

**Senate File 2378 - Introduced**

SENATE FILE 2378

BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO SSB 3243)

**A BILL FOR**

1 An Act relating to and making appropriations to the justice  
2 system, providing for fees and fines, and including  
3 effective date provisions.

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

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DIVISION I  
APPROPRIATIONS

Section 1. DEPARTMENT OF JUSTICE.

1. There is appropriated from the general fund of the state to the department of justice for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

a. For the general office of attorney general for salaries, support, maintenance, and miscellaneous purposes, including the prosecuting attorneys training program, victim assistance grants, office of drug control policy prosecuting attorney program, and odometer fraud enforcement, and for not more than the following full-time equivalent positions:

.....	\$	7,732,930
.....	FTEs	232.50

It is the intent of the general assembly that as a condition of receiving the appropriation provided in this lettered paragraph, the department of justice shall maintain a record of the estimated time incurred representing each agency or department.

b. For victim assistance grants:

.....	\$	3,060,000
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The funds appropriated in this lettered paragraph shall be used to provide grants to care providers providing services to crime victims of domestic abuse or to crime victims of rape and sexual assault.

The balance of the victim compensation fund established in section 915.94 may be used to provide salary and support of not more than 22 FTEs and to provide maintenance for the victim compensation functions of the department of justice.

The department of justice may transfer moneys from the victim compensation fund established in section 915.94 to the victim assistance grant program.

c. For legal services for persons in poverty grants as

1 provided in section 13.34:

2 ..... \$ 1,930,671

3 2. a. The department of justice, in submitting budget  
4 estimates for the fiscal year commencing July 1, 2011, pursuant  
5 to section 8.23, shall include a report of funding from sources  
6 other than amounts appropriated directly from the general fund  
7 of the state to the department of justice or to the office of  
8 consumer advocate. These funding sources shall include but  
9 are not limited to reimbursements from other state agencies,  
10 commissions, boards, or similar entities, and reimbursements  
11 from special funds or internal accounts within the department  
12 of justice. The department of justice shall also report actual  
13 reimbursements for the fiscal year commencing July 1, 2009,  
14 and actual and expected reimbursements for the fiscal year  
15 commencing July 1, 2010.

16 b. The department of justice shall include the report  
17 required under paragraph "a", as well as information regarding  
18 any revisions occurring as a result of reimbursements actually  
19 received or expected at a later date, in a report to the  
20 co-chairpersons and ranking members of the joint appropriations  
21 subcommittee on the justice system and the legislative services  
22 agency. The department of justice shall submit the report on  
23 or before January 15, 2011.

24 Sec. 2. OFFICE OF CONSUMER ADVOCATE. There is appropriated  
25 from the department of commerce revolving fund created in  
26 section 546.12 to the office of consumer advocate of the  
27 department of justice for the fiscal year beginning July 1,  
28 2010, and ending June 30, 2011, the following amount, or so  
29 much thereof as is necessary, to be used for the purposes  
30 designated:

31 For salaries, support, maintenance, miscellaneous purposes,  
32 and for not more than the following full-time equivalent  
33 positions:

34 ..... \$ 3,336,344  
35 ..... FTEs 27.00

1     Sec. 3. DEPARTMENT OF CORRECTIONS — FACILITIES.

2     1. There is appropriated from the general fund of the state  
3 to the department of corrections for the fiscal year beginning  
4 July 1, 2010, and ending June 30, 2011, the following amounts,  
5 or so much thereof as is necessary, to be used for the purposes  
6 designated:

7     For the operation of adult correctional institutions,  
8 reimbursement of counties for certain confinement costs, and  
9 federal prison reimbursement, to be allocated as follows:

10    a. For the operation of the Fort Madison correctional  
11 facility, including salaries, support, maintenance, and  
12 miscellaneous purposes:

13 ..... \$ 39,991,374

14     As a condition of receiving an appropriation in this  
15 lettered paragraph, the department of corrections shall operate  
16 the John Bennett facility either as an institution of the  
17 department or a community-based correctional facility.

18    b. For the operation of the Anamosa correctional facility,  
19 including salaries, support, maintenance, and miscellaneous  
20 purposes:

21 ..... \$ 30,416,461

22     As a condition of receiving the appropriation in this  
23 lettered paragraph, the department of corrections shall employ  
24 two part-time registered nurses at the Luster Heights facility,  
25 and shall seek volunteer licensed medical personnel to serve at  
26 the facility.

27     It is the intent of the general assembly that the department  
28 of corrections fully operate the Luster Heights facility at the  
29 facility's 88-bed capacity.

30     As a condition of the moneys appropriated in this lettered  
31 paragraph, the department of corrections shall replace expired  
32 federal funding by expending at least \$238,252 for continuation  
33 of a treatment program that prepares offenders for ongoing  
34 therapeutic treatment programs offered by the department and  
35 maintaining at least 4.75 FTEs for the program.

1 Moneys appropriated in this lettered paragraph shall  
2 provide for one full-time substance abuse counselor for the  
3 Luster Heights facility for the purpose of certification of a  
4 substance abuse program at that facility.

5 c. For the operation of the Oakdale correctional facility,  
6 including salaries, support, maintenance, and miscellaneous  
7 purposes:

8 ..... \$ 55,755,246

9 d. For the operation of the Newton correctional facility,  
10 including salaries, support, maintenance, and miscellaneous  
11 purposes:

12 ..... \$ 26,452,257

13 e. For the operation of the Mt. Pleasant correctional  
14 facility, including salaries, support, maintenance, and  
15 miscellaneous purposes:

16 ..... \$ 26,265,257

17 f. For the operation of the Rockwell City correctional  
18 facility, including salaries, support, maintenance, and  
19 miscellaneous purposes:

20 ..... \$ 9,324,565

21 g. For the operation of the Clarinda correctional facility,  
22 including salaries, support, maintenance, and miscellaneous  
23 purposes:

24 ..... \$ 23,645,033

25 Moneys received by the department of corrections as  
26 reimbursement for services provided to the Clarinda youth  
27 corporation are appropriated to the department and shall be  
28 used for the purpose of operating the Clarinda correctional  
29 facility.

30 h. For the operation of the Mitchellville correctional  
31 facility, including salaries, support, maintenance, and  
32 miscellaneous purposes:

33 ..... \$ 15,486,586

34 i. For the operation of the Fort Dodge correctional  
35 facility, including salaries, support, maintenance, and

1 miscellaneous purposes:

2 ..... \$ 29,020,235

3 j. For reimbursement of counties for temporary confinement  
4 of work release and parole violators, as provided in sections  
5 901.7, 904.908, and 906.17, and for offenders confined pursuant  
6 to section 904.513:

7 ..... \$ 775,092

8 k. For federal prison reimbursement, reimbursements for  
9 out-of-state placements, and miscellaneous contracts:

10 ..... \$ 239,411

11 2. The department of corrections shall use moneys  
12 appropriated in subsection 1 to continue to contract for the  
13 services of a Muslim imam.

14 Sec. 4. DEPARTMENT OF CORRECTIONS — ADMINISTRATION.

15 1. There is appropriated from the general fund of the state  
16 to the department of corrections for the fiscal year beginning  
17 July 1, 2010, and ending June 30, 2011, the following amounts,  
18 or so much thereof as is necessary, to be used for the purposes  
19 designated:

20 a. For general administration, including salaries, support,  
21 maintenance, employment of an education director to administer  
22 a centralized education program for the correctional system,  
23 and miscellaneous purposes:

24 ..... \$ 4,254,068

25 (1) It is the intent of the general assembly that as a  
26 condition of receiving the appropriation provided in this  
27 lettered paragraph the department of corrections shall not,  
28 except as otherwise provided in subparagraph (3), enter  
29 into a new contract, unless the contract is a renewal of an  
30 existing contract, for the expenditure of moneys in excess of  
31 \$100,000 during the fiscal year beginning July 1, 2010, for the  
32 privatization of services performed by the department using  
33 state employees as of July 1, 2010, or for the privatization  
34 of new services by the department without prior consultation  
35 with any applicable state employee organization affected

1 by the proposed new contract and prior notification of the  
2 co-chairpersons and ranking members of the joint appropriations  
3 subcommittee on the justice system.

