

APR 30 1979

HOUSE FILE 749

By COMMITTEE ON APPROPRIATIONS

APPROPRIATIONS CALENDAR

See " 5/7

Passed House, Date 5-4-79 (p. 2068) Passed Senate, Date _____

Vote: Ayes 87 Nays 0 Vote: Ayes _____ Nays _____

Approved June 7, 1979

A BILL FOR

- 1 An Act making an appropriation to establish a juvenile
- 2 victim restitution program.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
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HOUSE FILE 749

H-4275

- 1 Amend House File 749 as follows:
- 2 1. Page 2, line 24, by inserting after the word
- 3 "court." the words "In those counties where the county
- 4 maintains an office to provide juvenile victim
- 5 restitution services, the probation officer may use
- 6 that office's services."
- 7 2. Page 3, line 8, by inserting after the word
- 8 "offender" the words ", or a juvenile restitution
- 9 office established by the county,".
- 10 3. Page 3, line 14, by inserting after the word
- 11 "officer" the words "or a juvenile restitution office
- 12 established by the county".

H-4275 FILED *Adopted 5/4 (p. 2068)* BY SPEAR of Lee
MAY 3, 1979 KIRKENSLAGER of Des Moines

HOUSE FILE 749

H-4237

- 1 Amend House File 749 as follows:
- 2 1. Page 2, line 24, by inserting after the word
- 3 "officer" the words "or juvenile restitutorial office".
- 4 2. Page 3, line 8, by inserting after the word
- 5 "officer" the words "or juvenile restitutorial office".
- 6 3. Page 3, line 14, by inserting after the word
- 7 "officer" the words "or juvenile restitutorial office".

H-4237 FILED *W/Drawn 5/4 (p. 2067)* BY KIRKENSLAGER of Des Moines
MAY 2, 1979

1 Section 1.

2 1. For the fiscal biennium beginning July 1, 1979 and
3 ending June 30, 1981, there is appropriated from the general
4 fund of the state to the office for planning and programming
5 for use by youth services in the division of manpower, the
6 amount of one hundred fifty thousand (150,000) dollars for
7 the fiscal year 1979-1980 and the amount of two hundred fifty
8 thousand (250,000) dollars for the fiscal year 1980-1981,
9 or so much thereof as is necessary, for the purpose of carrying
10 out the juvenile victim restitution program created by this
11 Act.

12 2. The office for planning and programming shall contract
13 to provide administrative services in carrying out the juvenile
14 victim restitution program. Not more than twenty thousand
15 (20,000) dollars may be paid for the fiscal year beginning
16 July 1, 1979, and not more than twenty-five thousand (25,000)
17 dollars may be paid for the fiscal year beginning July 1,
18 1980, for the purpose of providing administrative services.
19 The office for planning and programming shall not expend any
20 additional funds appropriated by this Act for administration
21 of the juvenile victim restitution program.

22 3. After deducting funds provided in subsection two (2)
23 of this section for administrative services, the remaining
24 funds shall be available for the salaries of juveniles in
25 each judicial district based upon a percentage determined
26 by dividing the per capita population of the judicial district
27 by the total per capita population of the state. Within each
28 judicial district the funds shall be available to each juvenile
29 probationary district on a per capita basis. Notwithstanding
30 section eight point thirty-three (8.33) of the Code,
31 unobligated or unencumbered funds appropriated by this Act
32 remaining on June 30, 1980 may be carried forward and be
33 available for expenditure in the fiscal year beginning July
34 1, 1980.

35 4. The office for planning and programming shall report

1 to the state government subcommittee on appropriations on
2 March 15, 1980 and March 15, 1981 on the operation of the
3 juvenile victim restitution program.

4 Sec. 2.

5 1. There is created a juvenile victim restitution program
6 which shall be funded through funds appropriated by the general
7 assembly to the office for planning and programming. The
8 primary purpose of the program is to provide funds to
9 compensate victims for losses due to the delinquent acts of
10 juveniles.

