

Reprinted

SENATE FILE **296**
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 129)

Passed Senate, ^(P.849) Date 3/23/95 Passed House, Date _____
Vote: Ayes 48 Nays 2 Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to juvenile justice including the conditions
2 under which a person under twenty-one years of age may consume
3 alcoholic beverages in a home or on private property,
4 providing for the automatic waiver of juveniles to adult court
5 in certain circumstances, regarding the notification of
6 schools by juvenile court officers of the taking into custody
7 of a juvenile, and providing that the juvenile court may
8 prohibit a juvenile from driving under certain circumstances.

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

- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23

S.F. 296

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

3 123.47 PERSONS UNDER THE AGE OF EIGHTEEN -- PENALTY.

4 A person shall not sell, give, or otherwise supply
5 alcoholic liquor, wine, or beer to, or knowingly permit or
6 allow the consumption on the person's property or premises of
7 alcoholic liquor, wine, or beer by any person knowing or
8 having reasonable cause to believe that person to be under the
9 age of eighteen, and a person or persons under the age of
10 eighteen shall not purchase or attempt to purchase, or
11 individually or jointly have alcoholic liquor, wine, or beer
12 in their possession or control; except in the case of liquor,
13 wine, or beer given or dispensed to a person under the age of
14 eighteen within a private home and with the knowledge,
15 presence, and consent of the parent or guardian, ~~or-with-the~~
16 ~~signed-written-consent-of-the-parent-or-guardian-specifying~~
17 ~~the-date-and-place-for-the-consumption-and-displayed-by-the~~
18 ~~person-upon-demand,~~ for beverage or medicinal purposes or as
19 administered to the person by either a physician or dentist
20 for medicinal purposes and except to the extent that a person
21 under the age of eighteen may handle alcoholic beverages,
22 wine, and beer during the regular course of the person's
23 employment by a liquor control licensee, or wine or beer
24 permittee under this chapter. A person, other than a licensee
25 or permittee, who violates this section regarding the purchase
26 of or attempt to purchase alcoholic liquor, wine, or beer
27 shall pay a twenty-five dollar penalty.

28 Sec. 2. Section 123.47A, subsection 1, Code 1995, is
29 amended to read as follows:

30 1. A person shall not sell, give, or otherwise supply
31 alcoholic liquor, wine, or beer to, or knowingly permit or
32 allow the consumption on the person's property or premises of
33 alcoholic liquor, wine, or beer by any person knowing or
34 having reasonable cause to believe that the person is age
35 eighteen, nineteen, or twenty. A person age eighteen,

1 nineteen, or twenty shall not purchase or possess alcoholic
2 liquor, wine, or beer. However, a person age eighteen,
3 nineteen, or twenty may possess alcoholic liquor, wine, or
4 beer given to the person within a private home with the
5 knowledge, presence, and consent of the person's parent or
6 guardian, or with the signed, written consent of the parent or
7 guardian specifying the date and place for the consumption and
8 displayed by the person upon demand, and a person age
9 eighteen, nineteen, or twenty may handle alcoholic liquor,
10 wine, and beer during the course of the person's employment by
11 a liquor control licensee, or wine or beer permittee. A
12 person, other than a licensee or permittee, who commits a
13 first offense under this section commits a scheduled violation
14 of section 805.8, subsection 10. A person, other than a
15 licensee or permittee, who commits a second or subsequent
16 violation of this section, commits a simple misdemeanor. A
17 licensee or permittee who violates this section with respect
18 to a person who is age nineteen or twenty is guilty of a
19 simple misdemeanor punishable by a fine of not more than fifty
20 dollars. The penalty provided under this section against a
21 licensee or permittee who violates this section with respect
22 to a person who is age nineteen or twenty is the only penalty
23 which shall be imposed against a licensee or permittee who
24 violates this section. A licensee or permittee who violates
25 this section with respect to a person who is age eighteen
26 commits a simple misdemeanor, and is subject to the criminal
27 and civil penalties provided pursuant to sections 123.49 and
28 123.50 with respect to selling, giving, or otherwise supplying
29 alcoholic beverages, liquor, wine, or beer to persons under
30 legal age.

31 Sec. 3. Section 124.415, Code 1995, is amended to read as
32 follows:

33 124.415 PARENTAL AND SCHOOL NOTIFICATION -- PERSONS UNDER
34 EIGHTEEN YEARS OF AGE.

