



BILL AND AMENDMENT SUMMARY

Safe Keeping of Prisoners HF 528/SF 394

Status of Bill: On House Floor
Committee: Local Government 21-0, Passed 50-0 3/17/15
Lead Democrats: Representative Mascher
Floor Manager: Representative
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March 26, 2015

Bill Summary, HF 528

The bill clarifies at what point which entity or program is responsible for a prisoner's medical costs. Having a uniform procedure defined in the law will be helpful for all local governments and hospitals in Iowa. Currently a county is required to pay all charges and expenses for safekeeping and maintenance of prisoners at a county facility.

Under the bill, medical treatment for injuries experienced by a person prior to an initial appearance before a magistrate are to be paid for by the government entity responsible for the arrest, if not billed and collected by the following, in order:

1. If they receive medical aid at a hospital or other medical facility, and they are eligible for Medicaid or they are insured by a 3rd party payer, the facility will first bill Medicaid or the insurance.
2. If no Medicaid or 3rd party insurer, they will bill the prisoner.
3. If the prisoner does not pay the expenses, the applicable board of supervisors or city council will pay the expenses.

The bill further defines "custody" as per current law, 804.21, (Initial Appearance Before a Magistrate, Arrest by Warrant) and 804.22, (Initial Appearance Before a Magistrate, Arrest without Warrant), unless there is an agreement between the county and another governmental entity responsible for making the arrest.

The bill notwithstanding 25B.2, unfunded mandate on a political subdivision. Current law exempts from costs, those committed or detained by the federal government. In those cases, the federal government is to pay such expenses to a city or county, and the city is to pay the county. If the prisoner is committed or detained in another state and is sent to an Iowa county, the governmental entity from another state will pay the Iowa county.

Amendment Summary

H-1147 by Jones: Reserve Fund

The amendment allows the board of supervisors to credit funds to a reserve fund from a county mental health and disabilities services fund to be used for an essential county purpose. The amendment then adds to the list of essential county purposes, the county's expenses for safekeeping and maintenance of prisoners. It also adds under the city's trust and agency funds, and a cost that a city may levy for, the city's expenses for safekeeping and maintenance of prisoners.

H-1034 by Jones: Federal Reimbursement

The amendment clarifies the possible federal agencies that may be responsible for paying a county for prisoner expenses, to include, but not be limited to, the Federal Bureau of Investigation, the Drug Enforcement Agency, and the United States Immigration and Customs Enforcement agency. It also requires the state to pay the county for prisoner expenses in these federal cases, and the state be paid by the federal government or seek reimbursement for the expenses from the federal government. The city would pay expenses to the state (not the county as under current law).

Prisoners ordered by courts to be under the Department of Corrections or community-based corrections programs, will have those agencies pay expenses to the county. Prisoners detained by law enforcement agencies under the state, which would include, but not be limited to, the Iowa State Patrol and the Department of Criminal Investigation, will have those agencies pay expenses to the county. The amendment also would notwithstanding the current list provided in the bill, and have charges and expenses for safekeeping and maintenance of prisoners not be paid by the board of supervisors if the charges and expenses are provided as charitable care by a hospital or medical services provider.

H-1146 to H-1034 by Jones: Only Arrests Expenses

Clarifies that the expenses under the amendment paid by the city to the state will be only for those expenses resulting from the prisoner's arrest.

H-1117 by Sheets: Conforming Amendment to SF 394

The bill states that if the prisoner does not pay the expenses, the applicable board of supervisors or city council will pay the expenses. The amendment adds that the hospital or other medical facility is required, through all reasonable means, to attempt to collect from the prisoner the amount charged. If the hospital or other medical facility is unable to collect, then the applicable board of supervisors or city council will pay the expenses.

If amendment H-1117 is adopted with no other amendments to HF 528, SF 394 will be substituted for HF 528.