FILED MAR 19 1992

SENATE FILE 2337

BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 2260.1)

Passed Senate, Date _____ Passed House, Date _____

Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act relating to criminal and juvenile justice and public
2 programs involving juveniles, making appropriations, granting
3 the juvenile court jurisdiction over chronic runaways,
4 establishing a youthful offender program and a boot camp pilot
5 project, establishing racketeer influenced corrupt
6 organizations provisions including criminal and civil
7 penalties, increasing certain criminal penalties, and
8 providing implementation and effective date provisions.
9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
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1 DIVISION I
2 PREVENTION AND INTERVENTION
3 Section 1. FAMILY PRESERVATION PROGRAMS. There is
4 appropriated from the general fund of the state to the
5 department of human services for the fiscal year beginning
6 July 1, 1992, and ending June 30, 1993, in addition to other
7 appropriations made for the following purpose for that fiscal
8 year, the following amount, or so much thereof as is
9 necessary, to be used for the purpose designated:
10 For creation of pilot programs utilizing mentors in family
11 preservation and reunification projects in Polk and Black Hawk
12 counties:
13 ..... $ 235,000
14 Sec. 2. ENHANCED RESIDENTIAL TREATMENT. There is
15 appropriated from the general fund of the state to the
16 department of human services for the fiscal year beginning
17 July 1, 1992, and ending June 30, 1993, in addition to other
18 appropriations made for the following purpose for that fiscal
19 year, the following amount, or so much thereof as is
20 necessary, to be used for the purpose designated:
21 For payment of per diem reimbursement for 30 new enhanced
22 residential treatment beds for juveniles:
23 ..... $ 235,000
24 The moneys appropriated in this section shall only be used
25 for payment of per diem reimbursement for at least 30 enhanced
26 residential treatment beds which were not in existence before
27 July 1, 1992, and shall not be used for any other purpose.
28 Sec. 3. HOMELESS, ABUSED, AND RUNAWAY JUVENILES. Of the
29 moneys appropriated under the federal National Affordable
30 Housing Act of 1990 and received in the fiscal year beginning
31 July 1, 1991, $200,000 shall be used in order to provide at
32 least 10 new shelter care beds for juveniles who are homeless,
33 abandoned, abused, have run away from home, or are otherwise
34 unable to safely remain in their home and who are not provided
35 services by the department of human services or the court at

1 the time the shelter care begins. The grants shall be awarded
2 in accordance with federal requirements in order to provide
3 the beds in the areas of the state with the greatest
4 proportion of juveniles who are at-risk of being homeless,
5 abandoned, abused, or otherwise unable to remain safely in
6 their home.
7 Sec. 4. JUVENILE AFTERCARE AND TREATMENT DEMONSTRATION
8 GRANT PROGRAM. There is appropriated from the general fund of
9 the state to the juvenile support demonstration grant fund
10 created in this section, for the fiscal year beginning July 1,
11 1992, and ending June 30, 1993, the following amount, or so
12 much thereof as is necessary, to be used for the purpose
13 designated:
14 For grants to juvenile aftercare and treatment
15 demonstration projects in accordance with this section:
16 ..... $ 200,000
17 1. A juvenile aftercare and treatment demonstration grant
18 fund is created in the office of the treasurer of state under
19 the authority of the judicial department and the department of
20 human services. Notwithstanding section 8.33, moneys in the
21 fund which remain unobligated or unexpended at the end of the
22 fiscal year shall not revert to the general fund of the state
23 but shall remain available to provide grants in accordance
24 with this section.
25 2. The judicial department and the department of human
26 services shall jointly establish criteria and requirements for
27 awarding grants from the grant fund. The grants shall be for
28 the provision of aftercare and treatment services to juveniles
29 who have been adjudicated as delinquent or as a child in need
30 of assistance or have received substance abuse treatment and
31 have completed the requirements of the adjudication or
32 treatment. The aftercare and treatment services shall be
33 designed to eliminate the need for further adjudication or
34 treatment. In awarding grants, every effort shall be made to
35 make use of existing funding available for aftercare and

1 treatment services.
2 3. The grants shall be awarded to programs which are based
3 upon successful programs utilizing mentors and other
4 innovative approaches to working with similar juveniles.
5 Programs shall be required to provide evaluation information.
6 Sec. 5. DRUG ABUSE RESISTANCE EDUCATION. There is appro-
7 priated from the general fund of the state to the department
8 of public safety for the fiscal year beginning July 1, 1992,
9 and ending June 30, 1993, in addition to other appropriations
10 made for the following purpose for that fiscal year, the
11 following amount, or so much thereof as is necessary, to be
12 used for the purpose designated:
13 For use by the department to provide law enforcement
14 officials for project D.A.R.E. (drug abuse resistance educa-
15 tion) within local communities targeted to fifth and sixth
16 grade students:
17 ..... $ 28,500
18 Sec. 6. Section 232.2, subsection 4, paragraph f, Code
19 Supplement 1991, is amended to read as follows:
20 f. When a child is sixteen years of age or older, a
21 written plan of services which, based upon an assessment of
22 the child's needs, would assist the child in preparing for the
23 transition from foster care to independent living. <u>If the</u>
24 <u>child is interested in pursuing higher education, the plan</u>
25 <u>shall provide for the child's participation in the college</u>
26 <u>student aid commission's program of assistance in applying for</u>
27 <u>federal and state aid under section 261.2.</u>
28 Sec. 7. Section 232.2, Code Supplement 1991, is amended by
29 adding the following new subsection:
30 <u>NEW SUBSECTION</u>. 54. "Child in need of services" means a
31 child who is voluntarily absent without permission from the
32 child's home or placement for a period of time exceeding one
33 week, or who is voluntarily absent without permission from the
34 child's home or placement for a period of time exceeding
35 twelve hours on each of three or more separate occasions in a

1 three-month period, and whose health, safety, and welfare are
2 at risk.
3 Sec. 8. Section 232.52, subsection 6, unnumbered paragraph
4 2, Code Supplement 1991, is amended to read as follows:
5 When the court orders the transfer of legal custody of a
6 child pursuant to subsection 2, paragraph "d", and the child
7 is sixteen years of age or older, the order shall specify the
8 services needed to assist the child in preparing for the
9 transition from foster care to independent living. If the
10 child is interested in pursuing higher education, the plan
11 shall provide for the child's participation in the college
12 student aid commission's program of assistance in applying for
13 federal and state aid under section 261.2.
14 Sec. 9. NEW SECTION. 232.107 CHILD IN NEED OF SERVICES -
15 - ADJUDICATION.
16 1. This section shall be liberally construed in order to
17 address the problems of the chronic runaway at the earliest
18 stage possible, to provide early intervention through the
19 delivery of services to the chronic runaway, and to exercise
20 court jurisdiction which will best serve the interests of both
21 the chronic runaway and the state.
22 2. The juvenile court has exclusive jurisdiction over
23 proceedings alleging that a child is a child in need of
24 services. Venue for child in need of services proceedings
25 shall be determined in accordance with section 232.62.
26 3. A child in need of services proceeding shall be
27 initiated by the filing of a petition alleging that a child is
28 a child in need of services. A petition may be filed by the
29 department of human services, a county attorney, or a juvenile
30 court officer. However, a person having knowledge of the
31 circumstances may file a complaint with the department, county
32 attorney, or juvenile court officer alleging that a child is a
33 child in need of services. The judge, county attorney, or
34 juvenile court officer may authorize the filing of the
35 petition without the payment of a filing fee. The petition

1 shall be submitted in the form specified in section 232.36 and
2 shall allege that the child has been voluntarily absent
3 without permission from the child's home or placement for a
4 period of time exceeding one week, or for a period of time
5 exceeding twelve hours on each of three or more separate
6 occasions in a three-month period, and that the child's
7 health, safety, and welfare are at risk.
8 4. Upon the filing of a petition, the court shall appoint
9 legal counsel for the child, and may appoint legal counsel for
10 the child's parent, guardian, or custodian in accordance with
11 section 232.89. The court may appoint a separate guardian ad
12 litem if the legal counsel cannot properly represent the best
13 interest of the child.
14 5. Upon the filing of a petition, the court shall fix a
15 time and place for an adjudicatory hearing and give notice of
16 the time and place to the child and the child's parent,
17 guardian, or custodian. The hearing and other proceedings
18 conducted pursuant to this section shall be conducted in
19 compliance with all applicable requirements of sections 232.90
20 through 232.94A, and 232.96. The court may adjudicate the
21 child as a child in need of services if the court finds that
22 the child has been voluntarily absent without permission from
23 the child's home or placement for a period of time exceeding
24 one week, or for a period of time exceeding twelve hours on
25 each of three or more separate occasions in a twelve-month
26 period, and that the child's health, safety, and welfare are
27 at risk. The court may order a physical or mental examination
28 of the child, if the court finds that such an examination is
29 necessary to determine the child's physical or mental condi-
30 tion. The examination shall be conducted in accordance with
31 the applicable requirements of section 232.98.
32 6. If the court adjudicates the child as a child in need
33 of services, the court shall, as soon as practicable, hold a
34 dispositional hearing unless waived by the parties. Prior to
35 the hearing the court shall require a social investigation to

1 be conducted and a social report to be submitted to the court
2 in accordance with the applicable requirements of section
3 232.97. The social report shall include a review of factors
4 and reasons for the child's absence without permission from
5 the child's home or placement. The social investigation and
6 report requirement may be waived by the parties if a recent
7 social report prepared in connection with a child in need of
8 assistance proceeding is on file with the court.
9 7. The dispositional hearing shall be held in accordance
10 with the applicable requirements of section 232.99. The court
11 may impose any disposition set out in sections 232.100 through
12 232.102, and may terminate, modify, or vacate the disposi-
13 tional order as provided in section 232.103. However, the
14 court shall not order the child placed in the Iowa juvenile
15 home or any residential treatment facility.
16 8. The juvenile court may concurrently conduct proceedings
17 under this section and proceedings under division III or IV of
18 this chapter.
19 Sec. 10. Section 237.15, subsection 1, paragraph i, Code
20 Supplement 1991, is amended to read as follows:
21 i. When a child is sixteen years of age or older, a
22 written plan of services which, based upon an assessment of
23 the child's needs, would assist the child in preparing for the
24 transition from foster care to independent living. <u>If the</u>
25 <u>child is interested in pursuing higher education, the plan</u>
26 <u>shall provide for the child's participation in the college</u>
27 <u>student aid commission's program of assistance in applying for</u>
28 <u>federal and state aid under section 261.2.</u>
29 Sec. 11. Section 261.2, Code 1991, is amended by adding
30 the following new subsection:
31 <u>NEW SUBSECTION</u>. 15. Develop and implement, in cooperation
32 with the department of human services and the judicial
33 department, a program to assist juveniles who are sixteen
34 years of age or older and who have a case permanency plan
35 under chapter 232 or 237 or are otherwise under the

1 jurisdiction of chapter 232 in applying for federal and state
2 aid available for higher education.
3 Sec. 12. Section 282.29, Code 1991, is amended by adding
4 the following new unnumbered paragraph:
5 NEW UNNUMBERED PARAGRAPH. If a child who is not identified
6 as requiring special education services is placed for
7 treatment in a facility located outside of this state, the
8 department of revenue and finance shall pay the child's
9 educational costs for the period of time the child is placed
10 at that facility. The payment for the costs shall be based
11 upon the average per pupil tuition and transportation costs
12 for the school district in which the facility is located. The
13 amount paid by the department of revenue and finance shall be
14 deducted monthly from the state foundation aid paid under
15 section 257.16 during the remainder of the fiscal year to all
16 school districts in the state.
17 Sec. 13. Section 321.178, subsection 1, unnumbered
18 paragraph 1, Code Supplement 1991, is amended to read as
19 follows:
20 An approved driver education course as programmed by the
21 department of education shall consist of at least thirty clock
22 hours of classroom instruction, and six or more clock hours of
23 laboratory instruction of which at least three clock hours
24 shall consist of street or highway driving. An approved
25 course shall include a minimum of ~~two~~ four hours of classroom
26 instruction concerning substance abuse as part of its
27 curriculum. After the student has completed three clock hours
28 of street or highway driving and has demonstrated to the
29 instructor an ability to properly operate a motor vehicle and
30 upon written request of a parent or guardian, the instructor
31 may waive the remaining required laboratory instruction.
32 Sec. 14. NEW SECTION. 321J.23 LEGISLATIVE FINDINGS.
33 The general assembly finds and declares as follows:
34 1. Drivers often do not realize the consequences of
35 drinking alcohol or using other drugs, and driving a motor

1 vehicle.
2 2. Prompt intervention is needed to protect society,
3 including drivers, from death or serious long-term injury.
4 3. The conviction of a driver for operating while
5 intoxicated identifies that person as a risk to the health and
6 safety of others, as well as to the intoxicated driver.
7 4. Close observation of the effects on others of alcohol
8 and drug use by an intoxicated driver convicted of operating
9 while intoxicated may have a marked effect on recidivism and
10 should therefore be encouraged by the courts.
11 5. The reality education substance abuse prevention
12 program provides guidelines for the operation of an intensive
13 program to discourage recidivism.
14 Sec. 15. NEW SECTION. 321J.24 COURT-ORDERED VISITATION
15 FOR OFFENDERS -- IMMUNITY FROM LIABILITY.
16 1. As used in this section, unless the context otherwise
17 requires:
18 a. "Appropriate victim" means a victim whose condition
19 demonstrates the results of a motor vehicle accident involving
20 intoxicated drivers without being excessively traumatic to the
21 participant, as determined by the tour supervisor.
22 b. "Participant" means a person ordered by the court to
23 participate in the reality education substance abuse
24 prevention program.
25 c. "Program" means the reality education substance abuse
26 prevention program.
27 d. "Program coordinator" means a person appointed by the
28 court to coordinate the person's participation in the program.
29 e. "Tour supervisor" means a person selected by a
30 participant's program coordinator to supervise a tour.
31 2. A reality education substance abuse prevention program
32 is established. Upon a conviction or adjudication for a
33 violation of section 321J.2, or the entry of a deferred
34 judgment concerning a violation of section 321J.2, the court
35 or juvenile court, with the consent of the defendant or

1 delinquent child, may order a defendant or delinquent child
2 who is sixteen years of age or older to participate in the
3 reality education substance abuse prevention program as a term
4 and condition of probation or disposition in addition to any
5 other term or condition of probation or disposition required
6 or authorized by law. The court or juvenile court shall
7 require the defendant or delinquent child to abstain from
8 consuming any controlled substance, alcoholic liquor, wine, or
9 beer before reaching age twenty-one while participating in the
10 program.
11 3. The court or juvenile court shall consult with the
12 defendant or delinquent child and the defendant's or
13 delinquent child's attorney, if any, and may consult with any
14 other person, including but not limited to the defendant's or
15 delinquent child's parents or other family members, to
16 determine if the defendant or delinquent child is suitable for
17 the participation in the program, if the program will be
18 educational and meaningful to the defendant or delinquent
19 child, and if any physical, emotional, mental, or other
20 reasons exist which indicate that the program would be
21 inappropriate or would cause any injury to the defendant or
22 delinquent child.
23 4. The court or juvenile court shall appoint a program
24 coordinator, to coordinate all tours and select appropriate
25 tour supervisors for each tour. In addition, the program
26 coordinator shall ensure compliance by contacting each tour
27 supervisor following the completion of a tour.
28 5. The court or juvenile court may include a requirement
29 for a supervised educational tour by the defendant or
30 delinquent child to any or all of the following:
31 a. A hospital or other emergency medical care facility
32 which regularly receives victims of motor vehicle accidents,
33 to observe treatment of appropriate victims of motor vehicle
34 accidents involving intoxicated drivers, under the supervision
35 of a registered nurse, physician, paramedic, or emergency

1 medical technician.
2 b. A facility for the treatment of chemical substance
3 abuse as defined in section 125.2, under the supervision of
4 appropriately licensed medical personnel.
5 c. If approved by the state or county medical examiner, a
6 morgue or a similar facility to receive appropriate
7 educational material and instruction concerning damage caused
8 by the consumption of alcohol or other drugs, under the
9 supervision of the county medical examiner or deputy medical
10 examiner.
11 However, the court or juvenile court shall not order the
12 defendant or delinquent child to participate in a supervised
13 education tour of a hospital or other facility specified in
14 this subsection, unless the hospital or facility agrees to
15 participate in the program.
16 6. Prior to a tour, the program coordinator shall explain
17 and discuss the experiences which may be encountered during
18 the tour to the participant. If the program coordinator
19 determines at any time before or during a tour that the tour
20 may be traumatic or otherwise inappropriate for the
21 participant, the program coordinator shall terminate the tour
22 without prejudice to the participant.
23 7. The court or juvenile court may order a personal
24 conference after the tours with the participant, the
25 participant's attorney, if any, and any other persons if
26 available and deemed necessary by the court or juvenile court,
27 to discuss the experiences of the participant in the program
28 and how those experiences may impact the participant's
29 conduct. The court or juvenile court may order the
30 participant to write a report or letter concerning the
31 participant's experiences in the program.
32 8. Tour supervisors and facilities toured during the
33 program are not liable for any civil damages resulting from
34 injury to the participant, or civil damages caused by the
35 participant during or from any activities related to a tour,

1 except for willful or grossly negligent acts intended to, or
2 reasonably expected to result in, such injury or damage.
3 9. The chief judge of the judicial district shall
4 determine fees to be paid by participants in the program. The
5 judicial department shall use the fees to pay all costs
6 associated with the program. The court shall either require
7 the participant to pay the fee in order to participate in the
8 program, or may waive the fee or collect a lesser amount upon
9 a showing of cause.
10 DIVISION II
11 CRIMINAL AND JUVENILE JUSTICE
12 Sec. 16. Section 232.8, Code Supplement 1991, is amended
13 by adding the following new subsection:
14 NEW SUBSECTION. 6. The juvenile court shall retain juris-
15 diction over persons who attain their eighteenth birthday, as
16 necessary to effectuate the provisions of sections 232.53 and
17 232.54, or in entering dispositional orders placing the
18 delinquent in the youthful offender program in accordance with
19 sections 232.52 and 234.53 for a period extending beyond the
20 delinquent's eighteenth birthday.
21 Sec. 17. Section 232.22, subsection 1, Code Supplement
22 1991, is amended to read as follows:
23 1. ~~No~~ A child shall not be placed in detention unless one
24 of the following conditions is met:
25 a. The child is being held under warrant for another
26 jurisdiction~~;or~~.
27 b. The child is an escapee from a juvenile correctional or
28 penal institution~~;or~~.
29 c. There is probable cause to believe that the child has
30 violated conditions of release imposed under section 232.44,
31 subsection 5, paragraph "b", 232.52, or 232.54 and there is a
32 substantial probability that the child will run away or
33 otherwise be unavailable for subsequent court appearance~~;or~~.
34 d. There is probable cause to believe the child has
35 committed a delinquent act, and one of the following

1 conditions is met:
2 (1) There is a substantial probability that the child will
3 run away or otherwise be unavailable for subsequent court
4 appearance~~;-or~~.
5 (2) There is a serious risk that the child if released may
6 commit an act which would inflict serious bodily harm on the
7 child or on another~~;-or~~.
8 (3) There is a serious risk that the child if released may
9 commit serious damage to the property of others.
10 Sec. 18. Section 232.22, subsection 1, Code Supplement
11 1991, is amended by adding the following new paragraph:
12 NEW PARAGRAPH. e. There is probable cause to believe that
13 the child has committed a delinquent act involving the
14 possession with intent to deliver a substance containing
15 cocaine base, also known as crack cocaine, which if committed
16 by an adult would be a violation of one of the following
17 provisions of section 204.401, subsection 1:
18 (1) Paragraph "a", subparagraph (3).
19 (2) Paragraph "b", subparagraph (3).
20 (3) Paragraph "c", subparagraph (3).
21 Sec. 19. Section 232.50, subsection 2, Code 1991, is
22 amended to read as follows:
23 2. The court shall hold a periodic dispositional review
24 hearing for each child in placement pursuant to section
25 232.52, subsection 2, paragraph "d", ~~or~~ "e", or "g", to
26 determine the future disposition status of the child. The
27 hearings shall not be waived or continued beyond eighteen
28 months after the last dispositional hearing or dispositional
29 review hearing.
30 Sec. 20. Section 232.52, subsection 2, Code Supplement
31 1991, is amended by adding the following new paragraph:
32 NEW PARAGRAPH. g. An order transferring the guardianship
33 of the child, subject to the continuing jurisdiction and
34 custody of the court, to the director of the department of
35 human services for the purposes of placement in the youthful

1 offender program as provided in section 234.53. However, the
2 court shall provide equal access to the youthful offender
3 program within the limitations established pursuant to section
4 234.53, upon a finding that the child is likely to benefit
5 from the youth offender program. The dispositional order may
6 provide that the youthful offender shall remain in a youthful
7 offender program facility beyond the youthful offender's
8 eighteenth birthday.
9 Sec. 21. Section 232.52, subsection 6, unnumbered
10 paragraph 1, Code Supplement 1991, is amended to read as
11 follows:
12 When the court orders the transfer of legal custody of a
13 child pursuant to subsection 2, paragraphs "d", "e", ~~or "f"~~,
14 or "g", the order shall state that reasonable efforts have
15 been made to prevent or eliminate the need for removal of the
16 child from the child's home.
17 Sec. 22. Section 232.52, subsection 9, Code Supplement
18 1991, is amended to read as follows:
19 9. a. Upon receipt of an application from the director of
20 the department of human services, the court shall enter an
21 order to temporarily transfer a child who has been placed in
22 the state training school pursuant to subsection 2, paragraph
23 "e", or a youthful offender program facility pursuant to
24 subsection 2, paragraph "g", to a facility which has been
25 designated to be an alternative placement site for the state
26 training school, provided the court finds that all of the
27 following conditions exist:
28 (1) There is insufficient time to file a motion and hold a
29 hearing for a substitute dispositional order under section
30 232.54.
31 (2) Immediate removal of the child from the state training
32 school or youthful offender program facility is necessary to
33 safeguard the child's physical or emotional health.
34 (3) That reasonable attempts to notify the parents,
35 guardian ad litem, and attorney for the child have been made.