11 2. If a judge of a juvenile court finds that a juvenile
12 has committed a delinquent act and requires the juvenile to
13 compensate the victim of that act for losses due to the
14 delinquent act of the juvenile, the juvenile shall make such
15 restitution according to a schedule established by the judge
16 from funds earned by the juvenile pursuant to employment
17 engaged in by the juvenile at the time of disposition. If
18 a juvenile enters into an informal adjustment agreement
19 pursuant to section two hundred thirty-two point twenty-nine
20 (232.29) of the Code to make such restitution, the juvenile
21 shall make such restitution according to a schedule which
22 shall be a part of the informal adjustment agreement. The
23 restitution shall be made under the direction of a probation
24 officer working under the direction of the juvenile court.
25 If the juvenile is not employed, the juvenile's probation
26 officer shall make a reasonable effort to find private or
27 other public employment for the juvenile. However, if the
28 juvenile offender does not have employment at the time of
29 disposition and private or other public employment is not
30 obtained despite the efforts of the juvenile's probation
31 officer, the judge may direct the juvenile offender to perform
32 work pursuant to section two hundred thirty-two point fifty-
33 two (232.52), subsection two (2), paragraph a of the Code,
34 and arrange for compensation of the juvenile in the manner
35 provided in subsection three (3) of this section.

1 3. The contract for administrative services shall provide
 2 payroll services in carrying out the payment of juvenile
 3 offenders who are required to provide restitution to victims
 4 of their acts as provided in subsection two (2) of this section
 5 and who are ordered to perform public service work pursuant
 6 to section two hundred thirty-two point fifty-two (232.52),
 7 subsection two (2), paragraph a of the Code. The probation
 8 officer responsible for a juvenile offender shall maintain
 9 time sheets and other documents necessary to determine and
 10 process the payment of juvenile offenders. Remuneration for
 11 the services provided by the juvenile offender in a public
 12 service job shall be made as a wage payment by check, with
 13 the juvenile offender listed as the payee. However, the check
 14 shall be mailed to the juvenile's probation officer. The
 15 juvenile offender shall pay the victim of his or her delinquent
 16 acts seventy-five percent of each payment and twenty-five
 17 percent of the payment shall be retained by the juvenile.
 18 This same percentage shall apply to the juvenile offender
 19 who is employed at the time of disposition. The payment of
 20 the percentages provided in this subsection is required in
 21 order to engage in the juvenile victim restitution program.

22 EXPLANATION

23 This bill provides for the establishment of a juvenile
 24 victim restitution program. Funds are appropriated to the
 25 office for planning and programming, which is to carry out
 26 the program and contract for the provision of administrative
 27 services, including payroll services. The remaining funds
 28 will pay the salaries in public service jobs for juveniles,
 29 not already employed, who are ordered to provide restitution
 30 to victims of their delinquent acts. Seventy-five percent
 31 of a juvenile's salary shall be paid by the juvenile to his
 32 or her victim.

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Sen. Appropriation 5/7
Do Pass 5/10 (p. 1679)

HOUSE FILE 749

By COMMITTEE ON APPROPRIATIONS

(As Amended and Passed by the House)

Passed House, Date 5-4-79 (p. 2068) Passed Senate, Date 5-11-79 (p. 1690)

Vote: Ayes 87 Nays 0 Vote: Ayes 42 Nays 0

Approved June 7, 1979

A BILL FOR

1 An Act making an appropriation to establish a juvenile
2 victim restitution program.

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

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_____ House Amendments

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1 Section 1.

2 1. For the fiscal biennium beginning July 1, 1979 and
3 ending June 30, 1981, there is appropriated from the general
4 fund of the state to the office for planning and programming
5 for use by youth services in the division of manpower, the
6 amount of one hundred fifty thousand (150,000) dollars for
7 the fiscal year 1979-1980 and the amount of two hundred fifty
8 thousand (250,000) dollars for the fiscal year 1980-1981,
9 or so much thereof as is necessary, for the purpose of carrying
10 out the juvenile victim restitution program created by this
11 Act.

12 2. The office for planning and programming shall contract
13 to provide administrative services in carrying out the juvenile
14 victim restitution program. Not more than twenty thousand
15 (20,000) dollars may be paid for the fiscal year beginning
16 July 1, 1979, and not more than twenty-five thousand (25,000)
17 dollars may be paid for the fiscal year beginning July 1,
18 1980, for the purpose of providing administrative services.
19 The office for planning and programming shall not expend any
20 additional funds appropriated by this Act for administration
21 of the juvenile victim restitution program.

