, the department of education shall provide technical assistance related to the evaluation, selection, and use of computer software and other educational material to be used in the pilot project.

*Funds appropriated under this subsection are not subject to reversion under section 8.33.**

2. For job training and development grant programs to award grants under contract to non-profit organizations for community-based correctional clients:

.....	\$	400,000
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As a condition, limitation, and qualification of the appropriation under this subsection, \$200,000 shall be used for a client development and job training pilot project, *\$120,000 shall be used for contracting for services in the eighth judicial district, and \$80,000 shall be used for contracting for services in the seventh judicial district. Job training grant programs must be

*Item veto; see message at end of the Act

designed and administered so that the programs are not in direct competition with other federal Job Training Partnership Act programs in order to be eligible for these grants.*

3. For an offender reorientation project in the fifth judicial district:

..... \$ 100,000

*4. For an alternative sentencing project in the third judicial district, to provide judges and the parole board with alternatives to returning parole or probation violators to prison:

..... \$ 200,000

Violators who may be included in the project include class "C" and class "D" felons and persons convicted of an aggravated misdemeanor. Alternatives under the project could include, but are not limited to, local jail or community service sentencing.*

5. For costs associated with the design of prison expansion:

..... \$ 250,000

6. To provide for financial arrangements for and to begin construction of a \$8,332,880 expansion in prison capacity in the manner provided in this subsection:

..... \$ 1,100,000

a. Construction of an additional one hundred bed *minimum security* facility at Newton for parole and probation violators of which twenty-five beds are to be specifically used for substance abuse treatment programs for clients of the state adult corrections system and twenty-five beds are to be specifically used for work release inmates.

b. Construction of a one hundred twenty bed medium security dormitory style facility at the Oakdale corrections campus along with the upgrading of the kitchen, dining room space, and records management at the campus.

c. Replacement of the existing thirty community corrections residential bed facility with a new seventy-five community corrections residential bed facility at Cedar Rapids.

d. The addition of thirty-six additional community corrections residential beds as determined by the department of corrections. However, these beds shall not be added until the department has notified and provided an explanation for the placement of the beds to the members of the corrections system review task force created by the legislative council pursuant to 1988 Iowa Acts, chapter 1271, section 14.

e. Renovation of sixty-five and the addition of twenty dormitory-style minimum security beds at farm three at the Fort Madison correctional facility.

f. For a total designed capacity of seventy-one *minimum security* beds at the Luster Heights facility by renovation of eighteen and the addition of seventeen minimum security beds.

Sec. 8.

1. There is appropriated from the general fund of the state to the department of corrections for the fiscal year beginning July 1, 1989, and ending June 30, 1990, the following amounts, or so much thereof as is necessary, to be allocated as follows:

a. For the first judicial district department of correctional services, the following amount, or so much thereof as is necessary:

..... \$ 3,667,398

The district department shall continue the intensive supervision program established within the district in 1988 Iowa Acts, chapter 1271, section 6, subsection 1, paragraph "a", and as a condition, limitation, and qualification of this appropriation \$53,680 shall be used for a sex offender treatment program to be established within the district.

b. For the second judicial district department of correctional services, the following amount, or so much thereof as is necessary:

..... \$ 2,950,616

The district department shall continue the sex offender program established within the district in 1988 Iowa Acts, chapter 1271, section 6, subsection 1, paragraph "b", and as a condition, limitation, and qualification of this appropriation \$62,256 shall be used to expand the sex offender program established within the district and \$22,388 shall be used to expand the OWI program in the district established pursuant to 1986 Iowa Acts, chapter 1246, section 402.

c. For the third judicial district department of correctional services, the following amount, or so much thereof as is necessary:

..... \$ 1,675,891

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The district department shall continue the sex offender program established within the district in 1988 Iowa Acts, chapter 1271, section 6, subsection 1, paragraph "c", and as a condition, limitation, and qualification of this appropriation \$21,000 shall be used to expand the sex offender program established within the district and \$7,000 shall be used to expand the OWI program in the district established pursuant to 1986 Iowa Acts, chapter 1246, section 402.

