

2. Section 602.6111 as amended by this Act, relating to use of alternative personal identification numbers on documents filed with the clerk of the district court, being deemed of immediate importance, takes effect upon enactment and applies retroactively to July 1, 1993.

3. Section 252D.8, subsection 1, unnumbered paragraph 1, as amended by this Act, relating to immediate income withholding, and sections 252G.1, 252G.3, subsection 1, and 252G.4, as amended by this Act, relating to the central employee registry, being deemed of immediate importance, take effect upon enactment and apply retroactively to January 1, 1994.

4. Section 85.59, unnumbered paragraph 2, as amended by this Act, relating to community service for obligors found in contempt of court, section 252B.20, subsection 1, paragraph "b", as amended by this Act, relating to recipients of public assistance, section 252B.21, subsection 1, as amended by this Act, relating to notice for seek employment orders, and section 669.2, subsection 4, as amended by this Act, relating to liability for persons performing community service, being deemed of immediate importance, take effect upon enactment.

5. Sections 40, 41 and 46 through 48 of this Act, being deemed of immediate importance, take effect upon enactment.

6. Sections 40, 41 and 46 through 48 of this Act apply to any action to overcome paternity, including any paternity determination made prior to the effective date of sections 40, 41 and 46 through 48 of this Act.

Approved May 11, 1994

CHAPTER 1172

JUVENILE JUSTICE

S.F. 2319

AN ACT relating to juvenile justice by establishing or enhancing penalties for delinquent acts which may be committed by juveniles, establishing or enhancing penalties for public offenses relating to juvenile justice, authorizing searches of student lockers in a school without advance notice under certain circumstances, delaying the repeal of the interception of communications law, providing for the commitment of persons determined to be sexually violent predators, and making related appropriations and providing effective dates.

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

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

NEW SUBSECTION. 3A. Within the existing curriculum, expand training regarding racial and cultural awareness and dealing with gang-affected youth.

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

123.47 PERSONS UNDER THE AGE OF EIGHTEEN.

A person shall not sell, give, or otherwise supply alcoholic liquor, wine, or beer to any person knowing or having reasonable cause to believe that person to be under the age of eighteen, and a person or persons under the age of eighteen shall not purchase or attempt to purchase, or individually or jointly have alcoholic liquor, wine, or beer in their possession or control; except in the case of liquor, wine, or beer given or dispensed to a person under the age of eighteen within a private home and with the knowledge, presence, and consent of the parent or guardian, or with the signed, written consent of the parent or guardian specifying the date and place for the consumption and displayed by the person upon demand, for beverage or medicinal purposes or as administered to the person by either a physician or dentist for medicinal

purposes and except to the extent that a person under the age of eighteen may handle alcoholic beverages, wine, and beer during the regular course of the person's employment by a liquor control licensee, or wine or beer permittee under this chapter. A person, other than a licensee or permittee, who violates this section regarding the purchase or attempt to purchase of alcoholic liquor, wine, or beer shall pay a twenty-five dollar penalty.

Sec. 3. Section 123.47A, Code 1993, is amended to read as follows:

123.47A PERSONS AGE EIGHTEEN, NINETEEN, AND TWENTY — PENALTY.

1. A person shall not sell, give, or otherwise supply alcoholic liquor, wine, or beer to any person knowing or having reasonable cause to believe that the person is age eighteen, nineteen, or twenty. A person age eighteen, nineteen, or twenty shall not purchase or possess alcoholic liquor, wine, or beer. However, a person age eighteen, nineteen, or twenty may possess alcoholic liquor, wine, or beer given to the person within a private home with the knowledge, presence, and consent of the person's parent or guardian, or with the signed, written consent of the parent or guardian specifying the date and place for the consumption and displayed by the person upon demand, and a person age eighteen, nineteen, or twenty may handle alcoholic liquor, wine, and beer during the course of the person's employment by a liquor control licensee, or wine or beer permittee. A person, other than a licensee or permittee, who commits a first offense under this section commits a scheduled violation of section 805.8, subsection 10. A person, other than a licensee or permittee, who commits a second or subsequent violation of this section, commits a simple misdemeanor. A licensee or permittee who violates this section with respect to a person who is age nineteen or twenty is guilty of a simple misdemeanor punishable by a fine of not more than fifty dollars. The penalty provided under this section against a licensee or permittee who violates this section with respect to a person who is age nineteen or twenty is the only penalty which shall be imposed against a licensee or permittee who violates this section. A licensee or permittee who violates this section with respect to a person who is age eighteen commits a simple misdemeanor, and is subject to the criminal and civil penalties provided pursuant to sections 123.49 and 123.50 with respect to selling, giving, or otherwise supplying alcoholic beverages, liquor, wine, or beer to persons under legal age.

2. For the purpose of determining if a violation charged is a second or subsequent offense, a conviction or plea of guilty to a violation of this section shall be counted as a previous offense.

Sec. 4. Section 123.49, subsection 2, paragraph h, Code 1993, is amended to read as follows:

h. Sell, give, or otherwise supply any alcoholic beverage, wine, or beer to any person, knowing or having reasonable cause to believe the person to be failing to exercise reasonable care to ascertain whether the person is under legal age, or permit any person, knowing or having reasonable cause to believe the person to be failing to exercise reasonable care to ascertain whether the person is under legal age, to consume any alcoholic beverage, wine, or beer.

Sec. 5. Section 123.50, subsection 1, Code Supplement 1993, is amended to read as follows:

1. Any person who violates any of the provisions of section 123.49, except subsection 2, paragraph "h", shall be guilty of a simple misdemeanor. A person who violates section 123.49, subsection 2, paragraph "h", commits a simple misdemeanor punishable as a scheduled violation under section 805.8, subsection 10, paragraph "b".

Sec. 6. Section 124.401A, Code 1993, is amended to read as follows:

124.401A ENHANCED PENALTY FOR DISTRIBUTION TO PERSONS ON CERTAIN REAL PROPERTY.

