

January 29, 1963.

County and Township Affairs.

House File 93

By MESSERLY, RILEY and
HOUGEN (Van Eaton).

Passed on 1-29-63
Senate Judiciary 1, 2-13
Passed House, Date 2-12-63

Passed Senate, Date.....

Vote: Ayes 83 Nays 20

Vote: Ayes..... Nays.....

Approved.....

A BILL FOR

An Act relating to employment and other privileges for certain prisoners.

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

- 1 Section 1. The district court may grant any person sentenced
- 2 to a county jail the privilege of leaving the jail during the
- 3 necessary and reasonable hours for any of the following purposes:
- 4 1. Seeking employment.
- 5 2. Working at his employment.
- 6 3. Conducting his own business or other self-employed
- 7 occupation including, in the case of a woman, housekeeping and
- 8 attending the needs of her family.
- 9 4. Attendance at an educational institution.
- 10 5. Medical treatment.

1 Sec. 2. Unless the court expressly grants the privilege

2 provided by this Act, the prisoner shall be held in ordinary

3 confinement. The prisoner may petition the court for such

4 privilege at the time of sentencing or thereafter, and in the

5 discretion of the court may renew his petition. The court may

6 withdraw the privilege at any time by order entered with or

7 without notice.

1 Sec. 3. The sheriff or other individual designated by the

2 court shall endeavor to secure employment for unemployed

3 prisoners under this Act. If a prisoner is employed for wages

4 or salary, the sheriff or other individual designated by the
5 court shall collect the same or require the prisoner to turn
6 over his wages or salary in full when received and the sheriff
7 or other individual shall deposit the same in a trust checking
8 account and shall keep a ledger showing the transactions of the
9 account of each prisoner. Such wages or salary are not subject
10 to garnishment in the hands of either the employer or the
11 sheriff during the prisoner's term, and shall be disbursed only
12 as provided in this Act. For tax purposes such wages or salary
13 are income to the prisoner.

1 Sec. 4. Every gainfully employed prisoner shall be liable for
2 the cost of his meals in the jail as fixed by the county board of
3 supervisors. If necessarily absent from jail at a meal time, he
4 shall, at his request, be furnished with an adequate nourishing
5 lunch to carry to work. The sheriff shall charge the prisoner's
6 account for such meals as provided in section five (5). If the
7 prisoner is gainfully self-employed, he shall pay the sheriff for
8 such meals, and if he defaults, his privilege under this Act
9 shall be automatically forfeited. If the jail food is furnished
10 directly by the county, the sheriff shall account for and pay
11 over such meal payments to the County Treasurer. The county
12 board of supervisors may by resolution provide that the county
13 furnish or pay for the transportation of prisoners employed under
14 this Act to and from the place of employment.

1 Sec. 5. By order of the court the wages, salary or other
2 income of employed prisoners shall be disbursed by the sheriff
3 for the following purposes and in the order stated:

- 4 1. The meals of the prisoner.
- 5 2. Necessary travel expense to and from work and other

6 incidental expenses of the prisoner.

7 3. Support of the prisoner's dependents, if any.

8 4. Court costs and fine.

9 5. Payment, either in full or ratably, of the prisoner's
10 obligations acknowledged by him in writing or which have been
11 reduced to judgment.

12 6. The balance, if any, to the prisoner upon his discharge.

1 Sec. 6. The court may by order authorize the sheriff, to
2 whom the prisoner is committed, to arrange with the sheriff of
3 another county, for the employment of the prisoner in the other
4 county, and while so employed to be in the other's custody, but
5 in other respects to be and continue subject to the commitment.

1 Sec. 7. If the prisoner was convicted in a justice of the
2 peace court, superior court or municipal court, the district
3 court located in that county has authority and jurisdiction to
4 make all determinations and orders under this section as might
5 otherwise be made by the sentencing court after the prisoner is
6 received at the county jail.

7 If the prisoner was convicted in a court in another county,
8 the district court in the county where the prisoner is jailed,
9 at the request or with the concurrence of the committing court,
10 may make all determinations and orders under this section as
11 might otherwise be made by the sentencing court after the
12 prisoner is received at the jail.

1 Sec. 8. The sheriff or other individual designated by the
2 court shall, at the request of the court, investigate and report
3 to the court the amount necessary for the support of the
4 prisoner's dependents.

1 Sec. 9. The sheriff may refuse to permit the prisoner to

- 2 exercise his privilege to leave the jail as provided in this
- 3 Act for not to exceed five (5) days for any branch of discipline
- 4 or other violation of jail regulations.

EXPLANATION OF HOUSE FILE 93

This bill authorizes the district court to grant certain prisoners the privilege of leaving jail to work or attend school. The purpose of this bill is to permit a prisoner to support his dependents and meet his obligations while he is serving a jail sentence. This bill also permits the court to put emphasis on the treatment and corrective aspect of his sentence rather than the punitive aspect and it will also prevent many people from losing their job.

- 1 1. Section three (3), line two (2), by striking the
- 2 word "shall" and inserting in lieu thereof the word "may".
- 3 2. Section three (3), line three (3), after the word
- 4 "Act" by substituting a comma for the period and adding the
- 5 following: "providing the prisoner is mentally and physically
- 6 capable of employment."

Filed
January 31, 1963.

adpted 2-12

Committee on County and Juvenile Affairs
~~SERSLAND of Winneshiek.~~

- 1 House File 93 is amended by adding thereto the
- 2 following section:
- 3 Sec. 10. No prisoner while on leave from jail under
- 4 the provisions of this Act shall be considered a ward of
- 5 the state. The court order providing for the release of
- 6 such prisoner shall be considered as a release of all
- 7 obligations or liabilities extending to the prisoner from
- 8 the county or its officers or agents from the moment of
- 9 the prisoner's leaving the county jail, and no claim shall
- 10 be filed by any prisoner as a result of his being given
- 11 leave under this Act.

Filed
February 11, 1963.

adpted 2-12

MESSERLY of Black Hawk.

HOUSE FILE 93

- 1 Amend House File 93 as follows:
- 2 1. Strike line 2 of section 1 and insert in lieu
- 3 thereof the following: "to a county jail in counties
- 4 with a population in excess of 75,000 the privilege of
- 5 leaving the jail during the".

Filed
March 11, 1963.

By NOLAN.