

SENATE FILE 2430
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 2325)

Passed Senate, Date 3/18/96 (P.835) Passed House, Date 4/3/96 (P.1336)
Vote: Ayes 49 Nays 0 Vote: Ayes 100 Nays 0
Approved April 16, 1996

A BILL FOR

1 An Act requiring the juvenile court to provide certain
2 information to a victim of a delinquent act committed by a
3 juvenile.

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

- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23

S.F. 2430

1 Section 1. Section 232.28, Code Supplement 1995, is
2 amended by adding the following new subsection:

3 NEW SUBSECTION. 11. If a complaint is filed under this
4 section, alleging a child has committed a delinquent act, the
5 alleged victim may file a signed victim impact statement with
6 the juvenile court containing the information specified for a
7 victim impact statement under section 910A.5. The victim
8 impact statement shall be considered by the court and the
9 juvenile court officer handling the complaint in any
10 proceeding or informal adjustment associated with the
11 complaint.

12 Sec. 2. NEW SECTION. 232.28A VICTIM RIGHTS.

13 1. If a complaint is filed alleging that a child has
14 committed a delinquent act, the alleged victim, as defined in
15 section 910A.1, has all of the following rights:

16 a. To be notified of the names and addresses of the child
17 and of the child's custodial parent or guardian.

18 b. To be notified of the specific charge or charges filed
19 in a petition resulting from the complaint and regarding any
20 dispositional orders or informal adjustments.

21 c. To be informed of the person's rights to restitution
22 under section 232.52 and chapter 232A.

23 d. To be notified of the person's right to offer a victim
24 impact statement under sections 232.28 and 910A.5.

25 e. To be informed of the availability of assistance
26 through the crime victim compensation program under chapter
27 912.

28 2. The notification of the alleged victim shall be made by
29 a juvenile court officer. The juvenile court and the county
30 attorney shall coordinate efforts so as to prevent a
31 notification under this section from duplicating a
32 notification by the county attorney under section 910A.6.

33 Sec. 3. Section 232.147, Code Supplement 1995, is amended
34 by adding the following new subsection:

35 NEW SUBSECTION. 9. Release of official juvenile court

1 records to a victim of a delinquent act are subject to the
2 provisions of section 232.28A, notwithstanding contrary
3 provisions of this chapter.

4 Sec. 4. Section 910A.5, Code 1995, is amended by adding
5 the following new unnumbered paragraph:

6 NEW UNNUMBERED PARAGRAPH. If a complaint is filed under
7 section 232.28, alleging a child has committed a delinquent
8 act, the alleged victim may file a signed victim impact
9 statement with the juvenile court as provided by section
10 232.28. The victim impact statement shall be considered by
11 the court and the juvenile court officer handling the
12 complaint in any proceeding or informal adjustment associated
13 with the complaint.

14 EXPLANATION

15 This bill requires the juvenile court to provide a victim
16 of a delinquent act with notification of various rights and
17 services connected with the delinquent act.

18 Sections 232.28 and 910A.5 are amended to allow a victim of
19 an alleged delinquent act for which a complaint is filed to
20 file a victim impact statement with the juvenile court. The
21 statement is to be considered by the court and the juvenile
22 court officer handling the complaint in any proceeding or
23 informal adjustment associated with the complaint.

24 New section 232.28A provides that if a complaint is filed
25 alleging that a child has committed a delinquent act, the
26 victim of the delinquent act has a right to be notified of the
27 following information: the names and addresses of the child
28 and the child's custodial parent, the charges filed in any
29 petition resulting from the complaint, the informal or formal
30 disposition of the complaint, the person's right to
31 restitution, the person's right to offer a victim impact
32 statement, and assistance available to the victim under
33 chapter 912, the crime victim compensation chapter.
34 Notification of the person shall be made by a juvenile court
35 officer. The juvenile court and the county attorney are to

1 coordinate efforts to prevent duplication with the county
2 attorney's notification of a victim of certain information
3 under section 910A.6 in the victim and witness protection
4 chapter.

5 Section 232.147, relating to the confidentiality of
6 juvenile court records, provides for the release of
7 information in juvenile court records to the victim of a
8 delinquent act as provided in new section 232.28A.

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35

**SENATE FILE 2430
FISCAL NOTE**

A fiscal note for **Senate File 2430** is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note is available from the Legislative Fiscal Bureau to members of the Legislature upon request.

Senate File 2430 requires the Juvenile Court to provide a victim of a delinquent act with notification of various rights and services connected with the delinquent act. Victims are also permitted to file a Victim Impact Statement with the Juvenile Court, and this Statement must be considered by the Court and the Juvenile Court Officer. Victims of a delinquent act are permitted access to Juvenile Court records concerning the act.