In addition to any other penalties provided in this chapter, a person who is eighteen years of age or older who unlawfully distributes or possesses with intent to distribute a substance or counterfeit substance listed in schedule I, ~~or II~~ which is a narcotic or cocaine, or III, or a simulated controlled substance represented to be a narcotic or cocaine controlled substance classified in schedule I, ~~or II, or III,~~ to another person who is eighteen years of age or older in or on, or within one thousand feet of the real property comprising a public or private elementary or secondary school, or in or on the real property comprising a public park, public

swimming pool, public recreation center, or on a marked school bus, may, at the judge's discretion, be sentenced up to an additional term of confinement of five years.

Sec. 7. NEW SECTION. 124.401B POSSESSION OF CONTROLLED SUBSTANCES ON CERTAIN REAL PROPERTY — ADDITIONAL PENALTY.

In addition to any other penalties provided in this chapter or another chapter, a person who unlawfully possesses a substance listed in schedule I, II, or III, or a simulated controlled substance represented to be a controlled substance classified in schedule I, II, or III, in or on, or within one thousand feet of the real property comprising a public or private elementary or secondary school, or in or on the real property comprising a public park, public swimming pool, public recreation center, or on a marked school bus, may be sentenced to one hundred hours of community service work for a public agency or a nonprofit charitable organization. The court shall provide the offender with a written statement of the terms and monitoring provisions of the community service.

Sec. 8. Section 124.406, subsection 1, paragraphs a and b, Code 1993, are amended to read as follows:

a. Unlawfully distributes or possesses with intent to distribute a substance listed in schedule I or II, ~~which is a narcotic or cocaine~~, to a person under eighteen years of age commits a class "B" felony and shall serve a minimum term of confinement of five years. However, if the substance was distributed in or on, or within one thousand feet of, the real property comprising a public or private elementary or secondary school, or in or on the real property comprising a public park, public swimming pool, public recreation center, or on a marked school bus, the person shall serve a minimum term of confinement of ten years.

b. Unlawfully distributes or possesses with the intent to distribute a controlled substance ~~other than a narcotic or cocaine~~ listed in schedule I, II, or III to a person under eighteen years of age who is at least three years younger than the violator commits a class "C" felony.

Sec. 9. Section 124.406, subsection 2, paragraphs a and b, Code 1993, are amended to read as follows:

a. Unlawfully distributes or possesses with the intent to distribute a counterfeit substance listed in schedule I or II ~~which is a narcotic or cocaine~~, or a simulated controlled substance represented to be a ~~narcotic or cocaine~~ substance classified in schedule I or II, to a person under eighteen years of age commits a class "B" felony. However, if the substance was distributed in or on, or within one thousand feet of, the real property comprising a public or private elementary or secondary school, or in or on the real property comprising a public park, public swimming pool, public recreation center, or on a marked school bus, the person shall serve a minimum term of confinement of ten years.

b. Unlawfully distributes or possesses with intent to distribute a counterfeit substance ~~other than a narcotic or cocaine~~ listed in schedule I, II, or III, or a simulated controlled substance represented to be any substance listed in schedule I, II, or III, to a person under eighteen years of age who is at least three years younger than the violator commits a class "C" felony.

Sec. 10. NEW SECTION. 124.406A USE OF PERSONS UNDER AGE EIGHTEEN IN THE DRUG TRADE.

It is unlawful for a person who is eighteen years of age or older to conspire with or recruit a person under the age of eighteen for the purpose of delivering or manufacturing a controlled substance classified in schedule I through IV. A person violating this section commits a class "C" felony.

Sec. 11. Section 124.415, Code 1993, is amended to read as follows:

124.415 PARENTAL AND SCHOOL NOTIFICATION — PERSONS UNDER EIGHTEEN YEARS OF AGE.

A peace officer shall make a reasonable effort to identify a person under the age of eighteen discovered to be in possession of a controlled substance, counterfeit substance, or simulated controlled substance in violation of this chapter, and if the person is not referred to juvenile

court the law enforcement agency of which the peace officer is an employee shall make a reasonable attempt to notify the person's custodial parent or legal guardian of such possession, whether or not the person is arrested, unless the officer has reasonable grounds to believe that such notification is not in the best interests of the person or will endanger that person. If the person is taken into custody, the peace officer shall make a reasonable effort to identify the elementary or secondary school the person attends, if any, and to notify the superintendent of the school district, the superintendent's designee, or the authorities in charge of the nonpublic school of the taking into custody. A juvenile court officer may also notify the superintendent of the school district, the superintendent's designee, or the authorities in charge of the nonpublic school of the taking into custody. A reasonable attempt to notify the person includes but is not limited to a telephone call or notice by first class mail.

Sec. 12. Section 232.2, subsection 22, Code 1993, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Unless otherwise enlarged or circumscribed by a court or juvenile court having jurisdiction over the child or by operation of law, the duties of a guardian ad litem with respect to a child shall include the following:

- a. Conducting in-person interviews with the child and each parent, guardian, or other person having custody of the child.
- b. Visiting the home, residence, or both home and residence of the child and any prospective home or residence of the child.
- c. Interviewing any person providing medical, social, educational, or other services to the child.
- d. Obtaining first-hand knowledge, if possible, of the facts, circumstances, and parties involved in the matter in which the person is appointed guardian ad litem.
- e. Attending any hearings in the matter in which the person is appointed as the guardian ad litem.

Sec. 13. Section 232.19, subsection 2, Code 1993, is amended to read as follows:

2. When a child is taken into custody as provided in subsection 1 the person taking the child into custody shall notify the child's parent, guardian or custodian as soon as possible and shall not place bodily restraints, such as handcuffs, on the child unless the child physically resists or threatens physical violence when being taken into custody. However, if the child is thirteen years of age or older, the child may be restrained by metal handcuffs only, for the purpose of transportation in a vehicle which is not equipped with a rear seat cage for prisoner transport and if the child is being taken into custody for an alleged delinquent act of violence against a person. The child may also be restrained by handcuffs or other restraints at any time after the child is taken into custody if the child has a known history of physical violence to others. Unless the child is placed in shelter care or detention in accordance with the provisions of section 232.21 or 232.22, the child shall be released to the child's parent, guardian, custodian, responsible adult relative, or other adult approved by the court upon the promise of such person to produce the child in court at such time as the court may direct.

