

Appropriations
Carr, Chair
Welsh
Tieden

3/18/83 Do Pass 2/23/83 (p. 931)

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MAR 17 1983

SENATE FILE 464

BY COMMITTEE ON STATE GOVERNMENT

Appropriations 3/23/83 (p. 932)
Amend per 3259 3/21 (p. 885)

Passed Senate, Date 3-25-83 (p. 959) Passed House, Date 4-11-83 (P. 1184)

Vote: Ayes 42 Nays 2 Vote: Ayes 94 Nays 4

Approved May 5, 1983

A BILL FOR

1 An Act relating to the creation of the Iowa department of
2 corrections, prescribing its powers and duties, appro-
3 priating moneys, and providing penalties.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

SENATE FILE 464

S-3321

1 Amend Senate File 464 as follows:
2 1. Page 20, line 28, by inserting after the word
3 "institutions." the words and figures "Joint use of
4 facilities by the department and another public agency
5 as defined in section 28E.2 shall be only according
6 to an agreement entered into under chapter 28E."

S-3321 FILED

BY CALVIN O. HULTMAN

MARCH 24, 1983

Adopted 3/25/83 (p. 956)

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1 Section 1. Sections 2 through 55 are enacted as a new
2 chapter 217A of the Code.

3 Sec. 2. NEW SECTION. 217A.1 DEFINITIONS. For purposes
4 of this chapter, unless the context otherwise requires:

5 1. "Department" means the Iowa department of corrections
6 established in section 217A.2.

7 2. "Board" means the board of corrections established
8 in section 217A.4.

9 3. "Director" means the director of the department.

10 Sec. 3. NEW SECTION. 217A.2 DEPARTMENT ESTABLISHED.

11 The Iowa department of corrections is established to be
12 responsible for the control, treatment, and rehabilitation
13 of offenders committed under law to the following institutions:

14 1. Iowa correctional institution for women.

15 2. Iowa state men's reformatory.

16 3. Iowa state penitentiary.

17 4. Iowa security and medical facility.

18 5. North central correctional facility.

19 6. Mount Pleasant correctional facility.

20 7. Clarinda correctional treatment facility.

21 8. Correctional release center.

22 9. Rehabilitation camps.

23 10. Other institutions related to an institution in
24 subsections 1 through 9 but not attached to the campus of
25 the main institution as program developments require.

26 Sec. 4. NEW SECTION. 217A.3 RESPONSIBILITIES OF DEPART-
27 MENT. The department shall administer the institutions listed
28 in section 217A.2. The department shall be responsible to
29 the extent provided for by law for all of the following:

30 1. Accreditation and funding of community based corrections
31 programs including but not limited to pretrial release,
32 probation, residential facilities, presentence investigation,
33 parole, and work release.

34 2. Iowa state industries.

35 3. Jail inspections.

1 4. Other duties provided for by law.

2 Sec. 5. NEW SECTION. 217A.4 BOARD CREATED. A board
3 of corrections is created within the department. The board
4 shall consist of five members appointed by the governor subject
5 to confirmation by the senate. Not more than three of the
6 members shall be from the same political party. Members shall
7 be electors of this state and each member shall be a resident
8 of a different congressional district. Members of the board
9 shall serve four-year staggered terms.

10 Sec. 6. NEW SECTION. 217A.5 BOARD--DUTIES. The board
11 of corrections shall:

12 1. Organize annually and select a chairperson and vice
13 chairperson.

14 2. Adopt and establish policies for the operation and
15 conduct of the department and the implementation of all
16 department programs.

17 3. Recommend to the governor the names of individuals
18 qualified for the position of director when a vacancy exists
19 in the office.

20 4. Report immediately to the governor any failure by the
21 director of the department to carry out any of the policy
22 decisions or directives of the board.

23 5. Approve the budget of the department prior to submission
24 to the governor.

25 6. Adopt rules in accordance with chapter 17A as the board
26 deems necessary to transact its business and for the
27 administration and exercise of its powers and duties.

28 7. Make recommendations from time to time to the governor
29 and the general assembly.

30 8. Perform other functions as provided by law.

31 Sec. 7. NEW SECTION. 217A.6 MEETINGS. The board shall
32 meet at least twelve times a year. Special meetings may be
33 called by the chairperson or upon written request of any three
34 members of the board. The chairperson shall preside at all
35 meetings or in the chairperson's absence, the vice chairperson

1 shall preside. The members of the board shall be paid forty
2 dollars per diem while in session, and their reasonable and
3 necessary expenses while attending the meetings.

4 Sec. 8. NEW SECTION. 217A.7 DIRECTOR--APPOINTMENT AND
5 QUALIFICATIONS. The chief administrative officer for the
6 department is the director. The director shall be appointed
7 by the governor subject to confirmation by the senate and
8 shall serve at the pleasure of the governor. The director
9 shall be qualified in reformatory and prison management,
10 knowledgeable in community-based corrections, and shall possess
11 administrative ability. The director shall also have ex-
12 perience in the field of criminology and discipline and in
13 the supervision of inmates in corrective penal institutions.
14 The director shall not be selected on the basis of political
15 affiliation and shall not engage in political activity while
16 employed as the director. The director shall not hold any
17 other office under the laws of the United States or of this
18 or any state or hold any position for profit and shall devote
19 full time to the duties of office.

20 Sec. 9. NEW SECTION. 217A.8 DIRECTOR--GENERAL DUTIES
21 AND RESPONSIBILITIES.

22 1. The director shall:

23 a. Supervise the operations of the institutions under
24 the department's jurisdiction and may delegate the powers
25 and authorities given the director by statute to one of the
26 officers or employees of the department.

27 b. Supervise state agents whose duties relate primarily
28 to the department.

29 c. Establish and maintain acceptable standards of
30 treatment, training, education, and rehabilitation in the
31 various state penal and corrective institutions which, to
32 the extent that resources are available within the department,
33 shall include habilitative services and treatment for mentally
34 retarded offenders. For the purposes of this paragraph,
35 habilitative services and treatment means medical, mental

1 health, social, educational, counseling, and other services
2 which will assist a mentally retarded person to become self-
3 reliant. A person is considered mentally retarded if the
4 person is diagnosed as mentally retarded, as defined in section
5 222.2, subsection 5, by a qualified mental retardation
6 professional. However, the director may also provide
7 habilitative treatment and services to other persons who
8 require the services.

9 d. Employ, assign, and reassign personnel as necessary
10 for the performance of duties and responsibilities assigned
11 to the department. Employees shall be selected on the basis
12 of fitness for work to be performed with due regard to training
13 and experience and are subject to chapter 19A.

14 e. Examine all state institutions which are penal,
15 reformatory, or corrective to determine their efficiency for
16 adequate care, custody, and training of their inmates and
17 report the findings to the board.

18 f. Prepare a budget for the department, subject to the
19 approval of the board, and other reports as required by law.

20 g. Develop long-range correctional planning and an on-
21 going five-year corrections masterplan. The director shall
22 annually report to the general assembly to inform its members
23 as to the status and content of the planning and masterplan.

24 h. Supervise rehabilitation camps within the state as
25 may be established by the director. Persons committed to
26 institutions under the department may be transferred to the
27 facilities of the camp system and upon transfer shall be
28 subject to the same laws as pertain to the transferring
29 institution.

30 i. Adopt rules subject to the approval of the board,
31 pertaining to the internal management of institutions and
32 agencies under the director's charge and necessary to carry
33 out the duties and powers outlined in this section.

34 2. The director, with the express approval of the board,
35 may establish for any inmate sentenced pursuant to section

1 902.3 a furlough program under which inmates sentenced to
2 and confined in any institution under the jurisdiction of
3 the department may be temporarily released. A furlough for
4 a period not to exceed fourteen days may be granted when an
5 immediate member of an inmate's family is seriously ill or
6 has died, when an inmate is to be interviewed by a prospective
7 employer, or when an inmate is authorized to participate in
8 a training program not available within the institution.

9 Furloughs for a period not to exceed fourteen days may also
10 be granted in order to allow inmates to participate in programs
11 or activities that serve rehabilitative objectives.

12 3. The director may establish a sales bonus system for
13 the sales representatives for prison industry products. If
14 a sales bonus system is established, the system shall not
15 affect the status of the sales representatives under chapter
16 19A.

17 4. The director may procure assistance for the department,
18 including planning, programming, and project accomplishment
19 assistance, by contracting for services with the department
20 of human services, or the general services department, or
21 both.

22 Sec. 10. NEW SECTION. 217A.9 OFFICIAL SEAL. The
23 department shall have an official seal with the words "Iowa
24 Department of Corrections" and other engraved design as the
25 board prescribes. Every commission, order, or other paper
26 of an official nature executed by the department may be
27 attested with the seal.

28 Sec. 11. NEW SECTION. 217A.10 TRAVEL EXPENSES. The
29 director, staff members, assistants, and employees, in addition
30 to salary, shall receive their necessary traveling expenses
31 by the nearest practicable route, when engaged in the
32 performance of official business. Permission shall not be
33 granted to any person to travel to another state except by
34 approval of the board and the executive council.

35 Sec. 12. NEW SECTION. 217A.11 REPORT BY DEPARTMENT.

1 Annually at the time provided by law, the department shall
2 make a report to the governor and the general assembly, which
3 shall cover the annual period ending with June thirtieth
4 preceding the date of the report and shall include:

5 1. An itemized statement of the department's expendi-
6 tures for each program under the department's administra-
7 tion.

8 2. Adequate and complete statistical reports for the state
9 as a whole concerning payments made under the department's
10 administration.

11 3. Recommendations concerning changes in laws under the
12 department's administration as the board deems necessary.

13 4. Observations and recommendations of the board and the
14 director relative to the programs of the department.

15 5. Information concerning long-range planning and the
16 masterplan as provided by section 217A.8, subsection 1,
17 paragraph g.

18 6. Other information the board or the director deems
19 advisable, or which is requested by the governor or the general
20 assembly.

21 Sec. 13. NEW SECTION. 217A.12 CONFIDENTIALITY OF RECORDS-
22 -REPORT.

23 1. The following information regarding individuals
24 receiving services from the department is confidential:

25 a. Names and addresses of individuals receiving services
26 from the department, and the types of services or amounts
27 of assistance provided, except as otherwise provided in
28 subsection 4.

29 b. Information concerning the social or economic con-
30 ditions or circumstances of particular individuals who are
31 receiving or have received services or assistance from the
32 department.

33 c. Agency evaluations of information about a particular
34 individual.

35 d. Medical or psychiatric data, including diagnosis and

1 past history of disease or disability, concerning a particular
2 individual.

3 2. Information described in subsection 1 shall not be
4 disclosed to or used by any person or agency except for
5 purposes of administration of the department's programs of
6 services or assistance and shall not, except as otherwise
7 provided in subsection 4, be disclosed to or used by persons
8 or agencies outside the department unless they are subject
9 to standards of confidentiality comparable to those imposed
10 on the department by this section.

11 3. This section does not restrict the disclosure or use
12 of information regarding the cost, purpose, number of persons
13 served or assisted by, and results of any program administered
14 by the department, and other general and statistical
15 information, so long as the information does not identify
16 particular individuals served or assisted.

17 4. The general assembly finds and determines that the
18 use and disclosure of information as provided in this sub-
19 section is for purposes directly connected with the adminis-
20 tration of the programs of services and assistance referred
21 to in this section and is essential for their proper
22 administration.

23 Confidential information described in subsection 1,
24 paragraphs a, b and c shall be disclosed to public officials
25 for use in connection with their official duties relating
26 to law enforcement, audits, and other purposes directly
27 connected with the administration of the programs, upon written
28 application to and with the approval of the director or the
29 director's designee.

30 5. If it is established that a provision of this section
31 would cause any of the department's programs of services or
32 assistance to be ineligible for federal funds, the provision
33 shall be limited or restricted to the extent which is essential
34 to make the program eligible for federal funds. The department
35 shall adopt, pursuant to chapter 17A, rules necessary to

1 implement this subsection.

2 6. Violation of this section is a serious misdemeanor.

3 7. This section takes precedence over section 17A.12,
4 subsection 7.

5 Sec. 14. NEW SECTION. 217A.13 ACTION FOR DAMAGES. A
6 person may institute a civil action for damages under chapter
7 25A or to restrain the dissemination of confidential records
8 set out in subsection 1, paragraph b, c, or d of section
9 217A.12, in violation of that section, and a person, including
10 but not limited to an agency or governmental body, proven
11 to have disseminated or to have requested and received
12 confidential records in violation of subsection 1, paragraph
13 b, c, or d of section 217A.12, is liable for actual damages
14 and exemplary damages for each violation and is liable for
15 court costs, expenses, and reasonable attorneys' fees incurred
16 by the party bringing the action. The award for damages shall
17 not be less than one hundred dollars.

18 Any reasonable grounds to believe that a public employee
19 has violated a provision of section 217A.12 is grounds for
20 immediate removal from access of any kind to confidential
21 records or suspension from duty without pay.

22 Sec. 15. NEW SECTION. 217A.14 POWERS OF GOVERNOR--REPORT
23 OF ABUSES. Section 217A.8, subsection 1, paragraph a, does
24 not limit the general supervisory or examining powers vested
25 in the governor by the laws or constitution of the state,
26 or legally vested by the governor in a committee appointed
27 by the governor.

28 The superintendent of an institution shall make reports
29 to the board and the director as requested by the board and
30 the director and the director shall report, in writing, to
31 the governor any abuses found to exist in any of the
32 institutions.

33 Sec. 16. NEW SECTION. 217A.15 APPOINTMENT OF
34 SUPERINTENDENTS. The director shall appoint, subject to the
35 approval of the board, the superintendents of the institutions

1 provided for in section 217A.2.

2 The superintendent has the immediate custody and control,
3 subject to the orders and policies of the director, of all
4 property used in connection with the institution except as
5 otherwise provided by statute. The tenure of office of a
6 superintendent shall be at the pleasure of the appointing
7 authority but a superintendent may be removed for inability
8 or refusal to properly perform the duties of the office.

9 Removal shall occur only after an opportunity is given the
10 person to be heard before the board and the director and upon
11 preferred written charges. The removal when made is final.

12 Sec. 17. NEW SECTION. 217A.16 FARM OPERATIONS ADMINIS-
13 TRATOR. The director may appoint a farm operations
14 administrator for the institutions under the control of the
15 department. If appointed, the farm operations administrator,
16 subject to the direction of the director shall do all of the
17 following:

18 1. Manage and supervise all farming and nursery operations
19 at the department's institutions, farms, and gardens.

20 2. Determine priorities on the use of agricultural
21 resources and labor for farming and nursery operations.

22 3. Develop an annual operations plan for crop and livestock
23 production and utilization that will provide work experience
24 and contribute to developing vocational skills of the
25 institutions' inmates.

26 4. Coordinate farm lease arrangements, farm input
27 purchases, farm product distribution, machinery maintenance
28 and replacement, and renovation of farm buildings, fences
29 and livestock facilities.

30 5. Develop and maintain accounting records, budgeting
31 and cash flow systems, and inventory records.

32 6. Advise and instruct institution staff and inmates in
33 application of agricultural technology.

34 7. Implement actions to restore and maintain productivity
35 of soil resources at the institutions through crop rotation,

1 minimum tillage, contouring, terracing, waterways, pasture
2 renovation, windbreaks, buffer zones, and wildlife habitat
3 in accordance with soil conservation service plans and
4 recommendations.

5 8. Do any other farm management duties assigned by the
6 director.

7 Sec. 18. NEW SECTION. 217A.17 SUBORDINATE OFFICERS AND
8 EMPLOYEES. The director shall determine the number and
9 compensation of subordinate officers and employees for each
10 institution. Subject to this chapter, the officers and em-
11 ployees shall be appointed and discharged by the superinten-
12 dent who shall keep in the record of each subordinate officer
13 and employee, the date of employment, the compensation, and
14 the date of and the reasons for each discharge.

15 Sec. 19. NEW SECTION. 217A.18 BONDS. The director shall
16 require officers and employees of institutions under the
17 director's control who are charged with the custody or control
18 of money or property belonging to the state, to give an of-
19 ficial bond properly conditioned and signed by sufficient
20 sureties in a sum to be fixed by the director. The bond is
21 subject to approval by the director and shall be filed in
22 the office of the secretary of state.

23 Sec. 20. NEW SECTION. 217A.19 DWELLING HOUSE. The
24 director may furnish the superintendent of each of the
25 institutions, in addition to salary, with a dwelling house
26 or with appropriate quarters in lieu of a house, or the
27 director may compensate the superintendent of each of the
28 institutions in lieu of furnishing a house or quarters. If
29 a superintendent of the institution is furnished with a
30 dwelling house or quarters, either of which is owned by the
31 state, the superintendent may also be furnished with water,
32 heat, and electricity.

33 The director may furnish assistant superintendents or other
34 employees, or both, with dwelling houses or with appropriate
35 quarters, owned by the state. The assistant superintendent

1 or employee, who is so furnished shall pay rent for the
2 dwelling house or quarters in an amount to be determined by
3 the superintendent of the institution, which shall be the
4 fair market rental value of the house or quarters. If an
5 assistant superintendent or employee is furnished with a
6 dwelling house or quarters either of which is owned by the
7 state, the assistant superintendent or employee may also be
8 furnished with water, heat, and electricity. However, the
9 furnishing of these utilities shall be considered in
10 determining the fair market rental value of the house or
11 quarters.

12 Sec. 21. NEW SECTION. 217A.20 TRANSFER OF INMATES.
13 Except as provided in subsection 2, the director may transfer
14 at the expense of the state an inmate of one institution to
15 another similar institution under the director's control.
16 The director may transfer an inmate under the director's
17 jurisdiction from any institution supervised by the director
18 to another institution under the control of a director of
19 a division of the department of human services with the consent
20 and approval of the other director and may transfer an inmate
21 to any other institution for mental or physical examination
22 or treatment retaining jurisdiction over the inmate when so
23 transferred.

24 Sec. 22. NEW SECTION. 217A.21 RECORD OF INMATES. The
25 director shall keep the following record of every person
26 committed to any of the department's institutions: Name,
27 residence, sex, age, place of birth, occupation, civil
28 condition, date of entrance or commitment, date of discharge,
29 whether a discharge is final, condition of the person when
30 discharged, the name of the institutions from which and to
31 which the person has been transferred, and if the person is
32 dead, the date and cause of death.

33 Sec. 23. NEW SECTION. 217A.22 RECORD PRIVILEGED. Except
34 with the consent of the director, or on an order of the
35 district court, the record provided in section 217A.21 shall

1 be accessible only to the board and the director and to
2 assistants and proper clerks authorized by the director.
3 The director may permit the state libraries and the Iowa state
4 historical department's division of historical museum and
5 archives to copy or reproduce by any photographic, photostatic,
6 microfilm, microcard, or other process which accurately
7 reproduces in a durable medium and to destroy in the manner
8 described by law the records of inmates required in section
9 217A.21.

10 Sec. 24. NEW SECTION. 217A.23 REPORTS TO DIRECTOR.

11 The superintendent of each institution shall, within ten days
12 after the commitment or entrance of a person to the
13 institution, cause a true copy of the person's entrance record
14 to be made and forwarded to the director. When an inmate
15 leaves, is discharged, transferred, or dies in any institution,
16 the superintendent or person in charge shall within ten days
17 thereafter send the information to the office of the director
18 on forms which the director prescribes.

19 Sec. 25. NEW SECTION. 217A.24 QUESTIONABLE COMMITMENT.

20 The superintendent shall within three days of the commitment
21 or entrance of a person at the institution notify the director
22 if there is any question as to the propriety of the commit-
23 ment or detention of any person received at the institution,
24 and the director upon notification shall inquire into the
25 matter presented, and take appropriate action.

26 Sec. 26. NEW SECTION. 217A.25 RELIGIOUS BELIEFS. The

27 superintendent receiving a person committed to any of the
28 institutions shall ask the person to state the person's
29 religious preference, shall enter the stated preference in
30 a book kept for that purpose, and shall request that the
31 person sign the entry. If the person is a minor and has
32 formed no choice, the preference may be expressed at any later
33 time by the person.

34 Sec. 27. NEW SECTION. 217A.26 RELIGIOUS WORSHIP. Any

35 inmate, during the time of detention, shall be allowed for

1 at least one hour on each Sunday or other holy day or in times
2 of extreme sickness, and at other suitable and reasonable
3 times consistent with proper discipline in the institution,
4 to receive spiritual advice, instruction, and ministrations
5 from any recognized member of the clergy who represents the
6 inmate's religious belief.

7 Sec. 28. NEW SECTION. 217A.27 INVESTIGATION. The
8 director or director's designee shall visit and inspect the
9 institutions under the director's control, and investigate
10 the financial condition and management of the institutions
11 at least once in six months.

12 During the investigation the director or designee shall
13 see every inmate of each institution as far as practicable,
14 especially those admitted since the preceding visit, and shall
15 give the inmates suitable opportunity to converse with the
16 director or designee apart from the officers and attendants.

17 Sec. 29. NEW SECTION. 217A.28 INVESTIGATION OF OTHER
18 INSTITUTIONS. The director may investigate charges of abuse,
19 neglect or mismanagement on the part of any officer or employee
20 of any public or private institution subject to the director's
21 supervision or control.

22 Sec. 30. NEW SECTION. 217A.29 WITNESSES. The director
23 may exercise the following powers in an investigation:

- 24 1. Summon and compel the attendance of witnesses.
- 25 2. Examine the witnesses under oath, which the director
26 may administer.
- 27 3. Have access to all books, papers, and property material
28 to the investigation.
- 29 4. Order the production of books or papers material to
30 the investigation.

31 Witnesses other than those in the employ of the state are
32 entitled to the same fees as in civil cases in the district
33 court.

34 Sec. 31. NEW SECTION. 217A.30 CONTEMPT. If a person
35 fails or refuses to obey the orders of the director issued

1 under section 217A.29, or fails or refuses to give or produce
2 evidence when required, the director shall petition the dis-
3 trict court in the county where the offense occurs for an
4 order of contempt and the court shall proceed as for contempt
5 of court.

6 Sec. 32. NEW SECTION. 217A.31 TRANSCRIPT OF TESTIMONY.

7 The director shall cause the testimony taken at the
8 investigation to be transcribed and filed in the director's
9 office at the seat of government within ten days after the
10 testimony is taken, or as soon as practicable, and when filed
11 the testimony shall be open for the inspection of any person.

12 Sec. 33. NEW SECTION. 217A.32 SERVICES REQUIRED--WAGES.

13 Inmates of the institutions may be required to render any
14 proper and reasonable service either in the institutions
15 proper or in the industries established in connection with
16 them. When an inmate of an institution is working outside
17 the institution proper, the inmate shall be deemed at all
18 times in the actual custody of the superintendent of the
19 institution.

20 The director may when practicable pay the inmate a wage
21 as the director deems proper in view of the circumstances,
22 and in view of the cost attending the maintenance of the
23 inmate. The wage shall not exceed the amount paid to free
24 labor for a like or equivalent service.

25 Sec. 34. NEW SECTION. 217A.33 DEDUCTION TO PAY COURT
26 COSTS OR DEPENDENTS--DEPOSITS. If wages are paid pursuant

27 to section 217A.32, the director may deduct an amount
28 established by the inmates' restitution plan of payment.
29 The amount deducted shall be forwarded to the clerk of the
30 district court or proper official. The director may pay all
31 or any part of remaining wages paid pursuant to section 217A.32
32 directly to a dependent of the inmate, or may deposit the
33 wage to the account of the inmate, or may deposit a portion
34 and allow the inmate a portion for the inmate's personal use.

35 Sec. 35. NEW SECTION. 217A.34 CONFERENCES. Quarterly

1 conferences of the superintendents of the institutions shall
2 be held with the director for the consideration of all matters
3 relative to the management of the institutions. Full minutes
4 of the meetings shall be preserved in the records of the
5 director. The director may cause papers to be prepared and
6 read at the conferences on appropriate subjects.

7 Sec. 36. NEW SECTION. 217A.35 SCIENTIFIC INVESTIGATION.

8 1. The director shall encourage the scientific investiga-
9 tion, on the part of the superintendents and medical staffs
10 of the institutions, as to the most successful methods of
11 managing the institutions and treating the persons committed
12 to them. The director shall procure and furnish to the
13 superintendents and staffs information on management and
14 treatment, and shall publish bulletins and reports of
15 scientific and clinical work done in the institutions.

16 2. The director may provide services and facilities for
17 the scientific observation, rechecking, and treatment of men-
18 tally ill persons under the director's responsibility.
19 Application by, or on behalf of any person for such services
20 and facilities shall be made to the superintendent in charge
21 of the particular institution involved and shall be made on
22 forms furnished by the director. The time and place of
23 admission of any person to outpatient or clinical services
24 and facilities for scientific observation, rechecking, and
25 treatment and the use of the services and facilities for the
26 benefit of persons who have already been hospitalized for
27 psychiatric evaluation and appropriate treatment or
28 involuntarily hospitalized as seriously mentally ill shall
29 be in accordance with rules adopted by the director.

30 Sec. 37. NEW SECTION. 217A.36 DIAGNOSTIC CLINIC--INMATE
31 CLASSIFICATION. The director may provide facilities and
32 personnel for a diagnostic clinic. The work of the clinic
33 shall include a scientific study of each inmate, the inmate's
34 career and life history, the causes of the inmate's criminal
35 acts and recommendations for the inmate's custody, care,

1 training, employment, and counseling with a view to
2 rehabilitation and to the protection of society. To facilitate
3 the work of the clinic and to aid in the rehabilitation of
4 the inmates, the trial judge, prosecuting attorney, and
5 presentence investigators shall furnish the director upon
6 request with a full statement of facts and circumstances
7 attending the commission of the offense so far as known or
8 believed by them.

9 Sec. 38. NEW SECTION. 217A.37 ANNUAL REPORTS. The
10 superintendent of each institution shall make an annual report
11 to the director. The report shall include a detailed and
12 accurate inventory of the stock and supplies on hand, and
13 their amount and value.

14 Sec. 39. NEW SECTION. 217A.38 CONTINGENT FUND. The
15 director may permit the superintendent of each institution
16 to retain a stated amount of funds in possession as a
17 contingent fund for the payment of freight, postage,
18 commodities purchased on authority of the director on a cash
19 basis, salaries, and bills granting discount for cash. If
20 necessary, the director shall make proper requisition upon
21 the state comptroller for a warrant on the treasurer of state
22 to secure the contingent fund for each institution. A monthly
23 report of the status of the contingent fund shall be submitted
24 by the superintendent of the institution to the director,
25 according to rules prescribed by the director.

26 Sec. 40. NEW SECTION. 217A.39 PURCHASE OF SUPPLIES.
27 The director shall adopt rules governing the purchase of all
28 articles and supplies needed at the various institutions and
29 the form and verification of vouchers for the purchases.
30 When purchases are made by sample, the sample shall be properly
31 marked and retained until after an award or delivery of the
32 items is made. The director may purchase supplies from any
33 institution under the director's control, for use in any other
34 institution, and reasonable reimbursement shall be made for
35 these purchases.

1 Sec. 41. NEW SECTION. 217A.40 EMERGENCY PURCHASES.
2 The purchase of materials or equipment for penal or
3 correctional institutions under the department is exempted
4 from the requirements of centralized purchasing and bidding
5 by the department of general services if the materials or
6 equipment are needed to make an emergency repair at an
7 institution or the security of the institution would be
8 jeopardized because the materials or equipment could not be
9 purchased soon enough through centralized purchasing and
10 bidding and, in either case, if the director approves the
11 emergency purchase.

12 Sec. 42. NEW SECTION. 217A.41 PLANS AND SPECIFICATIONS.
13 The director shall cause plans and specifications to be
14 prepared for all improvements authorized and costing over
15 twenty-five thousand dollars. An appropriation for any
16 improvement costing over twenty-five thousand dollars shall
17 not be expended until the adoption of suitable plans and
18 specifications, prepared by a competent architect and
19 accompanied by a detailed statement of the amount, quality,
20 and description of all material and labor required for the
21 completion of the improvement.

22 A plan shall not be adopted, and an improvement shall not
23 be constructed, which contemplates an expenditure of money
24 in excess of the appropriation.

25 Sec. 43. NEW SECTION. 217A.42 LETTING OF CONTRACTS--
26 REPAIRS OR ALTERATIONS. The director shall, in writing, let
27 all contracts for authorized improvements costing in excess
28 of twenty-five thousand dollars to the lowest responsible
29 bidder, after advertisement for bids as the director deems
30 proper in order to secure full competition. The director
31 may reject all bids and readvertise. A preliminary deposit
32 of money, bank check, or certified check upon a solvent bank,
33 or a bid bond as provided in section 23.20, in an amount the
34 director prescribes shall be required as an evidence of good
35 faith, upon all proposals for the construction of improvements.

1 The deposit, bank check, or certified check shall be held
2 under the direction of the director. Upon prior authorization
3 by the director, improvements costing five thousand dollars
4 or less may be made by the superintendent of any institution.

5 Contracts are not required for improvements at any state
6 institution where the labor of inmates is to be used.

7 Sec. 44. NEW SECTION. 217A.43 PAYMENT FOR IMPROVEMENTS.

8 The director shall not authorize payment for construction
9 purposes until satisfactory proof has been furnished to the
10 director by the proper officer or supervising architect, that
11 the contract has been complied with by the parties. Payments
12 shall be made in a manner similar to that in which the current
13 expenses of the institutions are paid.

14 Sec. 45. NEW SECTION. 217A.44 PROPERTY OF DECEASED

15 INMATE. Upon the death of an inmate, the superintendent of
16 the institution shall immediately take possession of the
17 decedent's property left at the institution and shall deliver
18 the property to the duly appointed representative of the
19 deceased. However, if administration is not granted within
20 one year from the date of the death of the decedent and the
21 value of the estate of decedent is so small as to make the
22 granting of administration inadvisable, then delivery of the
23 money and other property left by the decedent may be made
24 to the surviving spouse or an heir of the decedent. If admin-
25 istration is not granted within one year from the death of
26 decedent and no surviving spouse or heir is known, the
27 superintendent shall convert the property into money.

28 Sec. 46. NEW SECTION. 217A.45 MONEY DEPOSITED WITH

29 TREASURER OF STATE. Money from property converted pursuant
30 to section 217A.44 shall be transmitted to the treasurer of
31 state as soon after one year after the death of the inmate
32 as practicable. A complete permanent record of the property,
33 showing by whom and with whom it was left, its amount when
34 converted to money, the date of the death of the owner, the
35 owner's reputed place of residence before becoming an inmate

1 of the institution, the date on which the money was sent to
2 the treasurer of state, and any other facts which may tend
3 to identify the decedent and explain the case, shall be kept
4 by the superintendent of the institution, and a transcript
5 of the record shall be sent to and kept by the treasurer of
6 state.

7 Money deposited with the treasurer of state pursuant to
8 this section shall be paid at any time within ten years from
9 the death of the inmate to any person who is shown to be en-
10 titled to it.

11 Sec. 47. NEW SECTION. 217A.46 TEMPORARY QUARTERS IN
12 EMERGENCY. If the buildings at any institution under the
13 management of the director are destroyed or rendered unfit
14 for habitation by reason of fire, storms, or other like causes,
15 to such an extent that the inmates cannot be confined and
16 cared for at the institution, the director shall make temporary
17 provision for the confinement and care of the inmates at some
18 other place in the state. Like provision may be made in case
19 of an epidemic among the inmates. The reasonable cost of
20 the change including the cost of transfer of inmates, shall
21 be paid from any money in the state treasury not otherwise
22 appropriated.

23 Sec. 48. NEW SECTION. 217A.47 INDUSTRIES. The director
24 may establish industries at or in connection with any of the
25 institutions under the director's control and may make
26 contractual agreements with the United States, other states,
27 state departments and agencies, and subdivisions of the state,
28 for purchase of industry products.

29 Sec. 49. NEW SECTION. 217A.48 REVOLVING FARM FUND.
30 A revolving farm fund is created in the state treasury in
31 which the department shall deposit receipts from agricultural
32 products, nursery stock, agricultural land rentals, and the
33 sale of livestock. However, before any agricultural operation
34 is phased out, the department which proposes to discontinue
35 this operation shall notify the governor, chairpersons and

1 ranking members of the house and senate appropriations
2 committees, and cochairpersons and ranking members of the
3 subcommittee in the senate and house of representatives which
4 has handled the appropriation for this department in the past
5 session of the legislature. Before the department sells
6 farmland under the control of the department, the director
7 shall notify the governor, chairpersons and ranking members
8 of the house and senate appropriations committees, and
9 cochairpersons and ranking members of the joint appropriations
10 subcommittee that handled the appropriation for the department
11 during the past legislative session. The department may pay
12 from the fund for the operation, maintenance, and improvement
13 of farms and agricultural or nursery property under the control
14 of the department. A purchase order for five thousand dollars
15 or less payable from the fund is exempt from the general
16 purchasing requirements of chapter 18. Notwithstanding section
17 8.33, unencumbered or unobligated receipts in the revolving
18 farm fund at the end of a fiscal year shall not revert to
19 the general fund of the state.

20 The department shall annually prepare a financial statement
21 to provide for an accounting of the funds in the revolving
22 farm fund. The financial statement shall be filed with the
23 legislative fiscal bureau on or before February 1 each year.

24 Sec. 50. NEW SECTION. 217A.49 COOPERATION. The
25 department and the director shall cooperate with any department
26 or agency of the state government in any manner, including
27 the exchange of employees, calculated to improve administration
28 of the affairs of the institutions.

29 Sec. 51. NEW SECTION. 217A.50 CONSULTANTS. The director
30 may secure the services of consultants to furnish advice on
31 administrative, professional, or technical problems to the
32 director, or the employees of institutions under the director's
33 jurisdiction or to provide in-service training and instruction
34 for the employees. The director may pay the consultants from
35 funds appropriated to the department or to any institution

1 under the department's jurisdiction.

2 Sec. 52. NEW SECTION. 217A.51 DIRECTOR MAY BUY AND SELL
3 REAL ESTATE--OPTIONS. The director, subject to the approval
4 of the board and executive council, may secure options to
5 purchase real estate and acquire and sell real estate for
6 the proper uses of the institutions. Real estate shall be
7 acquired and sold upon terms and conditions the director
8 recommends subject to the approval of the board and the
9 executive council. Upon sale of the real estate, the proceeds
10 shall be deposited with the treasurer of state and credited
11 to the general fund of the state. There is appropriated from
12 the general fund of the state to the department a sum equal
13 to the proceeds so deposited and credited to the general fund
14 of the state which, with the prior approval of the execu-
15 tive council, may be used to purchase other real estate or
16 for capital improvements upon property under the director's
17 supervision.

18 The costs incident to the securing of options and
19 acquisition and sale of real estate including, but not limited
20 to, appraisals, invitations for offers, abstracts, and other
21 necessary costs, may be paid from moneys appropriated for
22 support and maintenance to the institution at which the real
23 estate is located. The fund shall be reimbursed from the
24 proceeds of the sale.

25 Sec. 53. NEW SECTION. 217A.52 FIRE PROTECTION CONTRACTS.
26 The director may enter into contracts with the governing body
27 of any city for the protection from fire of any property under
28 the director's primary control, located in any city or in
29 territory contiguous to a city.

30 The state fire marshal shall cause an annual inspection
31 to be made of all the institutions listed in section 217A.2
32 and shall make a written report of the inspection to the
33 director.

34 Sec. 54. NEW SECTION. 217A.53 GIFTS. The department
35 may accept gifts of real or personal property from the federal

1 government or any source. The director may exercise powers
2 with reference to the property so accepted as necessary or
3 appropriate to its preservation and the purposes for which
4 it is given.

5 Sec. 55. NEW SECTION. 217A.54 CANTEEN MAINTAINED. The
6 director may maintain a canteen at any institution under the
7 director's jurisdiction for the sale to persons confined in
8 the institution of items such as toilet articles, candy,
9 tobacco products, notions, and other sundries, and may provide
10 the necessary facilities, equipment, personnel, and merchandise
11 for the canteen. The director shall specify the items to
12 be sold in the canteen. The department may establish and
13 maintain a permanent operating fund for each canteen. The
14 fund shall consist of the receipts from the sale of commodities
15 at the canteen.

16 Sec. 56. Section 25A.2, subsection 3, Code 1983, is amended
17 to read as follows:

18 3. "Employee of the state" includes any one or more
19 officers, agents, or employees of the state or any state
20 agency, including members of the general assembly, and persons
21 acting on behalf of the state or any state agency in any
22 official capacity, temporarily or permanently in the service
23 of the state of Iowa, whether with or without compensation
24 but does not include a contractor doing business with the
25 state. Professional personnel, including medical doctors,
26 osteopathic physicians and surgeons, osteopathic physicians,
27 optometrists and dentists, who render services to patients
28 and inmates of state institutions under the jurisdiction of
29 the department of ~~social~~ human services or the Iowa department
30 of corrections are to be considered employees of the state,
31 whether ~~such~~ the personnel are employed on a full-time basis
32 or render ~~such~~ services on a part-time basis on a fee schedule
33 or arrangement, ~~but shall not include any contractor doing~~
34 ~~business with the state.~~

35 Sec. 57. Section 85.60, unnumbered paragraph 1, Code 1983,

1 is amended to read as follows:

2 The Iowa department of ~~social-services~~ corrections may
3 elect to include as an employee for purposes of this chapter
4 any person confined as an inmate at ~~the-Riverview-release~~
5 ~~center~~ an institution provided for in section 217A.2 and who
6 is participating in the inmate employment program. If an
7 inmate in the performance of work sustains an injury arising
8 out of and in the course of the work, the inmate shall be
9 awarded and paid compensation at the rates provided in this
10 chapter. If death results from ~~such~~ the injury, death benefits
11 shall be awarded and paid to the dependents of the inmate.
12 If any such person is awarded weekly compensation under ~~the~~
13 ~~provisions~~-of this section and is still committed to a penal
14 institution, the person's compensation benefits under section
15 85.33 or section 85.34, subsection 1, shall be paid to the
16 department and held in trust for the inmate for so long as
17 the inmate ~~shall-remain~~ remains so committed. However, the
18 department shall deduct from the benefits awarded the cost
19 of maintaining the inmate not to exceed the level the inmate
20 was paying under the inmate employment program. Weekly
21 compensation benefits awarded pursuant to section 85.34,
22 subsection 2, shall be held in trust and paid to ~~such~~ the
23 person as provided in this chapter upon final discharge or
24 parole, whichever occurs first. In the event ~~such~~ the person
25 is recommitted to a penal institution prior to receiving in
26 full weekly benefits pursuant to section 85.33 or section
27 85.34, subsection 1, such benefits shall again be paid to
28 the department for so long as the person ~~shall-remain~~ remains
29 so recommitted. Also, weekly benefits under section 85.34,
30 subsection 2, shall be suspended and again held in trust until
31 ~~such~~ the person is again released by final discharge or parole,
32 whichever first occurs. However, the industrial commissioner
33 may, if the industrial commissioner finds that dependents
34 of the person awarded weekly compensation pursuant to section
35 85.33 or section 85.34, subsections 1 and 2, would require

1 welfare aid as a result of terminating the compensation, order
 2 ~~such~~ the weekly compensation to be paid to a responsible
 3 person for the use of dependents.

4 Sec. 58. Section 85.60, subsection 1, Code 1983, is amended
 5 to read as follows:

6 1. "Department" means the Iowa department of ~~social~~
 7 ~~services~~ corrections.

8 Sec. 59. Section 110.24, unnumbered paragraph 7, Code
 9 1983, is amended to read as follows:

10 No license shall be required of minor pupils of the state
 11 school for the blind, state school for the deaf, nor of minor
 12 residents of other state institutions under the control of
 13 a director of a division of the department of ~~social~~ human
 14 ~~services, except that this provision shall not apply to the~~
 15 ~~inmates of state institutions under the control of the director~~
 16 ~~of the division of adult corrections,~~ nor shall any person
 17 who is on active duty with the ~~Armed Forces~~ armed forces of
 18 the United States, on authorized leave, and a legal resident
 19 of the state of Iowa, be required to have a license to hunt
 20 or fish in this state. No license shall be required of
 21 residents of county care facilities or any person who is
 22 receiving old-age assistance under chapter 249.

23 Sec. 60. Section 159.5, subsection 14, Code 1983, is
 24 amended to read as follows:

25 14. Annually inspect for sanitation the areas where food
 26 is prepared and where food is served, including but not limited
 27 to the utensils, machinery, and other equipment, in the adult
 28 penal or correctional facilities operated by the Iowa
 29 department of ~~social-services~~ corrections and in the ~~Eldera~~
 30 state training school, ~~the Mitchellville training school,~~
 31 and the Iowa juvenile home. For purposes of this subsection,
 32 community-based correctional facilities shall be considered
 33 operated by the Iowa department of ~~social-services~~ corrections.

34 If a municipal corporation wants its local board of health
 35 to make the inspections required by this section on facilities

1 located within its jurisdiction, the municipal corporation
2 may enter into an agreement with the secretary. The secretary
3 may enter into such an agreement if the secretary finds that
4 the local board of health has adequate resources to perform
5 the required functions.

6 The secretary of agriculture shall prepare a report on
7 the inspections and shall send a copy of the report concerning
8 the adult penal or correctional facilities to the director
9 of the ~~division~~ Iowa department of corrections ~~of the~~
10 ~~department of social services~~. A copy of the report concerning
11 the ~~Eldora state~~ state training school, ~~the Mitchellville training~~
12 ~~school~~, and the Iowa juvenile home shall be sent to the
13 director of the division of child and family services of the
14 department of ~~social~~ human services.

15 Sec. 61. Section 216.2, subsections 2 and 3, Code 1983,
16 are amended to read as follows:

17 2. "Iowa state industries" means prison industries that
18 are established and maintained by the ~~division~~ Iowa department
19 of ~~adult~~ corrections, in consultation with the industries
20 board, at or adjacent to the state's adult correctional
21 institutions, except that an inmate employment program
22 established by the state director under section 216.5, sub-
23 section 7 is not restricted to industries at or adjacent to
24 the institutions.

25 3. "State director" means the director of the ~~division~~
26 Iowa department of ~~adult~~ corrections ~~of the department of~~
27 ~~social services~~, or ~~that~~ the director's designee.

28 Sec. 62. Section 216.9, subsection 4, Code 1983, is amended
29 to read as follows:

30 4. The fund established by this section shall not revert
31 to the general fund of the state at the end of any annual
32 or biennial period and the investment proceeds earned from
33 the balance of the fund shall be credited to the fund and
34 used for the purposes provided for in this section.

35 Sec. 63. Section 217.1, Code 1983, is amended to read

1 as follows:

2 217.1 PROGRAMS OF DEPARTMENT. There is hereby established
3 a department of ~~social~~ human services to administer programs
4 designed to improve the well-being and productivity of the
5 people of the state of Iowa. The department shall concern
6 itself with the problems of human behavior, adjustment, and
7 daily living through the administration of programs of family,
8 child, and adult welfare, economic assistance (including costs
9 of medical care), rehabilitation toward self-care and support,
10 delinquency prevention and control, treatment and
11 rehabilitation of ~~adult-and~~ juvenile offenders, care and
12 treatment of the mentally ill and mentally retarded, and other
13 related programs as provided by law.

14 Sec. 64. Section 217.6, unnumbered paragraph 2, Code 1983,
15 is amended to read as follows:

16 The department of ~~social~~ human services may be initially
17 divided into the following divisions of responsibility: The
18 division of child and family services, the division of mental
19 health, mental retardation, and developmental disabilities,
20 the division of administration, ~~the-division-of-corrections~~
21 and the division of planning, research and statistics.

22 Sec. 65. Section 217.17, Code 1983, is amended to read
23 as follows:

24 217.17 DIRECTOR OF DIVISION OF PLANNING. The director
25 of the division of planning, research and statistics shall
26 be qualified in the general field of governmental planning
27 with special training and experience in the areas of
28 preparation and development of plans for future efficient
29 reorganization and administration of government social
30 functions. The director of the division of planning, research
31 and statistics shall co-operate with the directors of the
32 other divisions of the department of ~~social~~ human services
33 assisting them and the commissioner of the department in their
34 planning, research and statistical problems. He The director
35 of the division of planning, research and statistics shall

1 assist the directors, commissioner and the council of ~~social~~
2 human services by proposing administrative and organizational
3 changes at both the state and local level to provide more
4 efficient and integrated social services to the citizens of
5 this state. The planning, research and statistical operations
6 now forming an integral part of the present state functions
7 assigned to the directors of this department along with their
8 future needs in this regard are ~~hereby~~ all assigned to and
9 shall be administered by the director of this division.

10 Sec. 66. Section 218.1, subsections 10 through 16, Code
11 1983, are amended by striking the subsections.

12 Sec. 67. Section 218.3, subsection 3, Code 1983, is amended
13 by striking the subsection.

14 Sec. 68. Chapter 218, Code 1983, is amended by adding
15 the following new section:

16 NEW SECTION. DEFINITION. For purposes of this chapter
17 unless the context otherwise requires, the term "inmate" means
18 a resident of an institution under the responsibility of the
19 department of human services.

20 Sec. 69. Section 218.9, unnumbered paragraph 2, Code 1983,
21 is amended by striking the unnumbered paragraph.

22 Sec. 70. Section 218.92, Code 1983, is amended to read
23 as follows:

24 218.92 DANGEROUS MENTAL PATIENTS. When a patient in any
25 state hospital-school for the mentally retarded, any mental
26 health institute, or any institution under the administration
27 of the director of the division of mental health of the
28 department of ~~social~~ human services, has become so mentally
29 disturbed as to constitute a danger to self, to other patients
30 in the institution or to the public, and the institution
31 involved cannot provide adequate security, the director of
32 mental health with the consent of the director of the Iowa
33 department of corrections ~~of the department of social services~~
34 may order the patient to be transferred to the Iowa security
35 and medical facility, provided that the executive head of

1 the institution from which the patient is to be transferred,
2 with the support of a majority of the medical staff recommends
3 the transfer in the interest of the patient, other patients
4 or the public. If the patient transferred was hospitalized
5 pursuant to sections 229.6 to 229.15, the transfer shall be
6 promptly reported to the court which hospitalized the patient,
7 as required by section 229.15, subsection 3. The Iowa security
8 and medical facility has the same rights, duties and
9 responsibilities with respect to the patient as the institution
10 from which the patient was transferred had while the patient
11 was hospitalized there. The cost of the transfer shall be
12 paid from the funds of the institution from which the transfer
13 is made.

