

(P. 842) 3/28/94 Referred back to approp

FILED MAR 7 1994

SENATE FILE 2305
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 2232)

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

A BILL FOR

1 An Act relating to juvenile justice and making related
2 appropriations.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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S.F. 2305

1 Section 1. Section 80B.11, subsection 3, Code Supplement
2 1993, is amended by adding the following new unnumbered
3 paragraph:

4 NEW UNNUMBERED PARAGRAPH. In-service training under this
5 section shall include the requirement that all law enforcement
6 officers complete a course, modeled after the Amer-I-Can
7 program, on dealing with gang-affected youth.

8 Sec. 2. Section 123.49, subsection 2, paragraph h, Code
9 1993, is amended to read as follows:

10 h. Sell, give, or otherwise supply any alcoholic beverage,
11 wine, or beer to any person, ~~knowing-or-having-reasonable~~
12 ~~cause-to-believe-the-person-to-be-under-legal-age,~~ without
13 first ascertaining that the person is of legal age to purchase
14 alcoholic liquor, wine, or beer or permit any person, ~~knowing~~
15 ~~or-having-reasonable-cause-to-believe-the-person-to-be-under~~
16 without first ascertaining that the person is of legal age, to
17 consume any alcoholic beverage, wine, or beer.

18 Sec. 3. Section 123.50, subsection 1, Code Supplement
19 1993, is amended to read as follows:

20 1. Any person who violates any of the provisions of
21 section 123.49, except subsection 2, paragraph "h", shall be
22 guilty of a simple misdemeanor. A person who violates section
23 123.49, subsection 2, paragraph "h", commits a serious
24 misdemeanor.

25 Sec. 4. Section 232.2, subsection 6, Code Supplement 1993,
26 is amended by adding the following new paragraph:

27 NEW PARAGRAPH. p. Who is a truant as defined in section
28 299.8.

29 Sec. 5. Section 232.2, subsection 12, Code Supplement
30 1993, is amended by adding the following new paragraph:

31 NEW PARAGRAPH. c. The violation of the statutory
32 compulsory attendance age requirement or the attendance policy
33 of a public school, an accredited nonpublic school, or
34 competent private instruction which results in the child being
35 deemed a truant pursuant to section 299.8.

1 Sec. 6. Section 232.8, subsection 1, Code 1993, is amended
2 by adding the following new paragraph:

3 NEW PARAGRAPH. c. The juvenile court or a magistrate may
4 preside over an action regarding a violation of section 123.47
5 committed by a child.

6 Sec. 7. Section 232.44, subsection 1, Code 1993, is
7 amended by adding the following new unnumbered paragraph:

8 NEW UNNUMBERED PARAGRAPH. If the child is placed in a
9 detention facility in a county other than the county in which
10 the child resides or in which the delinquent act allegedly
11 occurred but which is within the same judicial district, the
12 hearing may take place in the county in which the detention
13 facility is located.

14 Sec. 8. Section 232.45A, subsection 2, Code 1993, is
15 amended to read as follows:

16 2. Once a child sixteen years of age or older has been
17 waived to and convicted of an aggravated misdemeanor committed
18 against a person or a forcible felony or a felony violation of
19 section 124.401 or chapter 707 by the district court, all
20 criminal proceedings against the child for-any-forcible-felony
21 or-a-felony-violation-of-section-124.401-or-chapter-707
22 occurring subsequent to the date of the conviction of the
23 child shall begin in district court, notwithstanding sections
24 232.8 and 232.45. A copy of the findings required by section
25 232.45, subsection 8, shall be made a part of the record in
26 the district court proceedings.

27 Sec. 9. Section 232.52, subsection 2, paragraph a, Code
28 1993, is amended by adding the following new subparagraph:

29 NEW SUBPARAGRAPH. (4) The suspension of the motor vehicle
30 license or operating privilege of the child for the commission
31 of two or more delinquent acts which are a violation of
32 section 123.46, section 123.47 regarding the purchase of or
33 attempt to purchase alcoholic beverages, or chapter 124, for a
34 period of one year or until the child reaches the age of
35 eighteen, whichever is longer. The child may be issued a

1 temporary restricted license if the child is otherwise
2 eligible.

3 Sec. 10. Section 232.52, subsection 2, paragraph c, Code
4 1993, is amended by adding the following new unnumbered
5 paragraph:

6 NEW UNNUMBERED PARAGRAPH. A parent or guardian may be
7 required by the juvenile court to participate in educational
8 or treatment programs as part of a probation plan if the court
9 determines it to be in the best interest of the child. A
10 parent or guardian who does not participate in the probation
11 plan when required to do so by the court may be held in
12 contempt.

13 Sec. 11. NEW SECTION. 232.91A GRANDPARENT INVOLVEMENT IN
14 PROCEEDINGS.

15 The court, upon petition, may permit a grandparent of a
16 child subject to judicial proceedings under this division to
17 participate in the proceedings.

18 Sec. 12. Section 232.116, subsection 1, paragraph h, Code
19 Supplement 1993, is amended to read as follows:

20 h. The court finds that both all of the following have
21 occurred:

22 (1) The child meets the definition of child in need of
23 assistance based on a finding of physical or sexual abuse or
24 neglect as a result of the acts or omissions of one or both
25 parents.

26 (2) There is clear and convincing evidence that the
27 ~~circumstances-surrounding the abuse or neglect of-the-child,~~
28 ~~despite-the-receipt-of-services,-constitutes-imminent-danger~~
29 to posed or poses a severe and significant risk to the health
30 and safety of the child.

31 (3) There is clear and convincing evidence that the offer
32 or receipt of services will not correct the conditions which
33 led to the abuse or neglect within a reasonable period of
34 time.

35 Sec. 13. Section 232.148, Code 1993, is amended to read as

1 follows:

2 232.148 FINGERPRINTS -- PHOTOGRAPHS.

3 1. Except as provided in this section, a child shall not
4 be fingerprinted or photographed by a criminal justice agency
5 after the child is taken into custody.

6 2. Fingerprints and photographs of a child who has been
7 taken into custody and who is fourteen years of age or older
8 may be taken and filed by a criminal justice agency
9 investigating the commission of a public offense constituting
10 a felony other than a simple or serious misdemeanor. However,
11 fingerprint-and-photograph-files-of-a-child-who-enters-into-an
12 informal-adjustment-or-consent-decree-shall-be-retained-only
13 if-the-child-is-notified-at-the-time-of-entering-into-the
14 informal-adjustment-or-consent-decree-that-the-files-will-be
15 permanently-retained-by-the-criminal-justice-agency. The
16 criminal justice agency shall forward the fingerprints to the
17 department of public safety for inclusion in the automated
18 fingerprint identification system. However, unless otherwise
19 authorized pursuant to section 232.45A or 690.4, or as
20 otherwise authorized by law, a criminal history record shall
21 not be created for inclusion in an automated system due to the
22 retention of fingerprints pursuant to this section.

