

Reprinted 3/14

MAR 2 1984

Place On Calendar

HOUSE FILE 2425

BY COMMITTEE ON JUDICIARY
AND LAW ENFORCEMENT

(Formerly House File 2258)

Passed House, Date 3-12-84 (4.953) Passed Senate, Date _____

Vote: Ayes 98 Nays 0 Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act relating to the commitment of children and certain
2 adults either to the state training school or the
3 appropriate adult correctional facility.

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

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HL 2425

1 Section 1. Section 242.6, Code 1983, is amended to read
2 as follows:

3 242.6 CONVICTION FOR CRIME. ~~When~~ if a boy-or-girl child
4 over twelve thirteen and under ~~seventeen~~ eighteen years of
5 age or an adult subject to the jurisdiction of the juvenile
6 court under section 232.8, of sound mind, is found guilty
7 in the district court of ~~any-crime-except-murder~~ a public
8 offense, the court may order the ~~child~~ offender sent to the
9 state training school or may commit the offender to the custody
10 of the director of the department of corrections.

11 Sec. 2. Section 901.7, Code Supplement 1983, is amended
12 to read as follows:

13 901.7 COMMITMENT TO CUSTODY. In imposing a sentence of
14 confinement for more than one year, the court shall commit
15 the defendant to the custody of the director of the Iowa
16 department of corrections. Upon entry of judgment and
17 sentence, the clerk of the district court immediately shall
18 notify the director of the commitment. The court shall make
19 an order as appropriate for the temporary custody of the
20 defendant pending the defendant's transfer to the custody
21 of the director. The court shall order the county where a
22 person was convicted to pay the cost of temporarily confining
23 the person and of transporting the person to the state
24 institution where the person is to be confined in execution
25 of the judgment. if a child over thirteen and under eighteen
26 years of age or an adult subject to the jurisdiction of the
27 juvenile court under section 232.8 is convicted of a public
28 offense in the district court and committed to the custody
29 of the director, the director may admit the offender to an
30 appropriate adult correctional facility or send the offender
31 to the state training school.

32 Sec. 3. Section 245.5, Code 1983, is repealed.

33 EXPLANATION

34 This bill allows the district court to send a child fourteen
35 through seventeen years of age or an adult subject to the

1 jurisdiction of the juvenile court, who has been convicted
2 of a crime in district court after the juvenile court has
3 waived its jurisdiction, to the state training school or to
4 commit the offender to the custody of the director of the
5 department of corrections. The director may admit the offender
6 to an appropriate adult correctional facility or may send
7 the offender to the state training school. The bill takes
8 effect July 1 following enactment.

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H-5591

1 Amend House File 2425 as follows:

2 1. Page 1, by striking lines 1 through 31 and
3 inserting in lieu thereof the following:

4 "Section 1. Section 217A.31, Code Supplement 1983,
5 is amended by adding the following new unnumbered
6 paragraph:

7 NEW UNNUMBERED PARAGRAPH. If a child over thirteen
8 and under eighteen years of age is convicted of a
9 public offense in the district court and committed
10 to the custody of the director under section 901.7,
11 the director may request transfer of the child to
12 the state training school under this section. If
13 the director of a division of the department of human
14 services consents and approves the transfer, the child
15 may be retained in temporary custody by the state
16 training school until attaining the age of eighteen,
17 at which time the child shall be returned to the
18 custody of the director of the department of
19 corrections to serve the remainder of the sentence
20 imposed by the district court. If the child becomes
21 a security risk or becomes a danger to other residents
22 of the state training school at any time before
23 reaching eighteen years of age, the director of the
24 division of the department of human services may
25 immediately return the child to the custody of the
26 director of the department of corrections to serve
27 the remainder of the sentence."

28 2. Page 1, by striking line 32 and inserting in
29 lieu thereof the following:

30 "Sec. 2. Sections 242.6 and 245.5, Code 1983,
31 are repealed."