4 (2) It is the intent of the general assembly that each  
5 lease negotiated by the department of corrections with a  
6 private corporation for the purpose of providing private  
7 industry employment of inmates in a correctional institution  
8 shall prohibit the private corporation from utilizing inmate  
9 labor for partisan political purposes for any person seeking  
10 election to public office in this state and that a violation  
11 of this requirement shall result in a termination of the lease  
12 agreement.

13 (3) It is the intent of the general assembly that as a  
14 condition of receiving the appropriation provided in this  
15 lettered paragraph the department of corrections shall not  
16 enter into a lease or contractual agreement pursuant to section  
17 904.809 with a private corporation for the use of building  
18 space for the purpose of providing inmate employment without  
19 providing that the terms of the lease or contract establish  
20 safeguards to restrict, to the greatest extent feasible, access  
21 by inmates working for the private corporation to personal  
22 identifying information of citizens.

23 b. For educational programs for inmates at state penal  
24 institutions:

25 ..... \$ 1,558,109

26 As a condition of receiving the appropriation in this  
27 lettered paragraph, the department of corrections shall  
28 transfer at least \$300,000 from the canteen operating funds  
29 established pursuant to section 904.310 to be used for  
30 correctional educational programs funded in this lettered  
31 paragraph.

32 It is the intent of the general assembly that moneys  
33 appropriated in this lettered paragraph shall be used solely  
34 for the purpose indicated and that the moneys shall not be  
35 transferred for any other purpose. In addition, it is the

1 intent of the general assembly that the department shall  
2 consult with the community colleges in the areas in which the  
3 institutions are located to utilize moneys appropriated in this  
4 lettered paragraph to fund the high school completion, high  
5 school equivalency diploma, adult literacy, and adult basic  
6 education programs in a manner so as to maintain these programs  
7 at the institutions.

8 To maximize the funding for educational programs, the  
9 department shall establish guidelines and procedures to  
10 prioritize the availability of educational and vocational  
11 training for inmates based upon the goal of facilitating an  
12 inmate's successful release from the correctional institution.

13 The director of the department of corrections may transfer  
14 moneys from Iowa prison industries for use in educational  
15 programs for inmates.

16 Notwithstanding section 8.33, moneys appropriated in this  
17 lettered paragraph that remain unobligated or unexpended at  
18 the close of the fiscal year shall not revert but shall remain  
19 available for expenditure only for the purpose designated in  
20 this lettered paragraph until the close of the succeeding  
21 fiscal year.

22 c. For the development of the Iowa corrections offender  
23 network (ICON) data system:

24 ..... \$ 424,364

25 d. For offender mental health and substance abuse  
26 treatment:

27 ..... \$ 22,319

28 e. For viral hepatitis prevention and treatment:

29 ..... \$ 167,881

30 2. It is the intent of the general assembly that the  
31 department of corrections shall continue to operate the  
32 correctional farms under the control of the department at  
33 the same or greater level of participation and involvement  
34 as existed as of June 30, 2011; shall not enter into any  
35 rental agreement or contract concerning any farmland under

1 the control of the department that is not subject to a rental  
2 agreement or contract as of January 1, 2010, without prior  
3 legislative approval; and shall further attempt to provide  
4 job opportunities at the farms for inmates. The department  
5 shall attempt to provide job opportunities at the farms for  
6 inmates by encouraging labor-intensive farming or gardening  
7 where appropriate; using inmates to grow produce and meat for  
8 institutional consumption; researching the possibility of  
9 instituting food canning and cook-and-chill operations; and  
10 exploring opportunities for organic farming and gardening,  
11 livestock ventures, horticulture, and specialized crops.

12 3. The department of corrections shall provide a smoking  
13 cessation program to offenders committed to the custody of the  
14 director or who are otherwise detained by the department, that  
15 complies with legislation enacted restricting or prohibiting  
16 smoking on the grounds of correctional institutions.

17 4. As a condition of receiving the appropriations made  
18 in this section, the department of corrections shall develop  
19 and implement offender reentry programs in Black Hawk and  
20 Polk counties to provide transitional planning and release  
21 primarily for offenders released from the Iowa correctional  
22 institution for women at Mitchellville and the Fort Dodge  
23 correctional facility. Programming shall include minority  
24 and gender-specific responsivity, employment, substance  
25 abuse treatment, mental health services, housing, and family  
26 reintegration. The department of corrections shall collaborate  
27 with the first and fifth judicial district departments of  
28 correctional services, the Iowa department of workforce  
29 development, the department of human services, community-based  
30 providers and faith-based organizations, and local law  
31 enforcement.

32 5. The chief security officer position within the  
33 department of corrections shall be eliminated by the effective  
34 date of this subsection.

35 6. The department shall place inmates at the Luster Heights

1 facility who have been approved by the board of parole for  
2 work release but who are expected to be waiting in prison  
3 for at least four months for a bed to become available at a  
4 community-based correctional facility, unless the placement  
5 would dislodge an inmate receiving substance abuse treatment.

6 Sec. 5. JUDICIAL DISTRICT DEPARTMENTS OF CORRECTIONAL  
7 SERVICES.

8 1. There is appropriated from the general fund of the state  
9 to the department of corrections for the fiscal year beginning  
10 July 1, 2010, and ending June 30, 2011, for salaries, support,  
11 maintenance, and miscellaneous purposes, the following amounts,  
12 or so much thereof as is necessary, to be allocated as follows:

13 a. For the first judicial district department of  
14 correctional services:  
15 ..... \$ 12,453,082

16 As a condition of the moneys appropriated in this lettered  
17 paragraph, the department of corrections shall replace expired  
18 federal funding by expending at least \$140,000 for the dual  
19 diagnosis program and maintaining 1.25 FTEs for the program.

20 b. For the second judicial district department of  
21 correctional services:  
22 ..... \$ 10,770,616

23 c. For the third judicial district department of  
24 correctional services:  
25 ..... \$ 5,715,578

26 d. For the fourth judicial district department of  
27 correctional services:  
28 ..... \$ 5,522,416

29 e. For the fifth judicial district department of  
30 correctional services, including funding for electronic  
31 monitoring devices for use on a statewide basis:  
32 ..... \$ 18,938,081

33 As a condition of receiving the appropriation in this  
34 lettered paragraph, the fifth judicial district department of  
35 correctional services shall reinstate 67 beds in buildings 65

1 and 66 at the Fort Des Moines facility and resume operating the  
2 buildings, in addition to maintaining the 199 beds in buildings  
3 68 and 70 at the Fort Des Moines facility. The district  
4 department may use inmate labor to upgrade and renovate the  
5 buildings, if renovation and updating are required.

6 f. For the sixth judicial district department of  
7 correctional services:  
8 ..... \$ 13,030,356

9 g. For the seventh judicial district department of  
10 correctional services:  
11 ..... \$ 6,846,560

12 h. For the eighth judicial district department of  
13 correctional services:  
14 ..... \$ 6,935,622

15 2. Each judicial district department of correctional  
16 services, within the funding available, shall continue programs  
17 and plans established within that district to provide for  
18 intensive supervision, sex offender treatment, diversion of  
19 low-risk offenders to the least restrictive sanction available,  
20 job development, and expanded use of intermediate criminal  
21 sanctions.

22 3. Each judicial district department of correctional  
23 services shall provide alternatives to prison consistent with  
24 chapter 901B. The alternatives to prison shall ensure public  
25 safety while providing maximum rehabilitation to the offender.  
26 A judicial district department of correctional services may  
27 also establish a day program.

28 4. The governor's office of drug control policy shall  
29 consider federal grants made to the department of corrections  
30 for the benefit of each of the eight judicial district  
31 departments of correctional services as local government  
32 grants, as defined pursuant to federal regulations.

33 5. The department of corrections shall continue to contract  
34 with a judicial district department of correctional services to  
35 provide for the rental of electronic monitoring equipment which

1 shall be available statewide.

2 6. A judicial district department of correctional services  
3 shall accept into the facilities of the district department,  
4 offenders assigned from other judicial district departments of  
5 correctional services.