d. For the fourth judicial district department of correctional services, the following amount, or so much thereof as is necessary:

..... \$ 1,661,335

The district department shall continue the sex offender program established within the district in 1988 Iowa Acts, chapter 1271, section 6, subsection 1, paragraph "d", and as a condition, limitation, and qualification of this appropriation \$60,800 shall be used to expand the sex offender program and provide intensive supervision and treatment programs for sex offenders and an intensive supervision program for high-risk clients.

e. For the fifth judicial district department of correctional services, the following amount, or so much thereof as is necessary:

..... \$ 4,968,233

The district department shall continue the intensive supervision program established within the district in 1988 Iowa Acts, chapter 1271, section 6, subsection 1, paragraph "e", and as a condition, limitation, and qualification of this appropriation \$20,000 shall be used for the rental of electronic monitoring equipment.

f. For the sixth judicial district department of correctional services, the following amount, or so much thereof as is necessary:

..... \$ 3,699,180

The district department shall continue the intensive supervision program established within the district in 1988 Iowa Acts, chapter 1271, section 6, subsection 1, paragraph "f", and as a condition, limitation, and qualification of this appropriation \$35,823 shall be used for the establishment of a sex offender program within the district and \$15,280 shall be used to expand the OWI program in the district established pursuant to 1986* Acts, chapter 1246, section 402.

g. For the seventh judicial district department of correctional services, the following amount, or so much thereof as is necessary:

..... \$ 3,147,932

The district department shall continue the intensive supervision program established within the district in 1988 Iowa Acts, chapter 1271, section 6, subsection 1, paragraph "g", and as a condition, limitation, and qualification of this appropriation \$41,435 shall be used for the expansion of intensive supervision programs, the establishment of an intensive supervision program for sex offenders and other high-risk clients, and a sex offender treatment program within the district.

In addition, as a condition, limitation, and qualification of this appropriation \$70,000 shall be used for job development programs.

h. For the eighth judicial district department of correctional services, the following amount, or so much thereof as is necessary:

..... \$ 1,582,702

The district department shall continue the intensive supervision program established within the district in 1988 Iowa Acts, chapter 1271, section 6, subsection 1, paragraph "h", and as a condition, limitation, and qualification of this appropriation \$40,000 shall be used for the establishment of a sex offender program within the district.

i. For the department of corrections for the assistance and support of each judicial district department of correctional services, the following amount, or so much thereof as is necessary:

..... \$ 88,465

2. The department of corrections shall not change the appropriations either to the district departments of correctional services or to the correctional institutions from the amounts appropriated under this section and section 4 of this Act, unless notice of the revisions is given prior to their effective date to the legislative fiscal bureau. The notice shall include information on the department's rationale for making the changes and details concerning the workload and performance measures upon which the changes are based.

*Iowa probably intended

3. The department of corrections shall report to the legislative fiscal bureau on a monthly basis the current expenditures and full-time equivalent positions of the department's various allocations with a comparison of actual to budgeted expenditures and full-time equivalent positions.

The department of corrections shall use the department of management's budget system in developing the budget information for the eight district departments of correctional services, and each of the district departments shall be treated as a separate budget unit with each program modality classified as a separate organization code.

The department shall furnish performance measure data designed to enable comparison of this data with historical spending information, and shall assist the legislative fiscal bureau in developing information to be used in legislative oversight of all programs operated by the department.

4. The department of corrections shall continue the OWI facilities established in 1986 Iowa Acts, chapter 1246, section 402, in compliance with the conditions specified in that section.

Sec. 9. There is appropriated from the general fund of the state to the department of corrections for the fiscal year beginning July 1, 1989, and ending June 30, 1990, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

For the third judicial district department of correctional services:

..... \$ 126,375
As a condition, limitation, and qualification of this appropriation, \$76,375 shall be used for the operating costs of ten new OWI program beds within the district, and \$50,000 shall be used for the operating costs of fifteen new community corrections residential beds within the district.