14 Sec. 71. Section 218B.3, Code 1983, is amended to read
15 as follows:

16 218B.3 DUTY OF ~~COMMISSIONER~~ DIRECTOR. The ~~commissioner~~
17 director of social-services-is-authorized-and-directed-to
18 the Iowa department of corrections shall do all things
19 necessary or incidental to the carrying out of the compact
20 ~~in-every-particular-and-he-may-in-his-discretion-delegate~~
21 ~~this-authority-to-the-director-of-the-division-of-corrections.~~

22 Sec. 72. Section 222.7, unnumbered paragraph 1, Code 1983,
23 is amended to read as follows:

24 The state director may transfer patients from one state
25 hospital-school to the other and may at any time transfer
26 ~~any-patient~~ patients from the hospital-schools to the hos-
27 pitals for the mentally ill, or transfer patients in the
28 hospital-schools to a special unit or vice versa, ~~or-make~~
29 ~~such-transfers-as-are-permitted-in-section-218-92.~~ The state
30 director may also transfer patients from a hospital for the
31 mentally ill to a hospital-school if:

32 Sec. 73. Section 223.1, Code 1983, is amended to read
33 as follows:

34 223.1 INSTITUTION ESTABLISHED. There is established an
35 institution for persons displaying evidence of mental illness

1 or psychosocial disorders and requiring diagnostic services
2 and treatment in a security setting. The institution may
3 also be used for persons only requiring confinement in a
4 security setting. The institution is under the jurisdiction
5 of the Iowa department of ~~social-services~~ corrections and
6 shall be known as the Iowa security and medical facility.

7 Sec. 74. Section 223.2, Code 1983, is amended to read
8 as follows:

9 223.2 SUPERINTENDENT. A superintendent of the Iowa
10 security and medical facility shall be appointed ~~as-designated~~
11 ~~in-section-218-9~~ by the director of the Iowa department of
12 corrections with the approval of the board of corrections.
13 The superintendent shall be a reputable and qualified person
14 experienced in the administration of programs for the care
15 and treatment of persons afflicted with mental disorders and
16 ~~with~~ have other qualifications the ~~department-deems~~ director
17 and board deem necessary.

18 Sec. 75. Section 223.3, subsections 1 and 4, Code 1983,
19 are amended to read as follows:

20 1. Perform all duties required by law and by the ~~state~~
21 director of the Iowa department of ~~social-services~~ corrections
22 not inconsistent with this chapter.

23 4. Retain custody of all patients, ~~in such~~ the manner
24 ~~as~~ deemed necessary and in the best interest of the patients
25 subject to the ~~regulations~~ rules of the director of the Iowa
26 department of ~~social-services~~ corrections.

27 Sec. 76. Section 223.4, subsection 1, Code 1983, is amended
28 to read as follows:

29 1. Residents of ~~any~~ an institution under the jurisdiction
30 of the department of ~~social~~ human services or the Iowa
31 department of corrections.

32 Sec. 77. Section 223.4, unnumbered paragraph 3, Code 1983,
33 is amended to read as follows:

34 The director of the ~~division~~ Iowa department of ~~adult~~
35 corrections may house inmates from any penal institution at

1 the Iowa security and medical facility in order to provide
2 the inmates with either suitable security or medical treatment,
3 or both. Unless an inmate is determined to be mentally ill,
4 the inmate shall not be subjected involuntarily to psychiatric
5 treatment.

6 Sec. 78. Section 223.5, Code 1983, is amended to read
7 as follows:

8 223.5. ADMISSIONS IN WRITING ONLY. All admissions to the
9 facility shall be by written application only. Application
10 shall be made by the head of the state institution, agency,
11 governmental body, or court requesting ~~same~~ admission to the
12 superintendent of the facility. An application may be denied
13 by the superintendent, with the approval of the director of
14 the ~~division~~ Iowa department of corrections, if the admission
15 will result in an overcrowded condition or if adequate staff
16 or facilities are not available.

17 Sec. 79. Section 223.6, Code 1983, is amended to read
18 as follows:

19 223.6 FINAL DECISION. The decision regarding admission
20 and discharge of patients shall be made by the superintendent
21 of the facility, subject to approval of the director of the
22 ~~division~~ Iowa department of corrections.

23 Sec. 80. Section 232.71, subsection 4, Code 1983, is
24 amended to read as follows:

25 4. The county attorney and any law enforcement or social
26 services agency in the state shall co-operate and assist in
27 the investigation upon the request of the department of ~~social~~
28 human services. The county attorney and appropriate law
29 enforcement agencies shall also take any other lawful action
30 which may be necessary or advisable for the protection of
31 the child.

32 Sec. 81. Section 245.1, Code 1983, is amended to read
33 as follows:

34 245.1 OFFICIAL DESIGNATION--DEFINITIONS. The state cor-
35 rectional facility for women at Mitchellville shall be known

1 as the "Iowa correctional institution for women". For the
2 purpose of this chapter "director" or "state director" shall
3 mean means the director of the ~~division-of-adult~~ Iowa
4 department of corrections of-the-department-of-social-services.

5 Sec. 82. Section 245.2, Code 1983, is amended to read
6 as follows:

7 245.2 SUPERINTENDENT--SALARY. The superintendent of the
8 ~~women's-reformatory~~ Iowa correctional institution for women
9 shall receive a salary as determined by the state director.

10 Sec. 83. Section 245.3, Code 1983, is amended to read
11 as follows:

12 245.3 SERVICE REQUIRED. The superintendent may, with
13 the approval of the ~~state~~ director, require any inmate to
14 perform any service suited to her strength and attainments
15 and which may be needed for the benefit of the ~~reformatory~~
16 Iowa correctional institution for women or for the welfare
17 of ~~such~~ the inmate.

18 Sec. 84. Section 245.4, Code 1983, is amended to read
19 as follows:

20 245.4 EMPLOYEES TO RECEIVE A MIDSHIFT MEAL. The employees
21 of the ~~women's-reformatory~~ Iowa correctional institution for
22 women shall receive a midshift meal when on duty.

23 Sec. 85. Section 245.7, Code 1983, is amended to read
24 as follows:

25 245.7 TERM OF COMMITMENTS. A female convicted of a felony
26 shall not be detained in ~~said-reformatory~~ the Iowa correctional
27 institution for women under one commitment for a period longer
28 than the maximum term of imprisonment provided by law for
29 ~~said~~ the felony. A female convicted of a crime and sentenced
30 to a term of less than one year shall not be detained ~~therein~~
31 in that institution.

32 Sec. 86. Section 245.8, Code 1983, is amended to read
33 as follows:

34 245.8 MANNER OF COMMITTING FEMALES. Females committed
35 to ~~said-reformatory~~ the Iowa correctional institution for

1 women shall be taken ~~therete~~ to the institution by ~~some~~ a
2 woman, or by ~~some~~ a peace officer accompanied by ~~some~~ a woman,
3 appointed by the court.

4 Sec. 87. Section 245.9, Code 1983, is amended to read
5 as follows:

6 245.9 COSTS OF COMMITMENT. The costs and expenses allowed
7 for taking females to the ~~reformatory~~ Iowa correctional
8 institution for women shall be the same as those allowed by
9 law for taking girls to the training school, and shall be
10 audited and paid in like manner by the counties from which
11 they are sent.

12 Sec. 88. Section 245.12, Code 1983, is amended to read
13 as follows:

14 245.12 TRANSFER OF MENTALLY ILL. The ~~state~~ director may
15 cause any woman committed to the ~~reformatory~~ Iowa correctional
16 institution for women and suspected of being mentally ill
17 to be examined by one of the superintendents or the
18 superintendent's qualified designee of a state hospital for
19 the mentally ill or transferred to the Iowa security and
20 medical facility for examination. If the woman is found to
21 be mentally ill, the Iowa department of corrections may order
22 the woman transferred to or retained at a state hospital or
23 the Iowa security and medical facility where she shall
24 thereafter be maintained and treated at the expense of the
25 state until such time as she regains ~~her~~ good mental health
26 when she shall be returned to the ~~reformatory~~ Iowa correctional
27 institution for women. The cost of transfer and return shall
28 be paid as provided for other transfers.

29 Sec. 89. Section 245.15, Code 1983, is amended to read
30 as follows:

31 245.15 ESCAPE. Any inmate of ~~said-reformatory~~ the Iowa
32 correctional institution for women who ~~shall-escape-therefrom~~
33 escapes from it may be arrested and returned to ~~said~~
34 reformatory the institution, by an officer or employee thereof
35 of the institution without any other authority than this

1 chapter, and by any peace officer or other person on the
2 request in writing of the superintendent or the state director.

3 Sec. 90. Section 245.20, Code 1983, is amended to read
4 as follows:

5 245.20 FEDERAL PRISONERS. Inmates sentenced for any term
6 by any court of the United States may be received by the
7 superintendent into the ~~women's reformatory~~ Iowa correctional
8 institution for women and there kept ~~in~~ pursuant ~~of~~ to their
9 sentences. Inmates at the ~~women's reformatory~~ institution
10 may also be transferred to the federal bureau of prisons.
11 ~~if an inmate objects to her transfer to the federal bureau~~
12 ~~of prisons, the inmate shall be afforded a hearing as provided~~
13 ~~in section 217-22.~~

14 Sec. 91. Section 246.1, Code 1983, is amended to read
15 as follows:

16 246.1 DEFINITIONS. For the purpose of this chapter
17 "director" or "state director" ~~shall mean~~ means the director
18 ~~of the division of adult corrections~~ of the Iowa department
19 of ~~social services~~ corrections, or that director's designee.

20 Sec. 92. Section 246.11, Code 1983, is amended to read
21 as follows:

22 246.11 FEDERAL PRISONERS. Inmates sentenced for any term
23 by any court of the United States may be received by the
24 warden into the penitentiary or the men's reformatory and
25 there kept in pursuance of their sentences. Inmates at either
26 the penitentiary or men's reformatory may also be transferred
27 to the federal bureau of prisons. ~~if an inmate objects to~~
28 ~~his transfer to the federal bureau of prisons, the inmate~~
29 ~~shall be afforded a hearing as provided in section 217-22.~~

30 Sec. 93. Section 246.16, Code 1983, is amended to read
31 as follows:

32 246.16 TRANSFER OF MENTALLY ILL. When the state director
33 has cause to believe that a prisoner in the penitentiary or
34 reformatory is mentally ill, the Iowa department of corrections
35 may cause that prisoner to be transferred to the Iowa security

1 and medical facility for examination, diagnosis, or treatment.
2 The prisoner shall be confined at that institution or a state
3 hospital for the mentally ill until the expiration of the
4 prisoner's sentence or until the prisoner is pronounced in
5 good mental health. If the prisoner is pronounced in good
6 mental health before the expiration of the prisoner's sentence,
7 the prisoner shall be returned to the penitentiary or
8 reformatory until the expiration of the prisoner's sentence.
9 The provisions of the Code applicable to an inmate at the
10 correctional institution from which the prisoner is transferred
11 remain applicable during the inmate's stay at the Iowa security
12 and medical facility. However, section 246.32 applies to
13 the total inmate population, including both convicts and
14 patients.

15 Sec. 94. Section 246.38, Code 1983, is amended to read
16 as follows:

17 246.38 TIME TO BE SERVED--CREDIT. No inmate shall be
18 discharged from the penitentiary, ~~or~~ the men's ~~or-women's~~
19 reformatory, or the Iowa correctional institution for women,
20 until ~~he-or-she~~ the inmate has served the full term for which
21 the inmate was sentenced, less good time earned and not
22 forfeited, unless the inmate is pardoned or otherwise legally
23 released. Any provision to the contrary notwithstanding,
24 good time earned and not forfeited shall apply to reduce a
25 mandatory minimum sentence being served pursuant to section
26 204.406, 204.413, 902.7, 902.8, or 906.5. The inmate shall
27 be deemed to be serving ~~his-or-her~~ the inmate's sentence from
28 the day on which the inmate is received into the institution,
29 but not while in solitary confinement for violation of the
30 rules of the institution, ~~provided, however.~~ However, if
31 an inmate had been confined to a county jail or other
32 correctional or mental institution at any time prior to
33 sentencing, or after sentencing but prior to the case having
34 been decided on appeal, because of failure to furnish bail
35 or because of being charged with a nonbailable offense, the

1 inmate shall be given credit for such days already served
2 in jail upon the term of the sentence. The clerk of the
3 district court of the county from which the inmate was
4 sentenced, shall certify to the warden the number of days
5 so served.

6 Sec. 95. Section 246.39, unnumbered paragraph 1, Code
7 1983, is amended to read as follows:

8 Each ~~prisoner~~ inmate who ~~shall-have~~ has no infraction of
9 the rules of discipline of the penitentiary, ~~or~~ the men's
10 ~~or-women's~~ reformatory, or the Iowa correctional institution
11 for women, or laws of the state, recorded against ~~him~~ the
12 inmate, and who performs in a faithful manner the duties
13 assigned to ~~him~~ the inmate, ~~shall-be~~ is entitled to a reduction
14 of sentence as follows, and if the sentence be for less than
15 a year, then the pro rata part thereof:

16 Sec. 96. Section 246.45, Code 1983, is amended to read
17 as follows:

18 246.45 APPLICABILITY TO OTHER INSTITUTIONS. Sections
19 246.38, 246.39, 246.41, 246.42, and 246.43 also apply to the
20 inmates at the ~~women's-reformatory~~ Iowa correctional
21 institution for women and the Iowa security and medical
22 facility.

23 Sec. 97. Section 246.48, subsection 1, Code 1983, is
24 amended to read as follows:

25 1. Beginning April 1, 1978, the medium security
26 correctional facility at Mount Pleasant shall be utilized
27 as a secure facility for treatment of inmates of adult
28 correctional institutions who exhibit treatable personality
29 disorders, with or without accompanying history of drug or
30 alcohol abuse. Such inmates may apply for and upon their
31 application may be selected for treatment by the staff of
32 the treatment facility at Mount Pleasant in accordance with
33 section ~~218-90~~ 217A.20.

34 Sec. 98. Section 246A.1, Code 1983, is amended to read
35 as follows:

1 246A.1 ESTABLISHED BY DEPARTMENT OF SOCIAL-SERVICES
2 CORRECTIONS. The Iowa department of ~~social-services-is-hereby~~
3 ~~authorized-to~~ corrections may establish a facility for the
4 preparation of all inmates of the corrective institutions
5 under the department's jurisdiction, for discharge or parole.
6 The facility shall be known as the correctional release center
7 and shall ~~be-operated-in-conjunction-with-and~~ utilize the
8 facilities of the prison honor farm at Newton, Iowa.

9 Sec. 99. Section 246A.2, Code 1983, is amended to read
10 as follows:

11 246A.2 SUPERINTENDENT. The director of ~~division~~ the Iowa
12 department of corrections, subject to approval of the
13 department board of corrections, shall appoint a superintendent
14 who shall serve as the chief executive of the correctional
15 release center. The superintendent shall be a reputable and
16 qualified person experienced in the administration of programs
17 for the rehabilitation and preparation of ~~prisoners~~ inmates
18 for their return to society.

19 Sec. 100. Section 246A.3, Code 1983, is amended to read
20 as follows:

21 246A.3 TRANSFER OF PRISONERS TO CENTER. The Iowa
22 department of corrections may transfer any inmate of a
23 corrective institution within ninety days of the inmate's
24 approaching release from custody to the release center for
25 intensive training to assist the inmate in the transition
26 to civilian living.

27 Sec. 101. Section 247.29, unnumbered paragraph 1, Code
28 1983, is amended to read as follows:

29 The clerk of the district court ~~shall~~, on or before July
30 15 each year, shall report to the board of parole and the
31 director of the ~~division~~ Iowa department of corrections ~~of~~
32 ~~the-department-of-social-services~~:

33 Sec. 102. Section 247.31, Code 1983, is amended to read
34 as follows:

35 247.31 AUDITOR TO REPORT STATISTICS TO CLERK. The county

1 auditor shall report to the clerk of the district court, on
2 or before July 5 of each year, the expenses of the county
3 in criminal prosecutions during the year ending June 30
4 preceding, including but distinguishing the compensation of
5 the county attorney. ~~Sueh~~ The report shall include all the
6 items of criminal expenses which appear in the records of
7 ~~his~~ the clerk's office and which are required to be reported
8 by the clerk of the district court to the board of parole
9 and the director of the ~~division~~ Iowa department of corrections
10 ~~of-the-department-of-social-services~~. The clerk of the
11 district court shall furnish to the auditor the blanks to
12 be used in making ~~sueh~~ the report.

13 Sec. 103. Section 247.32, Code 1983, is amended to read
14 as follows:

15 247.32 BIENNIAL REPORTS. The board of parole and the
16 ~~chief-parole-officer~~ judicial district departments of
17 correctional services shall make ~~sueh~~ detailed reports to
18 the director of the ~~division~~ Iowa department of corrections
19 ~~of-the-department-of-social-services~~ as are requested by ~~him~~
20 the director and ~~he~~ the director shall forward ~~sueh~~ the reports
21 along with ~~his~~ personal recommendations to the ~~emmissioner~~
22 board of corrections of the Iowa department of ~~social-services~~
23 corrections. The ~~emmissioner~~ board of corrections in turn
24 shall, biannually, at the time provided by law, report to
25 the governor a summary of paroles granted and releases
26 recommended, the names of all ~~prisoners~~ inmates who have
27 violated their paroles, and ~~sueh~~ other information concerning
28 this departmental operation as ~~may-be~~ deemed advisable,
29 including an abstract for each year of the returns relative
30 to criminal matters.

31 Sec. 104. Section 247A.2, Code 1983, is amended to read
32 as follows:

33 247A.2 PROGRAM. The Iowa department of ~~social-services~~
34 corrections shall establish a work release program under which
35 inmates sentenced to an institution under the jurisdiction

1 of the department may be granted the privilege of leaving
2 actual confinement during necessary and reasonable hours for
3 the purpose of working at gainful employment. Under
4 appropriate conditions the program may also include release
5 for the purpose of seeking employment and attendance at an
6 educational institution. In the case of inmates who have
7 children in their homes under the age of eighteen years, the
8 program may include child care and housekeeping in their
9 homes.

10 Sec. 105. Section 247A.3, Code 1983, is amended to read
11 as follows:

12 247A.3 COMMITTEE. A committee shall be designated by
13 the Iowa department of corrections consisting of one member
14 of the parole board or its designee, one representative of
15 the ~~division~~ Iowa department of corrections, and one
16 representative of the institution in which the inmate is
17 confined at the time of application.

18 Sec. 106. Section 247A.5, Code 1983, is amended to read
19 as follows:

20 247A.5 HOUSING FACILITIES--HALF-WAY HOUSES. ~~The department~~
21 ~~shall designate and adopt facilities in the institutions and~~
22 ~~camp under its jurisdiction for the housing of inmates granted~~
23 ~~work release privileges---in areas where facilities are not~~
24 ~~within reasonable proximity of the place of employment of~~
25 ~~an inmate so released~~ Unless the inmate is transferred to
26 the correctional release center, or returns after working
27 hours to the institution under jurisdiction of the department
28 of corrections, the department may of corrections shall
29 contract with the ~~proper authorities of political subdivisions~~
30 ~~of the state or suitable public or private agencies~~ a judicial
31 district department of correctional services for the quartering
32 and supervision of the inmate in local housing facilities.
33 The committee shall include as a specific term or condition
34 in the work release plan of any inmate the place where the
35 inmate is to be housed when not on the work assignment. The

1 committee shall not place an inmate on work release for longer
2 than six months in any twelve-month period, ~~provided, however,~~
3 ~~that.~~ However, an inmate may be placed on work release for
4 a period in excess of six months in any twelve-month period
5 if unanimous approval is given by the committee. Inmates
6 may be temporarily released to the supervision of a responsible
7 person to participate in family and selected community,
8 religious, educational, social, civic, and recreational
9 activities when it is determined that the participation will
10 directly facilitate the release transition from institution
11 to community. The department of corrections shall provide
12 a copy of the work release plan and a copy of any restitution
13 plan of payment to the judicial district department of
14 correctional services quartering and supervising the inmate.

15 Sec. 107. Section 247A.7, subsection 1, Code 1983, is
16 amended to read as follows:

17 1. An amount determined to be the cost to the state
18 judicial district department of correctional services for
19 providing food, lodging and clothing for the inmate while
20 under the program. The judicial district department of cor-
21 rectional services shall be reimbursed this amount unless
22 the contract with the department of corrections provides
23 otherwise.

24 Sec. 108. Section 247A.8, Code 1983, is amended to read
25 as follows:

26 247A.8 STATUS OF INMATES ON WORK RELEASE. ~~No~~ An inmate
27 employed in the community under ~~the provisions of~~ this chapter
28 ~~shall be deemed to be~~ is not an agent, employee, or involuntary
29 servant of the department of ~~social services~~ corrections nor
30 the judicial district department of correctional services
31 while released from confinement under the terms of any a work
32 release plan. ~~Should any~~ If an inmate ~~suffer~~ suffers an
33 injury arising out of or in the course of the inmate's
34 employment under this chapter, the inmate's recovery shall
35 be from the insurance carrier of the employer of the project

1 and no proceedings for compensation shall be maintained against
2 the insurance carrier of the state institution, ~~or~~ the state,
3 the insurance carrier of the judicial district department
4 of correctional services, or the judicial district department
5 of correctional services, and ~~it is understood that~~ there
6 is no employer-employee relationship between the inmate and
7 the state institution or the judicial district department
8 of correctional services.

9 Sec. 109. Section 247A.10, Code 1983, is amended to read
10 as follows:

11 247A.10 ALLEGED WORK RELEASE VIOLATORS--REIMBURSEMENT
12 TO COUNTIES FOR TEMPORARY CONFINEMENT. The ~~division~~ Iowa
13 department of adult corrections shall negotiate a reimbursement
14 rate with each county for the temporary confinement of alleged
15 violators of work release conditions who are in the custody
16 of the director of the ~~division~~ Iowa department of adult
17 corrections or who are housed or supervised by the judicial
18 district department of correctional services. The amount
19 to be reimbursed shall be determined by multiplying the number
20 of days ~~se~~ a person is confined by the average daily cost
21 of confining a person in the county facility as negotiated
22 with the department. Payment shall be made upon submission
23 of a voucher executed by the sheriff and approved by the
24 director of the ~~division~~ Iowa department of adult corrections.
25 The money shall be deposited in the county general fund to
26 be credited to the jail account.

27 Sec. 110. Section 255.28, Code 1983, is amended to read
28 as follows:

29 255.28 TRANSFER OF PATIENTS FROM STATE INSTITUTIONS.
30 The commissioner of the department of ~~social~~ human services
31 and, in respect to institutions under the commissioner's
32 control, the director of any of the divisions of such the
33 department, in respect to the institutions under the director's
34 control, the director of the Iowa department of corrections,
35 in respect to the institutions under the department's control,

1 and the state board in-control of regents in respect to the
2 Iowa braille and sight-saving school; and the Iowa school
3 for the deaf, may, ~~respectively,~~ send any inmate, student,
4 or patient of any ~~of-said~~ institutions, or any person committed
5 or applying for admission thereto, to the hospital of the
6 medical college of the state university for treatment and
7 care as provided in this chapter, without securing the order
8 of court required in other cases. ~~Said-state~~ The department
9 of ~~social~~ human services, the Iowa department of corrections
10 and the state board in-control of regents the-Iowa-braille
11 and-sight-saving-school-and-the-Iowa-school-for-the-deaf,
12 shall respectively pay the traveling expenses of any a patient
13 thus committed, and when necessary the traveling expenses
14 of an attendant for ~~such~~ the patient, out of funds appropriated
15 for the use of the institution from which ~~he~~ the patient is
16 sent.

17 Sec. 111. Section 255.29, Code 1983, is amended to read
18 as follows:

19 255.29 MEDICAL CARE FOR PAROLEES. The director of the
20 ~~division Iowa department of corrections of-the-department~~
21 ~~of-social-services~~ may send former inmates of the ~~Iowa-state~~
22 ~~penitentiary-and-men's-or-women's-reformatory institutions~~
23 provided for in section 217A.2, while on parole, to the
24 hospital of the college of medicine of the state University
25 of Iowa for treatment and care as provided in this chapter,
26 without securing the order of the court required in other
27 cases. ~~Said~~ The director may pay the traveling expenses of
28 any patient thus committed, and, when necessary, the traveling
29 expenses of an attendant of ~~such~~ the patient out of funds
30 appropriated for the use of ~~such~~ the division.

31 Sec. 112. Section 331.756, subsection 41, Code 1983, is
32 amended by striking the subsection.

33 Sec. 113. Section 331.756, subsection 42, Code 1983, is
34 amended to read as follows:

35 42. Provide the Iowa department of ~~social-services~~

1 corrections with information relating to the background and
2 criminal acts committed by each person sentenced to a state
3 correctional institution from the county as provided in section
4 ~~218-97~~ 217A.36.

5 Sec. 114. Section 356.14, Code 1983, is amended to read
6 as follows:

7 356.14 REFRACTORY PRISONERS. If any person confined in
8 a jail is refractory or disorderly or willfully destroys or
9 injures any part ~~thereof~~ of the jail or of its contents, the
10 sheriff may secure ~~such~~ the person or cause ~~him-or-her~~ the
11 person to be kept in solitary confinement not more than ten
12 days for any one offense, during which time the person may
13 be fed minimum diet requirements as established by the Iowa
14 department of ~~social-services~~ corrections unless other food
15 is necessary for the preservation of the person's health.

16 Sec. 115. Section 356.36, Code 1983, is amended to read
17 as follows:

18 356.36. ESTABLISHMENT OF JAIL STANDARDS. The Iowa depart-
19 ment of ~~social-services~~ corrections, in consultation with
20 the Iowa state sheriff's association and the Iowa board of
21 supervisors association, shall draw up minimum standards for
22 the regulation of jails and alternative jails. When completed
23 by the department, the standards shall be ~~promulgated~~ adopted
24 as rules pursuant to chapter 17A.

25 The sole remedy for violation of a rule adopted pursuant
26 to this section, is by a proceeding for compliance initiated
27 by request to the Iowa department of ~~social-services~~
28 corrections. A violation of a rule does not permit any civil
29 action to recover damages against the state of Iowa, its
30 departments, agents, or employees or any county, its agents
31 or employees.

32 Sec. 116. Section 356.43, Code 1983, is amended to read
33 as follows:

34 356.43 INSPECTION BY DEPARTMENT--REPORT OF INSPECTION.
35 The ~~state~~ Iowa department of ~~social-services~~ corrections and

1 its inspectors and agents shall ~~have-the-power-and-duty-to~~
2 make periodic inspections of each ~~such~~ jail and all ~~such~~
3 facilities established pursuant to chapter 356A, and officially
4 ~~to~~ notify the county board of supervisors in writing to comply
5 fully with ~~the-provisions-of~~ section 356.36.

6 The Iowa department of ~~social-services~~ corrections may
7 order the governing body of a political subdivision to either
8 correct ~~any~~ violations found in the inspection of a jail
9 within a designated period, or may prohibit the confinement
10 of prisoners in the jail. If the governing body fails to
11 comply with the order within the period designated, the Iowa
12 department of ~~social-services~~ corrections may schedule a
13 hearing on the alleged violation. The department may subpoena
14 witnesses, documents, and other information deemed necessary
15 to determine the validity of the alleged violation. The
16 department shall upon written request from the governing body
17 of the political subdivision grant representatives of the
18 political subdivision the right to appear before the department
19 at the hearing. ~~Such~~ The representatives shall have the right
20 to counsel and may produce witnesses and present statements,
21 documents, and other information with respect to the alleged
22 violation for consideration at the hearing.

23 The department after the hearing shall affirm, revoke,
24 or modify the original order. If the order is upheld, the
25 department may include a schedule for correction of the
26 ~~violation-of~~ violations and designate the date ~~before~~ by which
27 each violation shall be corrected.

28 If the political subdivision does not comply with the order
29 within the designated period, the department may petition
30 the attorney general to institute proceedings to enjoin the
31 political subdivision from confining prisoners in the jail
32 and require the transfer of prisoners to a jail declared by
33 the director to be suitable for confinement. The county or
34 municipality from which prisoners are transferred shall-be
35 is liable for the cost of transfer and expenditures incurred

1 in the confinement of prisoners in the jail to which
2 transferred. Following inspection of any county jail, a
3 report of the same inspection shall be filed with the director
4 of the ~~division~~ Iowa department of corrections ~~of-the~~
5 ~~department-of-social-services~~, and a copy shall be filed with
6 the sheriff, the county board of supervisors, and one copy
7 with the county attorney, which shall be presented at the
8 next session of the grand jury of that county.

9 Sec. 117. Section 690.4, unnumbered paragraph 2, Code
10 1983, is amended to read as follows:

11 It shall also be the duty of the ~~said~~ wardens and super-
12 intendants to procure the taking of five- by seven-inch
13 photographic negative showing the full length view of each
14 convict, prisoner or inmate of the penitentiary, men's
15 reformatory, and ~~women's-reformatory~~ Iowa correctional insti-
16 tution for women in ~~his-ex-her~~ the inmate's release clothing
17 immediately prior to ~~his-ex-her~~ the inmate's discharge from
18 the institution either upon expiration of sentence or commit-
19 ment or on parole, and to forward ~~such~~ the photographic nega-
20 tive within two days after ~~the-same~~ it is taken to the division
21 of criminal investigation and bureau of identification, Iowa
22 department of public safety.

23 Sec. 118. Section 692.1, subsection 7, Code 1983, is
24 amended to read as follows:

25 7. "Correctional data" means information pertaining to
26 the status, location, and activities of persons under the
27 supervision of the county sheriff, the ~~division~~ Iowa department
28 of corrections ~~of-the-department-of-social-services~~, the board
29 of parole, or any other state or local agency performing the
30 same or similar function, but does not include investigative,
31 sociological, psychological, economic, or other subjective
32 information maintained by the ~~division~~ Iowa department of
33 corrections ~~of-the-department-of-social-services~~ or board
34 of parole.

35 Sec. 119. Section 707.2, subsection 4, Code 1983, is

1 amended to read as follows:

2 4. The person intentionally kills a peace officer,
3 correctional officer, public employee, or hostage while such
4 the person is imprisoned in a correctional institution under
5 the jurisdiction of the Iowa department of ~~social-services~~
6 corrections, or in a city or county jail.

7 Sec. 120. Section 719.4, subsection 3, Code 1983, is
8 amended to read as follows:

9 3. ~~Any~~ A person who has been committed to ~~any~~ an
10 institution under the control of the ~~division~~ Iowa department
11 of ~~adult~~ corrections, or to ~~any~~ a jail or correctional
12 institution, who knowingly and voluntarily absents himself
13 or herself from ~~any~~ a place where the person is required to
14 be, commits a serious misdemeanor.

15 Sec. 121. Section 719.7, Code 1983, is amended to read
16 as follows:

17 719.7 FURNISHING INTOXICANT TO INMATES. ~~Any~~ A person
18 not authorized by law who furnishes or knowingly makes
19 available ~~any~~ an intoxicating beverage to ~~any~~ an inmate at
20 ~~any~~ a detention facility, correctional institution, or ~~any~~
21 an institution under the management of the Iowa department
22 of ~~social-services~~ corrections, or who introduces ~~any~~ an
23 intoxicating beverage into the premises of ~~any~~ such an
24 institution, commits a ~~simple-misdemeanor~~ class "D" felony.

25 Sec. 122. Section 719.8, Code 1983, is amended to read
26 as follows:

27 719.8 FURNISHING CONTROLLED SUBSTANCE TO INMATES. ~~Any~~
28 A person not authorized by law who furnishes or knowingly
29 makes available ~~any~~ a controlled substance to ~~any~~ an inmate
30 at ~~any~~ a detention facility or correctional institution, or
31 at ~~any~~ an institution under the management of the Iowa
32 department of ~~social-services~~ corrections, or who introduces
33 ~~any~~ a controlled substance into the premises of ~~any~~ such an
34 institution, commits a class "D" felony.

35 Sec. 123. Section 724.2, subsection 4, Code 1983, is

1 amended to read as follows:

2 4. Any A correctional officer, serving in an institution
3 under the authority of the ~~division~~ Iowa department of adult
4 corrections.

5 Sec. 124. Section 724.4, subsection 4, Code 1983, is
6 amended to read as follows:

7 4. Any A correctional officer, when ~~his-or-her~~ the
8 officer's duties require, serving under the authority of the
9 ~~division~~ Iowa department of adult corrections.

10 Sec. 125. Section 901.4, Code 1983, is amended to read
11 as follows:

12 901.4 PRESENTENCE INVESTIGATION REPORT CONFIDENTIAL.

13 The court may, ~~in its discretion,~~ make the presentence
14 investigation report or parts of it available to the defendant,
15 or the court may make the report or parts of it available
16 while concealing the identity of the person who provided
17 confidential information. The report of any a medical
18 examination or psychiatric evaluation shall be made available
19 to the attorney for the state and to the defendant upon
20 request. ~~Such~~ The reports shall be part of the record but
21 shall be sealed and opened only on order of the court. ~~In~~
22 ~~any case where~~ If the defendant is committed to the custody
23 of the ~~division~~ Iowa department of adult corrections and is
24 not a class "A" felon, a copy of the presentence investigation
25 report shall be sent to the director at the time of commitment.

26 Sec. 126. Section 901.7, Code 1983, is amended to read
27 as follows:

28 901.7 COMMITMENT TO CUSTODY. In imposing a sentence of
29 confinement for more than one year, the court shall commit
30 the defendant to the custody of the director of the ~~division~~
31 Iowa department of adult corrections. Upon entry of judgment
32 and sentence, the clerk of the district court immediately
33 shall notify the director of ~~such~~ the commitment. The court
34 shall make ~~such~~ an order as ~~is~~ appropriate for the temporary
35 custody of the defendant pending the defendant's transfer

1 to the custody of the director. The court shall order the
2 county where a person was convicted to pay the cost of
3 temporarily confining the person and of transporting the
4 person to the state institution where ~~he-or-she~~ the person
5 is to be confined in execution of the judgment.

6 Sec. 127. Section 901.8, Code 1983, is amended to read
7 as follows:

8 901.8 CONSECUTIVE SENTENCES. If a person is sentenced
9 for two or more separate offenses, the sentencing judge may
10 order the second or further sentence to begin at the expiration
11 of the first or succeeding sentence. If a person is sentenced
12 for escape under section 719.4 or for a crime committed while
13 confined in a detention facility or penal institution, the
14 sentencing judge shall order the sentence to begin at the
15 expiration of any existing sentence. If the person is
16 presently in the custody of the director of the ~~division~~ Iowa
17 department of ~~adult~~ corrections, the sentence shall be served
18 at the facility or institution in which the person is already
19 confined unless the person is transferred by the director.
20 If consecutive sentences are specified in the order of
21 commitment, the several terms shall be construed as one
22 continuous term of imprisonment.

23 Sec. 128. Section 902.1, Code 1983, is amended to read
24 as follows:

25 902.1 CLASS "A" FELONY. Upon a plea of guilty, a verdict
26 of guilty, or a special verdict upon which a judgment of
27 conviction of a class "A" felony may be rendered, the court
28 shall enter a judgment of conviction and shall commit the
29 defendant into the custody of the director of the ~~division~~
30 Iowa department of ~~adult~~ corrections for the rest of the
31 defendant's life. Nothing in the Iowa corrections code
32 pertaining to deferred judgment, deferred sentence, suspended
33 sentence, or reconsideration of sentence ~~shall-apply~~ applies
34 to a class "A" felony, and ~~no~~ a person convicted of a class
35 "A" felony shall not be released on parole unless the governor

1 commutes the sentence to a term of years.

2 Sec. 129. Section 902.3, Code 1983, is amended to read
3 as follows:

4 902.3 INDETERMINATE SENTENCE. When a judgment of
5 conviction of a felony, other than a class "A" felony is
6 entered against any a person, the court, in imposing a sentence
7 of confinement, shall commit the person into the custody of
8 the director of the ~~division~~ Iowa department of adult
9 corrections for an indeterminate term, the maximum length
10 of which shall not exceed the limits as fixed by section 902.9
11 or section 707.3 nor shall the term be less than the minimum
12 term imposed by law, if a minimum sentence is provided.

13 Sec. 130. Section 902.4, Code 1983, is amended to read
14 as follows:

15 902.4 RECONSIDERATION OF FELON'S SENTENCE. For a period
16 of ninety days from the date when a person convicted of a
17 felony, other than a class "A" felony or a felony for which
18 a minimum sentence of confinement is imposed, begins to serve
19 a sentence of confinement, the court, on its own motion or
20 on the recommendation of the ~~commissioner~~ director of ~~social~~
21 ~~services~~ the Iowa department of corrections, may order the
22 person to be returned to the court, at which time the court
23 may review its previous action and reaffirm it or substitute
24 for it any sentence permitted by law. The court's final order
25 in ~~any-such~~ the proceeding shall be delivered to the defendant
26 personally or by certified mail. ~~Such-action-is-discretionary~~
27 ~~with-the-court,-and-its~~ The court's decision to take ~~such~~
28 the action or not to take ~~such~~ the action is not subject to
29 appeal. ~~The-provisions-of-this-section-notwithstanding~~
30 However, for the purposes of appeal, a judgment of conviction
31 of a felony is a final judgment when pronounced.

32 Sec. 131. Section 902.5, Code 1983, is amended to read
33 as follows:

34 902.5 PLACE OF CONFINEMENT. The director of the ~~division~~
35 Iowa department of adult corrections shall determine the

1 appropriate place of confinement of any person committed to
2 the director's custody, in any institution administered by
3 the director, and may transfer the person from one institution
4 to another during the person's period of confinement.

5 Sec. 132. Section 902.6, Code 1983, is amended to read
6 as follows:

7 902.6 RELEASE. A person who has been committed to the
8 custody of the director of the ~~division~~ Iowa department of
9 ~~adult~~ corrections shall remain in ~~such~~ custody until released
10 by the order of the board of parole, in accordance with the
11 law governing paroles, or by order of the judge after
12 reconsideration of a felon's sentence pursuant to section
13 902.4 or until the maximum term of the person's confinement,
14 as fixed by law, has been completed.

15 Sec. 133. Section 902.10, Code 1983, is amended to read
16 as follows:

17 902.10 APPLICATION FOR INVOLUNTARY HOSPITALIZATION. For
18 the purposes of chapter 229, the director of the ~~division~~
19 Iowa department of corrections ~~shall-be-considered is~~ an
20 interested person and all applicable provisions of chapter
21 229, relating to involuntary hospitalization, ~~shall~~ apply
22 to any persons who have been committed to the custody of the
23 ~~division~~ Iowa department of corrections as a result of a
24 conviction of a public offense.

25 Sec. 134. Section 903.4, Code 1983, is amended to read
26 as follows:

27 903.4 PROVIDING PLACE OF CONFINEMENT. All persons
28 sentenced to confinement for a period of one year or less
29 shall be confined in a place to be furnished by the county
30 where the conviction was had unless the person is presently
31 committed to the custody of the director of the ~~division~~ Iowa
32 department of ~~adult~~ corrections, in which case the provisions
33 of section 901.8 apply. All persons sentenced to confinement
34 for a period of more than one year shall be committed to the
35 custody of the director of the ~~division~~ Iowa department of

1 adult corrections to be confined in a place to be designated
2 by the director and the cost of ~~such~~ the confinement shall
3 be borne by the state. The director may contract with local
4 governmental units for the use of detention or correctional
5 facilities maintained by ~~such~~ the units for the confinement
6 of such persons.

7 Sec. 135. Section 905.1, subsection 2, Code 1983, is
8 amended to read as follows:

9 2. "Community-based correctional program" means
10 correctional programs and services designed to supervise and
11 assist individuals who are charged with or have been convicted
12 of a felony, an aggravated misdemeanor or a serious
13 misdemeanor, or who are on probation or parole in lieu of
14 or as a result of a sentence of incarceration imposed upon
15 conviction of any of these offenses, or who are contracted
16 to the district department for supervision and housing while
17 on work release.

18 Sec. 136. Section 905.4, subsections 2, 4, and 9, Code
19 1983, are amended to read as follows:

20 2. Employ a director having the qualifications required
21 by section 905.6 to head the district department's community-
22 based correctional program and, within a range established
23 by the ~~state~~ Iowa department of ~~social-services~~ corrections,
24 fix the compensation of and have control over the director
25 and the district department's staff. For purposes of
26 collective bargaining under chapter 20, employees of the
27 district board who are not exempt from chapter 20 ~~shall be~~
28 are employees of the state, and the employees of all of the
29 district boards shall be included within one collective
30 bargaining unit.

31 4. File with the board of supervisors of each county in
32 the district and with the ~~state~~ Iowa department of ~~social~~
33 ~~services~~ corrections, within thirty days after the close of
34 each fiscal year, a report covering the district board's
35 proceedings and a statement of receipts and expenditures

1 during the preceding fiscal year.

2 9. Arrange, by contract or on ~~such an~~ alternative basis
3 ~~as-may-be~~ mutually acceptable, and with approval of the
4 director of the ~~division~~ Iowa department of ~~adult~~ corrections
5 ~~of-the-department-of-social-services~~ or that director's
6 designee for utilization of existing local treatment and
7 service resources, including but not limited to employment,
8 job training, general, special, or remedial education;
9 psychiatric and marriage counseling; and alcohol and drug
10 abuse treatment and counseling. It is the intent of this
11 chapter that a district board shall approve the development
12 and maintenance of such resources by its own staff only if
13 the resources ~~to-be-so-developed-and-maintained~~ are otherwise
14 unavailable to the district department within reasonable
15 proximity to the community where these services are needed
16 in connection with the community-based correctional program.

17 Sec. 137. Section 905.5, subsection 1, Code 1983, is
18 amended to read as follows:

19 1. The county designated under section 905.4, subsection
20 3 as administrative agent for each district department, or
21 the district department itself, if designated as administrative
22 agent by the district board, shall submit that district
23 department's budget and supporting information to the ~~state~~
24 Iowa department of ~~social-services~~ corrections in accordance
25 with the provisions of chapter 8. The state department shall
26 incorporate the budgets of each of the district departments
27 into its own budget request, to be processed as prescribed
28 by the uniform budget, accounting and administrative procedures
29 established by the state comptroller. Funds appropriated
30 pursuant to the budget requests of the respective district
31 departments shall be allocated on a quarterly basis, and the
32 state comptroller shall authorize advancement of the funds
33 so allocated to each district department's administrative
34 agent, or to the district department itself if the district
35 department acts as administrative agent, at the beginning

1 of each fiscal quarter.

2 Sec. 138. Section 905.6, subsections 1, 2, and 6, Code
3 1983, are amended to read as follows:

4 1. Perform the duties and have the responsibilities
5 delegated by the district board or specified by the state
6 Iowa department of ~~social-services~~ corrections pursuant to
7 this chapter.

8 2. Manage the district department's community-based
9 correctional program, in accordance with the policies of the
10 district board and the state Iowa department of ~~social-services~~
11 corrections.

12 6. Develop and submit to the district board a plan for
13 the establishment, implementation, and operation of a
14 community-based correctional program in that judicial district,
15 which program conforms to the guidelines drawn up by the state
16 Iowa department of ~~social-services~~ corrections under this
17 chapter.

18 Sec. 139. Section 905.7, unnumbered paragraph 1, Code
19 1983, is amended to read as follows:

20 The state Iowa department of ~~social-services~~ corrections
21 shall provide assistance and support to the respective judicial
22 districts to aid them in complying with this chapter, and
23 shall promulgate rules pursuant to chapter 17A establishing
24 guidelines in accordance with and in furtherance of the
25 purposes of this chapter. The guidelines ~~so-adopted~~ shall
26 include, but need not be limited to, requirements that each
27 district department:

28 Sec. 140. Section 905.7, subsection 1, Code 1983, is
29 amended to read as follows:

30 1. Provide pretrial release, presentence investigations,
31 probation services, parole services, work release services,
32 and residential treatment centers throughout the district,
33 as necessary.

34 Sec. 141. Section 905.8, Code 1983, is amended to read
35 as follows:

1 905.8 STATE FUNDS ALLOCATED. The ~~state~~ Iowa department
2 of ~~social-services~~ corrections shall provide for the allocation
3 among judicial districts in the state of ~~any~~ state funds
4 appropriated for the establishment, operation, support, and
5 evaluation of community-based correctional programs and
6 services. However, ~~no~~ state funds shall not be allocated
7 under this section to ~~any~~ a judicial district unless the ~~state~~
8 Iowa department of corrections has reviewed and approved that
9 district department's community-based correctional program
10 for compliance with the requirements of this chapter and the
11 guidelines adopted under section 905.7.

12 Sec. 142. Section 905.9, Code 1983, is amended to read
13 as follows:

14 905.9 REPORT OF REVIEW--SANCTION. Upon completion of
15 a review of a district community-based correctional program,
16 made under section 905.8, the ~~state~~ Iowa department of ~~social~~
17 ~~services~~ corrections shall submit its findings to the district
18 board in writing. If the ~~state~~ Iowa department of corrections
19 concludes that the district department's community-based
20 correctional program fails to meet any of the requirements
21 of this chapter and of the guidelines adopted under section
22 905.7, it shall also request in writing a response to this
23 finding from the district board. If ~~no~~ a response is not
24 received within sixty days after the date of that request,
25 or if the response is unsatisfactory, the ~~state~~ Iowa department
26 of corrections may call a public hearing on the matter. If
27 after the hearing, the ~~state~~ Iowa department of corrections
28 is not satisfied that the district's community-based
29 correctional program will expeditiously be brought into
30 compliance with the requirements of this chapter and of the
31 guidelines adopted under section 905.7, it may assume
32 responsibility for administration of the district's community-
33 based correctional program on an interim basis.

