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SENATE FILE 2180
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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, including the
2 establishment of weapons free zones, and establishing or
3 increasing penalties.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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S.F. 2180

1 Section 1. Section 123.47, Code 1993, is amended to read
2 as follows:

3 123.47 PERSONS UNDER THE AGE OF EIGHTEEN.

4 A person shall not sell, give, or otherwise supply
5 alcoholic liquor, wine, or beer to any person knowing or
6 having reasonable cause to believe that person to be under the
7 age of eighteen, and a person or persons under the age of
8 eighteen shall not purchase or attempt to purchase or
9 individually or jointly have alcoholic liquor, wine, or beer
10 in their possession or control; except in the case of liquor,
11 wine, or beer given or dispensed to a person under the age of
12 eighteen within a private home and with the knowledge and
13 consent of the parent or guardian for beverage or medicinal
14 purposes or as administered to the person by either a
15 physician or dentist for medicinal purposes and except to the
16 extent that a person under the age of eighteen may handle
17 alcoholic beverages, wine, and beer during the regular course
18 of the person's employment by a liquor control licensee, or
19 wine or beer permittee under this chapter.

20 Sec. 2. NEW SECTION. 124.406A USE OF PERSONS UNDER AGE
21 EIGHTEEN IN THE DRUG TRADE.

22 It is unlawful for a person who is eighteen years of age or
23 older to act with, enter into a common scheme or design with,
24 conspire with, recruit, or use a person under the age of
25 eighteen for the purpose of delivering or manufacturing a
26 controlled substance classified in schedule I through V. A
27 person violating this section commits a class "C" felony and
28 shall serve a minimum term of five years of confinement and no
29 part of the judgment or sentence shall be suspended or
30 deferred, notwithstanding section 907.3.

31 Sec. 3. Section 232.8, subsection 3, Code 1993, is amended
32 by adding the following new unnumbered paragraph:

33 NEW UNNUMBERED PARAGRAPH. Once a child has been prosecuted
34 as an adult and has entered into a plea agreement for, or been
35 convicted of, an aggravated misdemeanor or felony,

1 jurisdiction of the juvenile court over the child shall be
2 deemed waived for all future offenses, and subsequent
3 proceedings shall begin in the district court.

4 Sec. 4. Section 232.45, subsection 6, paragraph c, Code
5 1993, is amended to read as follows:

6 c. The court determines that the state has established
7 that there are not reasonable prospects for rehabilitating the
8 child if the juvenile court retains jurisdiction over the
9 child and the child is adjudicated to have committed the
10 delinquent act, ~~and that waiver of the court's jurisdiction~~
11 ~~over the child for the alleged commission of the public~~
12 ~~offense would be in the best interests of the child and the~~
13 community.

14 Sec. 5. Section 232.45A, subsections 2 and 3, Code 1993,
15 are amended by striking the subsections.

16 Sec. 6. Section 232.52, subsection 2, paragraph a, Code
17 1993, is amended by adding the following new subparagraph:

18 NEW SUBPARAGRAPH. (4) The suspension of the motor vehicle
19 license or operating privilege of the child for the commission
20 of a delinquent act which is a violation of section 123.46,
21 section 123.47 involving the purchase of or attempt to
22 purchase alcoholic beverages, or chapter 124, for a period of
23 one year or until the child reaches the age of eighteen,
24 whichever is longer. The order shall state whether a school
25 or work permit may or shall not be issued to the child.

26 Sec. 7. Section 232.52, subsection 2, paragraph c, Code
27 1993, is amended by adding the following new unnumbered
28 paragraph:

29 NEW UNNUMBERED PARAGRAPH. A parent or guardian may be
30 required by the juvenile court to participate in environmental
31 or treatment programs as part of a probation plan if the court
32 determines it to be in the best interest of the child. A
33 parent or guardian who does not participate in the probation
34 plan when required to do so by the court may be held in
35 contempt.

1 Sec. 8. Section 232.52, subsection 2, Code 1993, is
2 amended by adding the following new paragraph:

3 NEW PARAGRAPH. g. An order placing the child in a
4 juvenile detention facility for a period not to exceed thirty
5 days for repeated delinquent acts constituting assault as
6 defined in section 708.1 or theft as defined in section 714.1,
7 or for repeated violations of probation.

