

REPRINTED

FILED MAR 4 1996

SENATE FILE 2406
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO SSB 2216)

Passed Senate, Date 3-18-96 Passed House, Date _____
Vote: Ayes 48 Nays 0 Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to immunity from assault charges for the use of
2 force by a person to stop a fight or disturbance at a school
3 or school function, defining truancy as a delinquent act in
4 certain cases and providing a penalty, establishing a penalty
5 for providing aid, support, or shelter to a runaway or truant,
6 and providing for civil penalties for truancy and the loss of
7 a driver's license for truancy.

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

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S.F. 2406

REPRINTED

1 Section 1. Section 123.47B, Code Supplement 1995, is
2 amended to read as follows:

3 123.47B PARENTAL AND SCHOOL NOTIFICATION -- PERSONS UNDER
4 EIGHTEEN YEARS OF AGE.

5 A peace officer shall make a reasonable effort to identify
6 a person under the age of eighteen discovered to be in
7 possession of alcoholic liquor, wine, or beer in violation of
8 section 123.47 and if the person is not referred to juvenile
9 court, the law enforcement agency of which the peace officer
10 is an employee shall make a reasonable attempt to notify the
11 person's custodial parent or legal guardian of such
12 possession, whether or not the person is arrested or a
13 citation is issued pursuant to section 805.16, unless the
14 officer has reasonable grounds to believe that such
15 notification is not in the best interests of the person or
16 will endanger that person. ~~If the person is taken into~~
17 ~~custody, the~~ The peace officer shall also notify a juvenile
18 court officer who shall make a reasonable effort to identify
19 the elementary or secondary school the person attends, if any,
20 and to notify the superintendent of the school district or the
21 superintendent's designee, or the authorities in charge of the
22 nonpublic school of the ~~taking-into-custody~~ violation of
23 section 123.47. A reasonable attempt to notify the person
24 includes but is not limited to a telephone call or notice by
25 first-class mail.

26 Sec. 2. Section 124.415, Code Supplement 1995, is amended
27 to read as follows:

28 124.415 PARENTAL AND SCHOOL NOTIFICATION -- PERSONS UNDER
29 EIGHTEEN YEARS OF AGE.

30 A peace officer shall make a reasonable effort to identify
31 a person under the age of eighteen discovered to be in
32 possession of a controlled substance, counterfeit substance,
33 or simulated controlled substance in violation of this
34 chapter, and if the person is not referred to juvenile court,
35 the law enforcement agency of which the peace officer is an

1 employee shall make a reasonable attempt to notify the
2 person's custodial parent or legal guardian of such
3 possession, whether or not the person is arrested, unless the
4 officer has reasonable grounds to believe that such
5 notification is not in the best interests of the person or
6 will endanger that person. ~~If-the-person-is-taken-into~~
7 ~~custody,~~ The peace officer shall also notify a juvenile
8 court officer who shall make a reasonable effort to identify
9 the elementary or secondary school the person attends, if any,
10 and to notify the superintendent of the school district, the
11 superintendent's designee, or the authorities in charge of the
12 nonpublic school of the ~~taking-into-custody~~ possession by the
13 person under the age of eighteen. A reasonable attempt to
14 notify the person includes but is not limited to a telephone
15 call or notice by first-class mail.

16 Sec. 3. Section 232.2, subsection 12, Code Supplement
17 1995, is amended by adding the following new paragraph:

18 NEW PARAGRAPH. c. The violation of the statutory
19 compulsory attendance age requirement or the attendance policy
20 of a public or an accredited nonpublic school by a child who
21 has reached the age of twelve and is under the age of eighteen
22 and who has run away from home to avoid attending school or is
23 refusing to attend school, or who has been deemed truant under
24 section 299.8 six or more school days in one semester, where
25 the child's parent, guardian, or legal or actual custodian and
26 the school in which the child is enrolled have made every
27 reasonable effort to cause the child to attend school. This
28 provision shall not apply to a child attending a nonaccredited
29 nonpublic school or receiving competent private instruction.

30 Sec. 4. Section 232.28, subsection 10, Code Supplement
31 1995, is amended to read as follows:

32 10. A complaint filed with the court or its designee
33 pursuant to this section which alleges that a child has
34 committed a delinquent act ~~which-if-committed-by-an-adult~~
35 ~~would-be-an-aggravated-misdemeanor-or-a-felony~~ shall be a

1 public record and shall not be confidential under section
2 232.147. The court, its designee, or law enforcement
3 officials are authorized to release the complaint, including
4 the identity of the child named in the complaint.

5 Sec. 5. NEW SECTION. 232.52B DISPOSITION OF DELINQUENT
6 TRUANTS.

7 Notwithstanding section 232.52, if the evidence received at
8 an adjudicatory or dispositional hearing indicates that the
9 child is a delinquent truant as provided under section 232.2,
10 subsection 12, paragraph "c", the court shall order the child
11 to perform unpaid community service at a nonprofit
12 organization exempt from federal income taxation under section
13 501(c)(3) of the Internal Revenue Code. If the child fails to
14 perform the unpaid community service as ordered under this
15 section, the court may modify the order to include any of the
16 dispositional alternatives in section 232.52, with the
17 exception of secure custody.

18 Sec. 6. Section 299.1B, Code 1995, is amended to read as
19 follows:

20 299.1B FAILURE TO ATTEND -- LOSS OF DRIVER'S LICENSE.

21 A person who does not attend a public school, an accredited
22 nonpublic school, competent private instruction in accordance
23 with the provisions of chapter 299A, or an alternative school,
24 ~~adult-education-classes, or who is not employed at least~~
25 ~~twenty-hours-per-week~~ shall not receive a motor vehicle
26 operator's license until age eighteen. A person under age
27 eighteen who has been issued a motor vehicle operator's
28 license who does not attend a public school, an accredited
29 nonpublic school, competent private instruction in accordance
30 with the provisions of chapter 299A, or an alternative school,
31 ~~or adult-education-classes,~~ shall surrender the license and be
32 issued a temporary restricted license under section 321.215.