6 Sec. 6. DEPARTMENT OF CORRECTIONS — REALLOCATION OF  
7 APPROPRIATIONS. Notwithstanding section 8.39, within  
8 the moneys appropriated in this Act to the department of  
9 corrections, the department may reallocate the moneys  
10 appropriated and allocated as necessary to best fulfill the  
11 needs of the correctional institutions, administration of  
12 the department, and the judicial district departments of  
13 correctional services. However, in addition to complying with  
14 the requirements of sections 904.116 and 905.8 and providing  
15 notice to the legislative services agency, the department  
16 of corrections shall also provide notice to the department  
17 of management, prior to the effective date of the revision  
18 or reallocation of an appropriation made pursuant to this  
19 section. The department shall not reallocate an appropriation  
20 or allocation for the purpose of eliminating any program.

21 Sec. 7. INTENT — REPORTS.

22 1. The department in cooperation with townships, the Iowa  
23 cemetery associations, and other nonprofit or governmental  
24 entities may use inmate labor during the fiscal year beginning  
25 July 1, 2010, to restore or preserve rural cemeteries and  
26 historical landmarks. The department in cooperation with the  
27 counties may also use inmate labor to clean up roads, major  
28 water sources, and other water sources around the state.

29 2. Each month the department shall provide a status report  
30 regarding private-sector employment to the legislative services  
31 agency beginning on July 1, 2010. The report shall include  
32 the number of offenders employed in the private sector, the  
33 combined number of hours worked by the offenders, and the  
34 total amount of allowances, and the distribution of allowances  
35 pursuant to section 904.702, including any moneys deposited in

1 the general fund of the state.

2     Sec. 8. ELECTRONIC MONITORING REPORT. The department of  
3 corrections shall submit a report on electronic monitoring to  
4 the general assembly, to the co-chairpersons and the ranking  
5 members of the joint appropriations subcommittee on the justice  
6 system, and to the legislative services agency by January  
7 15, 2011. The report shall specifically address the number  
8 of persons being electronically monitored and break down the  
9 number of persons being electronically monitored by offense  
10 committed. The report shall also include a comparison of any  
11 data from the prior fiscal year with the current year.

12     Sec. 9. STATE AGENCY PURCHASES FROM PRISON INDUSTRIES.

13     1. As used in this section, unless the context otherwise  
14 requires, "state agency" means the government of the state  
15 of Iowa, including but not limited to all executive branch  
16 departments, agencies, boards, bureaus, and commissions, the  
17 judicial branch, the general assembly and all legislative  
18 agencies, institutions within the purview of the state board of  
19 regents, and any corporation whose primary function is to act  
20 as an instrumentality of the state.

21     2. State agencies are hereby encouraged to purchase  
22 products from Iowa state industries, as defined in section  
23 904.802, when purchases are required and the products are  
24 available from Iowa state industries. State agencies shall  
25 obtain bids from Iowa state industries for purchases of  
26 office furniture during the fiscal year beginning July 1,  
27 2010, exceeding \$5,000 or in accordance with applicable  
28 administrative rules related to purchases for the agency.

29     Sec. 10. STATE PUBLIC DEFENDER. There is appropriated from  
30 the general fund of the state to the office of the state public  
31 defender of the department of inspections and appeals for the  
32 fiscal year beginning July 1, 2010, and ending June 30, 2011,  
33 the following amounts, or so much thereof as is necessary, to  
34 be allocated as follows for the purposes designated:

35     1. For salaries, support, maintenance, miscellaneous

1 purposes, and for not more than the following full-time  
2 equivalent positions:

3 ..... \$ 21,743,182  
4 ..... FTEs 203.00

5 2. For the fees of court-appointed attorneys for indigent  
6 adults and juveniles, in accordance with section 232.141 and  
7 chapter 815:

8 ..... \$ 15,680,929

9 Sec. 11. IOWA LAW ENFORCEMENT ACADEMY.

10 1. There is appropriated from the general fund of the  
11 state to the Iowa law enforcement academy for the fiscal year  
12 beginning July 1, 2010, and ending June 30, 2011, the following  
13 amount, or so much thereof as is necessary, to be used for the  
14 purposes designated:

15 For salaries, support, maintenance, miscellaneous purposes,  
16 including jailer training and technical assistance, and for not  
17 more than the following full-time equivalent positions:

18 ..... \$ 1,049,430  
19 ..... FTEs 30.55

20 It is the intent of the general assembly that the Iowa law  
21 enforcement academy may provide training of state and local  
22 law enforcement personnel concerning the recognition of and  
23 response to persons with Alzheimer's disease.

24 The Iowa law enforcement academy may temporarily exceed and  
25 draw more than the amount appropriated and incur a negative  
26 cash balance as long as there are receivables equal to or  
27 greater than the negative balance and the amount appropriated  
28 in this subsection is not exceeded at the close of the fiscal  
29 year.

30 2. The Iowa law enforcement academy may select at least  
31 five automobiles of the department of public safety, division  
32 of state patrol, prior to turning over the automobiles to  
33 the department of administrative services to be disposed  
34 of by public auction, and the Iowa law enforcement academy  
35 may exchange any automobile owned by the academy for each

1 automobile selected if the selected automobile is used in  
2 training law enforcement officers at the academy. However, any  
3 automobile exchanged by the academy shall be substituted for  
4 the selected vehicle of the department of public safety and  
5 sold by public auction with the receipts being deposited in the  
6 depreciation fund to the credit of the department of public  
7 safety, division of state patrol.

8 Sec. 12. BOARD OF PAROLE. There is appropriated from the  
9 general fund of the state to the board of parole for the fiscal  
10 year beginning July 1, 2010, and ending June 30, 2011, the  
11 following amount, or so much thereof as is necessary, to be  
12 used for the purposes designated:

13 For salaries, support, maintenance, miscellaneous purposes,  
14 and for not more than the following full-time equivalent  
15 positions:

16 ..... \$ 1,045,259  
17 ..... FTEs 13.50

18 Sec. 13. DEPARTMENT OF PUBLIC DEFENSE. There is  
19 appropriated from the general fund of the state to the  
20 department of public defense for the fiscal year beginning July  
21 1, 2010, and ending June 30, 2011, the following amounts, or  
22 so much thereof as is necessary, to be used for the purposes  
23 designated:

24 1. MILITARY DIVISION

25 For salaries, support, maintenance, miscellaneous purposes,  
26 and for not more than the following full-time equivalent  
27 positions:

28 ..... \$ 6,249,201  
29 ..... FTEs 324.00

30 The military division may temporarily exceed and draw more  
31 than the amount appropriated and incur a negative cash balance  
32 as long as there are receivables of federal funds equal to or  
33 greater than the negative balance and the amount appropriated  
34 in this subsection is not exceeded at the close of the fiscal  
35 year.

1 2. HOMELAND SECURITY AND EMERGENCY MANAGEMENT DIVISION

2 For salaries, support, maintenance, miscellaneous purposes,  
3 and for not more than the following full-time equivalent  
4 positions:

5 .....	\$	2,038,119
6 .....	FTEs	33.00

7 The homeland security and emergency management division may  
8 temporarily exceed and draw more than the amount appropriated  
9 and incur a negative cash balance as long as there are  
10 receivables of federal funds equal to or greater than the  
11 negative balance and the amount appropriated in this subsection  
12 is not exceeded at the close of the fiscal year.

13 It is the intent of the general assembly that the homeland  
14 security and emergency management division work in conjunction  
15 with the department of public safety, to the extent possible,  
16 when gathering and analyzing information related to potential  
17 domestic or foreign security threats, and when monitoring such  
18 threats.

19 Sec. 14. DEPARTMENT OF PUBLIC SAFETY. There is appropriated  
20 from the general fund of the state to the department of public  
21 safety for the fiscal year beginning July 1, 2010, and ending  
22 June 30, 2011, the following amounts, or so much thereof as is  
23 necessary, to be used for the purposes designated:

24 1. For the department's administrative functions, including  
25 the criminal justice information system, and for not more than  
26 the following full-time equivalent positions:

27 .....	\$	4,134,461
28 .....	FTEs	36.00

29 2. For the division of criminal investigation, including  
30 the state's contribution to the peace officers' retirement,  
31 accident, and disability system provided in chapter 97A in the  
32 amount of the state's normal contribution rate, as defined in  
33 section 97A.8, multiplied by the salaries for which the funds  
34 are appropriated, to meet federal fund matching requirements,  
35 and for not more than the following full-time equivalent

1 positions:

2 ..... \$ 12,861,710

3 ..... FTEs 162.10

4 If any of the Indian tribes fail to pay for 1.00 FTE pursuant  
5 to the agreements or compacts entered into between the state  
6 and the Indian tribes pursuant to section 10A.104, subsection  
7 10, the number of full-time equivalent positions authorized  
8 under this subsection is reduced by 1.00 FTE.