34 Sec. 143. Section 905.10, Code 1983, is amended to read
35 as follows:

1 905.10 POST-INSTITUTIONAL PROGRAMS AND SERVICES. Persons
2 participating in post-institutional services shall, except
3 those persons paroled and those persons contracted to the
4 district department, remain under the jurisdiction of the
5 ~~state Iowa~~ department of ~~social-services-division-of~~
6 corrections. The state district department of correctional
7 services shall maintain adequate personnel to provide post-
8 institutional residential services, parole services, and
9 supervision of persons transferred into the state under the
10 interstate compact for supervision of parolees and
11 probationers.

12 Sec. 144. Section 906.1, Code 1983, is amended to read
13 as follows:

14 906.1 DEFINITION OF PAROLE. Parole is the release of
15 a person who has been committed to the custody of the
16 ~~commissioner~~ director of ~~social-services~~ the Iowa department
17 of corrections by reason of the person's commission of a
18 public offense, which release occurs prior to the expiration
19 of the person's term, is subject to supervision by the district
20 department of ~~social-services~~ correctional services, and on
21 conditions imposed by the district department.

22 Sec. 145. Section 906.3, Code 1983, is amended to read
23 as follows:

24 906.3 AUTHORITY OF PAROLE BOARD. The board of parole
25 shall ~~promulgate-regulations~~ adopt rules regarding a system
26 of paroles from correctional institutions, and shall direct,
27 control, and supervise the administration of ~~such~~ the system
28 of paroles. The board shall determine which of those persons
29 who have been committed to the custody of the director of
30 the ~~division~~ Iowa department of ~~adult~~ corrections, by reason
31 of their conviction of a public offense, shall be released
32 on parole. The grant or denial of parole ~~shall~~ is not be
33 deemed a contested case as defined in section 17A.2.

34 Sec. 146. Section 906.5, Code 1983, is amended to read
35 as follows:

1 906.5 RECORD REVIEWED--ELIGIBILITY OF PRIOR FORCIBLE FELON
2 FOR PAROLE--RULES. Within one year after the commitment of
3 ~~any~~ a person other than a class "A" felon to the custody of
4 the director of the ~~division~~ Iowa department of adult
5 corrections, a member of the board shall interview the person.
6 Thereafter, at regular intervals, not to exceed one year,
7 the board shall interview the person and consider ~~his-er-her~~
8 the person's prospects for parole. At such time, the board
9 shall consider all pertinent information regarding this person,
10 including the circumstances of the person's offense, any
11 presentence report which may be available, the previous social
12 history and criminal record of ~~such~~ the person, the person's
13 conduct, employment, and attitude in prison, and the reports
14 of ~~such~~ physical and mental examinations as that have been
15 made.

16 If the person who is under consideration for parole is
17 serving a sentence for conviction of a felony and has a
18 criminal record of one or more prior convictions for a forcible
19 felony or a crime of a similar gravity in this or any other
20 state, parole shall be denied unless the ~~defendant~~ person
21 has served at least one-half of the maximum term of ~~his-er~~
22 ~~her~~ the sentence.

23 ~~Every~~ A person while on parole shall ~~be~~ is under the
24 supervision of the district department of ~~social-services~~
25 correctional services of the district designated by the board
26 of parole, which district department shall prescribe
27 regulations for governing persons on parole. The board may
28 adopt other rules not inconsistent with the ~~above~~ rules of
29 the district department as it ~~may-deem~~ deems proper or
30 necessary for the performance of its functions.

31 Sec. 147. Section 906.10, Code 1983, is amended to read
32 as follows:

33 906.10 PAROLE RELIEF FUND. There is ~~hereby~~ established,
34 from any unappropriated funds in the state treasury, a fund
35 of twelve hundred fifty dollars which shall be known as the

1 parole relief fund. The treasurer of the state shall continue
 2 to maintain said the fund in said that amount. Said The fund
 3 may be used for the relief of paroled prisoners who are in
 4 distress because of illness, loss of employment, or conditions
 5 creating personal need. ~~In no instance shall the~~ The total
 6 amount advanced to a prisoner shall not exceed one hundred
 7 dollars. The prisoner, at the time of receiving an
 8 advancement, shall execute and deliver to ~~his or her~~ the
 9 parole officer ~~his or her~~ a written obligation to repay the
 10 ~~same~~ advance during the period of the prisoner's parole.
 11 When ~~so~~ paid, the amount shall be deposited with the treasurer
 12 of ~~the~~ state and credited to the fund from which drawn. Such
 13 ~~fund~~ The advance shall be drawn on vouchers executed by the
 14 director of the ~~bureau~~ Iowa department of adult corrections
 15 in favor of said the needy person. Each voucher shall show
 16 that the advancement was ordered by the ~~chief parole officer~~
 17 director of the judicial district department of correctional
 18 services, after approval by the director of the department
 19 of corrections.

20 Sec. 148. Section 906.11, Code 1983, is amended to read
 21 as follows:

22 906.11 ASSIGNMENT TO PAROLE OFFICER. A person released
 23 on parole shall be assigned to a parole officer by the ~~chief~~
 24 ~~parole officer~~ director of the judicial district department
 25 of correctional services. Both the person and ~~his or her~~
 26 the person's parole officer shall be furnished in writing
 27 with the conditions of ~~his or her~~ parole including a copy
 28 of the plan of restitution and the restitution plan of payment,
 29 if any, and the regulations which the person will be required
 30 to observe. The parole officer shall explain these conditions
 31 and regulations to the person, and supervise, assist, and
 32 counsel the person during the term of ~~his or her~~ the person's
 33 parole.

34 Sec. 149. Section 906.17, Code 1983, is amended to read
 35 as follows:

1 906.17 ALLEGED PAROLE VIOLATORS--REIMBURSEMENT TO COUNTIES
2 FOR TEMPORARY CONFINEMENT. The ~~division~~ Iowa department of
3 ~~adult~~ corrections shall reimburse a county for the temporary
4 confinement of alleged parole violators. The amount to be
5 reimbursed shall be determined by multiplying the number of
6 days ~~so~~ confined by the average daily cost of confining a
7 person in the county facility as negotiated by the department.
8 Payment shall be made upon submission of a voucher executed
9 by the sheriff and approved by the director of the ~~division~~
10 Iowa department of ~~adult~~ corrections. The money shall be
11 deposited in the county general fund to be credited to the
12 jail account.

13 Sec. 150. Section 908.5, Code 1983, is amended to read
14 as follows:

15 908.5 WAIVER OF PROBABLE CAUSE HEARING. The alleged
16 parole violator may waive the probable cause hearing, in which
17 event the liaison officer shall proceed as upon a finding
18 of probable cause. Before accepting a waiver of hearing,
19 the liaison officer shall inform the alleged violator of the
20 charge, of the alleged violator's right to a hearing to
21 determine whether there is probable cause to believe that
22 parole has been violated, and that if the hearing is waived,
23 the alleged violator will be committed to the custody of the
24 Iowa department of ~~social-services~~ corrections without further
25 proceedings, to await the determination of the parole board.
26 The liaison officer shall make a verbatim record of the
27 proceedings in which the hearing is waived.

28 Sec. 151. Section 908.6, Code 1983, is amended to read
29 as follows:

30 908.6 DISPOSITION BY LIAISON OFFICER. If it appears from
31 the evidence that there is no probable cause to believe that
32 the arrested person has violated the conditions of parole,
33 the liaison officer shall order the arrested person to be
34 released from custody and continued on parole. If it appears
35 that there is probable cause to believe that the arrested

1 person has violated the conditions of parole, the liaison
2 officer shall commit the arrested person to the custody of
3 the Iowa department of ~~social-services~~ corrections, and the
4 procedure prescribed in section 901.7 shall apply to ~~such~~
5 the commitment; or the liaison officer may recommend that
6 the arrested person be admitted to bail as provided in section
7 908.2. The liaison officer shall make a summary of the
8 testimony and other evidence considered and a statement of
9 the facts relied on as a basis for the finding of probable
10 cause or no probable cause, and shall without delay forward
11 them together with all documents relating to the matter to
12 the executive secretary of the parole board. If the alleged
13 parole violator has waived the probable cause hearing, the
14 verbatim record of that proceeding shall be forwarded in lieu
15 of the summary of evidence and statement of facts.

16 Sec. 152. Section 908.7, Code 1983, is amended to read
17 as follows:

18 908.7 ACTION BY PAROLE BOARD. Upon a finding of probable
19 cause to believe that a parole violation has occurred, the
20 board of parole shall proceed without unreasonable delay to
21 hear the charge of parole violation. Upon receipt of the
22 record prepared and forwarded by the liaison officer, the
23 board shall fix a time and place for ~~such~~ the hearing and
24 shall notify in writing the alleged violator, the alleged
25 violator's attorney of record, if any, and the Iowa department
26 of ~~social-services~~ corrections of ~~such~~ the hearing and the
27 claimed violation of parole. The alleged violator shall be
28 given an opportunity to be heard by the board under ~~such~~ rules
29 as the board shall adopt. The inquiry shall be limited to
30 the following two matters: 1. Did the alleged parole
31 violation actually occur? 2. If the violation did occur,
32 should the violator's parole be revoked?

33 PARAGRAPH DIVIDED. If the board determines that the parole
34 should be revoked, it shall make an order revoking the parole.
35 The board shall furnish the violator with a written statement

1 of the facts relied upon to establish a violation and the
2 reasons for revoking parole.

3 Sec. 153. Section 908.8, Code 1983, is amended to read
4 as follows:

5 908.8 PROCEEDING WITHOUT ARREST OR PROBABLE CAUSE. The
6 board of parole may receive from a parole officer a charge
7 or complaint of parole violation against any parolee and may
8 proceed to a hearing on ~~such~~ the charge in any case where
9 the alleged violator has not been arrested or has been arrested
10 and discharged by the liaison officer on a finding of no
11 probable cause. The presence of the alleged violator at ~~such~~
12 the hearing shall be secured by summons. A statement of the
13 charge against the alleged violator shall accompany the
14 summons, and the parole officer shall give the alleged violator
15 ~~such~~ assistance as is needed to get to the place of the
16 hearing. Travel expenses, if any, shall be paid by the board.
17 If the alleged violator fails without good cause to appear
18 as commanded by the summons, ~~such~~ the failure shall be
19 considered a violation of the parole, and the board may proceed
20 to revoke parole. If the parole is revoked, the board shall
21 issue a warrant for the person's arrest and return to the
22 custody of the Iowa department of ~~social-services~~ corrections.
23 Upon ~~his-or-her~~ the person's return to custody, the board
24 ~~shall~~, upon request, shall give the person an opportunity
25 to present any matters in defense or mitigation of the conduct.

26 Sec. 154. Section 908.9, Code 1983, is amended to read
27 as follows:

28 908.9 DISPOSITION OF VIOLATOR. If the parole of any a
29 parole violator is revoked, the violator shall remain in the
30 custody of the Iowa department of ~~social-services~~ corrections
31 under the terms of the parolee's original commitment. If
32 the parole of any a parole violator is not revoked, the board
33 shall order ~~his-or-her~~ the person's release subject to the
34 terms of ~~his-or-her~~ the person's parole with any modifications
35 that the board ~~shall-determine~~ determines proper.

1 Sec. 155. Section 910.5, subsections 3 and 4, Code 1983,
2 are amended to read as follows:

3 3. If an offender is to be placed on work release from
4 a facility under control of a county sheriff or the judicial
5 district department of correctional services, restitution
6 shall be a condition of work release. The judicial district
7 department of correctional services shall prepare a restitution
8 plan of payment or may modify any previously existing
9 restitution plan of payment. The new or modified plan of
10 payment shall reflect the offender's present circumstances
11 concerning the offender's income, physical and mental health,
12 education, employment and family circumstances. Failure of
13 the offender to comply with the restitution plan of payment
14 including the community service requirement, if any, shall
15 constitute a violation of a condition of work release. The
16 judicial district department of correctional services may
17 modify the plan of restitution at any time to reflect the
18 offender's present circumstances.

19 4. If an offender is to be placed on parole, restitution
20 shall be a condition of parole. The ~~parole-officer~~ district
21 department of correctional services to which the offender
22 will be assigned shall prepare a restitution plan of payment
23 or may modify any previously existing restitution plan of
24 payment. The new or modified plan of payment shall reflect
25 the offender's present circumstances concerning the offender's
26 income, physical and mental health, education, employment,
27 and family circumstances. Failure of the offender to comply
28 with the restitution plan of payment including a community
29 service requirement, if any, shall constitute a violation
30 of a condition of parole. The parole officer may modify the
31 plan of payment any time to reflect the offender's present
32 circumstances. A restitution plan of payment or modified
33 plan of payment, prepared by a parole officer, must meet the
34 approval of the ~~chief-of-the-bureau~~ director of ~~community~~
35 the district department of correctional services of-the

1 ~~division-of-adult-corrections.~~

2 Sec. 156. 1981 Iowa Acts, chapter 9, section 7, subsection
3 6, is amended to read as follows:

4 6. The following are range four positions: superintendent
5 of banking, director of the Iowa beer and liquor control
6 department, chairperson and members of the Iowa state commerce
7 commission, director of the state conservation commission,
8 director of the Iowa development commission, director of the
9 educational radio and television facility board, director
10 of the Iowa department of job service, director of the depart-
11 ment of general services, commissioner of health, director
12 of the office for planning and programming, director of the
13 department of corrections, and commissioner of public safety.

14 Sec. 157. Sections 217.13, 217.14, 217.22, 218.7, 218.90,
15 218.91, 218.97, 247.22, 247.23, and 356.45, Code 1983, are
16 repealed.

17 Sec. 158. Sections 8.6, subsection 19; 12.10; 13.6; 17.3,
18 subsection 5; 17.30, unnumbered paragraph 1; 19A.3, sub-
19 sections 13 and 18 and unnumbered paragraph 5; 23.1, unnum-
20 bered paragraph 2; 64.6, subsection 3; 68B.2, subsection 4;
21 80C.2, unnumbered paragraph 2; 92.17, subsection 4; 97B.49,
22 subsection 10; 122.5; 125.10, subsection 4; 125.43; 125.47;
23 135C.14, unnumbered paragraph 1; 135C.16, subsection 3;
24 135C.17; 135C.19, subsection 3 and unnumbered paragraph 1;
25 135C.22; 158.3, subsection 1, paragraph e; 159.5, unnumbered
26 paragraph 4; 175.30; 217.2, unnumbered paragraph 1; 217.3,
27 unnumbered paragraph 1 and subsections 2, 3, 4, and 8; 217.5,
28 unnumbered paragraph 1; 217.16; 217.18; 217.21, subsections
29 4 and 5; 217.32, 217.33; 217.37; 218.1, unnumbered paragraph
30 1; 218.2, unnumbered paragraph 2; 218.3; 218.4, unnumbered
31 paragraphs 1 and 3; 218.5; 218.7; 218.9, unnumbered paragraphs
32 1 and 3; 218.10; 218.11; 218.13; 218.14, unnumbered paragraph
33 1; 218.16; 218.18; 218.21; 218.22; 218.28; 218.29; 218.30;
34 218.46, subsection 1; 218.50; 218.55; 218.57; 218.58; 218.61;
35 218.64; 218.72; 218.73; 218.74; 218.75; 218.78; 218.83; 218.84;

1 218.85; 218.88; 218.90; 218.91; 218.93; 218.94, unnumbered
2 paragraph 1; 218.96; 218.97; 218.98; 218.99; 218.100; 218A.2;
3 218A.4; 219.7; 219.24; 220.3, subsection 12; 220A.2, subsection
4 4; 220A.3; 220A.4; 221.1; 221.2; 221.3; 222.2, subsection
5 3; 222.10; 222.13, unnumbered paragraph 2; 222.31, subsection
6 2; 222.59, subsections 1, 4, and 5; 222.60, unnumbered
7 paragraph 1; 222.88, unnumbered paragraph 1; 222.93; 225C.2,
8 subsections 2, 3, 4, and 5; 225C.4, subsection 2, paragraphs
9 b and c; 225C.6; subsection 1, paragraph k and subsection
10 2; 226.47; 227.19; 229.1, subsection 13; 229.15, subsection
11 4; 229.19, unnumbered paragraph 1; 229.23, subsection 3;
12 229.24, subsection 1; 230.15; 230.20, subsection 1, paragraph
13 b; 230.31; 230.34; 232.2, subsections 6 and 12; 232.21,
14 subsection 2, paragraph c; 232.52, subsection 2, paragraph
15 d, subparagraph (3) and paragraph e; 232.68, subsection 3;
16 232.69, subsection 1, paragraph b; 232.70, subsections 2,
17 3, 4, unnumbered paragraph 1, and subsection 6; 232.71,
18 subsections 1, 5, 6, 7, 9, 10, and 11; 232.72, unnumbered
19 paragraphs 1 and 2; 232.77; 232.79, subsection 4; 232.81,
20 subsection 2; 232.82, subsection 2; 232.87, subsection 2;
21 232.89, subsection 3; 232.96, subsections 4 and 6; 232.97,
22 subsection 1; 232.100; 232.101, subsection 1; 232.102,
23 subsection 1, paragraph c, and subsections 2 and 5; 232.111,
24 subsection 1; 232.117, subsection 3, paragraph a; 235.2,
25 subsection 8; 235A.1, subsection 1, unnumbered paragraph 1,
26 subsection 2, and subsection 4, paragraph a; 235A.14,
27 subsections 1, 3, 4, and 5; 235A.15, subsection 2, paragraphs
28 b and k; 235A.18, subsection 3; 235A.24, subsections 1 and
29 2; 236.9, unnumbered paragraph 1; 237.1, subsections 4 and
30 5; 237.3, subsection 1; 237A.1, subsections 1 and 2; 237A.13,
31 subsections 1 and 2; 238.1; 238.12, unnumbered paragraph 1;
32 238.35; 238.36; 239.1, subsection 1; 239.2, subsection 4,
33 paragraph e; 239.3, unnumbered paragraph 2; 239.5, unnumbered
34 paragraphs 2 and 3; 239.7; 239.18; 239.19; 239A.2, unnumbered
35 paragraph 1; 241.1, subsections 2 and 3; 241.4, subsection

1 2; 242.1; 242.15, unnumbered paragraph 1; 244.1, subsection
2 1; 244.5; 245.1; 245.10; 246.48, subsection 2; 247.23; 247A.7,
3 subsection 3; 249.1, subsections 4 and 5; 249.4; 249.12;
4 249A.2, subsections 1 and 2; 249A.4, subsection 10; 249A.11;
5 249A.13; 249B.17; 249C.1, subsections 1 and 2; 251.1; 252.6;
6 252.26; 252.43; 252A.12; 252A.13; 252B.1, subsections 4 and
7 5; 252B.2; 252B.3, unnumbered paragraph 2, 252B.5, subsection
8 4; 257.17, subsection 1; 263.10; 281.2, subsection 2,
9 unnumbered paragraph 2; 321.149; 321.165; 321.253; 331.382,
10 subsection 6; 331.402, subsection 2, paragraph b; 331.702,
11 subsections 44, 46, 48, and 137; 331.756, subsection 64;
12 347.16, subsection 2; 356.37; 356.45; 421.17, subsection 21,
13 unnumbered paragraph 1 and paragraphs c and g; 422.45,
14 subsection 5, unnumbered paragraph 1, and subsection 7; 425.2,
15 unnumbered paragraph 3; 427.9; 447.9; 470.5; 509.1, subsection
16 7; 514.1; 598.12, subsections 2 and 3; 598.34, unnumbered
17 paragraph 1; 600.8, subsection 2, paragraph b; 600.17,
18 unnumbered paragraph 1; 600.18; 600.22; 600A.2, subsection
19 13; 601C.2, subsection 1; 601F.3, subsection 2; 675.38; 692.2,
20 subsection 1, paragraph c; 692.3, subsection 2; 708.7,
21 subsection 5; 812.4; 812.5; and 912.3, subsection 4, Code
22 1983, and 1981 Iowa Acts, chapter 9, section 7, subsection
23 7, are amended by striking the words "social services" and
24 inserting in lieu thereof the words "human services".

25 Sec. 159. INITIAL TERMS. Notwithstanding section 217A.4,
26 the terms of the initial members of the board of corrections
27 appointed pursuant to section 217A.4 shall be as follows:

28 One member shall serve until April 30, 1985.

29 Two members shall serve until April 30, 1986.

30 Two members shall serve until April 30, 1987.

31 Members of the board shall commence serving their terms July
32 1, 1983.

33 Sec. 160. TRANSITION. This bill takes effect October
34 1, 1983 except that this section and sections 158 and 159
35 of this Act take effect July 1, 1983. On July 1, 1983 the

1 initial appointees to the board of corrections shall commence
2 serving their terms as provided in section 159 of this Act
3 and shall organize, promulgate rules, and shall perform all
4 duties as provided for in section 217A.5 as necessary to
5 insure the commencement of the operation of the department
6 of corrections on October 1, 1983. As soon as practicable
7 after the effective date of this section the board shall
8 recommend and the governor shall appoint a person to act as
9 director of the department. The acting director shall perform
10 those duties of section 217A.8 and any other duties assigned
11 by the board, necessary to insure commencement of the operation
12 of the department on October 1, 1983. The department of human
13 services shall provide staffing and support for the board
14 of corrections until October 1, 1983. In addition to the
15 staffing and support provided by the department of human ser-
16 vices, the acting director shall employ a transition team
17 to help organize the department to insure the commencement
18 of the department on October 1, 1983.

19 The department of human services shall retain the respon-
20 sibilities and duties of adult corrections as provided for
21 in the Code until October 1, 1983 at which time employees
22 of the division of adult corrections of the department of
23 human services, shall become employees of the Iowa department
24 of corrections including the farm operations administrator
25 for the department of human services. All policies,
26 procedures, and rules established for or by the division of
27 adult corrections of the department of social services or
28 human services shall apply respectively to the Iowa department
29 of corrections, its employees, residents, and inmates, until
30 otherwise changed as provided by law or rule promulgated by
31 the board of corrections. All applicable contracts and leasing
32 arrangements shall be transferred to the jurisdiction of the
33 Iowa department of corrections on October 1, 1983. All
34 equipment, supplies, and property in the custody of the
35 division of adult corrections of the department of social

1 services or human services, shall be transferred to the Iowa
2 department of corrections on that date. Funds appropriated
3 for the division of adult corrections shall be transferred
4 and be available for the use of the Iowa department of
5 corrections on and after that date.

6 The department of corrections shall contract with the
7 department of human services until July 1, 1986 for the sup-
8 plying of food for the institutions and the use of the depart-
9 ment of human services' central warehouse. The board of
10 corrections shall study the issue of the purchasing and storing
11 of food for the institutions and shall adopt a policy as to
12 the future purchasing and warehousing of food. The study
13 shall include the feasibility of growing crops and raising
14 livestock at the institutions for consumption at the
15 institutions.

16 All other contracts, rules, regulations, orders, and
17 directives promulgated and in effect for the Iowa department
18 of social services remain in force and effect for the
19 department of human services even though the department's
20 name has changed. The department of human services may use
21 the stationery and other goods containing the symbol of the
22 department of social services remaining with the department
23 of human services until such time as the goods are replaced.
24 The department of social services may change its official
25 seal upon the effective date of the name change of the
26 department.

27 Sec. 161. The Code editor may change any reference to
28 the "division of corrections" and any reference to the "women's
29 reformatory" inadvertantly remaining in the Code to the "Iowa
30 department of corrections" and the "Iowa correctional facility
31 for women" and make other corrective changes consistent with
32 the intent of this Act.

33 EXPLANATION

34 This bill creates a department of corrections to assume
35 most of the duties and responsibilities of the present division

1 of corrections of the department of social services. The
2 new department of corrections would be responsible for the
3 administration of, and the control, treatment, and
4 rehabilitation of persons committed to the Iowa correctional
5 institution for women, the men's reformatory, the state
6 penitentiary, the Iowa security and medical facility, the
7 men's medium security correctional facility at Rockwell City,
8 the Clarinda correctional treatment unit, the Mount Pleasant
9 correctional facility, the correctional release center,
10 rehabilitation camps, and other institutions.

11 The general administration of the department is placed
12 with the board of corrections created in this Act, while the
13 director, who is appointed by the governor, performs
14 supervisory responsibilities.

15 A new chapter 217A is created and many sections of the
16 bill refer to sections in this new chapter. The new department
17 would commence October 1, 1984 with a transitional phase-in
18 before that date.

19 The bill also changes the name of the department of social
20 services to the department of human services.

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SENATE FILE 464
FISCAL NOTE

REQUESTED BY SENATOR SLATER

In compliance with a written request there is hereby submitted a Fiscal Note for Senate File 464 pursuant to Joint Rule 17.

Senate File 464 separates the Division of Adult Corrections from the Department of Social Services and establishes a new Department of Corrections. The Department of Corrections would assume all of the responsibilities of the Division of Adult Corrections including, accreditation and funding of community based corrections programs, administration of the adult corrections institutions, and administration of Iowa State Industries and the farming program. The new department would contract for property management and warehouse services. The bill also changes the name of the Department of Social Services to the Department of Human Services.

Fiscal Impact: The primary impact of Senate File 464 is on the central office operations of the Departments of Corrections and Social (Human) Services. All funding for salaries and support allocated for the administration of the Division of Adult Corrections and staff in other divisions in DSS identified as provided to the Division of Adult Corrections would be transferred to the Department of Corrections. In addition, DSS is responsible for providing most of the necessary equipment and supplies to the new department.

The following table shows the costs associated with the creation of the Department of Corrections. The higher cost in Fiscal Year 1984 is primarily to the costs associated with the transition staff from July 1, 1983 to October 1, 1983.

Department of Corrections
Fiscal Summary

	<u>FY 1985</u>	<u>FY 1985</u>
Central Office	\$ 1,420,000.	\$ 1,920,000.
Funding Transfers from DSS:		
Division of Adult Corrections	(820,000.)	(1,180,000.)
Support Staff/Services	<u>(420,000.)</u>	<u>(600,000.)</u>
Increase over Current	\$ <u>==180,000.==</u>	\$ <u>==140,000.==</u>

(1308S, 83-415, DAW)

SOURCES: DEPARTMENT OF SOCIAL SERVICES
MERIT EMPLOYMENT DEPARTMENT

FILED:
MARCH 23, 1983

BY LEGISLATIVE FISCAL BUREAU
DENNIS C. PROUTY, DIRECTOR

S-3341

1 Amend Senate File 464 as follows:

2 1. Page 2, line 4, by striking the word "five"
3 and inserting in lieu thereof the word "seven".

4 2. Page 2, line 5, by striking the word "three"
5 and inserting in lieu thereof the word "four".

6 3. Page 3, lines 31 and 32, by striking the words
7 ", to the extent that resources are available within
8 the department,".

9 4. Page 4, by striking lines 3 through 8 and
10 inserting in lieu thereof the words "reliant. However,
11 the director may also provide rehabilitative treatment
12 and services to other persons who require the services.
13 The director shall identify all individuals entering
14 the correctional system who are mentally retarded,
15 as defined in section 222.2, subsection 5.

16 Identification shall be made by a qualified mental
17 retardation professional. In assigning a mentally
18 retarded offender, or an offender with an inadequately
19 developed intelligence or with impaired mental
20 abilities, to a correctional facility, the director
21 shall consider both the program needs and the security
22 needs of the offender."

23 5. Page 5, line 18, by inserting after the word
24 "including" the word "facility".

25 6. Page 10, by inserting after line 4 the
26 following:

27 "___ Administer the revolving farm fund created
28 in section 217A.48".

29 7. Page 10, line 10, by inserting after the word
30 "institution" the words and figure "subject to chapter
31 19A".

32 8. Page 19, by inserting after line 28 the
33 following:

34 "The director may with the assistance of the Iowa
35 state conservation commission establish and operate
36 forestry nurseries on state-owned land under the
37 control of the department. Residents of the adult
38 correctional institutions shall provide the labor
39 for the operation. Nursery stock shall be sold in
40 accordance with the rules of the state conservation
41 commission. The department shall pay the costs of
42 establishing and operating the forestry nurseries
43 out of the revolving farm fund created in section
44 217A.48. The state conservation commission shall
45 pay the costs of transporting, sorting, and
46 distributing nursery stock to and from or on state-
47 owned land under the control of the commission.
48 Receipts from the sale of nursery stock produced under
49 this section shall be divided between the department
50 and the state conservation commission in direct

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S-3341 - PAGE 2

1 proportion to their respective costs as a percentage
2 of the total costs. The department shall deposit
3 its receipts in the revolving farm fund created in
4 section 217A.48."

5 9. Page 20, by inserting after line 23 the
6 following:

7 "As used in this section, "department" means the
8 Iowa department of corrections and the Iowa department
9 of human services.

10 The farm operations administrator appointed under
11 section 217A.16 shall perform the functions described
12 under section 217A.16 for agricultural operations
13 on property of the Iowa department of human services.

14 The Iowa department of human services shall enter
15 into an agreement under chapter 28D with the Iowa
16 department of corrections to implement this paragraph."

17 10. Page 22, by inserting after line 15 the
18 following:

19 "Sec. ____ Section 19A.3, subsection 13, Code
20 1983, is amended to read as follows:

21 13. All physicians, psychiatrists, and heads of
22 institutions under the jurisdiction of the Iowa
23 department of ~~social-services~~ human services and the
24 Iowa department of corrections."

25 11. Page 48, by striking lines 10 and 11, and
26 inserting in lieu thereof the following: "of which
27 shall not exceed the limits as fixed by section 707.3
28 or section 902.9 nor shall the term be less than the
29 minimum".

30 12. Page 51, line 20, by striking the figure "3"
31 and inserting in lieu thereof the figure "3,".

32 13. Page 54, line 5, by striking the word
33 "services" and inserting in lieu thereof the word
34 "services+".

35 14. Page 63, line 28, by striking the word "One"
36 and inserting in lieu thereof the word "Two".

37 15. Page 63, line 30, by striking the word "Two"
38 and inserting in lieu thereof the word "Three".

39 16. Page 63, by striking line 35 and inserting
40 in lieu thereof the words and figures "of this Act
41 take effect July 1, 1983 and parole and work release
42 programs and responsibilities assigned to community-
43 based corrections under section 217A.3, subsection
44 1, shall be performed by the Iowa department of
45 corrections until July 1, 1984. On July 1, 1983 the".

46 17. Page 64, by striking lines 21 through 25 and
47 inserting in lieu thereof the words and figures "in
48 the Code until October 1, 1983 at which time all
49 positions and incumbent staff on the table of
50 organization of the division of adult corrections

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S-3341 - PAGE 3

1 of the Iowa department of human services and the farm
2 operations administrator for the Iowa department of
3 human services are transferred to the Iowa department
4 of corrections. The Iowa merit employment department
5 in cooperation with the director of the Iowa department
6 of corrections and the director of the Iowa department
7 of human services shall establish a special procedure
8 for the period beginning July 1, 1983 and ending
9 September 1, 1983 for consideration of applications
10 from persons currently employed by the Iowa department
11 of human services for positions available with the
12 Iowa department of corrections. After September 1,
13 1983 employment of persons by the Iowa department
14 of corrections is subject to rules of the Iowa merit
15 employment department. Duties may be reassigned at
16 the discretion of the director of the Iowa department
17 of corrections to align with the organizational and
18 functional needs of the new agency. Employees of
19 the department of human services whose duty assignments
20 are transferred or terminated because of this Act
21 may be reassigned to other duties or terminated.
22 Employees so transferred or reassigned shall not lose
23 any rights, privileges, or benefits accrued that were
24 associated with their status prior to the effective
date of this Act. All policies,".

18. Page 65, line 5, by inserting after the word
"date." the following: "In addition, funds
28 appropriated to the department of human services for
29 salaries and support and supplies, equipment, and
30 property of staff identified as providing support
31 services to the division of adult corrections shall
32 be transferred to the department of corrections on
33 October 1, 1983."

34 19. Renumber as necessary.

S-3341 FILED BY RICHARD F. DRAKE
MARCH 24, 1983 TOM SLATER
Adopted as amended by 3348 (p. 958) 3/25/83 ROBERT M. CARR

SENATE FILE 464

S-3343

1 Amend Senate File 464 as follows:

2 1. Page 3, line 8, by striking the words "at the
3 pleasure of the governor" and inserting in lieu thereof
4 the words "for a term of four years".

5 2. Page 16, line 8, by inserting after the word
6 "them." the words "If the department develops and
7 utilizes an inmate classification system, it must,
8 within a reasonable time, present evidence from
independent experts as to the effectiveness and
validity of the classification system."

S-3343 FILED BY TOM MANN, JR.
MARCH 24, 1983

A - Xant
B - Adopted 3/25/83 (p. 956)

S-3259

1 Amend Senate File 464 as follows:

2 1. Page 19, by inserting after line 28 the
3 following:

4 "The director may with the assistance of the Iowa
5 state conservation commission establish and operate
6 forestry nurseries on state owned land under the
7 control of the department. Residents of the adult
8 correctional institutions shall provide the labor
9 for the operation. Nursery stock shall be sold in
10 accordance with the rules of the state conservation
11 commission. The department shall pay the costs of
12 establishing and operating the forestry nurseries
13 out of the revolving farm fund created in section
14 217A.48. The state conservation commission shall
15 pay the costs of transporting, sorting, and
16 distributing nursery stock to and from or on state
17 owned land under the control of the commission.
18 Receipts from the sale of nursery stock produced under
19 this section shall be divided between the department
20 and the state conservation commission in direct
21 proportion to their respective costs as a percentage
22 of the total costs. The department shall deposit
23 its receipts in the revolving farm fund created in
24 section 217A.48."

25 2. Page 48, by striking lines 10 and 11, and
26 inserting in lieu thereof the following: "of which
27 shall not exceed the limits as fixed by section 707.3
28 or section 902.9 nor shall the term be less than the
29 minimum".

30 3. Page 51, line 20, by striking the number "3"
31 and inserting in lieu thereof the number "3,".

32 4. Page 54, line 5, by striking the word "~~services~~"
33 and inserting in lieu thereof the word "~~services~~".

34 5. Page 64, line 21, by striking the word
35 "employees" and inserting in lieu thereof the words
36 "authorized positions".

37 6. Page 64, line 23, by striking the word
38 "employees" and inserting in lieu thereof the words
39 "authorized positions".

40 7. Page 65, line 5, by inserting after the word
41 "date." the following: "In addition, funds
42 appropriated to the department of human services for
43 salaries, support, supplies, equipment, and property
44 of staff identified as providing support services
45 to the division of adult corrections shall be
46 transferred to the department of corrections on October
47 1, 1983."

S-3259 FILED
MARCH 21, 1983

BY COMMITTEE ON STATE GOVERNMENT
TOM SLATER, CHAIR

4/15 3/25 (p. 955)

SENATE FILE 464

S-3350

1 Amend Senate File 464 as follows:

2 1. Page 55, by striking lines 23 through 30 and
3 inserting in lieu thereof the following:

4 "Every A person while on parole shall be is under
5 the supervision of the district department of social
6 services, -which correctional services of the district
7 designated by the board of parole. The department
8 of corrections shall prescribe regulations for
9 governing persons on parole. The board may adopt
10 other rules not inconsistent with the above rules
11 of the department of corrections as it may-deem deems
12 proper or necessary for the performance of its
13 functions."

S-3350 FILED & ADOPTED
MARCH 25, 1983 (p. 958)

BY DONALD V. DOYLE
RICHARD F. DRAKE

SENATE 4
MARCH 28, 1983

S-3348

SENATE FILE 464

1 Amend amendment S-3341 to Senate File 464 as
2 follows:

3 1. Page 1, line 22, by inserting after the word
4 "offender." the words "The director shall consult
5 with the department of human services in providing
6 habilitative services and treatment to mentally ill
7 and mentally retarded offenders."

8 2. Page 1, by striking lines 23 and 24 and
9 inserting in lieu thereof the following:

10 "5. Page 5, by striking lines 17 through 21 and
11 inserting in lieu thereof the following:

12 "4. The director may obtain assistance for the
13 department including construction, facility planning,
14 data processing and project accomplishment, by
15 contracting under chapter 28E with the department
16 of human services or the department of general
17 services."

18 3. Page 1, by inserting before line 25 the
19 following:

20 "___ . Page 9, by striking lines 14 and 15 and
21 inserting in lieu thereof the words "administrator
22 for institutions under the control of the departments
23 of corrections and human services. If appointed,
24 the farm operations administrator,".

25 ___ . Page 9, by striking line 19 and inserting
26 in lieu thereof the words "at institutions, farms
27 and gardens of the departments of corrections and
28 human services."

29 ___ . Page 9, line 25, by inserting after the word
30 "inmates" the words "and residents. The department
31 of human services must approve the parts of the plan
32 that affect farm operations on property of institutions
33 having programs of the department of human services".

34 4. Page 2, by inserting after line 45 the
35 following:

36 "___ . Page 64, line 17, by inserting after the
37 word "department" the words "to identify with the
38 department of human services the administrative support
39 staff, equipment, and other resources to be transferred
40 to the department of corrections, consistent with
41 the purposes of this Act, and".

42 5. Page 3, by striking line 26 through 33.

S-3348 FILED & ADOPTED
MARCH 25, 1983 (p. 958)

BY TOM SLATER

S-3347

SENATE FILE 464

1 Amend Senate File 464 as follows:

2 1. Page 65, line 20, by striking the word "may"
3 and inserting in lieu thereof the word "shall".

S-3347 FILED & ADOPTED
MARCH 25, 1983 (p. 956)

BY DOUG RITSEMA

See House Resolution 3/30/83

Amend per H-35587 Do Pass 4/6/83

SENATE FILE

464

BY COMMITTEE ON STATE GOVERNMENT

(AS AMENDED AND PASSED BY THE SENATE MARCH 25, 1983)

Passed Senate, Date 4-18-83 (p. 1281) Passed House, Date 4-11-83 (p. 1184)

Vote: Ayes 42 Nays 4 Vote: Ayes 94 Nays 4

Approved May 6, 1983 (p. 1578)

A BILL FOR

1 An Act relating to the creation of the Iowa department of
2 corrections, prescribing its powers and duties, appro-
3 priating moneys, and providing penalties.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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_____ = New Language
by the Senate

* = Language Stricken
by the Senate

1 Section 1. Sections 2 through 55 are enacted as a new
2 chapter 217A of the Code.

3 Sec. 2. NEW SECTION. 217A.1 DEFINITIONS. For purposes
4 of this chapter, unless the context otherwise requires:

5 1. "Department" means the Iowa department of corrections
6 established in section 217A.2.

7 2. "Board" means the board of corrections established
8 in section 217A.4.

9 3. "Director" means the director of the department.

10 Sec. 3. NEW SECTION. 217A.2 DEPARTMENT ESTABLISHED.

11 The Iowa department of corrections is established to be
12 responsible for the control, treatment, and rehabilitation
13 of offenders committed under law to the following institutions:

14 1. Iowa correctional institution for women.

15 2. Iowa state men's reformatory.

16 3. Iowa state penitentiary.

17 4. Iowa security and medical facility.

18 5. North central correctional facility.

19 6. Mount Pleasant correctional facility.

20 7. Clarinda correctional treatment facility.

21 8. Correctional release center.

22 9. Rehabilitation camps.

23 10. Other institutions related to an institution in
24 subsections 1 through 9 but not attached to the campus of
25 the main institution as program developments require.

26 Sec. 4. NEW SECTION. 217A.3 RESPONSIBILITIES OF DEPART-
27 MENT. The department shall administer the institutions listed
28 in section 217A.2. The department shall be responsible to
29 the extent provided for by law for all of the following:

30 1. Accreditation and funding of community based corrections
31 programs including but not limited to pretrial release,
32 probation, residential facilities, presentence investigation,
33 parole, and work release.

34 2. Iowa state industries.

35 3. Jail inspections.

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1 4. Other duties provided for by law.

2 Sec. 5. NEW SECTION. 217A.4 BOARD CREATED. A board
3 of corrections is created within the department. The board
4 shall consist of seven members appointed by the governor
5 subject to confirmation by the senate. Not more than four
6 of the members shall be from the same political party. Members
7 shall be electors of this state and each member shall be a
8 resident of a different congressional district. Members of
9 the board shall serve four-year staggered terms.

10 Sec. 6. NEW SECTION. 217A.5 BOARD--DUTIES. The board
11 of corrections shall:

12 1. Organize annually and select a chairperson and vice
13 chairperson.

14 2. Adopt and establish policies for the operation and
15 conduct of the department and the implementation of all
16 department programs.

17 3. Recommend to the governor the names of individuals
18 qualified for the position of director when a vacancy exists
19 in the office.

20 4. Report immediately to the governor any failure by the
21 director of the department to carry out any of the policy
22 decisions or directives of the board.

23 5. Approve the budget of the department prior to submission
24 to the governor.

25 6. Adopt rules in accordance with chapter 17A as the board
26 deems necessary to transact its business and for the
27 administration and exercise of its powers and duties.

28 7. Make recommendations from time to time to the governor
29 and the general assembly.

30 8. Perform other functions as provided by law.

31 Sec. 7. NEW SECTION. 217A.6 MEETINGS. The board shall
32 meet at least twelve times a year. Special meetings may be
33 called by the chairperson or upon written request of any three
34 members of the board. The chairperson shall preside at all
35 meetings or in the chairperson's absence, the vice chairperson

1 shall preside. The members of the board shall be paid forty
2 dollars per diem while in session, and their reasonable and
3 necessary expenses while attending the meetings.

4 Sec. 8. NEW SECTION. 217A.7 DIRECTOR--APPOINTMENT AND
5 QUALIFICATIONS. The chief administrative officer for the
6 department is the director. The director shall be appointed
7 by the governor subject to confirmation by the senate and
8 shall serve at the pleasure of the governor. The director
9 shall be qualified in reformatory and prison management,
10 knowledgeable in community-based corrections, and shall possess
11 administrative ability. The director shall also have ex-
12 perience in the field of criminology and discipline and in
13 the supervision of inmates in corrective penal institutions.
14 The director shall not be selected on the basis of political
15 affiliation and shall not engage in political activity while
16 employed as the director. The director shall not hold any
17 other office under the laws of the United States or of this
18 or any state or hold any position for profit and shall devote
19 full time to the duties of office.

20 Sec. 9. NEW SECTION. 217A.8 DIRECTOR--GENERAL DUTIES
21 AND RESPONSIBILITIES.

22 1. The director shall:

23 a. Supervise the operations of the institutions under
24 the department's jurisdiction and may delegate the powers
25 and authorities given the director by statute to one of the
26 officers or employees of the department.

27 b. Supervise state agents whose duties relate primarily
28 to the department.

29 c. Establish and maintain acceptable standards of
30 treatment, training, education, and rehabilitation in the
* 31 various state penal and corrective institutions which shall
32 include habilitative services and treatment for mentally
33 retarded offenders. For the purposes of this paragraph,
34 habilitative services and treatment means medical, mental
35 health, social, educational, counseling, and other services

1 which will assist a mentally retarded person to become self-
2 reliant. However, the director may also provide rehabilitative
3 treatment and services to other persons who require the
4 services. The director shall identify all individuals entering
5 the correctional system who are mentally retarded, as defined
6 in section 222.2, subsection 5. Identification shall be made
7 by a qualified mental retardation professional. In assigning
8 a mentally retarded offender, or an offender with an
9 inadequately developed intelligence or with impaired mental
10 abilities, to a correctional facility, the director shall
11 consider both the program needs and the security needs of
12 the offender. The director shall consult with the department
13 of human services in providing habilitative services and
14 treatment to mentally ill and mentally retarded offenders.

15 d. Employ, assign, and reassign personnel as necessary
16 for the performance of duties and responsibilities assigned
17 to the department. Employees shall be selected on the basis
18 of fitness for work to be performed with due regard to training
19 and experience and are subject to chapter 19A.

20 e. Examine all state institutions which are penal,
21 reformatory, or corrective to determine their efficiency for
22 adequate care, custody, and training of their inmates and
23 report the findings to the board.

24 f. Prepare a budget for the department, subject to the
25 approval of the board, and other reports as required by law.

26 g. Develop long-range correctional planning and an on-
27 going five-year corrections masterplan. The director shall
28 annually report to the general assembly to inform its members
29 as to the status and content of the planning and masterplan.

30 h. Supervise rehabilitation camps within the state as
31 may be established by the director. Persons committed to
32 institutions under the department may be transferred to the
33 facilities of the camp system and upon transfer shall be
34 subject to the same laws as pertain to the transferring
35 institution.

1 i. Adopt rules subject to the approval of the board,
2 pertaining to the internal management of institutions and
3 agencies under the director's charge and necessary to carry
4 out the duties and powers outlined in this section.

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5 2. The director, with the express approval of the board,
6 may establish for any inmate sentenced pursuant to section
7 902.3 a furlough program under which inmates sentenced to
8 and confined in any institution under the jurisdiction of
9 the department may be temporarily released. A furlough for
10 a period not to exceed fourteen days may be granted when an
11 immediate member of an inmate's family is seriously ill or
12 has died, when an inmate is to be interviewed by a prospective
13 employer, or when an inmate is authorized to participate in
14 a training program not available within the institution.
15 Furloughs for a period not to exceed fourteen days may also
16 be granted in order to allow inmates to participate in programs
17 or activities that serve rehabilitative objectives.

18 3. The director may establish a sales bonus system for
19 the sales representatives for prison industry products. If
20 a sales bonus system is established, the system shall not
21 affect the status of the sales representatives under chapter
22 19A.

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23 4. The director may obtain assistance for the department
24 including construction, facility planning, data processing
25 and project accomplishment, by contracting under chapter 28E
26 with the department of human services or the department of
27 general services.

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28 Sec. 10. NEW SECTION. 217A.9 OFFICIAL SEAL. The
29 department shall have an official seal with the words "Iowa
30 Department of Corrections" and other engraved design as the
31 board prescribes. Every commission, order, or other paper
32 of an official nature executed by the department may be
33 attested with the seal.

34 Sec. 11. NEW SECTION. 217A.10 TRAVEL EXPENSES. The
35 director, staff members, assistants, and employees, in addition

1 to salary, shall receive their necessary traveling expenses
2 by the nearest practicable route, when engaged in the
3 performance of official business. Permission shall not be
4 granted to any person to travel to another state except by
5 approval of the board and the executive council.

