A BILL FOR

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

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

   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
Sec. 3. DEPARTMENT OF CORRECTIONS — FACILITIES.

1. There is appropriated from the general fund of the state to the department of corrections 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:

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

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

$39,991,374

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

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

$30,416,461

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

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

As a condition of the moneys appropriated in this lettered paragraph, the department of corrections shall replace expired federal funding by expending at least $238,252 for continuation of a treatment program that prepares offenders for ongoing therapeutic treatment programs offered by the department and maintaining at least 4.75 FTEs for the program.
Moneys appropriated in this lettered paragraph shall provide for one full-time substance abuse counselor for the Luster Heights facility for the purpose of certification of a substance abuse program at that facility.

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

$55,755,246

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

$26,452,257

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

$26,265,257

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

$9,324,565

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

$23,645,033

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

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

$15,486,586

i. For the operation of the Fort Dodge correctional 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
by the proposed new contract and prior notification of the
co-chairpersons and ranking members of the joint appropriations
committee on the justice system.

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

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

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

$1,558,109

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

It is the intent of the general assembly that moneys
appropriated in this lettered paragraph shall be used solely
for the purpose indicated and that the moneys shall not be
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
13 3. The department of corrections shall provide a smoking
14 cessation program to offenders committed to the custody of the
15 director or who are otherwise detained by the department, that
16 complies with legislation enacted restricting or prohibiting
17 smoking on the grounds of correctional institutions.
18
19 4. As a condition of receiving the appropriations made
20 in this section, the department of corrections shall develop
21 and implement offender reentry programs in Black Hawk and
22 Polk counties to provide transitional planning and release
23 primarily for offenders released from the Iowa correctional
24 institution for women at Mitchellville and the Fort Dodge
25 correctional facility. Programming shall include minority
26 and gender-specific responsivity, employment, substance
27 abuse treatment, mental health services, housing, and family
28 reintegration. The department of corrections shall collaborate
29 with the first and fifth judicial district departments of
30 correctional services, the Iowa department of workforce
31 development, the department of human services, community-based
32 providers and faith-based organizations, and local law
33 enforcement.
34
35 5. The chief security officer position within the
36 department of corrections shall be eliminated by the effective
37 date of this subsection.
38
39 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 b. 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 c. For the second judicial district department of
21 correctional services:
22 ......................................................... $ 10,770,616
23 d. For the third judicial district department of
24 correctional services:
25 ......................................................... $  5,715,578
26 e. For the fourth judicial district department of
27 correctional services:
28 ......................................................... $  5,522,416
29 f. 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 g. 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
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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.

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.

Sec. 7. INTENT — REPORTS.
1. The department in cooperation with townships, the Iowa
2 cemetery associations, and other nonprofit or governmental
3 entities may use inmate labor during the fiscal year beginning
4 July 1, 2010, to restore or preserve rural cemeteries and
5 historical landmarks. The department in cooperation with the
6 counties may also use inmate labor to clean up roads, major
7 water sources, and other water sources around the state.
2 2. Each month the department shall provide a status report
3 regarding private-sector employment to the legislative services
4 agency beginning on July 1, 2010. The report shall include
5 the number of offenders employed in the private sector, the
6 combined number of hours worked by the offenders, and the
7 total amount of allowances, and the distribution of allowances
8 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
purposes, and for not more than the following full-time
equivalent positions:

<table>
<thead>
<tr>
<th>Position Description</th>
<th>Amount</th>
<th>FTEs</th>
</tr>
</thead>
<tbody>
<tr>
<td>IOWA LAW ENFORCEMENT ACADEMY</td>
<td>$21,743,182</td>
<td>203.00</td>
</tr>
<tr>
<td>1. There is appropriated from the general fund of the</td>
<td>$15,680,929</td>
<td>30.55</td>
</tr>
</tbody>
</table>

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

2. The Iowa law enforcement academy may select at least
31 five automobiles of the department of public safety, division
12 of state patrol, prior to turning over the automobiles to
23 the department of administrative services to be disposed
4 of by public auction, and the Iowa law enforcement academy
5 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.
2. HOMELAND SECURITY AND EMERGENCY MANAGEMENT DIVISION

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

<table>
<thead>
<tr>
<th>Positions</th>
<th>$</th>
<th>FTEs</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>2,038,119</td>
<td>33.00</td>
</tr>
</tbody>
</table>

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

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

Sec. 14. DEPARTMENT OF PUBLIC SAFETY. There is appropriated from the general fund of the state to the department of public safety 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:

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

<table>
<thead>
<tr>
<th>Positions</th>
<th>$</th>
<th>FTEs</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>4,134,461</td>
<td>36.00</td>
</tr>
</tbody>
</table>

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

\[ \text{positions} \times \$ 12,861,710 \]

\[ \text{FTEs} \times 162.10 \]

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

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

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

3. For the criminalistics laboratory fund created in section 691.9:
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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
It is the intent of the general assembly that members of the state patrol be assigned to patrol the highways and roads in lieu of assignments for inspecting school buses for the school districts.

