

Judiciary
Goodwin, Chair
Coleman
Dieleman

FILED JAN 26 1984

SENATE FILE 2101

BY TAYLOR

Passed Senate, Date 3-1-84 (p. 595) Passed House, Date 3-28-84 (p. 1404)
Vote: Ayes 46 Nays 0 Vote: Ayes 92 Nays 3
Approved May 2, 1984

A BILL FOR

1 An Act relating to the commitment of children beyond their
2 eighteenth birthday to the state training school.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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S. 2101

5112
amendment

1 Section 1. NEW SECTION. 242.16 LENGTH OF COMMITMENT.
2 Notwithstanding sections 232.53 and 242.13, a child committed
3 to the state training school may be held at the state training
4 school beyond the child's eighteenth birthday until the child
5 has completed the term of the commitment or has completed
6 a course of instruction established for the child pursuant
7 to section 242.4.

8 EXPLANATION

9 This bill allows the incarceration of a child at the state
10 training school beyond the child's eighteenth birthday in
11 order for the child to complete the term of commitment or
12 course of instruction established for the child. The bill
13 takes effect July 1 following enactment.

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SENATE FILE 2101

S-5112

Amend Senate File 2101 as follows:

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

"Section 1. Section 232.53, Code 1983, is amended to read as follows:

232.53 DURATION OF DISPOSITIONAL ORDERS.

1. Any dispositional order entered by the court pursuant to section 232.52 shall remain in force for an indeterminate period or until the child becomes eighteen years of age unless otherwise specified by the court or unless sooner terminated pursuant to the provisions of section 232.54. No dispositional order made under section 232.52, subsection 2, paragraph "e" shall remain in force longer than the maximum possible duration of the sentence which may be imposed on an adult for the commission of the act which the child has been found by the court to have committed.

2. All dispositional orders entered prior to the child attaining the age of seventeen years and six months shall automatically terminate when the child becomes eighteen years of age. Dispositional orders entered subsequent to the child attaining the age of seventeen years and six months and prior to the child's eighteenth birthday shall automatically terminate one year after the date of disposition.

In the case of an adult within the jurisdiction of the court under the provisions of section 232.8, subsection 1, the dispositional order shall automatically terminate one year after the last date upon which jurisdiction could attach.

3. Notwithstanding section 242.13, a child committed to the state training school may be held at the school beyond the child's eighteenth birthday pursuant to subsection 2 until the child has completed a course of instruction established for the child pursuant to section 242.4.

4. Any person supervising but not having custody of the child pursuant to such an order shall file a written report with the court at least every six months concerning the status and progress of the child.

Any agency, facility, institution or person to whom custody of the child has been transferred pursuant to such order shall file a written report with the court at least every six months concerning the status and progress of the child."

S-5112 FILED
FEBRUARY 14, 1984

BY RAY TAYLOR

Adopted 3/1 (p. 595)

See Judiciary 3/6

Judiciary and Law Enforcement: Rosenberg, Chair; Halvorson of Clayton, McKean, Tabor and Varn.

E FILE

2101

and for 5804 to be passed 2/23 (p. 1246)

BY TAYLOR

(AS AMENDED AND PASSED BY THE SENATE MARCH 1, 1984)

Re Passed Senate, Date 4-2-84 (p. 1322) Passed House, Date 2-28-84 (p. 1404)
Vote: Ayes 46 Nays 2 Vote: Ayes 92 Nays 3
Approved May 2, 1984

A BILL FOR

- 1 An Act relating to the commitment of children beyond their
- 2 eighteenth birthday to the state training school.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4

SENATE FILE 2101

H-5804

- 1 Amend Senate File 2101 as amended, passed, and
- 2 reprinted by the Senate as follows:
- 3 1. Page 1, by striking lines 25 through 29, and
- 4 inserting in lieu thereof the following:
- 5 3. Notwithstanding section 242.13, a child
- 6 committed to the training school subsequent to the
- 7 child attaining the age of seventeen years and six
- 8 months and prior to the child's eighteenth birthday
- 9 may be held at the school beyond the child's eighteenth
- 10 birthday pursuant to subsection 2 provided that the
- 11 training school makes application to and receives
- 12 permission from the committing court. This extension
- 13 shall be for the purpose of completion by the child
- 14 of a course of instruction established for the child
- 15 pursuant to section 242.4 and cannot extend for more
- 16 than one year beyond the date of disposition.

BY COMMITTEE ON JUDICIARY
AND LAW ENFORCEMENT

H-5804 FILED MARCH 23, 1984

Adopted 3/28 (p. 1403)

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1 Section 1. Section 232.53, Code 1983, is amended to read
2 as follows:

3 232.53 DURATION OF DISPOSITIONAL ORDERS.

