

HOUSE REPUBLICAN STAFF ANALYSIS

Bill:	House File 727 (HSB 251)	House Committee:	PASSED on May 2 (16-8)
Committee:	Appropriations	House Floor:	
Floor Manager:	Rep. Lohse	Senate Floor:	
Date:	May 3, 2023	Governor:	
Staff:	Amanda Wille (1-5230)		

FY 2024 Justice Systems Appropriations

The bill appropriates money to the Justice System budget for the following areas:

- Attorney General
- Department of Corrections
- Iowa National Guard
- Department of Public Safety, Homeland Security and Emergency Management
- Iowa Law Enforcement Academy
- State Public Defender
- Board of Parole

FY 2023	FY 2024	FY 2024 v. FY 2023
\$632,951,201	\$669,219,175	\$36,886,937

Section-by-Section Analysis

DIVISION I

FY 2024 APPROPRIATIONS

Section 1 – Department of Justice

A. Attorney General

FY 2023	FY 2024	FY 2024 v. FY 2023
\$6,530,099	\$7,749,860	\$1,219,761

This subsection provides funding for the Attorney General and not more than 228 FTE's.

Intent of the General Assembly that the DOJ maintain a record of the estimated time incurred representing each agency or department.

The Office may incur a temporary negative cash balance as long as there are receivables of equal or greater than the balance and the amount appropriated is no exceeded at the close of the fiscal year.

B. Victim Assistance Grants

FY 2023	FY 2024	FY 2024 v. FY 2023
\$5,016,708	\$5,016,708	\$0

This subsection provides funding for victim assistance grants. These grants are used for care providers who provide services to crime victims of domestic abuse and other crimes including rape and sexual assault. May be used for no more than 24 FTE's. In addition to the FTE's, 7 full time equivalent positions are authorized and can be used by the DOJ to employ one accountant and four program planners. The DOJ may employ the 7 only if the DOJ receives sufficient federal money to maintain the positions. These positions may only be retained if the federal money is available.

The DOJ shall transfer at least \$150,000 from the victim compensation fund to the victim assistance grant program

Moneys appropriated for Victim Assistance Grants that are not spent at the end of the fiscal year, shall not revert to the general fund, but shall remain available for purposes designated until the close of the next fiscal year.

C. Legal Service Poverty Grants

FY 2023	FY 2024	FY 2024 v. FY 2023
\$2,634,601	\$2,634,601	\$0

This subsection provides money for legal service poverty grants

D. Cybersecurity and Technology Infrastructure

FY 2023	FY 2024	FY 2024 v. FY 2023
\$202,060	\$202,060	\$0

The DOJ shall include a report that lists funds from other sources, other than the General Fund when requesting a yearly budget. DOJ shall include information regarding any revisions that occur as a result of reimbursements received or those expected to be received. The report shall be submitted on or before January 15, 2024.

The DOJ shall reimburse the costs and expenses incurred by the Iowa Law Enforcement Academy to continue to employ one additional instructor position to provide training for domestic abuse and human trafficking-related issues throughout the state.

The DOJ shall obtain money necessary to reimburse the ILEA from either the victim compensation fund, the human trafficking victim fund, or the human trafficking enforcement fund.

Section 2 – Office of Consumer Advocate

FY 2023	FY 2024	FY 2024 v. FY 2023
\$3,378,093	\$3,378,093	\$0

The money for the consumer advocate is not appropriated from the General Fund. It comes from the Department of Commerce Revolving Fund. No more than 18 FTE's

Section 3 – Department of Corrections-Facilities

This section appropriates money for the Department of Corrections facilities, including salaries, support, maintenance and miscellaneous purposes.

a. Fort Madison

FY 2023	FY 2024	FY 2024 v. FY 2023
\$43,937,403	\$44,192,771	\$255,368

b. Anamosa

FY 2023	FY 2024	FY 2024 v. FY 2023
\$36,849,581	\$37,022,808	\$173,227

c. Oakdale

FY 2023	FY 2024	FY 2024 v. FY 2023
\$56,250,842	\$56,368,832	\$117,990

DOC Institutional Pharmaceuticals

FY 2023	FY 2024	FY 2024 v. FY 2023
\$8,556,620	\$9,550,417	\$993,797

d. Newton

FY 2023	FY 2024	FY 2024 v. FY 2023
\$30,318,214	\$30,437,665	\$119,451

e. Mount Pleasant

FY 2023	FY 2024	FY 2024 v. FY 2023
\$28,464,947	\$28,642,429	\$177,482

f. Rockwell City

FY 2023	FY 2024	FY 2024 v. FY 2023
\$11,043,114	\$11,090,142	\$47,028

g. Clarinda

FY 2023	FY 2024	FY 2024 v. FY 2023
\$27,175,874	\$ 27,355,684	\$179,810

Money received by the DOC as reimbursement for services provided to the Clarinda Youth Corporation are appropriated to the DOC and shall be used for operating the Clarinda Prison.

