



## House Republican Staff Analysis

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Bill: Justice Systems Appropriations Bill  
Committee: Conference Committee Report and Final Justice Systems Budget  
Date: 6/27/2011  
Staff: Amanda Freel (1-5230)

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### Summary

The Justice Systems Budget Spends \$506,075,850 from the General Fund for FY11-FY12.  
Senate Initial Proposal-\$504,139,311 (Senate underfunded indigent defense by \$5,000,000 in first proposal.)  
-Senate increased \$1,936,539

House Initial Proposal-\$500,637,311  
House increased \$5,438,539

The Justice Systems Budget Spends \$253,037,934 from the General Fund for FY12-FY13.

The Justice System Conference Committee Report made changes to the following budget areas:

- Attorney General (strike \$7,942,930 and insert \$7,792,930)
- Office of the Consumer Advocate (strike \$3,336,344 and insert \$3,136,163)
- Ft. Madison (strike \$41,188,445 and insert \$41,031,283)
- State Public Defender (strike \$31,680,929 and insert \$30,680,929- money moved to indigent defense)
- Indigent Defense (strike \$24,083,182 and insert \$25,083,182)
- Narcotics Enforcement (strike \$6,353,345 and insert \$6,429,884)
- Change all FY12-FY13 budget to 50% of FY11-FY1

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### Justice Systems

#### Division 1- Justice System FY 2011-2012

##### Section 1. Department of Justice

Total Department of Justice Appropriations \$12,484,161

Total Senate initial appropriations \$12,634,161  
Senate decrease of \$150,000

Total House initial appropriations \$11,169,330  
House increased \$1,314,831

##### Attorney General - \$7,792,930

Senate initial appropriations \$7,942,930  
Senate decreased \$200,000

House initial appropriations \$7,292,930  
House increased by \$500,000

Victim Assistance Grants - \$2,876,400

Senate initial appropriations- \$2,876,400  
House initial appropriations-\$2,876,400

Legal Service Poverty Grants - \$1,814,831

Senate initial appropriations \$1,814,831  
House initial appropriations \$1,000,000  
House increased by \$814,831

**Section 2. Office of Consumer Advocate**

Funding not from General Fund  
-\$3,136,163

**Section 3. Department of Corrections-Facilities**

Fort Madison-- \$41,031,283  
Senate initial appropriations \$41,345,606  
Senate decrease- \$31,4323

Anamosa-- \$31,985,974

Oakdale-- \$55,594,426  
Senate initial appropriations \$55,600,610  
Senate decrease- \$6,184  
House initial appropriations \$54,374,426  
House increase-\$1,220,000

Newton-- \$25,958,757

Mt. Pleasant-- \$25,917,815

Rockwell City-- \$9,316,466

Clarinda--\$24,482,356  
House initial appropriations \$24,639,518  
No net decrease

The \$157,162 from Clarinda is in a separate pool to allow the DOC to allocate the 3FTE's as necessary

Mitchellville --\$15,615,374

Fort Dodge-- \$29,062,235

County Confinement for prisoner- \$775,092

Federal Prison Reimbursement- \$239,411

**Section 4. Department of Corrections- Administration**

Department of Corrections Central Office - \$ 4,835,542

Iowa Corrections Offender Network (ICON) - \$424,364

Corrections Education- \$2,308,109  
Senate initial appropriations- \$2,383,109  
Senate decrease \$75,000

Mental Health/Substance Abuse- \$22,319

Hepatitis Treatment and Education \$ 167,881

### **Section 5. Judicial District Departments of Correctional Services**

First CBC \$12,204,948  
Senate initial appropriation \$13,890,258  
Senate decrease- \$1,685,310  
House initial appropriation \$12,020,098  
House increase \$184,850

Second CBC \$10,336,948

Third CBC \$ 5,599,765

Fourth CBC \$5,391,355

Fifth CBC \$18,742,129

Sixth CBC \$13,112,563

Seventh CBC \$6,492,814  
Senate initial appropriations-\$7,259,155  
Senate decrease \$766,341

Eighth CBC \$6,879,715  
House initial appropriations- \$6,731,055  
House increase \$148,660

### **Section 6. Department of Corrections- Reallocation of Appropriations**

Permits reallocation of funds within the DOC and CBC with notice to LSA and DOM

### **Section 7. Intent- Reports**

1. Inmate labor permitted for restoration or preservation of cemeteries historical land marks, roads, major water ways and other water sources.
2. Quarterly reports regarding private sector employment to LSA. Report shall include: number of offenders employed in the private sector, combined number of hours work, total amount of allowances and distribution of allowances.

### **Section 8. Electronic Monitoring Report**

Report on electronic monitoring is required. Report shall include; number of persons being monitored and reasons why.