Sec. 10. There is appropriated from the general fund of the state to the department of corrections for the period beginning January 1, 1990, and ending June 30, 1990, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

For operating costs and twenty-one additional positions for staffing and support for eighty-five minimum security beds at farm three at the Fort Madison correctional facility, contingent upon the renovation of sixty-five and the addition of twenty dormitory-style beds at farm three as provided in this Act:
..... \$ 465,059

Sec. 11. Notwithstanding any contrary provision of law, the department shall establish a pilot program within the third judicial district for the diversion of OWI offenders. The department of corrections shall develop standardized assessment criteria for the assignment of offenders to a facility established pursuant to section 246.513. The offender shall be assigned by the director to a facility pursuant to section 321J.2, subsection 2, paragraph "c". If the person cannot be assigned to a facility established pursuant to section 246.513 due to insufficient bed space, the person shall be released from custody upon the person's own recognizance, bond, or supervision by the judicial district department of correctional services until space is available. If an offender fails to satisfactorily perform in a treatment program conducted in the residential facility operated by the judicial district department of correctional services, the offender shall be assigned to the Iowa medical classification facility at Oakdale for classification. The offender shall be assigned to an institution following classification.

Sec. 12. The corrections system review task force created by the legislative council pursuant to 1988 Iowa Acts, chapter 1271, section 14, shall request the consultant working with the task force in establishing the ten-year corrections master plan to evaluate the effects of the provisions of this Act on the state's corrections system while assisting the task force in developing the ten-year corrections master plan.

Sec. 13. There is appropriated from the general fund of the state to the department of corrections for the fiscal year beginning July 1, 1989, and ending June 30, 1990, the following

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amount, or so much thereof as is necessary, to provide for the financing of and to begin construction of forty-four additional residential community corrections beds in the first judicial district:

..... \$ 200,000

Sec. 14. There is appropriated from the general fund of the state to the judicial department for the fiscal year beginning July 1, 1989, and ending June 30, 1990, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

COURTS AND ADMINISTRATION

1. For salaries of supreme court justices, appellate court judges, district court judges, district associate judges, judicial magistrates and staff, state court administrator, clerk of the supreme court, district court administrators, clerks of the district court, juvenile court officers, board of law examiners and board of examiners of shorthand reporters and judicial qualifications commission, maintenance, equipment and miscellaneous purposes:

..... \$ 63,717,370

As a condition, limitation, and qualification of this appropriation, \$71,497 shall be used for expansion of the court-appointed special advocate program, \$136,965 shall be used for the appointment of two district associate judges in lieu of magistrates pursuant to section 602.6302, \$114,000 shall be used for an addition of a district associate judge to serve Johnson county, \$50,000 shall be used for the addition of two juvenile court officers, \$68,327 shall be used for the addition of two court reporters, \$14,784 shall be used for the addition of two half-time juvenile court specialists, \$184,000 shall be used to reimburse the auditor of state for expenses incurred in completing audits of the offices of the clerks of the district court during the fiscal year beginning July 1, 1989, and funds shall be used to employ a personnel management specialist, an internal auditor, and a screening attorney.

Of the funds appropriated under this subsection, not more than \$1,600,000 may be transferred into the revolving fund established pursuant to section 602.1302, subsection 3, to be used for the payment of jury and witness fees and mileage.

2. For the juvenile victim restitution program:

..... \$ 100,000

Notwithstanding chapter 232A, it is the intent of the general assembly that the judicial department receive the funds appropriated and administer the Iowa juvenile victim restitution program.

3. For the receipt and disbursement of child support payments as provided in chapter 252B:

..... \$ 730,379

4. Notwithstanding the apportionments made pursuant to section 602.6401, one magistrate shall be apportioned as follows:

a. The number of magistrates apportioned to Johnson county is reduced from four to three. The terms of all magistrates in Johnson county, appointed in April 1989, shall expire July 31, 1989. In June 1989, the magistrate nominating commission shall appoint three magistrates for Johnson county.

b. One additional magistrate is apportioned to judicial election district 8A for allocation, by order of the chief judge of the judicial district, upon an affirmative vote of the judges in the judicial election district, to a county in which the administration of justice would best be served by an additional magistrate. A copy of the order allocating the magistrate shall be delivered to the chairperson of the appropriate county magistrate appointing commission no later than May 31, 1989. A copy of the order shall also be sent to the state court administrator.