ASSUMPTIONS

1. There are 13,500 victims eligible for notification each year. This number is based upon the Judicial Department's estimates of the number of informal adjustments and juvenile delinquency filings in FY 1995.
2. The notification procedure will take approximately 30 minutes of time by a Juvenile Court Officer.

FISCAL IMPACT

Senate File 2430 will increase the demands on Juvenile Court Officers' time. This will limit the time they have to spend on other activities. The Bill will not result in additional State expenditures unless additional Juvenile Court Officers are hired.

(LSB 3720sv, JMN)

FILED APRIL 3, 1996

BY DENNIS PROUTY, FISCAL DIRECTOR

Disignano
Gionnetto
Ulsack
Maddox
Boettger

SSB-2325

Judiciary
Succeeded By/

SENATE/HOUSE FILE HF 2430
BY (PROPOSED GOVERNOR'S BILL)

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

A BILL FOR

1 An Act requiring the juvenile court to provide certain
2 information to a victim of a delinquent act committed by a
3 juvenile.

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

- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

1 Section 1. Section 232.28, Code Supplement 1995, is
2 amended by adding the following new subsection:

3 NEW SUBSECTION. 11. If a complaint is filed under this
4 section, alleging a child has committed a delinquent act, the
5 alleged victim may file a signed victim impact statement with
6 the juvenile court containing the information specified for a
7 victim impact statement under section 910A.5. The victim
8 impact statement shall be considered by the court and the
9 juvenile court officer handling the complaint in any
10 proceeding or informal adjustment associated with the
11 complaint.

12 Sec. 2. NEW SECTION. 232.28A VICTIM RIGHTS.

13 1. If a complaint is filed alleging that a child has
14 committed a delinquent act, the alleged victim, as defined in
15 section 910A.1, has all of the following rights:

16 a. To be notified of the names and addresses of the child
17 and of the child's custodial parent or guardian.

18 b. To be notified of the specific charge or charges filed
19 in a petition resulting from the complaint and regarding any
20 dispositional orders or informal adjustments.

21 c. To be informed of the person's rights to restitution
22 under section 232.52 and chapter 232A.

23 d. To be notified of the person's right to offer a victim
24 impact statement under sections 232.28 and 910A.5.

25 e. To be informed of the availability of assistance
26 through the crime victim compensation program under chapter
27 912.

28 2. The notification of the alleged victim shall be made by
29 a juvenile court officer. The juvenile court and the county
30 attorney shall coordinate efforts so as to prevent a
31 notification under this section from duplicating a
32 notification by the county attorney under section 910A.6.

33 Sec. 3. Section 232.147, Code Supplement 1995, is amended
34 by adding the following new subsection:

35 NEW SUBSECTION. 9. Release of official juvenile court

1 records to a victim of a delinquent act are subject to the
2 provisions of section 232.28A, notwithstanding contrary
3 provisions of this chapter.

4 Sec. 4. Section 232A.4, Code 1995, is amended to read as
5 follows:

6 232A.4 RESTITUTION FOR DELINQUENT ACTS.

7 If a judge of a juvenile court finds that a juvenile has
8 committed a delinquent act ~~and requires~~ the judge shall order
9 the juvenile to ~~compensate~~ make restitution to the victim of
10 that act for losses due to the delinquent act of the juvenile,
11 ~~the.~~ The juvenile shall make ~~such~~ the restitution according
12 to a schedule established by the judge from funds earned by
13 the juvenile pursuant to employment engaged in by the juvenile
14 at the time of disposition. If a juvenile enters into an
15 informal adjustment agreement pursuant to section 232.29 to
16 make ~~such~~ the restitution, the juvenile shall make ~~such~~ the
17 restitution according to a schedule which shall be a part of
18 the informal adjustment agreement. The restitution shall be
19 made under the direction of a juvenile court officer working
20 under the direction of the juvenile court. In those counties
21 where the county maintains an office to provide juvenile
22 victim restitution services, the juvenile court officer may
23 use that office's services. If the juvenile is not employed,
24 the juvenile's juvenile court officer shall make a reasonable
25 effort to find private or other public employment for the
26 juvenile. However, if the juvenile offender does not have
27 employment at the time of disposition and private or other
28 public employment is not obtained despite the efforts of the
29 juvenile's juvenile court officer, the judge may direct the
30 juvenile offender to perform work pursuant to section 232.52,
31 subsection 2, paragraph "a", and arrange for compensation of
32 the juvenile in the manner provided for under the program
33 established pursuant to this chapter.