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 of the department of public safety in the manner
35 and on the forms prescribed by the commissioner of public

1 safety within two working days of the time the fingerprints
2 are taken. If the child is not referred to the court, the
3 fingerprint card and copies of the fingerprints shall be
4 immediately destroyed.

5 4. Fingerprint and photograph files of children shall be
6 kept separate from those of adults. Copies of fingerprints
7 and photographs of a child shall not be placed in any data
8 storage system established and maintained by the department of
9 public safety pursuant to chapter 692, or in any federal
10 depository for fingerprints.

11 5. Fingerprint and photograph files of children may be
12 inspected by peace officers when necessary for the discharge
13 of their official duties. The juvenile court may authorize
14 other inspections of such files in individual cases upon a
15 showing that inspection is necessary in the public interest.

16 6 5. Fingerprints and photographs of a child shall be
17 removed from the file and destroyed if upon notification to
18 the department that any of the following situations apply:

19 a. A petition alleging the child to be delinquent is not
20 filed and the child has not entered into an informal
21 adjustment, admitting involvement in a delinquent act alleged
22 in the complaint.

23 b. After a petition is filed, the petition is dismissed or
24 the proceedings are suspended and the child has not entered
25 into a consent decree and has not been adjudicated delinquent
26 on the basis of a delinquent act other than one alleged in the
27 petition in question.

28 c. Upon petition by the child when the child reaches
29 twenty-one years of age and the child has not been adjudicated
30 a delinquent nor convicted of committing an aggravated
31 misdemeanor or a felony after reaching sixteen years of age
32 convicted of a public offense.

33 Sec. 14. NEW SECTION. 232.190 COMMUNITY GRANT FUND.

34 1. The division of criminal and juvenile justice planning
35 of the department of human rights shall establish and

1 administer a community grant fund for purposes of awarding
2 grants under this section. The department of human services
3 shall advise the division on programs which meet the criteria
4 established for grant recipients.

5 2. A city, county, or entity organized under chapter 28E
6 may apply to the department for a grant on a matching basis to
7 fund juvenile crime prevention programs.

8 3. Programs awarded moneys from the community grant fund
9 shall involve a collaborative effort by all children and
10 family support service providers to provide services and shall
11 reflect a community-wide consensus in how to remediate
12 community problems. Services provided under the programs
13 shall be comprehensive and utilize flexible delivery systems.
14 The department of human services shall establish a point
15 system for determining eligibility for grants from the fund
16 based upon the nature and breadth of the community juvenile
17 crime prevention programs and the extent to which a community
18 has sought to obtain additional public and private funding
19 sources for all or parts of the community's program.

20 Sec. 15. Section 280.19A, Code 1993, is amended by adding
21 the following new unnumbered paragraph:

22 NEW UNNUMBERED PARAGRAPH. If a district has not adopted a
23 plan as required in this section and implemented the plan by
24 January 15, 1996, the district shall pay to the area education
25 agency serving the district an amount equal to the cost per
26 pupil plus weightings or special education costs for each
27 pupil who drops out of school in the district for purposes of
28 developing an alternative options education program for the
29 pupil.

30 Sec. 16. Section 294A.14, unnumbered paragraphs 9 and 10,
31 Code Supplement 1993, are amended to read as follows:

32 For school districts, additional instructional work
33 assignments may include but are not limited to general
34 curriculum planning and development, vertical articulation of
35 curriculum, horizontal curriculum coordination, development of

1 educational measurement practices for the school district,
2 participation in assessment activities leading to
3 certification by the national board for professional teaching
4 standards, attendance at workshops and other programs for
5 service as cooperating teachers for student teachers,
6 development of plans for assisting beginning teachers during
7 their first year of teaching, attendance at summer staff
8 development programs, development of staff development
9 programs for other teachers to be presented during the school
10 year, participation in family support programs, development of
11 programs which provide instruction in conflict resolution and
12 mediation techniques for staff and students, development of
13 anger management instructional programs for students, and
14 other plans locally determined in the manner specified in
15 section 294A.15 and approved by the department of education
16 under section 294A.16 that are of equal importance or more
17 appropriately meet the educational needs of the school
18 district.

19 For area education agencies, additional instructional work
20 assignments may include but are not limited to providing
21 assistance and support to school districts in general
22 curriculum planning and development, providing assistance to
23 school districts in vertical articulation of curriculum and
24 horizontal curriculum coordination, development of educational
25 measurement practices for school districts in the area
26 education agency, development of plans for assisting beginning
27 teachers during their first year of teaching, attendance or
28 instruction at summer staff development programs, development
29 of staff development programs for school district teachers to
30 be presented during the school year, participation in family
31 support programs, development of staff development programs
32 which provide instruction in conflict resolution and mediation
33 techniques, assisting school district teachers in the
34 development of anger management instructional programs for
35 students, and other plans determined in the manner specified

1 in section 294A.15 and approved by the department of education
2 under section 294A.16 that are of equal importance or more
3 appropriately meet the educational needs of the area education
4 agency.

5 Sec. 17. NEW SECTION. 299.1B FAILURE TO ATTEND -- LOSS
6 OF DRIVER'S LICENSE.

7 A person who does not attend a public school, an accredited
8 nonpublic school, competent private instruction in accordance
9 with the provisions of chapter 299A, an alternative school,
10 adult education classes, or who is not employed at least
11 twenty hours per week shall not receive a motor vehicle
12 operator's license until age eighteen.

13 Sec. 18. Section 299.8, Code 1993, is amended to read as
14 follows:

15 299.8 "TRUANT" DEFINED.

16 Any child of compulsory attendance age who fails to attend
17 school as provided in this chapter, or as required by the
18 school board's or school governing body's attendance policy,
19 or who fails to attend competent private instruction under
20 chapter 299A, without reasonable excuse for the absence, shall
21 be deemed to be a truant. ~~A finding that a child is truant,~~
22 ~~however, shall not by itself mean that the child is a child in~~
23 ~~need of assistance within the meaning of chapter 232 and shall~~
24 ~~not be the sole basis for a child in need of assistance~~
25 ~~petition.~~

26 Sec. 19. NEW SECTION. 321.213A LICENSE SUSPENSION FOR
27 JUVENILES ADJUDICATED DELINQUENT FOR CERTAIN DRUG OR ALCOHOL
28 OFFENSES.