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

$279,517

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

$612,255

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

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

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

Sec. 18. Section 602.8106, subsection 1, paragraphs a, b, d, and e, Code Supplement 2009, are amended to read as follows:
a. Except as otherwise provided in paragraphs "b" and "c", for filing and docketing a criminal case to be paid by the county or city which has the duty to prosecute the criminal action, payable as provided in section 602.8109, one hundred twenty dollars. When judgment is rendered against the defendant, costs collected from the defendant shall be paid to the county or city which has the duty to prosecute the criminal action to the extent necessary for reimbursement for fees paid. However, the fees which are payable by the county to the clerk of the district court for services rendered in criminal actions prosecuted under state law and the court costs taxed in connection with the trial of those actions or appeals from the judgments in those actions are waived.
b. For filing and docketing of a complaint or information for a simple misdemeanor and a complaint or information for a nonscheduled simple misdemeanor under chapter 321, sixty seventy dollars.
d. The court costs in scheduled violation cases where a court appearance is required, sixty seventy dollars.
e. For court costs in scheduled violation cases where a court appearance is not required, sixty seventy dollars.

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

805.8A Motor vehicle and transportation scheduled violations.
1. Parking violations.
a. For parking violations under sections 321.236, 321.239, 321.358, 321.360, and 321.361, the scheduled fine is five dollars, except if the local authority has established the fine by ordinance. The scheduled fine for a parking violation
pursuant to section 321.236 increases by five dollars, if
authorized by ordinance and if the parking violation is not
paid within thirty days of the date upon which the violation
occurred. For purposes of calculating the unsecured appearance
bond required under section 805.6, the scheduled fine shall
be five dollars, or if the amount of the fine is greater than
five dollars, the unsecured appearance bond shall be the amount
of the fine established by the local authority. However,
violations charged by a city or county upon simple notice of a
fine instead of a uniform citation and complaint required by
section 321.236, subsection 1, paragraph "b", are not scheduled
violations, and this section shall not apply to any offense
charged in that manner. For a parking violation under section
321.362 or 461A.38, the scheduled fine is ten dollars. For
parking violations under section 321.362, the scheduled fine
is twenty dollars.

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

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

2. Title or registration violations.

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

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

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

c. For violations under sections 321.25, 321.45, 321.46,
321.48, 321.52, 321.57, 321.62, 321.67, and 321.104, the
scheduled fine is fifty sixty dollars.

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

3. Equipment violations.
scheduled fine is ten twenty dollars.

For improperly used or nonused, or defective or
improper equipment, other than brakes, driving lights and
brake lights, under section 321.437, the scheduled fine is
fifteen twenty dollars.

For violations under sections 321.382 and
321.404A, and 321.438, the scheduled fine is
forty-two dollars.

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

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

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

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

Driver’s license violations.

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

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

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

Speed violations.

a. For excessive speed violations in excess of the limit
under section 321.236, subsections 5 and 11, sections 321.285,
321.339, 321.340, 321.341, 321.342, and 321.343, the scheduled fine is
fifteen twenty dollars.
Ten Twenty dollars for speed not more than five miles per hour in excess of the limit.

Twenty Forty dollars for speed greater than five but not more than ten miles per hour in excess of the limit.

Thirteen Thirty dollars for speed greater than ten but not more than fifteen miles per hour in excess of the limit.

Forty Sixty dollars for speed greater than fifteen but not more than twenty miles per hour in excess of the limit.

Forty Sixty dollars plus two dollars for each mile per hour of excessive speed over twenty miles per hour over the limit.

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

Ten Thirty dollars for speed not more than five miles per hour in excess of the limit.

Forty Sixty dollars for speed greater than five but not more than ten miles per hour in excess of the limit.

Sixty Eighty dollars for speed greater than ten but not more than fifteen miles per hour in excess of the limit.

Eighty One hundred dollars for speed greater than fifteen but not more than twenty miles per hour in excess of the limit.

Ninety One hundred ten dollars plus five dollars for each mile per hour of excessive speed over twenty miles per hour over the limit.

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

Excessive speed in conjunction with a violation of section 321.278 is not a scheduled violation, whatever the amount of excess speed.

For a violation under section 321.295, the scheduled fine is thirty forty dollars.

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

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


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

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

7. Failure to yield or obey violations.

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


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

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

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

8. Traffic sign or signal violations.
a. For violations under section 321.236, subsections 2 and 6, sections 321.256, 321.294, 321.304, subsection 3, and section 321.322, the scheduled fine is thirty-five dollars.