1 b. If the court finds the conditions in paragraph "a"
2 exist and there is insufficient time to provide notice as
3 required under rule of juvenile procedure 4.6, the court may
4 enter an ex parte order temporarily transferring the child to
5 the alternative placement site.
6 c. Within three days of the child's transfer, the director
7 shall file a motion for a substitute dispositional order under
8 section 232.54 and the court shall hold a hearing concerning
9 the motion within fourteen days of the child's transfer.
10 Sec. 23. Section 232.53, Code 1991, is amended to read as
11 follows:
12 232.53 DURATION OF DISPOSITIONAL ORDERS.
13 1. Any dispositional order entered by the court pursuant
14 to section 232.52 shall remain in force for an indeterminate
15 period or until the child becomes eighteen years of age unless
16 otherwise specified by the court or unless sooner terminated
17 pursuant to the provisions of section 232.54. ~~No~~ A
18 dispositional order made under section 232.52, subsection 2,
19 paragraph "e" or "g" shall not remain in force longer than the
20 maximum possible duration of the sentence which may be imposed
21 on an adult for the commission of the act which the child has
22 been found by the court to have committed.
23 2. ~~All~~ Except as otherwise specifically provided, all
24 dispositional orders entered prior to the child attaining the
25 age of seventeen years and six months shall automatically
26 terminate when the child becomes eighteen years of age.
27 Dispositional orders entered subsequent to the child attaining
28 the age of seventeen years and six months and prior to the
29 child's eighteenth birthday shall automatically terminate one
30 year after the date of disposition, except as otherwise
31 provided pursuant to section 232.52, subsection 2, paragraph
32 "g", or section 232.54, subsection 7. In the case of an adult
33 within the jurisdiction of the court under the provisions of
34 section 232.8, subsection 1, the dispositional order shall
35 automatically terminate one year after the last date upon

1 which jurisdiction could attach.
2 3. Notwithstanding section 242.13, a child committed to
3 the training school subsequent to the child attaining the age
4 of seventeen years and six months and prior to the child's
5 eighteenth birthday may be held at the school beyond the
6 child's eighteenth birthday pursuant to subsection 2 provided
7 that the training school makes application to and receives
8 permission from the committing court. This extension shall be
9 for the purpose of completion by the child of a course of
10 instruction established for the child pursuant to section
11 242.4 and cannot extend for more than one year beyond the date
12 of disposition.
13 4. Any person supervising but not having custody of the
14 child pursuant to such an order shall file a written report
15 with the court at least every six months concerning the status
16 and progress of the child.
17 Any agency, facility, institution or person to whom custody
18 of the child has been transferred pursuant to such order shall
19 file a written report with the court at least every six months
20 concerning the status and progress of the child.
21 5. Notwithstanding any other provision of this section or
22 any other law to the contrary, a delinquent obtaining the age
23 of eighteen may be held in a youth offender program facility
24 for a period of up to three years from the delinquent's
25 eighteenth birthday, in accordance with section 232.52,
26 subsection 2, paragraph "g", or section 232.54, subsection 7,
27 unless the time period would be in excess of the maximum
28 possible duration of the sentence which may be imposed on an
29 adult for the commission of the act as prohibited in
30 subsection 1. In addition, a delinquent may be subject to
31 continued supervision by a juvenile court officer as provided
32 in section 232.54, subsection 7.
33 Sec. 24. Section 232.54, subsections 2 through 5, Code
34 1991, are amended to read as follows:
35 2. With respect to a dispositional order made pursuant to

1 section 232.52, subsection 2, paragraphs "d", and "e", or "g",
2 the court shall grant a motion of the person to whom custody
3 has been transferred for termination of the order and
4 discharge of the child, for modification of the order by
5 imposition of less restrictive conditions, or for vacation of
6 the order and substitution of a less restrictive order unless
7 there is clear and convincing evidence that there has not been
8 a change of circumstance sufficient to grant the motion.
9 Notice shall be afforded all parties, and a hearing shall be
10 held at the request of any party or upon the court's own
11 motion.
12 3. With respect to a dispositional order made pursuant to
13 section 232.52, subsection 2, paragraphs "d", or "e", or "f",
14 or "g", the court shall grant a motion of a person or agency
15 to whom custody has been transferred for modification of the
16 order by transfer to an equally restrictive placement, unless
17 there is clear and convincing evidence that there has not been
18 a change of circumstance sufficient to grant the motion.
19 Notice shall be afforded all parties, and a hearing shall be
20 held at the request of any party or upon the court's own
21 motion.
22 4. With respect to a dispositional order made pursuant to
23 section 232.52, subsection 2, paragraphs "d", "e", or "f", or
24 "g", the court may, after notice and hearing, either grant or
25 deny a motion of the child, the child's parent or guardian, or
26 the child's guardian ad litem, to terminate the order and
27 discharge the child, to modify the order either by imposing
28 less restrictive conditions or by transfer to an equally or
29 less restrictive placement, or to vacate the order and
30 substitute a less restrictive order. A motion may be made
31 pursuant to this paragraph no more than once every six months.
32 5. With respect to a dispositional order made pursuant to
33 section 232.52, subsection 2, paragraphs "d", and "e", or "g",
34 the court may, after notice and a hearing at which there is
35 presented clear and convincing evidence to support such an

1 action, either grant or deny a motion by a county attorney or
2 by a person or agency to whom custody has been transferred, to
3 modify an order by imposing more restrictive conditions or to
4 vacate the order and substitute a more restrictive order.
5 Sec. 25. Section 232.54, Code 1991, is amended by adding
6 the following new subsection:
7 NEW SUBSECTION. 7. a. At any time prior to a juvenile
8 reaching the age of eighteen, a juvenile court officer may
9 file an application with the juvenile court, asking that the
10 court retain jurisdiction over the delinquent in accordance
11 with the provisions of sections 232.8 and 232.53 and this
12 subsection, for a period of up to three years after the de-
13 linquent's eighteenth birthday, so that the delinquent may
14 continue programs under the supervision of the juvenile court
15 officer. In addition, the department may file an application
16 pursuant to this subsection for continued supervision or
17 custody for continued participation in the youthful offender
18 program, if the original dispositional order did not provide
19 for continued participation after the delinquent's eighteenth
20 birthday.
21 b. Notwithstanding any other provision of this section or
22 any other law to the contrary, upon application of the
23 juvenile court officer or the department, the court may enter
24 another dispositional order providing for continuing
25 supervision by a juvenile court officer or continued
26 participation in the youthful offender program for a period of
27 up to three years after the delinquent's eighteenth birthday,
28 as specified by the court. However, the period specified in
29 the substituted dispositional order shall not provide for an
30 extension that would subject the delinquent to a disposition
31 in excess of the maximum possible duration of the sentence
32 which may be imposed on an adult for commission of the act.
33 The substituted dispositional order shall state the
34 consequences for violation of the order, and the court shall
35 provide notice to the delinquent, and to the delinquent's

1 attorney and parent or legal guardian, if applicable, at the
2 time of granting the substituted dispositional order.
3 c. The court shall grant a substituted dispositional order
4 pursuant to this subsection if each of the following occurs:
5 (1) An application is filed in accordance with this
6 subsection.
7 (2) The court finds that continued supervision or
8 participation in the youthful offender program is necessary
9 for the rehabilitation of the delinquent.
10 Sec. 26. Section 232.148, subsection 2, Code 1991, is
11 amended to read as follows:
12 2. Fingerprints and photographs of a child who has been
13 taken into custody and who is fourteen years of age or older
14 may be taken and filed by a criminal justice agency
15 investigating the commission of a public offense constituting
16 a felony or an aggravated misdemeanor. ~~However, fingerprint~~
17 ~~and photograph files of a child who enters into an informal~~
18 ~~adjustment or consent decree shall be retained only if the~~
19 ~~child is notified at the time of entering into the informal~~
20 ~~adjustment or consent decree that the files will be~~
21 ~~permanently retained by the criminal justice agency.~~
22 Sec. 27. Section 233.2, Code 1991, is amended to read as
23 follows:
24 233.2 PENALTY -- NOT A BAR.
25 A violation of section 233.1 is ~~a simple~~ an aggravated
26 misdemeanor. A conviction does not bar a prosecution of the
27 convicted person for ~~an~~ another indictable offense when the
28 acts which caused or contributed to the delinquency or
29 dependency of the child are indictable.
30 Sec. 28. NEW SECTION. 234.50 YOUTHFUL OFFENDER ADVISORY
31 COMMITTEE ESTABLISHED -- RULES.
32 1. The department of human services shall establish a
33 youthful offender advisory committee. The advisory committee
34 shall consist of five members as follows:
35 a. A representative of the department of human services,

1 appointed by the director.
2 b. A representative of the judicial department, appointed
3 by the chief justice of the supreme court.
4 c. A representative of the division of criminal and
5 juvenile justice planning of the department of human rights,
6 appointed by the administrator of the division of criminal and
7 juvenile justice planning.
8 d. A representative of the department of corrections,
9 appointed by the director of the department of corrections.
10 e. A representative of youth service providers, appointed
11 by the director of the department of human services from a
12 list of names provided by youth service providers.
13 2. Except as otherwise provided for the initial ap-
14 pointments, members shall be appointed for four-year terms,
15 commencing in May 1 in the year of appointment and expiring on
16 April 30 in the year of expiration. A member shall serve no
17 more than two consecutive terms, excluding the terms of the
18 initial advisory committee.
19 3. Vacancies shall be filled in the same manner as
20 original appointments. A vacancy shall be filled for the un-
21 expired term.
22 4. The advisory committee shall elect a chairperson from
23 among its own members.
24 5. Members of the advisory committee shall be paid their
25 actual and necessary expenses incurred in the performance of
26 their duties as provided in section 7E.6.
27 6. The advisory committee shall meet at least every other
28 month and may hold special meetings on the call of the
29 chairperson or as requested by a quorum of the advisory com-
30 mittee. A majority of the members shall constitute a quorum.
31 7. The department of human services shall adopt rules as
32 necessary for the operation of the advisory committee in the
33 performance of its duties.
34 Sec. 29. NEW SECTION. 234.51 ADMINISTRATIVE ACTIVITIES.
35 The administrative functions and staff services of the

1 youthful offender advisory committee shall be performed by the
2 department of human services. The advisory committee shall be
3 located in the department of human services offices.
4 Sec. 30. NEW SECTION. 234.52 DUTIES OF ADVISORY
5 COMMITTEE.
6 The youthful offender advisory committee shall do all of
7 the following:
8 1. Establish a youthful offender program as provided in
9 this chapter.
10 2. Annually report the results of its activities to the
11 governor and the general assembly.
12 3. Perform other duties as specified by law.
13 Sec. 31. NEW SECTION. 234.53 YOUTHFUL OFFENDER PROGRAM.
14 1. As used in this section, unless the context otherwise
15 requires, "youthful offender" means a person who is sixteen
16 years of age or older, who is subject to delinquency
17 proceedings of the juvenile court pursuant to chapter 232, and
18 who would qualify for placement at the state training school
19 pursuant to section 232.52, subsection 2, paragraph "e".
20 2. The youthful offender advisory committee shall estab-
21 lish a youthful offender program. The youthful offender
22 program shall be designed to meet the needs of eighty youthful
23 offenders, with a limit of ten youthful offenders from each
24 judicial district, on or before October 1, 1993.
25 3. The youthful offender program shall be designed to meet
26 the needs of youthful offenders with intensive programming
27 needs, including but not limited to youthful offenders having
28 a dual diagnosis. However, the youthful offender program
29 shall not include youthful offenders with a chemical
30 dependency as defined in section 125.2.
31 4. The advisory committee may establish the youthful
32 offender program in more than one location, and the program
33 may be located in private and public facilities. The
34 department of human services shall assist the advisory
35 committee by issuing requests for proposals and entering into

1 contracts to establish the program. The department of human
2 services may enter contracts with other state agencies or
3 political subdivisions in facilitating the establishment of
4 the youthful offender program, including but not limited to
5 the department of corrections. In addition, if the advisory
6 committee determines that the department of human services
7 should operate a youthful offender program at a facility which
8 the department operates, and the facility is available to meet
9 the needs of the youthful offender program as designed by the
10 advisory committee, the department of human services shall
11 operate a youthful offender program as designed by the
12 advisory committee and shall include the youthful offender
13 program in the department's budget proposals.
14 5. If the court places a youth adjudicated as delinquent
15 in the youthful offender program, the youth shall be
16 transferred originally to the diagnosis and evaluation center
17 at the state training school at Eldora for the identification
18 of appropriate treatment needs. Upon undergoing an initial
19 diagnosis and evaluation screening at the state training
20 school, the department of human services shall place the
21 youthful offender in a youthful offender program facility.
22 Sec. 32. Section 614.1, Code Supplement 1991, is amended
23 by adding the following new subsection:
24 NEW SUBSECTION. 13. RACKETEER INFLUENCED CORRUPT
25 ORGANIZATIONS ACT. A civil action for a violation of the
26 racketeer influenced corrupt organizations Act shall be
27 brought within the period specified in section 733.9.
28 Sec. 33. NEW SECTION. 733.1 SHORT TITLE.
29 This chapter shall be known and may be cited as the
30 "Racketeer Influenced and Corrupt Organizations (RICO) Act".
31 Sec. 34. NEW SECTION. 733.2 DEFINITIONS.
32 As used in this chapter, unless the context otherwise
33 requires:
34 1. "Documentary material" or "material" means any book,
35 paper, document, writing, drawing, graph, chart, photograph,

1 phonograph record, magnetic tape, computer printout, other
2 data compilation from which information can be obtained or
3 from which information can be translated into useable form, or
4 any other tangible item.
5 2. "Enterprise" means any individual, sole proprietorship,
6 partnership, corporation, business trust, or other profit or
7 nonprofit legal entity, and includes but is not limited to any
8 union, association, or group of individuals associated in fact
9 although not a legal entity, and both illicit and licit
10 enterprises and governmental and nongovernmental entities.
11 3. "Pattern of racketeering activity" means engaging in at
12 least two incidents of racketeering activity that have the
13 same or similar intents, results, accomplices, victims, or
14 methods of commission, or otherwise are interrelated by
15 distinguishing characteristics, including a nexus to the same
16 enterprise, and are not isolated incidents, provided at least
17 one of the incidents occurred on or after July 1, 1992, and
18 that the last of the incidents occurred within five years
19 after a prior incident of racketeering activity.
20 4. "Pecuniary value" means any of the following:
21 a. Anything of value in the form of money, a negotiable
22 instrument, a commercial interest, or anything else the
23 primary significance of which is economic advantage.
24 b. Any other property or service that has a value in
25 excess of one hundred dollars.
26 5. "Person" means any individual or entity capable of
27 holding a legal or beneficial interest in real or personal
28 property.
29 6. "Racketeering activity" means to commit, to attempt to
30 commit, to conspire to commit, or to solicit, coerce, or
31 intimidate another person to commit conduct which constitutes
32 a public offense in violation of any of the following
33 provisions:
34 a. Chapter 204, relating to controlled substances.
35 b. Chapter 707, homicide and related offenses.

1 c. Section 708.3, assault while participating in a felony.
2 d. Section 708.4, willful injury.
3 e. Section 708.5, administering harmful substances.
4 f. Section 708.6, terrorism.
5 g. Section 708.8, going armed with intent.
6 h. Chapter 709, sexual abuse and related offenses.
7 i. Sections 710.2 through 710.5, kidnapping and child
8 stealing.
9 j. Section 710.7, false imprisonment.
10 k. Chapter 711, robbery and extortion.
11 l. Chapter 712, arson and related offenses.
12 m. Sections 713.3 and 713.4, burglary in the first degree
13 and attempted burglary in the first degree.
14 n. Section 723A.2, criminal gang participation.
15 o. Section 724.3, unauthorized possession of offensive
16 weapons.
17 p. Chapter 725, vice provisions.
18 7. "Unlawful debt" means any money or other thing of value
19 constituting principal or interest of a debt that is legally
20 unenforceable in the state in whole or in part because the
21 debt was incurred or contracted in gambling activity or in the
22 business of lending money at a usurious rate, in violation of
23 state or federal law.
24 Sec. 35. NEW SECTION. 733.3 RACKETEERING PROHIBITED.
25 1. It is unlawful for any person who has knowingly
26 received any proceeds derived, directly or indirectly, from a
27 pattern of racketeering activity or through the collection of
28 an unlawful debt to use or invest, whether directly or
29 indirectly, any part of such proceeds, or the proceeds derived
30 from the investment or use thereof, in the acquisition of any
31 title to, or any right, interest, or equity in, real property
32 or in the establishment or operation of any enterprise.
33 2. It is unlawful for any person, through a pattern of
34 racketeering activity or through the collection of an unlawful
35 debt, to acquire or maintain, directly or indirectly, any

1 interest in or control of any real property or enterprise.
2 3. It is unlawful for any person employed by, or
3 associated with, any enterprise to conduct or participate,
4 directly or indirectly, in the enterprise through a pattern of
5 racketeering activity or the collection of an unlawful debt.
6 4. It is unlawful for any person to conspire or endeavor
7 to violate any of the provisions of subsections 1 through 3.
8 Sec. 36. NEW SECTION. 733.4 CRIMINAL PENALTIES.
9 A person who violates section 733.3 commits a class "D"
10 felony. Notwithstanding section 902.9, in lieu of the fine
11 authorized by section 902.9, if a person violates this section
12 and derives a pecuniary value or causes personal injury,
13 property damage, or other loss, the court may sentence the
14 person to pay a fine that does not exceed three times the
15 gross value gained or three times the gross loss caused,
16 whichever is greater, plus court costs and the costs of
17 investigation and prosecution, reasonably incurred. Prior to
18 imposing a fine in excess of the amount authorized in section
19 902.9, the court shall hold a hearing to determine the amount
20 of the fine.
21 Sec. 37. NEW SECTION. 733.5 INJUNCTIVE RELIEF.
22 1. The attorney general, a county attorney, or any person
23 aggrieved by a violation of section 733.3 may seek injunctive
24 relief, and the court may grant injunctive relief in either a
25 civil or criminal action alleging a violation of section
26 733.3. However, an injunction by the court entered pursuant
27 to this section shall make due provision for the rights of
28 persons who have not acted in violation of section 733.3.
29 2. Orders and judgments entered pursuant to this section
30 relating to a violation of section 733.3 may include, but are
31 not limited to, the following:
32 a. Divestiture by the defendant of any interest in any
33 enterprise, including but not limited to real property.
34 b. The imposition of reasonable restrictions upon the
35 future activities or investments of any defendant, including,

1 but not limited to, prohibiting any defendant from engaging in
2 the same type of endeavor as the enterprise in which the
3 defendant was engaged in violation of section 733.3.
4 c. The dissolution or reorganization of any enterprise.
5 d. The suspension or revocation of a license, permit, or
6 prior approval granted to any enterprise by any agency of the
7 state.
8 e. The revocation and surrender of the articles of
9 incorporation of a corporation organized under the laws of the
10 state, or the revocation and surrender of a certificate of
11 authority to transact business in the state by a foreign
12 corporation, upon finding that the board of directors or a
13 managerial agent acting on behalf of the corporation, in
14 conducting the affairs of the corporation, has authorized or
15 engaged in conduct in violation of section 733.3, and that,
16 for the prevention of future criminal activity, the public
17 interest requires the articles of incorporation revoked and
18 the corporation dissolved or the certificate revoked.
19 3. In a proceeding seeking relief pursuant to this
20 section, such relief shall be granted in conformity with the
21 principles that govern injunctive relief from threatened loss
22 or damage in other cases, except that no showing of special or
23 irreparable injury shall be required, notwithstanding Iowa
24 rule of civil procedure 321 or any other provision of law to
25 the contrary. Upon the execution of a bond against damages
26 for an injunction improvidently granted and a showing of
27 immediate danger of significant loss or damage, a temporary
28 restraining order and a preliminary injunction may be issued
29 before a final determination on the merits. In an action by
30 the attorney general or a county attorney, pending final
31 determination on the merits, the court may at any time enter
32 injunctions, prohibitions, or restraining orders, or take such
33 actions, including the acceptance of satisfactory performance
34 bonds, as the court deems appropriate.
35 Sec. 38. NEW SECTION. 733.6 SEIZURE AND FORFEITURE LAW

1 APPLICABLE.
2 1. In addition to any other remedy provided in this
3 chapter, the seizure and forfeiture provisions of chapter 809
4 shall apply, and forfeited property shall be disposed of in
5 accordance with section 809.13.
6 2. An injured person shall have a right or claim to
7 forfeited property or to the proceeds of forfeited property
8 superior to any right or claim the state has in the same
9 property or proceeds.
10 Sec. 39. NEW SECTION. 733.7 CIVIL ACTIONS.
11 1. The attorney general, a county attorney, or any ag-
12 grieved person may bring a civil action for injunctive relief
13 as specified in section 733.5, concerning a violation of
14 section 733.3.
15 2. A person who is injured by reason of a violation of
16 section 733.3 shall have a cause of action for three times the
17 actual damages sustained and, when appropriate, punitive
18 damages, as well as recovery of attorney fees, court costs,
19 and other costs of investigation and litigation, if such costs
20 and fees are reasonably incurred.
21 3. The attorney general or a county attorney may bring an
22 action for civil penalties for any violation of section 733.3.
23 Upon proof of a violation, the court shall impose a civil
24 penalty of not more than two hundred fifty thousand dollars.
25 4. In a civil action instituted by the attorney general or
26 a county attorney, regardless of the relief sought, upon entry
27 of a final judgment or decree in favor of the state, the
28 attorney general or the county attorney shall be entitled to
29 recover attorney fees, court costs, and costs of investigation
30 and litigation, reasonably incurred. The amounts recovered
31 may include costs and expenses of state and local governmental
32 departments and agencies incurred in connection with the
33 investigation or litigation.
34 5. A party in any civil action brought pursuant to this
35 chapter may demand a trial by jury.