Sec. 14. Section 232.29, subsection 2, Code 1993, is amended to read as follows:

2. An informal adjustment agreement may prohibit a child from driving a motor vehicle for a specified period of time or under specific circumstances, require the child to perform a work assignment of value to the state or to the public, or require the child to make restitution consisting of a monetary payment to the victim or a work assignment directly of value to the victim. The juvenile court officer shall notify the state department of transportation of the informal adjustment prohibiting the child from driving.

Sec. 15. Section 232.42, Code 1993, is amended by adding the following new subsection:

NEW SUBSECTION. 3. Proceedings may be continued for up to one year upon the request of the county attorney and the child to permit the making of probation arrangements prior

to the adjudicatory hearing. If either the child or the county attorney requests that the adjudicatory hearing be held at any time during the period of the continuance, the court shall set the matter for hearing.

Sec. 16. Section 232.44, subsection 1, Code 1993, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. If the child is placed in a detention facility in a county other than the county in which the child resides or in which the delinquent act allegedly occurred but which is within the same judicial district, the hearing may take place in the county in which the detention facility is located. The child shall appear in person at the hearing required by this subsection.

Sec. 17. Section 232.44, subsection 7, Code 1993, is amended to read as follows:

7. If a child held in shelter care or detention by court order has not been released after a detention hearing or has not appeared at an adjudicatory hearing before the expiration of the order of detention, an additional hearing shall automatically be scheduled for the next court day following the expiration of the order. The child, the child's counsel, the child's guardian ad litem, and the child's parent, guardian or custodian shall be notified of this hearing not less than twenty-four hours before the hearing is scheduled to take place. The hearing required by this section may be held by telephone conference call.

Sec. 18. Section 232.45A, subsections 2 and 3, Code 1993, are amended to read as follows:

2. Once a child sixteen years of age or older has been waived to and convicted of a ~~foreible felony or a felony violation of section 124.401 or chapter 707~~ by the district court, all criminal proceedings against the child for any ~~foreible felony or a felony violation of section 124.401 or chapter 707~~ occurring subsequent to the date of the conviction of the child shall begin in district court, notwithstanding sections 232.8 and 232.45. A copy of the findings required by section 232.45, subsection 8, shall be made a part of the record in the district court proceedings.

3. If proceedings against a child for a ~~foreible felony or a felony violation of section 124.401 or chapter 707~~ who has previously been waived to and convicted of such an offense by the district court are mistakenly begun in the juvenile court, the matter shall be transferred to district court upon the discovery of the prior waiver and conviction, notwithstanding sections 232.8 and 232.45.

Sec. 19. Section 232.46, subsection 1, Code 1993, is amended to read as follows:

1. At any time after the filing of a petition and prior to entry of an order of adjudication pursuant to section 232.47, the court may suspend the proceedings on motion of the county attorney or the child's counsel, enter a consent decree, and continue the case under terms and conditions established by the court. These terms and conditions may include prohibiting a child from driving a motor vehicle for a specified period of time or under specific circumstances, or the supervision of the child by a juvenile court officer or other agency or person designated by the court, and may include the requirement that the child perform a work assignment of value to the state or to the public or make restitution consisting of a monetary payment to the victim or a work assignment directly of value to the victim. The court shall notify the state department of transportation of an order prohibiting the child from driving.

Sec. 20. Section 232.47, Code 1993, is amended by adding the following new subsection:

NEW SUBSECTION. 12. A juvenile court officer shall notify the superintendent of the school district or the superintendent's designee, or the authorities in charge of the nonpublic school which the child attends of the child's adjudication for a delinquent act which would be an indictable offense if committed by an adult.

Sec. 21. Section 232.52, subsection 2, paragraph a, Code 1993, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (4) The suspension of the motor vehicle license or operating privilege of the child for the commission of one or more delinquent acts which are a violation

of section 123.46, section 123.47 regarding the purchase or attempt to purchase of alcoholic beverages, or chapter 124, or two or more delinquent acts which are a violation of section 123.47 regarding the possession of alcoholic beverages for a period of one year. The child may be issued a temporary restricted license or school license if the child is otherwise eligible.

Sec. 22. Section 232.52, subsection 2, paragraph c, Code 1993, is amended by adding the following new unnumbered paragraph:

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

Sec. 23. Section 232.78, subsection 1, unnumbered paragraph 1, Code 1993, is amended to read as follows:

The juvenile court may enter an ex parte order directing a peace officer or a juvenile court officer to take custody of a child before or after the filing of a petition under this chapter provided all of the following apply:

Sec. 24. Section 232.79, subsection 1, unnumbered paragraph 1, Code 1993, is amended to read as follows:

A peace officer or juvenile court officer may take a child into custody, ~~or a physician treating a child may keep the child in custody, or a juvenile court officer may authorize a peace officer, physician, or medical security personnel to take a child into custody,~~ without a court order as required under section 232.78 and without the consent of a parent, guardian, or custodian provided that both of the following apply:

Sec. 25. Section 232.148, Code 1993, is amended to read as follows:

232.148 FINGERPRINTS — PHOTOGRAPHS.

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

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

3. If a peace officer has reasonable grounds to believe that latent fingerprints found during the investigation of the commission of a public offense are those of a particular child, fingerprints of the child may be taken for immediate comparison with the latent fingerprints regardless of the nature of the offense. If the comparison is negative the fingerprint card and other copies of the fingerprints taken shall be immediately destroyed. If the comparison is positive ~~and the child is referred to the court,~~ the fingerprint card and other copies of the fingerprints taken shall be delivered to the court for disposition division of criminal investigation of the department of public safety in the manner and on the forms prescribed by the commissioner of public safety within two working days after the fingerprints are taken. ~~If the child is not referred to the court~~ After notification by the child or the child's representative that the child has not had a delinquency petition filed against the child or has not entered into an informal adjustment agreement, the fingerprint card and copies of the fingerprints shall be immediately destroyed.