35 A peace officer shall make a reasonable effort to identify

1 a person under the age of eighteen discovered to be in
2 possession of a controlled substance, counterfeit substance,
3 or simulated controlled substance in violation of this
4 chapter, and if the person is not referred to juvenile court
5 the law enforcement agency of which the peace officer is an
6 employee shall make a reasonable attempt to notify the
7 person's custodial parent or legal guardian of such
8 possession, whether or not the person is arrested, unless the
9 officer has reasonable grounds to believe that such
10 notification is not in the best interests of the person or
11 will endanger that person. If the person is taken into
12 custody, the peace officer shall notify a juvenile court
13 officer who shall make a reasonable effort to identify the
14 elementary or secondary school the person attends, if any, and
15 to notify the superintendent of the school district, the
16 superintendent's designee, or the authorities in charge of the
17 nonpublic school of the taking into custody. A-jvenile-court
18 officer-may-also-notify-the-superintendent-of-the-school
19 district,-the-superintendent's-designee,-or-the-authorities-in
20 charge-of-the-nonpublic-school-of-the-taking-into-custody. A
21 reasonable attempt to notify the person includes but is not
22 limited to a telephone call or notice by first class mail.

23 Sec. 4. Section 232.45A, subsections 2 and 3, Code 1995,
24 are amended to read as follows:

25 2. Once a child sixteen years of age or older has been
26 waived to and convicted of an aggravated misdemeanor or a
27 felony by the district court, all criminal proceedings against
28 the child for any felony offense occurring subsequent to the
29 date of the conviction of the child shall begin in district
30 court, notwithstanding sections 232.8 and 232.45. A copy of
31 the findings required by section 232.45, subsection 8, shall
32 be made a part of the record in the district court
33 proceedings.

34 3. If proceedings against a child for a felony public
35 offense who has previously been waived to and convicted of

1 such an offense by the district court are mistakenly begun in
2 the juvenile court, the matter shall be transferred to
3 district court upon the discovery of the prior waiver and
4 conviction, notwithstanding sections 232.8 and 232.45.

5 Sec. 5. Section 232.52, subsection 2, paragraph a, Code
6 1995, is amended by adding the following new paragraph:

7 NEW SUBPARAGRAPH. (5) Prohibiting the child from driving
8 a motor vehicle for a specified period of time or under
9 specific circumstances. The court shall provide a copy of the
10 order under this subparagraph to the state department of
11 transportation.

12 Sec. 6. CONDITIONAL EFFECTIVE DATE. This Act shall not
13 take effect unless an appropriation is made which complies
14 with section 25B.2, subsection 3.

15 EXPLANATION

16 Section 123.47 is amended to remove language inserted
17 during the 1994 session which allows a person under 18 years
18 of age to consume alcoholic beverages in a private home where
19 the person's parent or guardian is not present but with the
20 written consent of the person's parent or guardian. Sections
21 123.47 and 123.47A are amended to prohibit a person from
22 knowingly permitting the consumption of alcoholic beverages on
23 the person's property by persons who are under legal age.

24 Section 124.415 is amended to provide that law enforcement
25 officers must notify juvenile court officers, who are to
26 notify the elementary or secondary school which a juvenile
27 attends, that the juvenile has been taken into custody for a
28 controlled substance law violation.

29 Section 232.45A is amended to provide that a juvenile
30 waived to the district court and convicted as an adult for an
31 aggravated misdemeanor shall be deemed waived to the district
32 court for all future criminal proceedings.

33 Section 232.52 is amended to provide that in a
34 dispositional order following the adjudication of a juvenile
35 as a delinquent, the court may include a provision prohibiting

1 the juvenile from driving a motor vehicle for a specified
2 period or under specified circumstances.

3 This bill may contain a state mandate under chapter 25B.
4 The bill shall not take effect unless an appropriation is
5 made, fully or proportionately, funding the cost of the bill
6 in accordance with section 25B.2, subsection 3.

