

CHAPTER 149

JUVENILE LAWS

S.F. 522

AN ACT relating to juveniles, regarding children in need of services, the detention of juveniles in adult detention facilities, and penalties for violations of certain misdemeanors and ordinances.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 232.8, subsection 1, unnumbered paragraph 3, Code 1987, is amended to read as follows:

Violations by a child of provisions of chapter 106, 106A, 109, 109A, 110, 110A, 110B, 111, 321, or 321G which would be simple misdemeanors if committed by an adult, and violations of county or municipal curfew or traffic ordinances, and violations by a child of the provisions of section 123.47, are excluded from the jurisdiction of the juvenile court and shall be prosecuted as simple misdemeanors as provided by law. The court may advise appropriate juvenile authorities and may refer violations of section 123.47 to the juvenile court when there is reason to believe ~~that~~ the child regularly abuses alcohol and may be in need of treatment. The court shall notify the parents or legal guardians of a child ~~that~~ who appears before it for a violation of section 123.47. A child convicted of a violation under this paragraph shall be sentenced pursuant to section 903.1, subsection 3.

Sec. 2. Section 232.22, subsection 2, unnumbered paragraph 1, Code 1987, is amended to read as follows:

A child may be placed in detention as provided in this section ~~only~~ in one of the following facilities only:

Sec. 3. Section 232.22, subsection 2, paragraphs a, b, and c, Code 1987, are amended to read as follows:

a. A juvenile detention home.

b. Any other suitable place designated by the court other than a facility under paragraph "c".

c. A room in a facility intended or used for the detention of adults if there is probable cause to believe that the child has committed a delinquent act which if committed by an adult would be a felony, and if all of the following apply:

(1) The child is at least ~~fourteen~~ sixteen years of age; and.

(2) The child has shown by the child's conduct, habits, or condition that the child constitutes an immediate and serious danger ~~to the child's self or to another, or to the property of another, and a facility or place enumerated in paragraph "a" or "b" of this subsection is unavailable, or the court determines that the child's conduct or condition endangers the safety of others in the facility; and.~~

(3) The facility has an adequate staff to supervise and monitor the child's activities at all times; and.

(4) The child is confined in a room entirely separated from detained adults, is confined in a manner which prohibits communication with detained adults, and is permitted to use common areas of the facility only when no contact with detained adults is possible.

Sec. 4. Section 232.22, subsection 4, Code 1987, is amended to read as follows:

4. A child shall not be detained in a facility under subsection 2, paragraph "c" for a period of time in excess of twelve six hours without the oral or written order of a judge or a magistrate authorizing the detention. ~~When the detention is authorized by an oral court order, the court shall enter a written order before the end of the next day confirming the oral order and~~

indicating the reasons for the order. A judge or magistrate may authorize detention in a facility under subsection 2, paragraph "c" for a period of time in excess of six hours but less than twenty-four hours, excluding weekends and legal holidays, but only if all of the following occur or exist:

a. The facility serves a geographic area outside a standard metropolitan statistical area as determined by the United States census bureau.

b. The court determines that an acceptable alternative placement does not exist pursuant to criteria developed by the department of human services.

c. The facility has been certified by the department of corrections as being capable of sight and sound separation pursuant to sections 232.22 and 356.3.

d. The child is awaiting an initial hearing before the court pursuant to section 232.44.

Sec. 5. Section 232.44, subsections 1 and 3, Code 1987, are amended to read as follows:

1. A hearing shall be held within forty-eight hours, excluding Saturdays, Sundays, and legal holidays, of the time of the child's admission to a detention or shelter care facility, and within twenty-four hours, excluding Saturdays, Sundays, and legal holidays, of the time of a child's admission to a detention facility. If the hearing is not held within the time specified, the child shall be released from shelter care or detention. Prior to the hearing a petition shall be filed, except where the child is already under the supervision of a juvenile court under a prior judgment.

3. A notice shall be served upon the child, the child's attorney, the child's guardian ad litem if any, and the child's known parent, guardian, or custodian not less than ~~twenty-four~~ twelve hours before the time the hearing is scheduled to begin and in a manner calculated fairly to apprise the parties of the time, place, and purpose of the hearing. If the court finds that there has been reasonably diligent effort to give notice to a parent, guardian, or custodian and that the effort has been unavailing, the hearing may proceed without the notice having been served.