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

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

9. Bicycle or pedestrian violations.

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

b. For violations by a pedestrian or a bicyclist under section 321.234, subsections 3 and 4, section 321.236, subsection 10, section 321.257, subsection 2, section 321.275, subsection 8, and sections 321.325, 321.326, 321.328, 321.331, 321.332, and 321.397, the scheduled fine is twenty-five dollars.

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

10. School bus violations.

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

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

11. Emergency vehicle violations.

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

b. For a violation under section 321.323A or 321.324, the
scheduled fine is \textbf{fifty sixty} dollars.

12. \textit{Restrictions on vehicles.}

a. For violations under sections 321.309, 321.310, 321.394, 321.461, and 321.462, the scheduled fine is \textbf{twenty-five thirty-five} dollars.

b. For violations under section 321.437, the scheduled fine is \textbf{twenty-five thirty-five} dollars.

c. For height, length, width, and load violations under sections 321.454, 321.455, 321.456, 321.457, and 321.458, the scheduled fine is \textbf{one hundred ten} dollars.

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

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

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

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

(2) In all cases of charges under the schedule of weight violations, the charge shall specify the amount of fine charged under the schedule. Where a defendant is convicted and the fine under the foregoing schedule of weight violations exceeds one thousand dollars, the conviction shall be of an indictable offense although section 805.9 is employed and whether the violation is charged upon uniform citation and complaint,
indictment, or county attorney’s information.

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


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

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

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

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

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

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

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

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

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

14. Miscellaneous violations.

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

b. Abandoning a motor vehicle. For a violation under section 321.91, the scheduled fine is one hundred ten dollars.
c. Seat belt or restraint violations. For violations under sections 321.445 and 321.446, the scheduled fine is twenty-five seventy-five dollars.

d. Litter and debris violations. For violations under sections 321.369 and 321.370, the scheduled fine is seventy eighty dollars.

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

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

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

h. Railroad crossing violations.

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

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

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

(1) One hundred fifty dollars for speed not more than ten
miles per hour over the posted speed limit.

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

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

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

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

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

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

DIVISION III
PUBLIC SAFETY ENFORCEMENT FUND

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

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

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

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

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

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

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

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

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

DIVISION IV

GAMING ENFORCEMENT FUND AND MISCELLANEOUS PROVISIONS

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

SEC. 62. COMMUNITY-BASED CORRECTIONS — STATE ACCOUNTING BUDGETING SYSTEM. Each judicial district department of correctional services shall utilize the state accounting budgeting system for purposes of tracking both appropriations and expenditures. Each judicial district department shall coordinate its accounting budgeting activities with the department of management for purposes of implementing the requirements of this section.

Sec. 23. Section 8A.302, subsection 1, as amended by 2010 Iowa Acts, Senate File 2088, section 71, is amended to read as follows:

1. Providing a system of uniform standards and specifications for purchasing. When the system is developed, all items of general use shall be purchased by state agencies through the department, except items provided for under 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.

Sec. 24. NEW SECTION. 80.43 Gaming enforcement —

1 revolving fund.

1 1. A gaming enforcement revolving fund is created in the
2 state treasury under the control of the department. The fund
3 shall consist of fees collected and deposited into the fund
4 paid by licensees pursuant to section 99D.14, subsection 2,
5 paragraph "b", and fees paid by licensees pursuant to section
6 99F.10, subsection 4, paragraph "b". All costs for agents and
7 officers plus any direct and indirect support costs for such
8 agents and officers of the division of criminal investigation's
9 racetrack, excursion boat, or gambling structure enforcement
10 activities shall be paid from the fund as provided in
11 appropriations made for this purpose by the general assembly.
12 2. To meet the department's cash flow needs, the department
13 may temporarily use funds from the general fund of the state
14 to pay expenses in excess of moneys available in the revolving
15 fund if those additional expenditures are fully reimbursable
16 and the department reimburses the general fund of the state
17 and ensures all moneys are repaid in full by the close of the
18 fiscal year. Because any general fund moneys used shall be
19 fully reimbursed, such temporary use of funds from the general
20 fund of the state shall not constitute an appropriation for
21 purposes of calculating the state general fund expenditure
22 limitation pursuant to section 8.54.
23 3. Section 8.33 does not apply to any moneys credited or
24 appropriated to the revolving fund from any other fund and,
notwithstanding section 12C.7, subsection 2, earnings or
interest on moneys deposited in the revolving fund shall be
credited to the revolving fund.
Sec. 25. Section 99D.14, subsection 2, Code 2009, is amended
to read as follows:
2. a. A licensee shall pay a regulatory fee to be charged
as provided in this section. In determining the regulatory fee
to be charged as provided under this section, the commission
shall use the amount appropriated to the commission plus the
cost of salaries for no more than two special agents for each
racetrack that has not been issued a table games license under
chapter 99F or no more than three special agents for each
racetrack that has been issued a table games license under
chapter 99F, plus any direct and indirect support costs for the
agents, for the division of criminal investigation’s racetrack
activities, as the basis for determining the amount of revenue
to be raised from the regulatory fee.
b. Notwithstanding sections 8.60 and 99D.17, the portion of
the fee paid pursuant to paragraph “a” relating to the costs
of special agents plus any direct and indirect support costs
for the agents, for the division of criminal investigation’s
racetrack activities, shall not be deposited in the general
fund of the state but instead shall be deposited into the
gaming enforcement revolving fund established in section 80.43.
Sec. 26. Section 99F.10, subsection 4, Code 2009, is amended
to read as follows:
4. a. In determining the license fees and state regulatory
fees to be charged as provided under section 99F.4 and this
section, the commission shall use as the basis for determining
the amount of revenue to be raised from the license fees and
regulatory fees the amount appropriated to the commission
plus the cost of salaries for no more than two special agents
for each excursion gambling boat or gambling structure and no
more than four gaming enforcement officers for each excursion
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
agency.