29 Upon the entering of an order at the conclusion of a
30 dispositional hearing under section 232.50, where the child
31 has been adjudicated to have committed a delinquent act, which
32 would be a second or subsequent violation of section 123.46,
33 section 123.47 involving the purchase of or attempt to
34 purchase alcoholic beverages, or chapter 124 if committed by
35 an adult, the clerk of the juvenile court in the dispositional

1 hearing shall forward a copy of the adjudication and
2 dispositional order to the department. The department shall
3 suspend the license or operating privilege of the child for
4 one year or until the child reaches the age of eighteen,
5 whichever is longer.

6 Sec. 20. Section 602.6405, subsection 1, Code 1993, is
7 amended to read as follows:

8 1. Magistrates have jurisdiction of simple misdemeanors,
9 including traffic and ordinance violations, and preliminary
10 hearings, search warrant proceedings, county and municipal
11 infractions, violations of section 123.47, and small claims.
12 A magistrate presiding over a case involving a violation of
13 section 123.47 shall have the same jurisdiction as the
14 juvenile court and shall use juvenile court procedure.

15 Magistrates have jurisdiction to exercise the powers specified
16 in sections 644.2 and 644.12, and to hear complaints or
17 preliminary informations, issue warrants, order arrests, make
18 commitments, and take bail. Magistrates have jurisdiction
19 over violations of section 123.49, subsection 2, paragraph
20 "h". Magistrates who are admitted to the practice of law in
21 this state have jurisdiction over all proceedings for the
22 involuntary commitment, treatment, or hospitalization of
23 individuals under chapters 125 and 229, except as otherwise
24 provided under section 229.6A; nonlawyer magistrates have
25 jurisdiction over emergency detention and hospitalization
26 proceedings under sections 125.91 and 229.22. Magistrates
27 have jurisdiction to conduct hearings authorized under section
28 809.4 and section 809.10, subsection 2.

29 Sec. 21. Section 602.7103, subsection 3, Code 1993, is
30 amended to read as follows:

31 3. The parties to a ~~termination-of-parental-rights~~
32 proceeding heard by an associate juvenile judge are entitled
33 to appeal the order, finding, or decision of an associate
34 juvenile judge, in the manner of an appeal from orders,
35 findings, or decisions of district court judges. ~~The parties~~

1 ~~to any other proceeding heard by an associate juvenile judge~~
2 ~~are entitled to appeal the order, finding, or decision of an~~
3 ~~associate juvenile judge, to the district court.~~ An appeal
4 does not automatically stay the order, finding, or decision of
5 an associate juvenile judge.

6 Sec. 22. Section 613.16, subsection 2, Code 1993, is
7 amended to read as follows:

8 2. The legal obligation of the parent or parents of an
9 unemancipated minor child under the age of eighteen years to
10 pay damages shall be limited ~~as follows:~~

11 a. ~~Not~~ to no more than one ten thousand dollars for ~~any~~
12 ~~one act.~~

13 b. ~~Not~~ all acts and no more than two three thousand
14 dollars, payable to the same claimant, for ~~two~~ one or more
15 acts.

16 Sec. 23. Section 724.16, subsection 1, Code 1993, is
17 amended to read as follows:

18 1. Except as otherwise provided in section 724.15,
19 subsection 2, a person who acquires ownership of a pistol or
20 revolver without a valid annual permit to acquire pistols or
21 revolvers or a person who transfers ownership of a pistol or
22 revolver to a person who does not have in the person's
23 possession a valid annual permit to acquire pistols or
24 revolvers is guilty of ~~a simple~~ an aggravated misdemeanor.

25 Sec. 24. NEW SECTION. 724.16A TRAFFICKING IN STOLEN
26 WEAPONS.

27 A person who knowingly transfers or acquires possession, or
28 who facilitates the transfer, of a stolen firearm commits a
29 class "D" felony for a first offense and a class "C" felony
30 for second and subsequent offenses or if the weapon is used in
31 the commission of a public offense.

32 Sec. 25. Section 724.22, subsection 1, Code 1993, is
33 amended to read as follows:

34 1. Except as provided in subsection 3, a person who sells,
35 loans, gives, or makes available a rifle or shotgun or

1 ammunition for a rifle or shotgun to a minor commits ~~a simple~~
2 an aggravated misdemeanor for a first offense and a class "D"
3 felony for second and subsequent offenses or if the rifle or
4 shotgun is subsequently used in the commission of a forcible
5 felony.

6 Sec. 26. Section 724.22, subsection 2, Code 1993, is
7 amended to read as follows:

8 2. Except as provided in subsections 4 and 5, a person who
9 sells, loans, gives, or makes available a pistol or revolver
10 or ammunition for a pistol or revolver to a person below the
11 age of twenty-one commits ~~a simple~~ an aggravated misdemeanor
12 for a first offense and a class "D" felony for second and
13 subsequent offenses or if the pistol or revolver is
14 subsequently used in the commission of a forcible felony. In
15 addition a person holding a federal firearms license or who
16 regularly buys and sells firearms is subject to having the
17 person's firearms inventory forfeited pursuant to chapter 809.

18 Sec. 27. Section 724.27, Code 1993, is amended to read as
19 follows:

20 724.27 ~~EXCEPTION-TO-SECTIONS-724-87-SUBSECTION-27-724-157~~
21 ~~SUBSECTION-17-AND-724-26~~ OFFENDERS' RIGHTS RESTORED.

22 The provisions of sections 724.8, subsection 2, 724.15,
23 subsection 1, paragraphs "b" and "e", and 724.26 shall not
24 apply to a person who is eligible to have the person's civil
25 rights regarding firearms restored under section 914.7 and who
26 is pardoned or has had the person's civil rights restored by
27 the President of the United States or the chief executive of a
28 state and who is expressly authorized by the President of the
29 United States or such chief executive to receive, transport,
30 or possess firearms or destructive devices.

31 Sec. 28. Section 726.6, subsections 2 and 3, Code 1993,
32 are amended to read as follows:

33 2. a. A person who commits three or more acts of child
34 endangerment resulting in serious injury to a child or minor
35 is guilty of a class "B" felony.

1 b. A Except as otherwise provided in paragraph "a", a
2 person who commits child endangerment resulting in serious
3 injury to a child or minor is guilty of a class "C" felony.

4 c. A person who commits three or more acts of child
5 endangerment not resulting in serious injury to a child or
6 minor is guilty of a class "C" felony.

7 3 d. A Except as otherwise provided in paragraph "c", a
8 person who commits child endangerment not resulting in serious
9 injury to a child or minor is guilty of an aggravated
10 misdemeanor.