4 1. Any dispositional order entered by the court pursuant
5 to section 232.52 shall remain in force for an indeterminate
6 period or until the child becomes eighteen years of age unless
7 otherwise specified by the court or unless sooner terminated
8 pursuant to the provisions of section 232.54. No dispositional
9 order made under section 232.52, subsection 2, paragraph "e"
10 shall remain in force longer than the maximum possible duration
11 of the sentence which may be imposed on an adult for the
12 commission of the act which the child has been found by the
13 court to have committed.

14 2. All dispositional orders entered prior to the child
15 attaining the age of seventeen years and six months shall
16 automatically terminate when the child becomes eighteen years
17 of age. Dispositional orders entered subsequent to the child
18 attaining the age of seventeen years and six months and prior
19 to the child's eighteenth birthday shall automatically
20 terminate one year after the date of disposition. In the
21 case of an adult within the jurisdiction of the court under
22 the provisions of section 232.8, subsection 1, the
23 dispositional order shall automatically terminate one year
24 after the last date upon which jurisdiction could attach.

5804 25 3. Notwithstanding section 242.13, a child committed to
26 the state training school may be held at the school beyond
27 the child's eighteenth birthday pursuant to subsection 2 until
28 the child has completed a course of instruction established
29 for the child pursuant to section 242.4.

30 3 4. Any person supervising but not having custody of
31 the child pursuant to such an order shall file a written
32 report with the court at least every six months concerning
33 the status and progress of the child.

34 Any agency, facility, institution or person to whom custody
35 of the child has been transferred pursuant to such order shall

1 file a written report with the court at least every six months
2 concerning the status and progress of the child.

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HOUSE AMENDMENT TO SENATE FILE 2101

S-5698

1 Amend Senate File 2101 as amended, passed, and
2 reprinted by the Senate as follows:

3 1. Page 1, by striking lines 25 through 29, and
4 inserting in lieu thereof the following:

5 "3. Notwithstanding section 242.13, a child
6 committed to the training school subsequent to the
7 child attaining the age of seventeen years and six
8 months and prior to the child's eighteenth birthday
9 may be held at the school beyond the child's eighteenth
10 birthday pursuant to subsection 2 provided that the
11 training school makes application to and receives
12 permission from the committing court. This extension
13 shall be for the purpose of completion by the child
14 of a course of instruction established for the child
15 pursuant to section 242.4 and cannot extend for more
16 than one year beyond the date of disposition."

S-5698 FILED
MARCH 30, 1984

RECEIVED FROM THE HOUSE

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SF 2101
rj/slc/26c

SENATE FILE 2101

AN ACT

RELATING TO THE COMMITMENT OF CHILDREN BEYOND THEIR EIGH-
TEENTH BIRTHDAY TO THE STATE TRAINING SCHOOL.

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

Section 1. Section 232.53, Code 1983, is amended to read
as follows:

232.53 DURATION OF DISPOSITIONAL ORDERS.

1. Any dispositional order entered by the court pursuant
to section 232.52 shall remain in force for an indeterminate
period or until the child becomes eighteen years of age unless
otherwise specified by the court or unless sooner terminated
pursuant to the provisions of section 232.54. No dispositional
order made under section 232.52, subsection 2, paragraph "e"
shall remain in force longer than the maximum possible duration
of the sentence which may be imposed on an adult for the
commission of the act which the child has been found by the
court to have committed.

2. All dispositional orders entered prior to the child
attaining the age of seventeen years and six months shall
automatically terminate when the child becomes eighteen years
of age. Dispositional orders entered subsequent to the child
attaining the age of seventeen years and six months and prior
to the child's eighteenth birthday shall automatically
terminate one year after the date of disposition. In the
case of an adult within the jurisdiction of the court under
the provisions of section 232.8, subsection 1, the
dispositional order shall automatically terminate one year
after the last date upon which jurisdiction could attach.

3. Notwithstanding section 242.13, a child committed to
the training school subsequent to the child attaining the
age of seventeen years and six months and prior to the child's
eighteenth birthday may be held at the school beyond the
child's eighteenth birthday pursuant to subsection 2 provided
that the training school makes application to and receives

permission from the committing court. This extension shall
be for the purpose of completion by the child of a course
of instruction established for the child pursuant to section
242.4 and cannot extend for more than one year beyond the
date of disposition.

3 4. Any person supervising but not having custody of
the child pursuant to such an order shall file a written
report with the court at least every six months concerning
the status and progress of the child.

Any agency, facility, institution or person to whom custody
of the child has been transferred pursuant to such order shall
file a written report with the court at least every six months
concerning the status and progress of the child.

ROBERT T. ANDERSON
President of the Senate

DONALD D. AVENSON
Speaker of the House

I hereby certify that this bill originated in the Senate and
is known as Senate File 2101, Seventieth General Assembly.

K. MARIE THAYER
Secretary of the Senate

Approved May 2, 1984

TERRY E. BRANSTAD
Governor

S.F. 2101