

**CHAPTER 182**

## DEPARTMENT OF CORRECTIONS — MISCELLANEOUS PROVISIONS

S.F. 395

**AN ACT** relating to the department of corrections by providing for purchases from Iowa prison industries, the study of inmate worker safety issues, the establishment of a criminal offense for attempts to escape, the crediting of time served by inmates, inmate work program agreements, and deductions from inmate work program earnings, standards for the employment of probation and parole officers, and making penalties applicable.

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

Section 1. Section 8.62, subsection 2, Code 1999, is amended to read as follows:

2. Notwithstanding the provisions of section 8.33 or any other provision of law to the contrary, if on June 30 of a fiscal year, a balance of an operational appropriation remains unexpended or unencumbered, not more than fifty percent of the balance may be encumbered by the agency to which the appropriation was made and used as provided in this section and the remaining balance shall be deposited in the cash reserve fund created in section 8.56. Moneys encumbered under this section shall only be used by the agency during the succeeding fiscal year for employee training ~~and for~~ technology enhancement, or purchases of goods and services from Iowa prison industries. Unused moneys encumbered under this section shall be deposited in the cash reserve fund on June 30 of the succeeding fiscal year.

Sec. 2. Section 8.62, subsection 4, Code 1999, is amended by striking the subsection.

Sec. 3. Section 719.4, subsections 1 and 2, Code 1999, are amended to read as follows:

1. A person convicted of a felony, or charged with or arrested for the commission of a felony, who intentionally escapes, or attempts to escape, from a detention facility, community-based correctional facility, or institution to which the person has been committed by reason of the conviction, charge, or arrest, or from the custody of any public officer or employee to whom the person has been entrusted, commits a class "D" felony.

2. A person convicted of, charged with, or arrested for a misdemeanor, who intentionally escapes, or attempts to escape, from a detention facility, community-based correctional facility, or institution to which the person has been committed by reason of the conviction, charge, or arrest, or from the custody of any public officer or employee to whom the person has been entrusted, commits a serious misdemeanor.

Sec. 4. Section 903A.5, Code 1999, is amended to read as follows:

903A.5 TIME TO BE SERVED — CREDIT.

An inmate shall not be discharged from the custody of the director of the Iowa department of corrections until the inmate has served the full term for which the inmate was sentenced, less good conduct time earned and not forfeited, unless the inmate is pardoned or otherwise legally released. Good conduct time earned and not forfeited shall apply to reduce a mandatory minimum sentence being served pursuant to section 124.406, 124.413, 902.7, 902.8, or 902.11. An inmate shall be deemed to be serving the sentence from the day on which the inmate is received into the institution. ~~However, if~~ If an inmate was confined to a county jail or other correctional or mental facility at any time prior to sentencing, or after sentencing but prior to the case having been decided on appeal, because of failure to furnish bail or because of being charged with a nonbailable offense, the inmate shall be given credit for the days already served upon the term of the sentence. However, if a person commits any offense while confined in a county jail or other correctional or mental health facility, the person shall not be granted jail credit for that offense. The ~~Unless the inmate was confined in a correctional facility, the~~ sheriff of the county in which the inmate was confined shall

certify to the clerk of the district court from which the inmate was sentenced and to the department of corrections' records administrator at the Iowa medical and classification center the number of days so served. ~~The clerk of the district court~~ department of corrections' records administrator, or the administrator's designee, shall apply jail credit as ordered by the court of proper jurisdiction or as authorized by this section and section 907.3, subsection 3, and shall forward a copy of the certification of the number of days served to the warden the clerk of the district court from which the inmate was sentenced.

An inmate shall not receive credit upon the inmate's sentence for time spent in custody in another state resisting return to Iowa following an escape, or for time served in an institution or jail of another jurisdiction during any period of time the person is receiving credit upon a sentence of that other jurisdiction.

Sec. 5. Section 904.703, Code 1999, is amended to read as follows:

904.703 SERVICES OF INMATES — INSTITUTIONS AND PUBLIC SERVICE.

Inmates shall work 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 director. The director shall encourage the making of agreements, including chapter 28E agreements, with departments and agencies of the state or its political subdivisions to provide products or services under an inmate work program to the departments and agencies. The director may implement an inmate work program for trustworthy inmates of state correctional institutions, under proper supervision, whether at work centers located outside the state correctional institutions or in construction or maintenance work at public or charitable facilities and for other agencies of state, county, or local government. The supervision, security, and transportation of, and allowances paid to inmates used in public service projects shall be provided pursuant to agreements, including chapter 28E agreements, made by the director and the agency for which the work is done. Housing and maintenance shall also be provided pursuant to the agreement, including a chapter 28E agreement, unless the inmate is housed and maintained in the correctional facility. All such work, including but not limited to that provided in this section, shall have as its primary purpose the development of attitudes, skills, and habit patterns which are conducive to inmate rehabilitation. The director may adopt rules allowing inmates participating in an inmate work program to receive educational or vocational training outside the state correctional institutions and away from the work centers or public or charitable facilities used under a program.

However, an inmate shall not work in a public service project if the 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 work in the project.