11 Sec. 29. Section 808A.1, subsection 1, paragraph d, Code
12 1993, is amended to read as follows:

13 d. A school locker, desk, or other facility or space is-
14 sued or assigned to, or chosen by, the student for the storage
15 of personal belongings of any kind, which the student locks or
16 is permitted to lock. School officials may conduct periodic
17 inspections of all school lockers. However,--the The school
18 district shall provide notice to the students, at least
19 twenty-four hours prior to the inspection, of the date and
20 time of the inspection. However, if a controlled substance or
21 a firearm is found in a student's locker, desk, or other
22 facility or space issued or assigned to, or chosen by the
23 student, the student shall not have the right to twenty-four
24 hours notice prior to subsequent inspections of the student's
25 locker.

26 Sec. 30. Section 809.1, subsection 2, Code 1993, is
27 amended by adding the following new paragraph:

28 NEW PARAGRAPH. e. The firearms inventory of a person
29 holding a federal firearms license or a person who regularly
30 buys and sells firearms who is convicted of a violation of
31 section 724.22, subsection 2.

32 Sec. 31. Section 914.7, Code 1993, is amended to read as
33 follows:

34 914.7 RIGHTS NOT RESTORABLE.

35 Notwithstanding any other provision of this chapter, a

1 person, including a person seventeen years of age or under,
2 who has been convicted of, or adjudicated delinquent for, a
3 forcible-felony,-a-felony-violation-of-chapter-124 public
4 offense involving a firearm,-or-a-felony-violation-of-chapter
5 724 pistol or revolver shall not have the person's rights of
6 citizenship restored to the extent of allowing the person to
7 receive, transport, or possess firearms.

8 Sec. 32. APPROPRIATION -- CHILD ABUSE WORKERS. There is
9 appropriated from the general fund of the state to the
10 department of human services for the fiscal year beginning
11 July 1, 1994, and ending June 30, 1995, the following amount,
12 or so much thereof as is necessary, to be used for the purpose
13 designated:

14 For child abuse treatment workers in addition to child
15 abuse treatment positions authorized for field staff positions
16 in the department of human services and funding otherwise
17 appropriated for this purpose by the Seventy-fifth General
18 Assembly, 1994 Session, including salaries, support,
19 maintenance, miscellaneous purposes, and for not more than the
20 following full-time equivalent positions:

21	\$	290,000
22	FTEs	5.00

23 Sec. 33. APPROPRIATION -- CHILDREN OF PARENTS IN PRISON.
24 There is appropriated from the general fund of the state to
25 the department of human services for the fiscal year beginning
26 July 1, 1994, and ending June 30, 1995, the following amount,
27 or so much thereof as is necessary, to be used for the purpose
28 designated:

29 For purchase of counseling and other support services for
30 children whose parents are in prison:
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31	\$	175,000
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32 Sec. 34. APPROPRIATION -- HEALTHY FAMILY PROGRAM. There
33 is appropriated from the general fund of the state to the Iowa
34 department of public health for the fiscal year beginning July
35 1, 1994, and ending June 30, 1995, the following amount, or so

1 much thereof as is necessary, to be used for the purpose
2 designated:

3 For the healthy family program established pursuant to
4 section 135.106 in addition to other funds otherwise
5 appropriated for this purpose by the Seventy-fifth General
6 Assembly, 1994 Session:

7 \$ 175,000

8 Sec. 35. APPROPRIATION -- HIGHLY STRUCTURED JUVENILE
9 PROGRAMS. The department of human services and the division
10 of criminal and juvenile justice planning of the department of
11 human rights shall, contingent upon receipt of medical
12 assistance funding for program participants, develop two 25-
13 bed highly structured treatment-oriented facilities for youth
14 who are adjudicated delinquents. The program shall include
15 goals for the functioning of youth following completion of the
16 treatment program provided by the facilities, after care
17 tracking, and evaluation activities during treatment and after
18 care. Funding for the facilities shall be provided from the
19 appropriation to the department of human services for child
20 and family services by the Seventy-fifth General Assembly,
21 1994 Session.

22 Sec. 36. PARENTING PILOT PROJECT. The department of
23 education shall establish a pilot project in a county with a
24 population of less than thirty-five thousand inhabitants which
25 provides outreach and incentives for the voluntary
26 participation of expectant parents and parents of children in
27 the period of life from birth through age three, in
28 educational experiences designed to assist parents in learning
29 about the physical, mental, and emotional development of their
30 children and to enhance the skills of the parents in assisting
31 their children's learning and development. The department
32 shall establish criteria for programs offered through the
33 project, which may include, but are not limited to, the
34 criteria established for family support programs under section
35 256A.4.

1 Sec. 37. APPROPRIATION. There is appropriated from the
2 general fund of the state to the department of human services
3 for the fiscal year beginning July 1, 1994, and ending June
4 30, 1995, the following amount, or so much thereof as is
5 necessary, to be used for the purpose designated:

6 For the purpose of the community grant fund established in
7 this Act, including allocating \$100,000 to the Iowa law
8 enforcement academy for the purpose of training officers on
9 dealing with gang-affected youth:

10 \$ 2,000,000

11 Sec. 38. APPROPRIATION. There is appropriated from the
12 general fund of the state to the judicial department for the
13 fiscal year beginning July 1, 1994, and ending June 30, 1995,
14 the following amount, or so much thereof as is necessary, to
15 be used for the purpose designated:

16 For salaries, support, and maintenance, for the following
17 additional juvenile court officers, and for not more than the
18 following full-time equivalent positions:

19 \$ 315,000

20 FTEs 9.00

21 The judicial department shall determine the location at
22 which the additional juvenile court officers are to be placed.

23 Sec. 39. APPROPRIATION. There is appropriated from the
24 general fund of the state to the department of education for
25 the fiscal year beginning July 1, 1994, and ending June 30,
26 1995, the following amount, or so much thereof as is
27 necessary, to be used for the purpose designated:

28 For establishing a parent education pilot project in a
29 county with fewer than thirty-five thousand inhabitants:

30 \$ 100,000

31 Sec. 40. APPROPRIATION. There is appropriated from the
32 general fund of the state to the department of corrections for
33 the fiscal year beginning July 1, 1994, and ending June 30,
34 1995, the following amount, or so much thereof as is
35 necessary, to be used for the purpose designated:

1 For establishing a youthful offender program modeled on the
2 Polk county youthful offender program in two cities:
3 \$ 250,000.

4 EXPLANATION

5 Section 80B.11 is amended to provide that all law
6 enforcement officers must receive training on how to deal with
7 gang-affected youth. The training is to be modeled on the
8 Amer-I-Can program.

9 Sections 123.49 and 123.50 are amended to require a person
10 holding a liquor license to check the age of another person
11 before the person purchases alcoholic beverages or consumes
12 alcoholic beverages. A violation of this provision is a
13 serious misdemeanor.

14 Section 232.2 is amended to include truancy in the
15 definitions of child in need of assistance and delinquent act.
16 Section 299.8 is amended to conform to the change regarding
17 the definition of child in need of assistance.

