

JAN 18 1989

HOUSE FILE 71

BY RENAUD

Judiciary & Law Enforcement
DO PASS 3-2-89 (p. 644)
Sen. Judiciary
DO PASS 4-6-89 (p. 1258)

Passed House, Date 3-9-89 (p. 716) Passed Senate, Date 4-21-89 (p. 1598)
Vote: Ayes 94 Nays 0 Vote: Ayes 46 Nays 1
Approved May 31, 1989

Repassed House 4-26-89 (p. 2031) Repassed the Senate 5-3-89
A BILL FOR (p. 1865)
Ayes 100 Nays 0 Ayes 41 Nays 2

1 An Act establishing pilot projects for a peer review court as a
2 diversion program for offenders ten through seventeen years of
3 age.

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

HOUSE FILE 71

S-3686

1 Amend House File 71, as passed by the House, as
2 follows:
3 1. Page 1, by striking lines 1 and 2, and
4 inserting the following:
5 "Section 1. NEW SECTION. 602.6110 PEER REVIEW
6 COURT -- PILOT PROJECTS.
7 1. A peer review court is established as a pilot
8 program to".
9 2. By striking page 1, line 24, through page 2,
10 line 1, and inserting the following:
11 "3. Subject to the agreement of the chief judge of
12 the judicial district, the supreme court shall
13 designate two judicial districts in which to locate a
14 peer review court pilot project. Expenses of the
15 projects shall be paid from funds specifically
16 appropriated to the judicial department for this
17 program. The chief judge of the district shall
18 appoint a peer review court advisory board. The
19 advisory".

By MICHAEL GRONSTAL

S-3686 FILED APRIL 13, 1989

adopted 4-21-89 (p. 1598)

HF 71

3686-1 Section 1. PEER REVIEW COURT -- PILOT PROJECTS.

2 1. A peer review court is established as a program to
3 divert youthful offenders from the criminal or juvenile
4 justice systems. The court shall consist of a qualified adult
5 to act as judge with prosecutor, defense counsel, court
6 attendant, clerk, and jury composed of persons ten through
7 seventeen years of age.

8 2. The jurisdiction of the peer review court extends to
9 those persons ten through seventeen years of age who have com-
10 mitted misdemeanor offenses or delinquent acts which would be
11 misdemeanor offenses if committed by an adult and who have
12 entered a plea of guilty, entered into an informal adjustment
13 agreement, or agreed to the entry of a consent decree to those
14 offenses in district or juvenile court. Those persons may
15 then elect to appear before the peer review court to receive
16 sentence. The peer review court shall not determine guilt or
17 innocence. The peer review court shall only determine the
18 sentence for the offense. The sentence may consist of fines,
19 restrictions for damages, attendance at treatment programs, or
20 community service work or any combination of these. A person
21 appearing before the peer review court may also be required to
22 serve as a juror on the court as a part of the person's
23 sentence.

3686-24 3. The supreme court shall designate two judicial dis-
25 tricts, one urban and one rural district, in which to locate
26 peer review courts as pilot projects. Expenses of the
27 projects shall be paid from funds available to the judicial
28 district in which each of the peer review courts is located.
29 The chief judge of each of the two judicial districts shall
30 appoint a peer review court advisory board consisting of the
31 following persons: One member who is a court-appointed
32 special advocate, one member who is a juvenile court officer,
33 one member who is a school district employee, one member from
34 a county or city government, one member from a law enforcement
35 agency, one member from the office of a county attorney, and

1 one member from the foster care review board. The advisory
2 board shall adopt rules for the peer review court advisory
3 program, shall appoint persons to serve on the peer review
4 court, and shall supervise the expenditure of funds
5 appropriated to the program.

6 EXPLANATION

7 This bill establishes a peer review court as a diversion
8 program for persons age ten through seventeen. The chief
9 judge of the judicial district shall appoint an advisory board
10 consisting of a court-appointed special advocate, a juvenile
11 court officer, a school district employee, a member of a
12 county or city government, a member from a law enforcement
13 agency, a member from the office of a county attorney, and a
14 member from the foster care review board. The board will
15 adopt rules, appoint persons to serve on the peer review
16 court, and supervise the expenditure of funds appropriated to
17 the program.

