

2-13-96 Judiciary

FILED FEB 13 1996

SENATE FILE 2179  
BY MADDOX

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

A BILL FOR

1 An Act relating to juvenile justice, including providing  
2 notification to schools by peace officers of the possession of  
3 alcohol or controlled substances by juveniles, authorizing the  
4 release of information regarding juveniles who escape from  
5 detention or are the subject of a felony arrest warrant, and  
6 allowing a victim's statement prior to entry of a  
7 dispositional order.

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

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S.F. 2179

1 Section 1. Section 123.47B, Code Supplement 1995, is  
2 amended to read as follows:

3 123.47B PARENTAL AND SCHOOL NOTIFICATION -- PERSONS UNDER  
4 EIGHTEEN YEARS OF AGE.

5 A peace officer shall make a reasonable effort to identify  
6 a person under the age of eighteen discovered to be in  
7 possession of alcoholic liquor, wine, or beer in violation of  
8 section 123.47 and if the person is not referred to juvenile  
9 court, the law enforcement agency of which the peace officer  
10 is an employee shall make a reasonable attempt to notify the  
11 person's custodial parent or legal guardian of such  
12 possession, whether or not the person is arrested or a  
13 citation is issued pursuant to section 805.16, unless the  
14 officer has reasonable grounds to believe that such  
15 notification is not in the best interests of the person or  
16 will endanger that person. ~~If the person is taken into~~  
17 ~~custody, the~~ The peace officer shall also notify a juvenile  
18 court officer who shall make a reasonable effort to identify  
19 the elementary or secondary school the person attends, if any,  
20 and to notify the superintendent of the school district or the  
21 superintendent's designee, or the authorities in charge of the  
22 nonpublic school of the ~~taking-into-custody~~ violation of  
23 section 123.47. A reasonable attempt to notify the person  
24 includes but is not limited to a telephone call or notice by  
25 first-class mail.

26 Sec. 2. Section 124.415, Code Supplement 1995, is amended  
27 to read as follows:

28 124.415 PARENTAL AND SCHOOL NOTIFICATION -- PERSONS UNDER  
29 EIGHTEEN YEARS OF AGE.

30 A peace officer shall make a reasonable effort to identify  
31 a person under the age of eighteen discovered to be in  
32 possession of a controlled substance, counterfeit substance,  
33 or simulated controlled substance in violation of this  
34 chapter, and if the person is not referred to juvenile court,  
35 the law enforcement agency of which the peace officer is an

1 employee shall make a reasonable attempt to notify the  
2 person's custodial parent or legal guardian of such  
3 possession, whether or not the person is arrested, unless the  
4 officer has reasonable grounds to believe that such  
5 notification is not in the best interests of the person or  
6 will endanger that person. ~~If the person is taken into~~  
7 ~~custody,~~ The peace officer shall also notify a juvenile  
8 court officer who shall make a reasonable effort to identify  
9 the elementary or secondary school the person attends, if any,  
10 and to notify the superintendent of the school district, the  
11 superintendent's designee, or the authorities in charge of the  
12 nonpublic school of the ~~taking-into-custody~~ possession by the  
13 person under the age of eighteen. A reasonable attempt to  
14 notify the person includes but is not limited to a telephone  
15 call or notice by first-class mail.

16 Sec. 3. NEW SECTION. 232.23 NOTIFICATION OF ESCAPE FROM  
17 DETENTION.

18 Law enforcement officials may release the name, alleged  
19 delinquent act committed, and other facts and circumstances  
20 surrounding the escape of a child from a detention facility in  
21 which the child was ordered to be held by the court. Law  
22 enforcement officials may also release information regarding a  
23 child who is the subject of an order by the juvenile court to  
24 take the child into custody or an arrest warrant for the  
25 alleged commission of a felony, including the name and  
26 description of the child and the immediate facts and  
27 circumstances surrounding the felony alleged to have been  
28 committed by the child.

29 Sec. 4. NEW SECTION. 232.38A PRESENCE OF VICTIM AT  
30 HEARINGS.

31 1. The victim of the delinquent act shall be provided  
32 notice and the opportunity to attend all hearings under this  
33 division.

34 2. At the dispositional hearing under section 232.50, the  
35 victim shall be allowed to make a statement to the court.

EXPLANATION

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This bill provides that public and private school officials are to be notified by a juvenile court officer that a juvenile has been discovered in possession of alcohol or drugs, even if the juvenile is not taken into custody. Current law requires school notification only when the juvenile is taken into custody.

The bill provides for the release of information regarding a juvenile who has escaped from court-ordered detention, including the offense for which the juvenile was in detention, and other facts and circumstances surrounding the escape. Law enforcement officials may also release information regarding a juvenile who is the subject of an arrest warrant for the alleged commission of a felony, including the name of the juvenile and the facts and circumstances requiring the issuance of the arrest warrant.

The bill also provides the victim of a delinquent act the opportunity to attend delinquency adjudication hearings and the right to make a statement to the juvenile court at the dispositional hearing after the juvenile has been adjudicated delinquent.