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

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

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

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

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

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

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

a. Advise the board on matters relating to parole, work release, and executive clemency, and advise the board on matters involving automation and word processing.

b. Carry out all directives of the board.

c. Hire and supervise all of the board’s staff pursuant to the provisions of chapter 8A, subchapter IV.

d. Act as the board’s liaison with the general assembly.

e. Prepare a budget for the board, subject to the approval of the board, and prepare all other reports required by law.

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

2. If an executive director is not appointed as provided in subsection 1, the chairperson shall serve as acting executive director.
director and perform the administrative duties under subsection 1.

Sec. 30. IOWA COMMUNICATIONS NETWORK. It is the intent of the general assembly that the executive branch agencies receiving an appropriation in this Act utilize the Iowa communications network or secure other electronic communications in lieu of traveling for the fiscal year addressed by the appropriations.

Sec. 31. HOMELAND SECURITY AND EMERGENCY MANAGEMENT DIVISION. There is appropriated from the wireless E911 emergency communications fund created in section 34A.7A to the administrator of the homeland security and emergency management division of the department of public defense for the fiscal year beginning July 1, 2010, and ending June 30, 2011, an amount not exceeding $200,000 to be used for implementation, support, and maintenance of the functions of the administrator and program manager under chapter 34A and to employ the auditor of the state to perform an annual audit of the wireless E911 emergency communications fund.

Sec. 32. CORRECTIONAL OFFICER AND PEACE OFFICER — PRIORITY. As a condition of receiving an appropriation in this Act, the department of corrections and the department of public safety shall make every effort to preserve correctional officer and peace officer positions through the reduction of administrative and related overhead costs.

EXPLANATION

This bill relates to and makes appropriations to the justice system and provides for fees and fines. The bill is organized into divisions.

DIVISION I — APPROPRIATIONS. This division makes appropriations from the general fund of the state for fiscal year 2010-2011 to the departments of justice, corrections, public defense, and public safety, and the Iowa law enforcement academy, office of the state public defender, board of parole, and Iowa state civil rights commission.
The division appropriates moneys from the department of commerce revolving fund created in Code section 546.12 to the office of consumer advocate of the department of justice. The division requires the department of corrections to employ two part-time nurses at the Luster Heights correctional facility, and seek volunteer licensed medical personnel to serve at the facility.

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

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

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

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

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

DIVISION II — COURT COSTS — FINES. The division increases numerous traffic fines related to simple misdemeanor offenses punishable as a scheduled violation under Code section 805.8A.
The bill also increases the fine related to first offense pseudoephedrine scheduled violations under Code section 805.8C(6).

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

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

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

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

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

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

DIVISION IV — GAMING ENFORCEMENT FUND AND MISCELLANEOUS PROVISIONS. The division makes numerous changes to the Code. The division amends Code section 8A.302 as amended by the 2010 Iowa Acts, Senate File 2088, to provide that items of a general use provided by Iowa state (prison) industries to other state agencies under Code section 904.808 are exempt from being purchased through the department of administrative services.

The division also amends 2010 Iowa Acts, Senate File 2088, to
provide that each judicial district department of correctional
services shall utilize the state budgeting system for purposes
of tracking appropriations and expenditures.

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

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

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

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

Code section 904.315 is amended by the division to provide
that a contract is not required for improvements at a state institution where the labor of inmates is used and the estimated cost of the improvements does not exceed $100,000. Currently, the contract requirement threshold is $50,000. The division amends Code section 904A.4B to provide that the chairperson may act as executive director of the board of parole, if the board does not appoint such a director. The duties of the executive director are specified in Code section 904A.4B.