9 The department shall employ one additional special agent and  
10 one additional criminalist for the purpose of investigating  
11 cold cases. Prior to employing the additional special agent  
12 and criminalist authorized in this paragraph, the department  
13 shall provide a written statement to prospective employees that  
14 states to the effect that the positions are being funded by a  
15 temporary federal grant and there are no assurances that funds  
16 from other sources will be available after the federal funding  
17 expires. If the federal funding for the additional positions  
18 expires during the fiscal year, the number of full-time  
19 equivalent positions authorized in this subsection is reduced  
20 by 2.00 FTEs.

21 The department of public safety, with the approval of the  
22 department of management, may employ no more than two special  
23 agents and four gaming enforcement officers for each additional  
24 riverboat or gambling structure regulated after July 1, 2010,  
25 and one special agent for each racing facility which becomes  
26 operational during the fiscal year which begins July 1, 2010.  
27 One additional gaming enforcement officer, up to a total of  
28 four per riverboat or gambling structure, may be employed  
29 for each riverboat or gambling structure that has extended  
30 operations to 24 hours and has not previously operated with a  
31 24-hour schedule. Positions authorized in this paragraph are  
32 in addition to the full-time equivalent positions otherwise  
33 authorized in this subsection.

34 3. For the criminalistics laboratory fund created in  
35 section 691.9:

1 ..... \$ 302,345

2 4. a. For the division of narcotics enforcement, including

3 the state's contribution to the peace officers' retirement,

4 accident, and disability system provided in chapter 97A in the

5 amount of the state's normal contribution rate, as defined in

6 section 97A.8, multiplied by the salaries for which the funds

7 are appropriated, to meet federal fund matching requirements,

8 and for not more than the following full-time equivalent

9 positions:

10 ..... \$ 6,507,048

11 ..... FTEs 75.00

12 b. For the division of narcotics enforcement for undercover

13 purchases:

14 ..... \$ 109,042

15 5. For the division of state fire marshal, for fire

16 protection services as provided through the state fire service

17 and emergency response council as created in the department,

18 and for the state's contribution to the peace officers'

19 retirement, accident, and disability system provided in chapter

20 97A in the amount of the state's normal contribution rate, as

21 defined in section 97A.8, multiplied by the salaries for which

22 the funds are appropriated, and for not more than the following

23 full-time equivalent positions:

24 ..... \$ 4,343,896

25 ..... FTEs 57.00

26 6. For the division of state patrol, for salaries, support,

27 maintenance, workers' compensation costs, and miscellaneous

28 purposes, including the state's contribution to the peace

29 officers' retirement, accident, and disability system provided

30 in chapter 97A in the amount of the state's normal contribution

31 rate, as defined in section 97A.8, multiplied by the salaries

32 for which the funds are appropriated, and for not more than the

33 following full-time equivalent positions:

34 ..... \$ 48,984,147

35 ..... FTEs 503.00

1 It is the intent of the general assembly that members of the  
2 state patrol be assigned to patrol the highways and roads in  
3 lieu of assignments for inspecting school buses for the school  
4 districts.

5 7. For deposit in the sick leave benefits fund established  
6 under section 80.42 for all departmental employees eligible to  
7 receive benefits for accrued sick leave under the collective  
8 bargaining agreement:

9 ..... \$ 279,517

10 8. For costs associated with the training and equipment  
11 needs of volunteer fire fighters:

12 ..... \$ 612,255

13 Notwithstanding section 8.33, moneys appropriated in this  
14 subsection that remain unencumbered or unobligated at the  
15 close of the fiscal year shall not revert but shall remain  
16 available for expenditure only for the purpose designated in  
17 this subsection until the close of the succeeding fiscal year.

18 Notwithstanding section 8.39, within the moneys appropriated  
19 in this section the department of public safety may reallocate  
20 moneys as necessary to best fulfill the needs provided for  
21 in the appropriation. However, the department shall not  
22 reallocate an appropriation made to the department in this  
23 section unless notice of the reallocation is given to the  
24 legislative services agency and the department of management  
25 prior to the effective date of the reallocation. The notice  
26 shall include information about the rationale for reallocating  
27 the appropriation. The department shall not reallocate  
28 an appropriation made in this section for the purpose of  
29 eliminating any program.

30 Sec. 15. GAMING ENFORCEMENT. There is appropriated from the  
31 gaming enforcement revolving fund created in section 80.43 to  
32 the department of public safety for the fiscal year beginning  
33 July 1, 2010, and ending June 30, 2011, the following amount,  
34 or so much thereof as is necessary, to be used for the purposes  
35 designated:

1 For any direct and indirect support costs for agents  
2 and officers of the division of criminal investigation's  
3 excursion gambling boat, gambling structure, and racetrack  
4 enclosure enforcement activities, including salaries, support,  
5 maintenance, miscellaneous purposes, and for not more than the  
6 following full-time equivalent positions:

7 ..... \$ 8,851,775  
8 ..... FTEs 115.00

9 However, for each additional license to conduct gambling  
10 games on an excursion gambling boat, gambling structure, or  
11 racetrack enclosure issued during the period beginning July 1,  
12 2009, through June 30, 2011, there is appropriated from the  
13 gaming enforcement fund to the department of public safety for  
14 the fiscal year beginning July 1, 2010, and ending June 30,  
15 2011, an additional amount of not more than \$521,000 to be  
16 used for not more than 6.00 additional full-time equivalent  
17 positions.

18 Sec. 16. CIVIL RIGHTS COMMISSION. There is appropriated  
19 from the general fund of the state to the Iowa state civil  
20 rights commission for the fiscal year beginning July 1,  
21 2010, and ending June 30, 2011, the following amount, or so  
22 much thereof as is necessary, to be used for the purposes  
23 designated:

24 For salaries, support, maintenance, miscellaneous purposes,  
25 and for not more than the following full-time equivalent  
26 positions:

27 ..... \$ 1,379,861  
28 ..... FTEs 29.50

29 The Iowa state civil rights commission may enter into  
30 a contract with a nonprofit organization to provide legal  
31 assistance to resolve civil rights complaints.

32 Sec. 17. EFFECTIVE UPON ENACTMENT. The provision of this  
33 division of this Act eliminating the chief security officer  
34 position within the department of corrections, being deemed of  
35 immediate importance, takes effect upon enactment.

DIVISION II

COURT COSTS — FINES

1  
2  
3 Sec. 18. Section 602.8106, subsection 1, paragraphs a, b, d,  
4 and e, Code Supplement 2009, are amended to read as follows:

5 a. Except as otherwise provided in paragraphs "b" and  
6 "c", for filing and docketing a criminal case to be paid  
7 by the county or city which has the duty to prosecute the  
8 criminal action, payable as provided in section 602.8109, one  
9 hundred twenty dollars. When judgment is rendered against the  
10 defendant, costs collected from the defendant shall be paid to  
11 the county or city which has the duty to prosecute the criminal  
12 action to the extent necessary for reimbursement for fees  
13 paid. However, the fees which are payable by the county to the  
14 clerk of the district court for services rendered in criminal  
15 actions prosecuted under state law and the court costs taxed in  
16 connection with the trial of those actions or appeals from the  
17 judgments in those actions are waived.

18 b. For filing and docketing of a complaint or information  
19 for a simple misdemeanor and a complaint or information  
20 for a nonscheduled simple misdemeanor under chapter 321,  
21 ~~sixty~~ seventy dollars.

22 d. The court costs in scheduled violation cases where a  
23 court appearance is required, ~~sixty~~  
24 seventy dollars.

25 e. For court costs in scheduled violation cases where a  
26 court appearance is not required, ~~sixty~~  
27 seventy dollars.