h. Mitchellville

FY 2023	FY 2024	FY 2024 v. FY 2023
\$24,823,392	\$24,946,721	\$123,329

i. Fort Dodge

FY 2023	FY 2024	FY 2024 v. FY 2023
\$32,636,226	\$32,742,479	\$106,253

j. Counties- For Temporary Confinement

FY 2023	FY 2024	FY 2024 v. FY 2023
\$1,195,319	\$1,195,319	\$0

This allows for the reimbursement to counties for temporary confinement of work release and parole violators and other offenders.

k. Federal Prison Reimbursement

FY 2023	FY 2024	FY 2024 v. FY 2023
\$234,411	\$234,411	\$0

This allows for federal prison reimbursements for out of state placement and miscellaneous contracts.

The DOC shall use money appropriated in subsection 1 to continue to contract for services of a Muslim imam and a Native American Spiritual Leader.

Section 4 – Department of Corrections- Administration

This section provides funding for the Administration of the Department of Corrections and for the adjustment of salaries throughout the department.

1. General Administration

FY 2023	FY 2024	FY 2024 v. FY 2023
\$6,321,190	\$6,313,331	\$-7,859

a. Inmate labor cannot be used for partisan political purposes for any person seeking office.

- b. DOC shall not enter in to a lease to contract with a private corporation without ensuring inmates cannot gain personal identifying information of citizens.

2. Educational Programs

FY 2023	FY 2024	FY 2024 v. FY 2023
\$2,608,109	\$2,608,109	\$0

- a. DOC shall establish guidelines and procedures to prioritize the availability of educational and vocational training for inmates based on the goal of facilitating an inmate's successful release.
- b. DOC may transfer money from Iowa Prison Industries and canteen operating funds for use in educational programs.

3. Iowa Corrections Offender Network (ICON)

FY 2023	FY 2024	FY 2024 v. FY 2023
\$2,000,000	\$2,000,000	\$0

4. Offender Mental Health and Substance Abuse Treatment

FY 2023	FY 2024	FY 2024 v. FY 2023
\$28,065	\$28,065	\$0

5. Department Wide Duties

FY 2023	FY 2024	FY 2024 v. FY 2023
\$243,797	\$12,978,108	\$12,734,311

Section 5 – Judicial District Departments of Correctional Services

1. Appropriations for Salaries, support maintenance and miscellaneous purpose for Judicial District Department of Correctional Services.

a. CBC District 1

FY 2023	FY 2024	FY 2024 v. FY 2023
\$16,207,339	\$16,207,339	\$0

It is the intent of the General Assembly that this department of correctional services maintain a drug court to be operated by this district department.

b. CBC District 2

FY 2023	FY 2024	FY 2024 v. FY 2023
\$12,789,649	\$12,789,649	\$0

It is the intent of the General Assembly that this department of correctional services maintain two drug courts to be operated by this district department.

c. CBC District 3

FY 2023	FY 2024	FY 2024 v. FY 2023
\$7,710,790	\$7,710,790	\$ 0

d. CBC District 4

FY 2023	FY 2024	FY 2024 v. FY 2023
\$6,193,805	\$6,193,805	\$0

e. CBC District 5

FY 2023	FY 2024	FY 2024 v. FY 2023
\$23,440,024	\$23,440,024	\$ 0

It is the intent of the General Assembly that this department of correctional services maintain a drug court to be operated by this district department

f. CBC District 6

FY 2023	FY 2024	FY 2024 v. FY 2023
\$16,755,370	\$16,755,370	\$ 0

It is the intent of the General Assembly that this department of correctional services maintain a drug court to be operated by this district department

g. CBC District 7

FY 2023	FY 2024	FY 2024 v. FY 2023
\$ 9,672,851	\$10,362,851	\$690,000

It is the intent of the General Assembly that this department of correctional services maintain a drug court to be operated by this district department

h. CBC District 8

FY 2023	FY 2024	FY 2024 v. FY 2023
\$ 9,238,778	\$ 9,238,778	\$ 0

Statewide judicial assistance, support and pilot projects for judicial district department of correctional services.