18 Sections 232.8 and 602.6405 are amended to give magistrates
19 the same jurisdiction as the juvenile court over alcohol
20 offenses under section 123.47 by juveniles.

21 Section 232.44 is amended to allow detention hearings to be
22 held in the county in which the juvenile is detained, if it is
23 in the same judicial district as the county of the juvenile's
24 residence or in which the alleged delinquent act for which the
25 juvenile was detained occurred.

26 The provisions of section 232.45A are changed to add
27 aggravated misdemeanors against persons to the list of
28 offenses which permanently waive a juvenile to adult court.

29 Section 232.52 is amended to provide that a dispositional
30 order in a delinquency action may include the suspension of
31 the juvenile's driver's license for public intoxication, the
32 purchase or attempt to purchase of alcoholic beverages, or
33 drug offenses for one year or until age 18, whichever is
34 longer. The juvenile court may also order a parent or
35 guardian to participate in certain activities as part of a

1 probation plan for a juvenile and may hold a parent or
2 guardian who fails to participate in contempt.

3 Section 232.91A is added by the bill to allow grandparent
4 involvement in child in need of assistance proceedings.

5 The bill also changes the manner in which parental rights
6 may be terminated under section 232.116. Parental rights may
7 be terminated if the child meets the definition of a child in
8 need of assistance based on physical or sexual abuse or
9 neglect, if clear and convincing evidence shows that the abuse
10 or neglect posed or poses a severe and significant risk to the
11 life of the child, and if clear and convincing evidence shows
12 that the provision of services will not correct the abusive or
13 neglectful situation within a reasonable amount of time.

14 Section 232.148 is amended to provide that fingerprints and
15 photographs may be taken of a juvenile age 14 or older who is
16 taken into custody for a public offense other than a simple or
17 serious misdemeanor. The fingerprints will be included in the
18 automated fingerprint identification system. Also,
19 fingerprint and photograph files of juveniles may be combined
20 with those of adults and in some circumstances, the
21 fingerprint records of juveniles may be retained for an
22 extended period of time.

23 The bill also establishes a community grant fund in the
24 division of criminal and juvenile justice planning of the
25 department of human rights. The fund shall provide matching
26 grants to cities, counties, or groups of cities and counties
27 to fund juvenile crime prevention programs.

28 A new unnumbered paragraph is added to section 280.19A
29 regarding alternative options educational programs, which
30 requires a school district which has not adopted an
31 alternative options educational plan by January 15, 1996 to
32 pay the area education agency the cost of developing an
33 alternative options education program for each student who
34 drops out of school.

35 The bill provides that moneys available under phase III of

1 the educational excellence program may be used for development
2 of instructional programs regarding conflict resolution,
3 mediation techniques, and anger management.

4 The bill establishes a new section 299.1B which provides
5 that a person not attending school, alternative school, adult
6 education, or working at least 20 hours per week shall not
7 receive a driver's license until age 18.

8 Section 321.213A is created to provide that the Iowa
9 department of transportation shall suspend the license of a
10 juvenile in accordance with the dispositional order of the
11 juvenile court.

12 The bill amends section 602.7103 regarding the jurisdiction
13 of associate juvenile judges to provide that appeals from
14 orders of associate juvenile judges are appealable in the same
15 manner as appeals from an order of a district court judge.

16 Section 613.16, regarding parental financial responsibility
17 for delinquent acts of minor children, is amended to provide a
18 maximum obligation of \$10,000 and no more than \$3,000 for any
19 one claimant.

20 The bill increases the penalty in section 724.16 for
21 acquiring a pistol or revolver without a valid permit to
22 acquire from a simple to an aggravated misdemeanor.

23 The bill also creates the offense of trafficking in stolen
24 weapons. This offense is a class "D" felony for a first
25 offense and a class "C" felony for second and subsequent
26 offenses or if the weapon is used in the commission of a
27 public offense.

28 Section 724.22 is amended to increase the penalty for
29 selling or making available a rifle or shotgun to a minor, or
30 pistol or revolver or ammunition to a person under the age of
31 21. These offenses are aggravated misdemeanors for first
32 offenses and class "D" felonies for second and subsequent
33 offenses or if the weapon is used in the commission of a
34 forcible felony. In addition, a firearms dealer is subject to
35 having the person's firearms inventory forfeited under chapter

1 809 for selling a pistol or revolver to a minor under chapter
2 809.

3 A juvenile who commits a crime with a pistol or revolver or
4 is adjudicated delinquent for an act which would be a crime
5 committed with a pistol or revolver loses the person's right
6 to own or possess firearms permanently under sections 724.27
7 and 914.7.

8 Provisions are added to section 726.6 making the third and
9 subsequent child endangerment offense which results in serious
10 injury a class "B" felony and a class "C" felony if no serious
11 injury results.

12 Section 808A.1 adds a provision that exempts from the
13 requirement that 24-hour notice be provided prior to a locker
14 search, a student who has previously been found with a firearm
15 or controlled substance in the student's locker, desk, or
16 other protected student area.

17 The bill also makes appropriations of \$2,000,000 to the
18 department of human services for the community grant fund, the
19 judicial department for \$315,000 for nine additional juvenile
20 court officers, and to the department of corrections for
21 \$250,000 to establish two additional youthful offender
22 programs modeled after the Polk county youthful offender
23 program.

24 The bill also appropriates \$290,000 to the department of
25 human services for the employment of five additional child
26 abuse treatment workers, \$175,000 for counseling and other
27 services for children whose parents are in prison, \$175,000
28 for the healthy family program in the department of public
29 health, and \$100,000 to establish a parent education pilot
30 project by the department of education. In addition, the bill
31 directs that funding appropriated to the department of human
32 services for child and family services during the 1994 session
33 of the general assembly be used to establish two 25-bed highly
34 structured juvenile programs. The development of the programs
35 is also contingent on the receipt of medical assistance

- 1 funding for program participants.
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SENATE FILE 2305

S-5285

1 Amend Senate File 2305 as follows:

2 1. Page 11, by inserting after line 17 the
3 following:

4 "Sec. ____ . Section 724.22, subsection 7, Code
5 1993, is amended to read as follows:

6 7. ACCESS TO ~~LOADED~~ FIREARMS AND AMMUNITION BY
7 CHILDREN RESTRICTED -- PENALTY. ~~It shall be unlawful~~
8 ~~for any person to store or leave a loaded~~ A person
9 shall not store or leave a loaded or unloaded firearm
10 which or ammunition in a place which is accessible to
11 a minor under the age of fourteen years if the firearm
12 is not secured by a trigger lock mechanism, or if the
13 firearm or ammunition is not placed in a securely
14 locked box or container, or placed in some other
15 location which a reasonable person would believe to be
16 secure from a minor under the age of fourteen years,
17 if such person knows or has reason to believe that a
18 minor under the age of fourteen years is likely to
19 gain access to the firearm without the lawful
20 permission of the minor's parent, guardian, or person
21 having charge of the minor, the minor lawfully gains
22 access to the firearm without the consent of the
23 minor's parent, guardian, or person having charge of
24 the minor, and the minor exhibits the firearm in a
25 public place in an unlawful manner, or uses the
26 firearm unlawfully to cause injury or death to a
27 person is designed to prevent access to the firearm or
28 ammunition. This subsection does not apply if the
29 minor obtains the firearm or ammunition as a result of
30 an unlawful entry by any person. A violation of this
31 section is punishable as a serious misdemeanor."