34 Sec. 5. Section 910A.5, Code 1995, is amended by adding
35 the following new unnumbered paragraph:

1 NEW UNNUMBERED PARAGRAPH. If a complaint is filed under
2 section 232.28, alleging a child has committed a delinquent
3 act, the alleged victim may file a signed victim impact
4 statement with the juvenile court as provided by section
5 232.28. The victim impact statement shall be considered by
6 the court and the juvenile court officer handling the
7 complaint in any proceeding or informal adjustment associated
8 with the complaint.

9

EXPLANATION

10 This bill requires the juvenile court to provide a victim
11 of a delinquent act with notification of various rights and
12 services connected with the delinquent act.

13 Sections 232.28 and 910A.5 are amended to allow a victim of
14 an alleged delinquent act for which a complaint is filed to
15 file a victim impact statement with the juvenile court. The
16 statement is to be considered by the court and the juvenile
17 court officer handling the complaint in any proceeding or
18 informal adjustment associated with the complaint.

19 New section 232.28A provides that if a complaint is filed
20 alleging that a child has committed a delinquent act, the
21 victim of the delinquent act has a right to be notified of the
22 following information: the names and addresses of the child
23 and the child's custodial parent, the charges filed in any
24 petition resulting from the complaint, the informal or formal
25 disposition of the complaint, the person's right to
26 restitution, the person's right to offer a victim impact
27 statement, and assistance available to the victim under
28 chapter 912, the crime victim compensation chapter.
29 Notification of the person shall be made by a juvenile court
30 officer. The juvenile court and the county attorney are to
31 coordinate efforts to prevent duplication with the county
32 attorney's notification of a victim of certain information
33 under section 910A.6 in the victim and witness protection
34 chapter.

35 Section 232.147, relating to the confidentiality of

1 juvenile court records, provides for the release of
2 information in juvenile court records to the victim of a
3 delinquent act as provided in new section 232.28A.

4 Section 232A.4 is amended to require a juvenile judge to
5 order a juvenile who has committed a delinquent act to pay
6 restitution to the victim. Under current law the order of
7 restitution is optional.

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31

32

33

34

35

proceeding or informal adjustment associated with the complaint.

Sec. 2. NEW SECTION. 232.28A VICTIM RIGHTS.

1. If a complaint is filed alleging that a child has committed a delinquent act, the alleged victim, as defined in section 910A.1, has all of the following rights:

a. To be notified of the names and addresses of the child and of the child's custodial parent or guardian.

b. To be notified of the specific charge or charges filed in a petition resulting from the complaint and regarding any dispositional orders or informal adjustments.

c. To be informed of the person's rights to restitution under section 232.52 and chapter 232A.

d. To be notified of the person's right to offer a victim impact statement under sections 232.28 and 910A.5.

e. To be informed of the availability of assistance through the crime victim compensation program under chapter 912.

2. The notification of the alleged victim shall be made by a juvenile court officer. The juvenile court and the county attorney shall coordinate efforts so as to prevent a notification under this section from duplicating a notification by the county attorney under section 910A.6.

Sec. 3. Section 232.147, Code Supplement 1995, is amended by adding the following new subsection:

NEW SUBSECTION. 9. Release of official juvenile court records to a victim of a delinquent act are subject to the provisions of section 232.28A, notwithstanding contrary provisions of this chapter.

Sec. 4. Section 910A.5, Code 1995, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. If a complaint is filed under section 232.28, alleging a child has committed a delinquent act, the alleged victim may file a signed victim impact statement with the juvenile court as provided by section

SENATE FILE 2430

AN ACT

REQUIRING THE JUVENILE COURT TO PROVIDE CERTAIN INFORMATION TO A VICTIM OF A DELINQUENT ACT COMMITTED BY A JUVENILE.

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

Section 1. Section 232.28, Code Supplement 1995, is amended by adding the following new subsection:

NEW SUBSECTION. 11. If a complaint is filed under this section, alleging a child has committed a delinquent act, the alleged victim may file a signed victim impact statement with the juvenile court containing the information specified for a victim impact statement under section 910A.5. The victim impact statement shall be considered by the court and the juvenile court officer handling the complaint in any

232.28. The victim impact statement shall be considered by the court and the juvenile court officer handling the complaint in any proceeding or informal adjustment associated with the complaint.

LEONARD L. BOSWELL
President of the Senate

RON J. CORBETT
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2430, Seventy-sixth General Assembly.

JOHN F. DWYER
Secretary of the Senate

Approved April 16, 1996

TERRY E. BRANSTAD
Governor