2. Each CBC shall continue programs and plans established to provide for intensive supervision, sex offender treatment, diversion of low risk offenders to the least restrictive sanctions, job development and expanded use of intermediate criminal sanctions.
3. Each CBC shall provide alternatives to prison. The alternatives shall ensure public safety while providing maximum rehabilitation to the offender.

4. Office of drug control policy shall consider federal grants made to the DOC for the benefits of the eight judicial district departments of correctional services as local government grants.
5. DOC shall continue to contract with a judicial district department of correctional services to provide for the rental of electronic monitoring equipment, which shall be available state wide.
6. The public safety assessment shall not be used in pretrial hearings when determining whether to detain or release a defendant before trial, until the use of the assessment has been specifically authorized by the general assembly.

Section 6- Department of Corrections- Reallocation of Appropriations

The DOC may reallocate money appropriated as necessary to best fulfill the needs of the correctional institutions and the department. Reports must be provided to LSA, and DOM prior to the effective date of the revision or reallocation. Money cannot be appropriated for the purpose of eliminating any program.

Section 7- Intent Reports

Inmate labor may be used beginning July 1, 2023 to restore or preserve rural cemeteries and historical landmarks. Inmate labor may also be used to clean up roads, major water sources and other water sources around the state.

The DOC shall provide a yearly status report regarding private sector employment to LSA.

Section 8- Electronic Monitoring Report

The DOC shall submit a report on electronic monitoring to the general assembly addressing the numbers of people being monitored broken down by offenses committed.

Section 9- State Agency Purchases from Prison Industries

State agencies are encouraged to purchase products from Iowa State Industries. Bids shall be obtained from Iowa State industries for purchases of office furniture exceeding \$5,000.

Section 10 –Iowa Law Enforcement Academy

FY 2023	FY 2024	FY 2024 v. FY 2023
\$1,239,824	\$ 1,238,504	\$-1,320

For salaries, support, maintenance, miscellaneous purposes including training and technical assistance. No more than 30.25 FTE's.

The ILEA may temporarily exceed the amount appropriated and incur a negative balance as long as there are receivables equal or greater than the negative balance.

ILEA may select at least 5 vehicles from the State Patrol that were going to be turned over to DAS for public auction, to be used by the academy.

The ILEA shall provide training for domestic abuse and human trafficking related issues throughout the state. The training shall be offered at no cost to the attendees and the training shall not replace any existing program offered by the academy. The one FTE for this is provided by money from the AG's office.

Section 11 –State Public Defender

1. State Public Defender

FY 2023	FY 2024	FY 2024 v. FY 2023
\$30,112,503	\$30,068,203	\$-44,300

No more than 234 FTE's

2. Indigent Defense Fund

FY 2023	FY 2024	FY 2024 v. FY 2023
\$42,160,374	\$44,942,374	\$2,782,000

Money received from Title IV-E of the Federal Social Securities Act that remain unencumbered and obligated at the end of the year shall not revert but be transferred to Title IV-E juvenile justice improvement fund to be used the following year.

Section 12 –Board of Parole

FY 2023	FY 2024	FY 2024 v. FY 2023
\$1,308,724	\$1,517,894	\$209,170

No more than 11.00 FTE's

Section 13 –Department of Public Defense

1. Military Division

FY 2023	FY 2024	FY 2024 v. FY 2023
\$7,014,705	\$ 6,963,037	\$-51,668

No more than 248 FTE's. The military division may temporarily exceed and draw more than appropriated and incur a negative cash balance as long as there will be federal funds to avoid a year end negative balance.

Section 14 –Department of Homeland Security and Emergency Management

FY 2023	FY 2024	FY 2024 v. FY 2023
\$2,289,389	\$2,439,389	\$150,000

No more than 25.44 FTE's

The Department of Homeland Security and Emergency Management may temporarily exceed and draw more than appropriated and incur a negative cash balance as long as there will be federal funds to avoid a year end negative balance.