1 6. Upon application, the attorney general may intervene in
2 any civil action brought by a person other than a county
3 attorney pursuant to this chapter, if the attorney general
4 certifies that in the opinion of the attorney general, the
5 action or proceeding is of general public importance. In an
6 action in which the attorney general intervenes, the state
7 shall be entitled to the same relief as if the attorney
8 general instituted the action or proceeding.
9 7. A final judgment or decree rendered in favor of the
10 state in a criminal proceeding under section 733.4 shall estop
11 the defendant in any subsequent civil action or proceeding
12 brought by the attorney general or any other person as to all
13 matters as to which the judgment or decree would be an
14 estoppel as between the state and the defendant.
15 8. The application of one civil remedy under any provision
16 of this chapter shall not preclude the application of any
17 other remedy, civil or criminal, under this chapter or any
18 other provision of law. Civil remedies pursuant to this
19 chapter are supplemental and are not mutually exclusive.
20 Sec. 40. NEW SECTION. 733.8 INVESTIGATIVE AUTHORITY --
21 SUBPOENA POWER.
22 1. In a civil action in which the attorney general or
23 county attorney is the plaintiff or the attorney general has
24 intervened, due to the belief that a person or other
25 enterprise has engaged in, or is engaging in, a violation of
26 this chapter, the attorney general or county attorney may
27 administer oaths or affirmations, subpoena witnesses or
28 documentary material, and collect evidence pursuant to the
29 Iowa rules of civil procedure.
30 2. If documentary material that the attorney general or
31 county attorney seeks to obtain by subpoena is located outside
32 the state, the person or enterprise subpoenaed may make the
33 documentary material available at the place where it is
34 located. The attorney general or county attorney may
35 designate representatives, including officials of the

1 jurisdiction in which the documentary material is located, to
2 inspect the material on behalf of the attorney general or
3 county attorney, and may respond to similar requests from
4 officials of other jurisdictions.
5 3. Upon failure of a person or enterprise, without lawful
6 excuse, to obey a subpoena, and after reasonable notice to the
7 person or enterprise, the attorney general or county attorney
8 may apply to the district court where the person or enterprise
9 resides, is found, or transacts business, for an order
10 compelling compliance.
11 Sec. 41. NEW SECTION. 733.9 STATUTE OF LIMITATIONS.
12 Notwithstanding any other provision of law to the contrary,
13 a criminal or civil proceeding pursuant to this chapter may be
14 brought at any time within five years after the conduct in
15 violation of section 733.3 terminates or the cause of action
16 accrues. If a criminal prosecution or civil action or
17 proceeding is brought, or intervened in, to punish, prevent,
18 or restrain a violation of this chapter, the running of the
19 period of limitations prescribed by this section with respect
20 to any civil cause of action by a person other than the
21 attorney general or a county attorney which is based in whole
22 or in part upon the matter complained of in the prosecution,
23 action, or proceeding shall be suspended during the pendency
24 of the prosecution, action, or proceeding and for two years
25 following the termination of the prosecution, action, or
26 proceeding.
27 Sec. 42. Section 802.3, Code 1991, is amended to read as
28 follows:
29 802.3 FELONY -- AGGRAVATED OR SERIOUS MISDEMEANOR -- RICO
30 VIOLATIONS.
31 1. In all cases, except those enumerated in subsection 2
32 and in sections 802.1 and 802.2, an indictment or information
33 for a felony or aggravated or serious misdemeanor shall be
34 found within three years after its commission.
35 2. An action for a criminal violation of the racketeer

1 influenced corrupt organizations Act pursuant to section 733.4
2 shall be brought within the period specified in section 733.9.
3 Sec. 43. BOOT CAMP PILOT PROJECT.
4 1. The youthful offender advisory committee created in
5 section 234.50 shall establish a boot camp pilot project
6 within the youthful offender program. While youthful
7 offenders placed in the boot camp pilot project shall be
8 subject to the other qualifications and restrictions provided
9 in section 234.53, notwithstanding section 234.53, the
10 advisory committee shall establish the boot camp pilot project
11 to meet the needs of an additional 25 youthful offenders above
12 the number specified in section 234.53, subsection 2. The
13 boot camp pilot project shall not be restricted to youthful
14 offenders from any particular judicial district.
15 2. The pilot program shall be established for a period
16 commencing October 1, 1993, and ending April 1, 1995.
17 3. The boot camp pilot project shall emphasize job
18 training and education. The advisory committee shall submit a
19 report to the general assembly on or before January 15, 1995,
20 pertaining to the boot camp pilot project and containing
21 recommendations concerning future use of boot camp facilities.
22 4. After an initial diagnosis and evaluation at the state
23 training school, the department shall place offenders in the
24 boot camp pilot project upon a determination that the youthful
25 offender is appropriately suited for the boot camp and may
26 reasonably be expected to be rehabilitated through par-
27 ticipation in the pilot project.
28 Sec. 44. INITIAL YOUTHFUL OFFENDER ADVISORY COMMITTEE --
29 IMPLEMENTATION -- EFFECTIVE DATE.
30 1. In order to effectuate the purposes of this Act and to
31 implement the provisions of this Act pertaining to the
32 youthful offender advisory committee by July 1, 1992, the de-
33 partment of human services shall coordinate the establishment
34 of the initial youthful offender advisory committee. The
35 initial youthful offender advisory committee shall be

1 appointed in the manner specified in the section of this Act
2 establishing a new section 234.50, subsection 1, and the
3 appointing entities shall cooperate with the department of
4 human services to establish the initial youthful offender
5 advisory committee by July 1, 1992.
6 2. The terms of the initial members of the advisory
7 committee shall commence on July 1, 1992, and expire as
8 follows:
9 a. For the representative of the department of human
10 services, on April 30, 1993.
11 b. For the representative of the judicial department, on
12 April 30, 1994.
13 c. For the representative of the division of criminal and
14 juvenile justice planning, on April 30, 1995.
15 d. For the representative of the department of corrections
16 and the representative of youth service providers, on April
17 30, 1996.
18 3. The department of human services shall provide
19 administrative services as are necessary to implement this
20 section. The department shall coordinate the first meetings
21 of the initial advisory committee.
22 4. This section, being deemed of immediate importance,
23 shall take effect upon enactment.
24 DIVISION III
25 EVALUATION
26 Sec. 45. Section 601K.135, Code 1991, is amended by adding
27 the following new unnumbered paragraph:
28 NEW UNNUMBERED PARAGRAPH. Beginning in 1992, the division
29 shall include in the plans, updates, and reports required by
30 this section an identification and evaluation of existing
31 juvenile treatment programs based upon quantifiable goals
32 established by the division, utilizing its existing computer
33 capacity and access.
34 Sec. 46. NEW SECTION. 601K.138 MULTIAGENCY DATA BASE
35 CONCERNING JUVENILES.

1 1. The division shall coordinate the development of a
2 multiagency data base to track the progress of juveniles
3 through various state and local agencies and programs. The
4 division shall develop a plan which utilizes existing data
5 bases, including the Iowa court information system, the
6 federally mandated national adoption and foster care
7 information system, and the other state and local data bases
8 pertaining to juveniles, to the extent possible.
9 2. The department of human services, department of cor-
10 rections, judicial department, department of public safety,
11 department of education, local school districts, and other
12 state agencies and political subdivisions shall cooperate with
13 the division in the development of the plan.
14 3. The data base shall be designed to track the progress
15 of juveniles in various programs, evaluate the experiences of
16 juveniles, and evaluate the success of the services provided.
17 4. The division shall develop the plan within the context
18 of existing federal privacy and confidentiality requirements.
19 The plan shall build upon existing resources and facilities to
20 the extent possible.
21 5. The plan shall provide for the sharing of information
22 by case management teams, consisting of designated represen-
23 tatives of various state and local agencies and political
24 subdivisions, to coordinate the delivery of services to
25 juveniles. The division shall coordinate this process, and
26 state and local agencies and political subdivisions shall
27 inform the division of their designated representatives to
28 case management teams. Notwithstanding the confidentiality
29 requirements of section 22.7, subsection 1, and sections
30 232.147, 235A.15, 246.602, and 692.2, members of case
31 management teams shall have authorized access to records
32 otherwise specified as confidential and unaccessible pursuant
33 to those sections, pursuant to procedures adopted by the
34 division and subject to prohibitions under federal law.
35 However, redissemination of the information to persons who are

1 not authorized by law and who are not members of the case
2 management team shall be subject to any penalty or restric-
3 tions to those contained in sections 22.8, 22.10, 232.151,
4 235A.17, 235A.20, 235A.21, 692.3, 692.6, and 692.7, or any
5 other provision of law.
6 6. Prior to the development and implementation of the
7 plan, the division shall facilitate the exchange of infor-
8 mation by members of a case management team as authorized
9 under subsection 5, whether through documentary or computer
10 records.
11 7. The division shall submit a report on the plan required
12 by this section to the general assembly on or before January
13 15, 1994.
14 EXPLANATION
15 This bill contains a number of provisions pertaining to
16 juvenile justice and programs, as well as criminal justice.
17 DIVISION I
18 PREVENTION AND INTERVENTION
19 Sections 1 and 2 appropriate funding to the department of
20 human services for the following purposes: additional funding
21 for family preservation programs to establish pilot programs
22 utilizing mentors and per diem reimbursement of 30 additional
23 enhanced residential treatment beds.
24 Section 3 provides that of the moneys appropriated under
25 the federal National Affordable Housing Act, $200,000 shall be
26 used to provide at least 10 emergency shelter care beds for
27 juveniles who are unable to remain in their family home and
28 who are not provided services by the department of human
29 services or the court.
30 Section 4 creates a juvenile aftercare and treatment
31 demonstration grant program under the authority of the
32 judicial department and the department of human services.
33 Moneys are appropriated to the fund which is to provide grants
34 for support services to juveniles who have been adjudicated as
35 delinquent or as a child in need of assistance or have

1 completed substance abuse treatment and have completed the
2 applicable court-ordered requirements.
3 Section 5 appropriates an additional $28,500 to drug abuse
4 resistance education (D.A.R.E.), to be targeted to fifth and
5 sixth grade students.
6 The amendments to section 232.2, subsection 4, and sections
7 232.52, 237.15, and 261.2 relate to requirements established
8 for the college student aid commission to develop and
9 implement a program to assist juveniles who are interested in
10 higher education, are at least 16 years of age, are in foster
11 care, and have a case permanency plan or are otherwise under
12 the jurisdiction of chapter 232 to apply for federal and state
13 financial aid for higher education.
14 The changes to section 232.2, subsection 54 and new section
15 232.107 of this bill grant the juvenile court jurisdiction
16 over chronic runaways, defined as children in need of
17 services, whose health, safety, and welfare are at risk. The
18 court petition may be filed by the department of human
19 services, a county attorney, or a juvenile court officer. The
20 procedural requirements for child in need of assistance cases
21 are generally applied to the proceedings to determine if a
22 child is a child in need of services. The child in need of
23 assistance dispositional options are made applicable, except
24 for placement in the Iowa juvenile home or a residential
25 treatment facility.
26 Section 282.29 is amended to provide that if a child who is
27 not identified as requiring special education services and is
28 placed for treatment at a facility outside the state, the
29 state will pay that child's educational costs. The costs are
30 to be based upon the average per pupil tuition and
31 transportation costs in the school district in which the
32 facility is located. The payment is made under the school
33 foundation aid appropriation and spread across all school
34 districts.
35 The amendment to section 321.178 increases the minimum

1 hours of classroom instruction concerning substance abuse in
2 approved driver education courses programmed by the department
3 of education, from two to four hours.
4 The bill provides for the establishment of a reality
5 education substance abuse prevention program by adding new
6 sections 321J.23 and 321J.24. The bill authorizes the court
7 or juvenile court to impose, as a condition of probation or
8 disposition but with the consent of the defendant or
9 delinquent child, participation in the program if the person
10 is convicted or has received a deferred judgment relating to a
11 violation of Iowa Code section 321J.2, for operating a motor
12 vehicle while intoxicated, and the person is age 16 or older.
13 The bill requires that participants in the program under the
14 age of 21 must abstain from consuming alcoholic beverages as
15 part of the program.
16 This bill provides for the program to be administered by a
17 program coordinator appointed by the court. The program
18 coordinator will coordinate tours with appropriate emergency
19 care medical facilities, chemical substance abuse treatment
20 facilities, and morgues, and will select an appropriate tour
21 supervisor at the facility. The bill further requires that
22 the court may order participants to take part in a personal
23 conference with the court or juvenile court or to provide
24 written correspondence concerning each tour.
25 In addition, the tour supervisors and facilities are
26 granted immunity from civil liability for injury to or damages
27 caused by the participant, except for their willful or grossly
28 negligent actions.
29 The bill provides that the chief judge of each judicial
30 district shall determine fees to be paid by participants in
31 the program, which may be waived or reduced by the court upon
32 a showing of cause.
33 DIVISION II
34 CRIMINAL AND JUVENILE JUSTICE
35 The changes to sections 232.8, 232.52 through 232.54,

1 234.50 through 234.53, and sections 43 and 44 of this Act,
2 provide for continuing jurisdiction by the juvenile court of
3 delinquents for up to three years beyond the delinquent's 18th
4 birthday, establishment of a youthful offender program for
5 delinquents over 16 years of age, and the establishment of a
6 boot camp pilot project for youthful offenders. The
7 provisions regarding continuing jurisdiction of the juvenile
8 court provide a procedure whereby juvenile court officers may
9 file an application for continuing jurisdiction of a
10 delinquent after the delinquent's 18th birthday, so that the
11 delinquent may continue programs under the supervision of the
12 juvenile court, through the entry of a substituted
13 dispositional order. In addition, the department of human
14 services may utilize this procedure for continued parti-
15 cipation in the youthful offender program.
16 These provisions also establish a youthful offender ad-
17 visory committee to establish the youthful offender program
18 and boot camp pilot project for persons defined as youthful
19 offenders in the bill. Qualifications under the bill include
20 meeting the requirements for placement at the state training
21 school. The five-member advisory committee is coordinated by
22 the department of human services. The bill provides the
23 advisory committee with specifications concerning the
24 establishment of the youthful offender program and the boot
25 camp pilot project, and contains implementation and effective
26 date provisions.
27 The amendments to section 232.22 provide that a child may
28 be detained if there is probable cause to believe that the
29 child has committed a delinquent act involving the possession
30 with intent to deliver a substance containing crack cocaine.
31 Thus, under the bill, other findings required for detention
32 concerning other public offenses are not required in matters
33 involving possession with intent to deliver crack cocaine.
34 Changes to section 232.148 in the bill pertain to
35 fingerprinting juveniles. The bill provides that the

1 fingerprints and photographs of a child who is taken into
2 custody and is 14 years of age or older may be taken and filed
3 by agencies investigating aggravated misdemeanors, as well as
4 felonies. The bill strikes a requirement of notification of a
5 child entering an informal adjustment in order for the
6 criminal justice agency to retain the fingerprint and
7 photograph files.
8 The amendment to section 233.2 increases the penalty for
9 contributing to the delinquency of a minor, from a simple to
10 an aggravated misdemeanor.
11 The changes to sections 614.1 and 802.3, as well as the
12 creation of a new chapter 733, establish a racketeer
13 influenced corrupt organizations (RICO) Act. The bill
14 specifies activities which constitute racketeering activity,
15 and provides that violations constitute a class "D" felony.
16 With respect to the criminal provisions, the bill allows the
17 court to impose a fine in excess of the maximum amount allowed
18 under section 902.9 under certain conditions. The bill also
19 provides for injunctive relief and civil actions, treble
20 damages, civil penalties, and other relief. The bill
21 specifies the statute of limitations in a civil or criminal
22 action.
23 DIVISION III
24 EVALUATION
25 The changes to section 601K.135 of the bill require the
26 division of criminal and juvenile justice planning to identify
27 and evaluate existing juvenile treatment programs based upon
28 quantifiable goals established by the division, utilizing its
29 existing computer capacity.
30 The changes creating a new section 601K.138 of the bill
31 require the division of criminal and juvenile justice planning
32 to coordinate the development of a multiagency data base to
33 track the progress of juveniles through various state and
34 local agencies and programs. These provisions permit the
35 sharing of otherwise confidential information by case

1 management teams, subject to redissemination prohibitions and
2 penalties.
3 The bill may include a state mandate as defined in section
4 25B.3.
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ROSENBERG, CH.
FUHRMAN
SLIFE
STURGEON
VARN

SSB 2260.1

JUDICIARY — NOW —

SENATE FILE 2337
BY (PROPOSED COMMITTEE ON JUDICIARY BILL BY CHAIRPERSON STURGEON)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to criminal and juvenile justice and public
2 programs involving juveniles, making appropriations, granting
3 the juvenile court jurisdiction over chronic runaways,
4 establishing a youthful offender program and a boot camp pilot
5 project, establishing racketeer influenced corrupt
6 organizations provisions including criminal and civil
7 penalties, increasing certain criminal penalties, and
8 providing implementation and effective date provisions.
9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
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TLSB 6164SC 74
mc/jw/5

1 DIVISION I
2 PREVENTION AND INTERVENTION
3 Section 1. FAMILY PRESERVATION PROGRAMS. There is
4 appropriated from the general fund of the state to the
5 department of human services for the fiscal year beginning
6 July 1, 1992, and ending June 30, 1993, in addition to other
7 appropriations made for the following purpose for that fiscal
8 year, the following amount, or so much thereof as is
9 necessary, to be used for the purpose designated:
10 For creation of pilot programs utilizing mentors in family
11 preservation and reunification projects in Polk and Black Hawk
12 counties:
13 ..... $ 235,000
14 Sec. 2. ENHANCED RESIDENTIAL TREATMENT. There is
15 appropriated from the general fund of the state to the
16 department of human services for the fiscal year beginning
17 July 1, 1992, and ending June 30, 1993, in addition to other
18 appropriations made for the following purpose for that fiscal
19 year, the following amount, or so much thereof as is
20 necessary, to be used for the purpose designated:
21 For payment of per diem reimbursement for 30 new enhanced
22 residential treatment beds for juveniles:
23 ..... $ 235,000
24 The moneys appropriated in this section shall only be used
25 for payment of per diem reimbursement for at least 30 enhanced
26 residential treatment beds which were not in existence before
27 July 1, 1992, and shall not be used for any other purpose.
28 Sec. 3. HOMELESS, ABUSED, AND RUNAWAY JUVENILES. Of the
29 moneys appropriated under the federal National Affordable
30 Housing Act of 1990 and received in the fiscal year beginning
31 July 1, 1991, $200,000 shall be used in order to provide at
32 least 10 new shelter care beds for juveniles who are homeless,
33 abandoned, abused, have run away from home, or are otherwise
34 unable to safely remain in their home and who are not provided
35 services by the department of human services or the court at

1 the time the shelter care begins. The grants shall be awarded
2 in accordance with federal requirements in order to provide
3 the beds in the areas of the state with the greatest
4 proportion of juveniles who are at-risk of being homeless,
5 abandoned, abused, or otherwise unable to remain safely in
6 their home.
7 Sec. 4. JUVENILE AFTERCARE AND TREATMENT DEMONSTRATION
8 GRANT PROGRAM. There is appropriated from the general fund of
9 the state to the juvenile support demonstration grant fund
10 created in this section, for the fiscal year beginning July 1,
11 1992, and ending June 30, 1993, the following amount, or so
12 much thereof as is necessary, to be used for the purpose
13 designated:
14 For grants to juvenile aftercare and treatment
15 demonstration projects in accordance with this section:
16 ..... $ 200,000
17 1. A juvenile aftercare and treatment demonstration grant
18 fund is created in the office of the treasurer of state under
19 the authority of the judicial department and the department of
20 human services. Notwithstanding section 8.33, moneys in the
21 fund which remain unobligated or unexpended at the end of the
22 fiscal year shall not revert to the general fund of the state
23 but shall remain available to provide grants in accordance
24 with this section.
25 2. The judicial department and the department of human
26 services shall jointly establish criteria and requirements for
27 awarding grants from the grant fund. The grants shall be for
28 the provision of aftercare and treatment services to juveniles
29 who have been adjudicated as delinquent or as a child in need
30 of assistance or have received substance abuse treatment and
31 have completed the requirements of the adjudication or
32 treatment. The aftercare and treatment services shall be
33 designed to eliminate the need for further adjudication or
34 treatment. In awarding grants, every effort shall be made to
35 make use of existing funding available for aftercare and

1 treatment services.
2 3. The grants shall be awarded to programs which are based
3 upon successful programs utilizing mentors and other
4 innovative approaches to working with similar juveniles.
5 Programs shall be required to provide evaluation information.
6 Sec. 5. DRUG ABUSE RESISTENCE EDUCATION. There is appro-
7 priated from the general fund of the state to the department
8 of public safety for the fiscal year beginning July 1, 1992,
9 and ending June 30, 1993, in addition to other appropriations
10 made for the following purpose for that fiscal year, the
11 following amount, or so much thereof as is necessary, to be
12 used for the purpose designated:
13 For use by the department to provide law enforcement
14 officials for project D.A.R.E. (drug abuse resistance educa-
15 tion) within local communities targeted to fifth and sixth
16 grade students:
17 ..... $ 28,500
18 Sec. 6. Section 232.2, subsection 4, paragraph f, Code
19 Supplement 1991, is amended to read as follows:
20 f. When a child is sixteen years of age or older, a
21 written plan of services which, based upon an assessment of
22 the child's needs, would assist the child in preparing for the
23 transition from foster care to independent living. <u>If the</u>
24 <u>child is interested in pursuing higher education, the plan</u>
25 <u>shall provide for the child's participation in the college</u>
26 <u>student aid commission's program of assistance in applying for</u>
27 <u>federal and state aid under section 261.2.</u>
28 Sec. 7. Section 232.2, Code Supplement 1991, is amended by
29 adding the following new subsection:
30 <u>NEW SUBSECTION</u>. 54. "Child in need of services" means a
31 child who is voluntarily absent without permission from the
32 child's home or placement for a period of time exceeding one
33 week, or who is voluntarily absent without permission from the
34 child's home or placement for a period of time exceeding
35 twelve hours on each of three or more separate occasions in a