28 Sec. 19. Section 805.8A, Code Supplement 2009, is amended  
29 to read as follows:

30 **805.8A Motor vehicle and transportation scheduled violations.**

31 1. *Parking violations.*

32 a. For parking violations under sections 321.236, 321.239,  
33 321.358, 321.360, and 321.361, the scheduled fine is five  
34 dollars, except if the local authority has established the  
35 fine by ordinance. The scheduled fine for a parking violation

1 pursuant to section 321.236 increases by five dollars, if  
2 authorized by ordinance and if the parking violation is not  
3 paid within thirty days of the date upon which the violation  
4 occurred. For purposes of calculating the unsecured appearance  
5 bond required under section 805.6, the scheduled fine shall  
6 be five dollars, or if the amount of the fine is greater than  
7 five dollars, the unsecured appearance bond shall be the amount  
8 of the fine established by the local authority. However,  
9 violations charged by a city or county upon simple notice of a  
10 fine instead of a uniform citation and complaint required by  
11 section 321.236, subsection 1, paragraph "b", are not scheduled  
12 violations, and this section shall not apply to any offense  
13 charged in that manner. For a parking violation under section  
14 ~~321.362~~ or 461A.38, the scheduled fine is ten dollars. For  
15 parking violations under section 321.362, the scheduled fine  
16 is twenty dollars.

17 *b.* For a parking violation under section 321L.2A, subsection  
18 2, the scheduled fine is twenty dollars.

19 *c.* For violations under section 321L.2A, subsection 3,  
20 sections 321L.3, 321L.4, subsection 2, and section 321L.7, the  
21 scheduled fine is one hundred ten dollars.

22 *2. Title or registration violations.*

23 *a.* For violations under sections 321.32, 321.34, 321.37,  
24 321.38, and 321.41, the scheduled fine is ~~ten~~ twenty dollars.

25 *b.* (1) For violations under sections 321.115 and 321.115A,  
26 the scheduled fine is thirty dollars.

27 (2) For violations under sections 321.17, 321.47, 321.55,  
28 and 321.98, ~~321.115, and 321.115A,~~ the scheduled fine is  
29 thirty ~~thirty~~ forty dollars.

30 *c.* For violations under sections 321.25, 321.45, 321.46,  
31 321.48, 321.52, 321.57, 321.62, 321.67, and 321.104, the  
32 scheduled fine is ~~thirty~~ sixty dollars.

33 *d.* For a violation under section 321.99, the scheduled fine  
34 is one hundred ten dollars.

35 *3. Equipment violations.*

1 a. For violations under sections 321.317, 321.386, 321.387,  
2 321.388, 321.389, 321.390, 321.392, 321.393, 321.422, 321.432,  
3 321.436, 321.439, 321.440, 321.441, 321.442, and 321.444, the  
4 scheduled fine is ~~ten~~ twenty dollars.

5 b. For improperly used or nonused, or defective or  
6 improper equipment, other than brakes, driving lights and  
7 brake lights, under section 321.437, the scheduled fine is  
8 ~~ten~~ twenty dollars.

9 c. For violations under sections 321.382, and  
10 321.404A, ~~and 321.438~~, the scheduled fine is  
11 ~~fifteen~~ twenty-five dollars.

12 d. For violations of sections 321.383, 321.384, 321.385,  
13 321.398, 321.402, 321.403, 321.404, 321.409, 321.415,  
14 321.419, 321.420, 321.421, 321.423, and 321.433, the scheduled  
15 fine is ~~twenty~~ thirty dollars.

16 e. For a violation of section 321.430, the scheduled fine is  
17 ~~thirty-five~~ forty-five dollars.

18 f. (1) For violations under section 321.234A and 321.438,  
19 the scheduled fine is fifty dollars.

20 (2) For violations under sections 321.234A, 321.247,  
21 321.381, and 321.381A, the scheduled fine is  
22 fifty sixty dollars.

23 4. *Driver's license violations.*

24 a. For violations under sections 321.174A, 321.180,  
25 321.180B, 321.193, and 321.194, the scheduled fine is  
26 ~~thirty~~ forty dollars.

27 b. For a violation of section 321.216, the scheduled fine is  
28 ~~seventy-five~~ eighty-five dollars.

29 c. For violations under sections 321.174, 321.216B,  
30 321.216C, 321.219, and 321.220, the scheduled fine is one  
31 hundred ten dollars.

32 5. *Speed violations.*

33 a. For excessive speed violations in excess of the limit  
34 under section 321.236, subsections 5 and 11, sections 321.285,  
35 and 461A.36, the scheduled fine shall be the following:

1       (1) ~~Ten~~ Twenty dollars for speed not more than five miles  
2 per hour in excess of the limit.

3       (2) ~~Twenty~~ Forty dollars for speed greater than five but not  
4 more than ten miles per hour in excess of the limit.

5       (3) ~~Thirty~~ Fifty dollars for speed greater than ten but not  
6 more than fifteen miles per hour in excess of the limit.

7       (4) ~~Forty~~ Sixty dollars for speed greater than fifteen but  
8 not more than twenty miles per hour in excess of the limit.

9       (5) ~~Forty~~ Sixty dollars plus two dollars for each mile per  
10 hour of excessive speed over twenty miles per hour over the  
11 limit.

12     *b.* Notwithstanding paragraph "a", for excessive speed  
13 violations in speed zones greater than fifty-five miles per  
14 hour, the scheduled fine shall be:

15       (1) ~~Twenty~~ Thirty dollars for speed not more than five miles  
16 per hour in excess of the limit.

17       (2) ~~Forty~~ Sixty dollars for speed greater than five but not  
18 more than ten miles per hour in excess of the limit.

19       (3) ~~Sixty~~ Eighty dollars for speed greater than ten but not  
20 more than fifteen miles per hour in excess of the limit.

21       (4) ~~Eighty~~ One hundred dollars for speed greater than  
22 fifteen but not more than twenty miles per hour in excess of  
23 the limit.

24       (5) ~~Ninety~~ One hundred ten dollars plus five dollars for  
25 each mile per hour of excessive speed over twenty miles per  
26 hour over the limit.

27     *c.* Excessive speed in whatever amount by a school bus is  
28 not a scheduled violation under any section listed in this  
29 subsection.

30     *d.* Excessive speed in conjunction with a violation of  
31 section 321.278 is not a scheduled violation, whatever the  
32 amount of excess speed.

33     *e.* For a violation under section 321.295, the scheduled fine  
34 is ~~thirty~~ forty dollars.

35     6. *Operating violations.*

1 a. For a violation under section 321.236, subsections 3, 4,  
2 9, and 12, the scheduled fine is twenty dollars.

3 b. For violations under section 321.275, subsections  
4 1 through 7, sections ~~321.277A~~, 321.315, 321.316,  
5 321.318, 321.363, and 321.365, the scheduled fine is  
6 ~~twenty-five~~ thirty-five dollars.

7 c. (1) For violations under sections ~~321.288~~, ~~321.297~~,  
8 ~~321.299~~, ~~321.303~~, ~~321.304~~, subsections 1 and 2, sections  
9 ~~321.305~~, 321.306, 321.311, ~~321.312~~, 321.314, 321.323,  
10 321.340, 321.353, 321.354, and 321.395, the scheduled fine is  
11 ~~thirty-five~~ forty-five dollars.

12 (2) For violations under sections 321.277A, 321.297,  
13 321.299, 321.303, 321.304, subsections 1 and 2, 321.305,  
14 321.312, and 321.320, the scheduled fine is seventy-five  
15 dollars.

16 (3) For violations under section 321.288, the scheduled  
17 fine is one hundred dollars.

18 d. For violations under sections 321.302 and 321.366, the  
19 scheduled fine is fifty sixty dollars.

20 7. *Failure to yield or obey violations.*

21 a. ~~For a violation by an operator of a motor vehicle~~  
22 ~~under section 321.257, subsection 2, the scheduled fine is~~  
23 ~~thirty-five dollars.~~

24 b. a. For violations under sections ~~321.298~~, 321.307,  
25 321.308, 321.313, 321.319, ~~321.320~~, ~~321.321~~, 321.327,  
26 321.329, and 321.333, the scheduled fine is  
27 ~~thirty-five~~ forty-five dollars.

28 b. For a violation under section 321.321, the scheduled fine  
29 is fifty dollars.

30 c. For violations under sections 321.298 and 321.320, the  
31 scheduled fine is seventy-five dollars.