8 Sec. 9. Section 232.148, subsections 2 and 3, Code 1993,
9 are 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, aggravated misdemeanor, or serious misdemeanor.
15 ~~However,--fingerprint-and-photograph-files-of-a-child-who~~
16 ~~enters-into-an-informal-adjustment-or-consent-decree-shall-be~~
17 ~~retained-only-if-the-child-is-notified-at-the-time-of-entering~~
18 ~~into-the-informal-adjustment-or-consent-decree-that-the-files~~
19 ~~will-be-permanently-retained-by-the-criminal-justice-agency.~~
20 Fingerprints and photograph files of a child may be retained
21 by the criminal justice agency for the purpose of identifying
22 repeat offenders.

23 3. If a peace officer has reasonable grounds to believe
24 that latent fingerprints found during the investigation of the
25 commission of a public offense are those of a particular
26 child, fingerprints of the child may be taken for immediate
27 comparison with the latent fingerprints regardless of the
28 nature of the offense. If the comparison is negative the
29 fingerprint card and other copies of the fingerprints taken
30 shall be immediately destroyed. If the comparison is positive
31 ~~and-the-child-is-referred-to-the-court,~~ the fingerprint card
32 and other copies of the fingerprints taken shall be delivered
33 to the court-for-disposition division of criminal
34 investigation and bureau of identification in the manner, and
35 on the forms prescribed by the commissioner of public safety

1 within forty-eight hours after the fingerprints are taken. If
2 the child is not referred to the court, the fingerprint card
3 and copies of the fingerprints shall be immediately destroyed
4 The fingerprint card and other copies shall be destroyed in
5 accordance with subsection 6.

6 Sec. 10. Section 232.149, subsection 3, Code 1993, is
7 amended by adding the following new paragraph:

8 NEW PARAGRAPH. f. The public or nonpublic school, as
9 defined in section 280.2, which the child attends.

10 Sec. 11. NEW SECTION. 321.213A LICENSE SUSPENSION FOR
11 JUVENILES ADJUDICATED DELINQUENT FOR CERTAIN DRUG OR ALCOHOL
12 OFFENSES.

13 Upon the entering of an order at the conclusion of a
14 dispositional hearing under section 232.50, where the child
15 has been adjudicated to have committed a delinquent act, which
16 would be a violation of section 123.46, section 123.47
17 involving the purchase of or attempt to purchase alcoholic
18 beverages, or chapter 124 if committed by an adult, the clerk
19 of the juvenile court in the dispositional hearing shall
20 forward a copy of the adjudication and dispositional order to
21 the department. The department shall suspend the license or
22 operating privilege of the child for one year or until the
23 child reaches the age of eighteen, whichever is longer.

24 Sec. 12. NEW SECTION. 724.4A WEAPONS FREE ZONES --
25 ENHANCED PENALTIES.

26 1. As used in this section, "weapons free zone" means the
27 area in or on, or within one thousand feet of, the real
28 property comprising a public or private elementary or
29 secondary school, or in or on the real property comprising a
30 public park. A weapons free zone shall not include that
31 portion of a public park designated as a hunting area under
32 section 461A.42.

33 2. Notwithstanding sections 902.9 and 903.1, a person who
34 commits a public offense within a weapons free zone, involving
35 a firearm or offensive weapon, in violation of this or any

1 other chapter shall be sentenced as follows:

2 a. If the offense is a class "D" felony, by imprisonment
3 not to exceed ten years and a fine of not more than ten
4 thousand dollars.

5 b. If the offense is an aggravated misdemeanor, by
6 imprisonment not to exceed five years and a fine of not more
7 than seven thousand five hundred dollars.

8 c. If the offense is a serious misdemeanor, by
9 imprisonment not to exceed one year and six months or a fine
10 of not more than five thousand dollars, or both.

11 d. If the offense is a simple misdemeanor, by imprisonment
12 not to exceed one year or a fine of not more than one thousand
13 dollars, or both.

14 Sec. 13. NEW SECTION. 724.16A TRAFFICKING IN STOLEN
15 WEAPONS.

16 A person who transports, transfers, or acquires possession,
17 or who facilitates the transfer, of a firearm which the person
18 knows or reasonably should know is stolen commits a class "D"
19 felony.