1 three-month period, and whose health, safety, and welfare are
2 at risk.
3 Sec. 8. Section 232.52, subsection 6, unnumbered paragraph
4 2, Code Supplement 1991, is amended to read as follows:
5 When the court orders the transfer of legal custody of a
6 child pursuant to subsection 2, paragraph "d", and the child
7 is sixteen years of age or older, the order shall specify the
8 services needed to assist the child in preparing for the
9 transition from foster care to independent living. <u>If the</u>
10 <u>child is interested in pursuing higher education, the plan</u>
11 <u>shall provide for the child's participation in the college</u>
12 <u>student aid commission's program of assistance in applying for</u>
13 <u>federal and state aid under section 261.2.</u>
14 Sec. 9. <u>NEW SECTION</u>. 232.107 CHILD IN NEED OF SERVICES -
15 - ADJUDICATION.
16 1. This section shall be liberally construed in order to
17 address the problems of the chronic runaway at the earliest
18 stage possible, to provide early intervention through the
19 delivery of services to the chronic runaway, and to exercise
20 court jurisdiction which will best serve the interests of both
21 the chronic runaway and the state.
22 2. The juvenile court has exclusive jurisdiction over
23 proceedings alleging that a child is a child in need of
24 services. Venue for child in need of services proceedings
25 shall be determined in accordance with section 232.62.
26 3. A child in need of services proceeding shall be
27 initiated by the filing of a petition alleging that a child is
28 a child in need of services. A petition may be filed by the
29 department of human services, a county attorney, or a juvenile
30 court officer. However, a person having knowledge of the
31 circumstances may file a complaint with the department, county
32 attorney, or juvenile court officer alleging that a child is a
33 child in need of services. The judge, county attorney, or
34 juvenile court officer may authorize the filing of the
35 petition without the payment of a filing fee. The petition

1 shall be submitted in the form specified in section 232.36 and
2 shall allege that the child has been voluntarily absent
3 without permission from the child's home or placement for a
4 period of time exceeding one week, or for a period of time
5 exceeding twelve hours on each of three or more separate
6 occasions in a three-month period, and that the child's
7 health, safety, and welfare are at risk.
8 4. Upon the filing of a petition, the court shall appoint
9 legal counsel for the child, and may appoint legal counsel for
10 the child's parent, guardian, or custodian in accordance with
11 section 232.89. The court may appoint a separate guardian ad
12 litem if the legal counsel cannot properly represent the best
13 interest of the child.
14 5. Upon the filing of a petition, the court shall fix a
15 time and place for an adjudicatory hearing and give notice of
16 the time and place to the child and the child's parent,
17 guardian, or custodian. The hearing and other proceedings
18 conducted pursuant to this section shall be conducted in
19 compliance with all applicable requirements of sections 232.90
20 through 232.94A, and 232.96. The court may adjudicate the
21 child as a child in need of services if the court finds that
22 the child has been voluntarily absent without permission from
23 the child's home or placement for a period of time exceeding
24 one week, or for a period of time exceeding twelve hours on
25 each of three or more separate occasions in a twelve-month
26 period, and that the child's health, safety, and welfare are
27 at risk. The court may order a physical or mental examination
28 of the child, if the court finds that such an examination is
29 necessary to determine the child's physical or mental condi-
30 tion. The examination shall be conducted in accordance with
31 the applicable requirements of section 232.98.
32 6. If the court adjudicates the child as a child in need
33 of services, the court shall, as soon as practicable, hold a
34 dispositional hearing unless waived by the parties. Prior to
35 the hearing the court shall require a social investigation to

1 be conducted and a social report to be submitted to the court
2 in accordance with the applicable requirements of section
3 232.97. The social report shall include a review of factors
4 and reasons for the child's absence without permission from
5 the child's home or placement. The social investigation and
6 report requirement may be waived by the parties if a recent
7 social report prepared in connection with a child in need of
8 assistance proceeding is on file with the court.
9 7. The dispositional hearing shall be held in accordance
10 with the applicable requirements of section 232.99. The court
11 may impose any disposition set out in sections 232.100 through
12 232.102, and may terminate, modify, or vacate the disposi-
13 tional order as provided in section 232.103. However, the
14 court shall not order the child placed in the Iowa juvenile
15 home or any residential treatment facility.
16 8. The juvenile court may concurrently conduct proceedings
17 under this section and proceedings under division III or IV of
18 this chapter.
19 Sec. 10. Section 237.15, subsection 1, paragraph i, Code
20 Supplement 1991, is amended to read as follows:
21 i. When a child is sixteen years of age or older, a
22 written plan of services which, based upon an assessment of
23 the child's needs, would assist the child in preparing for the
24 transition from foster care to independent living. <u>If the</u>
25 <u>child is interested in pursuing higher education, the plan</u>
26 <u>shall provide for the child's participation in the college</u>
27 <u>student aid commission's program of assistance in applying for</u>
28 <u>federal and state aid under section 261.2.</u>
29 Sec. 11. Section 261.2, Code 1991, is amended by adding
30 the following new subsection:
31 <u>NEW SUBSECTION</u>. 15. Develop and implement, in cooperation
32 with the department of human services and the judicial
33 department, a program to assist juveniles who are sixteen
34 years of age or older and who have a case permanency plan
35 under chapter 232 or 237 or are otherwise under the

1 jurisdiction of chapter 232 in applying for federal and state
2 aid available for higher education.
3 Sec. 12. Section 282.29, Code 1991, is amended by adding
4 the following new unnumbered paragraph:
5 NEW UNNUMBERED PARAGRAPH. If a child who is not identified
6 as requiring special education services is placed for
7 treatment in a facility located outside of this state, the
8 department of revenue and finance shall pay the child's
9 educational costs for the period of time the child is placed
10 at that facility. The payment for the costs shall be based
11 upon the average per pupil tuition and transportation costs
12 for the school district in which the facility is located. The
13 amount paid by the department of revenue and finance shall be
14 deducted monthly from the state foundation aid paid under
15 section 257.16 during the remainder of the fiscal year to all
16 school districts in the state.
17 Sec. 13. Section 321.178, subsection 1, unnumbered
18 paragraph 1, Code Supplement 1991, is amended to read as
19 follows:
20 An approved driver education course as programmed by the
21 department of education shall consist of at least thirty clock
22 hours of classroom instruction, and six or more clock hours of
23 laboratory instruction of which at least three clock hours
24 shall consist of street or highway driving. An approved
25 course shall include a minimum of ~~two~~ four hours of classroom
26 instruction concerning substance abuse as part of its
27 curriculum. After the student has completed three clock hours
28 of street or highway driving and has demonstrated to the
29 instructor an ability to properly operate a motor vehicle and
30 upon written request of a parent or guardian, the instructor
31 may waive the remaining required laboratory instruction.
32 Sec. 14. NEW SECTION. 321J.23 LEGISLATIVE FINDINGS.
33 The general assembly finds and declares as follows:
34 1. Drivers often do not realize the consequences of
35 drinking alcohol or using other drugs, and driving a motor

1 vehicle.
2 2. Prompt intervention is needed to protect society,
3 including drivers, from death or serious long-term injury.
4 3. The conviction of a driver for operating while
5 intoxicated identifies that person as a risk to the health and
6 safety of others, as well as to the intoxicated driver.
7 4. Close observation of the effects on others of alcohol
8 and drug use by an intoxicated driver convicted of operating
9 while intoxicated may have a marked effect on recidivism and
10 should therefore be encouraged by the courts.
11 5. The reality education substance abuse prevention
12 program provides guidelines for the operation of an intensive
13 program to discourage recidivism.
14 Sec. 15. NEW SECTION. 321J.24 COURT-ORDERED VISITATION
15 FOR OFFENDERS -- IMMUNITY FROM LIABILITY.
16 1. As used in this section, unless the context otherwise
17 requires:
18 a. "Appropriate victim" means a victim whose condition
19 demonstrates the results of a motor vehicle accident involving
20 intoxicated drivers without being excessively traumatic to the
21 participant, as determined by the tour supervisor.
22 b. "Participant" means a person ordered by the court to
23 participate in the reality education substance abuse
24 prevention program.
25 c. "Program" means the reality education substance abuse
26 prevention program.
27 d. "Program coordinator" means a person appointed by the
28 court to coordinate the person's participation in the program.
29 e. "Tour supervisor" means a person selected by a
30 participant's program coordinator to supervise a tour.
31 2. A reality education substance abuse prevention program
32 is established. Upon a conviction or adjudication for a
33 violation of section 321J.2, or the entry of a deferred
34 judgment concerning a violation of section 321J.2, the court
35 or juvenile court, with the consent of the defendant or

1 delinquent child, may order a defendant or delinquent child
2 who is sixteen years of age or older to participate in the
3 reality education substance abuse prevention program as a term
4 and condition of probation or disposition in addition to any
5 other term or condition of probation or disposition required
6 or authorized by law. The court or juvenile court shall
7 require the defendant or delinquent child to abstain from
8 consuming any controlled substance, alcoholic liquor, wine, or
9 beer before reaching age twenty-one while participating in the
10 program.
11 3. The court or juvenile court shall consult with the
12 defendant or delinquent child and the defendant's or
13 delinquent child's attorney, if any, and may consult with any
14 other person, including but not limited to the defendant's or
15 delinquent child's parents or other family members, to
16 determine if the defendant or delinquent child is suitable for
17 the participation in the program, if the program will be
18 educational and meaningful to the defendant or delinquent
19 child, and if any physical, emotional, mental, or other
20 reasons exist which indicate that the program would be
21 inappropriate or would cause any injury to the defendant or
22 delinquent child.
23 4. The court or juvenile court shall appoint a program
24 coordinator, to coordinate all tours and select appropriate
25 tour supervisors for each tour. In addition, the program
26 coordinator shall ensure compliance by contacting each tour
27 supervisor following the completion of a tour.
28 5. The court or juvenile court may include a requirement
29 for a supervised educational tour by the defendant or
30 delinquent child to any or all of the following:
31 a. A hospital or other emergency medical care facility
32 which regularly receives victims of motor vehicle accidents,
33 to observe treatment of appropriate victims of motor vehicle
34 accidents involving intoxicated drivers, under the supervision
35 of a registered nurse, physician, paramedic, or emergency

1 medical technician.
2 b. A facility for the treatment of chemical substance
3 abuse as defined in section 125.2, under the supervision of
4 appropriately licensed medical personnel.
5 c. If approved by the state or county medical examiner, a
6 morgue or a similar facility to receive appropriate
7 educational material and instruction concerning damage caused
8 by the consumption of alcohol or other drugs, under the
9 supervision of the county medical examiner or deputy medical
10 examiner.
11 However, the court or juvenile court shall not order the
12 defendant or delinquent child to participate in a supervised
13 education tour of a hospital or other facility specified in
14 this subsection, unless the hospital or facility agrees to
15 participate in the program.
16 6. Prior to a tour, the program coordinator shall explain
17 and discuss the experiences which may be encountered during
18 the tour to the participant. If the program coordinator
19 determines at any time before or during a tour that the tour
20 may be traumatic or otherwise inappropriate for the
21 participant, the program coordinator shall terminate the tour
22 without prejudice to the participant.
23 7. The court or juvenile court may order a personal
24 conference after the tours with the participant, the
25 participant's attorney, if any, and any other persons if
26 available and deemed necessary by the court or juvenile court,
27 to discuss the experiences of the participant in the program
28 and how those experiences may impact the participant's
29 conduct. The court or juvenile court may order the
30 participant to write a report or letter concerning the
31 participant's experiences in the program.
32 8. Tour supervisors and facilities toured during the
33 program are not liable for any civil damages resulting from
34 injury to the participant, or civil damages caused by the
35 participant during or from any activities related to a tour,

1 except for willful or grossly negligent acts intended to, or
2 reasonably expected to result in, such injury or damage.
3 9. The chief judge of the judicial district shall
4 determine fees to be paid by participants in the program. The
5 judicial department shall use the fees to pay all costs
6 associated with the program. The court shall either require
7 the participant to pay the fee in order to participate in the
8 program, or may waive the fee or collect a lesser amount upon
9 a showing of cause.
10 DIVISION II
11 CRIMINAL AND JUVENILE JUSTICE
12 Sec. 16. Section 232.8, Code Supplement 1991, is amended
13 by adding the following new subsection:
14 NEW SUBSECTION. 6. The juvenile court shall retain juris-
15 diction over persons who attain their eighteenth birthday, as
16 necessary to effectuate the provisions of sections 232.53 and
17 232.54, or in entering dispositional orders placing the
18 delinquent in the youthful offender program in accordance with
19 sections 232.52 and 234.53 for a period extending beyond the
20 delinquent's eighteenth birthday.
21 Sec. 17. Section 232.22, subsection 1, Code Supplement
22 1991, is amended to read as follows:
23 1. ~~No~~ A child shall not be placed in detention unless one
24 of the following conditions is met:
25 a. The child is being held under warrant for another
26 jurisdiction~~;-or~~.
27 b. The child is an escapee from a juvenile correctional or
28 penal institution~~;-or~~.
29 c. There is probable cause to believe that the child has
30 violated conditions of release imposed under section 232.44,
31 subsection 5, paragraph "b", 232.52, or 232.54 and there is a
32 substantial probability that the child will run away or
33 otherwise be unavailable for subsequent court appearance~~;-or~~.
34 d. There is probable cause to believe the child has
35 committed a delinquent act, and one of the following

1 conditions is met:
2 (1) There is a substantial probability that the child will
3 run away or otherwise be unavailable for subsequent court
4 appearance~~,-or~~.
5 (2) There is a serious risk that the child if released may
6 commit an act which would inflict serious bodily harm on the
7 child or on another~~,-or~~.
8 (3) There is a serious risk that the child if released may
9 commit serious damage to the property of others.
10 Sec. 18. Section 232.22, subsection 1, Code Supplement
11 1991, is amended by adding the following new paragraph:
12 NEW PARAGRAPH. e. There is probable cause to believe that
13 the child has committed a delinquent act involving the
14 possession with intent to deliver a substance containing
15 cocaine base, also known as crack cocaine, which if committed
16 by an adult would be a violation of one of the following
17 provisions of section 204.401, subsection 1:
18 (1) Paragraph "a", subparagraph (3).
19 (2) Paragraph "b", subparagraph (3).
20 (3) Paragraph "c", subparagraph (3).
21 Sec. 19. Section 232.50, subsection 2, Code 1991, is
22 amended to read as follows:
23 2. The court shall hold a periodic dispositional review
24 hearing for each child in placement pursuant to section
25 232.52, subsection 2, paragraph "d", ~~or~~ "e", or "g", to
26 determine the future disposition status of the child. The
27 hearings shall not be waived or continued beyond eighteen
28 months after the last dispositional hearing or dispositional
29 review hearing.
30 Sec. 20. Section 232.52, subsection 2, Code Supplement
31 1991, is amended by adding the following new paragraph:
32 NEW PARAGRAPH. g. An order transferring the guardianship
33 of the child, subject to the continuing jurisdiction and
34 custody of the court, to the director of the department of
35 human services for the purposes of placement in the youthful

1 offender program as provided in section 234.53. However, the
2 court shall provide equal access to the youthful offender
3 program within the limitations established pursuant to section
4 234.53, upon a finding that the child is likely to benefit
5 from the youth offender program. The dispositional order may
6 provide that the youthful offender shall remain in a youthful
7 offender program facility beyond the youthful offender's
8 eighteenth birthday.
9 Sec. 21. Section 232.52, subsection 6, unnumbered
10 paragraph 1, Code Supplement 1991, is amended to read as
11 follows:
12 When the court orders the transfer of legal custody of a
13 child pursuant to subsection 2, paragraphs "d", "e", ~~or~~ "f",
14 or "g", the order shall state that reasonable efforts have
15 been made to prevent or eliminate the need for removal of the
16 child from the child's home.
17 Sec. 22. Section 232.52, subsection 9, Code Supplement
18 1991, is amended to read as follows:
19 9. a. Upon receipt of an application from the director of
20 the department of human services, the court shall enter an
21 order to temporarily transfer a child who has been placed in
22 the state training school pursuant to subsection 2, paragraph
23 "e", or a youthful offender program facility pursuant to
24 subsection 2, paragraph "g", to a facility which has been
25 designated to be an alternative placement site for the state
26 training school, provided the court finds that all of the
27 following conditions exist:
28 (1) There is insufficient time to file a motion and hold a
29 hearing for a substitute dispositional order under section
30 232.54.
31 (2) Immediate removal of the child from the state training
32 school or youthful offender program facility is necessary to
33 safeguard the child's physical or emotional health.
34 (3) That reasonable attempts to notify the parents,
35 guardian ad litem, and attorney for the child have been made.

1 b. If the court finds the conditions in paragraph "a"
2 exist and there is insufficient time to provide notice as
3 required under rule of juvenile procedure 4.6, the court may
4 enter an ex parte order temporarily transferring the child to
5 the alternative placement site.
6 c. Within three days of the child's transfer, the director
7 shall file a motion for a substitute dispositional order under
8 section 232.54 and the court shall hold a hearing concerning
9 the motion within fourteen days of the child's transfer.
10 Sec. 23. Section 232.53, Code 1991, is amended to read as
11 follows:
12 232.53 DURATION OF DISPOSITIONAL ORDERS.
13 1. Any dispositional order entered by the court pursuant
14 to section 232.52 shall remain in force for an indeterminate
15 period or until the child becomes eighteen years of age unless
16 otherwise specified by the court or unless sooner terminated
17 pursuant to the provisions of section 232.54. ~~No~~ A
18 dispositional order made under section 232.52, subsection 2,
19 paragraph "e" or "g" shall not remain in force longer than the
20 maximum possible duration of the sentence which may be imposed
21 on an adult for the commission of the act which the child has
22 been found by the court to have committed.
23 2. ~~All~~ Except as otherwise specifically provided, all
24 dispositional orders entered prior to the child attaining the
25 age of seventeen years and six months shall automatically
26 terminate when the child becomes eighteen years of age.
27 Dispositional orders entered subsequent to the child attaining
28 the age of seventeen years and six months and prior to the
29 child's eighteenth birthday shall automatically terminate one
30 year after the date of disposition, except as otherwise
31 provided pursuant to section 232.52, subsection 2, paragraph
32 "g", or section 232.54, subsection 7. In the case of an adult
33 within the jurisdiction of the court under the provisions of
34 section 232.8, subsection 1, the dispositional order shall
35 automatically terminate one year after the last date upon

1 which jurisdiction could attach.
2 3. Notwithstanding section 242.13, a child committed to
3 the training school subsequent to the child attaining the age
4 of seventeen years and six months and prior to the child's
5 eighteenth birthday may be held at the school beyond the
6 child's eighteenth birthday pursuant to subsection 2 provided
7 that the training school makes application to and receives
8 permission from the committing court. This extension shall be
9 for the purpose of completion by the child of a course of
10 instruction established for the child pursuant to section
11 242.4 and cannot extend for more than one year beyond the date
12 of disposition.
13 4. Any person supervising but not having custody of the
14 child pursuant to such an order shall file a written report
15 with the court at least every six months concerning the status
16 and progress of the child.
17 Any agency, facility, institution or person to whom custody
18 of the child has been transferred pursuant to such order shall
19 file a written report with the court at least every six months
20 concerning the status and progress of the child.
21 5. Notwithstanding any other provision of this section or
22 any other law to the contrary, a delinquent obtaining the age
23 of eighteen may be held in a youth offender program facility
24 for a period of up to three years from the delinquent's
25 eighteenth birthday, in accordance with section 232.52,
26 subsection 2, paragraph "g", or section 232.54, subsection 7,
27 unless the time period would be in excess of the maximum
28 possible duration of the sentence which may be imposed on an
29 adult for the commission of the act as prohibited in
30 subsection 1. In addition, a delinquent may be subject to
31 continued supervision by a juvenile court officer as provided
32 in section 232.54, subsection 7.
33 Sec. 24. Section 232.54, subsections 2 through 5, Code
34 1991, are amended to read as follows:
35 2. With respect to a dispositional order made pursuant to

1 section 232.52, subsection 2, paragraphs "d", and "e", or "g",
2 the court shall grant a motion of the person to whom custody
3 has been transferred for termination of the order and
4 discharge of the child, for modification of the order by
5 imposition of less restrictive conditions, or for vacation of
6 the order and substitution of a less restrictive order unless
7 there is clear and convincing evidence that there has not been
8 a change of circumstance sufficient to grant the motion.
9 Notice shall be afforded all parties, and a hearing shall be
10 held at the request of any party or upon the court's own
11 motion.
12 3. With respect to a dispositional order made pursuant to
13 section 232.52, subsection 2, paragraphs "d", or "e", or "f",
14 or "g", the court shall grant a motion of a person or agency
15 to whom custody has been transferred for modification of the
16 order by transfer to an equally restrictive placement, unless
17 there is clear and convincing evidence that there has not been
18 a change of circumstance sufficient to grant the motion.
19 Notice shall be afforded all parties, and a hearing shall be
20 held at the request of any party or upon the court's own
21 motion.
22 4. With respect to a dispositional order made pursuant to
23 section 232.52, subsection 2, paragraphs "d", "e", or "f", or
24 "g", the court may, after notice and hearing, either grant or
25 deny a motion of the child, the child's parent or guardian, or
26 the child's guardian ad litem, to terminate the order and
27 discharge the child, to modify the order either by imposing
28 less restrictive conditions or by transfer to an equally or
29 less restrictive placement, or to vacate the order and
30 substitute a less restrictive order. A motion may be made
31 pursuant to this paragraph no more than once every six months.
32 5. With respect to a dispositional order made pursuant to
33 section 232.52, subsection 2, paragraphs "d", and "e", or "g",
34 the court may, after notice and a hearing at which there is
35 presented clear and convincing evidence to support such an

1 action, either grant or deny a motion by a county attorney or
2 by a person or agency to whom custody has been transferred, to
3 modify an order by imposing more restrictive conditions or to
4 vacate the order and substitute a more restrictive order.
5 Sec. 25. Section 232.54, Code 1991, is amended by adding
6 the following new subsection:
7 NEW SUBSECTION. 7. a. At any time prior to a juvenile
8 reaching the age of eighteen, a juvenile court officer may
9 file an application with the juvenile court, asking that the
10 court retain jurisdiction over the delinquent in accordance
11 with the provisions of sections 232.8 and 232.53 and this
12 subsection, for a period of up to three years after the de-
13 linquent's eighteenth birthday, so that the delinquent may
14 continue programs under the supervision of the juvenile court
15 officer. In addition, the department may file an application
16 pursuant to this subsection for continued supervision or
17 custody for continued participation in the youthful offender
18 program, if the original dispositional order did not provide
19 for continued participation after the delinquent's eighteenth
20 birthday.
21 b. Notwithstanding any other provision of this section or
22 any other law to the contrary, upon application of the
23 juvenile court officer or the department, the court may enter
24 another dispositional order providing for continuing
25 supervision by a juvenile court officer or continued
26 participation in the youthful offender program for a period of
27 up to three years after the delinquent's eighteenth birthday,
28 as specified by the court. However, the period specified in
29 the substituted dispositional order shall not provide for an
30 extension that would subject the delinquent to a disposition
31 in excess of the maximum possible duration of the sentence
32 which may be imposed on an adult for commission of the act.
33 The substituted dispositional order shall state the
34 consequences for violation of the order, and the court shall
35 provide notice to the delinquent, and to the delinquent's