6 Sec. 12. NEW SECTION. 217A.11 REPORT BY DEPARTMENT.
7 Annually at the time provided by law, the department shall
8 make a report to the governor and the general assembly, which
9 shall cover the annual period ending with June thirtieth
10 preceding the date of the report and shall include:

11 1. An itemized statement of the department's expendi-
12 tures for each program under the department's administra-
13 tion.

14 2. Adequate and complete statistical reports for the state
15 as a whole concerning payments made under the department's
16 administration.

17 3. Recommendations concerning changes in laws under the
18 department's administration as the board deems necessary.

19 4. Observations and recommendations of the board and the
20 director relative to the programs of the department.

21 5. Information concerning long-range planning and the
22 masterplan as provided by section 217A.8, subsection 1,
23 paragraph g.

24 6. Other information the board or the director deems
25 advisable, or which is requested by the governor or the general
26 assembly.

27 Sec. 13. NEW SECTION. 217A.12 CONFIDENTIALITY OF RECORDS-
28 -REPORT.

29 1. The following information regarding individuals
30 receiving services from the department is confidential:

31 a. Names and addresses of individuals receiving services
32 from the department, and the types of services or amounts
33 of assistance provided, except as otherwise provided in
34 subsection 4.

35 b. Information concerning the social or economic con-

1 ditions or circumstances of particular individuals who are
2 receiving or have received services or assistance from the
3 department.

4 c. Agency evaluations of information about a particular
5 individual.

6 d. Medical or psychiatric data, including diagnosis and
7 past history of disease or disability, concerning a particular
8 individual.

9 2. Information described in subsection 1 shall not be
10 disclosed to or used by any person or agency except for
11 purposes of administration of the department's programs of
12 services or assistance and shall not, except as otherwise
13 provided in subsection 4, be disclosed to or used by persons
14 or agencies outside the department unless they are subject
15 to standards of confidentiality comparable to those imposed
16 on the department by this section.

17 3. This section does not restrict the disclosure or use
18 of information regarding the cost, purpose, number of persons
19 served or assisted by, and results of any program administered
20 by the department, and other general and statistical
21 information, so long as the information does not identify
22 particular individuals served or assisted.

23 4. The general assembly finds and determines that the
24 use and disclosure of information as provided in this sub-
25 section is for purposes directly connected with the adminis-
26 tration of the programs of services and assistance referred
27 to in this section and is essential for their proper
28 administration.

29 Confidential information described in subsection 1,
30 paragraphs a, b and c shall be disclosed to public officials
31 for use in connection with their official duties relating
32 to law enforcement, audits, and other purposes directly
33 connected with the administration of the programs, upon written
34 application to and with the approval of the director or the
35 director's designee.

1 5. If it is established that a provision of this section
2 would cause any of the department's programs of services or
3 assistance to be ineligible for federal funds, the provision
4 shall be limited or restricted to the extent which is essential
5 to make the program eligible for federal funds. The department
6 shall adopt, pursuant to chapter 17A, rules necessary to
7 implement this subsection.

8 6. Violation of this section is a serious misdemeanor.

9 7. This section takes precedence over section 17A.12,
10 subsection 7.

11 Sec. 14. NEW SECTION. 217A.13 ACTION FOR DAMAGES. A
12 person may institute a civil action for damages under chapter
13 25A or to restrain the dissemination of confidential records
14 set out in subsection 1, paragraph b, c, or d of section
15 217A.12, in violation of that section, and a person, including
16 but not limited to an agency or governmental body, proven
17 to have disseminated or to have requested and received
18 confidential records in violation of subsection 1, paragraph
19 b, c, or d of section 217A.12, is liable for actual damages
20 and exemplary damages for each violation and is liable for
21 court costs, expenses, and reasonable attorneys' fees incurred
22 by the party bringing the action. The award for damages shall
23 not be less than one hundred dollars.

24 Any reasonable grounds to believe that a public employee
25 has violated a provision of section 217A.12 is grounds for
26 immediate removal from access of any kind to confidential
27 records or suspension from duty without pay.

28 Sec. 15. NEW SECTION. 217A.14 POWERS OF GOVERNOR--REPORT
29 OF ABUSES. Section 217A.8, subsection 1, paragraph a, does
30 not limit the general supervisory or examining powers vested
31 in the governor by the laws or constitution of the state,
32 or legally vested by the governor in a committee appointed
33 by the governor.

34 The superintendent of an institution shall make reports
35 to the board and the director as requested by the board and

1 the director and the director shall report, in writing, to
2 the governor any abuses found to exist in any of the
3 institutions.

4 Sec. 16. NEW SECTION. 217A.15 APPOINTMENT OF
5 SUPERINTENDENTS. The director shall appoint, subject to the
6 approval of the board, the superintendents of the institutions
7 provided for in section 217A.2.

8 The superintendent has the immediate custody and control,
9 subject to the orders and policies of the director, of all
10 property used in connection with the institution except as
11 otherwise provided by statute. The tenure of office of a
12 superintendent shall be at the pleasure of the appointing
13 authority but a superintendent may be removed for inability
14 or refusal to properly perform the duties of the office.
15 Removal shall occur only after an opportunity is given the
16 person to be heard before the board and the director and upon
17 preferred written charges. The removal when made is final.

18 Sec. 17. NEW SECTION. 217A.16 FARM OPERATIONS ADMINIS-
19 TRATOR. The director may appoint a farm operations
20 administrator for institutions under the control of the
21 departments of corrections and human services. If appointed,
22 the farm operations administrator, subject to the direction
23 of the director shall do all of the following:

24 1. Manage and supervise all farming and nursery operations
25 at institutions, farms and gardens of the departments of
26 corrections and human services.

27 2. Determine priorities on the use of agricultural
28 resources and labor for farming and nursery operations.

29 3. Develop an annual operations plan for crop and livestock
30 production and utilization that will provide work experience
31 and contribute to developing vocational skills of the
32 institutions' inmates and residents. The department of human
33 services must approve the parts of the plan that affect farm
34 operations on property of institutions having programs of
35 the department of human services.

1 4. Coordinate farm lease arrangements, farm input
2 purchases, farm product distribution, machinery maintenance
3 and replacement, and renovation of farm buildings, fences
4 and livestock facilities.

5 5. Develop and maintain accounting records, budgeting
6 and cash flow systems, and inventory records.

7 6. Advise and instruct institution staff and inmates in
8 application of agricultural technology.

9 7. Implement actions to restore and maintain productivity
10 of soil resources at the institutions through crop rotation,
11 minimum tillage, contouring, terracing, waterways, pasture
12 renovation, windbreaks, buffer zones, and wildlife habitat
13 in accordance with soil conservation service plans and
14 recommendations.

15 8. Administer the revolving farm fund created in section
16 217A.48.

17 9. Do any other farm management duties assigned by the
18 director.

19 Sec. 18. NEW SECTION. 217A.17 SUBORDINATE OFFICERS AND
20 EMPLOYEES. The director shall determine the number and
21 compensation of subordinate officers and employees for each
22 institution subject to chapter 19A. Subject to this chapter,
23 the officers and employees shall be appointed and discharged
24 by the superintendent who shall keep in the record of each
25 subordinate officer and employee, the date of employment,
26 the compensation, and the date of and the reasons for each
27 discharge.

28 Sec. 19. NEW SECTION. 217A.18 BONDS. The director shall
29 require officers and employees of institutions under the
30 director's control who are charged with the custody or control
31 of money or property belonging to the state, to give an of-
32 ficial bond properly conditioned and signed by sufficient
33 sureties in a sum to be fixed by the director. The bond is
34 subject to approval by the director and shall be filed in
35 the office of the secretary of state.

1 Sec. 20. NEW SECTION. 217A.19 DWELLING HOUSE. The
2 director may furnish the superintendent of each of the
3 institutions, in addition to salary, with a dwelling house
4 or with appropriate quarters in lieu of a house, or the
5 director may compensate the superintendent of each of the
6 institutions in lieu of furnishing a house or quarters. If
7 a superintendent of the institution is furnished with a
8 dwelling house or quarters, either of which is owned by the
9 state, the superintendent may also be furnished with water,
10 heat, and electricity.

11 The director may furnish assistant superintendents or other
12 employees, or both, with dwelling houses or with appropriate
13 quarters, owned by the state. The assistant superintendent
14 or employee, who is so furnished shall pay rent for the
15 dwelling house or quarters in an amount to be determined by
16 the superintendent of the institution, which shall be the
17 fair market rental value of the house or quarters. If an
18 assistant superintendent or employee is furnished with a
19 dwelling house or quarters either of which is owned by the
20 state, the assistant superintendent or employee may also be
21 furnished with water, heat, and electricity. However, the
22 furnishing of these utilities shall be considered in
23 determining the fair market rental value of the house or
24 quarters.

25 Sec. 21. NEW SECTION. 217A.20 TRANSFER OF INMATES.

26 Except as provided in subsection 2, the director may transfer
27 at the expense of the state an inmate of one institution to
28 another similar institution under the director's control.
29 The director may transfer an inmate under the director's
30 jurisdiction from any institution supervised by the director
31 to another institution under the control of a director of
32 a division of the department of human services with the consent
33 and approval of the other director and may transfer an inmate
34 to any other institution for mental or physical examination
35 or treatment retaining jurisdiction over the inmate when so

1 transferred.

2 Sec. 22. NEW SECTION. 217A.21 RECORD OF INMATES. The
3 director shall keep the following record of every person
4 committed to any of the department's institutions: Name,
5 residence, sex, age, place of birth, occupation, civil
6 condition, date of entrance or commitment, date of discharge,
7 whether a discharge is final, condition of the person when
8 discharged, the name of the institutions from which and to
9 which the person has been transferred, and if the person is
10 dead, the date and cause of death.

11 Sec. 23. NEW SECTION. 217A.22 RECORD PRIVILEGED. Except
12 with the consent of the director, or on an order of the
13 district court, the record provided in section 217A.21 shall
14 be accessible only to the board and the director and to
15 assistants and proper clerks authorized by the director.
16 The director may permit the state libraries and the Iowa state
17 historical department's division of historical museum and
18 archives to copy or reproduce by any photographic, photostatic,
19 microfilm, microcard, or other process which accurately
20 reproduces in a durable medium and to destroy in the manner
21 described by law the records of inmates required in section
22 217A.21.

23 Sec. 24. NEW SECTION. 217A.23 REPORTS TO DIRECTOR.
24 The superintendent of each institution shall, within ten days
25 after the commitment or entrance of a person to the
26 institution, cause a true copy of the person's entrance record
27 to be made and forwarded to the director. When an inmate
28 leaves, is discharged, transferred, or dies in any institution,
29 the superintendent or person in charge shall within ten days
30 thereafter send the information to the office of the director
31 on forms which the director prescribes.

32 Sec. 25. NEW SECTION. 217A.24 QUESTIONABLE COMMITMENT.
33 The superintendent shall within three days of the commitment
34 or entrance of a person at the institution notify the director
35 if there is any question as to the propriety of the commit-

1 ment or detention of any person received at the institution,
2 and the director upon notification shall inquire into the
3 matter presented, and take appropriate action.

4 Sec. 26. NEW SECTION. 217A.25 RELIGIOUS BELIEFS. The
5 superintendent receiving a person committed to any of the
6 institutions shall ask the person to state the person's
7 religious preference, shall enter the stated preference in
8 a book kept for that purpose, and shall request that the
9 person sign the entry. If the person is a minor and has
10 formed no choice, the preference may be expressed at any later
11 time by the person.

12 Sec. 27. NEW SECTION. 217A.26 RELIGIOUS WORSHIP. Any
13 inmate, during the time of detention, shall be allowed for
14 at least one hour on each Sunday or other holy day or in times
15 of extreme sickness, and at other suitable and reasonable
16 times consistent with proper discipline in the institution,
17 to receive spiritual advice, instruction, and ministrations
18 from any recognized member of the clergy who represents the
19 inmate's religious belief.

20 Sec. 28. NEW SECTION. 217A.27 INVESTIGATION. The
21 director or director's designee shall visit and inspect the
22 institutions under the director's control, and investigate
23 the financial condition and management of the institutions
24 at least once in six months.

25 During the investigation the director or designee shall
26 see every inmate of each institution as far as practicable,
27 especially those admitted since the preceding visit, and shall
28 give the inmates suitable opportunity to converse with the
29 director or designee apart from the officers and attendants.

30 Sec. 29. NEW SECTION. 217A.28 INVESTIGATION OF OTHER
31 INSTITUTIONS. The director may investigate charges of abuse,
32 neglect or mismanagement on the part of any officer or employee
33 of any public or private institution subject to the director's
34 supervision or control.

35 Sec. 30. NEW SECTION. 217A.29 WITNESSES. The director

1 may exercise the following powers in an investigation:

- 2 1. Summon and compel the attendance of witnesses.
- 3 2. Examine the witnesses under oath, which the director
- 4 may administer.
- 5 3. Have access to all books, papers, and property material
- 6 to the investigation.
- 7 4. Order the production of books or papers material to
- 8 the investigation.

9 Witnesses other than those in the employ of the state are
10 entitled to the same fees as in civil cases in the district
11 court.

12 Sec. 31. NEW SECTION. 217A.30 CONTEMPT. If a person
13 fails or refuses to obey the orders of the director issued
14 under section 217A.29, or fails or refuses to give or produce
15 evidence when required, the director shall petition the dis-
16 trict court in the county where the offense occurs for an
17 order of contempt and the court shall proceed as for contempt
18 of court.

19 Sec. 32. NEW SECTION. 217A.31 TRANSCRIPT OF TESTIMONY.
20 The director shall cause the testimony taken at the
21 investigation to be transcribed and filed in the director's
22 office at the seat of government within ten days after the
23 testimony is taken, or as soon as practicable, and when filed
24 the testimony shall be open for the inspection of any person.

25 Sec. 33. NEW SECTION. 217A.32 SERVICES REQUIRED--WAGES.
26 Inmates of the institutions may be required to render any
27 proper and reasonable service either in the institutions
28 proper or in the industries established in connection with
29 them. When an inmate of an institution is working outside
30 the institution proper, the inmate shall be deemed at all
31 times in the actual custody of the superintendent of the
32 institution.

33 The director may when practicable pay the inmate a wage
34 as the director deems proper in view of the circumstances,
35 and in view of the cost attending the maintenance of the

1 inmate. The wage shall not exceed the amount paid to free
2 labor for a like or equivalent service.

3 Sec. 34. NEW SECTION. 217A.33 DEDUCTION TO PAY COURT
4 COSTS OR DEPENDENTS--DEPOSITS. If wages are paid pursuant
5 to section 217A.32, the director may deduct an amount
6 established by the inmates' restitution plan of payment.
7 The amount deducted shall be forwarded to the clerk of the
8 district court or proper official. The director may pay all
9 or any part of remaining wages paid pursuant to section 217A.32
10 directly to a dependent of the inmate, or may deposit the
11 wage to the account of the inmate, or may deposit a portion
12 and allow the inmate a portion for the inmate's personal use.

13 Sec. 35. NEW SECTION. 217A.34 CONFERENCES. Quarterly
14 conferences of the superintendents of the institutions shall
15 be held with the director for the consideration of all matters
16 relative to the management of the institutions. Full minutes
17 of the meetings shall be preserved in the records of the
18 director. The director may cause papers to be prepared and
19 read at the conferences on appropriate subjects.

20 Sec. 36. NEW SECTION. 217A.35 SCIENTIFIC INVESTIGATION.

21 1. The director shall encourage the scientific investiga-
22 tion, on the part of the superintendents and medical staffs
23 of the institutions, as to the most successful methods of
24 managing the institutions and treating the persons committed
25 to them. The director shall procure and furnish to the
26 superintendents and staffs information on management and
27 treatment, and shall publish bulletins and reports of
28 scientific and clinical work done in the institutions.

29 2. The director may provide services and facilities for
30 the scientific observation, rechecking, and treatment of men-
31 tally ill persons under the director's responsibility.
32 Application by, or on behalf of any person for such services
33 and facilities shall be made to the superintendent in charge
34 of the particular institution involved and shall be made on
35 forms furnished by the director. The time and place of

1 admission of any person to outpatient or clinical services
2 and facilities for scientific observation, rechecking, and
3 treatment and the use of the services and facilities for the
4 benefit of persons who have already been hospitalized for
5 psychiatric evaluation and appropriate treatment or
6 involuntarily hospitalized as seriously mentally ill shall
7 be in accordance with rules adopted by the director.

8 Sec. 37. NEW SECTION. 217A.36 DIAGNOSTIC CLINIC--INMATE
9 CLASSIFICATION. The director may provide facilities and
10 personnel for a diagnostic clinic. The work of the clinic
11 shall include a scientific study of each inmate, the inmate's
12 career and life history, the causes of the inmate's criminal
13 acts and recommendations for the inmate's custody, care,
14 training, employment, and counseling with a view to
15 rehabilitation and to the protection of society. To facilitate
16 the work of the clinic and to aid in the rehabilitation of
17 the inmates, the trial judge, prosecuting attorney, and
18 presentence investigators shall furnish the director upon
19 request with a full statement of facts and circumstances
20 attending the commission of the offense so far as known or
21 believed by them. If the department develops and utilizes
22 an inmate classification system, it must, within a reasonable
23 time, present evidence from independent experts as to the
24 effectiveness and validity of the classification system.

25 Sec. 38. NEW SECTION. 217A.37 ANNUAL REPORTS. The
26 superintendent of each institution shall make an annual report
27 to the director. The report shall include a detailed and
28 accurate inventory of the stock and supplies on hand, and
29 their amount and value.

30 Sec. 39. NEW SECTION. 217A.38 CONTINGENT FUND. The
31 director may permit the superintendent of each institution
32 to retain a stated amount of funds in possession as a
33 contingent fund for the payment of freight, postage,
34 commodities purchased on authority of the director on a cash
35 basis, salaries, and bills granting discount for cash. If

1 necessary, the director shall make proper requisition upon
2 the state comptroller for a warrant on the treasurer of state
3 to secure the contingent fund for each institution. A monthly
4 report of the status of the contingent fund shall be submitted
5 by the superintendent of the institution to the director,
6 according to rules prescribed by the director.

7 Sec. 40. NEW SECTION. 217A.39 PURCHASE OF SUPPLIES.

8 The director shall adopt rules governing the purchase of all
9 articles and supplies needed at the various institutions and
10 the form and verification of vouchers for the purchases.
11 When purchases are made by sample, the sample shall be properly
12 marked and retained until after an award or delivery of the
13 items is made. The director may purchase supplies from any
14 institution under the director's control, for use in any other
15 institution, and reasonable reimbursement shall be made for
16 these purchases.

17 Sec. 41. NEW SECTION. 217A.40 EMERGENCY PURCHASES.

18 The purchase of materials or equipment for penal or
19 correctional institutions under the department is exempted
20 from the requirements of centralized purchasing and bidding
21 by the department of general services if the materials or
22 equipment are needed to make an emergency repair at an
23 institution or the security of the institution would be
24 jeopardized because the materials or equipment could not be
25 purchased soon enough through centralized purchasing and
26 bidding and, in either case, if the director approves the
27 emergency purchase.

28 Sec. 42. NEW SECTION. 217A.41 PLANS AND SPECIFICATIONS.

29 The director shall cause plans and specifications to be
30 prepared for all improvements authorized and costing over
31 twenty-five thousand dollars. An appropriation for any
32 improvement costing over twenty-five thousand dollars shall
33 not be expended until the adoption of suitable plans and
34 specifications, prepared by a competent architect and
35 accompanied by a detailed statement of the amount, quality,

1 and description of all material and labor required for the
2 completion of the improvement.

3 A plan shall not be adopted, and an improvement shall not
4 be constructed, which contemplates an expenditure of money
5 in excess of the appropriation.

6 Sec. 43. NEW SECTION. 217A.42 LETTING OF CONTRACTS--
7 REPAIRS OR ALTERATIONS. The director shall, in writing, let
8 all contracts for authorized improvements costing in excess
9 of twenty-five thousand dollars to the lowest responsible
10 bidder, after advertisement for bids as the director deems
11 proper in order to secure full competition. The director
12 may reject all bids and readvertise. A preliminary deposit
13 of money, bank check, or certified check upon a solvent bank,
14 or a bid bond as provided in section 23.20, in an amount the
15 director prescribes shall be required as an evidence of good
16 faith, upon all proposals for the construction of improvements.
17 The deposit, bank check, or certified check shall be held
18 under the direction of the director. Upon prior authorization
19 by the director, improvements costing five thousand dollars
20 or less may be made by the superintendent of any institution.

21 Contracts are not required for improvements at any state
22 institution where the labor of inmates is to be used.

23 Sec. 44. NEW SECTION. 217A.43 PAYMENT FOR IMPROVEMENTS.
24 The director shall not authorize payment for construction
25 purposes until satisfactory proof has been furnished to the
26 director by the proper officer or supervising architect, that
27 the contract has been complied with by the parties. Payments
28 shall be made in a manner similar to that in which the current
29 expenses of the institutions are paid.

30 Sec. 45. NEW SECTION. 217A.44 PROPERTY OF DECEASED
31 INMATE. Upon the death of an inmate, the superintendent of
32 the institution shall immediately take possession of the
33 decedent's property left at the institution and shall deliver
34 the property to the duly appointed representative of the
35 deceased. However, if administration is not granted within

1 one year from the date of the death of the decedent and the
2 value of the estate of decedent is so small as to make the
3 granting of administration inadvisable, then delivery of the
4 money and other property left by the decedent may be made
5 to the surviving spouse or an heir of the decedent. If admin-
6 istration is not granted within one year from the death of
7 decedent and no surviving spouse or heir is known, the
8 superintendent shall convert the property into money.

9 Sec. 46. NEW SECTION. 217A.45 MONEY DEPOSITED WITH
10 TREASURER OF STATE. Money from property converted pursuant
11 to section 217A.44 shall be transmitted to the treasurer of
12 state as soon after one year after the death of the inmate
13 as practicable. A complete permanent record of the property,
14 showing by whom and with whom it was left, its amount when
15 converted to money, the date of the death of the owner, the
16 owner's reputed place of residence before becoming an inmate
17 of the institution, the date on which the money was sent to
18 the treasurer of state, and any other facts which may tend
19 to identify the decedent and explain the case, shall be kept
20 by the superintendent of the institution, and a transcript
21 of the record shall be sent to and kept by the treasurer of
22 state.

23 Money deposited with the treasurer of state pursuant to
24 this section shall be paid at any time within ten years from
25 the death of the inmate to any person who is shown to be en-
26 titled to it.

27 Sec. 47. NEW SECTION. 217A.46 TEMPORARY QUARTERS IN
28 EMERGENCY. If the buildings at any institution under the
29 management of the director are destroyed or rendered unfit
30 for habitation by reason of fire, storms, or other like causes,
31 to such an extent that the inmates cannot be confined and
32 cared for at the institution, the director shall make temporary
33 provision for the confinement and care of the inmates at some
34 other place in the state. Like provision may be made in case
35 of an epidemic among the inmates. The reasonable cost of

1 the change including the cost of transfer of inmates, shall
2 be paid from any money in the state treasury not otherwise
3 appropriated.

4 Sec. 48. NEW SECTION. 217A.47 INDUSTRIES. The director
5 may establish industries at or in connection with any of the
6 institutions under the director's control and may make
7 contractual agreements with the United States, other states,
8 state departments and agencies, and subdivisions of the state,
9 for purchase of industry products.

10 The director may with the assistance of the Iowa state
11 conservation commission establish and operate forestry
12 nurseries on state-owned land under the control of the
13 department. Residents of the adult correctional institutions
14 shall provide the labor for the operation. Nursery stock
15 shall be sold in accordance with the rules of the state
16 conservation commission. The department shall pay the costs
17 of establishing and operating the forestry nurseries out of
18 the revolving farm fund created in section 217A.48. The state
19 conservation commission shall pay the costs of transporting,
20 sorting, and distributing nursery stock to and from or on
21 state-owned land under the control of the commission. Receipts
22 from the sale of nursery stock produced under this section
23 shall be divided between the department and the state
24 conservation commission in direct proportion to their
25 respective costs as a percentage of the total costs. The
26 department shall deposit its receipts in the revolving farm
27 fund created in section 217A.48.

28 Sec. 49. NEW SECTION. 217A.48 REVOLVING FARM FUND.
29 A revolving farm fund is created in the state treasury in
30 which the department shall deposit receipts from agricultural
31 products, nursery stock, agricultural land rentals, and the
32 sale of livestock. However, before any agricultural operation
33 is phased out, the department which proposes to discontinue
34 this operation shall notify the governor, chairpersons and
35 ranking members of the house and senate appropriations

1 committees, and cochairpersons and ranking members of the
2 subcommittee in the senate and house of representatives which
3 has handled the appropriation for this department in the past
4 session of the legislature. Before the department sells
5 farmland under the control of the department, the director
6 shall notify the governor, chairpersons and ranking members
7 of the house and senate appropriations committees, and
8 cochairpersons and ranking members of the joint appropriations
9 subcommittee that handled the appropriation for the department
10 during the past legislative session. The department may pay
11 from the fund for the operation, maintenance, and improvement
12 of farms and agricultural or nursery property under the control
13 of the department. A purchase order for five thousand dollars
14 or less payable from the fund is exempt from the general
15 purchasing requirements of chapter 18. Notwithstanding section
16 8.33, unencumbered or unobligated receipts in the revolving
17 farm fund at the end of a fiscal year shall not revert to
18 the general fund of the state.

19 The department shall annually prepare a financial statement
20 to provide for an accounting of the funds in the revolving
21 farm fund. The financial statement shall be filed with the
22 legislative fiscal bureau on or before February 1 each year.

23 As used in this section, "department" means the Iowa
24 department of corrections and the Iowa department of human
25 services.

26 The farm operations administrator appointed under section
27 217A.16 shall perform the functions described under section
28 217A.16 for agricultural operations on property of the Iowa
29 department of human services.

30 The Iowa department of human services shall enter into
31 an agreement under chapter 28D with the Iowa department of
32 corrections to implement this paragraph.

33 Sec. 50. NEW SECTION. 217A.49 COOPERATION. The
34 department and the director shall cooperate with any department
35 or agency of the state government in any manner, including

1 the exchange of employees, calculated to improve administration
2 of the affairs of the institutions. Joint use of facilities
3 by the department and another public agency as defined in
4 section 28E.2 shall be only according to an agreement entered
5 into under chapter 28E.

6 Sec. 51. NEW SECTION. 217A.50 CONSULTANTS. The director
7 may secure the services of consultants to furnish advice on
8 administrative, professional, or technical problems to the
9 director, or the employees of institutions under the director's
10 jurisdiction or to provide in-service training and instruction
11 for the employees. The director may pay the consultants from
12 funds appropriated to the department or to any institution
13 under the department's jurisdiction.

14 Sec. 52. NEW SECTION. 217A.51 DIRECTOR MAY BUY AND SELL
15 REAL ESTATE--OPTIONS. The director, subject to the approval
16 of the board and executive council, may secure options to
17 purchase real estate and acquire and sell real estate for
18 the proper uses of the institutions. Real estate shall be
19 acquired and sold upon terms and conditions the director
20 recommends subject to the approval of the board and the
21 executive council. Upon sale of the real estate, the proceeds
22 shall be deposited with the treasurer of state and credited
23 to the general fund of the state. There is appropriated from
24 the general fund of the state to the department a sum equal
25 to the proceeds so deposited and credited to the general fund
26 of the state which, with the prior approval of the execu-
27 tive council, may be used to purchase other real estate or
28 for capital improvements upon property under the director's
29 supervision.

30 The costs incident to the securing of options and
31 acquisition and sale of real estate including, but not limited
32 to, appraisals, invitations for offers, abstracts, and other
33 necessary costs, may be paid from moneys appropriated for
34 support and maintenance to the institution at which the real
35 estate is located. The fund shall be reimbursed from the

1 proceeds of the sale.

2 Sec. 53. NEW SECTION. 217A.52 FIRE PROTECTION CONTRACTS.
3 The director may enter into contracts with the governing body
4 of any city for the protection from fire of any property under
5 the director's primary control, located in any city or in
6 territory contiguous to a city.

7 The state fire marshal shall cause an annual inspection
8 to be made of all the institutions listed in section 217A.2
9 and shall make a written report of the inspection to the
10 director.

11 Sec. 54. NEW SECTION. 217A.53 GIFTS. The department
12 may accept gifts of real or personal property from the federal
13 government or any source. The director may exercise powers
14 with reference to the property so accepted as necessary or
15 appropriate to its preservation and the purposes for which
16 it is given.

17 Sec. 55. NEW SECTION. 217A.54 CANTEEN MAINTAINED. The
18 director may maintain a canteen at any institution under the
19 director's jurisdiction for the sale to persons confined in
20 the institution of items such as toilet articles, candy,
21 tobacco products, notions, and other sundries, and may provide
22 the necessary facilities, equipment, personnel, and merchandise
23 for the canteen. The director shall specify the items to
24 be sold in the canteen. The department may establish and
25 maintain a permanent operating fund for each canteen. The
26 fund shall consist of the receipts from the sale of commodities
27 at the canteen.

28 Sec. 56. Section 19A.3, subsection 13, Code 1983, is
29 amended to read as follows:

30 13. All physicians, psychiatrists, and heads of
31 institutions under the jurisdiction of the Iowa department
32 of ~~social-services~~ human services and the Iowa department
33 of corrections.

34 Sec. 57. Section 25A.2, subsection 3, Code 1983, is amended
35 to read as follows:

1 3. "Employee of the state" includes any one or more
 2 officers, agents, or employees of the state or any state
 3 agency, including members of the general assembly, and persons
 4 acting on behalf of the state or any state agency in any
 5 official capacity, temporarily or permanently in the service
 6 of the state of Iowa, whether with or without compensation
 7 but does not include a contractor doing business with the
 8 state. Professional personnel, including medical doctors,
 9 osteopathic physicians and surgeons, osteopathic physicians,
 10 optometrists and dentists, who render services to patients
 11 and inmates of state institutions under the jurisdiction of
 12 the department of ~~social~~ human services or the Iowa department
 13 of corrections are to be considered employees of the state,
 14 whether ~~such~~ the personnel are employed on a full-time basis
 15 or render ~~such~~ services on a part-time basis on a fee schedule
 16 or arrangement, ~~but shall not include any contractor using~~
 17 ~~business with the state.~~

18 Sec. 58. Section 85.60, unnumbered paragraph 1, Code 1983,
 19 is amended to read as follows:

20 The Iowa department of ~~social services~~ corrections may
 21 elect to include as an employee for purposes of this chapter
 22 any person confined as an inmate at ~~the Riverview release~~
 23 ~~center~~ an institution provided for in section 217A.2 and who
 24 is participating in the inmate employment program. If an
 25 inmate in the performance of work sustains an injury arising
 26 out of and in the course of the work, the inmate shall be
 27 awarded and paid compensation at the rates provided in this
 28 chapter. If death results from ~~such~~ the injury, death benefits
 29 shall be awarded and paid to the dependents of the inmate.
 30 If any such person is awarded weekly compensation under ~~the~~
 31 ~~provisions of~~ this section and is still committed to a penal
 32 institution, the person's compensation benefits under section
 33 85.33 or section 85.34, subsection 1, shall be paid to the
 34 department and held in trust for the inmate for so long as
 35 the inmate ~~shall remain~~ remains so committed. However, the

1 department shall deduct from the benefits awarded the cost
 2 of maintaining the inmate not to exceed the level the inmate
 3 was paying under the inmate employment program. Weekly
 4 compensation benefits awarded pursuant to section 85.34,
 5 subsection 2, shall be held in trust and paid to ~~such~~ the
 6 person as provided in this chapter upon final discharge or
 7 parole, whichever occurs first. In the event ~~such~~ the person
 8 is recommitted to a penal institution prior to receiving in
 9 full weekly benefits pursuant to section 85.33 or section
 10 85.34, subsection 1, such benefits shall again be paid to
 11 the department for so long as the person ~~shall-remain~~ remains
 12 so recommitted. Also, weekly benefits under section 85.34,
 13 subsection 2, shall be suspended and again held in trust until
 14 ~~such~~ the person is again released by final discharge or parole,
 15 whichever first occurs. However, the industrial commissioner
 16 may, if the industrial commissioner finds that dependents
 17 of the person awarded weekly compensation pursuant to section
 18 85.33 or section 85.34, subsections 1 and 2, would require
 19 welfare aid as a result of terminating the compensation, order
 20 ~~such~~ the weekly compensation to be paid to a responsible
 21 person for the use of dependents.

22 Sec. 59. Section 85.60, subsection 1, Code 1983, is amended
 23 to read as follows:

24 1. "Department" means the Iowa department of ~~social~~
 25 services corrections.

26 Sec. 60. Section 110.24, unnumbered paragraph 7, Code
 27 1983, is amended to read as follows:

28 No license shall be required of minor pupils of the state
 29 school for the blind, state school for the deaf, nor of minor
 30 residents of other state institutions under the control of
 31 a director of a division of the department of ~~social~~ human
 32 ~~services, except-that-this-provision-shall-not-apply-to-the~~
 33 ~~inmates-of-state-institutions-under-the-control-of-the-director~~
 34 ~~of-the-division-of-adult-corrections,~~ nor shall any person
 35 who is on active duty with the ~~Armed-Forces~~ armed forces of

1 the United States, on authorized leave, and a legal resident
2 of the state of Iowa, be required to have a license to hunt
3 or fish in this state. No license shall be required of
4 residents of county care facilities or any person who is
5 receiving old-age assistance under chapter 249.

6 Sec. 61. Section 159.5, subsection 14, Code 1983, is
7 amended to read as follows:

8 14. Annually inspect for sanitation the areas where food
9 is prepared and where food is served, including but not limited
10 to the utensils, machinery, and other equipment, in the adult
11 penal or correctional facilities operated by the Iowa
12 department of ~~social-services~~ corrections and in the Eldera
13 ~~state training school, the Mitchellville training school,~~
14 and the Iowa juvenile home. For purposes of this subsection,
15 community-based correctional facilities shall be considered
16 operated by the Iowa department of ~~social-services~~ corrections.

17 If a municipal corporation wants its local board of health
18 to make the inspections required by this section on facilities
19 located within its jurisdiction, the municipal corporation
20 may enter into an agreement with the secretary. The secretary
21 may enter into such an agreement if the secretary finds that
22 the local board of health has adequate resources to perform
23 the required functions.

24 The secretary of agriculture shall prepare a report on
25 the inspections and shall send a copy of the report concerning
26 the adult penal or correctional facilities to the director
27 of the ~~division~~ Iowa department of corrections ~~of the~~
28 ~~department of social-services~~. A copy of the report concerning
29 the Eldera state training school, ~~the Mitchellville training~~
30 ~~school,~~ and the Iowa juvenile home shall be sent to the
31 director of the division of child and family services of the
32 department of ~~social~~ human services.

33 Sec. 62. Section 216.2, subsections 2 and 3, Code 1983,
34 are amended to read as follows:

35 2. "Iowa state industries" means prison industries that

1 are established and maintained by the ~~division~~ Iowa department
2 of ~~adult~~ corrections, in consultation with the industries
3 board, at or adjacent to the state's adult correctional
4 institutions, except that an inmate employment program
5 established by the state director under section 216.5, sub-
6 section 7 is not restricted to industries at or adjacent to
7 the institutions.

8 3. "State director" means the director of the ~~division~~
9 Iowa department of adult corrections ~~of-the-department-of~~
10 ~~social-services~~, or that the director's designee.

11 Sec. 63. Section 216.9, subsection 4, Code 1983, is amended
12 to read as follows:

13 4. The fund established by this section shall not revert
14 to the general fund of the state at the end of any annual
15 or biennial period and the investment proceeds earned from
16 the balance of the fund shall be credited to the fund and
17 used for the purposes provided for in this section.

18 Sec. 64. Section 217.1, Code 1983, is amended to read
19 as follows:

20 217.1 PROGRAMS OF DEPARTMENT. There is ~~hereby~~ established
21 a department of ~~social~~ human services to administer programs
22 designed to improve the well-being and productivity of the
23 people of the state of Iowa. The department shall concern
24 itself with the problems of human behavior, adjustment, and
25 daily living through the administration of programs of family,
26 child, and adult welfare, economic assistance (including costs
27 of medical care), rehabilitation toward self-care and support,
28 delinquency prevention and control, treatment and
29 rehabilitation of ~~adult-and~~ juvenile offenders, care and
30 treatment of the mentally ill and mentally retarded, and other
31 related programs as provided by law.

32 Sec. 65. Section 217.6, unnumbered paragraph 2, Code 1983,
33 is amended to read as follows:

34 The department of ~~social~~ human services may be initially
35 divided into the following divisions of responsibility: The

1 division of child and family services, the division of mental
2 health, mental retardation, and developmental disabilities,
3 the division of administration, ~~the division of education~~
4 and the division of planning, research and statistics.

5 Sec. 66. Section 217.17, Code 1983, is amended to read
6 as follows:

7 217.17 DIRECTOR OF DIVISION OF PLANNING. The director
8 of the division of planning, research and statistics shall
9 be qualified in the general field of governmental planning
10 with special training and experience in the areas of
11 preparation and development of plans for future efficient
12 reorganization and administration of government social
13 functions. The director of the division of planning, research
14 and statistics shall co-operate with the directors of the
15 other divisions of the department of ~~social~~ human services
16 assisting them and the commissioner of the department in their
17 planning, research and statistical problems. ~~He~~ The director
18 of the division of planning, research and statistics shall
19 assist the directors, commissioner and the council of ~~social~~
20 human services by proposing administrative and organizational
21 changes at both the state and local level to provide more
22 efficient and integrated social services to the citizens of
23 this state. The planning, research and statistical operations
24 now forming an integral part of the present state functions
25 assigned to the directors of this department along with their
26 future needs in this regard are hereby all assigned to and
27 shall be administered by the director of this division.

28 Sec. 67. Section 218.1, subsections 10 through 16, Code
29 1983, are amended by striking the subsections.

30 Sec. 68. Section 218.3, subsection 3, Code 1983, is amended
31 by striking the subsection.

32 Sec. 69. Chapter 218, Code 1983, is amended by adding
33 the following new section:

34 NEW SECTION. DEFINITION. For purposes of this chapter
35 unless the context otherwise requires, the term "inmate" means

1 a resident of an institution under the responsibility of the
2 department of human services.

3 Sec. 70. Section 218.9, unnumbered paragraph 2, Code 1983,
4 is amended by striking the unnumbered paragraph.

5 Sec. 71. Section 218.92, Code 1983, is amended to read
6 as follows:

7 218.92 DANGEROUS MENTAL PATIENTS. When a patient in any
8 state hospital-school for the mentally retarded, any mental
9 health institute, or any institution under the administration
10 of the director of the division of mental health of the
11 department of ~~social~~ human services, has become so mentally
12 disturbed as to constitute a danger to self, to other patients
13 in the institution or to the public, and the institution
14 involved cannot provide adequate security, the director of
15 mental health with the consent of the director of the Iowa
16 department of corrections ~~of-the-department-of-social-services~~
17 may order the patient to be transferred to the Iowa security
18 and medical facility, provided that the executive head of
19 the institution from which the patient is to be transferred,
20 with the support of a majority of the medical staff recommends
21 the transfer in the interest of the patient, other patients
22 or the public. If the patient transferred was hospitalized
23 pursuant to sections 229.6 to 229.15, the transfer shall be
24 promptly reported to the court which hospitalized the patient,
25 as required by section 229.15, subsection 3. The Iowa security
26 and medical facility has the same rights, duties and
27 responsibilities with respect to the patient as the institution
28 from which the patient was transferred had while the patient
29 was hospitalized there. The cost of the transfer shall be
30 paid from the funds of the institution from which the transfer
31 is made.

32 Sec. 72. Section 218B.3, Code 1983, is amended to read
33 as follows:

34 218B.3 DUTY OF COMMISSIONER DIRECTOR. The ~~commissioner~~
35 director of ~~social-services-is-authorized-and-directed-to~~

1 the Iowa department of corrections shall do all things
2 necessary or incidental to the carrying out of the compact
3 in-every-particular-and-he-may-in-his-discretion-delegate
4 this-authority-to-the-director-of-the-division-of-executions.

5 Sec. 73. Section 222.7, unnumbered paragraph 1, Code 1983,
6 is amended to read as follows:

7 The state director may transfer patients from one state
8 hospital-school to the other and may at any time transfer
9 ~~any-patient~~ patients from the hospital-schools to the hos-
10 pitals for the mentally ill, or transfer patients in the
11 hospital-schools to a special unit or vice versa, ~~or make~~
12 ~~such-transfers-as-are-permitted-in-section-218-92.~~ The state
13 director may also transfer patients from a hospital for the
14 mentally ill to a hospital-school if:

15 Sec. 74. Section 223.1, Code 1983, is amended to read
16 as follows:

17 223.1 INSTITUTION ESTABLISHED. There is established an
18 institution for persons displaying evidence of mental illness
19 or psychosocial disorders and requiring diagnostic services
20 and treatment in a security setting. The institution may
21 also be used for persons only requiring confinement in a
22 security setting. The institution is under the jurisdiction
23 of the Iowa department of ~~social-services~~ corrections and
24 shall be known as the Iowa security and medical facility.

25 Sec. 75. Section 223.2, Code 1983, is amended to read
26 as follows:

27 223.2 SUPERINTENDENT. A superintendent of the Iowa
28 security and medical facility shall be appointed ~~as-designated~~
29 ~~in-section-218-9~~ by the director of the Iowa department of
30 corrections with the approval of the board of corrections.
31 The superintendent shall be a reputable and qualified person
32 experienced in the administration of programs for the care
33 and treatment of persons afflicted with mental disorders and
34 ~~with~~ have other qualifications the ~~department-deems~~ director
35 and board deem necessary.

1 Sec. 76. Section 223.3, subsections 1 and 4, Code 1983,
2 are amended to read as follows:

3 1. Perform all duties required by law and by the state
4 director of the Iowa department of social-services corrections
5 not inconsistent with this chapter.

6 4. Retain custody of all patients, in ~~such~~ the manner
7 as deemed necessary and in the best interest of the patients
8 subject to the ~~regulations~~ rules of the director of the Iowa
9 department of ~~social-services corrections~~.

10 Sec. 77. Section 223.4, subsection 1, Code 1983, is amended
11 to read as follows:

12 1. Residents of ~~any an~~ an institution under the jurisdiction
13 of the department of ~~social~~ human services or the Iowa
14 department of corrections.

15 Sec. 78. Section 223.4, unnumbered paragraph 3, Code 1983,
16 is amended to read as follows:

17 The director of the ~~division~~ Iowa department of ~~adult~~
18 corrections may house inmates from any penal institution at
19 the Iowa security and medical facility in order to provide
20 the inmates with either suitable security or medical treatment,
21 or both. Unless an inmate is determined to be mentally ill,
22 the inmate shall not be subjected involuntarily to psychiatric
23 treatment.

24 Sec. 79. Section 223.5, Code 1983, is amended to read
25 as follows:

26 223.5 ADMISSIONS IN WRITING ONLY. All admissions to the
27 facility shall be by written application only. Application
28 shall be made by the head of the state institution, agency,
29 governmental body, or court requesting ~~same~~ admission to the
30 superintendent of the facility. An application may be denied
31 by the superintendent, with the approval of the director of
32 the ~~division~~ Iowa department of corrections, if the admission
33 will result in an overcrowded condition or if adequate staff
34 or facilities are not available.

35 Sec. 80. Section 223.6, Code 1983, is amended to read

1 as follows:

2 223.6 FINAL DECISION. The decision regarding admission
3 and discharge of patients shall be made by the superintendent
4 of the facility, subject to approval of the director of the
5 ~~division~~ Iowa department of corrections.

6 Sec. 81. Section 232.71, subsection 4, Code 1983, is
7 amended to read as follows:

8 4. The county attorney and any law enforcement or social
9 services agency in the state shall co-operate and assist in
10 the investigation upon the request of the department of ~~social~~
11 human services. The county attorney and appropriate law
12 enforcement agencies shall also take any other lawful action
13 which may be necessary or advisable for the protection of
14 the child.

15 Sec. 82. Section 245.1, Code 1983, is amended to read
16 as follows:

17 245.1 OFFICIAL DESIGNATION--DEFINITIONS. The state cor-
18 rectional facility for women at Mitchellville shall be known
19 as the "Iowa correctional institution for women". For the
20 purpose of this chapter "director" or "state director" shall
21 ~~mean~~ means the director of the ~~division-of-adult~~ Iowa
22 department of corrections ~~of-the-department-of-social-services~~.

23 Sec. 83. Section 245.2, Code 1983, is amended to read
24 as follows:

25 245.2 SUPERINTENDENT--SALARY. The superintendent of the
26 ~~women's-reformatory~~ Iowa correctional institution for women
27 shall receive a salary as determined by the state director.

28 Sec. 84. Section 245.3, Code 1983, is amended to read
29 as follows:

30 245.3 SERVICE REQUIRED. The superintendent may, with
31 the approval of the state director, require any inmate to
32 perform any service suited to her strength and attainments
33 and which may be needed for the benefit of the ~~reformatory~~
34 Iowa correctional institution for women or for the ~~welfare~~
35 of ~~such~~ the inmate.

1 Sec. 85. Section 245.4, Code 1983, is amended to read
2 as follows:

3 245.4 EMPLOYEES TO RECEIVE A MIDSHIFT MEAL. The employees
4 of the ~~women's reformatory~~ Iowa correctional institution for
5 women shall receive a midshift meal when on duty.

6 Sec. 86. Section 245.7, Code 1983, is amended to read
7 as follows:

8 245.7 TERM OF COMMITMENTS. A female convicted of a felony
9 shall not be detained in ~~said reformatory~~ the Iowa correctional
10 institution for women under one commitment for a period longer
11 than the maximum term of imprisonment provided by law for
12 ~~said~~ the felony. A female convicted of a crime and sentenced
13 to a term of less than one year shall not be detained ~~therein~~
14 in that institution.