*Sec. 15. It is the intent of the general assembly that a new automated child support system be developed and staffed under the Iowa court information system and funds appropriated in 1989 Iowa Acts, Senate File 363, section 17, shall be used by the judicial department to begin implementation of 1988 Iowa Acts, chapter 1218, section 15. The judicial department shall report to the general assembly by January 1, 1990, on the total estimated cost of implementation of this system for the fiscal year beginning July 1, 1989, and ending June 30, 1990, and shall request a supplemental appropriation for the amounts needed to meet these costs. The

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*department of human services and the judicial department shall report each month to the legislative fiscal bureau concerning the progress of the implementation of the system, and shall identify any problems that may adversely affect the implementation.**

Sec. 16. There is appropriated from the general fund of the state to the judicial department for the fiscal year beginning July 1, 1989, and ending June 30, 1990, the following amount, or so much thereof as is necessary, to be used for the implementation of the pilot program of mandatory mediation of contested issues of child custody and visitation established pursuant to House File 20, if enacted by the Seventy-third General Assembly, 1989 Session:

..... \$ 20,000

The department shall establish the program at the dispute resolution center in Linn county.

Sec. 17. Funds appropriated for the fiscal year beginning July 1, 1988, and ending June 30, 1989, to the judicial department for the costs of adult indigent defense and costs of juvenile proceedings including attorney and witness fees, which remain on June 30, 1989, after the payment of all claims submitted on or before June 30, 1989, for the fiscal year beginning July 1, 1988, and pursuant to 1988 Iowa Acts, chapter 1161, section 20, shall be transferred to the department of inspections and appeals to be used for the costs of adult indigent defense and costs of juvenile proceedings, and shall not be subject to reversion pursuant to section 8.33. Any claims received by the judicial department after June 30, 1989, for adult indigent defense or juvenile proceedings shall be forwarded to the department of inspections and appeals for payment.

Sec. 18. The department of corrections, judicial district departments of correctional services, board of parole, and the judicial department shall develop an automated data system for use in the sharing of information between the department of corrections, judicial district departments of correctional services, board of parole, and the judicial department. The information to be shared shall concern any individual who may, as the result of an arrest or infraction of any law, be subject to the jurisdiction of the department of corrections, judicial district departments of correctional services, or board of parole.

Sec. 19. Section 602.1301, subsection 2, paragraph a, Code 1989, is amended to read as follows:

a. As early as possible, but not later than December 1, the supreme court shall submit to the legislative fiscal bureau the annual budget request and detailed supporting information for the judicial department. The submission shall be designed to assist the legislative fiscal bureau in its preparation for legislative consideration of the budget request. The information submitted shall contain and be arranged in a format substantially similar to the format specified by the director of management and used by all departments and establishments in transmitting to the director estimates of their expenditure requirements pursuant to section 8.23, except the estimates of expenditure requirements shall be based upon one hundred percent of funding for the current fiscal year accounted for by program, and using the same line item definitions of expenditures as used for the current fiscal year's budget request, and the remainder of the estimate of expenditure requirements prioritized by program. The supreme court shall also make use of the department of management's automated budget system when submitting information to the director of management to assist the director in the transmittal of information as required under section 8.35A.

Sec. 20. NEW SECTION. 905.13 COMPLIANCE WITH BUILDING CODES.

The department of corrections and the district departments of correctional services shall comply with local building regulations and zoning ordinances in the construction, reconstruction, alteration, conversion, repair, and use of buildings owned and operated by the department as part of a community-based correctional program.

Sec. 21. NEW SECTION. 248A.7 RIGHTS NOT RESTORABLE.

Notwithstanding any other provision of this chapter, a person who has been convicted of a forcible felony, a felony violation of chapter 204 involving a firearm, or a felony violation

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of chapter 724 shall not have the person's rights of citizenship restored to the extent of allowing the person to receive, transport, or possess firearms.

