



**REVISED**  
**BILL AND AMENDMENT SUMMARY**

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**Safe Keeping  
of Prisoners  
HF 528/SF 394**

Status of Bill: On House Floor  
Committee: Passed Senate 50-0 3/17/15, Local Government 21-0  
Lead Democrats: Representative Mascher  
Floor Manager: Representative Sheets  
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### **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 for operating expenses of the county jail. Prisoner expenses of those committed to the county jail for violations of city ordinances are the responsibility of the city. 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.

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 3<sup>rd</sup> party payer, the facility will first bill Medicaid or the insurance.
2. If no Medicaid or 3<sup>rd</sup> 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.

### **Amendment Summary to HF 528**

#### **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.

## **Amendment Summary to SF 394**

### **H-1205 by Koester: Strikes Initial Appearance Before Magistrate and Limits Costs to Board of Supervisors**

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 amendment removes all references to these sections so the bill would only apply for costs in maintenance of a jail for a city.

Under the amendment, the first two billing options still apply. Those being the following:

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 3<sup>rd</sup> party payer, the facility will first bill Medicaid or the insurance.
2. If no Medicaid or 3<sup>rd</sup> party insurer, they will bill the prisoner.

After efforts have been exhausted by the hospital to collect from the prisoner, the amendment changes the third option so it would limit to the county board of supervisors, and would remove responsibility from the city council, the state agency or the United States for the costs.

### **H-1206 by Baudler: Strikes and Replaces Appearance Before Magistrate, City Responsible for Resisting Costs**

Similar to H-1205, the amendment removes references to the appearance before the magistrate but only in the first section of the bill. It adds back in the references to 804.21 and 804.22 in all charges and expenses for the safekeeping and maintenance of a prisoner before an initial appearance before the magistrate in the second section of the bill. The city costs would apply for maintenance of a jail and charges and expenses from the prisoner resisting arrest. It also still keeps all three billing options outlined in the bill. The amendment keeps, after

efforts have been exhausted by the hospital to collect from the prisoner, the county board of supervisors, the city council, the state agency or the United States for the costs.

\*If H-1205 is adopted, H-1206 will be out of order.

**H-1161 by Prichard: Medical Costs Limited to After Prisoner's Arrest**

Under the bill currently, if the prisoner does not pay the expenses, the applicable board of supervisors or city council will pay the expenses. The amendment would limit the medical costs for those expenses resulting from the prisoner's arrest. Thus, in the course of committing a possible crime the prisoner was injured, the governmental entity would not be responsible for those medical costs. The amendment also includes striking the reference in the bill to the requirement of after the initial appearance before the magistrate.

\*If H-1205 or H-1206 is adopted, H-1161 will be out of order.

**H-1160 by Koester: Medical Costs Limited to After Prisoner's Arrest**

This amendment is included in H-1161 by Prichard.

**H-1164 to H-1160 by Koester: Medical Costs Limited to After Prisoner's Arrest**

As amended the amendment would be like H-1161 that limits the medical costs for those expenses resulting from the prisoner's arrest, however, it would not strike the reference in the bill to the requirement of the after the initial appearance before the magistrate.

\*If H-1205 or H-1206 is adopted, H-1160 and H-1164 will be out of order.