

Reprinted 2/6/83

HOUSE FILE 528

MAR 18 1983

BY COMMITTEE ON JUDICIARY AND
LAW ENFORCEMENT

Place On Calendar

(Formerly Study Bill 162)

Passed House, Date 3-30-83 (p. 972) Passed Senate, Date 4-11-83 (p. 1190)
Vote: Ayes 98 Nays 0 Vote: Ayes 42 Nays 0
Approved May 6, 1983

A BILL FOR

- 1 An Act relating to the revision of the juvenile victim
- 2 restitution program.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

HOUSE FILE 528

H-3403

- 1 Amend House File 528 as follows:
- 2 1. Page 1, by striking lines 28 through 30 and
- 3 inserting in lieu thereof the words and figures "of
- 4 the state. The agency shall reclaim any portion of
- 5 an initial allocation to a judicial district that
- 6 is unencumbered on December 31 of any year. The
- 7 agency shall immediately reallocate the reclaimed
- 8 funds to those judicial districts from which funds
- 9 were not reclaimed in the manner provided in this
- 10 section for the original allocation. Any portion
- 11 of an amount allocated that remains unencumbered on
- 12 June 30 of any year shall revert to the general fund
- 13 of the state."

H-3403 FILED MARCH 25, 1983 BY SPEAR of Lee

Adopted 3/30/83 (p. 972)

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1 Section 1. DECLARATION OF PURPOSE. The general assembly
2 finds that programs which provide for victim restitution,
3 community service, and other creative dispositions should
4 be encouraged for use by juvenile courts pursuant to sections
5 232.29 and 232.46.

6 Sec. 2. NEW SECTION. 232A.1 DEFINITIONS. For purposes
7 of this chapter, "agency" means the criminal and juvenile
8 justice planning agency established in chapter 80C.

9 Sec. 3. NEW SECTION. 232A.2 PROGRAM CREATED. A juvenile
10 victim restitution program is created which shall be funded
11 through moneys appropriated by the general assembly to the
12 agency. The primary goal of this program is to provide funds
13 to encourage full use of restitution, community service, and
14 other related dispositional alternatives in the juvenile
15 courts of the state.

16 Sec. 4. NEW SECTION. 232A.3 PROGRAM DESCRIBED. The
17 agency shall make available to each judicial district from
18 funds appropriated by the general assembly, an amount of money
19 based upon the ratio of the juvenile population of the judicial
20 district to the juvenile population of the state. Prior to
21 receipt of these funds, each judicial district shall submit
22 its plan, procedure, and timetable for expenditure which shall
23 show its method for fulfillment of the purpose of this chapter.
24 The agency shall make assistance available as necessary to
25 districts in the development of plans.

26 Upon completion of a district's plan, the agency shall
27 provide funds in conformance with the procedures and policies
28 of the state. If a judicial district chooses to expend less
29 than that which it was appropriated, the agency shall offer
30 the unused funds to the remaining districts for use.

31 Sec. 5. NEW SECTION. 232A.4 REPORTS REQUIRED. Each
32 judicial district shall submit a report of the progress and
33 financial status of its juvenile victim restitution program
34 to the agency on a quarterly basis. The agency shall prepare
35 and submit a report on the progress and financial status of

1 the programs to the general assembly no later than March 15,
2 1984, and again every year thereafter.

3 Sec. 6. Section 80C.5, Code 1983, is repealed.

4 EXPLANATION

5 This bill repeals the juvenile victim restitution program
6 established under section 80C.5 and replaces it with a new
7 chapter 232A. The bill provides for state funding of the
8 program with the funding amounts to the judicial districts
9 based on the juvenile population in the district. The bill
10 also provides for each judicial district to develop plans,
11 procedures, and timetables in implementing their juvenile
12 restitution program.