32 2. By renumbering as necessary.

By TONY BISIGNANO

S-5285 FILED MARCH 23, 1994

Rosenberg - Chair
Sturgeon
Szymoniak
Brignano
Maddox
Taylor
Pate

SSB. 2232

Judiciary

SENATE FILE 2305
BY (PROPOSED COMMITTEE ON
JUDICIARY BILL BY CHAIR-
PERSON STURGEON)

Passed Senate, Date _____ Passed House, Date _____

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

Approved _____

A BILL FOR

1 An Act relating to juvenile justice and making related
2 appropriations.

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

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1 Section 1. Section 80B.11, subsection 3, Code Supplement
2 1993, is amended by adding the following new unnumbered
3 paragraph:

4 NEW UNNUMBERED PARAGRAPH. In-service training under this
5 section shall include the requirement that all law enforcement
6 officers complete a course, modeled after the Amer-I-Can
7 program, on dealing with gang-affected youth.

8 Sec. 2. Section 123.49, subsection 2, paragraph h, Code
9 1993, is amended to read as follows:

10 h. Sell, give, or otherwise supply any alcoholic beverage,
11 wine, or beer to any person, ~~knowing-or-having-reasonable~~
12 ~~cause-to-believe-the-person-to-be-under-legal-age,~~ without
13 first ascertaining that the person is of legal age to purchase
14 alcoholic liquor, wine, or beer or permit any person, knowing
15 ~~or-having-reasonable-cause-to-believe-the-person-to-be-under~~
16 without first ascertaining that the person is of legal age, to
17 consume any alcoholic beverage, wine, or beer.

18 Sec. 3. Section 123.50, subsection 1, Code Supplement
19 1993, is amended to read as follows:

20 1. Any person who violates any of the provisions of
21 section 123.49, except subsection 2, paragraph "h", shall be
22 guilty of a simple misdemeanor. A person who violates section
23 123.49, subsection 2, paragraph "h", commits a serious
24 misdemeanor.

25 Sec. 4. Section 232.8, subsection 1, Code 1993, is amended
26 by adding the following new paragraph:

27 NEW PARAGRAPH. c. The juvenile court or a magistrate may
28 preside over an action regarding a violation of section 123.47
29 committed by a child.

30 Sec. 5. Section 232.44, subsection 1, Code 1993, is
31 amended by adding the following new unnumbered paragraph:

32 NEW UNNUMBERED PARAGRAPH. If the child is placed in a
33 detention facility in a county other than the county in which
34 the child resides or in which the delinquent act allegedly
35 occurred but which is within the same judicial district, the

1 hearing may take place in the county in which the detention
2 facility is located.

3 Sec. 6. Section 232.45A, subsection 2, Code 1993, is
4 amended to read as follows:

5 2. Once a child sixteen years of age or older has been
6 waived to and convicted of an aggravated misdemeanor committed
7 against a person or a forcible felony or a felony violation of
8 section 124.401 or chapter 707 by the district court, all
9 criminal proceedings against the child for-any-forcible-felony
10 or-a-felony-violation-of-section-124-401-or-chapter-707
11 occurring subsequent to the date of the conviction of the
12 child shall begin in district court, notwithstanding sections
13 232.8 and 232.45. A copy of the findings required by section
14 232.45, subsection 8, shall be made a part of the record in
15 the district court proceedings.

16 Sec. 7. Section 232.116, subsection 1, paragraph h, Code
17 Supplement 1993, is amended to read as follows:

18 h. The court finds that both all of the following have
19 occurred:

20 (1) The child meets the definition of child in need of
21 assistance based on a finding of physical or sexual abuse or
22 neglect as a result of the acts or omissions of one or both
23 parents.

24 (2) There is clear and convincing evidence that the
25 circumstances-surrounding the abuse or neglect of-the-child,
26 despite-the-receipt-of-services,-constitutes-imminent-danger
27 to posed or poses a severe and significant risk to the life of
28 the child.

29 (3) There is clear and convincing evidence that the offer
30 or receipt of services will not correct the conditions which
31 led to the abuse or neglect within a reasonable period of
32 time.

33 Sec. 8. Section 232.148, Code 1993, is amended to read as
34 follows:

35 232.148 FINGERPRINTS -- PHOTOGRAPHS.

1 1. Except as provided in this section, a child shall not
2 be fingerprinted or photographed by a criminal justice agency
3 after the child is taken into custody.

4 2. Fingerprints and photographs of a child who has been
5 taken into custody and who is fourteen years of age or older
6 may be taken and filed by a criminal justice agency
7 investigating the commission of a public offense constituting
8 a felony other than a simple or serious misdemeanor. However,
9 ~~fingerprint-and-photograph-files-of-a-child-who-enters-into-an~~
10 ~~informal-adjustment-or-consent-decree-shall-be-retained-only~~
11 ~~if-the-child-is-notified-at-the-time-of-entering-into-the~~
12 ~~informal-adjustment-or-consent-decree-that-the-files-will-be~~
13 ~~permanently-retained-by-the-criminal-justice-agency.~~ The
14 criminal justice agency shall forward the fingerprints to the
15 department of public safety for inclusion in the automated
16 fingerprint identification system. However, unless otherwise
17 authorized pursuant to section 232.45A or 690.4, or as
18 otherwise authorized by law, a criminal history record shall
19 not be created for inclusion in an automated system due to the
20 retention of fingerprints pursuant to this section.

