



[SF 2263](#) – Prisons, Sleeping Quarters and Bathroom Use (LSB5651SV)
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Fiscal Note Version – New

Description

[Senate File 2263](#) relates to the privacy and safety of inmates in a correctional facility and does the following:

- Requires every restroom, changing room, and sleeping quarter within a correctional facility that is designated for the use of incarcerated individuals to be used or entered only by members of one sex.
- Defines “sex” as an individual’s biological sex, either male or female, as observed or clinically verified at birth.
- Requires correctional facilities to ensure all restrooms, changing rooms, and sleeping quarters provide users with privacy from members of the opposite sex.
- Provides exceptions for an incarcerated individual entering a restroom, changing room, or sleeping quarter designated for the opposite sex for custodial or maintenance purposes, to provide medical assistance, during an emergency or natural disaster, at the direction of the correctional facility (which must not include overnight housing), or to prevent a serious threat to good order or safety.
- Establishes a private cause of action for declaratory and injunctive relief against the correctional facility under specific circumstances.
- Requires that all civil actions brought pursuant to the Bill be initiated within two years after the violation occurred.

Senate File 2263 takes effect upon enactment.

Background

Under current practice, the Iowa Department of Corrections (DOC) provides restroom, changing room, and sleeping quarter arrangements as determined by an incarcerated individual’s genital sex at the time of intake. This may include both biological genitalia at birth and genitalia following a sexual reassignment surgery.

Under Standard [115.42\(c\)](#) of the federal [Prison Rape Elimination Act](#) (PREA), when deciding whether to assign a transgender or intersex inmate to a facility for male or female inmates, and in making other housing and programming assignments, an agency must consider on a case-by-case basis whether a placement would ensure the inmate’s health and safety and whether the placement would present management or security problems.

There are three Department of Justice (DOJ) federal grant programs (or portions thereof) that are subject to a 5.0% penalty for [noncompliance with PREA standards](#). These include the following:

- The Bureau of Justice Assistance’s Edward Byrne Memorial Justice Assistance Grant (JAG) Formula Program.

- The Office of Juvenile Justice and Delinquency Prevention’s Juvenile Justice and Delinquency Prevention (JJDP) Act Formula Grant Program.
- The Services, Training, Officers, and Prosecutors Violence Against Women Act (STOP VAWA) Formula Grant Program.

As of February 29, 2024, the DOC is not actively housing any incarcerated individuals who are of one biological sex at a facility of another biological sex.

Assumptions

- A reduction in federal funds may apply to all DOJ funding that the State could use for prison purposes.
- According to the DOC, SF 2263 may conflict with the requirements of PREA.
- In FY 2023, the award amounts for the JAG, JJDP, and STOP VAWA federal grant programs were as follows:
 - The Department of Public Safety (DPS) received \$2.2 million from the JAG program. A 5.0% penalty for noncompliance would total \$109,000.
 - The Department of Health and Human Services (HHS) received \$602,000 from the JJDP program. A 5.0% penalty for noncompliance would total \$30,000.
 - The Office of the Attorney General received \$1.9 million from the STOP VAWA program. A 5.0% penalty for noncompliance would total \$95,000.
- The DOC identified a federal rent program as potentially subject to a penalty of noncompliance as well. The FY 2023 award amount to the DOC was \$5.0 million. A 5.0% penalty for noncompliance would total \$250,000.
- There may be other unidentified federal funds that could be subject to a penalty of noncompliance under PREA under the Bill.

Fiscal Impact

Senate File 2263 may result in a reduction in federal funding if the State is found to be noncompliant, but the extent or timing of the impact is unknown. The DOC, DPS, HHS, and Office of the Attorney General have identified approximately \$485,000 in federal grant moneys that may be subject to a penalty of noncompliance with PREA standards.

Sources

Department of Corrections
 Office of the Attorney General
 Department of Public Safety
 Department of Health and Human Services
 Legislative Services Agency

/s/ Jennifer Acton

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The fiscal note for this Bill was prepared pursuant to [Joint Rule 17](#) and the Iowa Code. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.