33 Sec. 7. Section 299.5A, unnumbered paragraphs 1 and 5,
34 Code 1995, are amended to read as follows:

35 If a child is truant as defined in section 299.8, school

1 officers shall attempt to find the cause for the child's
2 absence and use every means available to the school to assure
3 that the child does attend. If the parent, guardian, or legal
4 or actual custodian, or child refuses to accept the school's
5 attempt to assure the child's attendance or the school's
6 attempt to assure the child's attendance is otherwise
7 unsuccessful, the truancy officer shall refer the matter to
8 the county attorney who shall provide for mediation or
9 prosecution.

10 The mediator ~~may~~ shall refer a truant to the juvenile court
11 if mediation breaks down without an agreement being reached.

12 Sec. 8. Section 299.6, unnumbered paragraph 1, Code 1995,
13 is amended to read as follows:

14 Any A person who violates a mediation agreement under
15 section 299.5A, who is referred for prosecution under section
16 299.5A and is convicted of a violation of any of the
17 provisions of sections 299.1 through 299.5, who violates any
18 of the provisions of sections 299.1 through 299.5 or section
19 299.17, or who refuses to participate in mediation under
20 section 299.5A, for a first offense, is guilty of a simple
21 misdemeanor.

22 Sec. 9. NEW SECTION. 299.6A CIVIL PENALTY --
23 DISTRIBUTION OF FUNDS.

24 1. In lieu of proceeding under section 299.6, a county
25 attorney may bring a civil action against a parent, guardian,
26 or legal or actual custodian of a child who is of compulsory
27 attendance age if the child is under the age of twelve and is
28 truant, and if the parent, guardian, or legal or actual
29 custodian has failed to cause the child to attend a public
30 school, an accredited nonpublic school, or competent private
31 instruction in the manner provided in this chapter. If the
32 court finds that the parent, guardian, or legal or actual
33 custodian has failed to cause the child to attend as required
34 in this section, the court shall assess a civil penalty of not
35 less than one hundred but not more than one thousand dollars,

1 for each violation established.

2 2. Funds received from civil penalties assessed pursuant
3 to this section shall be paid to the office of the county
4 attorney that brought the action.

5 Sec. 10. NEW SECTION. 299.17 AID, SUPPORT, OR SHELTER OF
6 TRUANT PROHIBITED.

7 A person, other than a child's parent, guardian, legal or
8 actual custodian, shall not knowingly provide aid, support, or
9 shelter during the school day to a child who is truant as
10 defined in section 299.8.

11 Sec. 11. Section 708.1, unnumbered paragraph 3, Code
12 Supplement 1995, is amended to read as follows:

13 Provided, that where the person doing any of the above
14 enumerated acts is employed by a school district or accredited
15 nonpublic school, or is an area education agency staff member
16 who provides services to a school or school district, and
17 intervenes in a fight or physical struggle, or other
18 disruptive situation, that takes place in the presence of the
19 employee or staff member performing employment duties in a
20 school building, on school grounds, or at an official school
21 function regardless of the location, the act shall not be an
22 assault, whether the fight or physical struggle or other
23 disruptive situation is between students or other individuals,
24 if the degree and the force of the intervention is are
25 reasonably necessary to restore order and to protect the
26 safety of those assembled. In addition, a person who is not a
27 school district or accredited nonpublic school employee or
28 area education agency staff member and who, in the absence of
29 such an employee or staff member or at the request of such an
30 employee or staff member, intervenes in a fight or physical
31 struggle, or other disruptive situation, occurring in a school
32 building, on school grounds, or at an official school function
33 regardless of the location, does not commit assault, whether
34 the fight or physical struggle or other disruptive situation
35 is between students or other individuals, if the degree and

1 the force of the intervention are reasonably necessary to
2 restore order and to protect the safety of those assembled.
3 However, a person who intervenes in the absence of such an
4 employee or staff member shall report the intervention and all
5 relevant information surrounding it as soon as reasonably
6 possible to such an employee or staff member.

7 Sec. 12. Section 710.8, subsection 2, Code 1995, is
8 amended to read as follows:

9 2. A person shall not harbor a runaway child with the in-
10 tent of committing a criminal act involving the child or with
11 the intent of enticing or forcing the runaway child to commit
12 a criminal act. A person convicted of a violation of this
13 subsection is guilty of an aggravated misdemeanor.

14 Sec. 13. Section 710.8, subsection 3, Code 1995, is
15 amended by striking the subsection and inserting in lieu
16 thereof the following:

17 3. A person other than a child's parent, guardian, legal
18 or actual custodian shall not harbor a runaway child. A
19 person convicted of a violation of this subsection is guilty
20 of a simple misdemeanor.

21 Sec. 14. Section 805.8, Code Supplement 1995, is amended
22 by adding the following new subsection:

23 NEW SUBSECTION. 12. TRUANCY VIOLATION. For a violation
24 of chapter 299 by a child who has reached the age of twelve
25 and is under the age of eighteen, the scheduled fine is
26 twenty-five dollars, and is a civil penalty, and the criminal
27 penalty surcharge under section 911.2 shall not be added to
28 the penalty, and the court costs pursuant to section 805.9,
29 subsection 6, shall not be imposed. If the civil penalty
30 assessed for a violation of chapter 299 is not paid in a
31 timely manner, a citation shall be issued for the violation in
32 the manner provided in section 804.1. However, a person under
33 age eighteen shall not be detained in a secure facility for
34 failure to pay the civil penalty. The complainant shall not
35 be charged a filing fee.

1 For failing to pay the civil penalty provided under this
2 subsection, the scheduled fine is twenty-five dollars.
3 Failure to pay the scheduled fine shall not result in the
4 person being detained in a secure facility. The complainant
5 shall not be charged a filing fee.

6 Sec. 15. IMPLEMENTATION OF ACT. Section 25B.2, subsection
7 3, shall not apply to this Act.

8 EXPLANATION

9 The bill provides penalties for providing aid, support, or
10 shelter to runaway or truant children, establishes civil
11 penalties for children and their parents or guardians for
12 violation of the truancy laws, makes certain truancy
13 violations a delinquent act, provides that a complaint
14 alleging that a child has committed a delinquent act is a
15 public record, and provides immunity from assault charges for
16 the use of force by a person to stop a fight or disturbance at
17 a school or school function. The bill also provides that
18 public and nonpublic school officials are to be notified by a
19 juvenile court officer when a juvenile has been discovered to
20 be in possession of alcohol or drugs, even if the juvenile is
21 not taken into custody.