32 d. For a violation by an operator of a motor vehicle  
33 under section 321.257, subsection 2, the scheduled fine is  
34 seventy-five dollars.

35 8. *Traffic sign or signal violations.*

1 a. For violations under section 321.236, subsections 2  
2 and 6, ~~sections 321.256, 321.294, 321.304, subsection 3, and~~  
3 ~~section 321.322,~~ the scheduled fine is thirty-five dollars.

4 b. For a violation under section 321.294, the scheduled fine  
5 is forty-five dollars.

6 c. For violations of sections 321.256, 321.304, subsection  
7 3, and 321.322, the scheduled fine is seventy-five dollars.

8 9. *Bicycle or pedestrian violations.*

9 a. For violations by a pedestrian or a bicyclist under  
10 ~~section 321.234, subsections 3 and 4, section 321.236,~~  
11 ~~subsection 10, section 321.257, subsection 2, section 321.275,~~  
12 ~~subsection 8, section 321.325, 321.326, 321.328, 321.331,~~  
13 ~~321.332, 321.397, or and section 321.434,~~ the scheduled fine  
14 is fifteen dollars.

15 b. For violations by a pedestrian or bicyclist under section  
16 321.234, subsections 3 and 4, section 321.257, subsection 2,  
17 section 321.275, subsection 8, and sections 321.325, 321.326,  
18 321.328, 321.331, 321.332, and 321.397, the scheduled fine is  
19 twenty-five dollars.

20 9A. *Electric personal assistive mobility device*  
21 *violations.* For violations under section 321.235A, the  
22 scheduled fine is fifteen dollars.

23 10. *School bus violations.*

24 a. For violations by an operator of a school bus under  
25 sections 321.285 and 321.372, subsections 1 and 2, the  
26 scheduled fine is ~~thirty-five~~ forty-five dollars. However,  
27 an excessive speed violation by a school bus of more than  
28 ten miles per hour in excess of the limit is not a scheduled  
29 violation.

30 b. For a violation under section 321.372, subsection 3, the  
31 scheduled fine is one hundred ten dollars.

32 11. *Emergency vehicle violations.*

33 a. For violations under sections 321.231, 321.367, and  
34 321.368, the scheduled fine is ~~thirty-five~~ forty-five dollars.

35 b. For a violation under section 321.323A or 321.324, the

1 scheduled fine is ~~fifty~~ sixty dollars.

2 12. *Restrictions on vehicles.*

3 a. For violations under sections 321.309, 321.310,  
4 321.394, 321.461, and 321.462, the scheduled fine is  
5 ~~twenty-five~~ thirty-five dollars.

6 b. For violations under section 321.437, the scheduled fine  
7 is ~~twenty-five~~ thirty-five dollars.

8 c. For height, length, width, and load violations under  
9 sections 321.454, 321.455, 321.456, 321.457, and 321.458, the  
10 scheduled fine is one hundred ten dollars.

11 d. For violations under section 321.466, the scheduled fine  
12 is twenty dollars for each two thousand pounds or fraction  
13 thereof of overweight.

14 e. (1) Violations of the schedule of axle and tandem axle  
15 and gross or group of axle weight violations in section 321.463  
16 shall be scheduled violations subject to the provisions,  
17 procedures, and exceptions contained in sections 805.6 through  
18 805.11, irrespective of the amount of the fine under that  
19 schedule.

20 (a) Violations of the schedule of weight violations shall be  
21 chargeable, where the fine charged does not exceed one thousand  
22 dollars, only by uniform citation and complaint.

23 (b) Violations of the schedule of weight violations, where  
24 the fine charged exceeds one thousand dollars shall, when the  
25 violation is admitted and section 805.9 applies, be chargeable  
26 upon uniform citation and complaint, indictment, or county  
27 attorney's information, but otherwise shall be chargeable only  
28 upon indictment or county attorney's information.

29 (2) In all cases of charges under the schedule of weight  
30 violations, the charge shall specify the amount of fine charged  
31 under the schedule. Where a defendant is convicted and the  
32 fine under the foregoing schedule of weight violations exceeds  
33 one thousand dollars, the conviction shall be of an indictable  
34 offense although section 805.9 is employed and whether the  
35 violation is charged upon uniform citation and complaint,

1 indictment, or county attorney's information.

2 *f.* For a violation under section 321E.16, other than the  
3 provisions relating to weight, the scheduled fine is one  
4 hundred ten dollars.

5 13. *Motor carrier violations.*

6 *a.* (1) For violations under sections ~~321.54~~, 326.22, and  
7 326.23, the scheduled fine is twenty dollars.

8 (2) For a violation under section 321.54, the scheduled fine  
9 is thirty dollars.

10 *b.* For a violation under section 321.449, the scheduled fine  
11 is ~~twenty-five~~ fifty dollars.

12 *c.* (1) For violations under sections 321.364, ~~321.450~~,  
13 ~~321.460~~, and 452A.52, the scheduled fine is one hundred  
14 dollars.

15 (2) For violations under sections 321.450 and 321.460, the  
16 scheduled fine is one hundred ten dollars.

17 *d.* For violations of section 325A.3, subsection 5, or  
18 section 325A.8, the scheduled fine is ~~fifty~~ sixty dollars.

19 *e.* For violations of chapter 325A, other than a violation of  
20 section 325A.3, subsection 5, or section 325A.8, the scheduled  
21 fine is two hundred fifty dollars.

22 *f.* For failure to have proper carrier identification  
23 markings under section 327B.1, the scheduled fine is  
24 ~~fifty~~ sixty dollars.

25 *g.* For failure to have proper evidence of interstate  
26 authority carried or displayed under section 327B.1, and for  
27 failure to register, carry, or display evidence that interstate  
28 authority is not required under section 327B.1, the scheduled  
29 fine is two hundred ~~fifty~~ sixty dollars.

30 14. *Miscellaneous violations.*

31 *a.* *Failure to obey a peace officer.* For a  
32 violation under section 321.229, the scheduled fine is  
33 ~~thirty-five~~ forty-five dollars.

34 *b.* *Abandoning a motor vehicle.* For a violation under  
35 section 321.91, the scheduled fine is one hundred ten dollars.

1     *c. Seat belt or restraint violations.* For violations  
2 under sections 321.445 and 321.446, the scheduled fine is  
3 ~~twenty-five~~ seventy-five dollars.

4     *d. Litter and debris violations.* For violations  
5 under sections 321.369 and 321.370, the scheduled fine is  
6 ~~seventy~~ eighty dollars.

7     *e. Open container violations.* For violations under sections  
8 321.284 and 321.284A, the scheduled fine is one hundred  
9 fifty dollars.

10    *f. Proof of financial responsibility.* If, in connection with  
11 a motor vehicle accident, a person is charged and found guilty  
12 of a violation of section 321.20B, subsection 1, the scheduled  
13 fine is five hundred dollars; otherwise, the scheduled fine for  
14 a violation of section 321.20B, subsection 1, is two hundred  
15 fifty dollars. Notwithstanding section 805.12, fines collected  
16 pursuant to this paragraph shall be submitted to the state  
17 court administrator and distributed fifty percent to the victim  
18 compensation fund established in section 915.94, twenty-five  
19 percent to the county in which such fine is imposed, and  
20 twenty-five percent to the general fund of the state.

21    *g. Radar-jamming devices.* For a violation under section  
22 321.232, the scheduled fine is ~~fifty~~ sixty dollars.

23    *h. Railroad crossing violations.*

24     (1) For violations under sections 321.341, 321.342,  
25 321.343, and 321.344, the scheduled fine is one hundred  
26 ten dollars.

27     (2) For a violation under section 321.344B, the scheduled  
28 fine is two hundred dollars.

29    *i. Road work zone violations.* The scheduled fine for any  
30 moving traffic violation under chapter 321, as provided in  
31 this section, shall be doubled if the violation occurs within  
32 any road work zone, as defined in section 321.1. However,  
33 notwithstanding subsection 5, the scheduled fine for violating  
34 the speed limit in a road work zone is as follows:

35     (1) One hundred fifty dollars for speed not more than ten

1 miles per hour over the posted speed limit.

2 (2) Three hundred dollars for speed greater than ten but not  
3 more than twenty miles per hour over the posted speed limit.

4 (3) Five hundred dollars for speed greater than twenty but  
5 not more than twenty-five miles per hour over the posted speed  
6 limit.