20 Sec. 14. NEW SECTION. 724.16B THEFT OF A FIREARM.

21 A person who commits a theft, as defined in section 714.1,
22 subsection 1, of a firearm commits a class "D" felony.

23 Sec. 15. Section 724.22, subsections 1 and 2, Code 1993,
24 are amended to read as follows:

25 1. Except as provided in subsection 3, a person who sells,
26 loans, gives, or makes available a rifle or shotgun or
27 ammunition for a rifle or shotgun to a minor commits a simple
28 misdemeanor class "D" felony.

29 2. Except as provided in subsections 4 and 5, a person who
30 sells, loans, gives, or makes available a pistol or revolver
31 or ammunition for a pistol or revolver to a person below the
32 age of twenty-one commits a simple-misdemeanor class "D"
33 felony.

34 Sec. 16. Section 724.22, Code 1993, is amended by adding
35 the following new subsections:

1 NEW SUBSECTION. 1A. Except as provided in subsections 3
2 and 5, a person who is under the age of eighteen shall not
3 possess a rifle, shotgun, pistol, or revolver, or ammunition
4 for a rifle, shotgun, pistol, or revolver.

5 NEW SUBSECTION. 2A. Except as provided in subsections 4
6 and 5, a person age eighteen, nineteen, or twenty who
7 possesses a pistol, revolver, or ammunition for either,
8 commits an aggravated misdemeanor.

9 Sec. 17. JUVENILE JUSTICE SERVICE SYSTEM STUDY. The
10 criminal and juvenile justice planning division of the
11 department of human rights shall conduct a performance-based
12 review of Iowa's juvenile justice service system to determine
13 whether appropriate services are being provided to juveniles
14 and the accountability of the service providers. A report of
15 the review shall be presented to the general assembly not
16 later than January 9, 1995.

17 EXPLANATION

18 This bill prohibits juveniles from purchasing or attempting
19 to purchase alcoholic beverages.

20 The bill provides that an adult who uses juveniles in the
21 illegal drug trade commits a class "C" felony and is subject
22 to a minimum five-year prison term. In addition, the sentence
23 may not be suspended or deferred.

24 The bill also provides that once a juvenile is tried as an
25 adult and convicted of an aggravated misdemeanor or felony,
26 the district court has jurisdiction over the juvenile for all
27 subsequent offenses. A juvenile waived to adult court or
28 previously convicted in adult court for an aggravated
29 misdemeanor or felony may be held in the county jail.

30 The bill also provides that the juvenile court may require
31 the parent or guardian of a delinquent juvenile to participate
32 in the probation plan for the juvenile and provides for
33 enforcement through contempt proceedings. A juvenile may also
34 lose the juvenile's motor vehicle license or operating
35 privilege for a period of up to one year for public

1 intoxication, purchasing or attempting to purchase alcoholic
2 beverages, or drug offenses.

3 The bill also provides that fingerprints and photographs
4 may be taken and retained of juveniles, age 14 and above who
5 are taken into custody as part of an investigation of a
6 felony, aggravated misdemeanor, or serious misdemeanor.

7 The bill further provides that law enforcement agency
8 records are accessible by the school which a juvenile who has
9 been taken into custody attends.

10 The bill provides that a juvenile may be placed in a
11 detention facility for up to 30 days for repeated acts of
12 theft, assault, or violation of probation.

13 The bill establishes weapons free zones on or within 1,000
14 feet of the property of a public or private elementary or
15 secondary school or in a public park. Persons committing
16 public offenses involving firearms or offensive weapons in a
17 weapons free zone would be subject to enhanced penalties.

18 The bill creates the offense of trafficking in stolen
19 weapons which is punishable as a class "D" felony. A person
20 commits this offense if the person knows or should know that
21 the firearm the person is transferring or acquiring is stolen.
22 The bill provides that a person who commits a theft involving
23 a firearm commits a class "D" felony.

24 The bill increases the penalties for transferring or making
25 available a rifle, shotgun, or ammunition for either to minors
26 and transferring or making available a handgun or handgun
27 ammunition to persons under 21 years of age class "D"
28 felonies.

29 The bill provides that juveniles shall not possess rifles,
30 shotguns, pistols, or revolvers, or ammunition, except under
31 certain circumstances and that persons age 18, 19, or 20
32 commit an aggravated misdemeanor for unlawfully possessing a
33 pistol, revolver, or ammunition.

34 Finally, the bill directs the division of criminal and
35 juvenile justice planning of the department of human rights to

1 conduct a performance-based review of Iowa's juvenile justice
2 service system.

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