22 The bill provides that a child commits a delinquent act if
23 the child is between the ages of 12 and 18, is in violation of
24 the statutory compulsory attendance age requirement or the
25 attendance policy of a public or an accredited nonpublic
26 school, and has run away from home to avoid attending school
27 or is refusing to attend school, or has been deemed truant
28 under section 299.8 six or more school days in one semester,
29 where the child's parent, guardian, or legal or actual
30 custodian and the school in which the child is enrolled have
31 made every reasonable effort to cause the child to attend
32 school. The provision does not apply to a child attending a
33 nonaccredited nonpublic school or receiving competent private
34 instruction.

35 If the evidence received at an adjudicatory or

1 dispositional hearing indicates that the child is a delinquent
2 truant, the court shall order the child to perform unpaid
3 community service at a nonprofit organization. If the child
4 fails to perform the unpaid community service as ordered by
5 the court, the court may modify the order to include any of
6 the dispositional alternatives in section 232.52, with the
7 exception of secure custody.

8 A person other than the child's parent, guardian, or legal
9 or actual custodian shall not knowingly provide aid, support,
10 or shelter during the school day to a child who is truant. A
11 person who violates this provision is guilty of a simple
12 misdemeanor.

13 The bill also prohibits a person from harboring a runaway
14 and establishes that a person convicted of harboring a runaway
15 is guilty of a simple misdemeanor. The Code defines a runaway
16 child as a person under 18 years of age who is voluntarily
17 absent from the person's home without the consent of the
18 parent, guardian, or custodian.

19 The bill also permits a county attorney to, in lieu of
20 fine, imprisonment, or community service under section 299.6,
21 bring a civil action against a parent, guardian, or legal or
22 actual custodian of a child who is of compulsory attendance
23 age if the child is under the age of 12 and is truant, if the
24 parent, guardian, or legal or actual custodian has failed to
25 cause the child to attend a public school, an accredited
26 nonpublic school, or competent private instruction. If the
27 court finds that the parent, guardian, or legal or actual
28 custodian has failed to cause the child to attend as required
29 in this section, the court shall assess a civil penalty of at
30 least \$100, but not more than \$1,000, for each violation
31 established.

32 The bill establishes a scheduled penalty of \$25 for a
33 violation of chapter 299 by a child at least age 12 but under
34 age 18 and an additional \$25 fine if the civil penalty
35 assessed for violation of chapter 299 is not paid in a timely

1 manner.

2 If a truancy officer refers a truancy matter to the county
3 attorney, the county attorney is required to take action under
4 the bill. The bill also requires a truancy officer to refer a
5 truant to juvenile court if mediation breaks down.

6 Current law permits an individual who is deemed truant but
7 who is attending adult education or working at least 20 hours
8 a week to retain their driver's license. The bill removes
9 this exception and requires surrender of the license until age
10 18.

11 The bill also provides that a person who is not an employee
12 of a school or an area education agency staff member does not
13 commit an assault when forcibly intervening in a fight or
14 other disturbance at a school or school function under certain
15 circumstances. A person who intervenes to stop a fight or
16 other disturbance at the school or at a school function does
17 not commit an assault if the intervention is necessary due to
18 the absence of an employee or staff member or at the request
19 of an employee or staff member and the force used in the
20 intervention is reasonably necessary to restore order and
21 protect others. The person is required to notify a school
22 employee or staff member as soon as reasonably possible after
23 the intervention.

24 The bill may create a state mandate as defined in section
25 25B.3. The bill makes inapplicable section 25B.2, subsection
26 3, which would relieve a political subdivision from complying
27 with a state mandate if funding for the cost of the state
28 mandate is not provided or specified. Therefore, political
29 subdivisions are required to comply with any state mandate in
30 this bill.

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SENATE FILE 2406

S-5347

1 Amend Senate File 2406 as follows:

2 1. Title page, by striking lines 1 through 4 and
3 inserting the following: "An Act relating to school
4 attendance and safety by providing for notification to
5 schools by peace officers of the possession of alcohol
6 or controlled substances by juveniles, providing that
7 certain identifying information regarding juveniles
8 involved in delinquent acts is a public record,
9 relating to an extension of the compulsory school
10 attendance age, relating to immunity from assault
11 charges for the use of force by a person to stop a
12 fight or disturbance at a school or school function,
13 establishing a penalty for a violation of chapter 299
14 in certain circumstances, establishing a penalty".

By MIKE CONNOLLY

S-5347 FILED MARCH 14, 1996

Adopted 3/18/96 (P. 822)

SENATE FILE 2406

S-5349

1 Amend Senate File 2406 as follows:

2 1. Page 3, line 26, by inserting after the word
3 "license" the following: "or a temporary restricted
4 license or permit".
5 2. Page 3, line 28, by striking the word "who"
6 and inserting the following: "who shall surrender the
7 license if the person".
8 3. Page 3, by striking lines 31 and 32 and
9 inserting the following: "~~or-adult-education-classes,~~
10 ~~shall-surrender-the-license~~ and shall not be issued a
11 temporary restricted license under section 321.215."

By MAGGIE TINSMAN
MIKE CONNOLLY

S-5349 FILED MARCH 14, 1996

Adopted 3-18-96

(P. 822)

WVARCHIV

SENATE FILE 2406

S-5344

V 1 Amend Senate File 2406 as follows:
 2 1. Page 2, by striking lines 16 through 29.
 3 2. Page 3, by striking lines 5 through 17 and
 4 inserting the following:
 5 "Sec. 101. Section 299.1A, Code 1995, is amended
 6 to read as follows:
 7 299.1A COMPULSORY ATTENDANCE AGE.
 8 A child who has reached the age of six and is under
 9 sixteen years of age by September 15 is of compulsory
 10 attendance age. However, once a child of less than
 11 six years of age has been enrolled in kindergarten in
 12 a school district or an accredited nonpublic school,
 13 the compulsory age of attendance for the child begins
 14 at the age at which the child is enrolled, unless the
 15 child is withdrawn from the school of enrollment upon
 16 the written request of the child's parent or
 17 guardian."