7 (4) One thousand dollars for speed greater than twenty-five  
8 miles per hour over the posted speed limit.

9 *j. Vehicle component parts records violations.* For  
10 violations under section 321.95, the scheduled fine is fifty  
11 dollars.

12 Sec. 20. Section 805.8C, subsection 6, paragraph a, Code  
13 Supplement 2009, is amended to read as follows:

14 *a.* If the violation is a first offense, the scheduled fine  
15 is one hundred ten dollars.

16 DIVISION III

17 PUBLIC SAFETY ENFORCEMENT FUND

18 Sec. 21. PUBLIC SAFETY ENFORCEMENT FUND ESTABLISHED —  
19 TEMPORARY ALLOCATION OF FINES AND FEES.

20 1. A public safety enforcement fund is created in the  
21 state treasury under the control of the treasurer of state.  
22 Notwithstanding section 602.8108, the state court administrator  
23 shall allocate to the treasurer of state for deposit in the  
24 public safety enforcement fund the first eight million eight  
25 hundred thousand dollars of the moneys received under section  
26 602.8108, subsection 2, during the fiscal year beginning July  
27 1, 2010, and ending June 30, 2011.

28 2. The treasurer of state shall allocate to the following  
29 entities the following amounts from the public safety  
30 enforcement fund for the fiscal year beginning July 1, 2010,  
31 and ending June 30, 2011:

32 *a.* To the department of corrections, \$502,810 and of the  
33 amount allocated in this paragraph, \$402,810 shall be allocated  
34 by the department of corrections to the sixth judicial district  
35 of department of correctional services, and \$100,000 shall

1 be allocated to the first judicial district department of  
2 correctional services.

3 b. To the department of corrections, \$2,497,190 and of  
4 the amount allocated in this paragraph, \$1,451,000 shall be  
5 allocated by the department of corrections for the operation  
6 of the Fort Madison correctional facility, \$846,190 shall be  
7 allocated for the operation of the Luster Heights facility, and  
8 \$200,000 shall be allocated for the operation of the Anamosa  
9 correctional facility.

10 c. To the department of public safety, \$150,000 for costs  
11 associated with the training and equipment needs of volunteer  
12 fire fighters.

13 d. To the department of public safety, \$250,000.

14 e. To the Iowa civil rights commission, \$100,000.

15 f. To the judicial branch, \$5,300,000.

16

DIVISION IV

17

GAMING ENFORCEMENT FUND AND MISCELLANEOUS PROVISIONS

18 Sec. 22. 2010 Iowa Acts, Senate File 2088, section 62, is  
19 amended to read as follows:

20

SEC. 62. COMMUNITY-BASED CORRECTIONS — STATE

21

~~ACCOUNTING~~ BUDGETING SYSTEM. Each judicial district

22

department of correctional services shall utilize the state

23

~~accounting~~ budgeting system for purposes of tracking both

24

appropriations and expenditures. Each judicial district

25

department shall coordinate its ~~accounting~~ budgeting activities

26

with the department of management for purposes of implementing

27

the requirements of this section.

28

Sec. 23. Section 8A.302, subsection 1, as amended by 2010

29

Iowa Acts, Senate File 2088, section 71, is amended to read as

30

follows:

31

1. Providing a system of uniform standards and

32

specifications for purchasing. When the system is developed,

33

all items of general use shall be purchased by state agencies

34

through the department, except items provided for under

35

section 904.808 or items used by the state board of regents

1 and institutions under the control of the state board of  
2 regents. However, the department may authorize the department  
3 of transportation, the department for the blind, and any other  
4 agencies otherwise exempted by law from centralized purchasing,  
5 to directly purchase items used by those agencies without going  
6 through the department, if the department of administrative  
7 services determines such purchasing is in the best interests  
8 of the state. However, items of general use may be purchased  
9 through the department by any governmental entity.

10 Sec. 24. NEW SECTION. 80.43 Gaming enforcement —  
11 revolving fund.

12 1. A gaming enforcement revolving fund is created in the  
13 state treasury under the control of the department. The fund  
14 shall consist of fees collected and deposited into the fund  
15 paid by licensees pursuant to section 99D.14, subsection 2,  
16 paragraph "b", and fees paid by licensees pursuant to section  
17 99F.10, subsection 4, paragraph "b". All costs for agents and  
18 officers plus any direct and indirect support costs for such  
19 agents and officers of the division of criminal investigation's  
20 racetrack, excursion boat, or gambling structure enforcement  
21 activities shall be paid from the fund as provided in  
22 appropriations made for this purpose by the general assembly.

23 2. To meet the department's cash flow needs, the department  
24 may temporarily use funds from the general fund of the state  
25 to pay expenses in excess of moneys available in the revolving  
26 fund if those additional expenditures are fully reimbursable  
27 and the department reimburses the general fund of the state  
28 and ensures all moneys are repaid in full by the close of the  
29 fiscal year. Because any general fund moneys used shall be  
30 fully reimbursed, such temporary use of funds from the general  
31 fund of the state shall not constitute an appropriation for  
32 purposes of calculating the state general fund expenditure  
33 limitation pursuant to section 8.54.

34 3. Section 8.33 does not apply to any moneys credited or  
35 appropriated to the revolving fund from any other fund and,

1 notwithstanding section 12C.7, subsection 2, earnings or  
2 interest on moneys deposited in the revolving fund shall be  
3 credited to the revolving fund.

4 Sec. 25. Section 99D.14, subsection 2, Code 2009, is amended  
5 to read as follows:

6 2. a. A licensee shall pay a regulatory fee to be charged  
7 as provided in this section. In determining the regulatory fee  
8 to be charged as provided under this section, the commission  
9 shall use the amount appropriated to the commission plus the  
10 cost of salaries for no more than two special agents for each  
11 racetrack that has not been issued a table games license under  
12 chapter 99F or no more than three special agents for each  
13 racetrack that has been issued a table games license under  
14 chapter 99F, plus any direct and indirect support costs for the  
15 agents, for the division of criminal investigation's racetrack  
16 activities, as the basis for determining the amount of revenue  
17 to be raised from the regulatory fee.

18 b. Notwithstanding sections 8.60 and 99D.17, the portion of  
19 the fee paid pursuant to paragraph "a" relating to the costs  
20 of special agents plus any direct and indirect support costs  
21 for the agents, for the division of criminal investigation's  
22 racetrack activities, shall not be deposited in the general  
23 fund of the state but instead shall be deposited into the  
24 gaming enforcement revolving fund established in section 80.43.

25 Sec. 26. Section 99F.10, subsection 4, Code 2009, is amended  
26 to read as follows:

27 4. a. In determining the license fees and state regulatory  
28 fees to be charged as provided under section 99F.4 and this  
29 section, the commission shall use as the basis for determining  
30 the amount of revenue to be raised from the license fees and  
31 regulatory fees the amount appropriated to the commission  
32 plus the cost of salaries for no more than two special agents  
33 for each excursion gambling boat or gambling structure and no  
34 more than four gaming enforcement officers for each excursion  
35 gambling boat or gambling structure with a patron capacity of

1 less than two thousand persons or no more than five gaming  
2 enforcement officers for each excursion gambling boat or  
3 gambling structure with a patron capacity of at least two  
4 thousand persons, plus any direct and indirect support costs  
5 for the agents and officers, for the division of criminal  
6 investigation's excursion gambling boat or gambling structure  
7 activities.

8 b. Notwithstanding sections 8.60 and 99F.4, the portion of  
9 the fee paid pursuant to paragraph "a" relating to the costs  
10 of special agents and officers plus any direct and indirect  
11 support costs for the agents and officers, for the division of  
12 criminal investigation's excursion gambling boat or gambling  
13 structure activities, shall not be deposited in the general  
14 fund of the state but instead shall be deposited into the  
15 gaming enforcement revolving fund established in section 80.43.

16 Sec. 27. Section 809A.17, subsection 5, Code 2009, is  
17 amended by adding the following new paragraph:

18 NEW PARAGRAPH. e. If the forfeited property is cash or  
19 proceeds from the sale of real property the distribution of the  
20 forfeited property shall be as follows:

21 (1) The department of justice shall not retain more than  
22 ten percent of the gross sale of any forfeited real property.  
23 The balance of the proceeds shall be distributed to the  
24 seizing agency for use by the agency or for division among  
25 law enforcement agencies and county attorneys pursuant to any  
26 agreement entered into by the seizing agency.