**Sec. 22. Section 356.15, Code 1989, is amended to read as follows:*

356.15 EXPENSES.

*All charges and expenses for the safekeeping and maintenance of prisoners shall be allowed by the board of supervisors, except those committed or detained by the authority of the courts of the United States, in which cases the United States must pay such expenses to the county, and those committed for violation of a city ordinance, in which case the city shall pay expenses to the county. If a parole or probation violator is committed to a county jail pursuant to section 908.9 or 908.11, the county shall be reimbursed by the department of corrections in accordance with section 906.18. If the violator is granted work release from the county jail, the violator is liable to the county for the cost of the violator's board as provided in section 356.30. However, the state shall reimburse the county for the balance of the cost of confining the violator.**

**Sec. 23. Section 905.1, subsection 2, Code 1989, is amended to read as follows:*

*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 or parole in lieu of or as a result of a sentence of incarceration imposed upon conviction of any of these offenses, or who have been confined in a county jail as a result of revocation of probation or parole for conviction and sentence of a class "C" or "D" felony or aggravated misdemeanor, or who are contracted to the district department for supervision and housing while on work release.**

**Sec. 24. Section 906.9, Code 1989, is amended to read as follows:*

906.9 CLOTHING, TRANSPORTATION, AND MONEY.

When an inmate is discharged, paroled, or placed on work release, or placed in a community-based correctional program under section 246.513, the warden or superintendent shall furnish the inmate, at state expense, appropriate clothing and transportation to the place in this state indicated in the inmate's discharge, parole, or work release plan, or community-based corrections assignment. When an inmate is discharged, paroled, or placed on work release, or placed in a community-based correctional program under section 246.513, the warden or superintendent shall provide the inmate, at state expense, money in accordance with the following schedule:

- 1. Upon discharge or parole, one hundred dollars.*
- 2. Upon being placed on work release, fifty dollars.*
- 3. Upon going from an educational work release to parole or discharge, fifty dollars.*
- 4. Upon being placed in a community-based correctional program under section 246.513, fifty dollars.*

*Those inmates receiving payment under subsection 2, or 3, or 4 shall not be eligible for payment under subsection 1 unless they are returned to the institution. The warden or superintendent shall maintain an account of all funds expended pursuant to this section.**

***Sec. 25. NEW SECTION. 906.18 CONFINEMENT OF PAROLE AND PROBATION VIOLATORS BY COUNTIES — REIMBURSEMENT.**

1. A county may enter into a chapter 28E agreement with the department of corrections for the confinement of parole and probation violators pursuant to section 908.9 or 908.11, and the agreement may contain provisions relating to reimbursement to the county for confining the violators, and any other terms the contracting parties deem appropriate.

2. The department of corrections and counties may commence negotiation and execution of the chapter 28E agreements provided in subsection 1 on or after July 1, 1989.

*3. Parole and probation violators may be confined in county jails pursuant to sections 908.9 and 908.11 commencing January 1, 1990.**

*Item veto; see message at end of the Act

**Sec. 26. Section 908.9, Code 1989, is amended to read as follows:*

908.9 DISPOSITION OF VIOLATOR.

1. *If the parole of a parole violator is revoked, the violator shall remain in the custody of the Iowa department of corrections under the terms of the parolee's original commitment.*

2. Notwithstanding subsection 1, if the parole of a parole violator, originally committed to the department for conviction of a class "C" or "D" felony, or aggravated misdemeanor, is revoked, the parole revocation officer or board panel shall determine whether the violator is to remain in the custody of the director of the department of corrections under the terms of the parolee's original commitment, or is to be confined in a county jail, for a maximum period of one year, as part of the violator's subsequent plan of parole or work release. A violator shall be confined in a county jail only if the violator is placed on work release, educational work release, or in a community-based correctional program and the county and the department of corrections have entered into a chapter 28E agreement pursuant to section 906.18. A violator assigned to county jail confinement pursuant to this subsection shall be transported directly to the assigned county jail, and shall remain under the jurisdiction of the board of parole and under the supervision and direction of the judicial district department of correctional services. For purposes of this subsection, a violator, who has been committed to the custody of the director of the department of corrections upon the imposition of consecutive sentences for serious misdemeanor violations and the consecutive sentences exceed a total of one year, shall be considered to have been convicted of an aggravated misdemeanor.