Section 15 –Department of Public Safety

1. Public Safety Administration

FY 2023	FY 2024	FY 2024 v. FY 2023
\$5,946,368	\$5,920,476	\$ -25,892

No more than 47 FTE's.

This funding is for the administrative functions of the DOC, including salaries and salary adjustments throughout the department.

2. Division of Criminal Investigation

FY 2023	FY 2024	FY 2024 v. FY 2023
\$19,712,633	\$19,712,633	\$0

Not more than 180 FTE's

This appropriation also includes the state's contribution to the peace officer's retirement, accident and disability system.

3. Criminalistics Laboratory Fund

FY 2023	FY 2024	FY 2024 v. FY 2023
\$650,000	\$650,000	\$0

Money provided in this subsection shall not revert.

4. Division of Narcotics Enforcement

FY 2023	FY 2024	FY 2024 v. FY 2023
\$8,613,894	\$8,613,894	\$0

Not more than 67 FTE's

The Division of Narcotics Enforcement may employ one additional FTE authorized only if the Division of Narcotics Enforcement receives sufficient federal moneys to maintaining employment for the two additional FTE's during the current fiscal year. DCI shall only employ the one FTE in succeeding fiscal years if sufficient federal moneys are received.

b. Narcotics Enforcement for Undercover Purchases

FY 2023	FY 2024	FY 2024 v. FY 2023
\$209,042	\$209,042	\$0

5. State Fire Marshall

FY 2023	FY 2024	FY 2024 v. FY 2023
\$5,602,778	\$3,230,743	\$-2,372,035

Not more than 21 FTE's

For the division of State Fire Marshal, for fire protection services and for the state's contribution to the peace officer's retirement, accident, and disability system.

As a condition of appropriations, the commissioner of DPS shall appoint the administrator of the fire service training bureau of the division of state fire marshal.

6. State Patrol

FY 2023	FY 2024	FY 2024 v. FY 2023
\$71,409,788	\$87,066,931	\$15,657,143

Not more than 506 FTE's

Intent of the General Assembly that State Patrol Officers are used on the road and not for school bus inspection.

7. Sick Leave Benefits Fund

FY 2023	FY 2024	FY 2024 v. FY 2023
\$279,517	\$279,517	\$0

8. Firefighter Training

FY 2023	FY 2024	FY 2024 v. FY 2023
\$1,025,520	\$1,075,520	\$50,000

a. Money appropriated in this subsection that remain unencumbered at the end of the fiscal year shall remain available for expenditures designated in this subsection until the close of the next fiscal year.

b. DPS may reallocate money appropriated in this section as necessary to fulfill the needs for this appropriation. However, the department shall not reallocate money in this section unless notice is given to LSA and DOM prior to the reallocation. Notice shall include information regarding rationale for the reallocation. Money may not be reallocated to eliminate any program.

9. Public Safety Interoperable and Broadband Communication Fund

FY 2023	FY 2024	FY 2024 v. FY 2023
\$115,661	\$115,661	\$0

10. Office to Combat Human Trafficking

FY 2023	FY 2024	FY 2024 v. FY 2023
\$200,742	\$200,742	\$0

2 FTE

11. Department Wide Duties

FY 2023	FY 2024	FY 2024 v. FY 2023
\$0	\$6,456,270	\$6,456,270

12. Public Safety Equipment Fund

FY 2023	FY 2024	FY 2024 v. FY 2023
\$2,500,000	\$2,500,000	\$0

This money shall not be reallocated without notice to LSA or DOM. The money shall not revert at the end of the legislative year.

13. Office of Drug Control Policy

FY 2023	FY 2024	FY 2024 v. FY 2023
\$0	\$249,219	\$249,219

This is a new division under DPS, created through the Governor's reorganization plan.

Section 16 –Gaming Enforcement

FY 2023	FY 2024	FY 2024 v. FY 2023
\$10,778,483	\$10,778,483	\$0

This is not General Fund money

1. Money appropriated is used for agents and officers in gaming structures in Iowa. No more than 65 FTE's.
2. For each additional license to conduct gambling in a structure, an additional \$300,000 and no more than 3 FTE's appropriated from the gaming enforcement fund to the Department of Public Safety.
3. DPS, may employ no more than 3 special agents for each additional riverboat or gambling structure and three special agents for each racing facility that becomes operational during the fiscal year. Positions are in addition to the FTE positions otherwise authorized.