15 Sec. 87. Section 245.8, Code 1983, is amended to read
16 as follows:

17 245.8 MANNER OF COMMITTING FEMALES. Females committed
18 to ~~said reformatory~~ the Iowa correctional institution for
19 women shall be taken ~~thereto~~ to the institution by ~~some a~~
20 woman, or by ~~some a~~ peace officer accompanied by ~~some a~~ woman,
21 appointed by the court.

22 Sec. 88. Section 245.9, Code 1983, is amended to read
23 as follows:

24 245.9 COSTS OF COMMITMENT. The costs and expenses allowed
25 for taking females to the ~~reformatory~~ Iowa correctional
26 institution for women shall be the same as those allowed by
27 law for taking girls to the training school, and shall be
28 audited and paid in like manner by the counties from which
29 they are sent.

30 Sec. 89. Section 245.12, Code 1983, is amended to read
31 as follows:

32 245.12 TRANSFER OF MENTALLY ILL. The ~~state~~ director may
33 cause any woman committed to the ~~reformatory~~ Iowa correctional
34 institution for women and suspected of being mentally ill
35 to be examined by one of the superintendents or the

1 superintendent's qualified designee of a state hospital for
 2 the mentally ill or transferred to the Iowa security and
 3 medical facility for examination. If the woman is found to
 4 be mentally ill, the Iowa department of corrections may order
 5 the woman transferred to or retained at a state hospital or
 6 the Iowa security and medical facility where she shall
 7 thereafter be maintained and treated at the expense of the
 8 state until such time as she regains her good mental health
 9 when she shall be returned to the reformatory Iowa correctional
 10 institution for women. The cost of transfer and return shall
 11 be paid as provided for other transfers.

12 Sec. 90. Section 245.15, Code 1983, is amended to read
 13 as follows:

14 245.15 ESCAPE. Any inmate of ~~said-reformatory~~ the Iowa
 15 correctional institution for women who ~~shall-escape-therefrom~~
 16 escapes from it may be arrested and returned to ~~said~~
 17 reformatory the institution, by an officer or employee thereof
 18 of the institution without any other authority than this
 19 chapter, and by any peace officer or other person on the
 20 request in writing of the superintendent or the state director.

21 Sec. 91. Section 245.20, Code 1983, is amended to read
 22 as follows:

23 245.20 FEDERAL PRISONERS. Inmates sentenced for any term
 24 by any court of the United States may be received by the
 25 superintendent into the ~~women's-reformatory~~ Iowa correctional
 26 institution for women and there kept ~~in~~ pursuant ~~of~~ to their
 27 sentences. Inmates at the ~~women's-reformatory~~ institution
 28 may also be transferred to the federal bureau of prisons.
 29 ~~if-an-inmate-objects-to-her-transfer-to-the-federal-bureau~~
 30 ~~of-prisons,-the-inmate-shall-be-afforded-a-hearing-as-provided~~
 31 ~~in-section-217-22.~~

32 Sec. 92. Section 246.1, Code 1983, is amended to read
 33 as follows:

34 246.1 DEFINITIONS. For the purpose of this chapter
 35 "director" or "state director" ~~shall-mean~~ means the director

1 ~~of-the-division-of-adult-corrections~~ of the Iowa department
2 of ~~social-services~~ corrections, or that director's designee.
3 Sec. 93. Section 246.11, Code 1983, is amended to read
4 as follows:

5 246.11 FEDERAL PRISONERS. Inmates sentenced for any term
6 by any court of the United States may be received by the
7 warden into the penitentiary or the men's reformatory and
8 there kept in pursuance of their sentences. Inmates at either
9 the penitentiary or men's reformatory may also be transferred
10 to the federal bureau of prisons. ~~if-an-inmate-objects-to~~
11 ~~his-transfer-to-the-federal-bureau-of-prisons,-the-inmate~~
12 ~~shall-be-afforded-a-hearing-as-provided-in-section-217-22-~~

13 Sec. 94. Section 246.16, Code 1983, is amended to read
14 as follows:

15 246.16 TRANSFER OF MENTALLY ILL. When the state director
16 has cause to believe that a prisoner in the penitentiary or
17 reformatory is mentally ill, the Iowa department of corrections
18 may cause that prisoner to be transferred to the Iowa security
19 and medical facility for examination, diagnosis, or treatment.
20 The prisoner shall be confined at that institution or a state
21 hospital for the mentally ill until the expiration of the
22 prisoner's sentence or until the prisoner is pronounced in
23 good mental health. If the prisoner is pronounced in good
24 mental health before the expiration of the prisoner's sentence,
25 the prisoner shall be returned to the penitentiary or
26 reformatory until the expiration of the prisoner's sentence.
27 The provisions of the Code applicable to an inmate at the
28 correctional institution from which the prisoner is transferred
29 remain applicable during the inmate's stay at the Iowa security
30 and medical facility. However, section 246.32 applies to
31 the total inmate population, including both convicts and
32 patients.

33 Sec. 95. Section 246.38, Code 1983, is amended to read
34 as follows:

35 246.38 TIME TO BE SERVED--CREDIT. No inmate shall be

1 discharged from the penitentiary, ~~or~~ the men's ~~or-women's~~
 2 reformatory, or the Iowa correctional institution for women,
 3 until he-or-she the inmate has served the full term for which
 4 the inmate was sentenced, less good time earned and not
 5 forfeited, unless the inmate is pardoned or otherwise legally
 6 released. Any provision to the contrary notwithstanding,
 7 good time earned and not forfeited shall apply to reduce a
 8 mandatory minimum sentence being served pursuant to section
 9 204.406, 204.413, 902.7, 902.8, or 906.5. The inmate shall
 10 be deemed to be serving ~~his-or-her~~ the inmate's sentence from
 11 the day on which the inmate is received into the institution,
 12 but not while in solitary confinement for violation of the
 13 rules of the institution, ~~provided, however.~~ However, if
 14 an inmate had been confined to a county jail or other
 15 correctional or mental institution at any time prior to
 16 sentencing, or after sentencing but prior to the case having
 17 been decided on appeal, because of failure to furnish bail
 18 or because of being charged with a nonbailable offense, the
 19 inmate shall be given credit for such days already served
 20 in jail upon the term of the sentence. The clerk of the
 21 district court of the county from which the inmate was
 22 sentenced, shall certify to the warden the number of days
 23 so served.

24 Sec. 96. Section 246.39, unnumbered paragraph 1, Code
 25 1983, is amended to read as follows:

26 Each ~~prisoner~~ inmate who ~~shall-have~~ has no infraction of
 27 the rules of discipline of the penitentiary, ~~or~~ the men's
 28 ~~or-women's~~ reformatory, or the Iowa correctional institution
 29 for women, or laws of the state, recorded against ~~him~~ the
 30 inmate, and who performs in a faithful manner the duties
 31 assigned to ~~him~~ the inmate, ~~shall-be~~ is entitled to a reduction
 32 of sentence as follows, and if the sentence be for less than
 33 a year, then the pro rata part thereof:

34 Sec. 97. Section 246.45, Code 1983, is amended to read
 35 as follows:

1 246.45 APPLICABILITY TO OTHER INSTITUTIONS. Sections
2 246.38, 246.39, 246.41, 246.42, and 246.43 also apply to the
3 inmates at the ~~women's reformatory~~ Iowa correctional
4 institution for women and the Iowa security and medical
5 facility.

6 Sec. 98. Section 246.48, subsection 1, Code 1983, is
7 amended to read as follows:

3.600 8 1. Beginning April 1, 1978, the medium security
9 correctional facility at Mount Pleasant shall be utilized
10 as a secure facility for treatment of inmates of adult
11 correctional institutions who exhibit treatable personality
12 disorders, with or without accompanying history of drug or
13 alcohol abuse. Such inmates may apply for and upon their
14 application may be selected for treatment by the staff of
15 the treatment facility at Mount Pleasant in accordance with
16 section ~~218-90~~ 217A.20.

17 Sec. 99. Section 246A.1, Code 1983, is amended to read
18 as follows:

19 246A.1 ESTABLISHED BY DEPARTMENT OF ~~SOCIAL-SERVICES~~
20 CORRECTIONS. The Iowa department of ~~social-services-is-hereby~~
21 ~~authorized-to~~ corrections may establish a facility for the
22 preparation of all inmates of the corrective institutions
23 under the department's jurisdiction, for discharge or parole.
24 The facility shall be known as the correctional release center
25 and shall ~~be-operated-in-conjunction-with-and~~ utilize the
26 facilities of the prison honor farm at Newton, Iowa.

27 Sec. 100. Section 246A.2, Code 1983, is amended to read
28 as follows:

29 246A.2 SUPERINTENDENT. The director of ~~division~~ the Iowa
30 department of corrections, subject to approval of the
31 ~~department~~ board of corrections, shall appoint a superintendent
32 who shall serve as the chief executive of the correctional
33 release center. The superintendent shall be a reputable and
34 qualified person experienced in the administration of programs
35 for the rehabilitation and preparation of ~~prisoners~~ inmates

1 for their return to society.

2 Sec. 101. Section 246A.3, Code 1983, is amended to read
3 as follows:

4 246A.3 TRANSFER OF PRISONERS TO CENTER. The Iowa
5 department of corrections may transfer any inmate of a
6 corrective institution within ninety days of the inmate's
7 approaching release from custody to the release center for
8 intensive training to assist the inmate in the transition
9 to civilian living.

10 Sec. 102. Section 247.29, unnumbered paragraph 1, Code
11 1983, is amended to read as follows:

12 The clerk of the district court ~~shall~~, on or before July
13 15 each year, shall report to the board of parole and the
14 director of the ~~division~~ Iowa department of corrections ~~of~~
15 ~~the-department-of-social-services~~:

16 Sec. 103. Section 247.31, Code 1983, is amended to read
17 as follows:

18 247.31 AUDITOR TO REPORT STATISTICS TO CLERK. The county
19 auditor shall report to the clerk of the district court, on
20 or before July 5 of each year, the expenses of the county
21 in criminal prosecutions during the year ending June 30
22 preceding, including but distinguishing the compensation of
23 the county attorney. ~~Sueh~~ The report shall include all the
24 items of criminal expenses which appear in the records of
25 ~~his~~ the clerk's office and which are required to be reported
26 by the clerk of the district court to the board of parole
27 and the director of the ~~division~~ Iowa department of corrections
28 ~~of-the-department-of-social-services~~. The clerk of the
29 district court shall furnish to the auditor the blanks to
30 be used in making ~~sueh~~ the report.

31 Sec. 104. Section 247.32, Code 1983, is amended to read
32 as follows:

33 247.32 BIENNIAL REPORTS. The board of parole and the
34 ~~chief-parole-officer~~ judicial district departments of
35 correctional services shall make ~~sueh~~ detailed reports to

1 the director of the ~~division~~ Iowa department of corrections
2 ~~of-the-department-of-social-services~~ as are requested by him
3 the director and he the director shall forward ~~such~~ the reports
4 along with his personal recommendations to the ~~commissioner~~
5 board of corrections of the Iowa department of ~~social-services~~
6 corrections. The ~~commissioner~~ board of corrections in turn
7 shall, biannually, at the time provided by law, report to
8 the governor a summary of paroles granted and releases
9 recommended, the names of all ~~prisoners~~ inmates who have
10 violated their paroles, and ~~such~~ other information concerning
11 this departmental operation as ~~may-be~~ deemed advisable,
12 including an abstract for each year of the returns relative
13 to criminal matters.

14 Sec. 105. Section 247A.2, Code 1983, is amended to read
15 as follows:

16 247A.2 PROGRAM. The Iowa department of ~~social-services~~
17 corrections shall establish a work release program under which
18 inmates sentenced to an institution under the jurisdiction
19 of the department may be granted the privilege of leaving
20 actual confinement during necessary and reasonable hours for
21 the purpose of working at gainful employment. Under
22 appropriate conditions the program may also include release
23 for the purpose of seeking employment and attendance at an
24 educational institution. In the case of inmates who have
25 children in their homes under the age of eighteen years, the
26 program may include child care and housekeeping in their
27 homes.

28 Sec. 106. Section 247A.3, Code 1983, is amended to read
29 as follows:

30 247A.3 COMMITTEE. A committee shall be designated by
31 the Iowa department of corrections consisting of one member
32 of the parole board or its designee, one representative of
33 the ~~division~~ Iowa department of corrections, and one
34 representative of the institution in which the inmate is
35 confined at the time of application.

1 Sec. 107. Section 247A.5, Code 1983, is amended to read
2 as follows:

3 247A.5 HOUSING FACILITIES--HALF-WAY HOUSES. ~~The department~~
4 ~~shall designate and adopt facilities in the institutions and~~
5 ~~camps under its jurisdiction for the housing of inmates granted~~
6 ~~work release privileges--in areas where facilities are not~~
7 ~~within reasonable proximity of the place of employment of~~
8 ~~an inmate so released~~ Unless the inmate is transferred to
9 the correctional release center, or returns after working
10 hours to the institution under jurisdiction of the department
11 of corrections, the department of corrections shall
12 contract with the proper authorities of political subdivisions
13 of the state or suitable public or private agencies a judicial
14 district department of correctional services for the quartering
15 and supervision of the inmate in local housing facilities.
16 The committee shall include as a specific term or condition
17 in the work release plan of any inmate the place where the
18 inmate is to be housed when not on the work assignment. The
19 committee shall not place an inmate on work release for longer
20 than six months in any twelve-month period, ~~provided, however,~~
21 ~~that.~~ However, an inmate may be placed on work release for
22 a period in excess of six months in any twelve-month period
23 if unanimous approval is given by the committee. Inmates
24 may be temporarily released to the supervision of a responsible
25 person to participate in family and selected community,
26 religious, educational, social, civic, and recreational
27 activities when it is determined that the participation will
28 directly facilitate the release transition from institution
29 to community. The department of corrections shall provide
30 a copy of the work release plan and a copy of any restitution
31 plan of payment to the judicial district department of
32 correctional services quartering and supervising the inmate.

33 Sec. 108. Section 247A.7, subsection 1, Code 1983, is
34 amended to read as follows:

35 1. An amount determined to be the cost to the state

1 judicial district department of correctional services for
2 providing food, lodging and clothing for the inmate while
3 under the program. The judicial district department of cor-
4 rectional services shall be reimbursed this amount unless
5 the contract with the department of corrections provides
6 otherwise.

7 Sec. 109. Section 247A.8, Code 1983, is amended to read
8 as follows:

9 247A.8 STATUS OF INMATES ON WORK RELEASE. ~~No~~ An inmate
10 employed in the community under ~~the provisions of~~ this chapter
11 ~~shall be deemed to be~~ is not an agent, employee, or involuntary
12 servant of the department of ~~social services~~ corrections nor
13 the judicial district department of correctional services
14 while released from confinement under the terms of ~~any~~ a work
15 release plan. ~~Should any~~ If an inmate ~~suffer~~ suffers an
16 injury arising out of or in the course of the inmate's
17 employment under this chapter, the inmate's recovery shall
18 be from the insurance carrier of the employer of the project
19 and no proceedings for compensation shall be maintained against
20 the insurance carrier of the state institution, ~~or~~ the state,
21 the insurance carrier of the judicial district department
22 of correctional services, or the judicial district department
23 of correctional services, and it is understood that there
24 is no employer-employee relationship between the inmate and
25 the state institution or the judicial district department
26 of correctional services.

27 Sec. 110. Section 247A.10, Code 1983, is amended to read
28 as follows:

29 247A.10 ALLEGED WORK RELEASE VIOLATORS--REIMBURSEMENT
30 TO COUNTIES FOR TEMPORARY CONFINEMENT. The ~~division~~ Iowa
31 department of ~~adult~~ corrections shall negotiate a reimbursement
32 rate with each county for the temporary confinement of alleged
33 violators of work release conditions who are in the custody
34 of the director of the ~~division~~ Iowa department of ~~adult~~
35 corrections or who are housed or supervised by the judicial

1 district department of correctional services. The amount
2 to be reimbursed shall be determined by multiplying the number
3 of days ~~so~~ a person is confined by the average daily cost
4 of confining a person in the county facility as negotiated
5 with the department. Payment shall be made upon submission
6 of a voucher executed by the sheriff and approved by the
7 director of the ~~division~~ Iowa department of adult corrections.
8 The money shall be deposited in the county general fund to
9 be credited to the jail account.

10 Sec. 111. Section 255.28, Code 1983, is amended to read
11 as follows:

12 255.28 TRANSFER OF PATIENTS FROM STATE INSTITUTIONS.
13 The commissioner of the department of ~~social~~ human services
14 and, in respect to institutions under the commissioner's
15 control, the director of any of the divisions of such the
16 department, in respect to the institutions under the director's
17 control, the director of the Iowa department of corrections,
18 in respect to the institutions under the department's control,
19 and the state board ~~in-control~~ of regents in respect to the
20 Iowa braille and sight-saving school, and the Iowa school
21 for the deaf, may, ~~respectively,~~ send any inmate, student,
22 or patient of any ~~of-said~~ institutions, or any person committed
23 or applying for admission thereto, to the hospital of the
24 medical college of the state university for treatment and
25 care as provided in this chapter, without securing the order
26 of court required in other cases. ~~Said-state~~ The department
27 of ~~social~~ human services, the Iowa department of corrections
28 and the state board ~~in-control~~ of regents ~~the-Iowa-braille~~
29 ~~and-sight-saving-school-and-the-Iowa-school-for-the-deaf,~~
30 shall respectively pay the traveling expenses of any a patient
31 thus committed, and when necessary the traveling expenses
32 of an attendant for ~~such~~ the patient, out of funds appropriated
33 for the use of the institution from which he the patient is
34 sent.

35 Sec. 112. Section 255.29, Code 1983, is amended to read

1 as follows:

2 255.29 MEDICAL CARE FOR PAROLEES. The director of the
3 ~~division~~ Iowa department of corrections ~~of-the-department~~
4 ~~of-social-services~~ may send former inmates of the ~~Iowa-state~~
5 ~~penitentiary-and-men's-or-women's-reformatory~~ institutions
6 provided for in section 217A.2, while on parole, to the
7 hospital of the college of medicine of the state University
8 of Iowa for treatment and care as provided in this chapter,
9 without securing the order of the court required in other
10 cases. ~~Said~~ The director may pay the traveling expenses of
11 any patient thus committed, and, when necessary, the traveling
12 expenses of an attendant of ~~such~~ the patient out of funds
13 appropriated for the use of ~~such~~ the division.

14 Sec. 113. Section 331.756, subsection 41, Code 1983, is
15 amended by striking the subsection.

16 Sec. 114. Section 331.756, subsection 42, Code 1983, is
17 amended to read as follows:

18 42. Provide the Iowa department of ~~social-services~~
19 corrections with information relating to the background and
20 criminal acts committed by each person sentenced to a state
21 correctional institution from the county as provided in section
22 ~~218-97~~ 217A.36.

23 Sec. 115. Section 356.14, Code 1983, is amended to read
24 as follows:

25 356.14 REFRACTORY PRISONERS. If any person confined in
26 a jail is refractory or disorderly or willfully destroys or
27 injures any part ~~thereof~~ of the jail or of its contents, the
28 sheriff may secure ~~such~~ the person or cause ~~him-or-her~~ the
29 person to be kept in solitary confinement not more than ten
30 days for any one offense, during which time the person may
31 be fed minimum diet requirements as established by the Iowa
32 department of ~~social-services~~ corrections unless other food
33 is necessary for the preservation of the person's health.

34 Sec. 116. Section 356.36, Code 1983, is amended to read
35 as follows:

1 356.36. ESTABLISHMENT OF JAIL STANDARDS. The Iowa depart-
2 ment of ~~social-services~~ corrections, in consultation with
3 the Iowa state sheriff's association and the Iowa board of
4 supervisors association, shall draw up minimum standards for
5 the regulation of jails and alternative jails. When completed
6 by the department, the standards shall be ~~promulgated~~ adopted
7 as rules pursuant to chapter 17A.

8 The sole remedy for violation of a rule adopted pursuant
9 to this section, is by a proceeding for compliance initiated
10 by request to the Iowa department of ~~social-services~~
11 corrections. A violation of a rule does not permit any civil
12 action to recover damages against the state of Iowa, its
13 departments, agents, or employees or any county, its agents
14 or employees.

15 Sec. 117. Section 356.43, Code 1983, is amended to read
16 as follows:

17 356.43 INSPECTION BY DEPARTMENT--REPORT OF INSPECTION.

18 The state Iowa department of ~~social-services~~ corrections and
19 its inspectors and agents shall ~~have-the-power-and-duty-to~~
20 make periodic inspections of each such jail and all such
21 facilities established pursuant to chapter 356A, and officially
22 ~~to~~ notify the county board of supervisors in writing to comply
23 fully with ~~the-provisions-of~~ section 356.36.

24 The Iowa department of ~~social-services~~ corrections may
25 order the governing body of a political subdivision to either
26 correct any violations found in the inspection of a jail
27 within a designated period, or may prohibit the confinement
28 of prisoners in the jail. If the governing body fails to
29 comply with the order within the period designated, the Iowa
30 department of ~~social-services~~ corrections may schedule a
31 hearing on the alleged violation. The department may subpoena
32 witnesses, documents, and other information deemed necessary
33 to determine the validity of the alleged violation. The
34 department shall upon written request from the governing body
35 of the political subdivision grant representatives of the

1 political subdivision the right to appear before the department
2 at the hearing. ~~Such~~ The representatives shall have the right
3 to counsel and may produce witnesses and present statements,
4 documents, and other information with respect to the alleged
5 violation for consideration at the hearing.

6 The department after the hearing shall affirm, revoke,
7 or modify the original order. If the order is upheld, the
8 department may include a schedule for correction of the
9 ~~violation-or~~ violations and designate the date before by which
10 each violation shall be corrected.

11 If the political subdivision does not comply with the order
12 within the designated period, the department may petition
13 the attorney general to institute proceedings to enjoin the
14 political subdivision from confining prisoners in the jail
15 and require the transfer of prisoners to a jail declared by
16 the director to be suitable for confinement. The county or
17 municipality from which prisoners are transferred ~~shall-be~~
18 is liable for the cost of transfer and expenditures incurred
19 in the confinement of prisoners in the jail to which
20 transferred. Following inspection of any county jail, a
21 report of the ~~same~~ inspection shall be filed with the director
22 of the ~~division~~ Iowa department of corrections ~~of-the~~
23 ~~department-of-social-services~~, and a copy shall be filed with
24 the sheriff, the county board of supervisors, and one copy
25 with the county attorney, which shall be presented at the
26 next session of the grand jury of that county.

27 Sec. 118. Section 690.4, unnumbered paragraph 2, Code
28 1983, is amended to read as follows:

29 It shall also be the duty of the ~~said~~ wardens and super-
30 intendants to procure the taking of five- by seven-inch
31 photographic negative showing the full length view of each
32 convict, prisoner or inmate of the penitentiary, men's
33 reformatory, and ~~women's-reformatory~~ Iowa correctional insti-
34 tution for women in ~~his-or-her~~ the inmate's release clothing
35 immediately prior to ~~his-or-her~~ the inmate's discharge from

1 the institution either upon expiration of sentence or commit-
2 ment or on parole, and to forward ~~such~~ the photographic nega-
3 tive within two days after ~~the same~~ it is taken to the division
4 of criminal investigation and bureau of identification, Iowa
5 department of public safety.

6 Sec. 119. Section 692.1, subsection 7, Code 1983, is
7 amended to read as follows:

8 7. "Correctional data" means information pertaining to
9 the status, location, and activities of persons under the
10 supervision of the county sheriff, the ~~division~~ Iowa department
11 of corrections ~~of the department of social services~~, the board
12 of parole, or any other state or local agency performing the
13 same or similar function, but does not include investigative,
14 sociological, psychological, economic, or other subjective
15 information maintained by the ~~division~~ Iowa department of
16 corrections ~~of the department of social services~~ or board
17 of parole.

18 Sec. 120. Section 707.2, subsection 4, Code 1983, is
19 amended to read as follows:

20 4. The person intentionally kills a peace officer,
21 correctional officer, public employee, or hostage while ~~such~~
22 the person is imprisoned in a correctional institution under
23 the jurisdiction of the Iowa department of ~~social services~~
24 corrections, or in a city or county jail.

25 Sec. 121. Section 719.4, subsection 3, Code 1983, is
26 amended to read as follows:

27 3. Any A person who has been committed to any an
28 institution under the control of the ~~division~~ Iowa department
29 of ~~adult~~ corrections, or to any a jail or correctional
30 institution, who knowingly and voluntarily absents himself
31 or herself from any a place where the person is required to
32 be, commits a serious misdemeanor.

33 Sec. 122. Section 719.7, Code 1983, is amended to read
34 as follows:

35 719.7 FURNISHING INTOXICANT TO INMATES. Any A person

1 not authorized by law who furnishes or knowingly makes
2 available any an intoxicating beverage to any an inmate at
3 any a detention facility, correctional institution, or any
4 an institution under the management of the Iowa department
5 of ~~social-services~~ corrections, or who introduces any an
6 intoxicating beverage into the premises of any such an
7 institution, commits a ~~simple-misdemeanor~~ class "D" felony.

8 Sec. 123. Section 719.8, Code 1983, is amended to read
9 as follows:

10 719.8 FURNISHING CONTROLLED SUBSTANCE TO INMATES. Any
11 A person not authorized by law who furnishes or knowingly
12 makes available any a controlled substance to any an inmate
13 at any a detention facility or correctional institution, or
14 at any an institution under the management of the Iowa
15 department of ~~social-services~~ corrections, or who introduces
16 any a controlled substance into the premises of any such an
17 institution, commits a class "D" felony.

18 Sec. 124. Section 724.2, subsection 4, Code 1983, is
19 amended to read as follows:

20 4. Any A correctional officer, serving in an institution
21 under the authority of the ~~division~~ Iowa department of ~~adult~~
22 corrections.

23 Sec. 125. Section 724.4, subsection 4, Code 1983, is
24 amended to read as follows:

25 4. Any A correctional officer, when ~~his-or-her~~ the
26 officer's duties require, serving under the authority of the
27 ~~division~~ Iowa department of ~~adult~~ corrections.

28 Sec. 126. Section 901.4, Code 1983, is amended to read
29 as follows:

30 901.4 PRESENTENCE INVESTIGATION REPORT CONFIDENTIAL.
31 The court may~~-in-its-discretion-~~ make the presentence
32 investigation report or parts of it available to the defendant,
33 or the court may make the report or parts of it available
34 while concealing the identity of the person who provided
35 confidential information. The report of any a medical

1 examination or psychiatric evaluation shall be made available
 2 to the attorney for the state and to the defendant upon
 3 request. ~~Such~~ The reports shall be part of the record but
 4 shall be sealed and opened only on order of the court. ~~In~~
 5 ~~any-case-where~~ If the defendant is committed to the custody
 6 of the ~~division~~ Iowa department of ~~adult~~ corrections and is
 7 not a class "A" felon, a copy of the presentence investigation
 8 report shall be sent to the director at the time of commitment.

9 Sec. 127. Section 901.7, Code 1983, is amended to read
 10 as follows:

11 901.7 COMMITMENT TO CUSTODY. In imposing a sentence of
 12 confinement for more than one year, the court shall commit
 13 the defendant to the custody of the director of the ~~division~~
 14 Iowa department of ~~adult~~ corrections. Upon entry of judgment
 15 and sentence, the clerk of the district court immediately
 16 shall notify the director of ~~such~~ the commitment. The court
 17 shall make ~~such~~ an order as is appropriate for the temporary
 18 custody of the defendant pending the defendant's transfer
 19 to the custody of the director. The court shall order the
 20 county where a person was convicted to pay the cost of
 21 temporarily confining the person and of transporting the
 22 person to the state institution where ~~he-ex-she~~ the person
 23 is to be confined in execution of the judgment.

24 Sec. 128. Section 901.8, Code 1983, is amended to read
 25 as follows:

26 901.8 CONSECUTIVE SENTENCES. If a person is sentenced
 27 for two or more separate offenses, the sentencing judge may
 28 order the second or further sentence to begin at the expiration
 29 of the first or succeeding sentence. If a person is sentenced
 30 for escape under section 719.4 or for a crime committed while
 31 confined in a detention facility or penal institution, the
 32 sentencing judge shall order the sentence to begin at the
 33 expiration of any existing sentence. If the person is
 34 presently in the custody of the director of the ~~division~~ Iowa
 35 department of ~~adult~~ corrections, the sentence shall be served

1 at the facility or institution in which the person is already
2 confined unless the person is transferred by the director.
3 If consecutive sentences are specified in the order of
4 commitment, the several terms shall be construed as one
5 continuous term of imprisonment.

6 Sec. 129. Section 902.1, Code 1983, is amended to read
7 as follows:

8 902.1 CLASS "A" FELONY. Upon a plea of guilty, a verdict
9 of guilty, or a special verdict upon which a judgment of
10 conviction of a class "A" felony may be rendered, the court
11 shall enter a judgment of conviction and shall commit the
12 defendant into the custody of the director of the ~~division~~
13 Iowa department of adult corrections for the rest of the
14 defendant's life. Nothing in the Iowa corrections code
15 pertaining to deferred judgment, deferred sentence, suspended
16 sentence, or reconsideration of sentence ~~shall apply~~ applies
17 to a class "A" felony, and ~~no~~ a person convicted of a class
18 "A" felony shall not be released on parole unless the governor
19 commutes the sentence to a term of years.

20 Sec. 130. Section 902.3, Code 1983, is amended to read
21 as follows:

22 902.3 INDETERMINATE SENTENCE. When a judgment of
23 conviction of a felony, other than a class "A" felony is
24 entered against any a person, the court, in imposing a sentence
25 of confinement, shall commit the person into the custody of
26 the director of the ~~division~~ Iowa department of ~~adult~~
27 corrections for an indeterminate term, the maximum length
28 of which shall not exceed the limits as fixed by section 707.3
29 or section 902.9 nor shall the term be less than the minimum
30 term imposed by law, if a minimum sentence is provided.

31 Sec. 131. Section 902.4, Code 1983, is amended to read
32 as follows:

33 902.4 RECONSIDERATION OF FELON'S SENTENCE. For a period
34 of ninety days from the date when a person convicted of a
35 felony, other than a class "A" felony or a felony for which

1 a minimum sentence of confinement is imposed, begins to serve
 2 a sentence of confinement, the court, on its own motion or
 3 on the recommendation of the ~~commissioner~~ director of ~~social~~
 4 ~~services~~ the Iowa department of corrections, may order the
 5 person to be returned to the court, at which time the court
 6 may review its previous action and reaffirm it or substitute
 7 for it any sentence permitted by law. The court's final order
 8 in ~~any-such~~ the proceeding shall be delivered to the defendant
 9 personally or by certified mail. ~~Such-action-is-discretionary~~
 10 ~~with-the-court,-and-its~~ The court's decision to take ~~such~~
 11 the action or not to take ~~such~~ the action is not subject to
 12 appeal. ~~The-provisions-of-this-section-notwithstanding~~
 13 However, for the purposes of appeal, a judgment of conviction
 14 of a felony is a final judgment when pronounced.

15 Sec. 132. Section 902.5, Code 1983, is amended to read
 16 as follows:

17 902.5 PLACE OF CONFINEMENT. The director of the ~~division~~
 18 Iowa department of ~~adult~~ corrections shall determine the
 19 appropriate place of confinement of any person committed to
 20 the director's custody, in any institution administered by
 21 the director, and may transfer the person from one institution
 22 to another during the person's period of confinement.

23 Sec. 133. Section 902.6, Code 1983, is amended to read
 24 as follows:

25 902.6 RELEASE. A person who has been committed to the
 26 custody of the director of the ~~division~~ Iowa department of
 27 ~~adult~~ corrections shall remain in ~~such~~ custody until released
 28 by the order of the board of parole, in accordance with the
 29 law governing paroles, or by order of the judge after
 30 reconsideration of a felon's sentence pursuant to section
 31 902.4 or until the maximum term of the person's confinement,
 32 as fixed by law, has been completed.

33 Sec. 134. Section 902.10, Code 1983, is amended to read
 34 as follows:

35 902.10 APPLICATION FOR INVOLUNTARY HOSPITALIZATION. For

1 the purposes of chapter 229, the director of the ~~division~~
2 Iowa department of corrections ~~shall-be-considered~~ is an
3 interested person and all applicable provisions of chapter
4 229, relating to involuntary hospitalization, ~~shall~~ apply
5 to any persons who have been committed to the custody of the
6 ~~division~~ Iowa department of corrections as a result of a
7 conviction of a public offense.

8 Sec. 135. Section 903.4, Code 1983, is amended to read
9 as follows:

10 903.4 PROVIDING PLACE OF CONFINEMENT. All persons
11 sentenced to confinement for a period of one year or less
12 shall be confined in a place to be furnished by the county
13 where the conviction was had unless the person is presently
14 committed to the custody of the director of the ~~division~~ Iowa
15 department of ~~adult~~ corrections, in which case the provisions
16 of section 901.8 apply. All persons sentenced to confinement
17 for a period of more than one year shall be committed to the
18 custody of the director of the ~~division~~ Iowa department of
19 ~~adult~~ corrections to be confined in a place to be designated
20 by the director and the cost of ~~such~~ the confinement shall
21 be borne by the state. The director may contract with local
22 governmental units for the use of detention or correctional
23 facilities maintained by ~~such~~ the units for the confinement
24 of such persons.

25 Sec. 136. Section 905.1, subsection 2, Code 1983, is
26 amended to read as follows:

27 2. "Community-based correctional program" means
28 correctional programs and services designed to supervise and
29 assist individuals who are charged with or have been convicted
30 of a felony, an aggravated misdemeanor or a serious
31 misdemeanor, or who are on probation or parole in lieu of
32 or as a result of a sentence of incarceration imposed upon
33 conviction of any of these offenses, or who are contracted
34 to the district department for supervision and housing while
35 on work release.

1 Sec. 137. Section 905.4, subsections 2, 4, and 9, Code
2 1983, are amended to read as follows:

3 2. Employ a director having the qualifications required
4 by section 905.6 to head the district department's community-
5 based correctional program and, within a range established
6 by the state Iowa department of ~~social-services~~ corrections,
7 fix the compensation of and have control over the director
8 and the district department's staff. For purposes of
9 collective bargaining under chapter 20, employees of the
10 district board who are not exempt from chapter 20 ~~shall-be~~
11 are employees of the state, and the employees of all of the
12 district boards shall be included within one collective
13 bargaining unit.

14 4. File with the board of supervisors of each county in
15 the district and with the state Iowa department of ~~social~~
16 services corrections, within thirty days after the close of
17 each fiscal year, a report covering the district board's
18 proceedings and a statement of receipts and expenditures
19 during the preceding fiscal year.

20 9. Arrange, by contract or on ~~such~~ an alternative basis
21 ~~as-may-be~~ mutually acceptable, and with approval of the
22 director of the ~~division~~ Iowa department of ~~adult~~ corrections
23 ~~of-the-department-of-social-services~~ or that director's
24 designee for utilization of existing local treatment and
25 service resources, including but not limited to employment,
26 job training, general, special, or remedial education;
27 psychiatric and marriage counseling; and alcohol and drug
28 abuse treatment and counseling. It is the intent of this
29 chapter that a district board shall approve the development
30 and maintenance of such resources by its own staff only if
31 the resources ~~to-be-so-developed-and-maintained~~ are otherwise
32 unavailable to the district department within reasonable
33 proximity to the community where these services are needed
34 in connection with the community-based correctional program.

35 Sec. 138. Section 905.5, subsection 1, Code 1983, is

1 amended to read as follows:

2 1. The county designated under section 905.4, subsection
3 3, as administrative agent for each district department, or
4 the district department itself, if designated as administrative
5 agent by the district board, shall submit that district
6 department's budget and supporting information to the state
7 Iowa department of ~~social-services~~ corrections in accordance
8 with the provisions of chapter 8. The state department shall
9 incorporate the budgets of each of the district departments
10 into its own budget request, to be processed as prescribed
11 by the uniform budget, accounting and administrative procedures
12 established by the state comptroller. Funds appropriated
13 pursuant to the budget requests of the respective district
14 departments shall be allocated on a quarterly basis, and the
15 state comptroller shall authorize advancement of the funds
16 so allocated to each district department's administrative
17 agent, or to the district department itself if the district
18 department acts as administrative agent, at the beginning
19 of each fiscal quarter.

20 Sec. 139. Section 905.6, subsections 1, 2, and 6, Code
21 1983, are amended to read as follows:

22 1. Perform the duties and have the responsibilities
23 delegated by the district board or specified by the state
24 Iowa department of ~~social-services~~ corrections pursuant to
25 this chapter.

26 2. Manage the district department's community-based
27 correctional program, in accordance with the policies of the
28 district board and the state Iowa department of ~~social-services~~
29 corrections.

30 6. Develop and submit to the district board a plan for
31 the establishment, implementation, and operation of a
32 community-based correctional program in that judicial district,
33 which program conforms to the guidelines drawn up by the state
34 Iowa department of ~~social-services~~ corrections under this
35 chapter.

1 Sec. 140. Section 905.7, unnumbered paragraph 1, Code
2 1983, is amended to read as follows:

3 The state Iowa department of ~~social-services~~ corrections
4 shall provide assistance and support to the respective judicial
5 districts to aid them in complying with this chapter, and
6 shall promulgate rules pursuant to chapter 17A establishing
7 guidelines in accordance with and in furtherance of the
8 purposes of this chapter. The guidelines ~~so-adopted~~ shall
9 include, but need not be limited to, requirements that each
10 district department:

11 Sec. 141. Section 905.7, subsection 1, Code 1983, is
12 amended to read as follows:

13 1. Provide pretrial release, presentence investigations,
14 probation services, parole services, work release services,
15 and residential treatment centers throughout the district,
16 as necessary.

17 Sec. 142. Section 905.8, Code 1983, is amended to read
18 as follows:

19 905.8 STATE FUNDS ALLOCATED. The state Iowa department
20 of ~~social-services~~ corrections shall provide for the allocation
21 among judicial districts in the state of any state funds
22 appropriated for the establishment, operation, support, and
23 evaluation of community-based correctional programs and
24 services. However, no state funds shall not be allocated
25 under this section to any a judicial district unless the state
26 Iowa department of corrections has reviewed and approved that
27 district department's community-based correctional program
28 for compliance with the requirements of this chapter and the
29 guidelines adopted under section 905.7.

30 Sec. 143. Section 905.9, Code 1983, is amended to read
31 as follows:

32 905.9 REPORT OF REVIEW--SANCTION. Upon completion of
33 a review of a district community-based correctional program,
34 made under section 905.8, the state Iowa department of ~~social~~
35 ~~services~~ corrections shall submit its findings to the district

1 board in writing. If the state Iowa department of corrections
2 concludes that the district department's community-based
3 correctional program fails to meet any of the requirements
4 of this chapter and of the guidelines adopted under section
5 905.7, it shall also request in writing a response to this
6 finding from the district board. If no a response is not
7 received within sixty days after the date of that request,
8 or if the response is unsatisfactory, the state Iowa department
9 of corrections may call a public hearing on the matter. If
10 after the hearing, the state Iowa department of corrections
11 is not satisfied that the district's community-based
12 correctional program will expeditiously be brought into
13 compliance with the requirements of this chapter and of the
14 guidelines adopted under section 905.7, it may assume
15 responsibility for administration of the district's community-
16 based correctional program on an interim basis.

17 Sec. 144. Section 905.10, Code 1983, is amended to read
18 as follows:

19 905.10 POST-INSTITUTIONAL PROGRAMS AND SERVICES. Persons
20 participating in post-institutional services ~~shall~~, except
21 those persons paroled and those persons contracted to the
22 district department, remain under the jurisdiction of the
23 state Iowa department of ~~social-services~~-division-of
24 corrections. The state district department of correctional
25 services shall maintain adequate personnel to provide post-
26 institutional residential services, parole services, and
27 supervision of persons transferred into the state under the
28 interstate compact for supervision of parolees and
29 probationers.

30 Sec. 145. Section 906.1, Code 1983, is amended to read
31 as follows:

32 906.1 DEFINITION OF PAROLE. Parole is the release of
33 a person who has been committed to the custody of the
34 ~~commissioner~~ director of ~~social-services~~ the Iowa department
35 of corrections by reason of the person's commission of a

1 public offense, which release occurs prior to the expiration
 2 of the person's term, is subject to supervision by the district
 3 department of ~~social-services~~ correctional services, and on
 4 conditions imposed by the district department.

5 Sec. 146. Section 906.3, Code 1983, is amended to read
 6 as follows:

7 906.3. AUTHORITY OF PAROLE BOARD. The board of parole
 8 shall ~~promulgate-regulations~~ adopt rules regarding a system
 9 of paroles from correctional institutions, and shall direct,
 10 control, and supervise the administration of ~~such~~ the system
 11 of paroles. The board shall determine which of those persons
 12 who have been committed to the custody of the director of
 13 the ~~division~~ Iowa department of ~~adult~~ corrections, by reason
 14 of their conviction of a public offense, shall be released
 15 on parole. The grant or denial of parole ~~shall~~ is not be
 16 ~~deemed~~ a contested case as defined in section 17A.2.

17 Sec. 147. Section 906.5, Code 1983, is amended to read
 18 as follows:

19 906.5 RECORD REVIEWED--ELIGIBILITY OF PRIOR FORCIBLE FELON
 20 FOR PAROLE--RULES. Within one year after the commitment of
 21 ~~any~~ a person other than a class "A" felon to the custody of
 22 the director of the ~~division~~ Iowa department of ~~adult~~
 23 corrections, a member of the board shall interview the person.
 24 Thereafter, at regular intervals, not to exceed one year,
 25 the board shall interview the person and consider ~~his-her~~
 26 the person's prospects for parole. At such time, the board
 27 shall consider all pertinent information regarding this person,
 28 including the circumstances of the person's offense, any
 29 presentence report which may be available, the previous social
 30 history and criminal record of ~~such~~ the person, the person's
 31 conduct, employment, and attitude in prison, and the reports
 32 of ~~such~~ physical and mental examinations as that have been
 33 made.

34 If the person who is under consideration for parole is
 35 serving a sentence for conviction of a felony and has a

1 criminal record of one or more prior convictions for a forcible
2 felony or a crime of a similar gravity in this or any other
3 state, parole shall be denied unless the defendant person
4 has served at least one-half of the maximum term of ~~his-or~~
5 ~~her~~ the sentence.

6 Every A person while on parole shall-be is under the
7 supervision of the district department of social-services,
8 which correctional services of the district designated by
9 the board of parole. The department of corrections shall
10 prescribe regulations for governing persons on parole. The
11 board may adopt other rules not inconsistent with the above
12 rules of the department of corrections as it may-deem deems
13 proper or necessary for the performance of its functions.

14 Sec. 148. Section 906.10, Code 1983, is amended to read
15 as follows:

16 906.10 PAROLE RELIEF FUND. There is hereby established,
17 from any unappropriated funds in the state treasury, a fund
18 of twelve hundred fifty dollars which shall be known as the
19 parole relief fund. The treasurer of the state shall continue
20 to maintain ~~said~~ the fund in ~~said~~ that amount. ~~Said~~ The fund
21 may be used for the relief of paroled prisoners who are in
22 distress because of illness, loss of employment, or conditions
23 creating personal need. ~~In-no-instance-shall-the~~ The total
24 amount advanced to a prisoner shall not exceed one hundred
25 dollars. The prisoner, at the time of receiving an
26 advancement, shall execute and deliver to ~~his-or-her~~ the
27 parole officer ~~his-or-her~~ a written obligation to repay the
28 ~~same~~ advance during the period of the prisoner's parole.
29 When ~~so~~ paid, the amount shall be deposited with the treasurer
30 of the state and credited to the fund from which drawn. ~~Such~~
31 ~~fund~~ The advance shall be drawn on vouchers executed by the
32 director of the ~~bureau~~ Iowa department of adult corrections
33 in favor of ~~said~~ the needy person. Each voucher shall show
34 that the advancement was ordered by the ~~chief-parole-officer~~
35 director of the judicial district department of correctional

1 services, after approval by the director of the department
2 of corrections.

3 Sec. 149. Section 906.11, Code 1983, is amended to read
4 as follows:

5 906.11 ASSIGNMENT TO PAROLE OFFICER. A person released
6 on parole shall be assigned to a parole officer by the ~~chief~~
7 ~~parole-officer~~ director of the judicial district department
8 of correctional services. Both the person and ~~his-ex-his~~
9 the person's parole officer shall be furnished in writing
10 with the conditions of ~~his-ex-his~~ parole including a copy
11 of the plan of restitution and the restitution plan of payment,
12 if any, and the regulations which the person will be required
13 to observe. The parole officer shall explain these conditions
14 and regulations to the person, and supervise, assist, and
15 counsel the person during the term of ~~his-ex-his~~ the person's
16 parole.

17 Sec. 150. Section 906.17, Code 1983, is amended to read
18 as follows:

19 906.17 ALLEGED PAROLE VIOLATORS--REIMBURSEMENT TO COUNTIES
20 FOR TEMPORARY CONFINEMENT. The ~~division~~ Iowa department of
21 ~~adult~~ corrections shall reimburse a county for the temporary
22 confinement of alleged parole violators. The amount to be
23 reimbursed shall be determined by multiplying the number of
24 days ~~so~~ confined by the average daily cost of confining a
25 person in the county facility as negotiated by the department.
26 Payment shall be made upon submission of a voucher executed
27 by the sheriff and approved by the director of the ~~division~~
28 Iowa department of ~~adult~~ corrections. The money shall be
29 deposited in the county general fund to be credited to the
30 jail account.

31 Sec. 151. Section 908.5, Code 1983, is amended to read
32 as follows:

33 908.5 WAIVER OF PROBABLE CAUSE HEARING. The alleged
34 parole violator may waive the probable cause hearing, in which
35 event the liaison officer shall proceed as upon a finding

1 of probable cause. Before accepting a waiver of hearing,
2 the liaison officer shall inform the alleged violator of the
3 charge, of the alleged violator's right to a hearing to
4 determine whether there is probable cause to believe that
5 parole has been violated, and that if the hearing is waived,
6 the alleged violator will be committed to the custody of the
7 Iowa department of ~~social-services~~ corrections without further
8 proceedings, to await the determination of the parole board.
9 The liaison officer shall make a verbatim record of the
10 proceedings in which the hearing is waived.