DIV 18 3. Title page, by striking lines 1 through 4 and
 B 19 inserting the following: "An Act relating to school
 20 attendance and safety by providing for notification to
 21 schools by peace officers of the possession of alcohol
 22 or controlled substances by juveniles, providing that
 23 certain identifying information regarding juveniles
 24 involved in delinquent acts is a public record,
 25 relating to an extension of the compulsory school
 26 attendance age, relating to immunity from assault
 27 charges for the use of force by a person to stop a
 28 fight or disturbance at a school or school function,
 29 establishing a penalty for a violation of chapter 299
 30 in certain circumstances, establishing a penalty".

31 4. By renumbering as necessary.
 By MICHAEL CONNOLLY

S-5344 FILED MARCH 13, 1996
 DIVISION A-ADOPTED, DIVISION B-WITHDRAWN
 (P. 780)

SENATE FILE 2406

S-5173

1 Amend Senate File 2406 as follows:
 2 1. Title page, line 1, by inserting after the
 3 word "Act" the following: "providing for notification
 4 to schools by peace officers of the possession of
 5 alcohol or controlled substances by juveniles,
 6 providing that certain identifying information
 7 regarding juveniles involved in delinquent acts is a
 8 public record,".

Adopted 3/13/96 (P. 780) By MIKE CONNOLLY (P. 802)
 S-5173 FILED MARCH 5, 1996 *Motion to R/c 3/14/96*
Motion to R/c Prevailed 3/18/96 P. 822

WITHDRAWN
 3/18/96
 (P. 822)

H- 3-19-96 Education
A- 3/21/96 Do Pass

SENATE FILE **2406**
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO SSB 2216)

(AS AMENDED AND PASSED BY THE SENATE MARCH 18, 1996)

- _____ - New Language by the Senate
- * - Language Stricken by the Senate

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

A BILL FOR

1 An Act relating to school attendance and safety by providing for
 2 notification to schools by peace officers of the possession of
 3 alcohol or controlled substances by juveniles, providing that
 4 certain identifying information regarding juveniles involved
 5 in delinquent acts is a public record, relating to an
 6 extension of the compulsory school attendance age, relating to
 7 immunity from assault charges for the use of force by a person
 8 to stop a fight or disturbance at a school or school function,
 9 establishing a penalty for a violation of chapter 299 in
 10 certain circumstances, establishing a penalty for providing
 11 aid, support, or shelter to a runaway or truant, and providing
 12 for civil penalties for truancy and the loss of a driver's
 13 license for truancy.

S.F. 2406

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

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1 Section 1. Section 123.47B, Code Supplement 1995, is
2 amended to read as follows:

3 123.47B PARENTAL AND SCHOOL NOTIFICATION -- PERSONS UNDER
4 EIGHTEEN YEARS OF AGE.

5 A peace officer shall make a reasonable effort to identify
6 a person under the age of eighteen discovered to be in
7 possession of alcoholic liquor, wine, or beer in violation of
8 section 123.47 and if the person is not referred to juvenile
9 court, the law enforcement agency of which the peace officer
10 is an employee shall make a reasonable attempt to notify the
11 person's custodial parent or legal guardian of such
12 possession, whether or not the person is arrested or a
13 citation is issued pursuant to section 805.16, unless the
14 officer has reasonable grounds to believe that such
15 notification is not in the best interests of the person or
16 will endanger that person. ~~if-the-person-is-taken-into~~
17 ~~custody, the~~ The peace officer shall also notify a juvenile
18 court officer who shall make a reasonable effort to identify
19 the elementary or secondary school the person attends, if any,
20 and to notify the superintendent of the school district or the
21 superintendent's designee, or the authorities in charge of the
22 nonpublic school of the ~~taking-into-custody~~ violation of
23 section 123.47. A reasonable attempt to notify the person
24 includes but is not limited to a telephone call or notice by
25 first-class mail.

26 Sec. 2. Section 124.415, Code Supplement 1995, is amended
27 to read as follows:

28 124.415 PARENTAL AND SCHOOL NOTIFICATION -- PERSONS UNDER
29 EIGHTEEN YEARS OF AGE.

30 A peace officer shall make a reasonable effort to identify
31 a person under the age of eighteen discovered to be in
32 possession of a controlled substance, counterfeit substance,
33 or simulated controlled substance in violation of this
34 chapter, and if the person is not referred to juvenile court,
35 the law enforcement agency of which the peace officer is an

1 employee shall make a reasonable attempt to notify the
2 person's custodial parent or legal guardian of such
3 possession, whether or not the person is arrested, unless the
4 officer has reasonable grounds to believe that such
5 notification is not in the best interests of the person or
6 will endanger that person. ~~If the person is taken into~~
7 ~~custody, the~~ The peace officer shall also notify a juvenile
8 court officer who shall make a reasonable effort to identify
9 the elementary or secondary school the person attends, if any,
10 and to notify the superintendent of the school district, the
11 superintendent's designee, or the authorities in charge of the
12 nonpublic school of the ~~taking into custody~~ possession by the
13 person under the age of eighteen. A reasonable attempt to
14 notify the person includes but is not limited to a telephone
15 call or notice by first-class mail.

*16 Sec. 3. Section 232.28, subsection 10, Code Supplement
17 1995, is amended to read as follows:

18 10. A complaint filed with the court or its designee
19 pursuant to this section which alleges that a child has
20 committed a delinquent act ~~which if committed by an adult~~
21 ~~would be an aggravated misdemeanor or a felony~~ shall be a
22 public record and shall not be confidential under section
23 232.147. The court, its designee, or law enforcement
24 officials are authorized to release the complaint, including
25 the identity of the child named in the complaint.

26 Sec. 4. Section 299.1A, Code 1995, is amended to read as
27 follows:

28 299.1A COMPULSORY ATTENDANCE AGE.

29 A child who has reached the age of six and is under sixteen
30 years of age by September 15 is of compulsory attendance age.
31 However, once a child of less than six years of age has been
32 enrolled in kindergarten in a school district or an accredited
33 nonpublic school, the compulsory age of attendance for the
34 child begins at the age at which the child is enrolled, unless
35 the child is withdrawn from the school of enrollment upon the

1 written request of the child's parent or guardian.

2 Sec. 5. Section 299.1B, Code 1995, is amended to read as
3 follows:

4 299.1B FAILURE TO ATTEND -- LOSS OF DRIVER'S LICENSE.