Section 17 –Department of Homeland Security and Emergency Management

E911 Emergency Communication Administration- E911 Surcharge

FY 2023	FY 2024	FY 2024 v. FY 2023
\$300,000	\$300,000	0

This is NOT General Fund money. This money comes from the E911 Surcharge

Section 18- Consumer Education and Litigation- Farm Mediation and Prosecutions, Appeals, and Claims

Allows the Attorney General to use \$300,000 from the consumer education and litigation fund for farm mediation services. This is a onetime allowance.

For salaries support, maintenance and miscellaneous purpose for criminal prosecution, appeals and performing duties, \$2,000,000 is appropriated and 2 FTEs

Division II

Indigent Defense and Representation

Section 19- Cost-Compensation and Fees-Indigent Defense- Fees to Attorneys (815.7 2023)

Keeps appointments made between July 1, 2021 and June 30, 2022 at the previously set rates.

Keeps appointments made between July, 1, 2022 and June 30, 2023 at the previously set rates.

Section 20- Cost-Compensation and Fees-Indigent Defense- Fees to Attorneys (815.7)

Raises the payment to public defenders for class “A” felonies to \$83 per hour, Class “B” felonies to \$78 per hour and all other cases to \$73 per hour.

This is an increase of \$5 per hour for pubic defenders.

Section 21- Cost- Compensation and Fees- Indigent Defense- Travel Time for Attorney or Guardian Ad Litem (815.7A)

1. An attorney, or guardian ad litem who travels outside their county when it is reasonable and necessary to do so to represent an indigent client shall be paid \$35 per hour for travel time (in addition to mileage). Compensation for travel for proceedings, other than a trial or other contested proceeding shall only be paid if the attorney or GAL files a motion for a remote hearing and the motion is denied. This section does not affect any allowable compensation for time spent traveling already compensated under other provisions of law.
2. Compensation for travel for an arraignment, pretrial conference, scheduling conference, or any other uncontested or nontestimonial judicial proceeding, when a remote hearing request was denied shall be paid for by the judicial branch.
3. County of domicile means the address the attorney or GAL has on file with the office of the state public defender.

Division III

Attorney General- Antitrust Fund- Consumer Education and Litigation Fund

Section 22- Consumer Education and Litigation Fund

Amends the 2021 acts, date change to extend the consumer education and litigation fund annual appropriation from 2023 to 2025.

Section 23- Department of Justice Litigation

Any moneys not appropriated from the antitrust fund or the consumer education and litigation fund are appropriated to the Department of Justice for salaries, support, maintenance, and miscellaneous purposes. This applies to FY23 and FY24

Section 24- Effective Date

Section 23 is effective upon enactment

Section 25- Retroactive Applicability

Section 23 is retroactive

Division IV

Department of Corrections

Section 26- Department of Corrections- Director May Buy and Sell Real Estate- Options

When DOC property is sold, the money from the sale will be placed in a corrections capital reinvestment fund to be used by the DOC.

Money in the fund does not revert

Section 27- Transfer

Money in the general fund from the sale of DOC real estate that is available to the department will be transferred to the corrections capital reinvestment fund on June 30, 2023.

Section 28- Effective Date

This division is effective June 30, 2023

Division V

Iowa Law Enforcement Academy Study

Section 29- Iowa Law Enforcement Academy Interim Study

Creates an interim study for the Iowa Law Enforcement Academy.

The study will- review and evaluate basic training requirements, standards of physical, mental, educational and moral fitness, and consider the need for additional ILEA training schools.

Division VI

Human Trafficking Study

Section 30- Human Trafficking Interim Study Committee

Creates an interim study on human trafficking.

The study will- Identify current initiatives to eliminate human trafficking, identify services available, examine laws in other states focused on minor victims, recommend rehabilitation services for victims, create a procedure for law enforcement to follow with victims, investigate the efficacy of safe harbor laws, and identify funding needs.

Division VII

Directive- Department of Public Safety

Section 31- Department of Public Safety- Peace Officers' Retirement, Accident, and Disability Systems

Requires DPS to pay the peace officers retirement, accident, and disability system sufficient to fund the actuarial costs due to the MVE transfer.

Section 32- Contingent Effective Date

This division takes effect July 1, 2023, if SF 513 is enacted.

Amendment Analysis