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

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

6 5. Fingerprints and photographs of a child shall be removed from the file and destroyed if upon notification by the child's guardian ad litem or legal counsel to the department of public safety that any of the following situations apply:

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

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

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

Sec. 26. Section 232.149, Code 1993, is amended by adding the following new subsection:

NEW SUBSECTION. 2A. Information regarding a child taken into custody for a violation of chapter 124 involving the possession of a controlled substance, counterfeit substance, or simulated controlled substance shall be disclosed in accordance with section 124.415.

Sec. 27. NEW SECTION. 232.190 COMMUNITY GRANT FUND.

1. A community grant fund is established in the state treasury under the control of the division of criminal and juvenile justice planning of the department of human rights for the purposes of awarding grants under this section. The criminal and juvenile justice planning advisory council and the juvenile justice advisory council shall assist the division in administering grants awarded under this section. The department of human services shall advise the division on programs which meet the criteria established for grant recipients. Not more than one percent of the moneys appropriated to the fund shall be used for administrative purposes.

2. A city, county, or entity organized under chapter 28E may apply to the department for a grant on a matching basis to fund juvenile crime prevention programs. The match may come from funds provided to the city, county, or entity organized under chapter 28E from private sources, other state programs, or federal programs. A city, county, or entity organized under chapter 28E applying for a grant under this section is encouraged to seek matching funds from, but not limited to, the Iowa finance authority, the governor's alliance on substance abuse, and under the state and federal community reinvestment Acts. Applications shall state specific outcomes sought to be obtained under a program funded by a grant under this section.

3. Programs awarded moneys from the community grant fund shall involve a collaborative effort by all children and family support service providers to provide services and shall reflect a community-wide consensus in how to remediate community problems and may include programs dealing with truancy which involve school district and community partnerships, and programs involving judicial district community-based corrections programs. Services provided under the programs shall be comprehensive and utilize flexible delivery systems. The department of human services shall establish a point system for determining eligibility for grants from the fund based upon the nature and breadth of the community juvenile crime prevention programs and the extent to which a community has sought to obtain additional public and private funding sources for all or parts of the community's program.

4. This section is repealed effective June 30, 1998. The division of criminal and juvenile justice planning and the department of human services shall submit a report to the general assembly by January 15, 1998, regarding the effectiveness of the programs funded under this section in meeting the objectives contained in subsection 3.

Sec. 28. NEW SECTION. 232.191 EARLY INTERVENTION AND FOLLOW-UP PROGRAMS.

Contingent on a specific appropriation for these purposes, the department shall do the following:

1. Develop or expand programs providing specific life skills and interpersonal skills training for adjudicated delinquent youth who pose a low or moderate risk to the community.

2. Develop or expand a school-based program addressing truancy and school behavioral problems for youth ages twelve through seventeen.

3. Develop or expand an intensive tracking and supervision program for adjudicated delinquent youth at risk for placement who have been released from resident facilities, which shall include telephonic or electronic tracking and monitoring and intervention by juvenile authorities.

4. Develop or expand supervised community treatment for adjudicated delinquent youth who experience significant problems and who constitute a moderate community risk.

Sec. 29. NEW SECTION. 280.9B VIOLENCE PREVENTION CURRICULUM.

The department of education shall develop a statewide violence prevention program based on law-related education. The department shall contract with a law-related education agency that serves the state and provides a comprehensive plan to develop violence prevention curricula for grades K through twelve, provide training to teachers and school administrators on violence prevention, and develop school-community partnerships for violence prevention.

Sec. 30. Section 280.19A, Code 1993, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. If a district has not adopted a plan as required in this section and implemented the plan by January 15, 1996, the area education agency serving the district shall assist the district with developing a plan and an alternative options education program for the pupil. When a plan is developed, the district shall be responsible for the operation of the program and shall reimburse the area education agency for the actual costs incurred by the area education agency under this section.

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

For school districts, additional instructional work assignments may include but are not limited to general curriculum planning and development, vertical articulation of curriculum, horizontal curriculum coordination, development of educational measurement practices for the school district, participation in assessment activities leading to certification by the national board for professional teaching standards, attendance at workshops and other programs for service as cooperating teachers for student teachers, development of plans for assisting beginning teachers during their first year of teaching, attendance at summer staff development programs, development of staff development programs for other teachers to be presented during the school year, participation in family support programs, development of programs which provide instruction in conflict resolution and mediation techniques for staff and students, development of anger management instructional programs for students, and other plans locally determined in the manner specified in section 294A.15 and approved by the department of education under section 294A.16 that are of equal importance or more appropriately meet the educational needs of the school district.

For area education agencies, additional instructional work assignments may include but are not limited to providing assistance and support to school districts in general curriculum planning and development, providing assistance to school districts in vertical articulation of

curriculum and horizontal curriculum coordination, development of educational measurement practices for school districts in the area education agency, development of plans for assisting beginning teachers during their first year of teaching, attendance or instruction at summer staff development programs, development of staff development programs for school district teachers to be presented during the school year, participation in family support programs, development of staff development programs which provide instruction in conflict resolution and mediation techniques, assisting school district teachers in the development of anger management instructional programs for students, and other plans determined in the manner specified in section 294A.15 and approved by the department of education under section 294A.16 that are of equal importance or more appropriately meet the educational needs of the area education agency.

Sec. 32. NEW SECTION. 299.1B FAILURE TO ATTEND – LOSS OF DRIVER'S LICENSE.

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

Sec. 33. Section 299.5A, Code 1993, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The mediator may refer a truant to the juvenile court if mediation breaks down without an agreement being reached.

Sec. 34. NEW SECTION. 321.213A LICENSE SUSPENSION FOR JUVENILES ADJUDICATED DELINQUENT FOR CERTAIN DRUG OR ALCOHOL OFFENSES.

Upon the entering of an order at the conclusion of a dispositional hearing under section 232.50, where the child has been adjudicated to have committed a delinquent act, which would be a first or subsequent violation of section 123.46, section 123.47 involving the purchase or attempt to purchase alcoholic beverages, or chapter 124, or a second or subsequent violation of section 123.47 regarding the possession of alcoholic beverages, the clerk of the juvenile court in the dispositional hearing shall forward a copy of the adjudication and dispositional order to the department. The department shall suspend the license or operating privilege of the child for one year. The child may receive a temporary restricted license as provided in section 321.215.