5 A person who does not attend a public school, an accredited
6 nonpublic school, competent private instruction in accordance
7 with the provisions of chapter 299A, or an alternative school,
8 ~~adult-education-classes, or who is not employed at least~~
9 ~~twenty-hours-per-week~~ shall not receive a motor vehicle
10 operator's license or a temporary restricted license or permit
11 until age eighteen. A person under age eighteen who has been
12 issued a motor vehicle operator's license who shall surrender
13 the license if the person does not attend a public school, an
14 accredited nonpublic school, competent private instruction in
15 accordance with the provisions of chapter 299A, or an
16 alternative school, or adult-education-classes, shall
17 surrender the license and shall not be issued a temporary
18 restricted license under section 321.215.

19 Sec. 6. Section 299.5A, unnumbered paragraphs 1 and 5,
20 Code 1995, are amended to read as follows:

21 If a child is truant as defined in section 299.8, school
22 officers shall attempt to find the cause for the child's
23 absence and use every means available to the school to assure
24 that the child does attend. If the parent, guardian, or legal
25 or actual custodian, or child refuses to accept the school's
26 attempt to assure the child's attendance or the school's
27 attempt to assure the child's attendance is otherwise
28 unsuccessful, the truancy officer shall refer the matter to
29 the county attorney who shall provide for mediation or
30 prosecution.

31 The mediator ~~may~~ shall refer a truant to the juvenile court
32 if mediation breaks down without an agreement being reached.

33 Sec. 7. Section 299.6, unnumbered paragraph 1, Code 1995,
34 is amended to read as follows:

35 Any A person who violates a mediation agreement under

1 section 299.5A, who is referred for prosecution under section
2 299.5A and is convicted of a violation of any of the
3 provisions of sections 299.1 through 299.5, who violates any
4 of the provisions of sections 299.1 through 299.5 or section
5 299.17, or who refuses to participate in mediation under
6 section 299.5A, for a first offense, is guilty of a simple
7 misdemeanor.

8 Sec. 8. NEW SECTION. 299.6A CIVIL PENALTY --
9 DISTRIBUTION OF FUNDS.

10 1. In lieu of proceeding under section 299.6, a county
11 attorney may bring a civil action against a parent, guardian,
12 or legal or actual custodian of a child who is of compulsory
13 attendance age if the child is under the age of twelve and is
14 truant, and if the parent, guardian, or legal or actual
15 custodian has failed to cause the child to attend a public
16 school, an accredited nonpublic school, or competent private
17 instruction in the manner provided in this chapter. If the
18 court finds that the parent, guardian, or legal or actual
19 custodian has failed to cause the child to attend as required
20 in this section, the court shall assess a civil penalty of not
21 less than one hundred but not more than one thousand dollars,
22 for each violation established.

23 2. Funds received from civil penalties assessed pursuant
24 to this section shall be paid to the office of the county
25 attorney that brought the action.

26 Sec. 9. NEW SECTION. 299.17 AID, SUPPORT, OR SHELTER OF
27 TRUANT PROHIBITED.

28 A person, other than a child's parent, guardian, legal or
29 actual custodian, shall not knowingly provide aid, support, or
30 shelter during the school day to a child who is truant as
31 defined in section 299.8.

32 Sec. 10. Section 708.1, unnumbered paragraph 3, Code
33 Supplement 1995, is amended to read as follows:

34 Provided, that where the person doing any of the above
35 enumerated acts is employed by a school district or accredited

1 nonpublic school, or is an area education agency staff member
2 who provides services to a school or school district, and
3 intervenes in a fight or physical struggle, or other
4 disruptive situation, that takes place in the presence of the
5 employee or staff member performing employment duties in a
6 school building, on school grounds, or at an official school
7 function regardless of the location, the act shall not be an
8 assault, whether the fight or physical struggle or other
9 disruptive situation is between students or other individuals,
10 if the degree and the force of the intervention ~~is~~ are
11 reasonably necessary to restore order and to protect the
12 safety of those assembled. In addition, a person who is not a
13 school district or accredited nonpublic school employee or
14 area education agency staff member and who, in the absence of
15 such an employee or staff member or at the request of such an
16 employee or staff member, intervenes in a fight or physical
17 struggle, or other disruptive situation, occurring in a school
18 building, on school grounds, or at an official school function
19 regardless of the location, does not commit assault, whether
20 the fight or physical struggle or other disruptive situation
21 is between students or other individuals, if the degree and
22 the force of the intervention are reasonably necessary to
23 restore order and to protect the safety of those assembled.
24 However, a person who intervenes in the absence of such an
25 employee or staff member shall report the intervention and all
26 relevant information surrounding it as soon as reasonably
27 possible to such an employee or staff member.

28 Sec. 11. Section 710.8, subsection 2, Code 1995, is
29 amended to read as follows:

30 2. A person shall not harbor a runaway child with the
31 intent of committing a criminal act involving the child or
32 with the intent of enticing or forcing the runaway child to
33 commit a criminal act. A person convicted of a violation of
34 this subsection is guilty of an aggravated misdemeanor.

35 Sec. 12. Section 710.8, subsection 3, Code 1995, is

1 amended by striking the subsection and inserting in lieu
2 thereof the following:

3 3. A person other than a child's parent, guardian, legal
4 or actual custodian shall not harbor a runaway child. A
5 person convicted of a violation of this subsection is guilty
6 of a simple misdemeanor.

7 Sec. 13. Section 805.8, Code Supplement 1995, is amended
8 by adding the following new subsection:

9 NEW SUBSECTION. 12. TRUANCY VIOLATION. For a violation
10 of chapter 299 by a child who has reached the age of twelve
11 and is under the age of eighteen, the scheduled fine is
12 twenty-five dollars, and is a civil penalty, and the criminal
13 penalty surcharge under section 911.2 shall not be added to
14 the penalty, and the court costs pursuant to section 805.9,
15 subsection 6, shall not be imposed. If the civil penalty
16 assessed for a violation of chapter 299 is not paid in a
17 timely manner, a citation shall be issued for the violation in
18 the manner provided in section 804.1. However, a person under
19 age eighteen shall not be detained in a secure facility for
20 failure to pay the civil penalty. The complainant shall not
21 be charged a filing fee.

22 For failing to pay the civil penalty provided under this
23 subsection, the scheduled fine is twenty-five dollars.
24 Failure to pay the scheduled fine shall not result in the
25 person being detained in a secure facility. The complainant
26 shall not be charged a filing fee.

