

FEB 21 1995

JUDICIARY

HOUSE FILE 194
BY MARTIN

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to waiver of a juvenile to adult court.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 194

1 Section 1. Section 232.45A, Code 1995, is amended to read
2 as follows:

3 232.45A WAIVER TO AND CONVICTION BY DISTRICT COURT --
4 PROCESSING.

5 1. Once jurisdiction over a child has been waived by the
6 juvenile court as provided in section 232.45, for the alleged
7 commission of a felony, and once a conviction is entered by
8 the district court, for all other offenses, the clerk of the
9 juvenile court shall immediately send a certified copy of the
10 findings required by section 232.45, subsection 8, and the
11 judgment of conviction, as applicable, to the department of
12 public safety. The department shall maintain a file on each
13 child who has previously been waived to or waived to and
14 convicted by the district court in a prosecution as an adult.
15 The file shall be accessible by law enforcement officers on a
16 twenty-four hour per day basis.

17 2. Once a child sixteen years of age or older has been
18 waived to ~~and convicted of a felony by~~ the district court for
19 the alleged commission of a felony, all criminal proceedings
20 against the child for any felony occurring subsequent to the
21 date of the conviction waiver of the child shall begin in
22 district court, notwithstanding sections 232.8 and 232.45. A
23 copy of the findings required by section 232.45, subsection 8,
24 shall be made a part of the record in the district court
25 proceedings.

26 3. If proceedings against a child for a felony who has
27 previously been waived to, or waived to and convicted of such
28 an offense by the district court are mistakenly begun in the
29 juvenile court, the matter shall be transferred to district
30 court upon the discovery of the prior waiver or waiver and
31 conviction, notwithstanding sections 232.8 and 232.45.

32 EXPLANATION

33 This bill provides that a juvenile who has been waived to
34 adult court for the alleged commission of a felony shall have
35 all other felony proceedings commence in district court.

1 Currently, a conviction for the prior felony is necessary for
2 subsequent felony proceedings to begin in adult court.

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