11 Sec. 152. Section 908.6, Code 1983, is amended to read
12 as follows:

13 908.6 DISPOSITION BY LIAISON OFFICER. If it appears from
14 the evidence that there is no probable cause to believe that
15 the arrested person has violated the conditions of parole,
16 the liaison officer shall order the arrested person to be
17 released from custody and continued on parole. If it appears
18 that there is probable cause to believe that the arrested
19 person has violated the conditions of parole, the liaison
20 officer shall commit the arrested person to the custody of
21 the Iowa department of ~~social-services~~ corrections, and the
22 procedure prescribed in section 901.7 shall apply to ~~such~~
23 the commitment; or the liaison officer may recommend that
24 the arrested person be admitted to bail as provided in section
25 908.2. The liaison officer shall make a summary of the
26 testimony and other evidence considered and a statement of
27 the facts relied on as a basis for the finding of probable
28 cause or no probable cause, and shall without delay forward
29 them together with all documents relating to the matter to
30 the executive secretary of the parole board. If the alleged
31 parole violator has waived the probable cause hearing, the
32 verbatim record of that proceeding shall be forwarded in lieu
33 of the summary of evidence and statement of facts.

34 Sec. 153. Section 908.7, Code 1983, is amended to read
35 as follows:

1 908.7 ACTION BY PAROLE BOARD. Upon a finding of probable
2 cause to believe that a parole violation has occurred, the
3 board of parole shall proceed without unreasonable delay to
4 hear the charge of parole violation. Upon receipt of the
5 record prepared and forwarded by the liaison officer, the
6 board shall fix a time and place for ~~such~~ the hearing and
7 shall notify in writing the alleged violator, the alleged
8 violator's attorney of record, if any, and the Iowa department
9 of ~~social-services~~ corrections of ~~such~~ the hearing and the
10 claimed violation of parole. The alleged violator shall be
11 given an opportunity to be heard by the board under ~~such~~ rules
12 as the board shall adopt. The inquiry shall be limited to
13 the following two matters: 1. Did the alleged parole
14 violation actually occur? 2. If the violation did occur,
15 should the violator's parole be revoked?

16 PARAGRAPH DIVIDED. If the board determines that the parole
17 should be revoked, it shall make an order revoking the parole.
18 The board shall furnish the violator with a written statement
19 of the facts relied upon to establish a violation and the
20 reasons for revoking parole.

21 Sec. 154. Section 908.8, Code 1983, is amended to read
22 as follows:

23 908.8 PROCEEDING WITHOUT ARREST OR PROBABLE CAUSE. The
24 board of parole may receive from a parole officer a charge
25 or complaint of parole violation against any parolee and may
26 proceed to a hearing on ~~such~~ the charge in any case where
27 the alleged violator has not been arrested or has been arrested
28 and discharged by the liaison officer on a finding of no
29 probable cause. The presence of the alleged violator at ~~such~~
30 the hearing shall be secured by summons. A statement of the
31 charge against the alleged violator shall accompany the
32 summons, and the parole officer shall give the alleged violator
33 ~~such~~ assistance as is needed to get to the place of the
34 hearing. Travel expenses, if any, shall be paid by the board.
35 If the alleged violator fails without good cause to appear

1 as commanded by the summons, ~~such~~ the failure shall be
2 considered a violation of the parole, and the board may proceed
3 to revoke parole. If the parole is revoked, the board shall
4 issue a warrant for the person's arrest and return to the
5 custody of the Iowa department of ~~social-services~~ corrections.
6 Upon ~~his-or-her~~ the person's return to custody, the board
7 ~~shall~~, upon request, shall give the person an opportunity
8 to present any matters in defense or mitigation of the conduct.

9 Sec. 155. Section 908.9, Code 1983, is amended to read
10 as follows:

11 908.9 DISPOSITION OF VIOLATOR. If the parole of any a
12 parole violator is revoked, the violator shall remain in the
13 custody of the Iowa department of ~~social-services~~ corrections
14 under the terms of the parolee's original commitment. If
15 the parole of any a parole violator is not revoked, the board
16 shall order ~~his-or-her~~ the person's release subject to the
17 terms of ~~his-or-her~~ the person's parole with any modifications
18 that the board ~~shall-determine~~ determines proper.

19 Sec. 156. Section 910.5, subsections 3 and 4, Code 1983,
20 are amended to read as follows:

21 3. If an offender is to be placed on work release from
22 a facility under control of a county sheriff or the judicial
23 district department of correctional services, restitution
24 shall be a condition of work release. The judicial district
25 department of correctional services shall prepare a restitution
26 plan of payment or may modify any previously existing
27 restitution plan of payment. The new or modified plan of
28 payment shall reflect the offender's present circumstances
29 concerning the offender's income, physical and mental health,
30 education, employment and family circumstances. Failure of
31 the offender to comply with the restitution plan of payment
32 including the community service requirement, if any, shall
33 constitute a violation of a condition of work release. The
34 judicial district department of correctional services may
35 modify the plan of restitution at any time to reflect the

1 offender's present circumstances.

2 4. If an offender is to be placed on parole, restitution
 3 shall be a condition of parole. The ~~parole-officer~~ district
 4 department of correctional services to which the offender
 5 will be assigned shall prepare a restitution plan of payment
 6 or may modify any previously existing restitution plan of
 7 payment. The new or modified plan of payment shall reflect
 8 the offender's present circumstances concerning the offender's
 9 income, physical and mental health, education, employment,
 10 and family circumstances. Failure of the offender to comply
 11 with the restitution plan of payment including a community
 12 service requirement, if any, shall constitute a violation
 13 of a condition of parole. The parole officer may modify the
 14 plan of payment any time to reflect the offender's present
 15 circumstances. A restitution plan of payment or modified
 16 plan of payment, prepared by a parole officer, must meet the
 17 approval of the ~~chief-of-the-bureau~~ director of community
 18 the district department of correctional services of-the
 19 division-of-adult-corrections.

20 Sec. 157. 1981 Iowa Acts, chapter 9, section 7, subsection
21 6, is amended to read as follows:

22 6. The following are range four positions: superintendent
 23 of banking, director of the Iowa beer and liquor control
 24 department, chairperson and members of the Iowa state commerce
 25 commission, director of the state conservation commission,
 26 director of the Iowa development commission, director of the
 27 educational radio and television facility board, director
 28 of the Iowa department of job service, director of the depart-
 29 ment of general services, commissioner of health, director
 30 of the office for planning and programming, director of the
 31 department of corrections, and commissioner of public safety.

32 Sec. 158. Sections 217.13, 217.14, 217.22, 218.7, 218.90,
33 218.91, 218.97, 247.22, 247.23, and 356.45, Code 1983, are
34 repealed.

35 Sec. 159. Sections 8.6, subsection 19; 12.10; 13.6; 17.3,

1 subsection 5; 17.30, unnumbered paragraph 1; 19A.3, sub-
2 sections 13 and 18 and unnumbered paragraph 5; 23.1, unnum-
3 bered paragraph 2; 64.6, subsection 3; 68B.2, subsection 4;
4 80C.2, unnumbered paragraph 2; 92.17, subsection 4; 97B.49,
5 subsection 10; 122.5; 125.10, subsection 4; 125.43; 125.47;
6 135C.14, unnumbered paragraph 1; 135C.16, subsection 3;
7 135C.17; 135C.19, subsection 3 and unnumbered paragraph 1;
8 135C.22; 158.3, subsection 1, paragraph e; 159.5, unnumbered
9 paragraph 4; 175.30; 217.2, unnumbered paragraph 1; 217.3,
10 unnumbered paragraph 1 and subsections 2, 3, 4, and 8; 217.5,
11 unnumbered paragraph 1; 217.16; 217.18; 217.21, subsections
12 4 and 5; 217.32, 217.33; 217.37; 218.1, unnumbered paragraph
13 1; 218.2, unnumbered paragraph 2; 218.3; 218.4, unnumbered
14 paragraphs 1 and 3; 218.5; 218.7; 218.9, unnumbered paragraphs
15 1 and 3; 218.10; 218.11; 218.13; 218.14, unnumbered paragraph
16 1; 218.16; 218.18; 218.21; 218.22; 218.28; 218.29; 218.30;
17 218.46, subsection 1; 218.50; 218.55; 218.57; 218.58; 218.61;
18 218.64; 218.72; 218.73; 218.74; 218.75; 218.78; 218.83; 218.84;
19 218.85; 218.88; 218.90; 218.91; 218.93; 218.94, unnumbered
20 paragraph 1; 218.96; 218.97; 218.98; 218.99; 218.100; 218A.2;
21 218A.4; 219.7; 219.24; 220.3, subsection 12; 220A.2, subsection
22 4; 220A.3; 220A.4; 221.1; 221.2; 221.3; 222.2, subsection
23 3; 222.10; 222.13, unnumbered paragraph 2; 222.31, subsection
24 2; 222.59, subsections 1, 4, and 5; 222.60, unnumbered
25 paragraph 1; 222.88, unnumbered paragraph 1; 222.93; 225C.2,
26 subsections 2, 3, 4, and 5; 225C.4, subsection 2, paragraphs
27 b and c; 225C.6; subsection 1, paragraph k and subsection
28 2; 226.47; 227.19; 229.1, subsection 13; 229.15, subsection
29 4; 229.19, unnumbered paragraph 1; 229.23, subsection 3;
30 229.24, subsection 1; 230.15; 230.20, subsection 1, paragraph
31 b; 230.31; 230.34; 232.2, subsections 6 and 12; 232.21,
32 subsection 2, paragraph c; 232.52, subsection 2, paragraph
33 d, subparagraph (3) and paragraph e; 232.68, subsection 3;
34 232.69, subsection 1, paragraph b; 232.70, subsections 2,
35 3, 4, unnumbered paragraph 1, and subsection 6; 232.71,

1 subsections 1, 5, 6, 7, 9, 10, and 11; 232.72, unnumbered
2 paragraphs 1 and 2; 232.77; 232.79, subsection 4; 232.81,
3 subsection 2; 232.82, subsection 2; 232.87, subsection 2;
4 232.89, subsection 3; 232.96, subsections 4 and 6; 232.97,
5 subsection 1; 232.100; 232.101, subsection 1; 232.102,
6 subsection 1, paragraph c, and subsections 2 and 5; 232.111,
7 subsection 1; 232.117, subsection 3, paragraph a; 235.2,
8 subsection 8; 235A.1, subsection 1, unnumbered paragraph 1,
9 subsection 2, and subsection 4, paragraph a; 235A.14,
10 subsections 1, 3, 4, and 5; 235A.15, subsection 2, paragraphs
11 b and k; 235A.18, subsection 3; 235A.24, subsections 1 and
12 2; 236.9, unnumbered paragraph 1; 237.1, subsections 4 and
13 5; 237.3, subsection 1; 237A.1, subsections 1 and 2; 237A.13,
14 subsections 1 and 2; 238.1; 238.12, unnumbered paragraph 1;
15 238.35; 238.36; 239.1, subsection 1; 239.2, subsection 4,
16 paragraph e; 239.3, unnumbered paragraph 2; 239.5, unnumbered
17 paragraphs 2 and 3; 239.7; 239.18; 239.19; 239A.2, unnumbered
18 paragraph 1; 241.1, subsections 2 and 3; 241.4, subsection
19 2; 242.1; 242.15, unnumbered paragraph 1; 244.1, subsection
20 1; 244.5; 245.1; 245.10; 246.48, subsection 2; 247.23; 247A.7,
21 subsection 3; 249.1, subsections 4 and 5; 249.4; 249.12;
22 249A.2, subsections 1 and 2; 249A.4, subsection 10; 249A.11;
23 249A.13; 249B.17; 249C.1, subsections 1 and 2; 251.1; 252.6;
24 252.26; 252.43; 252A.12; 252A.13; 252B.1, subsections 4 and
25 5; 252B.2; 252B.3, unnumbered paragraph 2, 252B.5, subsection
26 4; 257.17, subsection 1; 263.10; 281.2, subsection 2,
27 unnumbered paragraph 2; 321.149; 321.165; 321.253; 331.382,
28 subsection 6; 331.402, subsection 2, paragraph b; 331.702,
29 subsections 44, 46, 48, and 137; 331.756, subsection 64;
30 347.16, subsection 2; 356.37; 356.45; 421.17, subsection 21,
31 unnumbered paragraph 1 and paragraphs c and g; 422.45,
32 subsection 5, unnumbered paragraph 1, and subsection 7; 425.2,
33 unnumbered paragraph 3; 427.9; 447.9; 470.5; 509.1, subsection
34 7; 514.1; 598.12, subsections 2 and 3; 598.34, unnumbered
35 paragraph 1; 600.8, subsection 2, paragraph b; 600.17,

1 unnumbered paragraph 1; 600.18; 600.22; 600A.2, subsection
2 13; 601C.2, subsection 1; 601F.3, subsection 2; 675.38; 692.2,
3 subsection 1, paragraph c; 692.3, subsection 2; 708.7,
4 subsection 5; 812.4; 812.5; and 912.3, subsection 4, Code
5 1983, and 1981 Iowa Acts, chapter 9, section 7, subsection
6 7, are amended by striking the words "social services" and
7 inserting in lieu thereof the words "human services".

8 Sec. 160. INITIAL TERMS. Notwithstanding section 217A.4,
9 the terms of the initial members of the board of corrections
10 appointed pursuant to section 217A.4 shall be as follows:

11 Two members shall serve until April 30, 1985.

12 Two members shall serve until April 30, 1986.

13 Three members shall serve until April 30, 1987.

14 Members of the board shall commence serving their terms July
15 1, 1983.

16 Sec. 161. TRANSITION. This bill takes effect October
17 1, 1983 except that this section and sections 159 and 160
18 of this Act take effect July 1, 1983 and parole and work
19 release programs and responsibilities assigned to community-
20 based corrections under section 217A.3, subsection 1, shall
21 be performed by the Iowa department of corrections until July
22 1, 1984. On July 1, 1983 the initial appointees to the board
23 of corrections shall commence serving their terms as provided
24 in section 160 of this Act and shall organize, promulgate
25 rules, and shall perform all duties as provided for in section
26 217A.5 as necessary to insure the commencement of the operation
27 of the department of corrections on October 1, 1983. As soon
28 as practicable after the effective date of this section the
29 board shall recommend and the governor shall appoint a person
30 to act as director of the department. The acting director
31 shall perform those duties of section 217A.8 and any other
32 duties assigned by the board, necessary to insure commencement
33 of the operation of the department on October 1, 1983. The
34 department of human services shall provide staffing and support
35 for the board of corrections until October 1, 1983. In

1 addition to the staffing and support provided by the department
2 of human services, the acting director shall employ a
3 transition team to help organize the department to identify
4 with the department of human services the administrative
5 support staff, equipment, and other resources to be transferred
6 to the department of corrections, consistent with the purposes
7 of this Act, and to insure the commencement of the department
8 on October 1, 1983.

9 The department of human services shall retain the respon-
10 sibilities and duties of adult corrections as provided for
11 in the Code until October 1, 1983 at which time all positions
12 and incumbent staff on the table of organization of the
13 division of adult corrections of the Iowa department of human
14 services and the farm operations administrator for the Iowa
15 department of human services are transferred to the Iowa
16 department of corrections. The Iowa merit employment
17 department in cooperation with the director of the Iowa
18 department of corrections and the director of the Iowa
19 department of human services shall establish a special
20 procedure for the period beginning July 1, 1983 and ending
21 September 1, 1983 for consideration of applications from
22 persons currently employed by the Iowa department of human
23 services for positions available with the Iowa department
24 of corrections. After September 1, 1983 employment of persons
25 by the Iowa department of corrections is subject to rules
26 of the Iowa merit employment department. Duties may be
27 reassigned at the discretion of the director of the Iowa
28 department of corrections to align with the organizational
29 and functional needs of the new agency. Employees of the
30 department of human services whose duty assignments are
31 transferred or terminated because of this Act may be reassigned
32 to other duties or terminated. Employees so transferred or
33 reassigned shall not lose any rights, privileges, or benefits
34 accrued that were associated with their status prior to the
35 effective date of this Act. All policies, procedures, and

1 rules established for or by the division of adult corrections
2 of the department of social services or human services shall
3 apply respectively to the Iowa department of corrections,
4 its employees, residents, and inmates, until otherwise changed
5 as provided by law or rule promulgated by the board of
6 corrections. All applicable contracts and leasing arrangements
7 shall be transferred to the jurisdiction of the Iowa department
8 of corrections on October 1, 1983. All equipment, supplies,
9 and property in the custody of the division of adult
10 corrections of the department of social services or human
11 services, shall be transferred to the Iowa department of
12 corrections on that date. Funds appropriated for the division
13 of adult corrections shall be transferred and be available
14 for the use of the Iowa department of corrections on and after
15 that date.

16 The department of corrections shall contract with the
17 department of human services until July 1, 1986 for the sup-
18 plying of food for the institutions and the use of the depart-
19 ment of human services' central warehouse. The board of
20 corrections shall study the issue of the purchasing and storing
21 of food for the institutions and shall adopt a policy as to
22 the future purchasing and warehousing of food. The study
23 shall include the feasibility of growing crops and raising
24 livestock at the institutions for consumption at the
25 institutions.

26 All other contracts, rules, regulations, orders, and
27 directives promulgated and in effect for the Iowa department
28 of social services remain in force and effect for the
29 department of human services even though the department's
30 name has changed. The department of human services shall
31 use the stationery and other goods containing the symbol of
32 the department of social services remaining with the department
33 of human services until such time as the goods are replaced.
34 The department of social services may change its official
35 seal upon the effective date of the name change of the

1 department.

2 Sec. 162. The Code editor may change any reference to
3 the "division of corrections" and any reference to the "women's
4 reformatory" inadvertantly remaining in the Code to the "Iowa
5 department of corrections" and the "Iowa correctional facility
6 for women" and make other corrective changes consistent with
7 the intent of this Act.

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SF 464
rn/slc/26c

SENATE FILE 464

H-3558

1 Amend Senate File 464, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 2, by striking line 7, and inserting in
4 lieu thereof the following: "shall be electors of
5 this state. Six of the seven members shall each be
6 a".

7 2. Page 3, by striking lines 15 and 16, and
8 inserting in lieu thereof the following: "affiliation,
9 and while employed as the director, shall not be a
10 member of a political committee, participate in a
11 political campaign, be a candidate for a partisan
12 elective office, and shall not contribute to a
13 political campaign fund, except that the director
14 may designate on the check-off portion of the state
15 or federal income tax return, or both, a party or
16 parties to which a contribution is made pursuant to
17 the check-off. The director shall not hold any".

18 3. Page 3, line 25, by striking the words "one
19 of the".

20 4. Page 3, by inserting after line 28, the
21 following:

22 "c. Establish and maintain a program to oversee
23 women's institutional and community corrections
24 programs and to provide community support to ensure
25 continuity and consistency of programs."

26 5. Page 5, by inserting after line 22, the
27 following:

28 "4. The director may expend moneys from the support
29 allocation of the department as reimbursement for
30 replacement or repair of personal items of the
31 department's employees damaged or destroyed by clients
32 of the department during the employee's tour of duty.
33 However, the reimbursement shall not exceed one hundred
34 fifty dollars for each item. The director shall
35 establish rules in accordance with chapter 17A to
36 carry out the purpose of this subsection."

37 6. Page 11, line 26, by striking the words "Except
38 as provided in subsection 2, the" and inserting in
39 lieu thereof the word "The".

40 7. Page 14, line 31, by inserting after the word
41 "times" the words "to be".

42 8. Page 18, line 13, by striking the words "upon
43 a solvent bank".

44 9. Page 24, line 8, by striking the words "medical
45 doctors" and inserting in lieu thereof the words
46 "~~medical-doctors~~ physicians".

47 10. Page 24, line 16, by inserting after the word
48 "or" the word "other".

49 11. Page 28, by striking line 32 through page
50 29, line 2.

H-3558
Page Two

- 1 12. Page 34, line 23, by striking the word
- 2 "Inmates" and inserting in lieu thereof the words
- 3 "~~Inmates~~ Female inmates".
- 4 13. Page 35, line 5, by striking the word "Inmates"
- 5 and inserting in lieu thereof the words "~~Inmates~~ Male
- 6 inmates".
- 7 14. Page 37, line 8, by striking the words and
- 8 figures "Beginning April 1, 1978, the" and inserting
- 9 in lieu thereof the following: "~~Beginning April 1,~~
- 10 ~~1978,--the~~ The".
- 11 15. Page 37, line 22, by striking the word "all"
- 12 and inserting in lieu thereof the word "all".
- 13 16. Page 37, by striking lines 25 and 26, and
- 14 inserting in lieu thereof the following: "~~and shall~~
- 15 ~~be operated in conjunction with and utilize the~~
- 16 ~~facilities of the prison honor farm at Newton, Iowa.~~"
- 17 17. Page 68, by inserting after line 1, the
- 18 following: "The Iowa department of corrections in
- 19 consultation with the Iowa merit employment department
- 20 and subject to approval by the executive council,
- 21 shall determine which positions of the Iowa department
- 22 of corrections shall be transferred to the judicial
- 23 district departments when the transfer of parole and
- 24 work release programs and responsibilities is made
- 25 pursuant to this Act.
- 26 Employees of the Iowa department of corrections
- 27 who become employees of judicial district departments
- 28 of correctional services because of the transfer of
- 29 parole and work release programs and responsibilities
- 30 to the judicial district departments, shall be credited
- 31 with all the seniority, vacation, and sick leave that
- 32 had accrued to the employee at the time of the
- 33 employee's transfer to the district department.
- 34 If a person transferred to a judicial district
- 35 department pursuant to this Act, is reemployed by
- 36 the Iowa department of corrections within two years
- 37 of the transfer, that person shall be credited with
- 38 all the seniority that accrued to the person prior
- 39 to the transfer to the judicial district department."
- 40 18. Page 68, line 7, by inserting after the word
- 41 "Act." the following: "The code editor shall change
- 42 the term "inmate" in chapter 218 to the term
- 43 "resident", unless the context requires otherwise."
- 44 19. Title page, by striking lines 1 through 3
- 45 and inserting in lieu thereof the following: "An
- 46 Act reorganizing the department of social services
- 47 by establishing a department of corrections and
- 48 renaming the department of social services as the
- 49 department of human services."
- 50 20. By renumbering to conform to this amendment.

SENATE FILE 464

H-3593

- 1 Amend Senate File 464 as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 5, by inserting after line 4, the
- 4 following:
- 5 "j. Adopt rules, policies, and procedures, subject
- 6 to the approval of the board, pertaining to the
- 7 supervision of parole and work release."
- 8 2. Page 53, line 35, by inserting after the word
- 9 "chapter" the words "and which conform to rules,
- 10 policies, and procedures adopted by the director of
- 11 the Iowa department of corrections concerning the
- 12 community-based correctional program".

H-3593 FILED APRIL 8, 1983 BY KREWSON of Polk

Loss 4/11/83 (p. 1179)
Motion to reconsider (p. 1181)
Adopted as amended by 36-28 (p. 1181)
SENATE FILE 464
H-3596

- 1 Amend Senate File 464 as follows:
- 2 1. Page 16 by striking lines 21 through 24 and
- 3 inserting in lieu thereof: "believed by them."

H-3595 FILED APRIL 8, 1983 BY KREWSON of Polk

H/B 4/11 (p. 1180)

SENATE FILE 464

H-3599

- 1 Amend Senate File 464 as amended, passed, and reprinted
- 2 by the Senate, as follows:
- 3 1. Page 22, line 5, by inserting after the numeral
- 4 "28E." the following: "All joint campuses shall have one
- 5 superintendent and one business manager who shall be employed
- 6 by the department with supervisory responsibility
- 7 for the majority of the facility's population."

H-3599 FILED APRIL 8, 1983 BY KREWSON of Polk

Adopted as amended by 36-23 4/11 (p. 1181)

SENATE FILE 464

H-3600

- 1 Amend Senate File 464, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 5, line 24, by inserting after the word
- 4 "including" the words "but not limited to".

H-3600 FILED APRIL 8, 1983 BY KREWSON of Polk

H/B 4/11 (p. 1179)

SENATE FILE 464

H-3594

1 Amend Senate File 464 as follows:

2 1. Page 13, by striking line 22 and inserting in
↑ 3 lieu thereof the words "institutions or programs under
4 the director's control or receiving funds from the de-
5 partment, and investigate".

6 2. Page 13, by striking lines 33 and 34 and in-
β 7 serting in lieu thereof the words "of any public or
8 private institution or program subject to the depart-
9 ment's accreditation, funding, supervision or control."

H-3594 FILED APRIL 8, 1983

BY KREWSON of Polk

Lost 4/11/83 (p. 1180)

HUMMELL of Benton

SENATE FILE 464

H-3595

1 Amend Senate File 464 as follows:

2 1. Page 13, by striking lines 33 and 34 and in-
3 serting in lieu thereof the words "of any public or
4 private institution or program subject to the depart-
5 ment's accreditation, funding, supervision or control."

H-3595 FILED APRIL 8, 1983

BY KREWSON of Polk

Placed out of order 4/11 (p. 1180)

SENATE FILE 464

H-3597

1 Amend Senate File 464 as follows:

2 1. Page 1, by striking lines 32 and 33 and in-
3 serting in lieu thereof the following: "probation,
4 residential facilities and presentence investigation."

5 2. Page 1 by inserting after line 35 the following
6 new subsection:

7 "4. Supervision of parolees and inmates on work
8 release."

9 3. Page 2, line 1 by striking the numeral "4" and
10 inserting in lieu thereof the numeral "5".

H-3597 FILED APRIL 8, 1983

BY KREWSON of Polk

Lost 4/11 (p. 1179)

SENATE FILE 464

H-3598

1 Amend Senate File 464 as amended, passed and
2 reprinted by the Senate, as follows:

3 1. By striking page 15, line 20 through page 16,
4 line 7.

5 2. By renumbering as necessary.

H-3598 FILED APRIL 8, 1983

BY KREWSON of Polk

Adopted 4/11 (p. 1180)

SENATE FILE 464

H-3601

1 Amend amendment H-3558 to Senate File 464 as amended,
2 passed and reprinted by the Senate as follows:
3 1. Page 1, line 25, by inserting after "programs."
4 the following: "The person responsible for implementing
5 this section shall report to the director."

BY HAMMOND of Story
LLOYD-JONES of Johnson
DODERER of Johnson
SHERZAN of Polk
BAXTER of Des Moines
CARL of Poweshiek
HOLVECK of Polk
MULLINS of Kossuth

H-3601 FILED APRIL 8, 1983
Adopted 4/11/83 (p. 1178)

SENATE FILE 464

H-3623

1 Amend amendment H-3599 to page 22 of Senate File
2 464 as amended, passed and reprinted by the Senate as
3 follows:
4 1. Page 1, line 7, by adding after the word "population."
5 the following: "Employment of the superintendent and
6 business manager shall be done in consultation with the
7 department which has responsibility for services for the
8 other population at the facility."

H-3623 FILED APRIL 11, 1983 BY KREWSON of Polk
ADOPTED *(p. 1181)*

SENATE FILE 464

H-3628

1 Amend H-3593 to Senate File 464 as amended, passed,
2 and reprinted by the Senate, as follows:
3 1. Page 1, line 10 by inserting after the word
4 "procedures" the words "pertaining to the supervision
5 of parole and work release".

H-3628 FILED APRIL 11, 1983 BY KREWSON of Polk
ADOPTED *(p. 1183)* SHERZAN of Polk

SENATE FILE 464

H-3629

1 Amend Senate File 464 as follows:
2 1. Title page as amended by amendment H-3558 by
3 striking the words "corrections and" and inserting in
4 lieu thereof the word "corrections,".
5 2. Title page as amended by amendment H-3558 by
6 inserting after the words "human services" the following:
7 ", and providing penalties".

H-3629 FILED APRIL 11, 1983 BY SPEAR of Lee
ADOPTED BY UNANIMOUS CONSENT *(p. 1184)*

S-3539

- 1 Amend Senate File 464, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 2, by striking line 7, and inserting in
- 4 lieu thereof the following: "shall be electors of
- 5 this state. Six of the seven members shall each be
- 6 a".
- 7 2. Page 3, by striking lines 15 and 16, and
- 8 inserting in lieu thereof the following: "affiliation,
- 9 and while employed as the director, shall not be a
- 10 member of a political committee, participate in a
- 11 political campaign, be a candidate for a partisan
- 12 elective office, and shall not contribute to a
- 13 political campaign fund, except that the director
- 14 may designate on the check-off portion of the state
- 15 or federal income tax return, or both, a party or
- 16 parties to which a contribution is made pursuant to
- 17 the check-off. The director shall not hold any".
- 18 3. Page 3, line 25, by striking the words "one
- 19 of the".
- 20 4. Page 3, by inserting after line 28, the
- 21 following:
- 22 "c. Establish and maintain a program to oversee
- 23 women's institutional and community corrections
- 24 programs and to provide community support to ensure
- 25 continuity and consistency of programs. The person
- 26 responsible for implementing this section shall report
- 27 to the director."
- 28 5. Page 5, by inserting after line 4, the
- 29 following:
- 30 "j. Adopt rules, policies, and procedures, subject
- 31 to the approval of the board, pertaining to the
- 32 supervision of parole and work release."
- 33 6. Page 5, by inserting after line 22, the
- 34 following:
- 35 "4. The director may expend moneys from the support
- 36 allocation of the department as reimbursement for
- 37 replacement or repair of personal items of the
- 38 department's employees damaged or destroyed by clients
- 39 of the department during the employee's tour of duty.
- 40 However, the reimbursement shall not exceed one hundred
- 41 fifty dollars for each item. The director shall
- 42 establish rules in accordance with chapter 17A to
- 43 carry out the purpose of this subsection."
- 44 7. Page 11, line 26, by striking the words "Except
- 45 as provided in subsection 2, the" and inserting in
- 46 lieu thereof the word "The".
- 47 8. Page 14, line 31, by inserting after the word
- 48 "times" the words "to be".
- 49 9. Striking page 15, line 20 through page 16,
- 50 line 7.

APRIL 13, 1983

S-3539 - PAGE 2

- 1 10. Page 18, line 13, by striking the words "upon
- 2 a solvent bank".
- 3 11. Page 22, line 5, by inserting after the numeral
- 4 "28E." the following: "All joint campuses shall have
- 5 one superintendent and one business manager who shall
- 6 be employed by the department with supervisory
- 7 responsibility for the majority of the facility's
- 8 population. Employment of the superintendent and
- 9 business manager shall be done in consultation with
- 10 the department which has responsibility for services
- 11 for the other population at the facility.
- 12 11. Page 24, line 8, by striking the words "medical
- 13 doctors" and inserting in lieu thereof the words
- 14 "~~medical-doctors~~ physicians".
- 15 12. Page 24, line 16, by inserting after the word
- 16 "or" the word "other".
- 17 13. Page 28, by striking line 32 through page
- 18 29, line 2.
- 19 14. Page 34, line 23, by striking the word
- 20 "Inmates" and inserting in lieu thereof the words
- 21 "~~Inmates~~ Female inmates".
- 22 15. Page 35, line 5, by striking the word "Inmates"
- 23 and inserting in lieu thereof the words "~~Inmates~~ Male
- 24 inmates".
- 25 16. Page 37, line 8, by striking the words and
- 26 figures "Beginning April 1, 1978, the" and inserting
- 27 in lieu thereof the following: "~~Beginning-April-17~~
- 28 ~~1978;--the~~ The".
- 29 17. Page 37, line 22, by striking the word "all"
- 30 and inserting in lieu thereof the word "~~all~~".
- 31 18. Page 37, by striking lines 25 and 26, and
- 32 inserting in lieu thereof the following: "~~and-shall~~
- 33 ~~be-operated-in-conjunction-with-and-utilize-the~~
- 34 ~~facilities-of-the-prison-honor-farm-at-Newton,-Iowa.~~"
- 35 19. Page 53, line 35, by inserting after the word
- 36 "chapter" the words "and which conform to rules,
- 37 policies, and procedures pertaining to the supervision
- 38 of parole and work realease adopted by the director
- 39 of the Iowa department of corrections concerning the
- 40 community-based correctional program".
- 41 20. Page 68, by inserting after line 1, the
- 42 following: "The Iowa department of corrections in
- 43 consultation with the Iowa merit employment department
- 44 and subject to approval by the executive council,
- 45 shall determine which positions of the Iowa department
- 46 of corrections shall be transferred to the judicial
- 47 district departments when the transfer of parole and
- 48 work release programs and responsibilities is made
- 49 pursuant to this Act.
- 50 Employees of the Iowa department of corrections

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1 who become employees of judicial district departments
2 of correctional services because of the transfer of
3 parole and work release programs and responsibilities
4 to the judicial district departments, shall be credited
5 with all the seniority, vacation, and sick leave that
6 had accrued to the employee at the time of the
7 employee's transfer to the district department.

8 If a person transferred to a judicial district
9 department pursuant to this Act, is reemployed by
10 the Iowa department of corrections within two years
11 of the transfer, that person shall be credited with
12 all the seniority that accrued to the person prior
13 to the transfer to the judicial district department."

14 21. Page 68, line 7, by inserting after the word
15 "Act." the following: "The code editor shall change
16 the term "inmate" in chapter 218 to the term
17 "resident", unless the context requires otherwise."

18 22. Title page, by striking lines 1 through 3
19 and inserting in lieu thereof the following: "An
20 Act reorganizing the department of social services
21 by establishing a department of corrections, renaming
22 the department of social services as the department
23 of human services, and providing penalties."

24 25. By renumbering as necessary.

S-3539 FILED
APRIL 12, 1983

RECEIVED FROM THE HOUSE
Senate concurred 4/18/83 (p. 1281)

SENATE FILE 464

S-3559

1 Amend the House amendment, S-3539 to Senate File
2 464, as amended, passed, and reprinted by the Senate,
3 as follows:

4 1. Page 3, line 10, by inserting after the word
5 "corrections" the words "or the department of human
6 services,".

S-3559 FILED
APRIL 13, 1983

BY CHARLES P. MILLER

Loss 4/18/83 (p. 1271)

M E M O R A N D U M

TO: Serge H. Garrison, Director
Legislative Service Bureau

FROM: Roger A. Nowadzky, Legal Counsel
Legislative Service Bureau

RE: The origins of the confidentiality section of
the Department of Corrections bill

DATE: September 29, 1983

At your request, I have reviewed the origins of the confidentiality section (section 13) of Senate File 464 (the bill which establishes a new department of corrections). My review confirms my previous recollections in that the new confidentiality section was simply extracted with slight modification from the present Code section 217.30 as the Code section applies and applied to the division of corrections as well as the other divisions of the department of social services. In this regard, it should be noted that section 217.30's mandate of confidentiality does not specifically exempt information as to penal inmates. If the information listed under the section is "relative to individuals receiving services or assistance from the department" it "shall be held confidential". Similarly the language of the new department of corrections bill makes the listed information confidential if it is "regarding individuals receiving services from the department".

Since the statute on its face does not exclude records of inmates of penal institutions, the question then becomes whether inmates receive "services" (from the department) as to trigger the applicability of the confidentiality statute. An examination of section 217.4 of the present Code which established the powers and duties of the director of the division of corrections makes such provision for services to inmates.

Subsection 3 of section 217.14 provides that the director of the division of corrections may have the following powers, duties and responsibilities including -

"3. Establishment and maintenance of acceptable standards of treatment, training, education and rehabilitation in the various state penal and corrective institutions which, to the extent that resources are available within the division of adult corrections, shall include habilitative services and treatment for mentally retarded offenders. For the purposes of this subsection habilitative services and treatment means medical, mental health, social, educational, counseling, and other services which will assist a mentally retarded person to become self-reliant. A person is considered mentally retarded if the person is diagnosed as mentally retarded, as defined in section 222.2, subsection 5, by a qualified mental retardation professional. However, the director may also provide habilitative treatment and services to other persons who require the services." (Emphasis added)

Treatment, training, education and rehabilitation are terms that appear to connote services to inmates. Certainly providing "habilitative services" and providing "other services to other persons who require the services" would trigger section 217.30's confidentiality requirements. Thus it needs be emphasized again that section 13 of Senate File 464 is just a continuation of the present law on confidentiality applicable presently to corrections. If anything, section 13 narrows the applicability of the present law on confidentiality because it eliminates the phrase "or assistance". Whether or not the division of corrections violated the present confidentiality section 217.30 does not change the fact that section 13 is just a continuation of the present law as it applies to correctional inmates.

Moreover, the recodification of the provisions of section 217.30 into section 13 of the bill followed a general pattern or philosophy of the bill. That is, the bill recodifies the applicable sections of the present Code relating to the division of corrections unless there was a demonstrable reason to eliminate or modify the existing law. A brief review of the Legislative Fiscal Bureau analysis of the bill (dated March 30, 1983) clearly shows that a majority of the bill's provisions were so recodified and that sections 13 and 14 of the bill were similar to sections 217.30 and 217.31 of the Code.

In addition the bill in the early review and redrafting stages by the Senate State Government Subcommittee was provided to the comptroller's office and the division of corrections for their scrutiny and comments. Debbie Westvold of the Legislative Fiscal Bureau worked closely with these people and as a result a number of changes were made to the draft eliminating antiquated language that was modeled after existing Code sections. If the operation of section 13 was deemed unworkable the division of corrections had ample opportunity to bring that to the Subcommittee's attention.

Finally, the whole work process behind the drafting of Senate File 464 was as thorough as you are going to get in the legislative process short of a project with the dimensions of a criminal code revision. The department of corrections bill has been drafted, redrafted and introduced a number of times. Since I have been involved with the draft it has been redrafted into Senate File 2262 introduced by Senator Junkins in 1980, into Senate File 96 introduced by Senator Eugene Hill in 1977, and redrafted for Senator Junkins in 1981 (LSB 288S) and redrafted for Representatives Crabb and McKean in 1981 (LSB 288H), and versions of the draft existed years before my involvement with the bill. As a matter of fact several years ago, much of my interim work was a project to update and correct the existing draft on the topic. As a result of that work the size of the draft doubled in volume as I discovered a multitude of omitted corresponding sections that needed to be amended..

Again as to the confidentiality of records section, you will note from the attached past introduced versions of the bill's section on confidentiality, those sections track closely with the then existing

Page 3

applicable confidentiality sections of the Code which are also attached. The inclusion of a recodification of existing law on confidentiality has always been a part of the department of corrections bill since my involvement with the bill. Thus, I am surprised that there is now a sudden furor with the provision. I know that at least one news reporter has been aware of the provision since the bill was taken up in Subcommittee this year.

RAN:dg

SENATE FILE 464

AN ACT

REORGANIZING THE DEPARTMENT OF SOCIAL SERVICES BY ESTABLISHING A DEPARTMENT OF CORRECTIONS, RENAMING THE DEPARTMENT OF SOCIAL SERVICES AS THE DEPARTMENT OF HUMAN SERVICES, AND PROVIDING PENALTIES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Sections 2 through 54 are enacted as a new chapter 217A of the Code.

Sec. 2. NEW SECTION. 217A.1 DEFINITIONS. For purposes of this chapter, unless the context otherwise requires:

1. "Department" means the Iowa department of corrections established in section 217A.2.
2. "Board" means the board of corrections established in section 217A.4.
3. "Director" means the director of the department.

Sec. 3. NEW SECTION. 217A.2 DEPARTMENT ESTABLISHED. The Iowa department of corrections is established to be responsible for the control, treatment, and rehabilitation of offenders committed under law to the following institutions:

1. Iowa correctional institution for women.
2. Iowa state men's reformatory.
3. Iowa state penitentiary.
4. Iowa security and medical facility.
5. North central correctional facility.
6. Mount Pleasant correctional facility.
7. Clarinda correctional treatment facility.
8. Correctional release center.

9. Rehabilitation camps.

10. Other institutions related to an institution in subsections 1 through 9 but not attached to the campus of the main institution as program developments require.

Sec. 4. NEW SECTION. 217A.3 RESPONSIBILITIES OF DEPARTMENT. The department shall administer the institutions listed in section 217A.2. The department shall be responsible to the extent provided for by law for all of the following:

1. Accreditation and funding of community-based corrections programs including but not limited to pretrial release, probation, residential facilities, presentence investigation, parole, and work release.
2. Iowa state industries.
3. Jail inspections.
4. Other duties provided for by law.

Sec. 5. NEW SECTION. 217A.4 BOARD CREATED. A board of corrections is created within the department. The board shall consist of seven members appointed by the governor subject to confirmation by the senate. Not more than four of the members shall be from the same political party. Members shall be electors of this state. Six of the seven members shall each be a resident of a different congressional district. Members of the board shall serve four-year staggered terms.

Sec. 6. NEW SECTION. 217A.5 BOARD--DUTIES. The board of corrections shall:

1. Organize annually and select a chairperson and vice chairperson.
2. Adopt and establish policies for the operation and conduct of the department and the implementation of all department programs.
3. Recommend to the governor the names of individuals qualified for the position of director when a vacancy exists in the office.
4. Report immediately to the governor any failure by the director of the department to carry out any of the policy decisions or directives of the board.

5. Approve the budget of the department prior to submission to the governor.

6. Adopt rules in accordance with chapter 17A as the board deems necessary to transact its business and for the administration and exercise of its powers and duties.

7. Make recommendations from time to time to the governor and the general assembly.

6. Perform other functions as provided by law.

Sec. 7. NEW SECTION. 217A.6 MEETINGS. The board shall meet at least twelve times a year. Special meetings may be called by the chairperson or upon written request of any three members of the board. The chairperson shall preside at all meetings or in the chairperson's absence, the vice chairperson shall preside. The members of the board shall be paid forty dollars per diem while in session, and their reasonable and necessary expenses while attending the meetings.

Sec. 8. NEW SECTION. 217A.7 DIRECTOR--APPOINTMENT AND QUALIFICATIONS. The chief administrative officer for the department is the director. The director shall be appointed by the governor subject to confirmation by the senate and shall serve at the pleasure of the governor. The director shall be qualified in reformatory and prison management, knowledgeable in community-based corrections, and shall possess administrative ability. The director shall also have experience in the field of criminology and discipline and in the supervision of inmates in corrective penal institutions. The director shall not be selected on the basis of political affiliation, and while employed as the director, shall not be a member of a political committee, participate in a political campaign, be a candidate for a partisan elective office, and shall not contribute to a political campaign fund, except that the director may designate on the checkoff portion of the state or federal income tax return, or both, a party or parties to which a contribution is made pursuant to the checkoff. The director shall not hold any other office under

the laws of the United States or of this or any state or hold any position for profit and shall devote full time to the duties of office.

Sec. 9. NEW SECTION. 217A.8 DIRECTOR--GENERAL DUTIES AND RESPONSIBILITIES.

1. The director shall:

a. Supervise the operations of the institutions under the department's jurisdiction and may delegate the powers and authorities given the director by statute to officers or employees of the department.

b. Supervise state agents whose duties relate primarily to the department.

c. Establish and maintain a program to oversee women's institutional and community corrections programs and to provide community support to ensure continuity and consistency of programs. The person responsible for implementing this section shall report to the director.

d. Establish and maintain acceptable standards of treatment, training, education, and rehabilitation in the various state penal and corrective institutions which shall include habilitative services and treatment for mentally retarded offenders. For the purposes of this paragraph, habilitative services and treatment means medical, mental health, social, educational, counseling, and other services which will assist a mentally retarded person to become self-reliant. However, the director may also provide rehabilitative treatment and services to other persons who require the services. The director shall identify all individuals entering the correctional system who are mentally retarded, as defined in section 222.2, subsection 5. Identification shall be made by a qualified mental retardation professional. In assigning a mentally retarded offender, or an offender with an inadequately developed intelligence or with impaired mental abilities, to a correctional facility, the director shall consider both the program needs and the security needs of

the offender. The director shall consult with the department of human services in providing habilitative services and treatment to mentally ill and mentally retarded offenders.

e. Employ, assign, and reassign personnel as necessary for the performance of duties and responsibilities assigned to the department. Employees shall be selected on the basis of fitness for work to be performed with due regard to training and experience and are subject to chapter 19A.

f. Examine all state institutions which are penal, reformatory, or corrective to determine their efficiency for adequate care, custody, and training of their inmates and report the findings to the board.

g. Prepare a budget for the department, subject to the approval of the board, and other reports as required by law.

h. Develop long-range correctional planning and an on-going five-year corrections master plan. The director shall annually report to the general assembly to inform its members as to the status and content of the planning and master plan.

i. Supervise rehabilitation camps within the state as may be established by the director. Persons committed to institutions under the department may be transferred to the facilities of the camp system and upon transfer shall be subject to the same laws as pertain to the transferring institution.

j. Adopt rules subject to the approval of the board, pertaining to the internal management of institutions and agencies under the director's charge and necessary to carry out the duties and powers outlined in this section.

k. Adopt rules, policies, and procedures, subject to the approval of the board, pertaining to the supervision of parole and work release.

2. The director, with the express approval of the board, may establish for any inmate sentenced pursuant to section 902.3 a furlough program under which inmates sentenced to and confined in any institution under the jurisdiction of

the department may be temporarily released. A furlough for a period not to exceed fourteen days may be granted when an immediate member of an inmate's family is seriously ill or has died, when an inmate is to be interviewed by a prospective employer, or when an inmate is authorized to participate in a training program not available within the institution. Furloughs for a period not to exceed fourteen days may also be granted in order to allow inmates to participate in programs or activities that serve rehabilitative objectives.

3. The director may establish a sales bonus system for the sales representatives for prison industry products. If a sales bonus system is established, the system shall not affect the status of the sales representatives under chapter 19A.

4. The director may expend moneys from the support allocation of the department as reimbursement for replacement or repair of personal items of the department's employees damaged or destroyed by clients of the department during the employee's tour of duty. However, the reimbursement shall not exceed one hundred fifty dollars for each item. The director shall establish rules in accordance with chapter 17A to carry out the purpose of this subsection.