27 Sec. 14. IMPLEMENTATION OF ACT. Section 25B.2, subsection
28 3, shall not apply to this Act.

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SENATE FILE 2406
FISCAL NOTE

The estimate for Senate File 2406 is hereby submitted as a fiscal note pursuant to Joint Rule 17 and as a correctional impact statement pursuant to Section 2.56, Code of Iowa. Data used in developing this fiscal note and correctional impact statement are available from the Legislative Fiscal Bureau to members of the Legislature upon request.

Senate File 2406 makes a number of changes in the statutes pertaining to notification of parents when a child is discovered to be in possession of alcoholic beverages or controlled substances. The peace officer is required to notify a Juvenile Court Officer, who is required to make a reasonable effort to notify the superintendent of the school district of the possession by the juvenile.

The Bill also makes filed complaints concerning acts which are neither aggravated misdemeanors or felonies a public record, including the name of the child named in the complaint.

Senate File 2406 mandates that a person under age 18 who does not attend a public school, an accredited nonpublic school, competent private instruction, or an alternative school shall not receive a motor vehicle temporary restricted license or permit until the age 18. The Bill also requires that truancy officers must refer chronic truants to the County Attorney, who shall provide for either mediation or prosecution.

The Bill creates a new criminal offense of providing aid, support, or shelter to a truant during the school day. Violation of this offense is punishable as a simple misdemeanor, or may be punished with a civil penalty of between \$100 and \$1,000. Proceeds from these fines are paid to the office of the County Attorney who brought the action. The Bill also provides that harboring a runaway child is an aggravated misdemeanor. The Bill provides that truancy violations are punishable with a fine or \$25.

ASSUMPTIONS

1. The demand for Family Centered Services in the Department of Human Services (DHS) will increase by 125 cases. It is expected that additional field staff will not be hired, and the waiting list for these services will increase.
2. Notifications to school officials by law enforcement and judicial court staff will increase.
3. The number of juveniles not enrolled in school who are eligible to receive a motor vehicle license will decrease.
4. The number of requests for information on delinquent offenses will increase.

FISCAL EFFECT

The caseloads of Clerks of Court, Juvenile Court Officers, and DHS Social Workers will increase.

While the creation of new offenses always carries potential for a correctional impact, there is no available information with which to estimate the number of cases that will occur. There is potential for an impact on jails as a result of the Bill.

SOURCES

Department of Human Services
Criminal and Juvenile Justice Planning Agency
Agency

(LSB 4265sv, JMN)

FILED APRIL 3, 1996

BY DENNIS PROUTY, FISCAL DIRECTOR

SENATE FILE 2406

H-5666

- 1 Amend Senate File 2406, as amended, passed, and
2 reprinted by the Senate, as follows:
- 3 1. Page 3, line 7, by striking the word "school,"
4 and inserting the following: "school, including a
5 person who has been expelled from school by the board
6 of directors of a school district or the authorities
7 in charge of an accredited nonpublic school,".
- 8 2. Page 3, by inserting after line 18 the
9 following: "The board of directors of a school
10 district and the authorities in charge of an
11 accredited nonpublic school shall submit to the state
12 department of transportation the names of students
13 expelled from school in the district or from a
14 nonpublic school."
- 15 3. Page 4, line 13, by striking the words "is
16 under the age of twelve and".
- 17 4. Page 4, line 15, by inserting after the word
18 "failed" the following: "to take reasonable
19 measures".
- 20 5. Page 4, line 19, by inserting after the word
21 "failed" the following: "to take reasonable
22 measures".
- 23 6. Page 4, lines 21 and 22, by striking the words
24 ", for each violation established".
- 25 7. Page 4, line 23, by striking the word "Funds"
26 and inserting the following: "Fifty percent of the
27 funds".
- 28 8. Page 4, line 25, by inserting after the word
29 "action" the following: "and the other fifty percent
30 shall be paid to the board of directors of the child's
31 school district of residence to be used for purposes
32 of dropout prevention programs".
- 33 9. Page 6, by inserting after line 26 the
34 following:
35 "In lieu of the civil penalty or fine provided for
36 under this subsection, the court may order the person
37 to perform unpaid community service."
- 38 10. By renumbering as necessary.

By KREIMAN of Davis

H-5666 FILED MARCH 27, 1996

SENATE FILE 2406

H-5784

- 1 Amend Senate File 2406, as amended, passed, and
2 reprinted by the Senate, as follows:
- 3 1. Page 6, by striking line 3 and inserting the
4 following:
5 "3. A person other than an employee or operator of
6 a juvenile shelter care facility approved under
7 section 232.142, or a person other than a child's
8 parent, guardian, legal".
- 9 2. By renumbering as necessary.

By GRUBBS of Scott

H-5784 FILED APRIL 1, 1996

SENATE FILE 2406

H-5611

1 Amend Senate File 2406, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 4, line 28, by striking the word
4 "person," and inserting the following: "person".
5 2. Page 4, line 29, by inserting after the word
6 "custodian," the following: "or person standing in
7 loco parentis".
8 3. Page 5, by inserting after line 27 the
9 following:
10 "Sec. ____ . Section 710.8, subsection 1, paragraph
11 c, Code 1995, is amended to read as follows:
12 c. "Runaway child" means a person under eighteen
13 years of age who is voluntarily absent from the
14 person's home without the consent of the person's
15 parent, guardian, or legal or actual custodian, or of
16 the person standing in loco parentis."
17 4. Page 6, line 4, by inserting after the word
18 "custodian" the following: ", or person standing in
19 loco parentis,".

By KREIMAN of Davis
GRUBBS of Scott

H-5611 FILED MARCH 26, 1996

SENATE FILE 2406

H-5885

1 Amend Senate File 2406, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 6, lines 10 and 11, by striking the words
4 "who has reached the age of twelve and is under the
5 age of eighteen".

By O'BRIEN of Boone

H-5885 FILED APRIL 9, 1996

Connolly
Hammond
Iverson

SSB-2216

Education

Succeeded By

SENATE FILE SF HF 2406

BY (PROPOSED COMMITTEE ON
EDUCATION BILL BY
CHAIRPERSON CONNOLLY)

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

A BILL FOR

1 An Act relating to immunity from assault charges for the use of
2 force by a person to stop a fight or disturbance at a school
3 or school function, defining truancy as a delinquent act in
4 certain cases and providing a penalty, establishing a penalty
5 for providing aid, support, or shelter to a runaway or truant,
6 and providing for civil penalties for truancy and the loss of
7 a driver's license for truancy.