7
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

SENATE FILE 296

S-3119

- 1 Amend Senate File 296 as follows:
2 1. Page 1, by striking lines 5 through 7 and
3 inserting the following: "alcoholic liquor, wine, or
4 beer to any person knowing or".
5 2. By striking page 1, line 28, through page 2,
6 line 30.
7 3. Title page, line 2, by striking the words
8 "twenty-one" and inserting the following: "eighteen".
9 4. Title page, line 3, by striking the words "or
10 on private property".

By TOM VILSACK

S-3119 FILED MARCH 13, 1995

adapted 3/22/95 (p. 830)

SENATE FILE 296

S-3206

- 1 Amend Senate File 296 as follows:
2 1. Page 4, by striking lines 12 through 14 and
3 inserting the following:
4 "Sec. _____. The state shall not pay any additional
5 costs incurred by a political subdivision as a result
6 of this Act."
7 2. By renumbering as necessary.

By RANDAL J. GIANNETTO
O. GENE MADDOX

S-3206 FILED MARCH 23, 1995
ADOPTED

(p. 849)

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

3 123.47 PERSONS UNDER THE AGE OF EIGHTEEN -- PENALTY.

4 A person shall not sell, give, or otherwise supply
5 alcoholic liquor, wine, or beer to any person knowing or
6 having reasonable cause to believe that person to be under the
7 age of eighteen, and a person or persons under the age of
8 eighteen shall not purchase or attempt to purchase, or
9 individually or jointly have alcoholic liquor, wine, or beer
10 in their possession or control; except in the case of liquor,
11 wine, or beer given or dispensed to a person under the age of
12 eighteen within a private home and with the knowledge,
13 presence, and consent of the parent or guardian, or-with-the
14 signed,-written-consent-of-the-parent-or-guardian-specifying
15 the-date-and-place-for-the-consumption-and-displayed-by-the
16 person-upon-demand, for beverage or medicinal purposes or as
17 administered to the person by either a physician or dentist
18 for medicinal purposes and except to the extent that a person
19 under the age of eighteen may handle alcoholic beverages,
20 wine, and beer during the regular course of the person's
21 employment by a liquor control licensee, or wine or beer
22 permittee under this chapter. A person, other than a licensee
23 or permittee, who violates this section regarding the purchase
24 of or attempt to purchase alcoholic liquor, wine, or beer
25 shall pay a twenty-five dollar penalty.

* 26 Sec. 2. Section 124.415, Code 1995, is amended to read as
27 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 notify a juvenile court
8 officer who shall make a reasonable effort to identify the
9 elementary or secondary school the person attends, if any, and
10 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. ~~A juvenile court~~
13 ~~officer may also notify the superintendent of the school~~
14 ~~district, the superintendent's designee, or the authorities in~~
15 ~~charge of the nonpublic school of the taking into custody.~~ A
16 reasonable attempt to notify the person includes but is not
17 limited to a telephone call or notice by first class mail.

18 Sec. 3. Section 232.45A, subsections 2 and 3, Code 1995,
19 are amended to read as follows:

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

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

35 Sec. 4. Section 232.52, subsection 2, paragraph a, Code

1 1995, is amended by adding the following new paragraph:

2 NEW SUBPARAGRAPH. (5) Prohibiting the child from driving
3 a motor vehicle for a specified period of time or under
4 specific circumstances. The court shall provide a copy of the
5 order under this subparagraph to the state department of
6 transportation.

7 Sec. 5. The state shall not pay any additional costs
8 incurred by a political subdivision as a result of this Act.

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

Maddox. ch

SSB-129

Judiciary

Giannetto
Neuhouser
Lammond
McKean

Succeeded By
SENATE FILE 296
BY (PROPOSED COMMITTEE ON
JUDICIARY BILL BY CHAIR-
PERSON GIANNETTO)

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

A BILL FOR

1 An Act relating to juvenile justice including the conditions
2 under which a juvenile may consume alcoholic beverages in a
3 home, providing for the automatic waiver of juveniles to adult
4 court in certain circumstances, regarding the notification of
5 schools by law enforcement of the taking into custody of a
6 juvenile, providing that the juvenile court may prohibit a
7 juvenile from driving under certain circumstances, and
8 regarding the detention of juveniles in adult facilities.

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

10
11
12
13
14
15
16
17
18
19
20
21
22
23

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

3 123.47 PERSONS UNDER THE AGE OF EIGHTEEN -- PENALTY.