3. Notwithstanding subsections 2 and 4, if a parolee's parole is subject to revocation, the parolee's parole officer may recommend, and the parole revocation officer or board panel may consider, as an alternative to revocation of the parolee's parole, placing the parolee in the minimum security facility at Newton, subject to available bed space, as part of the parolee's revised plan of parole. The parolee shall be placed directly in the Newton facility without reclassification at the Iowa medical classification facility at Oakdale.

4. *If the parole of a parole violator is not revoked, the parole revocation officer or board panel shall order the person's release subject to the terms of the person's parole with any modifications that the parole revocation officer or board panel determines proper.**

***Sec. 27. NEW SECTION. 908.9A CUSTODY OF PAROLE OR PROBATION VIOLATOR.**

*A parole or probation violator confined to a county jail pursuant to section 908.9 or 908.11 shall remain committed to the custody of the director of the department of corrections.**

**Sec. 28. Section 908.11, Code 1989, is amended to read as follows:*

908.11 VIOLATION OF PROBATION.

A probation officer or the judicial district department of correctional services having probable cause to believe that any person released on probation has violated the conditions of probation shall proceed by arrest or summons as in the case of a parole violation. The functions of the liaison officer and the board of parole shall be performed by the judge or magistrate who placed the alleged violator on probation if that judge or magistrate is available, otherwise by another judge or magistrate who would have had jurisdiction to try the original offense. If the probation officer proceeds by arrest, any magistrate may receive the complaint, issue an arrest warrant, or conduct the initial appearance and probable cause hearing if it is not convenient for the judge who placed the alleged violator on probation to do so. 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. If the defendant is an adult the court may hold the defendant in contempt of court and sentence the defendant to a jail term while continuing the probation, or may revoke the probation and 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. If the defendant was originally committed to the custody of the department of corrections, the

defendant's sentence was suspended or deferred, and the defendant has been placed on probation for violation of a class "C" or "D" felony or an aggravated misdemeanor, and a violation of probation has been established, the court may revoke probation and, as an alternative to serving the sentence originally imposed, require the defendant to serve a maximum term of imprisonment of one year in a county jail if the defendant is eligible for work release, educational work release, or a community-based correctional program and the county and the department of corrections have entered into a chapter 28E agreement pursuant to section 906.18. A probation violator confined in a county jail pursuant to this section shall remain under the supervision and direction of the violator's probation officer. For purposes of this section, a person who receives consecutive sentences for serious misdemeanor violations, which sentences are not suspended and exceed a total of one year, shall be considered to have committed an aggravated misdemeanor.*

Sec. 29. All federal grants to and the federal receipts of the agencies to whom funds are appropriated under this Act, not otherwise appropriated, are appropriated for the purposes set forth in the federal grants or receipts unless otherwise provided by the general assembly.

Sec. 30. Section 14, subsection 4, of this Act, being deemed of immediate importance, takes effect upon enactment.

Approved June 5, 1989, except the items which I hereby disapprove and which are designated as section 7, subsection 1 in its entirety; that portion of section 7, subsection 2, unlettered paragraph number 2 which is herein bracketed in ink and initialed by me; section 7, subsection 4 in its entirety; that portion of section 7, subsection 6, lettered paragraph a, which is herein bracketed in ink and initialed by me; that portion of section 7, subsection 6, lettered paragraph f, which is herein bracketed in ink and initialed by me; section 11 in its entirety; section 15 in its entirety; and sections 22, 23, 24, 25, 26, 27 and 28 in their entirety. My reasons for vetoing these items are delineated in the item veto message pertaining to this Act to the secretary of state this same date a copy of which is attached hereto.