Sec. 35. NEW SECTION. 321.213B REVOCATION FOR FAILURE TO ATTEND.

The department shall establish procedures by rule for revoking the license of a juvenile who is in violation of section 299.1B or issuing the juvenile a temporary restricted license under section 321.215 if the juvenile is employed at least twenty hours per week.

Sec. 36. Section 321A.17, subsection 5, Code Supplement 1993, is amended to read as follows:

5. An individual applying for a motor vehicle license following a period of suspension or revocation under section 321.209, subsection 8, section 321.210, subsection 1, paragraph "d", or section 321.210A, 321.213B, 321.216B, or 321.513, or following a period of suspension under section 321.194, is not required to maintain proof of financial responsibility under this section.

Sec. 37. Section 453A.2, Code 1993, is amended to read as follows:

453A.2 PERSONS UNDER LEGAL AGE.

1. A person shall not sell, give, or otherwise supply any tobacco, tobacco products, or cigarettes to any person under eighteen years of age ~~and a~~.

2. A person under eighteen years of age shall not smoke, use, possess, purchase, or attempt to purchase any tobacco, tobacco products, or cigarettes.

2 3. The Iowa department of public health, a county health department, a city health department, or a city may directly enforce this section in district court and initiate proceedings pursuant to section 453A.22 before a permit-issuing authority against a permit holder violating this section.

3 4. Payment and distribution of court costs, fees, and fines in a prosecution initiated by a city or county shall be made as provided in chapter 602 for violation of a city or county ordinance.

Sec. 38. Section 453A.3, Code 1993, is amended to read as follows:
453A.3 PENALTY.

A person who violates section 453A.2, subsection 1 or 453A.39 is guilty of a simple misdemeanor.

A person who violates section 453A.2, subsection 2, shall pay a civil penalty pursuant to section 805.8, subsection 11. Failure to pay the civil penalty imposed for a violation of section 453A.2, subsection 2, is a simple misdemeanor punishable as a scheduled violation under section 805.8, subsection 11.

Sec. 39. Section 602.7103, subsection 3, Code 1993, is amended to read as follows:

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

Sec. 40. Section 613.16, subsection 2, Code 1993, is amended to read as follows:

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

a. Not more than ~~one~~ two thousand dollars for any one act.

b. Not more than ~~two~~ five thousand dollars, payable to the same claimant, for two or more acts.

Sec. 41. Section 702.18, Code 1993, is amended to read as follows:
702.18 SERIOUS INJURY.

"Serious injury" means disabling mental illness, or bodily injury which creates a substantial risk of death or which causes serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ, and includes but is not limited to skull fractures, rib fractures, and metaphyseal fractures of the long bones of children under the age of four years.

Sec. 42. Section 707.2, Code 1993, is amended by adding the following new subsection:

NEW SUBSECTION. 5. The person kills a child while committing child endangerment under section 726.6, subsection 1, paragraph "b", or while committing assault under section 708.1 upon the child, and the death occurs under circumstances manifesting an extreme indifference to human life.

Sec. 43. NEW SECTION. 709C.1 SEXUALLY VIOLENT PREDATOR ACT.
This chapter shall be known as the "Sexually Violent Predator Act".

Sec. 44. NEW SECTION. 709C.2 DEFINITIONS.

As used in this chapter, unless the context clearly requires otherwise:

1. "Mental abnormality" means a congenital or acquired condition affecting the emotional or volitional capacity which predisposes the person to the commission of criminal sexual acts in a degree constituting the person a menace to the health and safety of others.

2. "Predatory" means acts directed towards strangers or individuals with whom a relationship has been established or promoted for the primary purpose of victimization.
3. "Sexually violent offense" means an act which is at least one of the following:
 - a. A public offense under section 709.2, 709.3, 709.4, 709.8, 709.11, 709.12, or 709.14.
 - b. Murder in the first degree or second degree under section 707.2 or 707.3, assault under section 708.1, domestic abuse assault under section 708.2A, kidnapping in the first degree or in the second degree under section 710.2 or 710.3, burglary or attempted burglary in the first degree under section 713.3 or 713.4, which is determined beyond a reasonable doubt at the time of sentencing or during civil commitment proceedings subsequent to the offense to have been sexually motivated.
 - c. A felony offense under federal law or the law of another state which is equivalent to one of the offenses listed in paragraph "a" or "b".
 - d. A violation of chapter 705 or 706 regarding an offense listed in paragraph "a", "b", or "c".
4. "Sexually violent predator" means a person who has been convicted of or charged with a sexually violent offense and who suffers from a mental abnormality or personality disorder which makes the person likely to engage in predatory acts of sexual violence.

Sec. 45. NEW SECTION. 709C.3 SEXUALLY VIOLENT PREDATOR PETITION.

1. The county attorney or the attorney general at the request of the county attorney, may file a petition alleging that a person is a sexually violent predator. The petition shall state sufficient facts to support the allegation.
2. A petition may be filed in the following circumstances:
 - a. The person has been convicted of, pled guilty to, or been adjudicated delinquent for committing a sexually violent offense.
 - b. The person has been found not guilty of a sexually violent offense by reason of insanity, or has been found incompetent to stand trial for allegedly committing a sexually violent offense.
 - c. The person is within ninety days of release from a facility to which the person was committed pursuant to the determination made in either paragraph "a" or "b".

Sec. 46. NEW SECTION. 709C.4 JUDICIAL DETERMINATION — TRANSFER FOR EVALUATION.

Upon the filing of a petition under section 709C.3, if the court determines that probable cause exists to believe that the person named in the petition is a sexually violent predator the court shall transfer a person to an appropriate facility for evaluation as to whether the person is a sexually violent predator. The evaluation shall be conducted by a person deemed to be professionally qualified to conduct the examination pursuant to rules adopted by the department of corrections in consultation with the department of human services and the criminal and juvenile justice planning division of the department of human rights.

Sec. 47. NEW SECTION. 709C.5 TRIAL — RIGHTS OF PARTIES.