H-5591 FILED MARCH 9, 1984 BY ROSENBERG of Story

Adopted as amended by 5601 3/12
(p. 953)

HOUSE FILE 2425

H-5601

1 Amend the amendment, H-5591, to House File 2425
2 as follows:

3 1. Page 1, by striking lines 7 and 8 and inserting
4 in lieu thereof the following:

5 "NEW UNNUMBERED PARAGRAPH. If the juvenile court
6 waives its jurisdiction over a child over thirteen
7 and under eighteen years of age pursuant to section
8 232.45 so that the child may be prosecuted as an adult
9 and if the child is convicted of a".

H-5601 FILED MARCH 12, 1984 BY ROSENBERG of Story

ADOPTED (*p. 953*)

Sen. Judiciary 3/14 Do Pass 3/21
HOUSE FILE 2425 (p. 457)

Judiciary
Goodwin, Chair
Coleman
Dieleman

HOUSE FILE 2425

BY COMMITTEE ON JUDICIARY
AND LAW ENFORCEMENT

(As Amended and Passed by the House)

Passed House, Date 3-12-84 (p. 453) Passed Senate, Date 3-28-84 (p. 1115)

Vote: Ayes 98 Nays 0 Vote: Ayes 48 Nays 0

Approved May 7, 1984

A BILL FOR

1 An Act relating to the commitment of children and certain
2 adults either to the state training school or the
3 appropriate adult correctional facility.

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

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House Amendments _____

1 Section 1. Section 217A.31, Code Supplement 1983, is
2 amended by adding the following new unnumbered paragraph:
3 NEW UNNUMBERED PARAGRAPH. If the juvenile court waives
4 its jurisdiction over a child over thirteen and under eighteen
5 years of age pursuant to section 232.45 so that the child
6 may be prosecuted as an adult and if the child is convicted
7 of a public offense in the district court and committed to
8 the custody of the director under section 901.7, the director
9 may request transfer of the child to the state training school
10 under this section. If the director of a division of the
11 department of human services consents and approves the trans-
12 fer, the child may be retained in temporary custody by the
13 state training school until attaining the age of eighteen,
14 at which time the child shall be returned to the custody of
15 the director of the department of corrections to serve the
16 remainder of the sentence imposed by the district court.
17 If the child becomes a security risk or becomes a danger to
18 other residents of the state training school at any time
19 before reaching eighteen years of age, the director of the
20 division of the department of human services may immediately
21 return the child to the custody of the director of the
22 department of corrections to serve the remainder of the
23 sentence.

24 Sec. 2. Sections 242.6 and 245.5, Code 1983, are repealed.
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HOUSE FILE 2425

return the child to the custody of the director of the department of corrections to serve the remainder of the sentence.

Sec. 2. Sections 242.6 and 245.5, Code 1983, are repealed.

AN ACT

RELATING TO THE COMMITMENT OF CHILDREN AND CERTAIN ADULTS EITHER TO THE STATE TRAINING SCHOOL OR THE APPROPRIATE ADULT CORRECTIONAL FACILITY.

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

Section 1. Section 217A.31, Code Supplement 1983, is amended by adding the following new unnumbered paragraph:
NEW UNNUMBERED PARAGRAPH. If the juvenile court waives its jurisdiction over a child over thirteen and under eighteen years of age pursuant to section 232.45 so that the child may be prosecuted as an adult and if the child is convicted of a public offense in the district court and committed to the custody of the director under section 901.7, the director may request transfer of the child to the state training school under this section. If the director of a division of the department of human services consents and approves the transfer, the child may be retained in temporary custody by the state training school until attaining the age of eighteen, at which time the child shall be returned to the custody of the director of the department of corrections to serve the remainder of the sentence imposed by the district court. If the child becomes a security risk or becomes a danger to other residents of the state training school at any time before reaching eighteen years of age, the director of the division of the department of human services may immediately

DONALD D. AVENSON
Speaker of the House

ROBERT T. ANDERSON
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2425, Seventieth General Assembly.

JOSEPH O'HERN
Chief Clerk of the House

Approved *May 7*, 1984

TERRY E. BRANSTAD
Governor

H.F. 2425