18 The peer review court consists of a qualified adult to act
19 as judge with persons age ten through seventeen to serve as
20 prosecutor, defense counsel, court attendant, clerk, and jury.
21 Persons age ten through seventeen who have committed
22 misdemeanor offenses and who have entered guilty pleas,
23 entered into informal adjustment agreements, or agreed to
24 consent decrees to those offenses may elect to appear before
25 the peer review court. The peer review court will not
26 determine guilt or innocence, but only pronounce sentence
27 which may consist of fines, restitution for damages,
28 attendance at treatment programs, and community service work.

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SENATE AMENDMENT TO HOUSE FILE 71

H-4155

1 Amend House File 71, as passed by the House, as
2 follows:
3 1. Page 1, by striking lines 1 and 2, and
4 inserting the following:
5 "Section 1. NEW SECTION. 602.6110 PEER REVIEW
6 COURT -- PILOT PROJECTS.
7 1. A peer review court is established as a pilot
8 program to".
9 2. By striking page 1, line 24, through page 2,
10 line 1, and inserting the following:
11 "3. Subject to the agreement of the chief judge of
12 the judicial district, the supreme court shall
13 designate two judicial districts in which to locate a
14 peer review court pilot project. Expenses of the
15 projects shall be paid from funds specifically
16 appropriated to the judicial department for this
17 program. The chief judge of the district shall
18 appoint a peer review court advisory board. The
19 advisory".

RECEIVED FROM THE SENATE

H-4155 FILED APRIL 24, 1989

House Concurred 4-26-89 (p. 2031)

HOUSE FILE 71

H-4176

1 Amend the Senate amendment, H-4155, to House File
2 71, as passed by the House, as follows:
3 1. Page 1, by striking lines 14 through 17 and
4 inserting the following: "peer review court pilot
5 project. The chief judge of the district shall".
By HANSEN of Woodbury

H-4176 FILED APRIL 24, 1989

Adopted 4-26-89 (p. 2030)

HOUSE AMENDMENT TO SENATE AMENDMENT TO
HOUSE FILE 71

S-3982

1 Amend the Senate amendment, H-4155, to House File
2 71, as passed by the House, as follows:
3 1. Page 1, by striking lines 14 through 17 and
4 inserting the following: "peer review court pilot
5 project. The chief judge of the district shall".
RECEIVED FROM THE HOUSE

S-3982 FILED APRIL 28, 1989

Senate Concurred 5-3-89 (p. 1865)

HOUSE FILE 71

AN ACT

ESTABLISHING PILOT PROJECTS FOR A PEER REVIEW COURT AS A
DIVERSION PROGRAM FOR OFFENDERS TEN THROUGH SEVENTEEN
YEARS OF AGE.

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

Section 1. NEW SECTION. 602.6110 PEER REVIEW COURT --
PILOT PROJECTS.

1. A peer review court is established as a pilot program to divert youthful offenders from the criminal or juvenile justice systems. The court shall consist of a qualified adult to act as judge with prosecutor, defense counsel, court attendant, clerk, and jury composed of persons ten through seventeen years of age.

2. The jurisdiction of the peer review court extends to those persons ten through seventeen years of age who have committed misdemeanor offenses or delinquent acts which would be misdemeanor offenses if committed by an adult and who have entered a plea of guilty, entered into an informal adjustment agreement, or agreed to the entry of a consent decree to those offenses in district or juvenile court. Those persons may then elect to appear before the peer review court to receive sentence. The peer review court shall not determine guilt or innocence. The peer review court shall only determine the sentence for the offense. The sentence may consist of fines, restrictions for damages, attendance at treatment programs, or community service work or any combination of these. A person appearing before the peer review court may also be required to serve as a juror on the court as a part of the person's sentence.

3. Subject to the agreement of the chief judge of the judicial district, the supreme court shall designate two

judicial districts in which to locate a peer review court pilot project. The chief judge of the district shall appoint a peer review court advisory board. The advisory board shall adopt rules for the peer review court advisory program, shall appoint persons to serve on the peer review court, and shall supervise the expenditure of funds appropriated to the program.

DONALD D. AVENSON
Speaker of the House

JO ANN ZIMMERMAN
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 71, Seventy-third General Assembly.

JOSEPH O'HERN
Chief Clerk of the House

Approved May 31, 1989

TERRY E. BRANSTAD
Governor