13 The bill would take effect July 1 following its enactment.

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Sen. Judiciary 4/5/83
Amend per 34793
De Pisan 4/8 (p. 1165)

HOUSE FILE 528

Judiciary
Gentleman, Chair
Deluhery
Dieleman

HOUSE FILE 528

BY COMMITTEE ON JUDICIARY AND
LAW ENFORCEMENT

(As Amended and Passed by the House)

Passed House, Date 4-18-83 (p. 1375) Passed Senate, Date 4-11-83 (p. 119a)

Vote: Ayes 95 Nays 0 Vote: Ayes 42 Nays 0

Approved May 6, 1983 (p. 1914)

A BILL FOR

1 An Act relating to the revision of the juvenile victim
2 restitution program.

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

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House Amendments _____

1 Section 1. DECLARATION OF PURPOSE. The general assembly
2 finds that programs which provide for victim restitution,
3 community service, and other creative dispositions should
4 be encouraged for use by juvenile courts pursuant to sections
5 232.29 and 232.46.

6 Sec. 2. NEW SECTION. 232A.1 DEFINITIONS. For purposes
7 of this chapter, "agency" means the criminal and juvenile
8 justice planning agency established in chapter 80C.

9 Sec. 3. NEW SECTION. 232A.2 PROGRAM CREATED. A juvenile
10 victim restitution program is created which shall be funded
11 through moneys appropriated by the general assembly to the
12 agency. The primary goal of this program is to provide funds
13 to encourage full use of restitution, community service, and
14 other related dispositional alternatives in the juvenile
15 courts of the state.

16 Sec. 4. NEW SECTION. 232A.3 PROGRAM DESCRIBED. The
17 agency shall make available to each judicial district from
18 funds appropriated by the general assembly, an amount of money
19 based upon the ratio of the juvenile population of the judicial
20 district to the juvenile population of the state. Prior to
21 receipt of these funds, each judicial district shall submit
22 its plan, procedure, and timetable for expenditure which shall
23 show its method for fulfillment of the purpose of this chapter.
24 The agency shall make assistance available as necessary to
25 districts in the development of plans.

26 Upon completion of a district's plan, the agency shall
27 provide funds in conformance with the procedures and policies
28 of the state. The agency shall reclaim any portion of an
29 initial allocation to a judicial district that is unencumbered
30 on December 31 of any year. The agency shall immediately
31 reallocate the reclaimed funds to those judicial districts
32 from which funds were not reclaimed in the manner provided
33 in this section for the original allocation. Any portion
34 of an amount allocated that remains unencumbered on June 30
35 of any year shall revert to the general fund of the state.

1 Sec. 5. NEW SECTION. 232A.4 REPORTS REQUIRED. Each
2 judicial district shall submit a report of the progress and
3 financial status of its juvenile victim restitution program
4 to the agency on a quarterly basis. The agency shall prepare
5 and submit a report on the progress and financial status of
6 the programs to the general assembly no later than March 15,
7 1984, and again every year thereafter.

8 Sec. 6. Section 80C.5, Code 1983, is repealed.

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S-3479

1 Amend House File 528 as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 1, by striking lines 12 through 25 and
4 inserting in lieu thereof the following: "agency.
5 The primary purpose of the program is to provide funds
6 to compensate victims for losses due to the delinquent
7 acts of juveniles."

8 2. Page 2, by inserting after line 7, the
9 following:

10 "Sec. ____ . NEW SECTION. RESTITUTION FOR DELINQUENT
11 ACTS. If a judge of a juvenile court finds that a
12 juvenile has committed a delinquent act and requires
13 the juvenile to compensate the victim of that act
14 for losses due to the delinquent act of the juvenile,
15 the juvenile shall make such restitution according
16 to a schedule established by the judge from funds
17 earned by the juvenile pursuant to employment engaged
18 in by the juvenile at the time of disposition. If
19 a juvenile enters into an informal adjustment agreement
20 pursuant to section 232.29 to make such restitution,
21 the juvenile shall make such restitution according
22 to a schedule which shall be a part of the informal
23 adjustment agreement. The restitution shall be made
24 under the direction of a probation officer working
25 under the direction of the juvenile court. In those
26 counties where the county maintains an office to
27 provide juvenile victim restitution services, the
28 probation officer may use that office's services.
29 If the juvenile is not employed, the juvenile's
30 probation officer shall make a reasonable effort to
31 find private or other public employment for the
32 juvenile. However, if the juvenile offender does
33 not have employment at the time of disposition and
34 private or other public employment is not obtained
35 despite the efforts of the juvenile's probation
36 officer, the judge may direct the juvenile offender
37 to perform work pursuant to section 232.52, subsection
38 2, paragraph "a", and arrange for compensation of
39 the juvenile in the manner provided for under the
40 program established pursuant to this Act."