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

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1 Section 1. Section 232.2, subsection 12, Code Supplement
2 1995, is amended by adding the following new paragraph:

3 NEW PARAGRAPH. c. The violation of the statutory
4 compulsory attendance age requirement or the attendance policy
5 of a public or an accredited nonpublic school by a child who
6 has reached the age of twelve and is under the age of eighteen
7 and who has run away from home to avoid attending school or is
8 refusing to attend school, or who has been deemed truant under
9 section 299.8 six or more school days in one semester, where
10 the child's parent, guardian, or legal or actual custodian and
11 the school in which the child is enrolled have made every
12 reasonable effort to cause the child to attend school. This
13 provision shall not apply to a child attending a nonaccredited
14 nonpublic school or receiving competent private instruction.

15 Sec. 2. NEW SECTION. 232.52B DISPOSITION OF DELINQUENT
16 TRUANTS.

17 Notwithstanding section 232.52, if the evidence received at
18 an adjudicatory or dispositional hearing indicates that the
19 child is a delinquent truant as provided under section 232.2,
20 subsection 12, paragraph "c", the court shall order the child
21 to perform unpaid community service at a nonprofit
22 organization exempt from federal income taxation under section
23 501(c)(3) of the Internal Revenue Code. If the child fails to
24 perform the unpaid community service as ordered under this
25 section, the court may modify the order to include any of the
26 dispositional alternatives in section 232.52, with the
27 exception of secure custody.

28 Sec. 3. Section 299.1B, Code 1995, is amended to read as
29 follows:

30 299.1B FAILURE TO ATTEND -- LOSS OF DRIVER'S LICENSE.

31 A person who does not attend a public school, an accredited
32 nonpublic school, competent private instruction in accordance
33 with the provisions of chapter 299A, or an alternative school
34 ~~adult-education-classes, or who is not employed at least~~
35 ~~twenty-hours-per-week~~ shall not receive a motor vehicle

1 operator's license until age eighteen. A person under age
2 eighteen who has been issued a motor vehicle operator's
3 license who does not attend a public school, an accredited
4 nonpublic school, competent private instruction in accordance
5 with the provisions of chapter 299A, or an alternative school,
6 ~~or-adult-education-classes~~, shall surrender the license and be
7 issued a temporary restricted license under section 321.215.

8 Sec. 4. Section 299.5A, unnumbered paragraphs 1 and 5,
9 Code 1995, are amended to read as follows:

10 If a child is truant as defined in section 299.8, school
11 officers shall attempt to find the cause for the child's
12 absence and use every means available to the school to assure
13 that the child does attend. If the parent, guardian, or legal
14 or actual custodian, or child refuses to accept the school's
15 attempt to assure the child's attendance or the school's
16 attempt to assure the child's attendance is otherwise
17 unsuccessful, the truancy officer shall refer the matter to
18 the county attorney who shall provide for mediation or
19 prosecution.

20 The mediator ~~may~~ shall refer a truant to the juvenile court
21 if mediation breaks down without an agreement being reached.

22 Sec. 5. Section 299.6, unnumbered paragraph 1, Code 1995,
23 is amended to read as follows:

24 ~~Any~~ A person who violates a mediation agreement under
25 section 299.5A, who is referred for prosecution under section
26 299.5A and is convicted of a violation of any of the
27 provisions of sections 299.1 through 299.5, who violates any
28 of the provisions of sections 299.1 through 299.5 or section
29 299.17, or who refuses to participate in mediation under
30 section 299.5A, for a first offense, is guilty of a simple
31 misdemeanor.

32 Sec. 6. NEW SECTION. 299.6A CIVIL PENALTY --
33 DISTRIBUTION OF FUNDS.

34 1. In lieu of proceeding under section 299.6, a county
35 attorney may bring a civil action against a parent, guardian,

1 or legal or actual custodian of a child who is of compulsory
2 attendance age if the child is under the age of twelve and is
3 truant, and if the parent, guardian, or legal or actual
4 custodian has failed to cause the child to attend a public
5 school, an accredited nonpublic school, or competent private
6 instruction in the manner provided in this chapter. If the
7 court finds that the parent, guardian, or legal or actual
8 custodian has failed to cause the child to attend as required
9 in this section, the court shall assess a civil penalty of not
10 less than one hundred but not more than one thousand dollars,
11 for each violation established.

12 2. Funds received from civil penalties assessed pursuant
13 to this section shall be paid to the office of the county
14 attorney that brought the action.

15 Sec. 7. NEW SECTION. 299.17 AID, SUPPORT, OR SHELTER OF
16 TRUANT PROHIBITED.

17 A person, other than a child's parent, guardian, legal or
18 actual custodian, shall not knowingly provide aid, support, or
19 shelter during the school day to a child who is truant as
20 defined in section 299.8.

21 Sec. 8. Section 708.1, unnumbered paragraph 3, Code
22 Supplement 1995, is amended to read as follows:

23 Provided, that where the person doing any of the above
24 enumerated acts is employed by a school district or accredited
25 nonpublic school, or is an area education agency staff member
26 who provides services to a school or school district, and
27 intervenes in a fight or physical struggle, or other
28 disruptive situation, that takes place in the presence of the
29 employee or staff member performing employment duties in a
30 school building, on school grounds, or at an official school
31 function regardless of the location, the act shall not be an
32 assault, whether the fight or physical struggle or other
33 disruptive situation is between students or other individuals,
34 if the degree and the force of the intervention ~~is~~ are
35 reasonably necessary to restore order and to protect the

1 safety of those assembled. In addition, a person who is not a
2 school district or accredited nonpublic school employee or
3 area education agency staff member and who, in the absence of
4 such an employee or staff member or at the request of such an
5 employee or staff member, intervenes in a fight or physical
6 struggle, or other disruptive situation, occurring in a school
7 building, on school grounds, or at an official school function
8 regardless of the location, does not commit assault, whether
9 the fight or physical struggle or other disruptive situation
10 is between students or other individuals, if the degree and
11 the force of the intervention are reasonably necessary to
12 restore order and to protect the safety of those assembled.
13 However, a person who intervenes in the absence of such an
14 employee or staff member shall report the intervention and all
15 relevant information surrounding it as soon as reasonably
16 possible to such an employee or staff member.

