

FILED MAR 8 '01

SENATE FILE 398
BY MCKEAN

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to analyzing the confinement and detention needs
2 of jails, and other local or regional confinement facilities,
3 and obtaining approval prior to construction or expansion of
4 such jails and facilities and providing an effective date.

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

- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

SF 398
JUDICIARY

1 Section 1. NEW SECTION. 356.36A CONFINEMENT AND
2 DETENTION REPORT.

3 The Iowa department of corrections, in consultation with
4 the Iowa state sheriff's association, the Iowa association of
5 chiefs of police and peace officers, the Iowa league of
6 cities, and the Iowa board of supervisors association, shall
7 prepare a report analyzing the confinement and detention needs
8 of jails, alternative jails, municipal holding facilities, and
9 facilities established pursuant to chapter 356A. The report
10 for each type of jail or facility shall include but is not
11 limited to an inventory of prisoner space, daily prisoner
12 counts, the compliance status under section 356.36 for each
13 jail or facility, and an estimate by the department of
14 corrections of the amount of additional prisoner space needed
15 in the next two, five, and ten years, on a county, geographic
16 region, and statewide basis. The report shall contain an
17 inventory of jail or facility construction projects in which
18 voters have approved the issuance of general obligation bonds,
19 essential county purpose bonds, revenue bonds, or bonds issued
20 pursuant to section 422B.12. The report shall be revised
21 periodically as directed by the director of the department of
22 corrections.

23 The governing body of a political subdivision instituting
24 proceedings for authorization and issuance of bonds under
25 section 331.442, 331.443, 331.464, 346.27, 384.25, 384.26,
26 384.83, or 422B.12 for the construction or expansion of a
27 building for a jail, alternative jail, municipal holding
28 facility, or a facility established under chapter 356A, shall
29 receive approval from the Iowa department of corrections prior
30 to the issuance of such bonds, in accordance with section
31 904.108, subsection 1, paragraph "p". This section shall
32 apply to all general obligation bonds, essential county
33 purpose bonds, revenue bonds, or bonds issued pursuant to
34 section 422B.12 that are issued on or after the effective date
35 of this Act.

1 Sec. 2. Section 904.108, subsection 1, Code 2001, is
2 amended by adding the following new paragraph:

3 NEW PARAGRAPH. p. Establish and maintain a process for
4 the approval of the construction or expansion of a jail,
5 alternative jail, municipal holding facility, or facility
6 established pursuant to chapter 356A. The decision whether to
7 approve the construction or expansion shall be based upon the
8 latest report analyzing the confinement and detention needs of
9 the jail or facility conducted under section 356.36A and
10 whether the construction or expansion complies with jail
11 standards established pursuant to section 356.36.

12 Sec. 3. EFFECTIVE DATE. This Act, being deemed of
13 immediate importance, takes effect upon enactment.

14 EXPLANATION

15 This bill relates to analyzing the confinement and
16 detention needs of jails, and other local or regional
17 confinement facilities, and obtaining approval prior to the
18 construction or expansion of such jails and facilities.

19 The bill provides that the department of corrections, in
20 consultation with the Iowa state sheriff's association, the
21 Iowa association of chiefs of police and peace officers, the
22 Iowa league of cities, and the Iowa board of supervisors
23 association, shall prepare a report analyzing the confinement
24 and detention needs of jails, alternative jails, municipal
25 holding facilities, and facilities established pursuant to
26 Code chapter 356A. The bill provides that the analysis for
27 each type of jail or facility shall include but is not limited
28 to daily prisoner counts, the compliance status under Code
29 section 356.36 of each jail or facility, and an estimate by
30 the department of corrections of the amount of additional
31 prisoner space needed in each county, geographic region, and
32 statewide over the next two, five, and 10 years. The report
33 shall also contain an inventory of jail or facility
34 construction projects in which voters have approved the
35 issuance of general obligation bonds, essential county purpose

1 bonds, revenue bonds, or bonds issued pursuant to Code section
2 422B.12.

3 The bill provides that prior to the issuance of bonds for
4 the construction or expansion of a jail, alternative jail,
5 municipal holding facility, or facility established pursuant
6 to Code chapter 356A, the governing body of the political
7 subdivision issuing the bonds shall obtain approval from the
8 department of corrections. The bill provides that the
9 decision to approve the construction or expansion of a jail or
10 other confinement facility shall be based upon the latest
11 report analyzing the confinement and detention needs of the
12 jail or facility, and whether the construction or expansion
13 complies with the jail standards established pursuant to Code
14 section 356.36.

15 The bill takes effect upon enactment.

16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35