22 3. After deducting funds provided in subsection two (2)
23 of this section for administrative services, the remaining
24 funds shall be available for the salaries of juveniles in
25 each judicial district based upon a percentage determined
26 by dividing the per capita population of the judicial district
27 by the total per capita population of the state. Within each
28 judicial district the funds shall be available to each juvenile
29 probationary district on a per capita basis. Notwithstanding
30 section eight point thirty-three (8.33) of the Code,
31 unobligated or unencumbered funds appropriated by this Act
32 remaining on June 30, 1979 may be carried forward and be
33 available for expenditure in the fiscal year beginning July
34 1, 1980.

35 4. The office for planning and programming shall report

1 to the state government subcommittee on appropriations on
2 March 15, 1980 and March 15, 1981 on the operation of the
3 juvenile victim restitution program.

4 Sec. 2.

5 1. There is created a juvenile victim restitution program
6 which shall be funded through funds appropriated by the general
7 assembly to the office for planning and programming. The
8 primary purpose of the program is to provide funds to
9 compensate victims for losses due to the delinquent acts of
10 juveniles.

11 2. If a judge of a juvenile court finds that a juvenile
12 has committed a delinquent act and requires the juvenile to
13 compensate the victim of that act for losses due to the
14 delinquent act of the juvenile, the juvenile shall make such
15 restitution according to a schedule established by the judge
16 from funds earned by the juvenile pursuant to employment
17 engaged in by the juvenile at the time of disposition. If
18 a juvenile enters into an informal adjustment agreement
19 pursuant to section two hundred thirty-two point twenty-nine
20 (232.29) of the Code to make such restitution, the juvenile
21 shall make such restitution according to a schedule which
22 shall be a part of the informal adjustment agreement. The
23 restitution shall be made under the direction of a probation
24 officer working under the direction of the juvenile court.
25 In those counties where the county maintains an office to
26 provide juvenile victim restitution services, the probation
27 officer may use that office's services. If the juvenile is
28 not employed, the juvenile's probation officer shall make
29 a reasonable effort to find private or other public employment
30 for the juvenile. However, if the juvenile offender does
31 not have employment at the time of disposition and private
32 or other public employment is not obtained despite the efforts
33 of the juvenile's probation officer, the judge may direct
34 the juvenile offender to perform work pursuant to section
35 two hundred thirty-two point fifty-two (232.52), subsection

1 two (2), paragraph a of the Code, and arrange for compensation
2 of the juvenile in the manner provided in subsection three
3 (3) of this section.

4 3. The contract for administrative services shall provide
5 payroll services in carrying out the payment of juvenile
6 offenders who are required to provide restitution to victims
7 of their acts as provided in subsection two (2) of this section
8 and who are ordered to perform public service work pursuant
9 to section two hundred thirty-two point fifty-two (232.52),
10 subsection two (2), paragraph a of the Code. The probation
11 officer responsible for a juvenile offender, or a juvenile
12 restitution office established by the county, shall maintain
13 time sheets and other documents necessary to determine and
14 process the payment of juvenile offenders. Remuneration for
15 the services provided by the juvenile offender in a public
16 service job shall be made as a wage payment by check, with
17 the juvenile offender listed as the payee. However, the check
18 shall be mailed to the juvenile's probation officer or a
19 juvenile restitution office established by the county. The
20 juvenile offender shall pay the victim of his or her delinquent
21 acts seventy-five percent of each payment and twenty-five
22 percent of the payment shall be retained by the juvenile.
23 This same percentage shall apply to the juvenile offender
24 who is employed at the time of disposition. The payment of
25 the percentages provided in this subsection is required in
26 order to engage in the juvenile victim restitution program.

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HOUSE FILE 749

AN ACT

MAKING AN APPROPRIATION TO ESTABLISH A JUVENILE VICTIM
RESTITUTION PROGRAM.

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

Section 1.