Not later than forty-five days after the filing of a petition pursuant to section 709C.3, the court shall conduct a trial to determine whether the person is a sexually violent predator. At all stages of the proceedings under this chapter, any person subject to this chapter shall be entitled to the assistance of counsel, and if the person is indigent, the court shall appoint counsel to assist the person. If a person is subjected to an examination under this chapter, the person may retain experts or professional persons to perform an examination on the person's behalf. The person may be examined by a qualified expert or professional person of the person's choosing, and the expert or professional shall have reasonable access to the person for the purpose of the examination, as well as to all relevant medical and psychological records and reports. In the case of a person who is indigent, the court shall, upon the person's request, assist the person in obtaining an expert or professional person to perform an examination or participate in the trial on the person's behalf. The person, the county attorney or the attorney general, or the judge shall have the right to demand that the trial be before a jury, if the person is an adult or a juvenile who has been waived to the district court. If no demand is made, or if the person is a juvenile who has not been waived to the district court, the trial shall be to the court or the juvenile court as applicable.

Sec. 48. NEW SECTION. 709C.6 TRIAL — DETERMINATION — COMMITMENT PROCEDURES.

1. The court or jury shall determine whether, beyond a reasonable doubt, the person is a sexually violent predator. If the state alleges that the prior sexually violent offense that forms the basis for the petition for commitment was an act that was sexually motivated, the state shall prove beyond a reasonable doubt that the alleged sexually violent act was sexually motivated. If the court or jury determines that the person is a sexually violent predator, the person shall be committed to the custody of the department of human services in a secure facility for control, care, and treatment until such time as the person's mental abnormality of* personality disorder has so changed that the person is safe to be at large. This control, care, and treatment shall be provided at a facility operated by the department of human services, however, adults and juveniles shall not be sent to the same facility. If the court or jury does not find beyond a reasonable doubt that the person is a sexually violent predator, the court shall order the person to be released in accordance with the terms of the person's sentence.

2. If the person charged with a sexually violent offense has been found incompetent to stand trial, and is about to or has been released and the person's commitment is sought pursuant to subsection 1, the court shall first hear evidence and determine whether the person did commit the act or acts charged if the court did not enter a finding prior to dismissal due to incompetence that the person committed the act or acts charged. The hearing on this issue shall comply with all the procedures specified in this section. In addition, the rules of evidence applicable in criminal cases shall apply, and all constitutional rights available to defendants at criminal trials, other than the right not to be tried while incompetent, shall apply. After hearing evidence on this issue, the court shall make specific findings on whether the person did commit the act charged, the extent to which the person's incompetence or developmental disability affected the outcome of the hearing, including its effect on the person's ability to consult with and assist counsel and to testify on the person's own behalf, the extent to which the evidence could be reconstructed without the assistance of the person, and the strength of the prosecution's case. If, after the conclusion of the hearing on the issue, the court finds beyond a reasonable doubt that the person did commit the act charged, the court shall enter a final order, appealable by the person, on that issue, and may proceed to consider whether the person should be committed pursuant to this section.

Sec. 49. NEW SECTION. 709C.7 ANNUAL EXAMINATIONS.

Each person committed under this chapter shall have a current examination of the person's mental condition made at least once every year. The person may retain, or if the person is indigent and so requests, the court may appoint, a qualified expert or a professional person to examine the person, and the expert or professional person shall have access to all records concerning the person. The periodic report shall be provided to the court that committed the person under this chapter.

Sec. 50. NEW SECTION. 709C.8 PETITION FOR RELEASE — PROCEDURES.

1. If the director of the department of human services determines that the person's mental abnormality or personality disorder has so changed that the person is not likely to engage in predatory acts of sexual violence if released, the director shall authorize the person to petition the court for release. The petition shall be served upon the court and the county attorney. The court, upon receipt of the petition for release, shall order a hearing on the petition to be held not later than forty-five days after the date of service of the petition. The county attorney or the attorney general, if requested by the county attorney, shall represent the state, and shall have the right to have the petitioner examined by an expert or professional person of the county attorney's or attorney general's choice. The hearing shall be before a jury if demanded by either the petitioner or the state's counsel. The burden of proof shall be upon the county attorney or attorney general to show beyond a reasonable doubt that the petitioner's mental abnormality or personality disorder remains such that the petitioner is not safe to be at large and that if discharged is likely to engage in predatory acts of sexual violence.

*The word "or" probably intended

2. Nothing contained in this chapter shall prohibit the person from otherwise petitioning the court for discharge without the approval of the director of the department of human services. The director shall provide the committed person with an annual written notice of the person's right to petition the court for release over the director's objection. The notice shall contain a waiver of rights. The director shall forward the notice and waiver form to the court with the annual report. If the person does not affirmatively waive the right to petition, the court shall set a show cause hearing to determine whether facts exist that warrant a hearing on whether the person's condition has so changed that the person is safe to be at large. The committed person shall have a right to have an attorney represent the person at the show cause hearing but the person is not entitled to be present at the show cause hearing. If the court at the show cause hearing determines that probable cause exists to believe that the person's mental abnormality or personality disorder has so changed that the person is safe to be at large and is not likely to engage in predatory acts of sexual violence if discharged, the court shall set a hearing on the issue. At the hearing the committed person shall be entitled to be present and to the benefit of all constitutional protections that were afforded to the person at the initial commitment proceeding. The county attorney or attorney general shall represent the state and shall have a right to request a jury trial and to have the committed person evaluated by experts chosen by the state. The committed person shall also have the right to have experts evaluate the person on the person's behalf and the court shall appoint an expert if the person is indigent and requests an appointment. The burden of proof at the hearing shall be upon the state to prove beyond a reasonable doubt that the committed person's mental abnormality or personality disorder remains such that the person is not safe to be at large and if released is likely to engage in predatory acts of sexual violence.

Sec. 51. NEW SECTION. 709C.9 SUBSEQUENT PETITIONS.

Nothing in this chapter shall prohibit a person from filing a petition for discharge pursuant to this chapter. However, if a person has previously filed a petition for discharge without the approval of the director of the department of human services and the court has determined, either upon review of the petition or following a hearing, that the petitioner's petition was frivolous or that the petitioner's condition had not so changed that the petitioner was safe to be at large, the court shall deny the subsequent petition unless the petition contains facts upon which a court could find that the condition of the petitioner has so changed that a hearing is warranted. Upon receipt of a first or subsequent petition from a committed person without the director's approval, the court shall review the petition and determine if the petition is based upon frivolous grounds and if so shall deny the petition without a hearing.