1 attorney and parent or legal guardian, if applicable, at the
2 time of granting the substituted dispositional order.
3 c. The court shall grant a substituted dispositional order
4 pursuant to this subsection if each of the following occurs:
5 (1) An application is filed in accordance with this
6 subsection.
7 (2) The court finds that continued supervision or
8 participation in the youthful offender program is necessary
9 for the rehabilitation of the delinquent.
10 Sec. 26. Section 232.148, subsection 2, Code 1991, is
11 amended to read as follows:
12 2. Fingerprints and photographs of a child who has been
13 taken into custody and who is fourteen years of age or older
14 may be taken and filed by a criminal justice agency
15 investigating the commission of a public offense constituting
16 a felony or an aggravated misdemeanor. ~~However, fingerprint~~
17 ~~and photograph files of a child who enters into an informal~~
18 ~~adjustment or consent decree shall be retained only if the~~
19 ~~child is notified at the time of entering into the informal~~
20 ~~adjustment or consent decree that the files will be~~
21 ~~permanently retained by the criminal justice agency.~~
22 Sec. 27. Section 233.2, Code 1991, is amended to read as
23 follows:
24 233.2 PENALTY -- NOT A BAR.
25 A violation of section 233.1 is ~~a simple~~ an aggravated
26 misdemeanor. A conviction does not bar a prosecution of the
27 convicted person for ~~an~~ another indictable offense when the
28 acts which caused or contributed to the delinquency or
29 dependency of the child are indictable.
30 Sec. 28. NEW SECTION. 234.50 YOUTHFUL OFFENDER ADVISORY
31 COMMITTEE ESTABLISHED -- RULES.
32 1. The department of human services shall establish a
33 youthful offender advisory committee. The advisory committee
34 shall consist of five members as follows:
35 a. A representative of the department of human services,

1 appointed by the director.
2 b. A representative of the judicial department, appointed
3 by the chief justice of the supreme court.
4 c. A representative of the division of criminal and
5 juvenile justice planning of the department of human rights,
6 appointed by the administrator of the division of criminal and
7 juvenile justice planning.
8 d. A representative of the department of corrections,
9 appointed by the director of the department of corrections.
10 e. A representative of youth service providers, appointed
11 by the director of the department of human services from a
12 list of names provided by youth service providers.
13 2. Except as otherwise provided for the initial ap-
14 pointments, members shall be appointed for four-year terms,
15 commencing in May 1 in the year of appointment and expiring on
16 April 30 in the year of expiration. A member shall serve no
17 more than two consecutive terms, excluding the terms of the
18 initial advisory committee.
19 3. Vacancies shall be filled in the same manner as
20 original appointments. A vacancy shall be filed for the un-
21 expired term.
22 4. The advisory committee shall elect a chairperson from
23 among its own members.
24 5. Members of the advisory committee shall be paid their
25 actual and necessary expenses incurred in the performance of
26 their duties as provided in section 7E.6.
27 6. The advisory committee shall meet at least every other
28 month and may hold special meetings on the call of the
29 chairperson or as requested by a quorum of the advisory com-
30 mittee. A majority of the members shall constitute a quorum.
31 7. The department of human services shall adopt rules as
32 necessary for the operation of the advisory committee in the
33 performance of its duties.
34 Sec. 29. NEW SECTION. 234.51 ADMINISTRATIVE ACTIVITIES.
35 The administrative functions and staff services of the

1 youthful offender advisory committee shall be performed by the
2 department of human services. The advisory committee shall be
3 located in the department of human services offices.
4 Sec. 30. NEW SECTION. 234.52 DUTIES OF ADVISORY
5 COMMITTEE.
6 The youthful offender advisory committee shall do all of
7 the following:
8 1. Establish a youthful offender program as provided in
9 this chapter.
10 2. Annually report the results of its activities to the
11 governor and the general assembly.
12 3. Perform other duties as specified by law.
13 Sec. 31. NEW SECTION. 234.53 YOUTHFUL OFFENDER PROGRAM.
14 1. As used in this section, unless the context otherwise
15 requires, "youthful offender" means a person who is sixteen
16 years of age or older, who is subject to delinquency
17 proceedings of the juvenile court pursuant to chapter 232, and
18 who would qualify for placement at the state training school
19 pursuant to section 232.52, subsection 2, paragraph "e".
20 2. The youthful offender advisory committee shall estab-
21 lish a youthful offender program. The youthful offender
22 program shall be designed to meet the needs of eighty youthful
23 offenders, with a limit of ten youthful offenders from each
24 judicial district, on or before October 1, 1993.
25 3. The youthful offender program shall be designed to meet
26 the needs of youthful offenders with intensive programming
27 needs, including but not limited to youthful offenders having
28 a dual diagnosis. However, the youthful offender program
29 shall not include youthful offenders with a chemical
30 dependency as defined in section 125.2.
31 4. The advisory committee may establish the youthful
32 offender program in more than one location, and the program
33 may be located in private and public facilities. The
34 department of human services shall assist the advisory
35 committee by issuing requests for proposals and entering into

1 contracts to establish the program. The department of human
2 services may enter contracts with other state agencies or
3 political subdivisions in facilitating the establishment of
4 the youthful offender program, including but not limited to
5 the department of corrections. In addition, if the advisory
6 committee determines that the department of human services
7 should operate a youthful offender program at a facility which
8 the department operates, and the facility is available to meet
9 the needs of the youthful offender program as designed by the
10 advisory committee, the department of human services shall
11 operate a youthful offender program as designed by the
12 advisory committee and shall include the youthful offender
13 program in the department's budget proposals.
14 5. If the court places a youth adjudicated as delinquent
15 in the youthful offender program, the youth shall be
16 transferred originally to the diagnosis and evaluation center
17 at the state training school at Eldora for the identification
18 of appropriate treatment needs. Upon undergoing an initial
19 diagnosis and evaluation screening at the state training
20 school, the department of human services shall place the
21 youthful offender in a youthful offender program facility.
22 Sec. 32. Section 614.1, Code Supplement 1991, is amended
23 by adding the following new subsection:
24 NEW SUBSECTION. 13. RACKETEER INFLUENCED CORRUPT
25 ORGANIZATIONS ACT. A civil action for a violation of the
26 racketeer influenced corrupt organizations Act shall be
27 brought within the period specified in section 733.9.
28 Sec. 33. NEW SECTION. 733.1 SHORT TITLE.
29 This chapter shall be known and may be cited as the
30 "Racketeer Influenced and Corrupt Organizations (RICO) Act".
31 Sec. 34. NEW SECTION. 733.2 DEFINITIONS.
32 As used in this chapter, unless the context otherwise
33 requires:
34 1. "Documentary material" or "material" means any book,
35 paper, document, writing, drawing, graph, chart, photograph,

1 phonograph record, magnetic tape, computer printout, other
2 data compilation from which information can be obtained or
3 from which information can be translated into useable form, or
4 any other tangible item.
5 2. "Enterprise" means any individual, sole proprietorship,
6 partnership, corporation, business trust, or other profit or
7 nonprofit legal entity, and includes but is not limited to any
8 union, association, or group of individuals associated in fact
9 although not a legal entity, and both illicit and licit
10 enterprises and governmental and nongovernmental entities.
11 3. "Pattern of racketeering activity" means engaging in at
12 least two incidents of racketeering activity that have the
13 same or similar intents, results, accomplices, victims, or
14 methods of commission, or otherwise are interrelated by
15 distinguishing characteristics, including a nexus to the same
16 enterprise, and are not isolated incidents, provided at least
17 one of the incidents occurred on or after July 1, 1992, and
18 that the last of the incidents occurred within five years
19 after a prior incident of racketeering activity.
20 4. "Pecuniary value" means any of the following:
21 a. Anything of value in the form of money, a negotiable
22 instrument, a commercial interest, or anything else the
23 primary significance of which is economic advantage.
24 b. Any other property or service that has a value in
25 excess of one hundred dollars.
26 5. "Person" means any individual or entity capable of
27 holding a legal or beneficial interest in real or personal
28 property.
29 6. "Racketeering activity" means to commit, to attempt to
30 commit, to conspire to commit, or to solicit, coerce, or
31 intimidate another person to commit conduct which constitutes
32 a public offense in violation of any of the following
33 provisions:
34 a. Chapter 204, relating to controlled substances.
35 b. Chapter 707, homicide and related offenses.

1 c. Section 708.3, assault while participating in a felony.
2 d. Section 708.4, willful injury.
3 e. Section 708.5, administering harmful substances.
4 f. Section 708.6, terrorism.
5 g. Section 708.8, going armed with intent.
6 h. Chapter 709, sexual abuse and related offenses.
7 i. Sections 710.2 through 710.5, kidnapping and child
8 stealing.
9 j. Section 710.7, false imprisonment.
10 k. Chapter 711, robbery and extortion.
11 l. Chapter 712, arson and related offenses.
12 m. Sections 713.3 and 713.4, burglary in the first degree
13 and attempted burglary in the first degree.
14 n. Section 723A.2, criminal gang participation.
15 o. Section 724.3, unauthorized possession of offensive
16 weapons.
17 p. Chapter 725, vice provisions.
18 7. "Unlawful debt" means any money or other thing of value
19 constituting principal or interest of a debt that is legally
20 unenforceable in the state in whole or in part because the
21 debt was incurred or contracted in gambling activity or in the
22 business of lending money at a usurious rate, in violation of
23 state or federal law.
24 Sec. 35. NEW SECTION. 733.3 RACKETEERING PROHIBITED.
25 1. It is unlawful for any person who has knowingly
26 received any proceeds derived, directly or indirectly, from a
27 pattern of racketeering activity or through the collection of
28 an unlawful debt to use or invest, whether directly or
29 indirectly, any part of such proceeds, or the proceeds derived
30 from the investment or use thereof, in the acquisition of any
31 title to, or any right, interest, or equity in, real property
32 or in the establishment or operation of any enterprise.
33 2. It is unlawful for any person, through a pattern of
34 racketeering activity or through the collection of an unlawful
35 debt, to acquire or maintain, directly or indirectly, any

1 interest in or control of any real property or enterprise.
2 3. It is unlawful for any person employed by, or
3 associated with, any enterprise to conduct or participate,
4 directly or indirectly, in the enterprise through a pattern of
5 racketeering activity or the collection of an unlawful debt.
6 4. It is unlawful for any person to conspire or endeavor
7 to violate any of the provisions of subsections 1 through 3.
8 Sec. 36. NEW SECTION. 733.4 CRIMINAL PENALTIES.
9 A person who violates section 733.3 commits a class "D"
10 felony. Notwithstanding section 902.9, in lieu of the fine
11 authorized by section 902.9, if a person violates this section
12 and derives a pecuniary value or causes personal injury,
13 property damage, or other loss, the court may sentence the
14 person to pay a fine that does not exceed three times the
15 gross value gained or three times the gross loss caused,
16 whichever is greater, plus court costs and the costs of
17 investigation and prosecution, reasonably incurred. Prior to
18 imposing a fine in excess of the amount authorized in section
19 902.9, the court shall hold a hearing to determine the amount
20 of the fine.
21 Sec. 37. NEW SECTION. 733.5 INJUNCTIVE RELIEF.
22 1. The attorney general, a county attorney, or any person
23 aggrieved by a violation of section 733.3 may seek injunctive
24 relief, and the court may grant injunctive relief in either a
25 civil or criminal action alleging a violation of section
26 733.3. However, an injunction by the court entered pursuant
27 to this section shall make due provision for the rights of
28 persons who have not acted in violation of section 733.3.
29 2. Orders and judgments entered pursuant to this section
30 relating to a violation of section 733.3 may include, but are
31 not limited to, the following:
32 a. Divestiture by the defendant of any interest in any
33 enterprise, including but not limited to real property.
34 b. The imposition of reasonable restrictions upon the
35 future activities or investments of any defendant, including,

1 but not limited to, prohibiting any defendant from engaging in
2 the same type of endeavor as the enterprise in which the
3 defendant was engaged in violation of section 733.3.
4 c. The dissolution or reorganization of any enterprise.
5 d. The suspension or revocation of a license, permit, or
6 prior approval granted to any enterprise by any agency of the
7 state.
8 e. The revocation and surrender of the articles of
9 incorporation of a corporation organized under the laws of the
10 state, or the revocation and surrender of a certificate of
11 authority to transact business in the state by a foreign
12 corporation, upon finding that the board of directors or a
13 managerial agent acting on behalf of the corporation, in
14 conducting the affairs of the corporation, has authorized or
15 engaged in conduct in violation of section 733.3, and that,
16 for the prevention of future criminal activity, the public
17 interest requires the articles of incorporation revoked and
18 the corporation dissolved or the certificate revoked.
19 3. In a proceeding seeking relief pursuant to this
20 section, such relief shall be granted in conformity with the
21 principles that govern injunctive relief from threatened loss
22 or damage in other cases, except that no showing of special or
23 irreparable injury shall be required, notwithstanding Iowa
24 rule of civil procedure 321 or any other provision of law to
25 the contrary. Upon the execution of a bond against damages
26 for an injunction improvidently granted and a showing of
27 immediate danger of significant loss or damage, a temporary
28 restraining order and a preliminary injunction may be issued
29 before a final determination on the merits. In an action by
30 the attorney general or a county attorney, pending final
31 determination on the merits, the court may at any time enter
32 injunctions, prohibitions, or restraining orders, or take such
33 actions, including the acceptance of satisfactory performance
34 bonds, as the court deems appropriate.
35 Sec. 38. NEW SECTION. 733.6 SEIZURE AND FORFEITURE LAW

1 APPLICABLE.
2 1. In addition to any other remedy provided in this
3 chapter, the seizure and forfeiture provisions of chapter 809
4 shall apply, and forfeited property shall be disposed of in
5 accordance with section 809.13.
6 2. An injured person shall have a right or claim to
7 forfeited property or to the proceeds of forfeited property
8 superior to any right or claim the state has in the same
9 property or proceeds.
10 Sec. 39. NEW SECTION. 733.7 CIVIL ACTIONS.
11 1. The attorney general, a county attorney, or any ag-
12 grieved person may bring a civil action for injunctive relief
13 as specified in section 733.5, concerning a violation of
14 section 733.3.
15 2. A person who is injured by reason of a violation of
16 section 733.3 shall have a cause of action for three times the
17 actual damages sustained and, when appropriate, punitive
18 damages, as well as recovery of attorney fees, court costs,
19 and other costs of investigation and litigation, if such costs
20 and fees are reasonably incurred.
21 3. The attorney general or a county attorney may bring an
22 action for civil penalties for any violation of section 733.3.
23 Upon proof of a violation, the court shall impose a civil
24 penalty of not more than two hundred fifty thousand dollars.
25 4. In a civil action instituted by the attorney general or
26 a county attorney, regardless of the relief sought, upon entry
27 of a final judgment or decree in favor of the state, the
28 attorney general or the county attorney shall be entitled to
29 recover attorney fees, court costs, and costs of investigation
30 and litigation, reasonably incurred. The amounts recovered
31 may include costs and expenses of state and local governmental
32 departments and agencies incurred in connection with the
33 investigation or litigation.
34 5. A party in any civil action brought pursuant to this
35 chapter may demand a trial by jury.

1 6. Upon application, the attorney general may intervene in
2 any civil action brought by a person other than a county
3 attorney pursuant to this chapter, if the attorney general
4 certifies that in the opinion of the attorney general, the
5 action or proceeding is of general public importance. In an
6 action in which the attorney general intervenes, the state
7 shall be entitled to the same relief as if the attorney
8 general instituted the action or proceeding.
9 7. A final judgment or decree rendered in favor of the
10 state in a criminal proceeding under section 733.4 shall estop
11 the defendant in any subsequent civil action or proceeding
12 brought by the attorney general or any other person as to all
13 matters as to which the judgment or decree would be an
14 estoppel as between the state and the defendant.
15 8. The application of one civil remedy under any provision
16 of this chapter shall not preclude the application of any
17 other remedy, civil or criminal, under this chapter or any
18 other provision of law. Civil remedies pursuant to this
19 chapter are supplemental and are not mutually exclusive.
20 Sec. 40. NEW SECTION. 733.8 INVESTIGATIVE AUTHORITY --
21 SUBPOENA POWER.
22 1. In a civil action in which the attorney general or
23 county attorney is the plaintiff or the attorney general has
24 intervened, due to the belief that a person or other
25 enterprise has engaged in, or is engaging in, a violation of
26 this chapter, the attorney general or county attorney may
27 administer oaths or affirmations, subpoena witnesses or
28 documentary material, and collect evidence pursuant to the
29 Iowa rules of civil procedure.
30 2. If documentary material that the attorney general or
31 county attorney seeks to obtain by subpoena is located outside
32 the state, the person or enterprise subpoenaed may make the
33 documentary material available at the place where it is
34 located. The attorney general or county attorney may
35 designate representatives, including officials of the

1 jurisdiction in which the documentary material is located, to
2 inspect the material on behalf of the attorney general or
3 county attorney, and may respond to similar requests from
4 officials of other jurisdictions.
5 3. Upon failure of a person or enterprise, without lawful
6 excuse, to obey a subpoena, and after reasonable notice to the
7 person or enterprise, the attorney general or county attorney
8 may apply to the district court where the person or enterprise
9 resides, is found, or transacts business, for an order
10 compelling compliance.
11 Sec. 41. NEW SECTION. 733.9 STATUTE OF LIMITATIONS.
12 Notwithstanding any other provision of law to the contrary,
13 a criminal or civil proceeding pursuant to this chapter may be
14 brought at any time within five years after the conduct in
15 violation of section 733.3 terminates or the cause of action
16 accrues. If a criminal prosecution or civil action or
17 proceeding is brought, or intervened in, to punish, prevent,
18 or restrain a violation of this chapter, the running of the
19 period of limitations prescribed by this section with respect
20 to any civil cause of action by a person other than the
21 attorney general or a county attorney which is based in whole
22 or in part upon the matter complained of in the prosecution,
23 action, or proceeding shall be suspended during the pendency
24 of the prosecution, action, or proceeding and for two years
25 following the termination of the prosecution, action, or
26 proceeding.
27 Sec. 42. Section 802.3, Code 1991, is amended to read as
28 follows:
29 802.3 FELONY -- AGGRAVATED OR SERIOUS MISDEMEANOR -- RICO
30 VIOLATIONS.
31 1. In all cases, except those enumerated in subsection 2
32 and in sections 802.1 and 802.2, an indictment or information
33 for a felony or aggravated or serious misdemeanor shall be
34 found within three years after its commission.
35 2. An action for a criminal violation of the racketeer

1 influenced corrupt organizations Act pursuant to section 733.4
2 shall be brought within the period specified in section 733.9.
3 Sec. 43. BOOT CAMP PILOT PROJECT.
4 1. The youthful offender advisory committee created in
5 section 234.50 shall establish a boot camp pilot project
6 within the youthful offender program. While youthful
7 offenders placed in the boot camp pilot project shall be
8 subject to the other qualifications and restrictions provided
9 in section 234.53, notwithstanding section 234.53, the
10 advisory committee shall establish the boot camp pilot project
11 to meet the needs of an additional 25 youthful offenders above
12 the number specified in section 234.53, subsection 2. The
13 boot camp pilot project shall not be restricted to youthful
14 offenders from any particular judicial district.
15 2. The pilot program shall be established for a period
16 commencing October 1, 1993, and ending April 1, 1995.
17 3. The boot camp pilot project shall emphasize job
18 training and education. The advisory committee shall submit a
19 report to the general assembly on or before January 15, 1995,
20 pertaining to the boot camp pilot project and containing
21 recommendations concerning future use of boot camp facilities.
22 4. After an initial diagnosis and evaluation at the state
23 training school, the department shall place offenders in the
24 boot camp pilot project upon a determination that the youthful
25 offender is appropriately suited for the boot camp and may
26 reasonably be expected to be rehabilitated through par-
27 ticipation in the pilot project.
28 Sec. 44. INITIAL YOUTHFUL OFFENDER ADVISORY COMMITTEE --
29 IMPLEMENTATION -- EFFECTIVE DATE.
30 1. In order to effectuate the purposes of this Act and to
31 implement the provisions of this Act pertaining to the
32 youthful offender advisory committee by July 1, 1992, the de-
33 partment of human services shall coordinate the establishment
34 of the initial youthful offender advisory committee. The
35 initial youthful offender advisory committee shall be

1 appointed in the manner specified in the section of this Act
2 establishing a new section 234.50, subsection 1, and the
3 appointing entities shall cooperate with the department of
4 human services to establish the initial youthful offender
5 advisory committee by July 1, 1992.
6 2. The terms of the initial members of the advisory
7 committee shall commence on July 1, 1992, and expire as
8 follows:
9 a. For the representative of the department of human
10 services, on April 30, 1993.
11 b. For the representative of the judicial department, on
12 April 30, 1994.
13 c. For the representative of the division of criminal and
14 juvenile justice planning, on April 30, 1995.
15 d. For the representative of the department of corrections
16 and the representative of youth service providers, on April
17 30, 1996.
18 3. The department of human services shall provide
19 administrative services as are necessary to implement this
20 section. The department shall coordinate the first meetings
21 of the initial advisory committee.
22 4. This section, being deemed of immediate importance,
23 shall take effect upon enactment.
24 DIVISION III
25 EVALUATION
26 Sec. 45. Section 601K.135, Code 1991, is amended by adding
27 the following new unnumbered paragraph:
28 NEW UNNUMBERED PARAGRAPH. Beginning in 1992, the division
29 shall include in the plans, updates, and reports required by
30 this section an identification and evaluation of existing
31 juvenile treatment programs based upon quantifiable goals
32 established by the division, utilizing its existing computer
33 capacity and access.
34 Sec. 46. NEW SECTION. 601K.138 MULTIAGENCY DATA BASE
35 CONCERNING JUVENILES.