27 (2) The department of justice shall not retain more than  
28 ten percent of any forfeited cash. The balance shall be  
29 distributed to the seizing agency for use by the agency or for  
30 division among law enforcement agencies and county attorneys  
31 pursuant to any agreement entered into by the seizing agency.

32 (3) In the event of a cash forfeiture in excess of four  
33 hundred thousand dollars the distribution of forfeited cash  
34 shall be as follows:

35 (a) Forty-five percent shall be retained by the seizing

1 agency.

2 (b) Forty-five percent shall be distributed to other law  
3 enforcement agencies within the region of the seizing agency.

4 (c) Ten percent shall be retained by the department of  
5 justice.

6 Sec. 28. Section 904.315, subsection 2, Code Supplement  
7 2009, is amended to read as follows:

8 2. A contract is not required for improvements at a state  
9 institution where the labor of inmates is to be used if the  
10 contract is not for a construction, reconstruction, demolition,  
11 or repair project or improvement with an estimated cost in  
12 excess of ~~fifty~~ one hundred thousand dollars.

13 Sec. 29. Section 904A.4B, Code 2009, is amended to read as  
14 follows:

15 **904A.4B Executive director of the board of parole — duties.**

16 1. The chief administrative officer of the board of  
17 parole shall be the executive director, except as provided in  
18 subsection 2. The executive director shall be appointed by the  
19 chairperson, subject to the approval of the board and shall  
20 serve at the pleasure of the board. The executive director  
21 shall do all of the following:

22 ~~1-~~ a. Advise the board on matters relating to parole,  
23 work release, and executive clemency, and advise the board on  
24 matters involving automation and word processing.

25 ~~2-~~ b. Carry out all directives of the board.

26 ~~3-~~ c. Hire and supervise all of the board's staff pursuant  
27 to the provisions of chapter 8A, subchapter IV.

28 ~~4-~~ d. Act as the board's liaison with the general assembly.

29 ~~5-~~ e. Prepare a budget for the board, subject to the  
30 approval of the board, and prepare all other reports required  
31 by law.

32 ~~6-~~ f. Develop long-range parole and work release planning,  
33 in cooperation with the department of corrections.

34 2. If an executive director is not appointed as provided in  
35 subsection 1, the chairperson shall serve as acting executive



1 The division appropriates moneys from the department of  
2 commerce revolving fund created in Code section 546.12 to the  
3 office of consumer advocate of the department of justice.

4 The division requires the department of corrections to  
5 employ two part-time nurses at the Luster Heights correctional  
6 facility, and seek volunteer licensed medical personnel to  
7 serve at the facility.

8 The division requires the department of corrections to place  
9 inmates at the Luster Heights facility who have been approved  
10 by the board of parole for work release but who are expected  
11 to be waiting in prison for a bed to become available at a  
12 community-based correctional facility for at least four months,  
13 unless the placement dislodges an inmate receiving substance  
14 abuse treatment.

15 The division requires the department of corrections to seek  
16 volunteer medical personnel to serve at correctional facilities  
17 throughout the state.

18 The division also appropriates moneys from the gaming  
19 enforcement fund created in division IV to the department of  
20 public safety. The division also establishes the FTEs related  
21 to gaming enforcement in the fund.

22 The division also provides that for each additional license  
23 to conduct gambling games on an excursion gambling boat,  
24 gambling structure, or racetrack enclosure issued during fiscal  
25 period beginning on July 1 2009, and ending June 30, 2011,  
26 there is appropriated from the gaming enforcement fund to the  
27 department of public safety for the fiscal year beginning July  
28 1, 2010, and ending June 30, 2011, an additional amount of not  
29 more than \$521,000 to be used for not more than 6.00 additional  
30 full-time equivalent positions.

31 The division eliminates the chief security officer position  
32 within the department of corrections effective upon enactment.

33 DIVISION II — COURT COSTS — FINES. The division increases  
34 numerous traffic fines related to simple misdemeanor offenses  
35 punishable as a scheduled violation under Code section 805.8A.

1 The bill also increases the fine related to first offense  
2 pseudoephedrine scheduled violations under Code section  
3 805.8C(6).

4 Under Code section 911.1, when a criminal fine is increased  
5 the criminal penalty surcharge assessed against the fine also  
6 increases.

7 The division increases the court costs for filing and  
8 docketing all felony and misdemeanor offenses other than simple  
9 misdemeanor offenses from \$100 to \$120.

10 The division increases the court costs for filing and  
11 docketing simple misdemeanor offenses including scheduled  
12 violations from \$60 to \$70.

13 DIVISION III — PUBLIC SAFETY ENFORCEMENT FUND. The  
14 division creates the public safety enforcement fund in the  
15 state treasury under the control of the treasurer of state for  
16 fiscal year 2010-2011. The division directs the state court  
17 administrator to allocate the first \$8.8 million collected from  
18 fines, costs, and other penalties collected during fiscal year  
19 2010-2011 to treasurer of state for deposit into the public  
20 safety enforcement fund.

21 The division directs the treasurer of state to allocate  
22 specific amounts to numerous entities from the public safety  
23 enforcement fund for fiscal year 2010-2011.

24 Moneys are directed to the department of corrections for  
25 correctional facilities and judicial district departments of  
26 correctional services, to the department of public safety, the  
27 Iowa civil rights commission, and the judicial branch.

28 DIVISION IV — GAMING ENFORCEMENT FUND AND MISCELLANEOUS  
29 PROVISIONS. The division makes numerous changes to the Code.

30 The division amends Code section 8A.302 as amended by the  
31 2010 Iowa Acts, Senate File 2088, to provide that items of a  
32 general use provided by Iowa state (prison) industries to other  
33 state agencies under Code section 904.808 are exempt from being  
34 purchased through the department of administrative services.

35 The division also amends 2010 Iowa Acts, Senate File 2088, to

1 provide that each judicial district department of correctional  
2 services shall utilize the state budgeting system for purposes  
3 of tracking appropriations and expenditures.

4 The division creates the gaming enforcement revolving fund  
5 in new Code section 80.43.

6 Code sections 99D.14 and 99F.10 are amended to provide  
7 that the portion of the regulatory fee collected from gaming  
8 interests to pay for special agents and gaming enforcement  
9 officers plus any direct and indirect support costs for  
10 such agents and officers for the division of criminal  
11 investigation's gaming enforcement activities, shall be  
12 deposited into the gaming enforcement revolving fund.

13 The division provides that all costs for agents and officers  
14 plus any direct and indirect support costs for such agents and  
15 officers of the division of criminal investigation's racetrack,  
16 excursion boat, or gambling structure enforcement activities  
17 are paid from the fund as provided in appropriations made from  
18 the fund. Division I of the bill includes appropriations from  
19 the fund for fiscal year 2010-2011.

20 Code section 809A.17 is amended to provide that the  
21 department of justice shall not retain more than 10 percent  
22 of any cash forfeiture made by a law enforcement agency or 10  
23 percent of the gross proceeds from the sale of any forfeited  
24 real property. The bill requires the balance of any cash  
25 forfeiture or the proceeds from the sale of forfeited real  
26 property be distributed to the seizing agency for use by the  
27 agency or for division among law enforcement agencies and  
28 county attorneys pursuant to any agreement entered into by the  
29 seizing agency. In the event of a cash forfeiture in excess  
30 of \$400,000, the distribution shall be as follows: 45 percent  
31 shall be retained by the seizing agency; 45 percent shall be  
32 distributed to other law enforcement agencies within the region  
33 of the seizing agency; and 10 percent shall be retained by the  
34 department of justice.

35 Code section 904.315 is amended by the division to provide

1 that a contract is not required for improvements at a state  
2 institution where the labor of inmates is used and the  
3 estimated cost of the improvements does not exceed \$100,000.  
4 Currently, the contract requirement threshold is \$50,000.

5 The division amends Code section 904A.4B to provide that  
6 the chairperson may act as executive director of the board of  
7 parole, if the board does not appoint such a director. The  
8 duties of the executive director are specified in Code section  
9 904A.4B.