21 3. If a peace officer has reasonable grounds to believe
22 that latent fingerprints found during the investigation of the
23 commission of a public offense are those of a particular
24 child, fingerprints of the child may be taken for immediate
25 comparison with the latent fingerprints regardless of the
26 nature of the offense. ~~if-the-comparison-is-negative-the~~
27 ~~fingerprint-card-and-other-copies-of-the-fingerprints-taken~~
28 ~~shall-be-immediately-destroyed.~~ If the comparison is positive
29 ~~and-the-child-is-referred-to-the-court,~~ the fingerprint card
30 and other copies of the fingerprints taken shall be delivered
31 ~~to the court-for-disposition~~ division of criminal
32 investigation of the department of public safety in the manner
33 and on the forms prescribed by the commissioner of public
34 safety within two working days of the time the fingerprints
35 are taken. ~~if-the-child-is-not-referred-to-the-court,~~ the

1 fingerprint-card-and-copies-of-the-fingerprints-shall-be
2 immediately-destroyed-

3 4. Fingerprint-and-photograph-files-of-children-shall-be
4 kept-separate-from-those-of-adults.--Copies-of-fingerprints
5 and-photographs-of-a-child-shall-not-be-placed-in-any-data
6 storage-system-established-and-maintained-by-the-department-of
7 public-safety-pursuant-to-chapter-692,-or-in-any-federal
8 depository-for-fingerprints-

9 5- Fingerprint and photograph files of children may be
10 inspected by peace officers when necessary for the discharge
11 of their official duties. The juvenile court may authorize
12 other inspections of such files in individual cases upon a
13 showing that inspection is necessary in the public interest.

14 6 5. Fingerprints and photographs of a child shall be
15 removed from the file and destroyed if upon notification to
16 the department that any of the following situations apply:

17 a. A petition alleging the child to be delinquent is not
18 filed and the child has not entered into an informal
19 adjustment, admitting involvement in a delinquent act alleged
20 in the complaint.

21 b. After a petition is filed, the petition is dismissed or
22 the proceedings are suspended and the child has not entered
23 into a consent decree and has not been adjudicated delinquent
24 on the basis of a delinquent act other than one alleged in the
25 petition in question.

26 c. Upon petition by the child when the child reaches
27 twenty-one years of age and the child has not been adjudicated
28 a-delinquent-nor-convicted-of-committing-an-aggravated
29 misdemeanor-or-a-felony-after-reaching-sixteen-years-of-age
30 convicted of a public offense.

31 Sec. 9. NEW SECTION. 232.190 COMMUNITY GRANT FUND.

32 1. The department of human services shall establish and
33 administer a community grant fund.

34 2. A city, county, or entity organized under chapter 28E
35 may apply to the department for a grant on a matching basis to

1 fund juvenile crime prevention programs.

2 Sec. 10. NEW SECTION. 233A.18 POPULATION.

3 The number of beds available at the training school shall
4 not exceed one hundred seven.

5 Sec. 11. NEW SECTION. 299.1B FAILURE TO ATTEND -- LOSS
6 OF DRIVER'S LICENSE.

7 A person who does not attend a public school, an accredited
8 nonpublic school, competent private instruction in accordance
9 with the provisions of chapter 299A, an alternative school,
10 adult education classes, or who is not employed at least
11 twenty hours per week shall not receive a motor vehicle
12 operator's license until age eighteen.

13 Sec. 12. Section 602.6405, subsection 1, Code 1993, is
14 amended to read as follows:

15 1. Magistrates have jurisdiction of simple misdemeanors,
16 including traffic and ordinance violations, and preliminary
17 hearings, search warrant proceedings, county and municipal
18 infractions, violations of section 123.47, and small claims.
19 A magistrate presiding over a case involving a violation of
20 section 123.47 shall have the same jurisdiction as the
21 juvenile court and shall use juvenile court procedure.

22 Magistrates have jurisdiction to exercise the powers specified
23 in sections 644.2 and 644.12, and to hear complaints or
24 preliminary informations, issue warrants, order arrests, make
25 commitments, and take bail. Magistrates have jurisdiction
26 over violations of section 123.49, subsection 2, paragraph
27 "h". Magistrates who are admitted to the practice of law in
28 this state have jurisdiction over all proceedings for the
29 involuntary commitment, treatment, or hospitalization of
30 individuals under chapters 125 and 229, except as otherwise
31 provided under section 229.6A; nonlawyer magistrates have
32 jurisdiction over emergency detention and hospitalization
33 proceedings under sections 125.91 and 229.22. Magistrates
34 have jurisdiction to conduct hearings authorized under section
35 809.4 and section 809.10, subsection 2.

1 Sec. 13. Section 602.7103, subsection 3, Code 1993, is
2 amended to read as follows:

3 3. The parties to a ~~termination-of-parental-rights~~
4 proceeding heard by an associate juvenile judge are entitled
5 to appeal the order, finding, or decision of an associate
6 juvenile judge, in the manner of an appeal from orders,
7 findings, or decisions of district court judges. ~~The parties~~
8 ~~to-any-other-proceeding-heard-by-an-associate-juvenile-judge~~
9 ~~are-entitled-to-appeal-the-order,-finding,-or-decision-of-an~~
10 ~~associate-juvenile-judge,-to-the-district-court.~~ An appeal
11 does not automatically stay the order, finding, or decision of
12 an associate juvenile judge.

13 Sec. 14. Section 724.16, subsection 1, Code 1993, is
14 amended to read as follows:

15 1. Except as otherwise provided in section 724.15,
16 subsection 2, a person who acquires ownership of a pistol or
17 revolver without a valid annual permit to acquire pistols or
18 revolvers or a person who transfers ownership of a pistol or
19 revolver to a person who does not have in the person's
20 possession a valid annual permit to acquire pistols or
21 revolvers is guilty of ~~a-simple~~ an aggravated misdemeanor.

22 Sec. 15. NEW SECTION. 724.16A TRAFFICKING IN STOLEN
23 WEAPONS.

24 A person who knowingly transfers or acquires possession, or
25 who facilitates the transfer, of a stolen firearm commits a
26 class "D" felony for a first offense and a class "C" felony
27 for second and subsequent offenses or if the weapon is used in
28 the commission of a public offense.

29 Sec. 16. Section 724.22, subsection 1, Code 1993, is
30 amended to read as follows:

31 1. Except as provided in subsection 3, a person who sells,
32 loans, gives, or makes available a rifle or shotgun or
33 ammunition for a rifle or shotgun to a minor commits ~~a-simple~~
34 an aggravated misdemeanor for a first offense and a class "D"
35 felony for second and subsequent offenses or if the rifle or

1 shotgun is subsequently used in the commission of a forcible
2 felony.

3 Sec. 17. Section 724.22, subsection 2, Code 1993, is
4 amended to read as follows:

5 2. Except as provided in subsections 4 and 5, a person who
6 sells, loans, gives, or makes available a pistol or revolver
7 or ammunition for a pistol or revolver to a person below the
8 age of twenty-one commits ~~a simple~~ an aggravated misdemeanor
9 for a first offense and a class "D" felony for second and
10 subsequent offenses or if the pistol or revolver is
11 subsequently used in the commission of a forcible felony. In
12 addition a person holding a federal firearms license or who
13 regularly buys and sells firearms is subject to having the
14 person's firearms inventory forfeited pursuant to chapter 809.