1 1. The division shall coordinate the development of a
2 multiagency data base to track the progress of juveniles
3 through various state and local agencies and programs. The
4 division shall develop a plan which utilizes existing data
5 bases, including the Iowa court information system, the
6 federally mandated national adoption and foster care
7 information system, and the other state and local data bases
8 pertaining to juveniles, to the extent possible.
9 2. The department of human services, department of cor-
10 rections, judicial department, department of public safety,
11 department of education, local school districts, and other
12 state agencies and political subdivisions shall cooperate with
13 the division in the development of the plan.
14 3. The data base shall be designed to track the progress
15 of juveniles in various programs, evaluate the experiences of
16 juveniles, and evaluate the success of the services provided.
17 4. The division shall develop the plan within the context
18 of existing federal privacy and confidentiality requirements.
19 The plan shall build upon existing resources and facilities to
20 the extent possible.
21 5. The plan shall provide for the sharing of information
22 by case management teams, consisting of designated represen-
23 tatives of various state and local agencies and political
24 subdivisions, to coordinate the delivery of services to
25 juveniles. The division shall coordinate this process, and
26 state and local agencies and political subdivisions shall
27 inform the division of their designated representatives to
28 case management teams. Notwithstanding the confidentiality
29 requirements of section 22.7, subsection 1, and sections
30 232.147, 235A.15, 246.602, and 692.2, members of case
31 management teams shall have authorized access to records
32 otherwise specified as confidential and unaccessible pursuant
33 to those sections, pursuant to procedures adopted by the
34 division and subject to prohibitions under federal law.
35 However, redissemination of the information to persons who are

1 not authorized by law and who are not members of the case
2 management team shall be subject to any penalty or restric-
3 tions to those contained in sections 22.8, 22.10, 232.151,
4 235A.17, 235A.20, 235A.21, 692.3, 692.6, and 692.7, or any
5 other provision of law.
6 6. Prior to the development and implementation of the
7 plan, the division shall facilitate the exchange of infor-
8 mation by members of a case management team as authorized
9 under subsection 6, whether through documentary or computer
10 records.
11 7. The division shall submit a report on the plan required
12 by this section to the general assembly on or before January
13 15, 1994.
14 EXPLANATION
15 This bill contains a number of provisions pertaining to
16 juvenile justice and programs, as well as criminal justice.
17 DIVISION I
18 PREVENTION AND INTERVENTION
19 Sections 1 and 2 appropriate funding to the department of
20 human services for the following purposes: additional funding
21 for family preservation programs to establish pilot programs
22 utilizing mentors and per diem reimbursement of 30 additional
23 enhanced residential treatment beds.
24 Section 3 provides that of the moneys appropriated under
25 the federal National Affordable Housing Act, $200,000 shall be
26 used to provide at least 10 emergency shelter care beds for
27 juveniles who are unable to remain in their family home and
28 who are not provided services by the department of human
29 services or the court.
30 Section 4 creates a juvenile aftercare and treatment
31 demonstration grant program under the authority of the
32 judicial department and the department of human services.
33 Moneys are appropriated to the fund which is to provide grants
34 for support services to juveniles who have been adjudicated as
35 delinquent or as a child in need of assistance or have

1 completed substance abuse treatment and have completed the
2 applicable court-ordered requirements.
3 Section 5 appropriates an additional $28,500 to drug abuse
4 resistance education (D.A.R.E.), to be targeted to fifth and
5 sixth grade students.
6 The amendments to section 232.2, subsection 4, and sections
7 232.52, 237.15, and 261.2 relate to requirements established
8 for the college student aid commission to develop and
9 implement a program to assist juveniles who are interested in
10 higher education, are at least 16 years of age, are in foster
11 care, and have a case permanency plan or are otherwise under
12 the jurisdiction of chapter 232 to apply for federal and state
13 financial aid for higher education.
14 The changes to section 232.2, subsection 54 and new section
15 232.107 of this bill grant the juvenile court jurisdiction
16 over chronic runaways, defined as children in need of
17 services, whose health, safety, and welfare are at risk. The
18 court petition may be filed by the department of human
19 services, a county attorney, or a juvenile court officer. The
20 procedural requirements for child in need of assistance cases
21 are generally applied to the proceedings to determine if a
22 child is a child in need of services. The child in need of
23 assistance dispositional options are made applicable, except
24 for placement in the Iowa juvenile home or a residential
25 treatment facility.
26 Section 282.29 is amended to provide that if a child who is
27 not identified as requiring special education services and is
28 placed for treatment at a facility outside the state, the
29 state will pay that child's educational costs. The costs are
30 to be based upon the average per pupil tuition and
31 transportation costs in the school district in which the
32 facility is located. The payment is made under the school
33 foundation aid appropriation and spread across all school
34 districts.
35 The amendment to section 321.178 increases the minimum

1 hours of classroom instruction concerning substance abuse in
2 approved driver education courses programmed by the department
3 of education, from two to four hours.
4 The bill provides for the establishment of a reality
5 education substance abuse prevention program by adding new
6 sections 321J.23 and 321J.24. The bill authorizes the court
7 or juvenile court to impose, as a condition of probation or
8 disposition but with the consent of the defendant or
9 delinquent child, participation in the program if the person
10 is convicted or has received a deferred judgment relating to a
11 violation of Iowa Code section 321J.2, for operating a motor
12 vehicle while intoxicated, and the person is age 16 or older.
13 The bill requires that participants in the program under the
14 age of 21 must abstain from consuming alcoholic beverages as
15 part of the program.
16 This bill provides for the program to be administered by a
17 program coordinator appointed by the court. The program
18 coordinator will coordinate tours with appropriate emergency
19 care medical facilities, chemical substance abuse treatment
20 facilities, and morgues, and will select an appropriate tour
21 supervisor at the facility. The bill further requires that
22 the court may order participants to take part in a personal
23 conference with the court or juvenile court or to provide
24 written correspondence concerning each tour.
25 In addition, the tour supervisors and facilities are
26 granted immunity from civil liability for injury to or damages
27 caused by the participant, except for their willful or grossly
28 negligent actions.
29 The bill provides that the chief judge of each judicial
30 district shall determine fees to be paid by participants in
31 the program, which may be waived or reduced by the court upon
32 a showing of cause.
33 DIVISION II
34 CRIMINAL AND JUVENILE JUSTICE
35 The changes to sections 232.8, 232.52 through 232.54,

1 234.50 through 234.53, and sections 43 and 44 of this Act,
2 provide for continuing jurisdiction by the juvenile court of
3 delinquents for up to three years of the delinquent's 18th
4 birthday, establishment of a youthful offender program for
5 delinquents over 16 years of age, and the establishment of a
6 boot camp pilot project for youthful offenders. The
7 provisions regarding continuing jurisdiction of the juvenile
8 court provide a procedure whereby juvenile court officers may
9 file an application for continuing jurisdiction of a
10 delinquent after the delinquent's 18th birthday, so that the
11 delinquent may continue programs under the supervision of the
12 juvenile court, through the entry of a substituted
13 dispositional order. In addition, the department of human
14 services may utilize this procedure for continued parti-
15 cipation in the youthful offender program.
16 These provisions also establish a youthful offender ad-
17 visory committee to establish the youthful offender program
18 and boot camp pilot project for persons defined as youthful
19 offenders in the bill. Qualifications under the bill include
20 meeting the requirements for placement at the state training
21 school. The five-member advisory committee is coordinated by
22 the department of human services. The bill provides the
23 advisory committee with specifications concerning the
24 establishment of the youthful offender program and the boot
25 camp pilot project, and contains implementation and effective
26 date provisions.
27 The amendments to section 232.22 provide that a child may
28 be detained if there is probable cause to believe that the
29 child has committed a delinquent act involving the possession
30 with intent to deliver a substance containing crack cocaine.
31 Thus, under the bill, other findings required for detention
32 concerning other public offenses are not required in matters
33 involving possession with intent to deliver crack cocaine.
34 Changes to section 232.148 in the bill pertain to
35 fingerprinting juveniles. The bill provides that the

1 fingerprints and photographs of a child who is taken into
2 custody and is 14 years of age or older may be taken and filed
3 by agencies investigating aggravated misdemeanors, as well as
4 felonies. The bill strikes a requirement of notification of a
5 child entering an informal adjustment in order for the
6 criminal justice agency to retain the fingerprint and
7 photograph files.
8 The amendment to section 233.2 increases the penalty for
9 contributing to the delinquency of a minor, from a simple to
10 an aggravated misdemeanor.
11 The changes to sections 614.1 and 802.3, as well as the
12 creation of a new chapter 733, establish a racketeer
13 influenced corrupt organizations (RICO) Act. The bill
14 specifies activities which constitute racketeering activity,
15 and provides that violations constitute a class "D" felony.
16 With respect to the criminal provisions, the bill allows the
17 court to impose a fine in excess of the maximum amount allowed
18 under section 902.9 under certain conditions. The bill also
19 provides for injunctive relief and civil actions, treble
20 damages, civil penalties, and other relief. The bill
21 specifies the statute of limitations in a civil or criminal
22 action.
23 DIVISION III
24 EVALUATION
25 The changes to section 601K.15 of the bill require the
26 division of criminal and juvenile justice planning to identify
27 and evaluate existing juvenile treatment programs based upon
28 quantifiable goals established by the division, utilizing its
29 existing computer capacity.
30 The changes creating a new section 601K.138 of the bill
31 require the division of criminal and juvenile justice planning
32 to coordinate the development of a multiagency data base to
33 track the progress of juveniles through various state and
34 local agencies and programs. These provisions permit the
35 sharing of otherwise confidential information by case

1 management teams, subject to redissemination prohibitions and
2 penalties.
3 The bill may include a state mandate as defined in section
4 25B.3.
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ROSENBERG, CH.
STURGEON
FUHRMAN
VARN
SLIFE

SSB 2260
JUDICIARY

SENATE FILE _____
BY (PROPOSED COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT BILL BY CHAIRPERSON STURGEON)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to criminal and juvenile justice and public
2 programs involving juveniles, making appropriations, granting
3 the juvenile court jurisdiction over chronic runaways,
4 establishing a youthful offender program and a boot camp,
5 establishing racketeer influenced corrupt organizations
6 provisions including criminal and civil penalties, and
7 increasing certain criminal penalties.
8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
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1 DIVISION I
2 PREVENTION AND INTERVENTION
3 Section 1. FAMILY PRESERVATION PROGRAMS. There is
4 appropriated from the general fund of the state to the
5 department of human services for the fiscal year beginning
6 July 1, 1992, and ending June 30, 1993, in addition to other
7 appropriations made for the following purpose for that fiscal
8 year, the following amount, or so much thereof as is
9 necessary, to be used for the purpose designated:
10 For creation of pilot programs utilizing mentors in family
11 preservation and reunification projects in Polk and Black Hawk
12 counties:
13 ..... $ 235,000
14 Sec. 2. ENHANCED RESIDENTIAL TREATMENT. There is
15 appropriated from the general fund of the state to the
16 department of human services for the fiscal year beginning
17 July 1, 1992, and ending June 30, 1993, in addition to other
18 appropriations made for the following purpose for that fiscal
19 year, the following amount, or so much thereof as is
20 necessary, to be used for the purpose designated:
21 For payment of per diem reimbursement for 30 new enhanced
22 residential treatment beds for juveniles:
23 ..... $ 235,000
24 The moneys appropriated in this section shall only be used
25 for payment of per diem reimbursement for at least 30 enhanced
26 residential treatment beds which were not in existence before
27 July 1, 1992, and shall not be used for any other purpose.
28 Sec. 3. HOMELESS AND RUNAWAY JUVENILES. There is
29 appropriated from the general fund of the state to the Iowa
30 finance authority for the fiscal year beginning July 1, 1992,
31 and ending June 30, 1993, the following amount, or so much
32 thereof as is necessary, to be used for the purpose
33 designated:
34 For a state match of federal emergency shelter grant
35 funding to provide at least 10 emergency shelter care beds for

1 juveniles who are unable to remain in their home and who are
2 not provided services by the department of human services or
3 the court:
4 ..... $ 275,000
5 The moneys appropriated in this section shall only be used
6 for the state funding match for grants authorized under the
7 federal National Affordable Housing Act of 1990 in order to
8 provide new shelter care beds for juveniles who are homeless,
9 abused, have run away from home, or are otherwise unable to
10 remain in their home and who are not provided services by the
11 department of human services or the court at the time the
12 shelter care begins. The grants shall be awarded in
13 accordance with federal requirements in order to provide the
14 beds in the areas of the state with the greatest proportion of
15 juveniles who are at-risk of being placed outside their homes.
16 Sec. 4. JUVENILE SUPPORT DEMONSTRATION GRANT PROGRAM.
17 There is appropriated from the general fund of the state to
18 the juvenile support demonstration grant fund created in this
19 section, for the fiscal year beginning July 1, 1992, and
20 ending June 30, 1993, the following amount, or so much thereof
21 as is necessary, to be used for the purpose designated:
22 For grants to juvenile support demonstration projects in
23 accordance with this section:
24 ..... $ 200,000
25 1. A juvenile support demonstration grant fund is created
26 in the office of the treasurer of state under the authority of
27 the judicial department and the department of human services.
28 Notwithstanding section 8.33, moneys in the fund which remain
29 unobligated or unexpended at the end of the fiscal year shall
30 not revert to the general fund of the state but shall remain
31 available to provide grants in accordance with this section.
32 2. The judicial department and the department of human
33 services shall jointly establish criteria and requirements for
34 awarding grants from the grant fund. The grants shall be for
35 the provision of support services to juveniles who have been

1 adjudicated as delinquent or as a child in need of assistance
2 or have received substance abuse treatment and have completed
3 the requirements of the adjudication or treatment. The
4 support services shall be designed to eliminate the need for
5 further adjudication or treatment. In awarding grants, every
6 effort shall be made to make use of existing funding available
7 for support services.
8 3. The grants shall be awarded to programs which are based
9 upon successful programs utilizing mentors and other
10 innovative approaches to working with juveniles. Programs
11 shall be required to provide evaluation information.
12 Sec. 5. DRUG ABUSE RESISTENCE EDUCATION. There is appro-
13 priated from the general fund of the state to the department
14 of public safety for the fiscal year beginning July 1, 1992,
15 and ending June 30, 1993, in addition to other appropriations
16 made for the following purpose for that fiscal year, the
17 following amount, or so much thereof as is necessary, to be
18 used for the purpose designated:
19 For use by the department to provide law enforcement
20 officials for project D.A.R.E. (drug abuse resistance educa-
21 tion) within local communities:
22 ..... $ 28,500
23 Sec. 6. Section 232.2, subsection 4, paragraph f, Code
24 Supplement 1991, is amended to read as follows:
25 f. When a child is sixteen years of age or older, a
26 written plan of services which, based upon an assessment of
27 the child's needs, would assist the child in preparing for the
28 transition from foster care to independent living. <u>If the</u>
29 <u>child is interested in pursuing higher education, the plan</u>
30 <u>shall provide for the child's participation in the college</u>
31 <u>student aid commission's program of assistance in applying for</u>
32 <u>federal and state aid under section 261.2.</u>
33 Sec. 7. Section 232.2, Code Supplement 1991, is amended by
34 adding the following new subsection:
35 <u>NEW SUBSECTION</u>. 54. "Child in need of services" means a

1 child who is voluntarily absent without permission from the
2 child's home or placement for a period of time exceeding one
3 week, or who is voluntarily absent without permission from the
4 child's home or placement for a period of time exceeding
5 twelve hours on each of three or more separate occasions in a
6 twelve-month period, and whose health, safety, and welfare are
7 at risk.
8 Sec. 8. Section 232.52, subsection 6, unnumbered paragraph
9 2, Code Supplement 1991, is amended to read as follows:
10 When the court orders the transfer of legal custody of a
11 child pursuant to subsection 2, paragraph "d", and the child
12 is sixteen years of age or older, the order shall specify the
13 services needed to assist the child in preparing for the
14 transition from foster care to independent living. <u>If the</u>
15 <u>child is interested in pursuing higher education, the plan</u>
16 <u>shall provide for the child's participation in the college</u>
17 <u>student aid commission's program of assistance in applying for</u>
18 <u>federal and state aid under section 261.2.</u>
19 Sec. 9. Section 232.95, subsection 2, Code 1991, is
20 amended by adding the following new paragraph:
21 <u>NEW PARAGRAPH</u>. d. Remove the child from home and place
22 the child in a shelter care facility for a period not to
23 exceed seventy-two hours. Notwithstanding paragraph "a" or
24 any other provision of law to the contrary, if the court finds
25 that a child has been a victim of child abuse as defined in
26 section 232.68, the court may place the child in shelter care
27 pursuant to this paragraph without making the findings
28 required in paragraph "a". However, a child shall not remain
29 in shelter care longer than seventy-two hours pursuant to this
30 paragraph, at which time the court may exercise any of the
31 options specified in paragraphs "a" through "c".
32 Sec. 10. <u>NEW SECTION</u>. 232.107 CHILD IN NEED OF SERVICES
33 -- ADJUDICATION -- VIOLATION OF COURT ORDER.
34 1. This section shall be liberally construed in order to
35 address the problems of the chronic runaway at the earliest

1 stage possible, to provide early intervention through the
2 delivery of services to the chronic runaway, and to exercise
3 court jurisdiction which will best serve the interests of both
4 the chronic runaway and the state.
5 2. The juvenile court has exclusive jurisdiction over
6 proceedings alleging that a child is a child in need of
7 services. Venue for child in need of services proceedings
8 shall be determined in accordance with section 232.62.
9 3. A child in need of services proceeding shall be
10 initiated by the filing of a petition alleging that a child is
11 a child in need of services. A petition may be filed by the
12 department of human services, a county attorney, or a juvenile
13 court officer. However, a person having knowledge of the
14 circumstances may file a complaint with the department, county
15 attorney, or juvenile court officer alleging that a child is a
16 child in need of services. The judge, county attorney, or
17 juvenile court officer may authorize the filing of the
18 petition without the payment of a filing fee. The petition
19 shall be submitted in the form specified in section 232.36 and
20 shall allege that the child has been voluntarily absent
21 without permission from the child's home or placement for a
22 period of time exceeding one week, or for a period of time
23 exceeding twelve hours on each of three or more separate
24 occasions in a twelve-month period, and that the child's
25 health, safety, and welfare are at risk.
26 4. Upon the filing of a petition, the court shall appoint
27 legal counsel for the child, and may appoint legal counsel for
28 the child's parent, guardian, or custodian in accordance with
29 section 232.89. The court may appoint a separate guardian ad
30 litem if the legal counsel cannot properly represent the best
31 interest of the child.
32 5. Upon the filing of a petition, the court shall fix a
33 time and place for an adjudicatory hearing and give notice of
34 the time and place to the child and the child's parent,
35 guardian, or custodian. The hearing and other proceedings

1 conducted pursuant to this section shall be conducted in
2 compliance with all applicable requirements of sections 232.90
3 through 232.94A, and 232.96. The court may adjudicate the
4 child as a child in need of services if the court finds that
5 the child has been voluntarily absent without permission from
6 the child's home or placement for a period of time exceeding
7 one week, or for a period of time exceeding twelve hours on
8 each of three or more separate occasions in a twelve-month
9 period, and that the child's health, safety, and welfare are
10 at risk. The court may order a physical or mental examination
11 of the child, if the court finds that such an examination is
12 necessary to determine the child's physical or mental condi-
13 tion. The examination shall be conducted in accordance with
14 the applicable requirements of section 232.98.
15 6. If the court adjudicates the child as a child in need
16 of services, the court shall, as soon as practicable, hold a
17 dispositional hearing unless waived by the parties. Prior to
18 the hearing the court shall require a social investigation to
19 be conducted and a social report to be submitted to the court
20 in accordance with the applicable requirements of section
21 232.97. The social report shall include a review of factors
22 and reasons for the child's absence without permission from
23 the child's home or placement. The social investigation and
24 report requirement may be waived by the parties if a recent
25 social report prepared in connection with a child in need of
26 assistance proceeding is on file with the court.
27 7. The dispositional hearing shall be held in accordance
28 with the applicable requirements of section 232.99. The court
29 may impose any disposition set out in sections 232.100 through
30 232.102, and may terminate, modify, or vacate the disposi-
31 tional order as provided in section 232.103. However, the
32 court shall not order the child placed in the Iowa juvenile
33 home. The court order shall notify the child and the child's
34 legal counsel that the child's willful absence from placement
35 in violation of a condition of the court order could subject

1 the child to placement in shelter care.
2 8. A child found in violation of a condition of a valid
3 court order imposed under this section shall not be considered
4 a delinquent. However, a child accused of being willfully
5 absent from placement in violation of a condition of a valid
6 court order under this section may be held in shelter care if
7 a court determines within twenty-four hours of placement that
8 probable cause exists to believe that the child violated the
9 condition of the valid court order. If shelter care is
10 authorized by an oral court order, the court shall enter a
11 written order before the end of the next day confirming the
12 oral order and indicating the reasons for the order. If the
13 court determines that probable cause exists, the child may be
14 held in shelter care pending a violation hearing which shall
15 be held within seventy-two hours of placement in shelter care,
16 excluding nonjudicial days. The hearing shall be conducted in
17 compliance with all applicable requirements of sections 232.90
18 through 232.94A, and 232.96. Pursuant to the hearing, the
19 court may order the child held in shelter care if the court
20 finds that the child was willfully absent from the placement
21 in violation of a condition of a valid court order, that all
22 applicable due process rights were afforded the child, and
23 that no less restrictive alternative placement appropriate to
24 the needs of the child and the community exists. However, the
25 court shall not order the child placed in the Iowa juvenile
26 home, shall not place the child in shelter care for more than
27 a total of forty-five days, and shall not place the child in
28 shelter care, which includes reasonable restrictions necessary
29 to ensure the child's continued custody through staff security
30 measures, for more than a total of thirty days.
31 9. The juvenile court may concurrently conduct proceedings
32 under this section and proceedings under division III or IV of
33 this chapter.
34 Sec. 11. Section 237.3, Code 1991, is amended by adding
35 the following new subsection:

1 NEW SUBSECTION. 8. Rule changes shall be developed and
2 adopted in consultation with residential treatment providers,
3 the foster care provider association, and other parties which
4 may be affected, in order for residential treatment facilities
5 to accept and provide effective treatment to juveniles with
6 serious problems who would not otherwise be placed in those
7 facilities.
8 Sec. 12. Section 237.15, subsection 1, paragraph i, Code
9 Supplement 1991, is amended to read as follows:
10 i. When a child is sixteen years of age or older, a
11 written plan of services which, based upon an assessment of
12 the child's needs, would assist the child in preparing for the
13 transition from foster care to independent living. If the
14 child is interested in pursuing higher education, the plan
15 shall provide for the child's participation in the college
16 student aid commission's program of assistance in applying for
17 federal and state aid under section 261.2.
18 Sec. 13. Section 261.2, Code 1991, is amended by adding
19 the following new subsection:
20 NEW SUBSECTION. 15. Develop and implement, in cooperation
21 with the department of human services and the judicial
22 department, a program to assist juveniles who are sixteen
23 years of age or older and who have a case permanency plan
24 under chapter 232 or 237 or are completing court-ordered
25 requirements for a delinquency determination in applying for
26 federal and state aid available for higher education.
27 Sec. 14. Section 282.29, Code 1991, is amended by adding
28 the following new unnumbered paragraph:
29 NEW UNNUMBERED PARAGRAPH. If a child who is not identified
30 as requiring special education services is placed for
31 treatment in a facility located outside of this state, the
32 department of revenue and finance shall pay the child's
33 educational costs for the period of time the child is placed
34 at that facility. The payment for the costs shall be based
35 upon the average per pupil tuition and transportation costs

1 for the school district in which the facility is located. The
2 amount paid by the department of revenue and finance shall be
3 deducted monthly from the state foundation aid paid under
4 section 257.16 during the remainder of the fiscal year to all
5 school districts in the state.
6 Sec. 15. Section 321.178, subsection 1, unnumbered
7 paragraph 1, Code Supplement 1991, is amended to read as
8 follows:
9 An approved driver education course as programmed by the
10 department of education shall consist of at least thirty clock
11 hours of classroom instruction, and six or more clock hours of
12 laboratory instruction of which at least three clock hours
13 shall consist of street or highway driving. An approved
14 course shall include a minimum of ~~two~~ four hours of classroom
15 instruction concerning substance abuse as part of its
16 curriculum. After the student has completed three clock hours
17 of street or highway driving and has demonstrated to the
18 instructor an ability to properly operate a motor vehicle and
19 upon written request of a parent or guardian, the instructor
20 may waive the remaining required laboratory instruction.
21 Sec. 16. NEW SECTION. 321J.23 LEGISLATIVE FINDINGS.
22 The general assembly finds and declares as follows:
23 1. Drivers often do not realize the consequences of
24 drinking alcohol or using other drugs, and driving a motor
25 vehicle.
26 2. Prompt intervention is needed to protect society,
27 including drivers, from death or serious long-term injury.
28 3. The conviction of a driver for operating while
29 intoxicated identifies that person as a risk to the health and
30 safety of others, as well as to the intoxicated driver.
31 4. Close observation of the effects on others of alcohol
32 and drug use by an intoxicated driver convicted of operating
33 while intoxicated may have a marked effect on recidivism and
34 should therefore be encouraged by the courts.
35 5. The reality education substance abuse prevention

1 program provides guidelines for the operation of an intensive
2 program to discourage recidivism.
3 Sec. 17. NEW SECTION. 321J.24 COURT-ORDERED VISITATION
4 FOR OFFENDERS -- IMMUNITY FROM LIABILITY.
5 1. As used in this section, unless the context otherwise
6 requires:
7 a. "Appropriate victim" means a victim whose condition
8 demonstrates the results of a motor vehicle accident involving
9 intoxicated drivers without being excessively traumatic to the
10 participant, as determined by the tour supervisor.
11 b. "Participant" means a person ordered by the court to
12 participate in the reality education substance abuse
13 prevention program.
14 c. "Program" means the reality education substance abuse
15 prevention program.
16 d. "Program coordinator" means a person appointed by the
17 court to coordinate the person's participation in the program.
18 e. "Tour supervisor" means a person selected by a
19 participant's program coordinator to supervise a tour.
20 2. A reality education substance abuse prevention program
21 is established. Upon a conviction or adjudication for a
22 violation of section 321J.2, or the entry of a deferred
23 judgment concerning a violation of section 321J.2, the court
24 or juvenile court, with the consent of the defendant or
25 delinquent child, may order a defendant or delinquent child
26 who is sixteen years of age or older to participate in the
27 reality education substance abuse prevention program as a term
28 and condition of probation or disposition in addition to any
29 other term or condition of probation or disposition required
30 or authorized by law. The court or juvenile court shall
31 require the defendant or delinquent child to abstain from
32 consuming any controlled substance, alcoholic liquor, wine, or
33 beer before reaching age twenty-one while participating in the
34 program.
35 3. The court or juvenile court shall consult with the

1 defendant or delinquent child and the defendant's or
2 delinquent child's attorney, if any, and may consult with any
3 other person, including but not limited to the defendant's or
4 delinquent child's parents or other family members, to
5 determine if the defendant or delinquent child is suitable for
6 the participation in the program, if the program will be
7 educational and meaningful to the defendant or delinquent
8 child, and if any physical, emotional, mental, or other
9 reasons exist which indicate that the program would be
10 inappropriate or would cause any injury to the defendant or
11 delinquent child.
12 4. The court or juvenile court shall appoint a program
13 coordinator, to coordinate all tours and select appropriate
14 tour supervisors for each tour. In addition, the program
15 coordinator shall ensure compliance by contacting each tour
16 supervisor following the completion of a tour.
17 5. The court or juvenile court may include a requirement
18 for a supervised educational tour by the defendant or
19 delinquent child to any or all of the following:
20 a. A hospital or other emergency medical care facility
21 which regularly receives victims of motor vehicle accidents,
22 to observe treatment of appropriate victims of motor vehicle
23 accidents involving intoxicated drivers, under the supervision
24 of a registered nurse, physician, paramedic, or emergency
25 medical technician.
26 b. A facility for the treatment of chemical substance
27 abuse as defined in section 125.2, under the supervision of
28 appropriately licensed medical personnel.
29 c. If approved by the state or county medical examiner, a
30 morgue or a similar facility to receive appropriate
31 educational material and instruction concerning damage caused
32 by the consumption of alcohol or other drugs, under the
33 supervision of the county medical examiner or deputy medical
34 examiner.
35 6. Prior to a tour, the program coordinator shall explain

1 and discuss the experiences which may be encountered during
2 the tour to the participant. If the program coordinator
3 determines at any time before or during a tour that the tour
4 may be traumatic or otherwise inappropriate for the
5 participant, the program coordinator shall terminate the tour
6 without prejudice to the participant.
7 7. The court or juvenile court may order a personal
8 conference after the tours with the participant, the
9 participant's attorney, if any, and any other persons if
10 available and deemed necessary by the court or juvenile court,
11 to discuss the experiences of the participant in the program
12 and how those experiences may impact the participant's
13 conduct. The court or juvenile court may order the
14 participant to write a report or letter concerning the
15 participant's experiences in the program.
16 8. Tour supervisors and facilities toured during the
17 program are not liable for any civil damages resulting from
18 injury to the participant, or civil damages caused by the
19 participant during or from any activities related to a tour,
20 except for willful or grossly negligent acts intended to, or
21 reasonably expected to result in, such injury or damage.
22 9. The chief judge of the judicial district shall
23 determine fees to be paid by participants in the program. The
24 judicial department shall use the fees to pay all costs
25 associated with the program. The court shall either require
26 the participant to pay the fee in order to participate in the
27 program, or may waive the fee or collect a lesser amount upon
28 a showing of cause.
29 DIVISION II
30 CRIMINAL AND JUVENILE JUSTICE
31 Sec. 18. Section 232.8, Code Supplement 1991, is amended
32 by adding the following new subsection:
33 NEW SUBSECTION. 6. The juvenile court shall retain juris-
34 diction over persons who attain their eighteenth birthday, as
35 necessary to effectuate the provisions of sections 232.53 and

1 232.54.
2 Sec. 19. Section 232.22, subsection 1, Code Supplement
3 1991, is amended to read as follows:
4 1. ~~No~~ A child shall not be placed in detention unless one
5 of the following conditions is met:
6 a. The child is being held under warrant for another
7 jurisdiction~~;-or~~.
8 b. The child is an escapee from a juvenile correctional or
9 penal institution~~;-or~~.
10 c. There is probable cause to believe that the child has
11 violated conditions of release imposed under section 232.44,
12 subsection 5, paragraph "b", 232.52, or 232.54 and there is a
13 substantial probability that the child will run away or
14 otherwise be unavailable for subsequent court appearance~~;-or~~.
15 d. There is probable cause to believe the child has
16 committed a delinquent act, and one of the following
17 conditions is met:
18 (1) There is a substantial probability that the child will
19 run away or otherwise be unavailable for subsequent court
20 appearance~~;-or~~.
21 (2) There is a serious risk that the child if released may
22 commit an act which would inflict serious bodily harm on the
23 child or on another~~;-or~~.
24 (3) There is a serious risk that the child if released may
25 commit serious damage to the property of others.
26 Sec. 20. Section 232.22, subsection 1, Code Supplement
27 1991, is amended by adding the following new paragraph:
28 NEW PARAGRAPH. e. There is probable cause to believe that
29 the child has committed a delinquent act involving the
30 possession with intent to deliver a substance containing
31 cocaine base, also known as crack cocaine, which if committed
32 by an adult would be a violation of one of the following
33 provisions of section 204.401, subsection 1:
34 (1) Paragraph "a", subparagraph (3).
35 (2) Paragraph "b", subparagraph (3).

1 (3) Paragraph "c", subparagraph (3).
2 Sec. 21. Section 232.52, subsection 2, paragraph e, Code
3 Supplement 1991, is amended to read as follows:
4 e. An order transferring the guardianship of the child,
5 subject to the continuing jurisdiction and custody of the
6 court for the purposes of section 232.54, to the director of
7 the department of human services for purposes of placement in
8 the state training school or other facility, provided that the
9 child is at least twelve years of age and the court finds the
10 placement to be in the best interests of the child or
11 necessary for the protection of the public, and that the child
12 has been found to have committed an act which is a forcible
13 felony, as defined in section 702.11, or the court finds any
14 three of the following conditions exist:
15 (1) The child is at least fifteen years of age and the
16 court finds the placement to be in the best interests of the
17 child or necessary to the protection of the public.
18 (2) The child has committed an act which is a crime
19 against a person and which would be an aggravated misdemeanor
20 or a felony if the act were committed by an adult.
21 (3) The child has previously been found to have committed
22 a delinquent act.
23 (4) The child has previously been placed in a treatment
24 facility outside the child's home.
25 <u>The court may include in the order that the child shall</u>
26 <u>participate in the youthful offender program pursuant to</u>
27 <u>section 242.1.</u>
28 Sec. 22. Section 232.53, Code 1991, is amended by adding
29 the following new subsection:
30 <u>NEW SUBSECTION</u>. 5. Notwithstanding any other provision of
31 this section or any other law to the contrary, a delinquent
32 attaining the age of eighteen may be held in the state
33 training school for a period of up to three years from the
34 delinquent's eighteenth birthday, in accordance with the
35 provisions of section 232.54, subsection 7.

1 Sec. 23. Section 232.54, Code 1991, is amended by adding
2 the following new subsection:
3 NEW SUBSECTION. 7. a. At any time prior to a juvenile
4 reaching the age of eighteen, a juvenile court officer may
5 file an application with the juvenile court, asking that the
6 court retain jurisdiction over the delinquent in accordance
7 with the provisions of sections 232.8 and 232.53 and this
8 subsection, for a period of up to three years after the de-
9 linquent's eighteenth birthday, so that the delinquent may
10 continue programs under the supervision of the juvenile court
11 officer.
12 b. Notwithstanding any other provision of this section or
13 any other law to the contrary, upon application of the
14 juvenile court officer, the court may enter another
15 dispositional order providing for continuing supervision by a
16 juvenile court officer for a period of up to three years after
17 the delinquent's eighteenth birthday, as specified by the
18 court. If an application is granted, the delinquent shall be
19 released from custody prior to the delinquent's eighteenth
20 birthday, but may be returned to custody upon violation of the
21 substituted dispositional order. The substituted
22 dispositional order shall state the consequences for violation
23 of the order, and the court shall provide notice to the
24 delinquent, and to the delinquent's attorney and parent or
25 legal guardian, if applicable, at the time of granting the
26 substituted dispositional order.
27 c. The court shall grant a substituted dispositional order
28 pursuant to this subsection if each of the following occurs:
29 (1) An application is filed in accordance with this
30 subsection.
31 (2) The court finds that continued supervision is
32 necessary for the rehabilitation of the delinquent.
33 d. Violations of substituted dispositional orders issued
34 pursuant to this subsection are subject to summary contempt
35 proceedings. Upon a finding by the juvenile court that the

1 delinquent is in contempt, the court may order the return of
2 the delinquent to the custody of the department of human
3 services for placement in the state training school at Eldora.
4 If the delinquent is an adult, the delinquent shall be placed
5 in a unit separate from units housing juveniles, in order to
6 ensure compliance with the federal Juvenile Justice and
7 Delinquency Act of 1974, as amended, 42 U.S.C. § 5601 et seq.
8 Sec. 24. Section 232.148, subsection 2, Code 1991, is
9 amended to read as follows:
10 2. Fingerprints and photographs of a child who has been
11 taken into custody and who is fourteen years of age or older
12 may be taken and filed by a criminal justice agency
13 investigating the commission of a public offense constituting
14 a felony or an aggravated misdemeanor. ~~However, fingerprint~~
15 ~~and photograph files of a child who enters into an informal~~
16 ~~adjustment or consent decree shall be retained only if the~~
17 ~~child is notified at the time of entering into the informal~~
18 ~~adjustment or consent decree that the files will be~~
19 ~~permanently retained by the criminal justice agency.~~
20 Sec. 25. Section 233.2, Code 1991, is amended to read as
21 follows:
22 233.2 PENALTY -- NOT A BAR.
23 A violation of section 233.1 is ~~a simple~~ an aggravated
24 misdemeanor. A conviction does not bar a prosecution of the
25 convicted person for ~~an~~ another indictable offense when the
26 acts which caused or contributed to the delinquency or
27 dependency of the child are indictable.
28 Sec. 26. Section 242.1, subsection 2, Code Supplement
29 1991, is amended to read as follows:
30 2. The diagnosis and evaluation center which is used to
31 identify appropriate treatment and placement alternatives for
32 juveniles and any other units for juvenile delinquents which
33 are located at Eldora and the unit for juvenile delinquents at
34 Toledo, as well as facilities located at Eldora for a boot
35 camp and a youthful offender program, shall together be known

1 as the "state training school". For the purposes of this
2 chapter "director" means the director of human services and
3 "superintendent" means the administrator in charge of the
4 diagnosis and evaluation center for juvenile delinquents and
5 other units at Eldora and the unit for juvenile delinquents at
6 Toledo.
7 Sec. 27. Section 242.1, Code Supplement 1991, is amended
8 by adding the following new subsections:
9 NEW SUBSECTION. 3. The director, in cooperation and
10 consultation with the department of corrections, shall
11 establish a boot camp unit at Eldora. The boot camp shall be
12 dedicated for use by offenders who are at least eighteen, but
13 less than twenty-one, years of age, and who are committed to
14 the department of corrections for placement at the state
15 training school pursuant to section 901.11. The boot camp
16 shall emphasize job training and education. The boot camp
17 unit shall be separate from units housing juveniles, in order
18 to ensure compliance with the federal Juvenile Justice and
19 Delinquency Act of 1974, as amended, 42 U.S.C. § 506 et seq.
20 NEW SUBSECTION. 4. The director, in cooperation and con-
21 sultation with the department of corrections, shall establish
22 a youthful offender program at Eldora. The director shall
23 establish separate units for youthful offenders who are under
24 the age of eighteen and for those who are eighteen years of
25 age or older, which ensure compliance with the federal
26 Juvenile Justice and Delinquency Act of 1974, as amended, 42
27 U.S.C. § 5601 et seq. The youthful offender program shall
28 include offenders who are at least sixteen years of age, but
29 less than twenty-one years of age, who are ordered to be
30 placed in the program by either the juvenile court or the
31 district court.
32 NEW SUBSECTION. 5. The director shall contract with the
33 department of corrections and adopt rules pertaining to the
34 placement of certain adult offenders in the boot camp unit and
35 the youthful offender unit at the state training school.

1 Adults placed at the state training school as a result of
2 district court proceedings shall remain in the legal custody
3 of the department of corrections, but shall be subject to the
4 direct supervision of the superintendent of the state training
5 school.
6 Sec. 28. Section 242.2, Code 1991, is amended to read as
7 follows:
8 242.2 SUPERINTENDENT -- POWERS AND DUTIES.
9 The superintendent has charge and custody of the juveniles
10 committed to the state training school, and is responsible for
11 supervision of youthful offenders as provided in section
12 242.1, subsection 5. The superintendent shall administer the
13 state training school and direct the staff in order to provide
14 a positive living experience designed to prepare the juveniles
15 and youthful offenders for a productive future.
16 Sec. 29. Section 242.4, Code 1991, is amended to read as
17 follows:
18 242.4 EDUCATION AND TRAINING.
19 The state training school shall provide a positive living
20 experience for older juveniles and youthful offenders who
21 require secure custody and who live at the state training
22 school for an extended period of time. The education and
23 training programs provided to the juveniles and youthful
24 offenders shall reflect the age level and extended period of
25 stay by focusing upon appropriate developmental skills to
26 prepare the juveniles and youthful offenders for productive
27 living.
28 Sec. 30. Section 242.5, Code 1991, is amended to read as
29 follows:
30 242.5 PROCEDURE TO COMMIT.
31 1. The procedure for the commitment of children to the
32 state training school, except as otherwise provided, shall be
33 the same as provided in chapter 232.
34 2. The procedure for the commitment of adults to the state
35 training school, except as otherwise provided, shall be as

1 provided in section 901.11 and this chapter.
2 Sec. 31. Section 242.12, Code 1991, is amended to read as
3 follows:
4 242.12 DISCHARGE OR PAROLE.
5 The administrator may at any time after one year's service
6 order the discharge or parole of any inmate as a reward for
7 good conduct, and may, in exceptional cases, discharge or
8 parole inmates without regard to the length of their service
9 or conduct, when satisfied that the reasons therefor are
10 urgent and sufficient. If paroled upon satisfactory evidence
11 of reformation, the order may remain in effect or terminate
12 under such rules as the administrator may prescribe. However,
13 if the inmate has been placed at the state training school as
14 a result of district court rather than juvenile court
15 proceedings, this section shall not apply.
16 Sec. 32. Section 242.13, Code 1991, is amended to read as
17 follows:
18 242.13 BINDING OUT OR DISCHARGE.
19 The binding out or the discharge of an inmate as reformed,
20 or having arrived at the age of eighteen years, shall be a
21 complete release from all penalties incurred by the conviction
22 for the offense upon which the child was committed to the
23 school, except as otherwise provided in section 232.53.
24 However, an inmate placed at the state training school as a
25 result of adult district court rather than juvenile court
26 proceedings shall be subject to discharge as provided by the
27 department of corrections.
28 Sec. 33. Section 614.1, Code Supplement 1991, is amended
29 by adding the following new subsection:
30 NEW SUBSECTION. 13. RACKETEER INFLUENCED CORRUPT
31 ORGANIZATIONS ACT. A civil action for a violation of the
32 racketeer influenced corrupt organizations Act shall be
33 brought within the period specified in section 733.9.
34 Sec. 34. NEW SECTION. 733.1 SHORT TITLE.
35 This chapter shall be known and may be cited as the

1 "Racketeer Influenced and Corrupt Organizations (RICO) Act".
2 Sec. 35. NEW SECTION. 733.2 DEFINITIONS.
3 As used in this chapter, unless the context otherwise
4 requires:
5 1. "Documentary material" or "material" means any book,
6 paper, document, writing, drawing, graph, chart, photograph,
7 phonograph record, magnetic tape, computer printout, other
8 data compilation from which information can be obtained or
9 from which information can be translated into useable form, or
10 any other tangible item.
11 2. "Enterprise" means any individual, sole proprietorship,
12 partnership, corporation, business trust, or other profit or
13 nonprofit legal entity, and includes but is not limited to any
14 union, association, or group of individuals associated in fact
15 although not a legal entity, and both illicit and licit
16 enterprises and governmental and nongovernmental entities.
17 3. "Pattern of racketeering activity" means engaging in at
18 least two incidents of racketeering activity that have the
19 same or similar intents, results, accomplices, victims, or
20 methods of commission, or otherwise are interrelated by
21 distinguishing characteristics, including a nexus to the same
22 enterprise, and are not isolated incidents, provided at least
23 one of the incidents occurred on or after July 1, 1992, and
24 that the last of the incidents occurred within five years
25 after a prior incident of racketeering activity.
26 4. "Pecuniary value" means any of the following:
27 a. Anything of value in the form of money, a negotiable
28 instrument, a commercial interest, or anything else the
29 primary significance of which is economic advantage.
30 b. Any other property or service that has a value in
31 excess of one hundred dollars.
32 5. "Person" means any individual or entity capable of
33 holding a legal or beneficial interest in real or personal
34 property.
35 6. "Racketeering activity" means to commit, to attempt to

