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**SF 357** – Juvenile Defendant in Adult Court, Detention (LSB1277SV.1)  
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Fiscal Note Version – Final Action

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## **Description**

[Senate File 357](#) relates to the placement of a child (a person under age 18) in detention. The Bill provides that if the court has waived its jurisdiction over a child pursuant to Iowa Code section [232.45](#) or [232.45A](#), the child being tried as an adult shall not be placed in an adult detention facility while awaiting trial or other legal processes, unless the court determines that it is in the best interest of the child and the community. The Bill outlines the factors to be considered by the court in making the determination. The Bill also outlines several conditions that must apply if a child is detained in a facility intended for the detention of adults. The Bill takes effect December 18, 2021.

## **Background**

In December 2018, Congress passed the [Juvenile Justice Reform Act of 2018 \(JJRA\)](#), which reauthorized the [Juvenile Justice Delinquency Prevention Act \(JJDP\)](#). A new provision of the federal law prohibits states from placing youth under 18 years old in adult jails if they are being prosecuted as an adult and awaiting trial. The federal law allows a youth to be placed in an adult jail if the court determines after a hearing that placement in an adult facility is in the best interest of the juvenile and community.

Iowa has two types of juvenile detention centers (JDCs): county-owned and regional facilities. There are four county-owned facilities (Woodbury, Polk, Linn, and Scott) and five regional facilities (North Iowa JDC, Central Iowa JDC, Northwest Iowa JDC, Southwest Iowa JDC, and South Iowa Area JDC). Over the last five years, there were an average of 409 adult court waiver holds per year. Of those holds, 255 (62.3%) were at JDCs and 154 (37.7%) at adult jails. The average length of stay at JDCs for adult court waiver youth is 28.1 days, and the average length of stay at adult jails is 57.8 days.

Currently, Polk, Linn, Pottawattamie, Johnson, Story, and Woodbury counties do not hold juveniles at their adult jails. Adult court waiver youth are already detained at JDCs or at other county jails. Those counties, along with Scott, Black Hawk, and Dubuque counties, account for many of the adult court waiver youth in the State.

## **Assumptions**

- Noncompliance with the new requirements in the JJDP will result in a loss of juvenile justice grant funding from the federal Office of Juvenile Justice and Delinquency Prevention (OJJDP).
- On average, 59.7% of beds would be used on a daily basis if all those under 18 are held in JDCs. Placing all youth in JDCs instead of county jails would increase the number of juveniles detained by 5.3% on average.
- The average cost to detain a youth in a JDC is about \$175 per day. The average cost to detain an individual in an adult jail is approximately \$50 to \$60 per day.

**Fiscal Impact**

Senate File 357 is estimated to have a positive fiscal impact to the State. The provisions in this Bill would modify the Iowa Code to be consistent and in compliance with the new federal requirement, which would ensure that Iowa will maintain its annual federal award from the OJJDP. Annually, Iowa receives a minimum of \$400,000 in Title II formula funds from the OJJDP, along with discretionary grants averaging an additional \$400,000. The majority of the funds are for services provided to youth in the juvenile justice system.

The fiscal impact of this Bill on counties is estimated to be minimal. For county-owned JDCs, there is no fiscal impact to the county because the facility is already funded through the county budget and the JDC does not charge a fee to the adult jail to detain adult court waiver youth. For regional facilities, which serve a group of counties, there may be an increase in juvenile detention costs for the counties placing youth at these facilities when the youth are moved from the adult jail and the JDC charges the county for the hold. However, the impact is estimated to be minimal because the majority of adult court waiver youth are currently already being held at JDCs.

**Source**

Division of Criminal and Juvenile Justice Planning, Department of Human Rights

/s/ Holly M. Lyons

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The fiscal note for this Bill was prepared pursuant to [Joint Rule 17](#) and the Iowa Code. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.

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