15 Sec. 18. Section 724.27, Code 1993, is amended to read as
16 follows:

17 724.27 ~~EXCEPTION-TO-SECTIONS-724.8, SUBSECTION-2, 724.15,~~
18 ~~SUBSECTION-1, AND 724.26~~ OFFENDERS' RIGHTS RESTORED.

19 The provisions of sections 724.8, subsection 2, 724.15,
20 subsection 1, paragraphs "b" and "e", and 724.26 shall not
21 apply to a person who is eligible to have the person's civil
22 rights regarding firearms restored under section 914.7 and who
23 is pardoned or has had the person's civil rights restored by
24 the President of the United States or the chief executive of a
25 state and who is expressly authorized by the President of the
26 United States or such chief executive to receive, transport,
27 or possess firearms or destructive devices.

28 Sec. 19. Section 809.1, subsection 2, Code 1993, is
29 amended by adding the following new paragraph:

30 NEW PARAGRAPH. e. The firearms inventory of a person
31 holding a federal firearms license or a person who regularly
32 buys and sells firearms who is convicted of a violation of
33 section 724.22, subsection 2.

34 Sec. 20. Section 914.7, Code 1993, is amended to read as
35 follows:

1 914.7 RIGHTS NOT RESTORABLE.

2 Notwithstanding any other provision of this chapter, a
3 person, including a person seventeen years of age or under,
4 who has been convicted of, or adjudicated delinquency for, a
5 forcible-felony,--a-felony-violation-of-chapter-124 public
6 offense involving a firearm,--or-a-felony-violation-of-chapter
7 724 pistol or revolver shall not have the person's rights of
8 citizenship restored to the extent of allowing the person to
9 receive, transport, or possess firearms.

10 Sec. 21. APPROPRIATION. There is appropriated from the
11 general fund of the state to the department of human services
12 for the fiscal year beginning July 1, 1994, and ending June
13 30, 1995, the following amount, or so much thereof as is
14 necessary, to be used for the purposes designated:

15 For the purposes of the community grant fund, including
16 allocating \$100,000 to the Iowa law enforcement academy for
17 the purpose of training officers on dealing with gang-affected
18 youth:

19 \$ 2,000,000

20 Sec. 22. APPROPRIATION. There is appropriated from the
21 general fund of the state to the judicial department for the
22 fiscal year beginning July 1, 1994, and ending June 30, 1995,
23 the following amount, or so much thereof as is necessary, to
24 be used for the purposes designated:

25 For salaries, support, and maintenance, for the following
26 additional juvenile court officers, and for not more than the
27 following full-time equivalent positions:

28 \$ 315,000

29 FTEs 9.00

30 Sec. 23. APPROPRIATION. There is appropriated from the
31 general fund of the state to the department of corrections for
32 the fiscal year beginning July 1, 1994, and ending June 30,
33 1995, the following amount, or so much thereof as is
34 necessary, to be used for the purposes designated:

35 For establishing a youthful offender program modeled on the

1 Polk county youthful offender program in two cities:
2 \$ 250,000

3 EXPLANATION

4 Section 80B.11 is amended to provide that all law
5 enforcement officers must receive training on how to deal with
6 gang-affected youth. The training is to be modeled on the
7 Amer-I-Can program.

8 Sections 123.49 and 123.50 are amended to require a person
9 holding a liquor license to check the age of another person
10 before the person purchases alcoholic beverages or consumes
11 alcoholic beverages. A violation of this provision is a
12 serious misdemeanor.

13 Sections 232.8 and 602.6405 are amended to give magistrates
14 the same jurisdiction as the juvenile court over alcohol
15 offenses by juveniles.

16 Section 232.44 is amended to allow detention hearings to be
17 held in the county in which the juvenile is detained, if it is
18 in the same judicial district as the county of the juvenile's
19 residence or in which the alleged delinquent act for which the
20 juvenile was detained occurred.

21 The provisions of section 232.45A are changed to add
22 aggravated misdemeanors against persons to the list of
23 offenses which permanently waive a juvenile to adult court.

24 The bill also changes the manner in which parental rights
25 may be terminated under section 232.116. Parental rights may
26 be terminated if the child meets the definition of a child in
27 need of assistance based on physical or sexual abuse or
28 neglect, if clear and convincing evidence shows that the abuse
29 or neglect posed or poses a severe and significant risk to the
30 life of the child, and if clear and convincing evidence shows
31 that the provision of services will not correct the abusive or
32 neglectful situation within a reasonable amount of time.

33 The bill also establishes a community grant fund in the
34 department of human services. The fund shall provide matching
35 grants to cities, counties, or groups of cities and counties

1 to fund juvenile crime prevention programs and law enforcement
2 training regarding gang-affected youth.

3 The bill also sets the upper limit on the number of
4 offenders which may be committed to the state training school
5 at any one time to 107.

6 The bill establishes a new section 299.1B which provides
7 that a person not attending school, alternative school, adult
8 education, or working at least 20 hours per week shall not
9 receive a driver's license until age 18.

10 The bill also amends section 602.7103 regarding the
11 jurisdiction of associate juvenile judges to provide that
12 appeals from orders of associate juvenile judges are
13 appealable in the same manner as appeals from an order of a
14 district court judge.

15 The bill increases the penalty in section 724.16 for
16 acquiring a pistol or revolver without a valid permit to
17 acquire from a simple to an aggravated misdemeanor.

18 The bill also creates the offense of trafficking in stolen
19 weapons. This offense is a class "D" felony for a first
20 offense and a class "C" felony for second and subsequent
21 offenses or if the weapon is used in the commission of a
22 public offense.

23 Section 724.22 is amended to increase the penalty for
24 selling or making available a rifle or shotgun to a minor, or
25 pistol or revolver or ammunition to a person under the age of
26 21. These offenses are aggravated misdemeanors for first
27 offenses and class "D" felonies for second and subsequent
28 offenses or if the weapon is used in the commission of a
29 public offense. In addition, a firearms dealer is subject to
30 having the person's firearms inventory forfeited under chapter
31 809 for selling a pistol or revolver to a minor.

32 A juvenile who commits a crime with a pistol or revolver or
33 is adjudicated delinquent for an act which would be a crime
34 committed with a pistol or revolver, loses the persons right
35 to own or possess firearms permanently.

1 The bill also makes appropriations of \$2,000,000 to the
2 department of human services for the community grant fund, the
3 judicial department for \$315,000 for nine additional juvenile
4 court officers, and to the department of corrections for
5 \$250,000 to establish two additional youthful offender
6 programs modeled after the Polk county youthful offender
7 program.

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