

2/18/02 Amend / Do Pass w/S-504

2/19/02 Rereferred To: ~~Appropriation~~

LOCAL GOVERNMENT

FILED FEB 12 2002

SENATE FILE 2150  
BY ANGELO

(COMPANION TO LSB  
5421HH BY ARNOLD)

Passed Senate, Date \_\_\_\_\_ Passed House, 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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SF 2150 LOCAL GOVERNMENT

DIVISION I  
MULTICOUNTY JAIL

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

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

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

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

- a. One member appointed by the board of corrections.
- b. One member appointed by the governor from a list of county supervisors recommended by the Iowa association of counties.
- c. One member appointed by the governor from persons recommended by the Iowa state sheriffs and deputies association.
- d. Two members of the general public appointed by the governor subject to confirmation by the senate.

2. The board members shall serve staggered three-year terms beginning and ending as provided in section 69.19. The 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 2. The commission agreement must be approved by the board  
31 of supervisors and the county sheriff of each county that is a  
32 party to the agreement.

33 3. Upon approval of the commission agreement, the board of  
34 supervisors of each county that is a party to the agreement  
35 shall designate the multicounty jail as a place for

1 confinement of prisoners pursuant to section 331.381.

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

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

10 6. After approval by the applicable boards of supervisors  
11 and sheriffs, the commission agreement becomes effective when  
12 it is recorded.

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

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

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

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

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

35 5. Moneys in the fund are subject to an annual audit by

1 the auditor of state. The fund is subject to warrants written  
2 by the director of revenue and finance, drawn upon the written  
3 requisition of the department of corrections.

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

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

11 2. An application shall include but is not limited to the  
12 following:

13 a. A copy of the commission agreement.

14 b. The confinement needs addressed by the agreement.

15 c. A proposed budget for planning and developing the  
16 multicounty jail.

17 d. A proposed operating budget for the first four years of  
18 operating the jail.

19 e. The amount of the grant or loan requested by the  
20 multicounty jail.

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

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

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

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

35 b. A willingness to confine state inmates.

1 c. The cost of the proposal, which shall not exceed  
2 fifteen million dollars.

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

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

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

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

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

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

23 DIVISION II

24 CODE CHANGES

25 Sec. 8. Section 331.381, subsection 17, paragraph a, Code  
26 2001, is amended to read as follows:

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

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

32 g. The maintenance and operation of the courts, including  
33 but not limited to the salary and expenses of the clerk of the  
34 district court and other employees of the clerk's office, and  
35 bailiffs, court costs if the prosecution fails or if the costs

1 cannot be collected from the person liable, costs and expenses  
2 of prosecution under section 189A.17, salaries and expenses of  
3 juvenile court officers under chapter 602, court-ordered costs  
4 in domestic abuse cases under section 236.5, the county's  
5 expense for confinement of prisoners under chapter 356A and  
6 356B, temporary assistance to the county attorney, county  
7 contributions to a retirement system for bailiffs,  
8 reimbursement for judicial magistrates under section 602.6501,  
9 claims filed under section 622.93, interpreters' fees under  
10 section 622B.7, uniform citation and complaint supplies under  
11 section 805.6, and costs of prosecution under section 815.13.

12 Sec. 10. Section 331.653, subsection 35, Code Supplement  
13 2001, is amended to read as follows:

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

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

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

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

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

33 Sec. 13. Section 356.2, Code 2001, is amended to read as  
34 follows:

35 356.2 DUTY.

1 The sheriff shall have charge and custody of the prisoners  
2 in the jail or other prisons of the sheriff's county, except  
3 if authority has been delegated to a multicounty jail  
4 commission under chapter 356B, and shall receive those  
5 lawfully committed, and keep them until discharged by law.

6 DIVISION III

7 APPROPRIATION

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

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

16 EXPLANATION

17 This bill relates to the creation of multicounty jails and  
18 makes an appropriation.

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

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

1 supervisors recommended by the Iowa association of counties,  
2 one member appointed by the governor from persons recommended  
3 by the Iowa state sheriffs and deputies association, and two  
4 members of the general public appointed by the governor.

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

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

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

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

34 The bill provides that a grant or loan shall be awarded to  
35 a commission based upon the following factors: a need for

1 additional or replacement beds, a willingness to confine state  
2 inmates, the cost of the proposal, and the manner in which any  
3 moneys are to be repaid.

4 The bill's provisions relating to the multicounty jail  
5 board, the multicounty jail fund, and the application process  
6 to receive moneys from the fund are repealed on June 30, 2009.  
7 However, any agreement, grant, or loan in existence on June  
8 30, 2009, shall continue to be valid and each party to such  
9 agreement, grant, or loan is obligated to perform as required  
10 under the agreement, grant, or loan.

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**SENATE FILE 2150**

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**S-5045**

14

1 Amend Senate File 2150 as follows:

15

2 1. Page 3, line 17, by striking the words "grants  
3 and".

16

4 2. Page 3, line 28, by striking the words "grants  
5 and".

17

6 3. Page 4, line 4, by striking the words "GRANT  
7 OR".

18

8 4. Page 4, line 7, by striking the words "grant  
9 or".

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10 5. Page 4, line 19, by striking the words "grant  
11 or".

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12 6. Page 4, line 29, by striking the words "grant  
13 or".

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14 7. Page 5, line 7, by striking the words "grant  
15 or".

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16 8. Page 5, line 19, by striking the word "  
17 grant,".

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18 9. Page 5, line 21, by striking the word "  
19 grant,".

24

20 10. Page 5, line 22, by striking the word "  
21 grant,".

25

22 11. Page 7, line 14, by striking the words  
23 "grants or".

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By COMMITTEE ON LOCAL  
GOVERNMENT  
DAVID MILLER, Chairperson

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**S-5045 FILED FEBRUARY 18, 2002**

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