Sec. 52. NEW SECTION. 709C.10 RELEASE OF INFORMATION AUTHORIZED.

Notwithstanding any other provision to the contrary, the director of the department of human services is authorized to release relevant information that is necessary to protect the public, concerning a specific sexually violent predator committed under this chapter.

Sec. 53. NEW SECTION. 724.4A WEAPONS FREE ZONES — ENHANCED PENALTIES.

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

2. Notwithstanding sections 902.9 and 903.1, a person who commits a public offense involving a firearm or offensive weapon, within a weapons free zone, in violation of this or any other chapter shall be subject to a fine of twice the maximum amount which may otherwise be imposed for the public offense.

Sec. 54. Section 724.16, subsection 1, Code 1993, is amended to read as follows:

1. Except as otherwise provided in section 724.15, subsection 2, a person who acquires ownership of a pistol or revolver without a valid annual permit to acquire pistols or revolvers or

a person who transfers ownership of a pistol or revolver to a person who does not have in the person's possession a valid annual permit to acquire pistols or revolvers is guilty of a simple aggravated misdemeanor.

Sec. 55. NEW SECTION. 724.16A TRAFFICKING IN STOLEN WEAPONS.

A person who knowingly transfers or acquires possession, or who facilitates the transfer, of a stolen firearm commits a class "D" felony for a first offense and a class "C" felony for second and subsequent offenses or if the weapon is used in the commission of a public offense. However, this section shall not apply to a person purchasing stolen firearms through a buy-back program sponsored by a law enforcement agency if the firearms are returned to their rightful owners or destroyed.

Sec. 56. Section 724.22, subsections 1 and 2, Code 1993, are amended to read as follows:

1. Except as provided in subsection 3, a person who sells, loans, gives, or makes available a rifle or shotgun or ammunition for a rifle or shotgun to a minor commits a simple serious misdemeanor for a first offense and a class "D" felony for second and subsequent offenses.

2. Except as provided in subsections 4 and 5, a person who sells, loans, gives, or makes available a pistol or revolver or ammunition for a pistol or revolver to a person below the age of twenty-one commits a simple serious misdemeanor for a first offense and a class "D" felony for second and subsequent offenses.

Sec. 57. Section 724.27, Code 1993, is amended to read as follows:

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

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

Sec. 58. NEW SECTION. 724.30 RECKLESS USE OF A FIREARM.

A person who intentionally discharges a firearm in a reckless manner commits the following:

1. A class "C" felony if a serious injury occurs.
2. A class "D" felony if a bodily injury which is not a serious injury occurs.
3. An aggravated misdemeanor if property damage occurs without a serious injury or bodily injury occurring.
4. A simple misdemeanor if no injury to a person or damage to property occurs.

Sec. 59. NEW SECTION. 726.6B MULTIPLE ACTS OF CHILD ENDANGERMENT — PENALTY.

A person who engages in a course of conduct including three or more acts of child endangerment as defined in section 726.6 within a period of twelve months involving the same child or a mentally or physically handicapped minor, where one or more of the acts results in serious injury to the child or minor or results in a skeletal injury to a child under the age of four years, is guilty of a class "B" felony. Notwithstanding section 902.9, subsection 1, a person convicted of a violation of this section shall be confined for no more than fifty years.

Sec. 60. Section 805.8, subsection 10, Code Supplement 1993, is amended to read as follows:

10. ALCOHOLIC BEVERAGE VIOLATIONS.

a. For violations of section 123.47A, which constitute first offenses as provided in that section, the scheduled fine is fifteen dollars.

b. For violations of section 123.49, subsection 2, paragraph "h", the scheduled fine is one hundred dollars.

Sec. 61. Section 805.8, subsection 11, Code Supplement 1993, is amended to read as follows:

11. SMOKING VIOLATIONS. For violations of section 142B.6 or 453A.2, subsection 2, the scheduled fine is twenty-five dollars, and is a civil penalty, and the criminal penalty surcharge under section 911.2 shall not be added to the penalty, and the court costs pursuant to section 805.9, subsection 6, shall not be imposed. If the civil fine penalty assessed for a violation of section 142B.6 is not paid in a timely manner, a citation shall be issued for the violation in the manner provided in section 804.1. However, a person under age eighteen shall not be detained in a secure facility for failure to pay the civil penalty. The complainant shall not be charged a filing fee.

For failing to pay the civil penalty under section 453A.2, the scheduled fine is twenty-five dollars. Failure to pay the scheduled fine shall not result in the person being detained in a secure facility. The complainant shall not be charged a filing fee.

Sec. 62. Section 808A.2, Code 1993, is amended by adding the following new subsection:

NEW SUBSECTION. 4. If a search pursuant to subsection 1 of a school locker, desk, or other facility or space issued or assigned to, or chosen by a student, reveals a violation of the law or the rules of the school regarding a dangerous weapon or controlled substance, the violation shall constitute reasonable grounds for future searches without advance notice to the student of the student's school locker, desk, or other facility or space issued or assigned to, or chosen by the student.

Sec. 63. Section 808B.9, Code 1993, is amended to read as follows:

808B.9 REPEAL.

This chapter is repealed effective July 1, ~~1994~~ 1999.

Sec. 64. Section 914.7, Code 1993, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Notwithstanding any provision of this chapter, a person seventeen years of age or younger who commits a public offense involving a firearm which is an aggravated misdemeanor against a person or a felony shall not have the person's rights of citizenship restored to the extent of allowing the person to receive, transport, or possess firearms.

