

SENATE FILE 2113
BY BANKS

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

A BILL FOR

1 An Act relating to the confinement of juveniles in jails.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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S.F. 2113

1 Section 1. Section 232.22, subsection 6, Code Supplement
2 1995, is amended to read as follows:

3 6. If the court has waived its jurisdiction over the child
4 for the alleged commission of a forcible felony offense
5 pursuant to section 232.45 or 232.45A, and there is a serious
6 risk that the child may commit an act which would inflict
7 serious bodily harm on another person, the child may be held
8 in the county jail, ~~notwithstanding section 356.3~~. However,
9 wherever possible the child shall be held in sight and sound
10 separation from adult offenders. A child held in the county
11 jail under this subsection shall have all the rights of adult
12 postarrest or pretrial detainees.

13 Sec. 2. Section 356.3, Code 1995, is amended to read as
14 follows:

15 356.3 MINORS SEPARATELY CONFINED.

16 Any sheriff, city marshal, or chief of police, having in
17 the officer's care or custody any prisoner person under the
18 age of eighteen years who has not been waived to criminal
19 court for the alleged commission of a forcible felony, shall
20 ~~keep such prisoner separate and apart, and prevent~~
21 ~~communication by such prisoner with prisoners above that age,~~
22 ~~while such prisoners are not under the personal supervision of~~
23 ~~such officer, if suitable buildings or jails are provided for~~
24 ~~that purpose, unless such prisoner is likely to or does~~
25 ~~exercise an immoral influence over other minors with whom the~~
26 ~~prisoner may be imprisoned.~~

27 ~~A person under the age of eighteen years prosecuted under~~
28 ~~chapter 232 and not waived to criminal court shall be confined~~
29 confine the person in a jail only under the conditions
30 provided in ~~chapter 232~~ section 232.22.

31 A person under the age of eighteen years who has been
32 waived to criminal court may be confined in a jail in
33 accordance with section 232.22, subsection 6.

34 Any officer having charge of prisoners who without just
35 cause or excuse neglects or refuses to perform the duties

1 imposed on the officer by this section may be suspended or
2 removed from office therefor.

3 EXPLANATION

4 The bill provides that juveniles waived to adult court for
5 the alleged commission of a forcible felony may be held with
6 the general jail population.

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