TERRY E. BRANSTAD, Governor

*Item veto; see message at end of the Act

Dear Madam Secretary:

I hereby transmit House File 772, an Act relating to and making appropriations to the justice system.

House File 772 takes a step in the right direction toward providing more secure prison beds, but it does not go far enough. More secure beds are needed. Current projections indicate that our presently overcrowded institutions could reach a danger point before the additional beds included in this bill become a reality. Occupancy currently is approximately at 300 more than design capacity and by the time these beds come on line, that figure may well reach 600. The 120 secure beds included in this bill is a start and the Department of Corrections plans to boost that number as a result of the item vetoes I am making in this bill. But, much more will have to be done and that issue will face the 1990 legislature.

House File 772 is, therefore, approved on this date with the following exceptions which I hereby disapprove.

I am unable to approve the item designated as Section 7, subsection 1, in its entirety. This provision establishes a new pilot project for computer training in the first and fifth community-based corrections districts only. The Department of Corrections is studying the education delivery system for inmates in our prison system and will submit a report with recommendations to this office and the legislature for consideration next year. Enacting a pilot project prior to the completion of this study is imprudent. Moreover, programs in this subsection apply only to two districts. The department and my office plan to develop recommendations to address the education issue statewide next year.

I am unable to approve the designated portion of Section 7, subsection 2, unlettered paragraph number 2. This action will authorize \$200,000 of state funds for a statewide job development program for prisoners. I cannot approve those funds which are limited for use to just two judicial districts. A statewide job training and development grant program for community-based correctional clients can reduce recidivism rates and these funds should be supplemented with federal Job Training Partnership Act funds.

I am unable to approve the item designated as Section 7, subsection 4, in its entirety. This subsection would fund a dramatic change in sentencing policy in the third judicial district. Specifically, class D or C felons could be placed in less secure community or local jail settings. Such alternatives could pose real threats to public safety. Moreover, allowing disparate sentencing policies among the eight judicial districts would not be fair or wise public safety policy.

I am unable to approve the designated portion of Section 7, subsection 6, lettered paragraph a, which defines the one hundred bed facility at Newton as "minimum security". The General Assembly separately provided an addition \$2 million to upgrade security in our prison system. The General Assembly included only 120 medium security beds in this bill despite the fact that a need for over 300 more secure beds now exists. We would hope to use a portion of the \$2 million appropriation to beef up the security at the Newton facility to better meet our current needs.

I am unable to approve the designated portion of Section 7, subsection 6, lettered paragraph f, which refers to "minimum security" beds at the Luster Heights facility. The rationale for this item veto is the same as that used for the veto of the language relating to the Newton facility.

I am unable to approve the item designated as Section 11, in its entirety. This section of House File 772 would allow convicted third time OWI offenders to be released into the community on their own recognizance. I cannot sign legislation which would allow these offenders to be on the streets without receiving the medical evaluation and treatment prior to assignment in a community facility as required by current law. To do otherwise, could seriously threaten the public safety of Iowans; we need to keep these offenders off the roads.

I am unable to approve Section 15, in its entirety. This section requires the judicial department to use their court information system to handle the child support recovery operations to be transferred from the Department of Human Services. The most cost-effective way to assume these operations would be to use the computer system and equipment currently in place in the Department of Human Services. That system has been debugged and is now working acceptably. To abandon the system established in DHS would be a waste of state resources and could cause the state to reimburse the federal government for funds used to establish the DHS program. The Department of Management and DHS staff stands ready to work with the court to assure a smooth transition.

I am unable to approve the items designated as Sections 22, 23, 24, 25, 26, 27, and 28, in their entirety. These sections set up alternative sentencing procedures for parole and probation violators without properly going through the classification system at Oakdale. Such a change in policy should not be made without thorough policy and legal study. Indeed, such a policy could cost the state more and could adversely affect the goals of our prisoner classification system. Much greater study is needed on this concept.

For the above reasons, I hereby respectfully disapprove these items in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in House File 772 are hereby approved as of this date.

Sincerely,
TERRY E. BRANSTAD, *Governor*