1. For the fiscal biennium beginning July 1, 1979 and ending June 30, 1981, there is appropriated from the general fund of the state to the office for planning and programming for use by youth services in the division of manpower, the amount of one hundred fifty thousand (150,000) dollars for the fiscal year 1979-1980 and the amount of two hundred fifty thousand (250,000) dollars for the fiscal year 1980-1981, or so much thereof as is necessary, for the purpose of carrying out the juvenile victim restitution program created by this Act.

2. The office for planning and programming shall contract to provide administrative services in carrying out the juvenile victim restitution program. Not more than twenty thousand (20,000) dollars may be paid for the fiscal year beginning July 1, 1979, and not more than twenty-five thousand (25,000) dollars may be paid for the fiscal year beginning July 1, 1980, for the purpose of providing administrative services. The office for planning and programming shall not expend any additional funds appropriated by this Act for administration of the juvenile victim restitution program.

3. After deducting funds provided in subsection two (2) of this section for administrative services, the remaining funds shall be available for the salaries of juveniles in

each judicial district based upon a percentage determined by dividing the per capita population of the judicial district by the total per capita population of the state. Within each judicial district the funds shall be available to each juvenile probationary district on a per capita basis. Notwithstanding section eight point thirty-three (8.33) of the Code, unobligated or unencumbered funds appropriated by this Act remaining on June 30, 1979 may be carried forward and be available for expenditure in the fiscal year beginning July 1, 1980.

4. The office for planning and programming shall report to the state government subcommittee on appropriations on March 15, 1980 and March 15, 1981 on the operation of the juvenile victim restitution program.

Sec. 2.

1. There is created a juvenile victim restitution program which shall be funded through funds appropriated by the general assembly to the office for planning and programming. The primary purpose of the program is to provide funds to compensate victims for losses due to the delinquent acts of juveniles.

2. If a judge of a juvenile court finds that a juvenile has committed a delinquent act and requires the juvenile to compensate the victim of that act for losses due to the delinquent act of the juvenile, the juvenile shall make such restitution according to a schedule established by the judge from funds earned by the juvenile pursuant to employment engaged in by the juvenile at the time of disposition. If a juvenile enters into an informal adjustment agreement pursuant to section two hundred thirty-two point twenty-nine (232.29) of the Code to make such restitution, the juvenile shall make such restitution according to a schedule which shall be a part of the informal adjustment agreement. The restitution shall be made under the direction of a probation officer working under the direction of the juvenile court.

In those counties where the county maintains an office to provide juvenile victim restitution services, the probation officer may use that office's services. If the juvenile is not employed, the juvenile's probation officer shall make a reasonable effort to find private or other public employment for the juvenile. However, if the juvenile offender does not have employment at the time of disposition and private or other public employment is not obtained despite the efforts of the juvenile's probation officer, the judge may direct the juvenile offender to perform work pursuant to section two hundred thirty-two point fifty-two (232.52), subsection two (2), paragraph a of the Code, and arrange for compensation of the juvenile in the manner provided in subsection three (3) of this section.

3. The contract for administrative services shall provide payroll services in carrying out the payment of juvenile offenders who are required to provide restitution to victims of their acts as provided in subsection two (2) of this section and who are ordered to perform public service work pursuant to section two hundred thirty-two point fifty-two (232.52), subsection two (2), paragraph a of the Code. The probation officer responsible for a juvenile offender, or a juvenile restitution office established by the county, shall maintain time sheets and other documents necessary to determine and process the payment of juvenile offenders. Remuneration for the services provided by the juvenile offender in a public service job shall be made as a wage payment by check, with the juvenile offender listed as the payee. However, the check shall be mailed to the juvenile's probation officer or a juvenile restitution office established by the county. The juvenile offender shall pay the victim of his or her delinquent acts seventy-five percent of each payment and twenty-five percent of the payment shall be retained by the juvenile. This same percentage shall apply to the juvenile offender who is employed at the time of disposition. The payment of

the percentages provided in this subsection is required in order to engage in the juvenile victim restitution program.

FLOYD H. MILLEN
Speaker of the House

TERRY E. BRANSTAD
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 749, Sixty-eighth General Assembly.

DAVID L. WRAY
Chief Clerk of the House

Approved June 7, 1979

ROBERT D. RAY
Governor