1 commit, to conspire to commit, or to solicit, coerce, or
2 intimidate another person to commit conduct which constitutes
3 a public offense in violation of any of the following
4 provisions:
5 a. Chapter 204, relating to controlled substances.
6 b. Chapter 707, homicide and related offenses.
7 c. Section 708.3, assault while participating in a felony.
8 d. Section 708.4, willful injury.
9 e. Section 708.5, administering harmful substances.
10 f. Section 708.6, terrorism.
11 g. Section 708.8, going armed with intent.
12 h. Chapter 709, sexual abuse and related offenses.
13 i. Sections 710.2 through 710.5, kidnapping and child
14 stealing.
15 j. Section 710.7, false imprisonment.
16 k. Chapter 711, robbery and extortion.
17 l. Chapter 712, arson and related offenses.
18 m. Sections 713.3 and 713.4, burglary in the first degree
19 and attempted burglary in the first degree.
20 n. Section 723A.2, criminal gang participation.
21 o. Section 724.3, unauthorized possession of offensive
22 weapons.
23 p. Chapter 725, vice provisions.
24 7. "Unlawful debt" means any money or other thing of value
25 constituting principal or interest of a debt that is legally
26 unenforceable in the state in whole or in part because the
27 debt was incurred or contracted in gambling activity or in the
28 business of lending money at a usurious rate, in violation of
29 state or federal law.
30 Sec. 36. NEW SECTION. 733.3 RACKETEERING PROHIBITED.
31 1. It is unlawful for any person who has knowingly
32 received any proceeds derived, directly or indirectly, from a
33 pattern of racketeering activity or through the collection of
34 an unlawful debt to use or invest, whether directly or
35 indirectly, any part of such proceeds, or the proceeds derived

1 from the investment or use thereof, in the acquisition of any
2 title to, or any right, interest, or equity in, real property
3 or in the establishment or operation of any enterprise.
4 2. It is unlawful for any person, through a pattern of
5 racketeering activity or through the collection of an unlawful
6 debt, to acquire or maintain, directly or indirectly, any
7 interest in or control of any real property or enterprise.
8 3. It is unlawful for any person employed by, or
9 associated with, any enterprise to conduct or participate,
10 directly or indirectly, in the enterprise through a pattern of
11 racketeering activity or the collection of an unlawful debt.
12 4. It is unlawful for any person to conspire or endeavor
13 to violate any of the provisions of subsections 1 through 3.
14 Sec. 37. NEW SECTION. 733.4 CRIMINAL PENALTIES.
15 A person who violates section 733.3 commits a class "D"
16 felony. Notwithstanding section 902.9, in lieu of the fine
17 authorized by section 902.9, if a person violates this section
18 and derives a pecuniary value or causes personal injury,
19 property damage, or other loss, the court may sentence the
20 person to pay a fine that does not exceed three times the
21 gross value gained or three times the gross loss caused,
22 whichever is greater, plus court costs and the costs of
23 investigation and prosecution, reasonably incurred. Prior to
24 imposing a fine in excess of the amount authorized in section
25 902.9, the court shall hold a hearing to determine the amount
26 of the fine.
27 Sec. 38. NEW SECTION. 733.5 INJUNCTIVE RELIEF.
28 1. The attorney general, a county attorney, or any person
29 aggrieved by a violation of section 733.3 may seek injunctive
30 relief, and the court may grant injunctive relief in either a
31 civil or criminal action alleging a violation of section
32 733.3. However, an injunction by the court entered pursuant
33 to this section shall make due provision for the rights of
34 persons who have not acted in violation of section 733.3.
35 2. Orders and judgments entered pursuant to this section

1 relating to a violation of section 733.3 may include, but are
2 not limited to, the following:
3 a. Divestiture by the defendant of any interest in any
4 enterprise, including but not limited to real property.
5 b. The imposition of reasonable restrictions upon the
6 future activities or investments of any defendant, including,
7 but not limited to, prohibiting any defendant from engaging in
8 the same type of endeavor as the enterprise in which the
9 defendant was engaged in violation of section 733.3.
10 c. The dissolution or reorganization of any enterprise.
11 d. The suspension or revocation of a license, permit, or
12 prior approval granted to any enterprise by any agency of the
13 state.
14 e. The revocation and surrender of the articles of
15 incorporation of a corporation organized under the laws of the
16 state, or the revocation and surrender of a certificate of
17 authority to transact business in the state by a foreign
18 corporation, upon finding that the board of directors or a
19 managerial agent acting on behalf of the corporation, in
20 conducting the affairs of the corporation, has authorized or
21 engaged in conduct in violation of section 733.3, and that,
22 for the prevention of future criminal activity, the public
23 interest requires the articles of incorporation revoked and
24 the corporation dissolved or the certificate revoked.
25 3. In a proceeding seeking relief pursuant to this
26 section, such relief shall be granted in conformity with the
27 principles that govern injunctive relief from threatened loss
28 or damage in other cases, except that no showing of special or
29 irreparable injury shall be required, notwithstanding Iowa
30 rule of civil procedure 321 or any other provision of law to
31 the contrary. Upon the execution of a bond against damages
32 for an injunction improvidently granted and a showing of
33 immediate danger of significant loss or damage, a temporary
34 restraining order and a preliminary injunction may be issued
35 before a final determination on the merits. In an action by

1 the attorney general or a county attorney, pending final
2 determination on the merits, the court may at any time enter
3 injunctions, prohibitions, or restraining orders, or take such
4 actions, including the acceptance of satisfactory performance
5 bonds, as the court deems appropriate.
6 Sec. 39. NEW SECTION. 733.6 SEIZURE AND FORFEITURE LAW
7 APPLICABLE.
8 1. In addition to any other remedy provided in this
9 chapter, the seizure and forfeiture provisions of chapter 809
10 shall apply, and forfeited property shall be disposed of in
11 accordance with section 809.13.
12 2. An injured person shall have a right or claim to
13 forfeited property or to the proceeds of forfeited property
14 superior to any right or claim the state has in the same
15 property or proceeds.
16 Sec. 40. NEW SECTION. 733.7 CIVIL ACTIONS.
17 1. The attorney general, a county attorney, or any ag-
18 grieved person may bring a civil action for injunctive relief
19 as specified in section 733.5, concerning a violation of
20 section 733.3.
21 2. A person who is injured by reason of a violation of
22 section 733.3 shall have a cause of action for three times the
23 actual damages sustained and, when appropriate, punitive
24 damages, as well as recovery of attorney fees, court costs,
25 and other costs of investigation and litigation, if such costs
26 and fees are reasonably incurred.
27 3. The attorney general or a county attorney may bring an
28 action for civil penalties for any violation of section 733.3.
29 Upon proof of a violation, the court shall impose a civil
30 penalty of not more than two hundred fifty thousand dollars.
31 4. In a civil action instituted by the attorney general or
32 a county attorney, regardless of the relief sought, upon entry
33 of a final judgment or decree in favor of the state, the
34 attorney general or the county attorney shall be entitled to
35 recover attorney fees, court costs, and costs of investigation

1 and litigation, reasonably incurred. The amounts recovered
2 may include costs and expenses of state and local governmental
3 departments and agencies incurred in connection with the
4 investigation or litigation.
5 5. A party in any civil action brought pursuant to this
6 chapter may demand a trial by jury.
7 6. Upon application, the attorney general may intervene in
8 any civil action brought by a person other than a county
9 attorney pursuant to this chapter, if the attorney general
10 certifies that in the opinion of the attorney general, the
11 action or proceeding is of general public importance. In an
12 action in which the attorney general intervenes, the state
13 shall be entitled to the same relief as if the attorney
14 general instituted the action or proceeding.
15 7. A final judgment or decree rendered in favor of the
16 state in a criminal proceeding under section 733.4 shall estop
17 the defendant in any subsequent civil action or proceeding
18 brought by the attorney general or any other person as to all
19 matters as to which the judgment or decree would be an
20 estoppel as between the state and the defendant.
21 8. The application of one civil remedy under any provision
22 of this chapter shall not preclude the application of any
23 other remedy, civil or criminal, under this chapter or any
24 other provision of law. Civil remedies pursuant to this
25 chapter are supplemental and are not mutually exclusive.
26 Sec. 41. NEW SECTION. 733.8 INVESTIGATIVE AUTHORITY --
27 SUBPOENA POWER.
28 1. In a civil action in which the attorney general or
29 county attorney is the plaintiff or the attorney general has
30 intervened, due to the belief that a person or other
31 enterprise has engaged in, or is engaging in, a violation of
32 this chapter, the attorney general or county attorney may
33 administer oaths or affirmations, subpoena witnesses or
34 documentary material, and collect evidence pursuant to the
35 Iowa rules of civil procedure.

1 2. If documentary material that the attorney general or
2 county attorney seeks to obtain by subpoena is located outside
3 the state, the person or enterprise subpoenaed may make the
4 documentary material available at the place where it is
5 located. The attorney general or county attorney may
6 designate representatives, including officials of the
7 jurisdiction in which the documentary material is located, to
8 inspect the material on behalf of the attorney general or
9 county attorney, and may respond to similar requests from
10 officials of other jurisdictions.
11 3. Upon failure of a person or enterprise, without lawful
12 excuse, to obey a subpoena, and after reasonable notice to the
13 person or enterprise, the attorney general or county attorney
14 may apply to the district court where the person or enterprise
15 resides, is found, or transacts business, for an order
16 compelling compliance.
17 Sec. 42. NEW SECTION. 733.9 STATUTE OF LIMITATIONS.
18 Notwithstanding any other provision of law to the contrary,
19 a criminal or civil proceeding pursuant to this chapter may be
20 brought at any time within five years after the conduct in
21 violation of section 733.3 terminates or the cause of action
22 accrues. If a criminal prosecution or civil action or
23 proceeding is brought, or intervened in, to punish, prevent,
24 or restrain a violation of this chapter, the running of the
25 period of limitations prescribed by this section with respect
26 to any civil cause of action by a person other than the
27 attorney general or a county attorney which is based in whole
28 or in part upon the matter complained of in the prosecution,
29 action, or proceeding shall be suspended during the pendency
30 of the prosecution, action, or proceeding and for two years
31 following the termination of the prosecution, action, or
32 proceeding.
33 Sec. 43. Section 802.3, Code 1991, is amended to read as
34 follows:
35 802.3 FELONY -- AGGRAVATED OR SERIOUS MISDEMEANOR -- RICO

1 VIOLATIONS.
2 1. In all cases, except those enumerated in subsection 2
3 and in sections 802.1 and 802.2, an indictment or information
4 for a felony or aggravated or serious misdemeanor shall be
5 found within three years after its commission.
6 2. An action for a criminal violation of the racketeer
7 influenced corrupt organizations Act pursuant to section 733.4
8 shall be brought within the period specified in section 733.9.
9 Sec. 44. NEW SECTION. 901.11 BOOT CAMP AND YOUTHFUL
10 OFFENDER SENTENCING OPTIONS.
11 1. As used in this section, unless the context otherwise
12 requires, "youthful offender" means a person who is sixteen or
13 seventeen years of age as to whom the juvenile court has
14 waived jurisdiction or as to whom proceedings are originated
15 in the district court in accordance with section 232.45A, or a
16 person who is eighteen, nineteen, or twenty years of age.
17 2. In sentencing a youthful offender to a term of
18 confinement, regardless of the length of the term,
19 notwithstanding any other provision of law to the contrary,
20 the court may commit the youthful offender to the custody of
21 the director of the department of corrections, and may order
22 the director to place the youthful offender in either the
23 youthful offender program or the boot camp located at the
24 state training school at Eldora. Upon entry of a judgment or
25 order exercising one of these options, the director shall
26 place the offender in accordance with this chapter and chapter
27 242. The judgment or order shall state that the director may
28 transfer the youthful offender as provided in section 902.5.
29 The court shall have discretion to select youthful offenders
30 who the court believes would be most likely to benefit from
31 the boot camp or youthful offender programs.
32 Sec. 45. Section 902.5, Code 1991, is amended to read as
33 follows:
34 902.5 PLACE OF CONFINEMENT.
35 1. ~~The~~ Except as otherwise provided in section 901.11, the

1 director of the Iowa department of corrections shall determine
2 the appropriate place of confinement of any person committed
3 to the director's custody, in any institution administered by
4 the director, and may transfer the person from one institution
5 to another during the person's period of confinement.
6 2. Notwithstanding subsection 1, if the court orders a
7 defendant placed at the state training school for
8 participation in a boot camp or the youthful offender program
9 in accordance with section 901.11, the director shall place
10 the offender at the state training school at Eldora. However,
11 the director may transfer the person to any institution
12 administered by the director, if the director, upon
13 consultation with the superintendent of the state training
14 school, determines that the person has become a security risk
15 or a danger to other residents of the state training school.
16 DIVISION III
17 EVALUATION
18 Sec. 46. Section 601K.135, Code 1991, is amended by adding
19 the following new unnumbered paragraph:
20 NEW UNNUMBERED PARAGRAPH. Beginning in 1992, the division
21 shall include in the plans, updates, and reports required by
22 this section an identification and evaluation of existing
23 juvenile treatment programs based upon quantifiable goals
24 established by the division, utilizing its existing computer
25 capacity and access.
26 Sec. 47. MULTIAGENCY DATA BASE CONCERNING JUVENILES.
27 1. As used in this section, unless the context otherwise
28 requires, "division" means the division of criminal and
29 juvenile justice planning of the department of human rights.
30 2. The division shall coordinate the development of a
31 multiagency data base to track the progress of juveniles
32 through various state agencies and programs. The division
33 shall develop a plan which utilizes existing data bases,
34 including the Iowa court information system, the federally
35 mandated national adoption and foster care information system,

1 and the other state data bases pertaining to juveniles, to the
2 extent possible.
3 3. The department of human services, department of cor-
4 rections, judicial department, department of public safety,
5 department of education, local school districts, and other
6 state agencies and political subdivisions shall cooperate with
7 the division in the development of the plan.
8 4. The data base shall be designed to track the progress
9 of juveniles in various programs, evaluate the experiences of
10 juveniles, and evaluate the success of the services provided.
11 5. The division shall develop the plan within the context
12 of existing state and federal privacy and confidentiality re-
13 quirements. However, if the division determines that changes
14 to state law are necessary to fully implement the purposes of
15 this section, the division shall specify the statutory changes
16 required in the plan. The plan shall build upon existing
17 resources and facilities to the extent possible.
18 6. The division shall submit a report on the plan required
19 by this section to the general assembly on or before January
20 15, 1994.
21 EXPLANATION
22 This bill contains a number of provisions pertaining to
23 juvenile justice and programs, as well as criminal justice.
24 DIVISION I
25 PREVENTION AND INTERVENTION
26 Sections 1 and 2 appropriate funding to the department of
27 human services for the following purposes: additional funding
28 for family preservation programs to establish pilot programs
29 utilizing mentors and per diem reimbursement of 30 additional
30 enhanced residential treatment beds.
31 Section 3 appropriates funding to the Iowa finance
32 authority for a match of federal funding which is to be used
33 to provide 10 emergency shelter care beds for juveniles who
34 are unable to remain in their family home and who are not
35 provided services by the department of human services or the

1 court.
2 Section 4 creates a juvenile support demonstration grant
3 program under the authority of the judicial department and the
4 department of human services. Moneys are appropriated to the
5 fund which is to provide grants for support services to
6 juveniles who have been adjudicated as delinquent or as a
7 child in need of assistance or have completed substance abuse
8 treatment and have completed the applicable court-ordered
9 requirements.
10 Sec. 5. Section 5 appropriates an additional $28,500 to
11 drug abuse resistance education (D.A.R.E.).
12 The amendments to section 232.2, subsection 4, and sections
13 232.52, 237.15, and 261.2 relate to requirements established
14 for the college student aid commission to develop and
15 implement a program to assist juveniles who are interested in
16 higher education, are at least 16 years of age, are in foster
17 care, and have a case permanency plan or are an adjudicated
18 delinquent to apply for federal and state financial aid for
19 higher education.
20 The changes to section 232.2, subsection 54 and new section
21 232.107 of this bill grant the juvenile court jurisdiction
22 over chronic runaways, defined as children in need of
23 services, whose health, safety, and welfare are at risk. The
24 court petition may be filed by the department of human
25 services, a county attorney, or a juvenile court officer. The
26 procedural requirements for child in need of assistance cases
27 are generally applied to the proceedings to determine if a
28 child is a child in need of services. The child in need of
29 assistance dispositional options are made applicable, except
30 for placement in the Iowa juvenile home. If a child is
31 adjudicated a child in need of services and if the child is
32 determined by the juvenile court to have been willfully absent
33 from placement in violation of a condition of the child-in-
34 need-of-services dispositional order, the child may be placed
35 in shelter care for as long as forty-five days or in staff-

1 secured shelter care for as long as thirty days.
2 The amendment to section 232.95 provides that if a child in
3 need of assistance (CINA) petition has been filed, the
4 juvenile court may order the child removed from home and
5 placed in shelter care for up to 72 hours upon finding that
6 the child has been a victim of child abuse.
7 Section 237.3 is amended to direct the administrator of the
8 division of children, youth, and families of the department of
9 human services to adopt rule changes in consultation with
10 residential treatment providers and other parties which may be
11 affected. The rule changes are required in order for
12 residential treatment facilities to accept juveniles with
13 serious problems who would otherwise not be placed in those
14 facilities.
15 Section 282.29 is amended to provide that if a child who is
16 not identified as requiring special education services and is
17 placed for treatment at a facility outside the state, the
18 state will pay that child's educational costs. The costs are
19 to be based upon the average per pupil tuition and
20 transportation costs in the school district in which the
21 facility is located. The payment is made under the school
22 foundation aid appropriation and spread across all school
23 districts.
24 The amendment to section 321.178 increases the minimum
25 hours of classroom instruction concerning substance abuse in
26 approved driver education courses programmed by the department
27 of education, from two to four hours.
28 The bill provides for the establishment of a reality
29 education substance abuse prevention program. The bill
30 authorizes the court or juvenile court to impose, as a
31 condition of probation or disposition but with the consent of
32 the defendant or delinquent child, participation in the
33 program if the person is convicted or has received a deferred
34 judgment relating to a violation of Iowa Code section 321J.2,
35 for operating a motor vehicle while intoxicated, and the

1 person is age 16 or older. The bill requires that
2 participants in the program under the age of 21 must abstain
3 from consuming alcoholic beverages as part of the program.
4 This bill provides for the program to be administered by a
5 program coordinator appointed by the court. The program
6 coordinator will coordinate tours with appropriate emergency
7 care medical facilities, chemical substance abuse treatment
8 facilities, and morgues, and will select an appropriate tour
9 supervisor at the facility. The bill further requires that
10 the court may order participants to take part in a personal
11 conference with the court or juvenile court or to provide
12 written correspondence concerning each tour.
13 In addition, the tour supervisors and facilities are
14 granted immunity from civil liability for injury to or damages
15 caused by the participant, except for their willful or grossly
16 negligent actions.
17 The bill provides that the chief judge of each judicial
18 district shall determine fees to be paid by participants in
19 the program, which may be waived or reduced by the court upon
20 a showing of cause.
21 DIVISION II
22 CRIMINAL AND JUVENILE JUSTICE
23 The changes to section 232.8, 232.52, subsection 2, para-
24 graph "e", 232.53, 232.54, 242.1, 242.2, 242.4, 242.5, 242.12,
25 242.13, 901.11, and 902.5 provide for continuing jurisdiction
26 by the juvenile court of delinquents for up to three years of
27 the delinquent's 18th birthday, establishment of a youthful
28 offender program at the state training school (Eldora) for
29 persons over 16 and under 21 years of age, and the establish-
30 ment of a boot camp at Eldora for youthful offenders sentenced
31 by the district court. The provisions regarding continuing
32 jurisdiction of the juvenile court provide a procedure whereby
33 juvenile court officers may file an application for continuing
34 jurisdiction of a delinquent after the delinquent's 18th
35 birthday, so that the delinquent may continue programs under

1 the supervision of the juvenile court, through the entry of a
2 substituted dispositional order. If the delinquent violates
3 the order, and is found in contempt, the court may order the
4 return of the delinquent to the state training school.
5 These provisions also require the director of the
6 department of human services in cooperation and consultation
7 with the department of corrections, to establish a boot camp
8 unit and youthful offender program at Eldora. Under the bill,
9 adults at Eldora are to be separated from juveniles. The bill
10 specifies that the boot camp shall emphasize job training and
11 education. The bill provides that adults placed at Eldora as
12 a result of district court proceedings shall remain in the
13 legal custody of the department of corrections, but are
14 subject to direct supervision by the superintendent of Eldora.
15 The bill provides that persons placed at Eldora pursuant to
16 adult district court proceedings may be transferred by the
17 director of the department of corrections, if the director,
18 upon consultation with the superintendent of Eldora,
19 determines that the person has become a security risk or
20 danger to other residents.
21 The amendments to section 232.22 provide that a child may
22 be detained if there is probable cause to believe that the
23 child has committed a delinquent act involving the possession
24 with intent to deliver a substance containing crack cocaine.
25 Thus, under the bill, other findings required for detention
26 concerning other public offenses are not required in matters
27 involving possession with intent to deliver crack cocaine.
28 Changes to section 232.148 in the bill pertain to
29 fingerprinting juveniles. The bill provides that the
30 fingerprints and photographs of a child who is taken into
31 custody and is 14 years of age or older may be taken and filed
32 by agencies investigating aggravated misdemeanors, as well as
33 felonies. The bill strikes a requirement of notification of a
34 child entering an informal adjustment in order for the
35 criminal justice agency to retain the fingerprint and

1 photograph files.
2 The amendment to section 233.2 increases the penalty for
3 contributing to the delinquency of a minor, from a simple to
4 an aggravated misdemeanor.
5 The changes to sections 614.1 and 802.3, as well as the
6 creation of a new chapter 733, establish a racketeer
7 influenced corrupt organizations (RICO) Act. The bill
8 specifies activities which constitute racketeering activity,
9 and provides that violations constitute a class "D" felony.
10 With respect to the criminal provisions, the bill allows the
11 court to impose a fine in excess of the maximum amount allowed
12 under section 902.9 under certain conditions. The bill also
13 provides for injunctive relief and civil actions, treble
14 damages, civil penalties, and other relief. The bill
15 specifies the statute of limitations in a civil or criminal
16 action.
17 DIVISION III
18 EVALUATION
19 The changes to section 601K.15 of the bill require the
20 division of criminal and juvenile justice planning to identify
21 and evaluate existing juvenile treatment programs based upon
22 quantifiable goals established by the division, utilizing its
23 existing computer capacity.
24 Section 47 of the bill requires the division of criminal
25 and juvenile justice planning to coordinate the development of
26 a multiagency data base to track the progress of juveniles
27 through various state agencies and programs.
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