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APPROPRIATIONS

HOUSE FILE 2367

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Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

A BILL FOR

1 An Act relating to the establishment of multicounty jails, and  
2 making an appropriation.

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

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HF 2367

## 1 DIVISION I

## 2 MULTICOUNTY JAIL

3 Section 1. NEW SECTION. 356B.1 MULTICOUNTY JAILS --  
4 ESTABLISHMENT.

5 The department of corrections and the multicounty jail  
6 board created in section 356B.2 shall establish and administer  
7 a multicounty jail program. The program shall encourage  
8 counties to establish, construct, renovate, or repair  
9 facilities for use as a multicounty jail. A multicounty jail  
10 means a facility established, operated, and maintained as a  
11 jail pursuant to an agreement between two or more counties  
12 pursuant to chapter 28E. A county that enters into a chapter  
13 28E agreement pursuant to section 356B.3 to establish,  
14 operate, and maintain a multicounty jail is deemed to have met  
15 the requirement to furnish a place for the confinement of  
16 prisoners pursuant to section 331.381, subsection 17,  
17 paragraph "a", and section 903.4. A multicounty jail shall  
18 comply with the provisions of chapter 356 and shall be  
19 considered a jail, except as provided in this chapter.

20 Sec. 2. NEW SECTION. 356B.2 MULTICOUNTY JAIL BOARD.

21 1. A multicounty jail board is created within the  
22 department of corrections. The board shall have five members  
23 appointed as follows:

24 a. One member appointed by the board of corrections.

25 b. One member appointed by the governor from a list of  
26 county supervisors recommended by the Iowa association of  
27 counties.

28 c. One member appointed by the governor from persons  
29 recommended by the Iowa state sheriffs and deputies  
30 association.

31 d. Two members of the general public appointed by the  
32 governor subject to confirmation by the senate.

33 2. The board members shall serve staggered three-year  
34 terms beginning and ending as provided in section 69.19. The  
35 governor shall appoint initial members to serve for less than

1 three years to ensure that members serve staggered terms. A  
2 vacancy in membership shall be filled in the same manner as  
3 the original appointment. Each member of the board shall be  
4 reimbursed for actual and necessary expenses incurred in the  
5 discharge of the member's official duties.

6 3. The duties of the board shall consist of advising the  
7 department of corrections regarding administrative rules  
8 necessary for implementation and administration of the  
9 multicounty jail program. The board shall also serve as the  
10 policymaking body responsible for implementing the multicounty  
11 jail program.

12 Sec. 3. NEW SECTION. 356B.3 MULTICOUNTY JAIL COMMISSION  
13 -- COMMISSION AGREEMENT PURSUANT TO CHAPTER 28E.

14 1. Two or more counties may establish a commission to  
15 enter into a commission agreement pursuant to chapter 28E to  
16 establish, operate, and maintain a multicounty jail in which  
17 the participating counties and sheriffs of the participating  
18 counties delegate the authority to operate a county jail to  
19 the commission. The commission agreement shall include but is  
20 not limited to the following:

21 a. The number of members each county shall be allocated  
22 for membership on the commission.

23 b. A plan for establishing, constructing, renovating, or  
24 repairing a facility for use as a multicounty jail.

25 c. A plan for operating the multicounty jail and for the  
26 allocation of costs between each county.

27 d. The conditions under which a county may join or  
28 withdraw from the agreement and the procedures for joining or  
29 withdrawing from the agreement.

30 e. The term and effective date.

31 2. The commission agreement must be approved by the board  
32 of supervisors and the county sheriff of each county that is a  
33 party to the agreement.

34 3. Upon approval of the commission agreement, the board of  
35 supervisors of each county that is a party to the agreement

1 shall designate the multicounty jail as a place for  
2 confinement of prisoners pursuant to section 331.381.

3 4. Upon approval of the commission agreement, the sheriff  
4 of each county that is a party to the agreement shall delegate  
5 the sheriff's authority and responsibility to provide board  
6 and care for inmates in the sheriff's custody to the  
7 commission.

8 5. A certified copy of the commission agreement shall be  
9 recorded pursuant to chapter 28E, and a copy of the agreement  
10 shall be provided to the department of corrections.

11 Sec. 4. NEW SECTION. 356B.4 MULTICOUNTY JAIL FUND.

12 1. A multicounty jail fund is created in the state  
13 treasury. The fund shall be administered by the department of  
14 corrections and the multicounty jail board. The moneys in the  
15 fund shall be used to provide grants and loans to multicounty  
16 jail commissions for establishing, constructing, renovating,  
17 or repairing facilities to be operated and maintained as  
18 multicounty jails, and to defray expenses incurred by the  
19 department of corrections in administering the multicounty  
20 jail program.

21 2. The fund shall consist of moneys appropriated by the  
22 general assembly for deposit in the fund, and other moneys  
23 available to and obtained or accepted by the department of  
24 corrections for placement in the fund. Moneys in the fund are  
25 appropriated to the department of corrections to be  
26 distributed as grants and loans as provided in this chapter.