17 Sec. 9. Section 710.8, subsection 2, Code 1995, is amended
18 to read as follows:

19 2. A person shall not harbor a runaway child with the in-
20 tent of committing a criminal act involving the child or with
21 the intent of enticing or forcing the runaway child to commit
22 a criminal act. A person convicted of a violation of this
23 subsection is guilty of an aggravated misdemeanor.

24 Sec. 10. Section 710.8, subsection 3, Code 1995, is
25 amended by striking the subsection and inserting in lieu
26 thereof the following:

27 3. A person other than a child's parent, guardian, legal
28 or actual custodian shall not harbor a runaway child. A
29 person convicted of a violation of this subsection is guilty
30 of a simple misdemeanor.

31 Sec. 11. Section 805.8, Code Supplement 1995, is amended
32 by adding the following new subsection:

33 NEW SUBSECTION. 12. TRUANCY VIOLATION. For a violation
34 of chapter 299 by a child who has reached the age of twelve
35 and is under the age of eighteen, the scheduled fine is

1 twenty-five dollars, and is a civil penalty, and the criminal
2 penalty surcharge under section 911.2 shall not be added to
3 the penalty, and the court costs pursuant to section 805.9,
4 subsection 6, shall not be imposed. If the civil penalty
5 assessed for a violation of chapter 299 is not paid in a
6 timely manner, a citation shall be issued for the violation in
7 the manner provided in section 804.1. However, a person under
8 age eighteen shall not be detained in a secure facility for
9 failure to pay the civil penalty. The complainant shall not
10 be charged a filing fee.

11 For failing to pay the civil penalty provided under this
12 subsection, the scheduled fine is twenty-five dollars.
13 Failure to pay the scheduled fine shall not result in the
14 person being detained in a secure facility. The complainant
15 shall not be charged a filing fee.

16 Sec. 12. IMPLEMENTATION OF ACT. Section 25B.2, subsection
17 3, shall not apply to this Act.

18 EXPLANATION

19 The bill provides penalties for providing aid, support, or
20 shelter to runaway or truant children, establishes civil
21 penalties for children and their parents or guardians for
22 violation of the truancy laws, makes certain truancy
23 violations a delinquent act, and provides immunity from
24 assault charges for the use of force by a person to stop a
25 fight or disturbance at a school or school function.

26 The bill provides that a child commits a delinquent act if
27 the child is between the ages of 12 and 18, is in violation of
28 the statutory compulsory attendance age requirement or the
29 attendance policy of a public or an accredited nonpublic
30 school, and has run away from home to avoid attending school
31 or is refusing to attend school, or has been deemed truant
32 under section 299.8 six or more school days in one semester,
33 where the child's parent, guardian, or legal or actual
34 custodian and the school in which the child is enrolled have
35 made every reasonable effort to cause the child to attend

1 school. The provision does not apply to a child attending a
2 nonaccredited nonpublic school or receiving competent private
3 instruction.

4 If the evidence received at an adjudicatory or
5 dispositional hearing indicates that the child is a delinquent
6 truant, the court shall order the child to perform unpaid
7 community service at a nonprofit organization. If the child
8 fails to perform the unpaid community service as ordered by
9 the court, the court may modify the order to include any of
10 the dispositional alternatives in section 232.52, with the
11 exception of secure custody.

12 A person other than the child's parent, guardian, or legal
13 or actual custodian shall not knowingly provide aid, support,
14 or shelter during the school day to a child who is truant. A
15 person who violates this provision is guilty of a simple
16 misdemeanor.

17 The bill also prohibits a person from harboring a runaway
18 and establishes that a person convicted of harboring a runaway
19 is guilty of a simple misdemeanor. The Code defines a runaway
20 child as a person under 18 years of age who is voluntarily
21 absent from the person's home without the consent of the
22 parent, guardian, or custodian.

23 The bill also permits a county attorney to, in lieu of
24 fine, imprisonment, or community service under section 299.6,
25 bring a civil action against a parent, guardian, or legal or
26 actual custodian of a child who is of compulsory attendance
27 age if the child is under the age of 12 and is truant, if the
28 parent, guardian, or legal or actual custodian has failed to
29 cause the child to attend a public school, an accredited
30 nonpublic school, or competent private instruction. If the
31 court finds that the parent, guardian, or legal or actual
32 custodian has failed to cause the child to attend as required
33 in this section, the court shall assess a civil penalty of at
34 least \$100, but not more than \$1,000, for each violation
35 established.

1 The bill establishes a scheduled penalty of \$25 for a
2 violation of chapter 299 by a child at least age 12 but under
3 age 18 and an additional \$25 fine if the civil penalty
4 assessed for violation of chapter 299 is not paid in a timely
5 manner.

6 If a truancy officer refers a truancy matter to the county
7 attorney, the county attorney is required to take action under
8 the bill. The bill also requires a truancy officer to refer a
9 truant to juvenile court if mediation breaks down.

10 Current law permits an individual who is deemed truant but
11 who is attending adult education or working at least 20 hours
12 a week to retain their driver's license. The bill removes
13 this exception and requires surrender of the license until age
14 18.

15 The bill also provides that a person who is not an employee
16 of a school or an area education agency staff member does not
17 commit an assault when forcibly intervening in a fight or
18 other disturbance at a school or school function under certain
19 circumstances. A person who intervenes to stop a fight or
20 other disturbance at the school or at a school function does
21 not commit an assault if the intervention is necessary due to
22 the absence of an employee or staff member or at the request
23 of an employee or staff member and the force used in the
24 intervention is reasonably necessary to restore order and
25 protect others. The person is required to notify a school
26 employee or staff member as soon as reasonably possible after
27 the intervention.

28 The bill may create a state mandate as defined in section
29 25B.3. The bill makes inapplicable section 25B.2, subsection
30 3, which would relieve a political subdivision from complying
31 with a state mandate if funding for the cost of the state
32 mandate is not provided or specified. Therefore, political
33 subdivisions are required to comply with any state mandate in
34 this bill.

35