~~The director may enter into a chapter 28E agreement with a county board of supervisors or county conservation board to provide inmate services for environmental maintenance including but not limited to brush and weed cutting, tree planting, and erosion control.~~

Sec. 6. Section 904.809, subsection 5, Code 1999, is amended to read as follows:

5. a. An inmate of a correctional institution employed pursuant to this section shall surrender to the department of corrections the inmate's total earnings less deductions for federal, state, and local taxes, and any other payroll deductions required by law. ~~The department of corrections shall deduct twenty percent of the balance to be credited to the inmate's general account. The department shall then deduct from the earnings remaining as follows:~~

a. ~~The department shall first deduct the following amounts in the following order of priority:~~

The inmate's employer shall provide each employed inmate with the withholding statement required under section 422.16, and any other employment information necessary for the receipt of the remainder of an inmate's payroll earnings.

b. From the inmate's gross payroll earnings, the following amounts shall be deducted:

(1) ~~An amount the inmate may be legally obligated to pay for the support of the inmate's dependents, the amount of which shall be paid to the dependents through the department of human services collection services center. Twenty percent, to be deposited in the inmate's general account.~~

(2) ~~Restitution as ordered by the court pursuant to chapter 910. All required tax deductions, to be collected by the inmate's employer.~~

(3) ~~Five percent, of the balance to be deducted for the victim compensation fund created in section 915.94.~~

(4) ~~An amount the inmate is legally obligated to pay for any other financial obligation.~~

(5) ~~An amount determined to be the cost to the department of corrections for providing for the incarceration of the inmate.~~

c. From the balance remaining after deduction of the amounts under paragraph "b", the following amounts shall be deducted in the following order of priority:

(1) An amount which the inmate may be legally obligated to pay for the support of the inmate's dependents, which shall be paid through the department of human services collection services center, and which shall include an amount for delinquent child support not to exceed fifty percent of net earnings.

(2) Restitution as ordered by the court under chapter 910.

(3) Any balance remaining after the deductions made under subparagraphs (1) and (2) shall represent the costs of the inmate's incarceration and shall be deposited, effective July 1, 2000, in the general fund of the state.

~~b d. Of the balance remaining after deductions and payments required pursuant to paragraph "a", the department shall deposit in the Iowa state industries revolving fund created in section 904.813, an amount equal to the costs incurred by the fund related to the inmate's employment pursuant to this section. Any balance remaining after the deductions and payments required by this subsection shall be amount credited to the inmate's general account, the department shall deduct an amount representing any other legal or administrative financial obligations.~~

Sec. 7. Section 905.7, subsection 8, Code 1999, is amended to read as follows:

8. Provide for standards by rule for mental fitness which shall govern the initial recruitment, selection, and appointment of parole and probation officers. ~~To promote these standards, the department of corrections shall by rule require a battery of psychological tests to determine cognitive skills, personality characteristics, and suitability of all applicants for a correctional career, as is required for correctional officers pursuant to section 904.108.~~

Sec. 8. Section 907.3, subsection 3, unnumbered paragraph 1, Code 1999, is amended to read as follows:

By record entry at the time of or after sentencing, the court may suspend the sentence and place the defendant on probation upon such terms and conditions as it may require including commitment to an alternate jail facility or a community correctional residential treatment facility ~~for a specific number of days~~ to be followed by a term of probation as specified in section 907.7, or commitment of the defendant to the judicial district department of correctional services for supervision or services under section 901B.1 at the level of sanctions which the district department determines to be appropriate and the payment of fees imposed under section 905.14. A person so committed who has probation revoked shall be given credit for such time served. However, the court shall not suspend any of the following sentences:

Sec. 9. INMATE WORKER SAFETY — STUDY — REPORT. The department of corrections, in consultation with the division of labor services of the department of workforce development, shall conduct a study on issues concerning the safety of inmate workers. The study shall consider, among other things, whether all or a part of chapter 88 should be

applicable to inmates, whether substitute guidelines should be adopted governing inmate worker safety, including guidelines on the reporting and investigation of unsafe conditions, and the legal consequences of any proposed recommendation or new guideline. The department of corrections shall submit the findings and any recommendations of the study to the general assembly by January 1, 2000.

Approved May 26, 1999

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## CHAPTER 183

### WORKFORCE DEVELOPMENT FUND ACCOUNT — FEES PAID BY COMMUNITY COLLEGES

H.F. 337

**AN ACT** relating to the workforce development fund account and fees paid by community colleges and generated by the funding of new jobs training programs.

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

Section 1. Section 15.251, subsection 2, Code 1999, is amended to read as follows:

2. The department may charge, within thirty days following the sale of certificates under chapter 260E, the board of directors of the merged area a fee of up to one percent of the gross sale amount of the certificates issued. The amount of this fee shall be deposited ~~into and~~ allowed to accumulate in a job training fund created in the department and may be used by the department to cover the costs of management of chapter 260E and to support other efforts by the community colleges related to providing productivity and quality enhancement training. ~~Funds~~ At the end of each fiscal year, all funds deposited under this subsection into the job training fund during a the fiscal year ~~which are not expended by the department in that fiscal year are available for use by the department under this subsection for subsequent fiscal years~~ shall be transferred to the workforce development fund account established in section 15.342A.

Sec. 2. Section 15.342A, Code 1999, is amended to read as follows:

15.342A WORKFORCE DEVELOPMENT FUND ACCOUNT.

A workforce development fund account is established in the office of the treasurer of state under the control of the department. The account shall receive funds pursuant to section 422.16A up to a maximum of ten million dollars per year. The account shall also receive funds pursuant to section 15.251 with no dollar limitation.

Sec. 3. Section 15.343, subsection 2, Code 1999, is amended by adding the following new paragraph:

NEW PARAGRAPH. e. To cover the costs of the administration of workforce development programs and services available through the department. A portion of these funds may be used to support efforts by the community colleges to provide workforce services to Iowa employers.

Approved May 26, 1999