### **Section 9. State Agency Purchases From Prison Industries**

1. Definition of "State Agency"
2. State agencies are encouraged to purchase products from Iowa State Industries if products are available. State agencies shall obtain bids from Iowa State Industries for the purchase of office furniture in excess of \$5,000

**Section 10. Iowa Law Enforcement Academy**

Iowa Law Enforcement Academy Appropriations- \$868,698

House initial appropriation-\$448,500

House increase-\$420,198

**Section 11. State Public Defender**

Public Defenders Office- \$25,083,182

Senate initial appropriation- \$24,083,182

Senate increase-\$1,000,000

House initial appropriation- \$24,083,182

House increase- \$1,000,000

Indigent Defense- \$30,680,929

Senate initial appropriation-\$26,680,929

Senate increase-\$4,000,000

House initial appropriation- 29,680,929

House increase \$1,000,000

**Section 12. Board of Parole**

Board of Parole- \$1,053,835

**Section 13. Department of Public Defense**

Total Department of Public Defense- \$7,363,919

Military Division- \$5,527,042

Homeland Security Division- \$1,836,877

**Section 14. Department of Public Safety**

DPS Administrative Functions- \$4,007,075

Division of Criminal Investigation- \$12,533,931

DCI Crime Lab- \$302,345

Narcotics Enforcement-\$6,429,884

Narcotic enforcement for undercover purchases- \$109,042

State Fire Marshall- \$4,298,707

State Patrol- \$51,903,233

Senate initial appropriation-\$52,026,698

Senate decrease - \$123,465

Sick Leave Payout- \$279,517

Training and Equipment of Firefighters \$725,520

House initial appropriation- \$575,520

House increase-\$150,000

**Section 15. Gaming Enforcement**

Appropriated from the gaming enforcement revolving fund. \$9,836,306

**Section 16. Civil Rights Commission**

Civil Rights Commission \$1,397,069  
House initial appropriation-\$1,297,069  
House increases-\$100,000

**Section 17. Acceleration of Indebtedness-Notice of Mortgage Mediation Assistance**

Extends date for 654.4B from July 1, 2011 to July 1, 2012- This section of the bill shall be effective upon enactment.

This code section requires a creditor to give borrower a 14 day demand for payment of an accelerated balance to qualify for attorney fees. Additionally, the creditor must inform the owner of the availability of counseling and mediation on a form prescribed by the attorney general

**Section 18. Schedule I- Substances Included**

Adds the following drugs to the list of schedule I controlled substances:

Salvia divinorum (not the garden variety)

Salvinornia A

Any substance that contains synthetic cannabinoids (ie; K2), not approved as a pharmaceutical  
Bath Salts (chemical equation defined) (not what people use for a bath)

**Section 19. Prohibited acts — Manufacturers — Possessors — Counterfeit Substances — Simulated Controlled Substances — Penalties.**

Separates the above drugs from schedule I drug penalties

**Section 20. Prohibited Acts — Manufacturers — Possessors — Counterfeit Substances — Simulate controlled substances — penalties.**

- Penalty for possession with intent to distribute to aggravated misdemeanor (aggravated misdemeanor carries a fine of at least \$625 but no more than \$6,250 and no more than 2 years in jail)
- Serious misdemeanor for a first offense possession.(House and Senate)
- Serious Misdemeanor is punishable by confinement for no more than one year and a fine of at least \$315 but no more than \$1,875.

**Section 21. Consumer Education and Litigation**

Maintains current spending cap of \$2,00,000

**Section 22 . Iowa Communications Network**

Intent of the House that the executive branch agencies receiving appropriations will utilize the Iowa Communications network or secure other electronic communications instead of traveling.

**Section 23. Homeland Security and Emergency Management Division**

Appropriates from the E911 wireless Emergency Communication Fund, money for administration of the E911 program and to employ the auditor to perform an annual audit \$200,000

**Section 24. Geriatric and Psychiatric Treatment**

Interim study committee to examine treatment and placement of geriatric and psychiatric patients within the DOC. Focus on maximizing availability of treatment options and achieve fiscal efficiencies.

**Section 25. Geriatric and Psychiatric Treatment Report**

DOC, Human Services, Inspections and Appeals, and the Board of Parole shall jointly study treatment options for geriatric and psychiatric patients currently under the care of the state to provide maximum treatment while achieving fiscal efficiencies. The report shall detail the results of the study by November 15, 2011

**Section 27 - Salary Increases- Certain Revolving Funds**

Senate language “an amount necessary” for funding annual pay adjustments and benefits.

**Section 28 and 29- Effective Date-**

K2 Changes take effect upon enactment. Changes to Salvia and Bath salts take effect 30 days after enactment.

**Overview of Language Changes Agreed to in Conference Committee**

Language-

- DOC shall continue operating prison farms
- DOC shall solicit requests for information to improve pharmacy efficiencies
- CBC shall accept transfer of offenders into residential facilities between CBC districts
- Requests Legislative Council to establish an interim study committee for treatment and placement options for geriatric and psychiatric patients under the care of the state.
- Directs DOC to allocate 3 new FTEs as necessary for security purposes

**Division 2 – Justice Systems FY12-FY13**

**FY12-FY13 Language Remains the Same- Funding is 50%**