5. The director may obtain assistance for the department including construction, facility planning, data processing and project accomplishment, by contracting under chapter 28E with the department of human services or the department of general services.

Sec. 10. NEW SECTION. 217A.9 OFFICIAL SEAL. The department shall have an official seal with the words "Iowa Department of Corrections" and other engraved design as the board prescribes. Every commission, order, or other paper of an official nature executed by the department may be attested with the seal.

Sec. 11. NEW SECTION. 217A.10 TRAVEL EXPENSES. The director, staff members, assistants, and employees, in addition

to salary, shall receive their necessary traveling expenses by the nearest practicable route, when engaged in the performance of official business. Permission shall not be granted to any person to travel to another state except by approval of the board and the executive council.

Sec. 12. NEW SECTION. 217A.11 REPORT BY DEPARTMENT. Annually at the time provided by law, the department shall make a report to the governor and the general assembly, which shall cover the annual period ending with June thirtieth preceding the date of the report and shall include:

1. An itemized statement of the department's expenditures for each program under the department's administration.
2. Adequate and complete statistical reports for the state as a whole concerning payments made under the department's administration.
3. Recommendations concerning changes in laws under the department's administration as the board deems necessary.
4. Observations and recommendations of the board and the director relative to the programs of the department.
5. Information concerning long-range planning and the master plan as provided by section 217A.8, subsection 1, paragraph h.
6. Other information the board or the director deems advisable, or which is requested by the governor or the general assembly.

Sec. 13. NEW SECTION. 217A.12 CONFIDENTIALITY OF RECORDS-REPORT.

1. The following information regarding individuals receiving services from the department is confidential:
 - a. Names and addresses of individuals receiving services from the department, and the types of services or amounts of assistance provided, except as otherwise provided in subsection 4.

b. Information concerning the social or economic conditions or circumstances of particular individuals who are receiving or have received services or assistance from the department.

c. Agency evaluations of information about a particular individual.

d. Medical or psychiatric data, including diagnosis and past history of disease or disability, concerning a particular individual.

2. Information described in subsection 1 shall not be disclosed to or used by any person or agency except for purposes of administration of the department's programs of services or assistance and shall not, except as otherwise provided in subsection 4, be disclosed to or used by persons or agencies outside the department unless they are subject to standards of confidentiality comparable to those imposed on the department by this section.

3. This section does not restrict the disclosure or use of information regarding the cost, purpose, number of persons served or assisted by, and results of any program administered by the department, and other general and statistical information, so long as the information does not identify particular individuals served or assisted.

4. The general assembly finds and determines that the use and disclosure of information as provided in this subsection is for purposes directly connected with the administration of the programs of services and assistance referred to in this section and is essential for their proper administration.

Confidential information described in subsection 1, paragraphs a, b and c shall be disclosed to public officials for use in connection with their official duties relating to law enforcement, audits, and other purposes directly connected with the administration of the programs, upon written application to and with the approval of the director or the director's designee.

5. If it is established that a provision of this section would cause any of the department's programs of services or assistance to be ineligible for federal funds, the provision shall be limited or restricted to the extent which is essential to make the program eligible for federal funds. The department shall adopt, pursuant to chapter 17A, rules necessary to implement this subsection.

6. Violation of this section is a serious misdemeanor.

7. This section takes precedence over section 17A.12, subsection 7.

Sec. 14. NEW SECTION. 217A.13 ACTION FOR DAMAGES. A person may institute a civil action for damages under chapter 25A or to restrain the dissemination of confidential records set out in subsection 1, paragraph b, c, or d of section 217A.12, in violation of that section, and a person, including but not limited to an agency or governmental body, proven to have disseminated or to have requested and received confidential records in violation of subsection 1, paragraph b, c, or d of section 217A.12, is liable for actual damages and exemplary damages for each violation and is liable for court costs, expenses, and reasonable attorneys' fees incurred by the party bringing the action. The award for damages shall not be less than one hundred dollars.

Any reasonable grounds to believe that a public employee has violated a provision of section 217A.12 is grounds for immediate removal from access of any kind to confidential records or suspension from duty without pay.

Sec. 15. NEW SECTION. 217A.14 POWERS OF GOVERNOR--REPORT OF ABUSES. Section 217A.8, subsection 1, paragraph a, does not limit the general supervisory or examining powers vested in the governor by the laws or constitution of the state, or legally vested by the governor in a committee appointed by the governor.

The superintendent of an institution shall make reports to the board and the director as requested by the board and

the director and the director shall report, in writing, to the governor any abuses found to exist in any of the institutions.

Sec. 16. NEW SECTION. 217A.15 APPOINTMENT OF SUPERINTENDENTS. The director shall appoint, subject to the approval of the board, the superintendents of the institutions provided for in section 217A.2.

The superintendent has the immediate custody and control, subject to the orders and policies of the director, of all property used in connection with the institution except as otherwise provided by statute. The tenure of office of a superintendent shall be at the pleasure of the appointing authority but a superintendent may be removed for inability or refusal to properly perform the duties of the office. Removal shall occur only after an opportunity is given the person to be heard before the board and the director and upon preferred written charges. The removal when made is final.

Sec. 17. NEW SECTION. 217A.16 FARM OPERATIONS ADMINISTRATOR. The director may appoint a farm operations administrator for institutions under the control of the departments of corrections and human services. If appointed, the farm operations administrator, subject to the direction of the director shall do all of the following:

1. Manage and supervise all farming and nursery operations at institutions, farms and gardens of the departments of corrections and human services.
2. Determine priorities on the use of agricultural resources and labor for farming and nursery operations.
3. Develop an annual operations plan for crop and livestock production and utilization that will provide work experience and contribute to developing vocational skills of the institutions' inmates and residents. The department of human services must approve the parts of the plan that affect farm operations on property of institutions having programs of the department of human services.

4. Coordinate farm lease arrangements, farm input purchases, farm product distribution, machinery maintenance and replacement, and renovation of farm buildings, fences and livestock facilities.

5. Develop and maintain accounting records, budgeting and cash flow systems, and inventory records.

6. Advise and instruct institution staff and inmates in application of agricultural technology.

7. Implement actions to restore and maintain productivity of soil resources at the institutions through crop rotation, minimum tillage, contouring, terracing, waterways, pasture renovation, windbreaks, buffer zones, and wildlife habitat in accordance with soil conservation service plans and recommendations.

8. Administer the revolving farm fund created in section 217A.48.

9. Do any other farm management duties assigned by the director.

Sec. 18. NEW SECTION. 217A.17 SUBORDINATE OFFICERS AND EMPLOYEES. The director shall determine the number and compensation of subordinate officers and employees for each institution subject to chapter 19A. Subject to this chapter, the officers and employees shall be appointed and discharged by the superintendent who shall keep in the record of each subordinate officer and employee, the date of employment, the compensation, and the date of and the reasons for each discharge.

Sec. 19. NEW SECTION. 217A.18 BONDS. The director shall require officers and employees of institutions under the director's control who are charged with the custody or control of money or property belonging to the state, to give an official bond properly conditioned and signed by sufficient sureties in a sum to be fixed by the director. The bond is subject to approval by the director and shall be filed in the office of the secretary of state.

Sec. 20. NEW SECTION. 217A.19 DWELLING HOUSE. The director may furnish the superintendent of each of the institutions, in addition to salary, with a dwelling house or with appropriate quarters in lieu of a house, or the director may compensate the superintendent of each of the institutions in lieu of furnishing a house or quarters. If a superintendent of the institution is furnished with a dwelling house or quarters, either of which is owned by the state, the superintendent may also be furnished with water, heat, and electricity.

The director may furnish assistant superintendents or other employees, or both, with dwelling houses or with appropriate quarters, owned by the state. The assistant superintendent or employee, who is so furnished shall pay rent for the dwelling house or quarters in an amount to be determined by the superintendent of the institution, which shall be the fair market rental value of the house or quarters. If an assistant superintendent or employee is furnished with a dwelling house or quarters either of which is owned by the state, the assistant superintendent or employee may also be furnished with water, heat, and electricity. However, the furnishing of these utilities shall be considered in determining the fair market rental value of the house or quarters.

Sec. 21. NEW SECTION. 217A.20 TRANSFER OF INMATES. The director may transfer at the expense of the state an inmate of one institution to another similar institution under the director's control. The director may transfer 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. 22. NEW SECTION. 217A.21 RECORD OF INMATES. The director shall keep the following record of every person committed to any of the department's institutions: Name, residence, sex, age, place of birth, occupation, civil condition, date of entrance or commitment, date of discharge, whether a discharge is final, condition of the person when discharged, the name of the institutions from which and to which the person has been transferred, and if the person is dead, the date and cause of death.

Sec. 23. NEW SECTION. 217A.22 RECORD PRIVILEGED. Except with the consent of the director, or on an order of the district court, the record provided in section 217A.21 shall be accessible only to the board and the director and to assistants and proper clerks authorized by the director. The director may permit the state libraries and the Iowa state historical department's division of historical museum and archives to copy or reproduce by any photographic, photostatic, microfilm, microcard, or other process which accurately reproduces in a durable medium and to destroy in the manner described by law the records of inmates required in section 217A.21.

Sec. 24. NEW SECTION. 217A.23 REPORTS TO DIRECTOR. The superintendent of each institution shall, within ten days after the commitment or entrance of a person to the institution, cause a true copy of the person's entrance record to be made and forwarded to the director. When an inmate leaves, is discharged, transferred, or dies in any institution, the superintendent or person in charge shall within ten days thereafter send the information to the office of the director on forms which the director prescribes.

Sec. 25. NEW SECTION. 217A.24 QUESTIONABLE COMMITMENT. The superintendent shall within three days of the commitment or entrance of a person at the institution notify the director if there is any question as to the propriety of the commitment or detention of any person received at the institution,

and the director upon notification shall inquire into the matter presented, and take appropriate action.

Sec. 26. NEW SECTION. 217A.25 RELIGIOUS BELIEFS. The superintendent receiving a person committed to any of the institutions shall ask the person to state the person's religious preference, shall enter the stated preference in a book kept for that purpose, and shall request that the person sign the entry. If the person is a minor and has formed no choice, the preference may be expressed at any later time by the person.

Sec. 27. NEW SECTION. 217A.26 RELIGIOUS WORSHIP. Any inmate, during the time of detention, shall be allowed for at least one hour on each Sunday or other holy day or in times of extreme sickness, and at other suitable and reasonable times consistent with proper discipline in the institution, to receive spiritual advice, instruction, and ministrations from any recognized member of the clergy who represents the inmate's religious belief.

Sec. 28. NEW SECTION. 217A.27 INVESTIGATION. The director or director's designee shall visit and inspect the institutions under the director's control, and investigate the financial condition and management of the institutions at least once in six months.

During the investigation the director or designee shall see every inmate of each institution as far as practicable, especially those admitted since the preceding visit, and shall give the inmates suitable opportunity to converse with the director or designee apart from the officers and attendants.

Sec. 29. NEW SECTION. 217A.28 INVESTIGATION OF OTHER INSTITUTIONS. The director may investigate charges of abuse, neglect or mismanagement on the part of any officer or employee of any public or private institution subject to the director's supervision or control.

Sec. 30. NEW SECTION. 217A.29 WITNESSES. The director may exercise the following powers in an investigation:

1. Summon and compel the attendance of witnesses.

2. Examine the witnesses under oath, which the director may administer.
3. Have access to all books, papers, and property material to the investigation.
4. Order the production of books or papers material to the investigation.

Witnesses other than those in the employ of the state are entitled to the same fees as in civil cases in the district court.

Sec. 31. NEW SECTION. 217A.30 CONTEMPT. If a person fails or refuses to obey the orders of the director issued under section 217A.29, or fails or refuses to give or produce evidence when required, the director shall petition the district court in the county where the offense occurs for an order of contempt and the court shall proceed as for contempt of court.

Sec. 32. NEW SECTION. 217A.31 TRANSCRIPT OF TESTIMONY. The director shall cause the testimony taken at the investigation to be transcribed and filed in the director's office at the seat of government within ten days after the testimony is taken, or as soon as practicable, and when filed the testimony shall be open for the inspection of any person.

Sec. 33. NEW SECTION. 217A.32 SERVICES REQUIRED--WAGES. Inmates of the institutions may be required to render any proper and reasonable service 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 as the director deems proper in view of the circumstances, and in view of the cost attending the maintenance of the inmate. The wage shall not exceed the amount paid to free labor for a like or equivalent service.

Sec. 34. NEW SECTION. 217A.33 DEDUCTION TO PAY COURT COSTS OR DEPENDENTS--DEPOSITS. If wages are paid pursuant to section 217A.32, 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 paid pursuant to section 217A.32 directly to a dependent of the inmate, or may deposit the wage to the account of the inmate, or may deposit a portion and allow the inmate a portion for the inmate's personal use.

Sec. 35. NEW SECTION. 217A.34 CONFERENCES. Quarterly conferences of the superintendents of the institutions shall be held with the director for the consideration of all matters relative to the management of the institutions. Full minutes of the meetings shall be preserved in the records of the director. The director may cause papers to be prepared and read at the conferences on appropriate subjects.

Sec. 36. NEW SECTION. 217A.35 DIAGNOSTIC CLINIC--INMATE CLASSIFICATION. The director may provide facilities and personnel for a diagnostic clinic. The work of the clinic shall include a scientific study of each inmate, the inmate's career and life history, the causes of the inmate's criminal acts and recommendations for the inmate's custody, care, training, employment, and counseling with a view to rehabilitation and to the protection of society. To facilitate the work of the clinic and to aid in the rehabilitation of the inmates, the trial judge, prosecuting attorney, and presentence investigators shall furnish the director upon request with a full statement of facts and circumstances attending the commission of the offense so far as known or believed by them. If the department develops and utilizes an inmate classification system, it must, within a reasonable time, present evidence from independent experts as to the effectiveness and validity of the classification system.

Sec. 37. NEW SECTION. 217A.36 ANNUAL REPORTS. The superintendent of each institution shall make an annual report to the director. The report shall include a detailed and accurate inventory of the stock and supplies on hand, and their amount and value.

Sec. 38. NEW SECTION. 217A.37 CONTINGENT FUND. The director may permit the superintendent of each institution to retain a stated amount of funds in possession as a contingent fund for the payment of freight, postage, commodities purchased on authority of the director on a cash basis, salaries, and bills granting discount for cash. If necessary, the director shall make proper requisition upon the state comptroller for a warrant on the treasurer of state to secure the contingent fund for each institution. A monthly report of the status of the contingent fund shall be submitted by the superintendent of the institution to the director, according to rules prescribed by the director.

Sec. 39. NEW SECTION. 217A.38 PURCHASE OF SUPPLIES. The director shall adopt rules governing the purchase of all articles and supplies needed at the various institutions and the form and verification of vouchers for the purchases. When purchases are made by sample, the sample shall be properly marked and retained until after an award or delivery of the items is made. The director may purchase supplies from any institution under the director's control, for use in any other institution, and reasonable reimbursement shall be made for these purchases.

Sec. 40. NEW SECTION. 217A.39 EMERGENCY PURCHASES. The purchase of materials or equipment for penal or correctional institutions under the department is exempted from the requirements of centralized purchasing and bidding by the department of general services if the materials or equipment are needed to make an emergency repair at an institution or the security of the institution would be jeopardized because the materials or equipment could not be

purchased soon enough through centralized purchasing and bidding and, in either case, if the director approves the emergency purchase.

Sec. 41. NEW SECTION. 217A.40 PLANS AND SPECIFICATIONS. The director shall cause plans and specifications to be prepared for all improvements authorized and costing over twenty-five thousand dollars. An appropriation for any improvement costing over twenty-five thousand dollars shall not be expended until the adoption of suitable plans and specifications, prepared by a competent architect and accompanied by a detailed statement of the amount, quality, and description of all material and labor required for the completion of the improvement.

A plan shall not be adopted, and an improvement shall not be constructed, which contemplates an expenditure of money in excess of the appropriation.

Sec. 42. NEW SECTION. 217A.41 LETTING OF CONTRACTS--REPAIRS OR ALTERATIONS. The director shall, in writing, let all contracts for authorized improvements costing in excess of twenty-five thousand dollars to the lowest responsible bidder, after advertisement for bids as the director deems proper in order to secure full competition. The director may reject all bids and readvertise. A preliminary deposit of money, bank check, or certified check, or a bid bond as provided in section 23.20, in an amount the director prescribes shall be required as an evidence of good faith, upon all proposals for the construction of improvements. The deposit, bank check, or certified check shall be held under the direction of the director. Upon prior authorization by the director, improvements costing five thousand dollars or less may be made by the superintendent of any institution.

Contracts are not required for improvements at any state institution where the labor of inmates is to be used.

Sec. 43. NEW SECTION. 217A.42 PAYMENT FOR IMPROVEMENTS. The director shall not authorize payment for construction

purposes until satisfactory proof has been furnished to the director by the proper officer or supervising architect, that the contract has been complied with by the parties. Payments shall be made in a manner similar to that in which the current expenses of the institutions are paid.

Sec. 44. NEW SECTION. 217A.43 PROPERTY OF DECEASED INMATE. Upon the death of an inmate, the superintendent of the institution shall immediately take possession of the decedent's property left at the institution and shall deliver the property to the duly appointed representative of the deceased. However, if administration is not granted within one year from the date of the death of the decedent and the value of the estate of decedent is so small as to make the granting of administration inadvisable, then delivery of the money and other property left by the decedent may be made to the surviving spouse or an heir of the decedent. If administration is not granted within one year from the death of decedent and no surviving spouse or heir is known, the superintendent shall convert the property into money.

Sec. 45. NEW SECTION. 217A.44 MONEY DEPOSITED WITH TREASURER OF STATE. Money from property converted pursuant to section 217A.43 shall be transmitted to the treasurer of state as soon after one year after the death of the inmate as practicable. A complete permanent record of the property, showing by whom and with whom it was left, its amount when converted to money, the date of the death of the owner, the owner's reputed place of residence before becoming an inmate of the institution, the date on which the money was sent to the treasurer of state, and any other facts which may tend to identify the decedent and explain the case, shall be kept by the superintendent of the institution, and a transcript of the record shall be sent to and kept by the treasurer of state.

Money deposited with the treasurer of state pursuant to this section shall be paid at any time within ten years from

the death of the inmate to any person who is shown to be entitled to it.

Sec. 46. NEW SECTION. 217A.45 TEMPORARY QUARTERS IN EMERGENCY. If the buildings at any institution under the management of the director are destroyed or rendered unfit for habitation by reason of fire, storms, or other like causes, to such an extent that the inmates cannot be confined and cared for at the institution, the director shall make temporary provision for the confinement and care of the inmates at some other place in the state. Like provision may be made in case of an epidemic among the inmates. The reasonable cost of the change including the cost of transfer of inmates, shall be paid from any money in the state treasury not otherwise appropriated.

Sec. 47. NEW SECTION. 217A.46 INDUSTRIES. The director may establish industries at or in connection with any of the institutions under the director's control and may make contractual agreements with the United States, other states, state departments and agencies, and subdivisions of the state, for purchase of industry products.

The director may with the assistance of the Iowa state conservation commission establish and operate forestry nurseries on state-owned land under the control of the department. Residents of the adult correctional institutions shall provide the labor for the operation. Nursery stock shall be sold in accordance with the rules of the state conservation commission. The department shall pay the costs of establishing and operating the forestry nurseries out of the revolving farm fund created in section 217A.47. The state conservation commission shall pay the costs of transporting, sorting, and distributing nursery stock to and from or on state-owned land under the control of the commission. Receipts from the sale of nursery stock produced under this section shall be divided between the department and the state conservation commission in direct proportion to their

respective costs as a percentage of the total costs. The department shall deposit its receipts in the revolving farm fund created in section 217A.47.

Sec. 48. NEW SECTION. 217A.47 REVOLVING FARM FUND.

A revolving farm fund is created in the state treasury in which the department shall deposit receipts from agricultural products, nursery stock, agricultural land rentals, and the sale of livestock. However, before any agricultural operation is phased out, the department which proposes to discontinue this operation shall notify the governor, chairpersons and ranking members of the house and senate appropriations committees, and cochairpersons and ranking members of the subcommittee in the senate and house of representatives which has handled the appropriation for this department in the past session of the legislature. Before the department sells farmland under the control of the department, the director shall notify the governor, chairpersons and ranking members of the house and senate appropriations committees, and cochairpersons and ranking members of the joint appropriations subcommittee that handled the appropriation for the department during the past legislative session. The department may pay from the fund for the operation, maintenance, and improvement of farms and agricultural or nursery property under the control of the department. A purchase order for five thousand dollars or less payable from the fund is exempt from the general purchasing requirements of chapter 18. Notwithstanding section 6.33, unencumbered or unobligated receipts in the revolving farm fund at the end of a fiscal year shall not revert to the general fund of the state.

The department shall annually prepare a financial statement to provide for an accounting of the funds in the revolving farm fund. The financial statement shall be filed with the legislative fiscal bureau on or before February 1 each year.

As used in this section, "department" means the Iowa department of corrections and the Iowa department of human services.

The farm operations administrator appointed under section 217A.16 shall perform the functions described under section 217A.16 for agricultural operations on property of the Iowa department of human services.

The Iowa department of human services shall enter into an agreement under chapter 28D with the Iowa department of corrections to implement this paragraph.

Sec. 49. NEW SECTION. 217A.48 COOPERATION. The department and the director shall cooperate with any department or agency of the state government in any manner, including the exchange of employees, calculated to improve administration of the affairs of the institutions. Joint use of facilities by the department and another public agency as defined in section 28E.2 shall be only according to an agreement entered into under chapter 28E. All joint campuses shall have one superintendent and one business manager who shall be employed by the department with supervisory responsibility for the majority of the facility's population. Employment of the superintendent and business manager shall be done in consultation with the department which has responsibility for services for the other population at the facility.

Sec. 50. NEW SECTION. 217A.49 CONSULTANTS. The director may secure the services of consultants to furnish advice on administrative, professional, or technical problems to the director, or the employees of institutions under the director's jurisdiction or to provide in-service training and instruction for the employees. The director may pay the consultants from funds appropriated to the department or to any institution under the department's jurisdiction.

Sec. 51. NEW SECTION. 217A.50 DIRECTOR MAY BUY AND SELL REAL ESTATE--OPTIONS. The director, subject to the approval of the board and executive council, may secure options to purchase real estate and acquire and sell real estate for the proper uses of the institutions. Real estate shall be acquired and sold upon terms and conditions the director

recommends subject to the approval of the board and the executive council. Upon sale of the real estate, the proceeds shall be deposited with the treasurer of state and credited to the general fund of the state. There is appropriated from the general fund of the state to the department a sum equal to the proceeds so deposited and credited to the general fund of the state which, with the prior approval of the executive council, may be used to purchase other real estate or for capital improvements upon property under the director's supervision.

The costs incident to the securing of options and acquisition and sale of real estate including, but not limited to, appraisals, invitations for offers, abstracts, and other necessary costs, may be paid from moneys appropriated for support and maintenance to the institution at which the real estate is located. The fund shall be reimbursed from the proceeds of the sale.

Sec. 52. NEW SECTION. 217A.51 FIRE PROTECTION CONTRACTS. The director may enter into contracts with the governing body of any city for the protection from fire of any property under the director's primary control, located in any city or in territory contiguous to a city.

The state fire marshal shall cause an annual inspection to be made of all the institutions listed in section 217A.2 and shall make a written report of the inspection to the director.

Sec. 53. NEW SECTION. 217A.52 GIFTS. The department may accept gifts of real or personal property from the federal government or any source. The director may exercise powers with reference to the property so accepted as necessary or appropriate to its preservation and the purposes for which it is given.

Sec. 54. NEW SECTION. 217A.53 CANTEEN MAINTAINED. The director may maintain a canteen at any institution under the director's jurisdiction for the sale to persons confined in

the institution of items such as toilet articles, candy, tobacco products, notions, and other sundries, and may provide the necessary facilities, equipment, personnel, and merchandise for the canteen. The director shall specify the items to be sold in the canteen. The department may establish and maintain a permanent operating fund for each canteen. The fund shall consist of the receipts from the sale of commodities at the canteen.

Sec. 55. Section 19A.3, subsection 13, Code 1983, is amended to read as follows:

13. All physicians, psychiatrists, and heads of institutions under the jurisdiction of the Iowa department of ~~social-services~~ human services and the Iowa department of corrections.

Sec. 56. Section 25A.2, subsection 3, Code 1983, is amended to read as follows:

3. "Employee of the state" includes any one or more officers, agents, or employees of the state or any state agency, including members of the general assembly, and persons acting on behalf of the state or any state agency in any official capacity, temporarily or permanently in the service of the state of Iowa, whether with or without compensation but does not include a contractor doing business with the state. Professional personnel, including ~~medical-doctors~~ physicians, osteopathic physicians and surgeons, osteopathic physicians, optometrists and dentists, who render services to patients and inmates of state institutions under the jurisdiction of the department of ~~social~~ human services or the Iowa department of corrections are to be considered employees of the state, whether ~~such~~ the personnel are employed on a full-time basis or render ~~such~~ services on a part-time basis on a fee schedule or other arrangement-but-shall-not include-any-contractor-doing-business-with-the-state.

Sec. 57. Section 85.60, unnumbered paragraph 1, Code 1983, is amended to read as follows:

The Iowa department of social-services corrections may elect to include as an employee for purposes of this chapter any person confined as an inmate at ~~the Riverview-release center an institution provided for in section 217A.2~~ and who is participating in the inmate employment program. If an inmate in the performance of work sustains an injury arising out of and in the course of the work, the inmate shall be awarded and paid compensation at the rates provided in this chapter. If death results from ~~such the~~ injury, death benefits shall be awarded and paid to the dependents of the inmate. If any such person is awarded weekly compensation under ~~the provisions of~~ this section and is still committed to a penal institution, the person's compensation benefits under section 85.33 or section 85.34, subsection 1, shall be paid to the department and held in trust for the inmate for so long as the inmate ~~shall-remain~~ remains so committed. However, the department shall deduct from the benefits awarded the cost of maintaining the inmate not to exceed the level the inmate was paying under the inmate employment program. Weekly compensation benefits awarded pursuant to section 85.34, subsection 2, shall be held in trust and paid to ~~such the~~ person as provided in this chapter upon final discharge or parole, whichever occurs first. In the event ~~such the~~ person is recommitted to a penal institution prior to receiving in full weekly benefits pursuant to section 85.33 or section 85.34, subsection 1, such benefits shall again be paid to the department for so long as the person ~~shall-remain~~ remains so recommitted. Also, weekly benefits under section 85.34, subsection 2, shall be suspended and again held in trust until ~~such the~~ person is again released by final discharge or parole, whichever first occurs. However, the industrial commissioner may, if the industrial commissioner finds that dependents of the person awarded weekly compensation pursuant to section 85.33 or section 85.34, subsections 1 and 2, would require welfare aid as a result of terminating the compensation, order

~~such the~~ weekly compensation to be paid to a responsible person for the use of dependents.

Sec. 58. Section 85.60, subsection 1, Code 1983, is amended to read as follows:

1. "Department" means the Iowa department of ~~social services corrections~~.

Sec. 59. Section 110.24, unnumbered paragraph 7, Code 1983, is amended to read as follows:

No license shall be required of minor pupils of the state school for the blind, state school for the deaf, nor of minor residents of other state institutions under the control of a director of a division of the department of ~~social human services, except that this provision shall not apply to the inmates of state institutions under the control of the director of the division of adult corrections,~~ nor shall any person who is on active duty with the Armed-Forces armed forces of the United States, on authorized leave, and a legal resident of the state of Iowa, be required to have a license to hunt or fish in this state. No license shall be required of residents of county care facilities or any person who is receiving old-age assistance under chapter 249.

Sec. 60. Section 159.5, subsection 14, Code 1983, is amended to read as follows:

14. Annually inspect for sanitation the areas where food is prepared and where food is served, including but not limited to the utensils, machinery, and other equipment, in the adult penal or correctional facilities operated by the Iowa department of ~~social-services corrections~~ and in the Edora state training school, the Mitchellville training school, and the Iowa juvenile home. For purposes of this subsection, community-based correctional facilities shall be considered operated by the Iowa department of ~~social-services corrections~~.

If a municipal corporation wants its local board of health to make the inspections required by this section on facilities located within its jurisdiction, the municipal corporation

may enter into an agreement with the secretary. The secretary may enter into such an agreement if the secretary finds that the local board of health has adequate resources to perform the required functions.

The secretary of agriculture shall prepare a report on the inspections and shall send a copy of the report concerning the adult penal or correctional facilities to the director of the ~~division~~ Iowa department of corrections of the department of ~~social~~ services. A copy of the report concerning the Bidart state training school ~~the Mitchellville training school~~ and the Iowa juvenile home shall be sent to the director of the division of child and family services of the department of ~~social~~ human services.

Sec. 61. Section 216.2, subsections 2 and 3, Code 1983, are amended to read as follows:

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

3. "State director" means the director of the ~~division~~ Iowa department of ~~adult~~ corrections of the department of ~~social~~ services, or that the director's designee.

Sec. 62. Section 216.9, subsection 4, Code 1983, is amended to read as follows:

4. The fund established by this section shall not revert to the general fund of the state at the end of any annual or biennial period and the investment proceeds earned from the balance of the fund shall be credited to the fund and used for the purposes provided for in this section.

Sec. 63. Section 217.1, Code 1983, is amended to read as follows:

217.1 PROGRAMS OF DEPARTMENT. There is ~~hereby~~ established a department of ~~social~~ human services to administer programs designed to improve the well-being and productivity of the people of the state of Iowa. The department shall concern itself with the problems of human behavior, adjustment, and daily living through the administration of programs of family, child, and adult welfare, economic assistance (including costs of medical care), rehabilitation toward self-care and support, delinquency prevention and control, treatment and rehabilitation of ~~adult and~~ juvenile offenders, care and treatment of the mentally ill and mentally retarded, and other related programs as provided by law.

Sec. 64. Section 217.6, unnumbered paragraph 2, Code 1983, is amended to read as follows:

The department of ~~social~~ human services may be initially divided into the following divisions of responsibility: The division of child and family services, the division of mental health, mental retardation, and developmental disabilities, the division of administration, ~~the division of corrections~~ and the division of planning, research and statistics.

Sec. 65. Section 217.17, Code 1983, is amended to read as follows:

217.17 DIRECTOR OF DIVISION OF PLANNING. The director of the division of planning, research and statistics shall be qualified in the general field of governmental planning with special training and experience in the areas of preparation and development of plans for future efficient reorganization and administration of government social functions. The director of the division of planning, research and statistics shall co-operate with the directors of the other divisions of the department of ~~social~~ human services assisting them and the commissioner of the department in their planning, research and statistical problems. ~~He~~ The director of the division of planning, research and statistics shall assist the directors, commissioner and the council of ~~social~~

human services by proposing administrative and organizational changes at both the state and local level to provide more efficient and integrated social services to the citizens of this state. The planning, research and statistical operations now forming an integral part of the present state functions assigned to the directors of this department along with their future needs in this regard are hereby all assigned to and shall be administered by the director of this division.

Sec. 66. Section 218.1, subsections 10 through 16, Code 1983, are amended by striking the subsections.

Sec. 67. Section 218.3, subsection 3, Code 1983, is amended by striking the subsection.

Sec. 68. Section 218.9, unnumbered paragraph 2, Code 1983, is amended by striking the unnumbered paragraph.

Sec. 69. Section 218.92, Code 1983, is amended to read as follows:

218.92 DANGEROUS MENTAL PATIENTS. When a patient in any state hospital-school for the mentally retarded, any mental health institute, or any institution under the administration of the director of the division of mental health of the department of ~~social~~ human services, has become so mentally disturbed as to constitute a danger to self, to other patients in the institution or to the public, and the institution involved cannot provide adequate security, the director of mental health with the consent of the director of the Iowa department of corrections of the department of social services may order the patient to be transferred to the Iowa security and medical facility, provided that the executive head of the institution from which the patient is to be transferred, with the support of a majority of the medical staff recommends the transfer in the interest of the patient, other patients or the public. If the patient transferred was hospitalized pursuant to sections 229.6 to 229.15, the transfer shall be promptly reported to the court which hospitalized the patient, as required by section 229.15, subsection 3. The Iowa security

and medical facility has the same rights, duties and responsibilities with respect to the patient as the institution from which the patient was transferred had while the patient was hospitalized there. The cost of the transfer shall be paid from the funds of the institution from which the transfer is made.

Sec. 70. Section 218B.3, Code 1983, is amended to read as follows:

218B.3 DUTY OF ~~COMMIS~~SIONER DIRECTOR. ~~The commissioner director of social services is authorized and directed to the Iowa department of corrections shall do all things necessary or incidental to the carrying out of the compact in every particular and he may in his discretion delegate this authority to the director of the division of corrections.~~

Sec. 71. Section 222.7, unnumbered paragraph 1, Code 1983, is amended to read as follows:

The state director may transfer patients from one state hospital-school to the other and may at any time transfer ~~any-patient~~ patients from the hospital-schools to the hospitals for the mentally ill, or transfer patients in the hospital-schools to a special unit or vice versa, ~~or make such transfers as are permitted in section 218.92.~~ The state director may also transfer patients from a hospital for the mentally ill to a hospital-school if:

Sec. 72. Section 223.1, Code 1983, is amended to read as follows:

223.1 INSTITUTION ESTABLISHED. There is established an institution for persons displaying evidence of mental illness or psychosocial disorders and requiring diagnostic services and treatment in a security setting. The institution may also be used for persons only requiring confinement in a security setting. The institution is under the jurisdiction of the Iowa department of ~~social services~~ corrections and shall be known as the Iowa security and medical facility.

Sec. 73. Section 223.2, Code 1983, is amended to read as follows:

223.2 SUPERINTENDENT. A superintendent of the Iowa security and medical facility shall be appointed ~~as designated in section 216-9~~ by the director of the Iowa department of corrections with the approval of the board of corrections. The superintendent shall be a reputable and qualified person experienced in the administration of programs for the care and treatment of persons afflicted with mental disorders and ~~with~~ have other qualifications the department deems director and board deem necessary.

Sec. 74. Section 223.3, subsections 1 and 4, Code 1983, are amended to read as follows:

1. Perform all duties required by law and by the state director of the Iowa department of ~~social-services~~ corrections not inconsistent with this chapter.

4. Retain custody of all patients, in ~~such~~ the manner ~~as~~ deemed necessary and in the best interest of the patients subject to the ~~regulations~~ rules of the director of the Iowa department of social-services corrections.

Sec. 75. Section 223.4, subsection 1, Code 1983, is amended to read as follows:

1. Residents of any an institution under the jurisdiction of the department of ~~social~~ human services or the Iowa department of corrections.

Sec. 76. Section 223.4, unnumbered paragraph 3, Code 1983, is amended to read as follows:

The director of the ~~division~~ Iowa department of adult corrections may house inmates from any penal institution at the Iowa security and medical facility in order to provide the inmates with either 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.

Sec. 77. Section 223.5, Code 1983, is amended to read as follows:

223.5 ADMISSIONS IN WRITING ONLY. All admissions to the facility shall be by written application only. Application shall be made by the head of the state institution, agency, governmental body, or court requesting ~~same~~ admission to the superintendent of the facility. An application may be denied by the superintendent, with the approval of the director of the ~~division~~ Iowa department of corrections, if the admission will result in an overcrowded condition or if adequate staff or facilities are not available.

Sec. 78. Section 223.6, Code 1983, is amended to read as follows:

223.6 FINAL DECISION. The decision regarding admission and discharge of patients shall be made by the superintendent of the facility, subject to approval of the director of the ~~division~~ Iowa department of corrections.

Sec. 79. Section 232.71, subsection 4, Code 1983, is amended to read as follows:

4. The county attorney and any law enforcement or social services agency in the state shall co-operate and assist in the investigation upon the request of the department of ~~social~~ human services. The county attorney and appropriate law enforcement agencies shall also take any other lawful action which may be necessary or advisable for the protection of the child.

Sec. 80. Section 245.1, Code 1983, is amended to read as follows:

245.1 OFFICIAL DESIGNATION--DEFINITIONS. The state correctional facility for women at Mitchellville shall be known as the "Iowa correctional institution for women". For the purpose of this chapter "director" or "state director" shall mean means the director of the ~~division-of-adult~~ Iowa department of corrections ~~of-the-department-of-social-services~~.

Sec. 81. Section 245.2, Code 1983, is amended to read as follows:

245.2 SUPERINTENDENT--SALARY. The superintendent of the women's-reformatory Iowa correctional institution for women shall receive a salary as determined by the state director.

Sec. 82. Section 245.3, Code 1983, is amended to read as follows:

245.3 SERVICE REQUIRED. The superintendent may, with the approval of the state director, require any inmate to perform any service suited to her strength and attainments and which may be needed for the benefit of the reformatory Iowa correctional institution for women or for the welfare of such the inmate.

Sec. 83. Section 245.4, Code 1983, is amended to read as follows:

245.4 EMPLOYEES TO RECEIVE A MIDSHIFT MEAL. The employees of the women's-reformatory Iowa correctional institution for women shall receive a midshift meal when on duty.

Sec. 84. Section 245.7, Code 1983, is amended to read as follows:

245.7 TERM OF COMMITMENTS. A female convicted of a felony shall not be detained in said-reformatory the Iowa correctional institution for women under one commitment for a period longer than the maximum term of imprisonment provided by law for said the felony. A female convicted of a crime and sentenced to a term of less than one year shall not be detained therein in that institution.

Sec. 85. Section 245.8, Code 1983, is amended to read as follows:

245.8 MANNER OF COMMITTING FEMALES. Females committed to said-reformatory the Iowa correctional institution for women shall be taken thereto to the institution by some a woman, or by some a peace officer accompanied by some a woman, appointed by the court.

Sec. 86. Section 245.9, Code 1983, is amended to read as follows:

245.9 COSTS OF COMMITMENT. The costs and expenses allowed for taking females to the reformatory Iowa correctional institution for women shall be the same as those allowed by law for taking girls to the training school, and shall be audited and paid in like manner by the counties from which they are sent.

Sec. 87. Section 245.12, Code 1983, is amended to read as follows:

245.12 TRANSFER OF MENTALLY ILL. The state director may cause any woman committed to the reformatory Iowa correctional institution for women and suspected of being mentally ill to be examined by one of the superintendents or the superintendent's qualified designee of a state hospital for the mentally ill or transferred to the Iowa security and medical facility for examination. If the woman is found to be mentally ill, the Iowa department of corrections may order the woman transferred to or retained at a state hospital or the Iowa security and medical facility where she shall thereafter be maintained and treated at the expense of the state until such time as she regains her good mental health when she shall be returned to the reformatory Iowa correctional institution for women. The cost of transfer and return shall be paid as provided for other transfers.

Sec. 88. Section 245.15, Code 1983, is amended to read as follows:

245.15 ESCAPE. Any inmate of said-reformatory the Iowa correctional institution for women who shall-escape-therefrom escapes from it may be arrested and returned to said reformatory the institution, by an officer or employee thereof of the institution without any other authority than this chapter, and by any peace officer or other person on the request in writing of the superintendent or the state director.

Sec. 89. Section 245.20, Code 1983, is amended to read as follows:

245.20 FEDERAL PRISONERS. ~~Inmates~~ Female inmates sentenced for any term by any court of the United States may be received by the superintendent into the ~~women's-reformatory Iowa~~ correctional institution for women and there kept in pursuance of ~~to~~ their sentences. Inmates at the ~~women's-reformatory institution~~ may also be transferred to the federal bureau of prisons. ~~if-an-inmate-objects-to-her-transfer-to-the-federal-bureau-of-prisons,-the-inmate-shall-be-afforded-a-hearing-as-provided-in-section-217-22-~~

Sec. 90. Section 246.1, Code 1983, is amended to read as follows:

246.1 DEFINITIONS. For the purpose of this chapter "director" or "state director" ~~shall-mean~~ means the director ~~of-the-division-of-adult-corrections~~ of the Iowa department of ~~corrections~~ corrections, or that director's designee.

Sec. 91. Section 246.11, Code 1983, is amended to read as follows:

246.11 FEDERAL PRISONERS. ~~Inmates~~ Male inmates sentenced for any term by any court of the United States may be received by the warden into the penitentiary or the men's reformatory and there kept in pursuance of their sentences. Inmates at either the penitentiary or men's reformatory may also be transferred to the federal bureau of prisons. ~~if-an-inmate-objects-to-his-transfer-to-the-federal-bureau-of-prisons,-the-inmate-shall-be-afforded-a-hearing-as-provided-in-section-217-22-~~

Sec. 92. Section 246.16, Code 1983, is amended to read as follows:

246.16 TRANSFER OF MENTALLY ILL. When the state director has cause to believe that a prisoner in the penitentiary or reformatory is mentally ill, the Iowa department of corrections may cause that prisoner to be transferred to the Iowa security and medical facility for examination, diagnosis, or treatment. The prisoner shall be confined at that institution or a state hospital for the mentally ill until the expiration of the

prisoner's sentence or until the prisoner is pronounced in good mental health. If the prisoner is pronounced in good mental health before the expiration of the prisoner's sentence, the prisoner shall be returned to the penitentiary or reformatory until the expiration of the prisoner'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 security and medical facility. However, section 246.32 applies to the total inmate population, including both convicts and patients.

Sec. 93. Section 246.38, Code 1983, is amended to read as follows:

246.38 TIME TO BE SERVED--CREDIT. No inmate shall be discharged from the penitentiary, ~~or the men's or-women's reformatory,~~ or the Iowa correctional institution for women, until ~~he-or-she~~ the inmate has served the full term for which the inmate was sentenced, less good time earned and not forfeited, unless the inmate is pardoned or otherwise legally released. Any provision to the contrary notwithstanding, good time earned and not forfeited shall apply to reduce a mandatory minimum sentence being served pursuant to section 204.406, 204.413, 902.7, 902.8, or 906.5. The inmate shall be deemed to be serving ~~his-or-her~~ the inmate's sentence from the day on which the inmate is received into the institution, but not while in solitary confinement for violation of the rules of the institution, ~~provided,-however.~~ However, if an inmate had been confined to a county jail or other correctional or mental institution 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 such days already served in jail upon the term of the sentence. The clerk of the district court of the county from which the inmate was

sentenced, shall certify to the warden the number of days so served.

Sec. 94. Section 246.39, unnumbered paragraph 1, Code 1983, is amended to read as follows:

Each ~~prisoner inmate~~ who ~~shall have~~ has no infraction of the rules of discipline of the penitentiary, ~~or the men's or-women's~~ reformatory, ~~or the Iowa correctional institution for women~~, or laws of the state, recorded against ~~him~~ the inmate, and who performs in a faithful manner the duties assigned to ~~him~~ the inmate, ~~shall be~~ is entitled to a reduction of sentence as follows, and if the sentence be for less than a year, then the pro rata part thereof:

Sec. 95. Section 246.45, Code 1983, is amended to read as follows:

246.45 APPLICABILITY TO OTHER INSTITUTIONS. Sections 246.38, 246.39, 246.41, 246.42, and 246.43 also apply to the inmates at the ~~women's-reformatory~~ Iowa correctional institution for women and the Iowa security and medical facility.

Sec. 96. Section 246.48, subsection 1, Code 1983, is amended to read as follows:

1. ~~Beginning-April-17-1978,-the~~ The medium security correctional facility at Mount Pleasant shall be utilized as a secure facility for treatment of inmates of adult correctional institutions 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 ~~246.90~~ 217A.20.

Sec. 97. Section 246A.1, Code 1983, is amended to read as follows:

246A.1 ESTABLISHED BY DEPARTMENT OF ~~SOCIAL-SERVICES~~ CORRECTIONS. The Iowa department of ~~social-services-in-hereby~~ authorized-to corrections may establish a facility for the

preparation of ~~all~~ inmates of the corrective institutions under the department's jurisdiction, for discharge or parole. The facility shall be known as the correctional release center ~~and-shall-be-operated-in-conjunction-with-and-utilize-the facilities-of-the-prison-honor-farm-at-Newton,-Iowa.~~

Sec. 98. Section 246A.2, Code 1983, is amended to read as follows:

246A.2 SUPERINTENDENT. The director of ~~division~~ the Iowa department of corrections, subject to approval of the department board of corrections, shall appoint a superintendent who shall serve as the chief executive of the correctional release center. The superintendent shall be a reputable and qualified person experienced in the administration of programs for the rehabilitation and preparation of ~~prisoners~~ inmates for their return to society.

Sec. 99. Section 246A.3, Code 1983, is amended to read as follows:

246A.3 TRANSFER OF PRISONERS TO CENTER. The Iowa department of corrections may transfer any inmate of a corrective institution within ninety days of the inmate's approaching release from custody to the release center for intensive training to assist the inmate in the transition to civilian living.

Sec. 100. Section 247.29, unnumbered paragraph 1, Code 1983, is amended to read as follows:

The clerk of the district court ~~shall~~, on or before July 15 each year, shall report to the board of parole and the director of the ~~division~~ Iowa department of corrections ~~of the department-of-social-services~~:

Sec. 101. Section 247.31, Code 1983, is amended to read as follows:

247.31 AUDITOR TO REPORT STATISTICS TO CLERK. The county auditor shall report to the clerk of the district court, on or before July 5 of each year, the expenses of the county in criminal prosecutions during the year ending June 30

preceding, including but distinguishing the compensation of the county attorney. ~~Such~~ The report shall include all the items of criminal expenses which appear in the records of ~~his~~ the clerk's office and which are required to be reported by the clerk of the district court to the board of parole and the director of the ~~division Iowa department of corrections of-the-department-of-social-services~~. The clerk of the district court shall furnish to the auditor the blanks to be used in making ~~such~~ the report.

Sec. 102. Section 247.32, Code 1983, is amended to read as follows:

247.32 BIENNIAL REPORTS. The board of parole and the ~~chief-parole-officer~~ judicial district departments of correctional services shall make ~~such~~ detailed reports to the director of the ~~division Iowa department of corrections of-the-department-of-social-services~~ as are requested by him ~~the director~~ and ~~he~~ the director shall forward ~~such~~ the reports along with ~~his~~ personal recommendations to the ~~commissioner board of corrections of the Iowa department of social-services corrections~~. The ~~commissioner board of corrections~~ in turn shall, biannually, at the time provided by law, report to the governor a summary of paroles granted and releases recommended, the names of all ~~prisoners~~ inmates who have violated their paroles, and ~~such~~ other information concerning this departmental operation as ~~may-be~~ deemed advisable, including an abstract for each year of the returns relative to criminal matters.