Sec. 6. Section 805.1, Code 1987, is amended by adding the following new subsection:

NEW SUBSECTION. 8. A peace officer shall issue a citation in lieu of arrest to a person under eighteen years of age accused of violating a simple misdemeanor under the provisions of chapter 106, 106A, 109, 109A, 110, 110A, 110B, 111, 321, or 321G, and shall not detain or confine the person in a facility regulated under chapter 356 or 356A.

Sec. 7. Section 903.1, Code 1987, is amended to read as follows:

903.1 MAXIMUM SENTENCE FOR MISDEMEANANTS.

1. When a person eighteen years of age or older is convicted of a simple or serious misdemeanor and a specific penalty is not provided for, the court shall determine the sentence, and shall fix the period of confinement or the amount of fine, if such be the sentence, within the following limits:

a. For a simple misdemeanor, imprisonment not to exceed thirty days, or a fine not to exceed one hundred dollars.

b. For a serious misdemeanor, imprisonment not to exceed one year, or a fine not to exceed one thousand dollars, or both.

2. When a person is convicted of an aggravated misdemeanor, and a specific penalty is not provided for, the maximum penalty shall be imprisonment not to exceed two years, or a fine not to exceed five thousand dollars, or both. When a judgment of conviction of an aggravated misdemeanor is entered against any person and the court imposes a sentence of confinement for a period of more than one year the term shall be an indeterminate term.

3. A person under eighteen years of age convicted of a simple misdemeanor under chapter 106, 106A, 109, 109A, 110, 110A, 110B, 111, 321, or 321G, or a violation of a county or municipal curfew or traffic ordinance, may be required to pay a fine, not to exceed one hundred dollars, as fixed by the court, or may be required to perform community service as ordered by the court.

The criminal penalty surcharge required by section 911.2 shall be added to a fine imposed on a misdemeanor, and is not a part of or subject to the maximums set in this section.

Sec. 8. The legislative council shall create an interim study committee to review the problem of runaways. The interim study committee shall be composed of legislative members and shall make its report to the legislative council and general assembly meeting in January, 1988.

Approved May 27, 1987

CHAPTER 150

FORGERY AND SIMILAR FRAUDS

H.F. 574

AN ACT relating to the crime of forgery and related fraudulent* criminal acts, and providing penalties.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. **NEW SECTION. 715A.1 DEFINITIONS.**

1. As used in this chapter the term "writing" includes printing or any other method of recording information, and includes money, coins, tokens, stamps, seals, credit cards, badges, trademarks, and other symbols of value, right, privilege, or identification.

2. As used in this chapter the term "credit card" means a writing purporting to evidence an undertaking to pay for property or services delivered or rendered to or upon the order of a designated person or bearer and includes a debit card or access device used to engage in an electronic transfer of funds through a satellite terminal as defined in section 527.2, subsection 1.

Sec. 2. **NEW SECTION. 715A.2 FORGERY.**

1. A person is guilty of forgery if, with intent to defraud or injure anyone, or with knowledge that the person is facilitating a fraud or injury to be perpetrated by anyone, the person does any of the following:

a. Alters a writing of another without the other's permission.

b. Makes, completes, executes, authenticates, issues, or transfers a writing so that it purports to be the act of another who did not authorize that act, or so that it purports to have been executed at a time or place or in a numbered sequence other than was in fact the case, or so that it purports to be a copy of an original when no such original existed.

c. Utters a writing which the person knows to be forged in a manner specified in paragraph "a" or "b".

2. a. Forgery is a class "D" felony if the writing is or purports to be part of an issue of money, securities, postage or revenue stamps, or other instruments issued by the government, or part of an issue of stock, bonds, or other instruments representing interests in or claims against any property or enterprise, or a check, draft, or other writing which ostensibly evidences an obligation of the person who has purportedly executed it or authorized its execution.

b. Forgery is an aggravated misdemeanor if the writing is or purports to be a will, deed, contract, release, commercial instrument, or any other writing or other document evidencing, creating, transferring, altering, terminating, or otherwise affecting legal relations.

Sec. 3. **NEW SECTION. 715A.3 SIMULATING OBJECTS OF ANTIQUITY OR RARITY.**

A person commits a serious misdemeanor if, with intent to defraud anyone or with knowledge that the person is facilitating a fraud to be perpetrated by anyone, the person makes, alters, or utters any object so that it appears to have value because of antiquity, rarity, source, or authorship which it does not possess.

*According to enrolled Act