27 3. Payments of interest, repayments of moneys loaned  
28 pursuant to this chapter, and recaptures of loans shall be  
29 deposited in the fund.

30 4. Moneys in the fund are not subject to section 8.33.  
31 Notwithstanding section 12C.7, interest or earnings on moneys  
32 in the fund shall be credited to the fund.

33 5. Moneys in the fund are subject to an annual audit by  
34 the auditor of state. The fund is subject to warrants written  
35 by the director of revenue and finance, drawn upon the written

1 requisition of the department of corrections.

2 Sec. 5. NEW SECTION. 356B.5 APPLICATION FOR GRANT OR  
3 LOAN.

4 1. A multicounty jail commission may apply to the  
5 multicounty jail board for a grant or loan for a proposed  
6 multicounty jail. The department of corrections may provide  
7 technical assistance to assist an applicant in developing a  
8 proposal.

9 2. An application shall include but is not limited to the  
10 following:

11 a. A copy of the commission agreement.

12 b. The confinement needs addressed by the agreement.

13 c. A proposed budget for planning and developing the  
14 multicounty jail.

15 d. A proposed operating budget for the first four years of  
16 operating the jail.

17 e. The amount of the grant or loan requested by the  
18 multicounty jail.

19 f. A copy of any agreement entered into by the multicounty  
20 jail commission or by a county that is a party to the  
21 commission agreement with another jurisdiction to provide for  
22 the confinement of inmates, including inmates detained or  
23 committed by authority of the courts of the United States.

24 3. The application may be required to be on a form  
25 prescribed by the multicounty jail board.

26 4. The multicounty jail board shall adopt rules pursuant  
27 to chapter 17A establishing criteria for awarding a grant or  
28 loan to a multicounty jail commission. The criteria  
29 established pursuant to rules adopted by the board shall  
30 include but not be limited to the following:

31 a. A need for additional or replacement beds in all  
32 counties participating in the commission agreement.

33 b. A willingness to confine state inmates.

34 c. The cost of the proposal, which shall not exceed  
35 fifteen million dollars.

1 d. The term of the loan shall be repaid in a manner  
2 approved by the multicounty jail board; however, the term of  
3 repayment shall not exceed twenty-five years.

4 The reasons for acceptance or denial of an application for  
5 a grant or loan shall be specifically stated in the minutes of  
6 the multicounty jail board meeting at which the application is  
7 accepted or denied.

8 Sec. 6. NEW SECTION. 356B.6 REMITTANCE IF REPEALED.

9 Upon the repeal of sections 356B.2, 356B.4, and 356B.5,  
10 pursuant to section 356B.7, the department of corrections  
11 shall remit repayments of moneys loaned, payments of interest,  
12 and recaptures of loans pursuant to this chapter or rules  
13 adopted pursuant to this chapter to the treasurer of state for  
14 deposit in the rebuild Iowa infrastructure fund.

15 Sec. 7. NEW SECTION. 356B.7 FUTURE REPEAL.

16 Sections 356B.2, 356B.4, and 356B.5 are repealed June 30,  
17 2009. However, any commission agreement, grant, or loan in  
18 existence on June 30, 2009, shall continue to be valid and  
19 each party to such agreement, grant, or loan is obligated to  
20 perform as required under the agreement, grant, or loan.

21 DIVISION II

22 CODE CHANGES

23 Sec. 8. Section 331.381, subsection 17, paragraph a, Code  
24 2001, is amended to read as follows:

25 a. Furnish a place for the confinement of prisoners as  
26 required in section 903.4, and in accordance with chapter 356,  
27 or 356A, or 356B.

28 Sec. 9. Section 331.424, subsection 1, paragraph g, Code  
29 Supplement 2001, is amended to read as follows:

30 g. The maintenance and operation of the courts, including  
31 but not limited to the salary and expenses of the clerk of the  
32 district court and other employees of the clerk's office, and  
33 bailiffs, court costs if the prosecution fails or if the costs  
34 cannot be collected from the person liable, costs and expenses  
35 of prosecution under section 189A.17, salaries and expenses of

1 juvenile court officers under chapter 602, court-ordered costs  
2 in domestic abuse cases under section 236.5, the county's  
3 expense for confinement of prisoners under chapter 356A and  
4 356B, temporary assistance to the county attorney, county  
5 contributions to a retirement system for bailiffs,  
6 reimbursement for judicial magistrates under section 602.6501,  
7 claims filed under section 622.93, interpreters' fees under  
8 section 622B.7, uniform citation and complaint supplies under  
9 section 805.6, and costs of prosecution under section 815.13.

10 Sec. 10. Section 331.653, subsection 35, Code Supplement  
11 2001, is amended to read as follows:

12 35. Have charge of the county jails in the county and  
13 custody of the prisoners committed to the jails as provided in  
14 chapter 356, except if authority has been delegated to a  
15 multicounty jail commission under chapter 356B.