Sec. 103. Section 247A.2, Code 1983, is amended to read as follows:

247A.2 PROGRAM. The Iowa department of ~~social-services~~ corrections shall establish a work release program under which inmates sentenced to an institution under the jurisdiction of the department may be granted the privilege of leaving actual confinement during necessary and reasonable hours for the purpose of working at gainful employment. Under

appropriate conditions the program may also include release for the purpose of seeking employment and attendance at an educational institution. In the case of inmates who have children in their homes under the age of eighteen years, the program may include child care and housekeeping in their homes.

Sec. 104. Section 247A.3, Code 1983, is amended to read as follows:

247A.3 COMMITTEE. A committee shall be designated by the Iowa department of corrections consisting of one member of the parole board or its designee, one representative of the ~~division Iowa department of corrections~~, and one representative of the institution in which the inmate is confined at the time of application.

Sec. 105. Section 247A.5, Code 1983, is amended to read as follows:

247A.5 HOUSING FACILITIES--HALFWAY HOUSES. ~~The department shall designate and adopt facilities in the institutions and camps under its jurisdiction for the housing of inmates granted work-release privileges--in areas where facilities are not within reasonable proximity of the place of employment of an inmate so released Unless the inmate is transferred to the correctional release center, or returns after working hours to the institution under jurisdiction of the department of corrections, the department may of corrections shall contract with the proper authorities of political subdivisions of the state or suitable public or private agencies a judicial district department of correctional services for the quartering and supervision of the inmate in local housing facilities. The committee shall include as a specific term or condition in the work release plan of any inmate the place where the inmate is to be housed when not on the work assignment. The committee shall not place an inmate on work release for longer than six months in any twelve-month period, provided, however, that, However, an inmate may be placed on work release for~~

a period in excess of six months in any twelve-month period if unanimous approval is given by the committee. Inmates may be temporarily released to the supervision of a responsible person to participate in family and selected community, religious, educational, social, civic, and recreational activities when it is determined that the participation will directly facilitate the release transition from institution to community. The department of corrections shall provide a copy of the work release plan and a copy of any restitution plan of payment to the judicial district department of correctional services quartering and supervising the inmate.

Sec. 106. Section 247A.7, subsection 1, Code 1983, is amended to read as follows:

1. An amount determined to be the cost to the state judicial district department of correctional services for providing food, lodging and clothing for the inmate while under the program. The judicial district department of correctional services shall be reimbursed this amount unless the contract with the department of corrections provides otherwise.

Sec. 107. Section 247A.8, Code 1983, is amended to read as follows:

247A.8 STATUS OF INMATES ON WORK RELEASE. ~~No~~ An inmate employed in the community under ~~the provisions of~~ this chapter ~~shall be deemed to be~~ is not an agent, employee, or involuntary servant of the department of ~~social services~~ corrections nor the judicial district department of correctional services while released from confinement under the terms of any a work release plan. ~~Should any if an~~ inmate suffer suffers an injury arising out of or in the course of the inmate's employment under this chapter, the inmate's recovery shall be from the insurance carrier of the employer of the project and no proceedings for compensation shall be maintained against the insurance carrier of the state institution, ~~or~~ of the state, the insurance carrier of the judicial district department

of correctional services, or the judicial district department of correctional services, and it is understood that there is no employer-employee relationship between the inmate and the state institution or the judicial district department of correctional services.

Sec. 108. Section 247A.10, Code 1983, is amended to read as follows:

247A.10 ALLEGED WORK RELEASE VIOLATORS--REIMBURSEMENT TO COUNTIES FOR TEMPORARY CONFINEMENT. ~~The division Iowa~~ department of adult corrections shall negotiate a reimbursement rate with each county for the temporary confinement of alleged violators of work release conditions who are in the custody of the director of the ~~division Iowa department~~ of adult corrections or who are housed or supervised by the judicial district department of correctional services. The amount to be reimbursed shall be determined by multiplying the number of days ~~as a person is~~ confined by the average daily cost of confining a person in the county facility as negotiated with the department. Payment shall be made upon submission of a voucher executed by the sheriff and approved by the director of the ~~division Iowa department~~ of adult corrections. The money shall be deposited in the county general fund to be credited to the jail account.

Sec. 109. Section 255.28, Code 1983, is amended to read as follows:

255.28 TRANSFER OF PATIENTS FROM STATE INSTITUTIONS. The commissioner of the department of ~~social~~ human services ~~and, in respect to institutions under the commissioner's control,~~ the director of any of the divisions of ~~such~~ the department, in respect to the institutions under the director's control, the director of the Iowa department of corrections, in respect to the institutions under the department's control, and the ~~state board in control~~ of regents in respect to the Iowa braille and sight-saving school, and the Iowa school for the deaf, ~~may, respectively,~~ send any inmate, student,

or patient of any ~~of-said~~ institutions, or any person committed or applying for admission thereto, to the hospital of the medical college of the state university for treatment and care as provided in this chapter, without securing the order of court required in other cases. ~~Said-state The~~ department of ~~social human services, the Iowa department of corrections~~ and ~~the state board in-control of regents the-iowa-braille and-eight-saving-school-and-the-iowa-school-for-the-deaf,~~ shall respectively pay the traveling expenses of any a patient thus committed, and when necessary the traveling expenses of an attendant for ~~such the~~ patient, out of funds appropriated for the use of the institution from which ~~he the~~ patient is sent.

Sec. 110. Section 255.29, Code 1983, is amended to read as follows:

255.29 MEDICAL CARE FOR PAROLEES. The director of the ~~division Iowa department of corrections of-the-department of-social-services~~ may send former inmates of the ~~Iowa-state penitentiary-and-men's-or-women's-reformatory institutions provided for in section 217A.2,~~ while on parole, to the hospital of the college of medicine of the state University of Iowa for treatment and care as provided in this chapter, without securing the order of the court required in other cases. ~~Said The~~ director may pay the traveling expenses of any patient thus committed, and, when necessary, the traveling expenses of an attendant of ~~such the~~ patient out of funds appropriated for the use of ~~such the~~ division.

Sec. 111. Section 331.756, subsection 41, Code 1983, is amended by striking the subsection.

Sec. 112. Section 331.756, subsection 42, Code 1983, is amended to read as follows:

42. Provide the Iowa department of ~~social-services~~ ~~corrections~~ with information relating to the background and criminal acts committed by each person sentenced to a state correctional institution from the county as provided in section 210-97 217A.35.

Sec. 113. Section 356.14, Code 1983, is amended to read as follows:

356.14 REFRACTORY PRISONERS. If any person confined in a jail is refractory or disorderly or willfully destroys or injures any part ~~thereof of the jail~~ or of its contents, the sheriff may secure ~~such the~~ person or cause ~~him-or-her the~~ person to be kept in solitary confinement not more than ten days for any one offense, during which time the person may be fed minimum diet requirements as established by the Iowa department of ~~social-services~~ ~~corrections~~ unless other food is necessary for the preservation of the person's health.

Sec. 114. Section 356.36, Code 1983, is amended to read as follows:

356.36 ESTABLISHMENT OF JAIL STANDARDS. The Iowa department of ~~social-services~~ ~~corrections~~, in consultation with the Iowa state sheriff's association and the Iowa board of supervisors association, shall draw up minimum standards for the regulation of jails and alternative jails. When completed by the department, the standards shall be ~~promulgated~~ ~~adopted~~ as rules pursuant to chapter 17A.

The sole remedy for violation of a rule adopted pursuant to this section, is by a proceeding for compliance initiated by request to the Iowa department of ~~social-services~~ ~~corrections~~. A violation of a rule does not permit any civil action to recover damages against the state of Iowa, its departments, agents, or employees or any county, its agents or employees.

Sec. 115. Section 356.43, Code 1983, is amended to read as follows:

356.43 INSPECTION BY DEPARTMENT--REPORT OF INSPECTION. The state Iowa department of ~~social-services~~ ~~corrections~~ and its inspectors and agents shall ~~have-the-power-and-duty-to~~ make periodic inspections of each ~~such~~ jail and all ~~such~~ facilities established pursuant to chapter 356A, and officially ~~to~~ notify the county board of supervisors in writing to comply fully with ~~the-provisions-of~~ section 356.36.

The Iowa department of ~~social-services~~ corrections may order the governing body of a political subdivision to either correct any violations found in the inspection of a jail within a designated period, or may prohibit the confinement of prisoners in the jail. If the governing body fails to comply with the order within the period designated, the Iowa department of ~~social-services~~ corrections may schedule a hearing on the alleged violation. The department may subpoena witnesses, documents, and other information deemed necessary to determine the validity of the alleged violation. The department shall upon written request from the governing body of the political subdivision grant representatives of the political subdivision the right to appear before the department at the hearing. ~~Such~~ The representatives shall have the right to counsel and may produce witnesses and present statements, documents, and other information with respect to the alleged violation for consideration at the hearing.

The department after the hearing shall affirm, revoke, or modify the original order. If the order is upheld, the department may include a schedule for correction of the ~~violation-or~~ violations and designate the date ~~before~~ by which each violation shall be corrected.

If the political subdivision does not comply with the order within the designated period, the department may petition the attorney general to institute proceedings to enjoin the political subdivision from confining prisoners in the jail and require the transfer of prisoners to a jail declared by the director to be suitable for confinement. The county or municipality from which prisoners are transferred ~~shall-be~~ is liable for the cost of transfer and expenditures incurred in the confinement of prisoners in the jail to which transferred. Following inspection of any county jail, a report of the ~~same~~ inspection shall be filed with the director of the ~~division~~ Iowa department of corrections ~~of-the~~ department-of-social-services, and a copy shall be filed with

the sheriff, the county board of supervisors, and one copy with the county attorney, which shall be presented at the next session of the grand jury of that county.

Sec. 116. Section 690.4, unnumbered paragraph 2, Code 1983, is amended to read as follows:

It shall also be the duty of the ~~said~~ wardens and superintendents to procure the taking of five- by seven-inch photographic negative showing the full length view of each convict, prisoner or inmate of the penitentiary, men's reformatory, and ~~women's-reformatory~~ Iowa correctional institution for women in ~~his-or-her~~ the inmate's release clothing immediately prior to ~~his-or-her~~ the inmate's discharge from the institution either upon expiration of sentence or commitment or on parole, and to forward ~~such~~ the photographic negative within two days after ~~the-same~~ it is taken to the division of criminal investigation and bureau of identification, Iowa department of public safety.

Sec. 117. Section 692.1, subsection 7, Code 1983, is amended to read as follows:

7. "Correctional data" means information pertaining to the status, location, and activities of persons under the supervision of the county sheriff, the ~~division~~ Iowa department of corrections ~~of-the-department-of-social-services~~, the board of parole, or any other state or local agency performing the same or similar function, but does not include investigative, sociological, psychological, economic, or other subjective information maintained by the ~~division~~ Iowa department of corrections ~~of-the-department-of-social-services~~ or board of parole.

Sec. 118. Section 707.2, subsection 4, Code 1983, is amended to read as follows:

4. The person intentionally kills a peace officer, correctional officer, public employee, or hostage while ~~such~~ the person is imprisoned in a correctional institution under the jurisdiction of the Iowa department of ~~social-services~~ corrections, or in a city or county jail.

Sec. 119. Section 719.4, subsection 3, Code 1983, is amended to read as follows:

3. Any A person who has been committed to any an institution under the control of the division Iowa department of adult corrections, or to any a jail or correctional institution, who knowingly and voluntarily absents himself or herself from any a place where the person is required to be, commits a serious misdemeanor.

Sec. 120. Section 719.7, Code 1983, is amended to read as follows:

719.7 FURNISHING INTOXICANT TO INMATES. Any A person not authorized by law who furnishes or knowingly makes available any an intoxicating beverage to any an inmate at any a detention facility, correctional institution, or any an institution under the management of the Iowa department of ~~corrections~~ corrections, or who introduces any an intoxicating beverage into the premises of any such an institution, commits a simple-misdemeanor class "D" felony.

Sec. 121. Section 719.8, Code 1983, is amended to read as follows:

719.8 FURNISHING CONTROLLED SUBSTANCE TO INMATES. Any A person not authorized by law who furnishes or knowingly makes available any a controlled substance to any an inmate at any a detention facility or correctional institution, or at any an institution under the management of the Iowa department of ~~corrections~~ corrections, or who introduces any a controlled substance into the premises of any such an institution, commits a class "D" felony.

Sec. 122. Section 724.2, subsection 4, Code 1983, is amended to read as follows:

4. Any A correctional officer, serving in an institution under the authority of the division Iowa department of adult corrections.

Sec. 123. Section 724.4, subsection 4, Code 1983, is amended to read as follows:

4. Any A correctional officer, when ~~his-or-her~~ the officer's duties require, serving under the authority of the division Iowa department of adult corrections.

Sec. 124. Section 901.4, Code 1983, is amended to read as follows:

901.4 PRESENTENCE INVESTIGATION REPORT CONFIDENTIAL. The court may ~~in its discretion~~ make the presentence investigation report or parts of it available to the defendant, or the court may make the report or parts of it available while concealing the identity of the person who provided confidential information. The report of any a medical examination or psychiatric evaluation shall be made available to the attorney for the state and to the defendant upon request. ~~Such~~ The reports shall be part of the record but shall be sealed and opened only on order of the court. ~~in any case where~~ If the defendant is committed to the custody of the division Iowa department of adult corrections and is not a class "A" felon, a copy of the presentence investigation report shall be sent to the director at the time of commitment.

Sec. 125. Section 901.7, Code 1983, 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 division Iowa department of adult corrections. Upon entry of judgment and sentence, the clerk of the district court immediately shall notify the director of ~~such~~ the commitment. The court shall make ~~such~~ an order as ~~is~~ 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 ~~he-or-she~~ the person is to be confined in execution of the judgment.

Sec. 126. Section 901.8, Code 1983, is amended to read as follows:

901.8 CONSECUTIVE SENTENCES. If a person is sentenced for two or more separate offenses, the sentencing judge may order the second or further sentence to begin at the expiration of the first or succeeding sentence. If a person is sentenced for escape under section 719.4 or for a crime committed while confined in a detention facility or penal institution, the sentencing judge shall order the sentence to begin at the expiration of any existing sentence. If the person is presently in the custody of the director of the ~~division~~ Iowa department of adult corrections, the sentence shall be served at the facility or institution in which the person is already confined unless the person is transferred by the director. If consecutive sentences are specified in the order of commitment, the several terms shall be construed as one continuous term of imprisonment.

Sec. 127. Section 902.1, Code 1983, is amended to read as follows:

902.1 CLASS "A" FELONY. Upon a plea of guilty, a verdict of guilty, or a special verdict upon which a judgment of conviction of a class "A" felony may be rendered, the court shall enter a judgment of conviction and shall commit the defendant into the custody of the director of the ~~division~~ Iowa department of adult corrections for the rest of the defendant's life. Nothing in the Iowa corrections code pertaining to deferred judgment, deferred sentence, suspended sentence, or reconsideration of sentence ~~shall apply~~ applies to a class "A" felony, and ~~no~~ a person convicted of a class "A" felony shall not be released on parole unless the governor commutes the sentence to a term of years.

Sec. 128. Section 902.3, Code 1983, is amended to read as follows:

902.3 INDETERMINATE SENTENCE. When a judgment of conviction of a felony, other than a class "A" felony is

entered against any a person, the court, in imposing a sentence of confinement, shall commit the person into the custody of the director of the ~~division~~ Iowa department of adult corrections for an indeterminate term, the maximum length of which shall not exceed the limits as fixed by section 707.3 or section 902.9 nor shall the term be less than the minimum term imposed by law, if a minimum sentence is provided.

Sec. 129. Section 902.4, Code 1983, is amended to read as follows:

902.4 RECONSIDERATION OF FELON'S SENTENCE. For a period of ninety days from the date when a person convicted of a felony, other than a class "A" felony or a felony for which a minimum sentence of confinement is imposed, begins to serve a sentence of confinement, the court, on its own motion or on the recommendation of the ~~commissioner~~ director of ~~social services~~ the Iowa department of corrections, may order the person to be returned to the court, at which time the court may review its previous action and reaffirm it or substitute for it any sentence permitted by law. The court's final order in ~~any such~~ the proceeding shall be delivered to the defendant personally or by certified mail. ~~Such action is discretionary with the court, and its~~ The court's decision to take such the action or not to take ~~such the~~ the action is not subject to appeal. ~~The provisions of this section notwithstanding~~ However, for the purposes of appeal, a judgment of conviction of a felony is a final judgment when pronounced.

Sec. 130. Section 902.5, Code 1983, is amended to read as follows:

902.5 PLACE OF CONFINEMENT. The director of the ~~division~~ Iowa department of adult corrections shall determine the appropriate place of confinement of any person committed to the director's custody, in any institution administered by the director, and may transfer the person from one institution to another during the person's period of confinement.

Sec. 131. Section 902.6, Code 1983, is amended to read as follows:

902.6 RELEASE. A person who has been committed to the custody of the director of the ~~division~~ Iowa department of ~~adult~~ corrections shall remain in ~~such~~ custody until released by the order of the board of parole, in accordance with the law governing paroles, or by order of the judge after reconsideration of a felon's sentence pursuant to section 902.4 or until the maximum term of the person's confinement, as fixed by law, has been completed.

Sec. 132. Section 902.10, Code 1983, is amended to read as follows:

902.10 APPLICATION FOR INVOLUNTARY HOSPITALIZATION. For the purposes of chapter 229, the director of the ~~division~~ Iowa department of corrections ~~shall-be-considered is~~ an interested person and all applicable provisions of chapter 229, relating to involuntary hospitalization, ~~shall~~ apply to ~~any~~ persons who have been committed to the custody of the ~~division~~ Iowa department of corrections as a result of a conviction of a public offense.

Sec. 133. Section 903.4, Code 1983, is amended to read as follows:

903.4 PROVIDING PLACE OF CONFINEMENT. All persons sentenced to confinement for a period of one year or less shall be confined in a place to be furnished by the county where the conviction was had unless the person is presently committed to the custody of the director of the ~~division~~ Iowa department of ~~adult~~ corrections, in which case the provisions of section 901.8 apply. All persons sentenced to confinement for a period of more than one year shall be committed to the custody of the director of the ~~division~~ Iowa department of ~~adult~~ corrections to be confined in a place to be designated by the director and the cost of ~~such~~ the confinement shall be borne by the state. The director may contract with local governmental units for the use of detention or correctional

facilities maintained by ~~such~~ the units for the confinement of such persons.

Sec. 134. Section 905.1, subsection 2, Code 1983, 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 are contracted to the district department for supervision and housing while on work release.

Sec. 135. Section 905.4, subsections 2, 4, and 9, Code 1983, are amended to read as follows:

2. Employ a director having the qualifications required by section 905.6 to head the district department's community-based correctional program and, within a range established by the ~~state~~ Iowa department of ~~social-services~~ corrections, fix the compensation of and have control over the director and the district department's staff. For purposes of collective bargaining under chapter 20, employees of the district board who are not exempt from chapter 20 ~~shall-be~~ are employees of the state, and the employees of all of the district boards shall be included within one collective bargaining unit.

4. File with the board of supervisors of each county in the district and with the ~~state~~ Iowa department of ~~social services~~ corrections, within thirty days after the close of each fiscal year, a report covering the district board's proceedings and a statement of receipts and expenditures during the preceding fiscal year.

9. Arrange, by contract or on ~~such~~ an alternative basis ~~as-may-be~~ mutually acceptable, and with approval of the director of the ~~division~~ Iowa department of ~~adult~~ corrections

~~of the department of social services~~ or that director's designee for utilization of existing local treatment and service resources, including but not limited to employment, job training, general, special, or remedial education; psychiatric and marriage counseling; and alcohol and drug abuse treatment and counseling. It is the intent of this chapter that a district board shall approve the development and maintenance of such resources by its own staff only if the resources ~~to be developed and maintained~~ are otherwise unavailable to the district department within reasonable proximity to the community where these services are needed in connection with the community-based correctional program.

Sec. 136. Section 905.5, subsection 1, Code 1983, is amended to read as follows:

1. The county designated under section 905.4, subsection 3, as administrative agent for each district department, or the district department itself, if designated as administrative agent by the district board, shall submit that district department's budget and supporting information to the state Iowa department of social services corrections in accordance with the provisions of chapter 8. The state department shall incorporate the budgets of each of the district departments into its own budget request, to be processed as prescribed by the uniform budget, accounting and administrative procedures established by the state comptroller. Funds appropriated pursuant to the budget requests of the respective district departments shall be allocated on a quarterly basis, and the state comptroller shall authorize advancement of the funds so allocated to each district department's administrative agent, or to the district department itself if the district department acts as administrative agent, at the beginning of each fiscal quarter.

Sec. 137. Section 905.6, subsections 1, 2, and 6, Code 1983, are amended to read as follows:

1. Perform the duties and have the responsibilities delegated by the district board or specified by the state Iowa department of social services corrections pursuant to this chapter.

2. Manage the district department's community-based correctional program, in accordance with the policies of the district board and the state Iowa department of social services corrections.

6. Develop and submit to the district board a plan for the establishment, implementation, and operation of a community-based correctional program in that judicial district, which program conforms to the guidelines drawn up by the state Iowa department of social services corrections under this chapter and which conform to rules, policies, and procedures pertaining to the supervision of parole and work release adopted by the director of the Iowa department of corrections concerning the community-based correctional program.

Sec. 138. Section 905.7, unnumbered paragraph 1, Code 1983, is amended to read as follows:

The state Iowa department of social services corrections shall provide assistance and support to the respective judicial districts to aid them in complying with this chapter, and shall promulgate rules pursuant to chapter 17A establishing guidelines in accordance with and in furtherance of the purposes of this chapter. The guidelines ~~so adopted~~ shall include, but need not be limited to, requirements that each district department:

Sec. 139. Section 905.7, subsection 1, Code 1983, is amended to read as follows:

1. Provide pretrial release, presentence investigations, probation services, parole services, work release services, and residential treatment centers throughout the district, as necessary.

Sec. 140. Section 905.8, Code 1983, is amended to read as follows:

905.8 STATE FUNDS ALLOCATED. The state Iowa department of ~~social-services~~ corrections shall provide for the allocation among judicial districts in the state of ~~any~~ state funds appropriated for the establishment, operation, support, and evaluation of community-based correctional programs and services. However, ~~no~~ state funds shall not be allocated under this section to ~~any~~ a judicial district unless the state Iowa department of corrections has reviewed and approved that district department's community-based correctional program for compliance with the requirements of this chapter and the guidelines adopted under section 905.7.

Sec. 141. Section 905.9, Code 1983, is amended to read as follows:

905.9 REPORT OF REVIEW--SANCTION. Upon completion of a review of a district community-based correctional program, made under section 905.8, the state Iowa department of ~~social services~~ corrections shall submit its findings to the district board in writing. If the state Iowa department of corrections concludes that the district department's community-based correctional program fails to meet any of the requirements of this chapter and of the guidelines adopted under section 905.7, it shall also request in writing a response to this finding from the district board. If ~~no~~ a response is not received within sixty days after the date of that request, or if the response is unsatisfactory, the state Iowa department of corrections may call a public hearing on the matter. If after the hearing, the state Iowa department of corrections is not satisfied that the district's community-based correctional program will expeditiously be brought into compliance with the requirements of this chapter and of the guidelines adopted under section 905.7, it may assume responsibility for administration of the district's community-based correctional program on an interim basis.

Sec. 142. Section 905.10, Code 1983, is amended to read as follows:

905.10 POST-INSTITUTIONAL PROGRAMS AND SERVICES. Persons participating in post-institutional services ~~shall, except those persons paroled and those persons contracted to the district department,~~ remain under the jurisdiction of the state Iowa department of ~~social-services~~ division-of corrections. The state district department of correctional services shall maintain adequate personnel to provide post-institutional residential services, parole services, and supervision of persons transferred into the state under the interstate compact for supervision of parolees and probationers.

Sec. 143. Section 906.1, Code 1983, is amended to read as follows:

906.1 DEFINITION OF PAROLE. Parole is the release of a person who has been committed to the custody of the commissioner director of ~~social-services~~ the Iowa department of corrections by reason of the person's commission of a public offense, which release occurs prior to the expiration of the person's term, is subject to supervision by the district department of social-services correctional services, and on conditions imposed by the district department.

Sec. 144. Section 906.3, Code 1983, is amended to read as follows:

906.3 AUTHORITY OF PAROLE BOARD. The board of parole shall ~~promulgate-regulations~~ adopt rules regarding a system of paroles from correctional institutions, and shall direct, control, and supervise the administration of such the system of paroles. The board shall determine which of those persons who have been committed to the custody of the director of the division Iowa department of adult corrections, by reason of their conviction of a public offense, shall be released on parole. The grant or denial of parole ~~shall~~ is not be deemed a contested case as defined in section 17A.2.

Sec. 145. Section 906.5, Code 1983, is amended to read as follows:

906.5 RECORD REVIEWED--ELIGIBILITY OF PRIOR FORCEIBLE FELON FOR PAROLE--RULES. Within one year after the commitment of any a person other than a class "A" felon to the custody of the director of the division Iowa department of adult 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 ~~his-or-her~~ the person's prospects for parole. At such time, the board shall consider all pertinent information regarding this person, including the circumstances of the person's offense, any presentence report which may be available, the previous social history and criminal record of ~~such the~~ the person, the person's conduct, employment, and attitude in prison, and the reports of ~~such~~ such physical and mental examinations ~~as that~~ as that have been made.

If the person who is under consideration for parole is serving a sentence for conviction of a felony and has a criminal record of one or more prior convictions for a forcible felony or a crime of a similar gravity in this or any other state, parole shall be denied unless the defendant person has served at least one-half of the maximum term of ~~his-or-her~~ her the sentence.

Every A person while on parole ~~shall-be~~ is under the supervision of the district department of social services, which correctional services of the district designated by the board of parole. The department of corrections shall prescribe regulations for governing persons on parole. The board may adopt other rules not inconsistent with the above rules of the department of corrections as it ~~may-deem~~ deems proper or necessary for the performance of its functions.

Sec. 146. Section 906.10, Code 1983, is amended to read as follows:

906.10 PAROLE RELIEF FUND. There is ~~hereby~~ established, from any inappropriated funds in the state treasury, a fund of twelve hundred fifty dollars which shall be known as the

parole relief fund. The treasurer of the state shall ~~continue~~ to maintain said the fund in ~~said that~~ said that amount. ~~Said The~~ The fund may be used for the relief of paroled prisoners who are in distress because of illness, loss of employment, or conditions creating personal need. ~~in-no-instance-shall-the~~ The total amount advanced to a prisoner shall not exceed one hundred dollars. The prisoner, at the time of receiving an advancement, shall execute and deliver to ~~his-or-her~~ the parole officer ~~his-or-her~~ a written obligation to repay the ~~same~~ advance during the period of the prisoner's parole. When ~~so~~ paid, the amount shall be deposited with the treasurer of the state and credited to the fund from which drawn. ~~Such~~ The advance shall be drawn on vouchers executed by the director of the ~~bureau Iowa department~~ Iowa department of adult corrections in favor of ~~said the~~ the needy person. Each voucher shall show that the advancement was ordered by the ~~chief-parole-officer~~ director of the judicial district department of correctional services, after approval by the director of the department of corrections.

Sec. 147. Section 906.11, Code 1983, is amended to read as follows:

906.11 ASSIGNMENT TO PAROLE OFFICER. A person released on parole shall be assigned to a parole officer by the ~~chief parole-officer~~ director of the judicial district department of correctional services. Both the person and ~~his-or-her~~ the person's parole officer shall be furnished in writing with the conditions of ~~his-or-her~~ the person's parole including a copy of the plan of restitution and the restitution plan of payment, if any, and the regulations which the person will be required to observe. The parole officer shall explain these conditions and regulations to the person, and supervise, assist, and counsel the person during the term of ~~his-or-her~~ the person's parole.

Sec. 148. Section 906.17, Code 1983, is amended to read as follows:

906.17 ALLEGED PAROLE VIOLATORS--REIMBURSEMENT TO COUNTIES FOR TEMPORARY CONFINEMENT. The ~~division~~ Iowa department of ~~adult~~ corrections shall reimburse a county for the temporary confinement of alleged parole violators. The amount to be reimbursed shall be determined by multiplying the number of days ~~so~~ confined by the average daily cost of confining a person in the county facility as negotiated by the department. Payment shall be made upon submission of a voucher executed by the sheriff and approved by the director of the ~~division~~ Iowa department of ~~adult~~ corrections. The money shall be deposited in the county general fund to be credited to the jail account.

Sec. 149. Section 908.5, Code 1983, is amended to read as follows:

908.5 WAIVER OF PROBABLE CAUSE HEARING. The alleged parole violator may waive the probable cause hearing, in which event the liaison officer shall proceed as upon a finding of probable cause. Before accepting a waiver of hearing, the liaison officer shall inform the alleged violator of the charge, of the alleged violator's right to a hearing to determine whether there is probable cause to believe that parole has been violated, and that if the hearing is waived, the alleged violator will be committed to the custody of the Iowa department of ~~social-services~~ corrections without further proceedings, to await the determination of the parole board. The liaison officer shall make a verbatim record of the proceedings in which the hearing is waived.

Sec. 150. Section 908.6, Code 1983, is amended to read as follows:

908.6 DISPOSITION BY LIAISON OFFICER. If it appears from the evidence that there is no probable cause to believe that the arrested person has violated the conditions of parole, the liaison officer shall order the arrested person to be released from custody and continued on parole. If it appears that there is probable cause to believe that the arrested

person has violated the conditions of parole, the liaison officer shall commit the arrested person to the custody of the Iowa department of ~~social-services~~ corrections, and the procedure prescribed in section 901.7 shall apply to ~~such~~ the commitment; or the liaison officer may recommend that the arrested person be admitted to bail as provided in section 908.2. The liaison officer shall make a summary of the testimony and other evidence considered and a statement of the facts relied on as a basis for the finding of probable cause or no probable cause, and shall without delay forward them together with all documents relating to the matter to the executive secretary of the parole board. If the alleged parole violator has waived the probable cause hearing, the verbatim record of that proceeding shall be forwarded in lieu of the summary of evidence and statement of facts.

Sec. 151. Section 908.7, Code 1983, is amended to read as follows:

908.7 ACTION BY PAROLE BOARD. Upon a finding of probable cause to believe that a parole violation has occurred, the board of parole shall proceed without unreasonable delay to hear the charge of parole violation. Upon receipt of the record prepared and forwarded by the liaison officer, the board shall fix a time and place for ~~such~~ the hearing and shall notify in writing the alleged violator, the alleged violator's attorney of record, if any, and the Iowa department of ~~social-services~~ corrections of ~~such~~ the hearing and the claimed violation of parole. The alleged violator shall be given an opportunity to be heard by the board under ~~such~~ rules as the board shall adopt. The inquiry shall be limited to the following two matters: 1. Did the alleged parole violation actually occur? 2. If the violation did occur, should the violator's parole be revoked?

PARAGRAPH DIVIDED. If the board determines that the parole should be revoked, it shall make an order revoking the parole. The board shall furnish the violator with a written statement

of the facts relied upon to establish a violation and the reasons for revoking parole.

Sec. 152. Section 908.8, Code 1983, is amended to read as follows:

908.8 PROCEEDING WITHOUT ARREST OR PROBABLE CAUSE. The board of parole may receive from a parole officer a charge or complaint of parole violation against any parolee and may proceed to a hearing on ~~such~~ the charge in any case where the alleged violator has not been arrested or has been arrested and discharged by the liaison officer on a finding of no probable cause. The presence of the alleged violator at ~~such~~ the hearing shall be secured by summons. A statement of the charge against the alleged violator shall accompany the summons, and the parole officer shall give the alleged violator ~~such~~ assistance as ~~is~~ needed to get to the place of the hearing. Travel expenses, if any, shall be paid by the board. If the alleged violator fails without good cause to appear as commanded by the summons, ~~such~~ the failure shall be considered a violation of the parole, and the board may proceed to revoke parole. If the parole is revoked, the board shall issue a warrant for the person's arrest and return to the custody of the Iowa department of ~~social-services~~ corrections. Upon ~~his-or-her~~ the person's return to custody, the board ~~shall~~, upon request, shall give the person an opportunity to present any matters in defense or mitigation of the conduct.

Sec. 153. Section 908.9, Code 1983, is amended to read as follows:

908.9 DISPOSITION OF VIOLATOR. If the parole of any a parole violator is revoked, the violator shall remain in the custody of the Iowa department of ~~social-services~~ corrections under the terms of the parolee's original commitment. If the parole of any a parole violator is not revoked, the board shall order ~~his-or-her~~ the person's release subject to the terms of ~~his-or-her~~ the person's parole with any modifications that the board ~~shall-determine~~ determines proper.

Sec. 154. Section 910.5, subsections 3 and 4, Code 1983, are amended to read as follows:

3. If an offender is to be placed on work release from a facility under control of a county sheriff or the judicial district department of correctional services, restitution shall be a condition of work release. The judicial district department of correctional services shall prepare a restitution plan of payment or may modify any previously existing restitution plan of payment. The new or modified plan of payment shall reflect the offender's present circumstances concerning the offender's income, physical and mental health, education, employment and family circumstances. Failure of the offender to comply with the restitution plan of payment including the community service requirement, if any, shall constitute a violation of a condition of work release. The judicial district department of correctional services may modify the plan of restitution at any time to reflect the offender's present circumstances.

4. If an offender is to be placed on parole, restitution shall be a condition of parole. The ~~parole-office~~ district department of correctional services to which the offender will be assigned shall prepare a restitution plan of payment or may modify any previously existing restitution plan of payment. The new or modified plan of payment shall reflect the offender's present circumstances concerning the offender's income, physical and mental health, education, employment, and family circumstances. Failure of the offender to comply with the restitution plan of payment including a community service requirement, if any, shall constitute a violation of a condition of parole. The parole officer may modify the plan of payment any time to reflect the offender's present circumstances. A restitution plan of payment or modified plan of payment, prepared by a parole officer, must meet the approval of the ~~chief-of-the-bureau~~ director of community the district department of correctional services of the division-of-adult-corrections.

Sec. 155. 1981 Iowa Acts, chapter 9, section 7, subsection 6, is amended to read as follows:

6. The following are range four positions: superintendent of banking, director of the Iowa beer and liquor control department, chairperson and members of the Iowa state commerce commission, director of the state conservation commission, director of the Iowa development commission, director of the educational radio and television facility board, director of the Iowa department of job service, director of the department of general services, commissioner of health, director of the office for planning and programming, director of the department of corrections, and commissioner of public safety.

Sec. 156. Sections 217.13, 217.14, 217.22, 218.7, 218.90, 218.91, 218.97, 247.22, 247.23, and 356.45, Code 1983, are repealed.

Sec. 157. Sections 8.6, subsection 19; 12.10; 13.6; 17.3, subsection 5; 17.30, unnumbered paragraph 1; 19A.3, subsections 13 and 18 and unnumbered paragraph 5; 23.1, unnumbered paragraph 2; 64.6, subsection 3; 68B.2, subsection 4; 80C.2, unnumbered paragraph 2; 92.17, subsection 4; 97B.49, subsection 10; 122.5; 125.10, subsection 4; 125.43; 125.47; 135C.14, unnumbered paragraph 1; 135C.16, subsection 3; 135C.17; 135C.19, subsection 3 and unnumbered paragraph 1; 135C.22; 158.3, subsection 1, paragraph e; 159.5, unnumbered paragraph 4; 175.30; 217.2, unnumbered paragraph 1; 217.3, unnumbered paragraph 1 and subsections 2, 3, 4, and 8; 217.5, unnumbered paragraph 1; 217.16; 217.18; 217.21, subsections 4 and 5; 217.32; 217.33; 217.37; 218.1, unnumbered paragraph 1; 218.2, unnumbered paragraph 2; 218.3; 218.4, unnumbered paragraphs 1 and 3; 218.5; 218.7; 218.9, unnumbered paragraphs 1 and 3; 218.10; 218.11; 218.13; 218.14, unnumbered paragraph 1; 218.16; 218.18; 218.21; 218.22; 218.28; 218.29; 218.30; 218.46, subsection 1; 218.50; 218.55; 218.57; 218.58; 218.61; 218.64; 218.72; 218.73; 218.74; 218.75; 218.78; 218.83; 218.84; 218.85; 218.88; 218.90; 218.91; 218.93; 218.94, unnumbered

paragraph 1; 218.96; 218.97; 218.98; 218.99; 218.100; 218A.2; 218A.4; 219.7; 219.24; 220.3, subsection 12; 220A.2, subsection 4; 220A.3; 220A.4; 221.1; 221.2; 221.3; 222.2, subsection 3; 222.10; 222.13, unnumbered paragraph 2; 222.31, subsection 2; 222.59, subsections 1, 4, and 5; 222.60, unnumbered paragraph 1; 222.88, unnumbered paragraph 1; 222.93; 225C.2, subsections 2, 3, 4, and 5; 225C.4, subsection 2, paragraphs b and c; 225C.6; subsection 1, paragraph k and subsection 2; 226.47; 227.19; 229.1, subsection 13; 229.15, subsection 4; 229.19, unnumbered paragraph 1; 229.23, subsection 3; 229.24, subsection 1; 230.15; 230.20, subsection 1, paragraph b; 230.31; 230.34; 232.2, subsections 6 and 12; 232.21, subsection 2, paragraph c; 232.52, subsection 2, paragraph d, subparagraph (3) and paragraph e; 232.68, subsection 3; 232.69, subsection 1, paragraph b; 232.70, subsections 2, 3, 4, unnumbered paragraph 1, and subsection 6; 232.71, subsections 1, 5, 6, 7, 9, 10, and 11; 232.72, unnumbered paragraphs 1 and 2; 232.77; 232.79, subsection 4; 232.81, subsection 2; 232.82, subsection 2; 232.87, subsection 2; 232.89, subsection 3; 232.96, subsections 4 and 6; 232.97, subsection 1; 232.100; 232.101, subsection 1; 232.102, subsection 1, paragraph c, and subsections 2 and 5; 232.111, subsection 1; 232.117, subsection 3, paragraph a; 235.2, subsection 8; 235A.1, subsection 1, unnumbered paragraph 1, subsection 2, and subsection 4, paragraph a; 235A.14, subsections 1, 3, 4, and 5; 235A.15, subsection 2, paragraphs b and k; 235A.18, subsection 3; 235A.24, subsections 1 and 2; 236.9, unnumbered paragraph 1; 237.1, subsections 4 and 5; 237.3, subsection 1; 237A.1, subsections 1 and 2; 237A.13, subsections 1 and 2; 238.1; 238.12, unnumbered paragraph 1; 238.35; 238.36; 239.1, subsection 1; 239.2, subsection 4, paragraph e; 239.3, unnumbered paragraph 2; 239.5, unnumbered paragraphs 2 and 3; 239.7; 239.18; 239.19; 239A.2, unnumbered paragraph 1; 241.1, subsections 2 and 3; 241.4, subsection 2; 242.1; 242.15, unnumbered paragraph 1; 244.1, subsection

1; 244.5; 245.1; 245.10; 246.48, subsection 2; 247.23; 247A.7, subsection 3; 249.1, subsections 4 and 5; 249.4; 249.12; 249A.2, subsections 1 and 2; 249A.4, subsection 10; 249A.11; 249A.13; 249B.17; 249C.1, subsections 1 and 2; 251.1; 252.6; 252.26; 252.43; 252A.12; 252A.13; 252B.1, subsections 4 and 5; 252B.2; 252B.3, unnumbered paragraph 2; 252B.5, subsection 4; 257.17, subsection 1; 263.10; 281.2, subsection 2, unnumbered paragraph 2; 321.149; 321.165; 321.253; 331.382, subsection 6; 331.402, subsection 2, paragraph b; 331.702, subsections 44, 46, 48, and 137; 331.756, subsection 64; 347.16, subsection 2; 356.37; 356.45; 421.17, subsection 21, unnumbered paragraph 1 and paragraphs c and g; 422.45, subsection 5, unnumbered paragraph 1, and subsection 7; 425.2, unnumbered paragraph 3; 427.9; 447.9; 470.5; 509.1, subsection 7; 514.1; 598.12, subsections 2 and 3; 598.34, unnumbered paragraph 1; 600.8, subsection 2, paragraph b; 600.17, unnumbered paragraph 1; 600.18; 600.22; 600A.2, subsection 13; 601C.2, subsection 1; 601F.3, subsection 2; 675.38; 692.2, subsection 1, paragraph c; 692.3, subsection 2; 708.7, subsection 5; 812.4; 812.5; and 912.3, subsection 4, Code 1983, and 1981 Iowa Acts, chapter 9, section 7, subsection 7, are amended by striking the words "social services" and inserting in lieu thereof the words "human services".

Sec. 158. INITIAL TERMS. Notwithstanding section 217A.4, the terms of the initial members of the board of corrections appointed pursuant to section 217A.4 shall be as follows:

Two members shall serve until April 30, 1985.

Two members shall serve until April 30, 1986.

Three members shall serve until April 30, 1987.

Members of the board shall commence serving their terms July 1, 1983.

Sec. 159. TRANSITION. This bill takes effect October 1, 1983 except that this section and sections 157 and 158 of this Act take effect July 1, 1983 and parole and work release programs and responsibilities assigned to community-

based corrections under section 217A.3, subsection 1, shall be performed by the Iowa department of corrections until July 1, 1984. On July 1, 1983 the initial appointees to the board of corrections shall commence serving their terms as provided in section 158 of this Act and shall organize, promulgate rules, and shall perform all duties as provided for in section 217A.5 as necessary to insure the commencement of the operation of the department of corrections on October 1, 1983. As soon as practicable after the effective date of this section the board shall recommend and the governor shall appoint a person to act as director of the department. The acting director shall perform those duties of section 217A.8 and any other duties assigned by the board, necessary to insure commencement of the operation of the department on October 1, 1983. The department of human services shall provide staffing and support for the board of corrections until October 1, 1983. In addition to the staffing and support provided by the department of human services, the acting director shall employ a transition team to help organize the department to identify with the department of human services the administrative support staff, equipment, and other resources to be transferred to the department of corrections, consistent with the purposes of this Act, and to insure the commencement of the department on October 1, 1983.

The department of human services shall retain the responsibilities and duties of adult corrections as provided for in the Code until October 1, 1983 at which time all positions and incumbent staff on the table of organization of the division of adult corrections of the Iowa department of human services and the farm operations administrator for the Iowa department of human services are transferred to the Iowa department of corrections. The Iowa merit employment department in cooperation with the director of the Iowa department of corrections and the director of the Iowa department of human services shall establish a special

procedure for the period beginning July 1, 1983 and ending September 1, 1983 for consideration of applications from persons currently employed by the Iowa department of human services for positions available with the Iowa department of corrections. After September 1, 1983 employment of persons by the Iowa department of corrections is subject to rules of the Iowa merit employment department. Duties may be reassigned at the discretion of the director of the Iowa department of corrections to align with the organizational and functional needs of the new agency. Employees of the department of human services whose duty assignments are transferred or terminated because of this Act may be reassigned to other duties or terminated. Employees so transferred or reassigned shall not lose any rights, privileges, or benefits accrued that were associated with their status prior to the effective date of this Act. All policies, procedures, and rules established for or by the division of adult corrections of the department of social services or human services shall apply respectively to the Iowa department of corrections, its employees, residents, and inmates, until otherwise changed as provided by law or rule promulgated by the board of corrections. All applicable contracts and leasing arrangements shall be transferred to the jurisdiction of the Iowa department of corrections on October 1, 1983. All equipment, supplies, and property in the custody of the division of adult corrections of the department of social services or human services, shall be transferred to the Iowa department of corrections on that date. Funds appropriated for the division of adult corrections shall be transferred and be available for the use of the Iowa department of corrections on and after that date.

The department of corrections shall contract with the department of human services until July 1, 1986 for the supplying of food for the institutions and the use of the department of human services' central warehouse. The board of

corrections shall study the issue of the purchasing and storing of food for the institutions and shall adopt a policy as to the future purchasing and warehousing of food. The study shall include the feasibility of growing crops and raising livestock at the institutions for consumption at the institutions.

All other contracts, rules, regulations, orders, and directives promulgated and in effect for the Iowa department of social services remain in force and effect for the department of human services even though the department's name has changed. The department of human services shall use the stationery and other goods containing the symbol of the department of social services remaining with the department of human services until such time as the goods are replaced. The department of social services may change its official seal upon the effective date of the name change of the department. The Iowa department of corrections in consultation with the Iowa merit employment department and subject to approval by the executive council, shall determine which positions of the Iowa department of corrections shall be transferred to the judicial district departments when the transfer of parole and work release programs and responsibilities is made pursuant to this Act.

Employees of the Iowa department of corrections who become employees of judicial district departments of correctional services because of the transfer of parole and work release programs and responsibilities to the judicial district departments, shall be credited with all the seniority, vacation, and sick leave that had accrued to the employee at the time of the employee's transfer to the district department.

If a person transferred to a judicial district department pursuant to this Act, is reemployed by the Iowa department of corrections within two years of the transfer, that person shall be credited with all the seniority that accrued to the

person prior to the transfer to the judicial district department.

Sec. 160. The Code editor may change any reference to the "division of corrections" and any reference to the "women's reformatory" inadvertantly remaining in the Code to the "Iowa department of corrections" and the "Iowa correctional facility for women" and make other corrective changes consistent with the intent of this Act. The Code editor shall change the term "inmate" in chapter 218 to the term "resident", unless the context requires otherwise.

ROBERT T. ANDERSON
President of the Senate

DONALD D. AVENSON
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 464, Seventieth General Assembly.

K. MARIE THAYER
Secretary of the Senate

Approved May 5, 1983

TERRY E. BRANSTAD
Governor

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