Sec. 65. JUVENILE DETENTION HOMES – ADDITIONAL APPROPRIATION. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 1994, and ending June 30, 1995, in addition to other appropriations made to the department for that fiscal year, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For additional reimbursement of counties for juvenile detention homes in accordance with the provisions of this section, and in order to effectuate the purposes of this Act pertaining to the detention of children who habitually and substantially violate the conditions of probation:

..... \$ 362,500

If the funds designated in this section, in addition to any other appropriation to the department of human services for reimbursement of counties for juvenile detention homes in the fiscal year beginning July 1, 1994, are insufficient to pay ten percent of the total cost of the homes, notwithstanding section 232.142, subsection 3, the state payment shall be less than ten percent and the department shall prorate the state payment as necessary to keep expenditures within the funds designated in this section and in any other provision appropriating moneys to the department for reimbursement of counties for juvenile detention homes in the same fiscal year.

Sec. 66. APPROPRIATION – TRANSFER. For the fiscal year beginning July 1, 1994, and ending June 30, 1995, \$362,500 shall be appropriated from the general fund to the governor's alliance on substance abuse to provide one-time grants to community-based correctional programs for replication of the youthful offender program established in Polk county. The governor's alliance on substance abuse may provide a one-time grant of up to \$100,000 to each

eligible community-based correctional program, which applies for a grant for a proposal for replication of the youthful offender program to the governor's alliance on substance abuse by September 1, 1994. The governor's alliance on substance abuse shall submit a report to the general assembly regarding the distribution of these funds by January 15, 1995.

Sec. 67. APPROPRIATION — TRUANCY AND SCHOOL BEHAVIORAL PROBLEMS. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 1994, and ending June 30, 1995, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For school-based programs addressing truancy and school behavioral problems pursuant to section 232.191, subsection 2, as enacted in this Act:

..... \$ 200,000

Sec. 68. APPROPRIATION — VIOLENCE PREVENTION CURRICULUM. There is appropriated from the general fund of the state to the department of education for the fiscal year beginning July 1, 1994, and ending June 30, 1995, the following amount, or so much thereof as is necessary, to be used for the following purpose:

For implementation of a statewide violence prevention program pursuant to section 280.9B, as enacted in this Act:

..... \$ 75,000

Sec. 69. APPROPRIATION — HIGHLY STRUCTURED JUVENILE PROGRAMS. The department of human services and the division of criminal and juvenile justice planning of the department of human rights shall develop two 25-bed highly structured treatment-oriented programs for youths who are adjudicated delinquent, one of which shall be at an existing facility. The programs shall include a resident phase and follow-up services. Each program shall include goals for the functioning of youths following completion of the resident portion of the program, follow-up tracking, and evaluation activities during the resident and follow-up phases. At least one program shall include in its resident phase a regimen stressing discipline and physical activities. The department shall develop criteria for the resident phase and for admission to the program and for providing follow-up services to a child who successfully completes the resident phase. Follow-up services shall be community-based and designed to assist the child to live without supervision after the provision of follow-up services ends.

Funding for the program to be started at a new facility shall be provided from the appropriation to the department of human services for child and family services by the Seventy-fifth General Assembly, 1994 Session. This funding shall be contingent on the receipt of medical assistance funding for program participants.

Sec. 70. APPROPRIATION. There is appropriated from the general fund of the state in the community grant fund for the fiscal year beginning July 1, 1994, and ending June 30, 1995, the following amount or so much thereof as is necessary, to be used for the purposes of the community grant fund established in this Act:

..... \$ 1,800,000

Sec. 71. APPROPRIATION. There is appropriated from the general fund of the state to the judicial department for the fiscal year beginning July 1, 1994, and ending June 30, 1995, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

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

..... \$ 190,000
..... FTEs 6.00

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

Sec. 72. TRUANCY JUVENILE COURT OFFICERS. Contingent on a specific appropriation being made for this purpose, the judicial department shall add one additional juvenile court officer per judicial district for the purpose of handling truancy cases referred to the juvenile court under section 299.5A, as amended in this Act.

Sec. 73. STUDY. The division of criminal and juvenile justice planning of the department of human rights shall study and compare rates of recidivism and rehabilitation for similar offenses in juveniles adjudicated delinquent versus juveniles waived to and convicted of an offense in the district court and the frequency and severity of sanctions imposed upon juveniles by the juvenile court versus those imposed by the district court for juveniles waived to the district court for similar offenses. The division shall report the results of its study to the general assembly by January 15, 1995.

Sec. 74. EFFECTIVE DATES. Sections 43 through 52 take effect July 1, 1995. Section 63 of this Act takes effect June 30, 1994.

Approved May 12, 1994

CHAPTER 1173

REVISIONS OF STATE MANDATES AND RELATED MATTERS

H.F. 642

AN ACT relating to revisions of mandates and goals to political subdivisions of the state by striking certain duties of cities, counties, and county auditors for civil actions, abandoned islands, and public contracts, by providing for the funding of state mandates, the department of public health for health professional licensing, and other matters related to the state, by removing a reporting requirement by county auditors for foreclosures of permanent school fund mortgages, by providing for the recovery of compensation for an advocate for an involuntarily committed mental patient, by making the appointment of a county weed commissioner optional, by increasing the dollar limit before county contract letting procedures are required, by striking leave requirements for public employees for olympic competition, by striking a requirement for lobby space in courthouses for certain veterans, by reducing bridge and culvert cost records kept by the state, by providing for the designation of certain county officers to act on behalf of the principal officers, by striking property tax exemptions for certain veterans, by amending procedures for setting speed limits on secondary roads, by striking provisions relating to personal property taxes, by authorizing an early change in full-time or part-time status of a county attorney by agreement, by striking requirements for county attorneys to represent school districts, by striking the requirements for county dog licensing, by striking assessment provisions for ice and coal dealers, and by making provisions for other properly related matters.

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

Section 1. Section 1.15, Code 1993, is amended to read as follows:

1.15 ATTORNEY APPOINTED BY STATE IN CIVIL ACTIONS.

In all civil causes of action where the state of Iowa or any of its subdivisions or departments is a party, and a member of the Sac and Fox Indian settlement is a party, the district court of Iowa shall appoint competent legal counsel at all stages of hearing, appeal, and final determination for any Indian not otherwise represented by legal counsel, in any domestic relations matter, including, but not limited to, matters pertaining to dependency, neglect, delinquency, care, or custody of minors. The court shall fix and allow reasonable compensation for the