S-3479 FILED
APRIL 8, 1983

BY COMMITTEE ON JUDICIARY
DONALD V. DOYLE, CHAIR

Adopted 4/11/83 (p. 1190)

SENATE AMENDMENT TO HOUSE FILE 528

H-3709

1 Amend House File 528 as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 1, by striking lines 12 through 25 and
4 inserting in lieu thereof the following: "agency.
5 The primary purpose of the program is to provide funds
6 to compensate victims for losses due to the delinquent
7 acts of juveniles."

8 2. Page 2, by inserting after line 7, the
9 following:

10 "Sec. ____ . NEW SECTION. RESTITUTION FOR DELINQUENT
11 ACTS. If a judge of a juvenile court finds that a
12 juvenile has committed a delinquent act and requires
13 the juvenile to compensate the victim of that act
14 for losses due to the delinquent act of the juvenile,
15 the juvenile shall make such restitution according
16 to a schedule established by the judge from funds
17 earned by the juvenile pursuant to employment engaged
18 in by the juvenile at the time of disposition. If
19 a juvenile enters into an informal adjustment agreement
20 pursuant to section 232.29 to make such restitution,
21 the juvenile shall make such restitution according
22 to a schedule which shall be a part of the informal
23 adjustment agreement. The restitution shall be made
24 under the direction of a probation officer working
25 under the direction of the juvenile court. In those
26 counties where the county maintains an office to
27 provide juvenile victim restitution services, the
28 probation officer may use that office's services.
29 If the juvenile is not employed, the juvenile's
30 probation officer shall make a reasonable effort to
31 find private or other public employment for the
32 juvenile. However, if the juvenile offender does
33 not have employment at the time of disposition and
34 private or other public employment is not obtained
35 despite the efforts of the juvenile's probation
36 officer, the judge may direct the juvenile offender
37 to perform work pursuant to section 232.52, subsection
38 2, paragraph "a", and arrange for compensation of
39 the juvenile in the manner provided for under the
40 program established pursuant to this Act."

H-3709 FILED APRIL 13, 1983

RECEIVED FROM THE SENATE

House concurred 4/18/83 (p. 1375)

HOUSE FILE 528

AN ACT

RELATING TO THE REVISION OF THE JUVENILE VICTIM RESTITUTION PROGRAM.

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

Section 1. DECLARATION OF PURPOSE. The general assembly finds that programs which provide for victim restitution, community service, and other creative dispositions should be encouraged for use by juvenile courts pursuant to sections 232.29 and 232.46.

Sec. 2. NEW SECTION. 232A.1 DEFINITIONS. For purposes of this chapter, "agency" means the criminal and juvenile justice planning agency established in chapter 80C.

Sec. 3. NEW SECTION. 232A.2 PROGRAM CREATED. A juvenile victim restitution program is created which shall be funded through moneys appropriated by the general assembly to the agency. The primary purpose of the program is to provide funds to compensate victims for losses due to the delinquent acts of juveniles.

Upon completion of a district's plan, the agency shall provide funds in conformance with the procedures and policies of the state. The agency shall reclaim any portion of an initial allocation to a judicial district that is unencumbered on December 31 of any year. The agency shall immediately reallocate the reclaimed funds to those judicial districts from which funds were not reclaimed in the manner provided

in this section for the original allocation. Any portion of an amount allocated that remains unencumbered on June 30 of any year shall revert to the general fund of the state.

Sec. 4. NEW SECTION. 232A.4 REPORTS REQUIRED. Each judicial district shall submit a report of the progress and financial status of its juvenile victim restitution program to the agency on a quarterly basis. The agency shall prepare and submit a report on the progress and financial status of the programs to the general assembly no later than March 15, 1984, and again every year thereafter.

Sec. 5. NEW SECTION. RESTITUTION FOR DELINQUENT ACTS. 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 232.29 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 232.52, subsection 2, paragraph "a", and arrange for

compensation of the juvenile in the manner provided for under the program established pursuant to this Act.

Sec. 6. Section 80C.5, Code 1983, is repealed.

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 528, Seventieth General Assembly.

JOSEPH O'HERN
Chief Clerk of the House

Approved May 6, 1983

TERRY E. BRANSTAD
Governor