16 Sec. 11. Section 356.1, unnumbered paragraph 1, Code 2001,  
17 is amended to read as follows:

18 The jails in the several counties in the state shall be in  
19 the charge of the respective sheriffs, or multicounty jail  
20 commissions as provided in chapter 356B, and used as prisons:

21 Sec. 12. Section 356.1, Code 2001, is amended by adding  
22 the following new unnumbered paragraph after unnumbered  
23 paragraph 2:

24 NEW UNNUMBERED PARAGRAPH. The provisions of this chapter  
25 extend to a multicounty jail established pursuant to chapter  
26 356B. If a county is a party to a multicounty jail commission  
27 agreement, references in this chapter to a county, a county-  
28 sheriff, or a county jail shall be deemed to be references to  
29 the multicounty jail commission or the multicounty jail, as  
30 applicable.

31 Sec. 13. Section 356.2, Code 2001, is amended to read as  
32 follows:

33 356.2 DUTY.

34 The sheriff shall have charge and custody of the prisoners  
35 in the jail or other prisons of the sheriff's county, except

1 if authority has been delegated to a multicounty jail  
2 commission under chapter 356B, and shall receive those  
3 lawfully committed, and keep them until discharged by law.

4 DIVISION III

5 APPROPRIATION

6 Sec. 14. APPROPRIATION. There is appropriated from the  
7 rebuild Iowa infrastructure fund to the department of  
8 corrections, for the fiscal year beginning July 1, 2002, and  
9 ending June 30, 2003, the following amount, or so much thereof  
10 as is necessary, to be used for the purpose designated:

11 For deposit in the multicounty jail fund to be used for  
12 multicounty jail grants or loans as provided in chapter 356B:  
13 ..... \$ 15,000,000

14 EXPLANATION

15 This bill relates to the creation of multicounty jails and  
16 makes an appropriation.

17 The bill provides that two or more counties may establish a  
18 multicounty jail. The bill provides that if a county enters  
19 into an agreement with one or more other counties to  
20 establish, operate, and maintain a multicounty jail, the  
21 county is not required to maintain a separate place for the  
22 confinement of prisoners. However, the bill provides that a  
23 multicounty jail shall comply with the provisions of Code  
24 chapter 356, relating to jails and municipal holding  
25 facilities, and shall be considered a jail, except as provided  
26 in this bill.

27 The bill establishes a multicounty jail board in the  
28 department of corrections which shall be responsible for  
29 making policy and implementing a multicounty jail program and  
30 advising the department of corrections on administrative  
31 rules. The board shall consist of five members, with one  
32 member being appointed by the board of corrections, one member  
33 appointed by the governor shall be from a list of county  
34 supervisors recommended by the Iowa association of counties,  
35 one member appointed by the governor from persons recommended

1 by the Iowa state sheriffs and deputies association, and two  
2 members of the general public appointed by the governor.

3 The bill provides that if two or more counties want to  
4 establish a multicounty jail, the counties shall create a  
5 multicounty jail commission, and enter into a commission  
6 agreement pursuant to Code chapter 28E to share responsibility  
7 for establishing, operating, and maintaining the multicounty  
8 jail. The bill provides that the commission agreement shall  
9 include the allocation of members on the commission and the  
10 procedure for joining and withdrawing from the agreement, and  
11 a plan of operation, including the allocation of operating  
12 costs and the effective date of the agreement.

13 The bill requires the commission agreement be approved by  
14 the county board of supervisors and the county sheriff. The  
15 bill provides that upon approval of the commission agreement  
16 by the county sheriff, the sheriff shall delegate to the  
17 commission the sheriff's authority to provide housing and care  
18 for inmates in the custody of the sheriff.

19 The bill creates a multicounty jail fund in the state  
20 treasury. The bill provides that the department of  
21 corrections and the multicounty jail board shall administer  
22 the fund. The bill appropriates \$15 million to the department  
23 of corrections for deposit in the fund. The bill provides  
24 that moneys in the fund shall be used to provide for grants  
25 and loans to multicounty jail commissions for establishing a  
26 multicounty jail.

27 The bill provides that a commission may apply to the  
28 multicounty jail board for a grant or loan, and that the  
29 department of corrections may provide technical assistance to  
30 a commission in developing a proposal to present to the board.

31 The bill provides that a grant or loan shall be awarded to  
32 a commission based upon the following factors: a need for  
33 additional or replacement beds, a willingness to confine state  
34 inmates, the cost of the proposal, and the manner in which any  
35 moneys are to be repaid.

1 The bill's provisions relating to the multicounty jail  
2 board, the multicounty jail fund, and the application process  
3 to receive moneys from the fund are repealed on June 30, 2009.  
4 However, any agreement, grant, or loan in existence on June  
5 30, 2009, shall continue to be valid and each party to such  
6 agreement, grant, or loan is obligated to perform as required  
7 under the agreement, grant, or loan.

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