4 A person shall not sell, give, or otherwise supply
5 alcoholic liquor, wine, or beer to any person knowing or
6 having reasonable cause to believe that person to be under the
7 age of eighteen, and a person or persons under the age of
8 eighteen shall not purchase or attempt to purchase, or
9 individually or jointly have alcoholic liquor, wine, or beer
10 in their possession or control; except in the case of liquor,
11 wine, or beer given or dispensed to a person under the age of
12 eighteen within a private home and with the knowledge,
13 presence, and consent of the parent or guardian, ~~or-with-the~~
14 ~~signed-written-consent-of-the-parent-or-guardian-specifying~~
15 ~~the-date-and-place-for-the-consumption-and-displayed-by-the~~
16 ~~person-upon-demand,~~ for beverage or medicinal purposes or as
17 administered to the person by either a physician or dentist
18 for medicinal purposes and except to the extent that a person
19 under the age of eighteen may handle alcoholic beverages,
20 wine, and beer during the regular course of the person's
21 employment by a liquor control licensee, or wine or beer
22 permittee under this chapter. A person, other than a licensee
23 or permittee, who violates this section regarding the purchase
24 of or attempt to purchase alcoholic liquor, wine, or beer
25 shall pay a twenty-five dollar penalty.

26 Sec. 2. Section 124.415, Code 1995, is amended to read as
27 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 make a reasonable effort to~~
8 ~~identify the elementary or secondary school the person~~
9 ~~attends, if any, and to notify the superintendent of the~~
10 ~~school district, the superintendent's designee, or the~~
11 ~~authorities in charge of the nonpublic school of the taking~~
12 ~~into custody. A juvenile court officer may also notify the~~
13 ~~superintendent of the school district, the superintendent's~~
14 ~~designee, or the authorities in charge of the nonpublic school~~
15 ~~of the taking into custody.~~ A reasonable attempt to notify
16 the person includes but is not limited to a telephone call or
17 notice by first class mail.

18 Sec. 3. Section 232.45A, subsections 2 and 3, Code 1995,
19 are amended to read as follows:

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

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

35 Sec. 4. Section 232.52, subsection 2, paragraph a, Code

1 1995, is amended by adding the following new paragraph:
2 NEW SUBPARAGRAPH. (5) Prohibiting the child from driving
3 a motor vehicle for a specified period of time or under
4 specific circumstances. The court shall provide a copy of the
5 order under this subparagraph to the state department of
6 transportation.

7 Sec. 5. Section 232.149, subsection 3, Code 1995, is
8 amended by striking the subsection.

9 Sec. 6. Section 356.3, unnumbered paragraph 1, Code 1995,
10 is amended to read as follows:

11 Any sheriff, city marshal, or chief of police, having in
12 the officer's care or custody any prisoner under the age of
13 eighteen years, shall keep such prisoner separate and apart,
14 and prevent communication by such prisoner with prisoners
15 above that age, ~~while such prisoners are not under the~~
16 ~~personal supervision of such officer, if suitable buildings or~~
17 ~~jails are provided for that purpose, unless such prisoner is~~
18 ~~likely to or does exercise an immoral influence over other~~
19 ~~minors with whom the prisoner may be imprisoned.~~

20 Sec. 7. CONDITIONAL EFFECTIVE DATE. This Act shall not
21 take effect unless an appropriation is made which complies
22 with section 25B.2, subsection 3.

23 EXPLANATION

24 Section 123.47 is amended to remove language inserted
25 during the 1994 session which allows a person under 18 years
26 of age to consume alcoholic beverages in a private home where
27 the person's parent or guardian is not present but with the
28 written consent of the person's parent or guardian.

29 Section 124.415 is amended to remove language inserted
30 during the 1994 session regarding notification by law
31 ~~enforcement officers to the elementary or secondary school~~
32 which a juvenile who has been taken into custody for a
33 controlled substance law violation attends.

34 Section 232.45A is amended to provide that a juvenile
35 waived to the district court and convicted as an adult for an

1 aggravated misdemeanor shall be deemed waived to the district
2 court for all future criminal proceedings.

3 Section 232.52 is amended to provide that in a
4 dispositional order following the adjudication of a juvenile
5 as a delinquent, the court may include a provision prohibiting
6 the juvenile from driving a motor vehicle for a specified
7 period or under specified circumstances.

8 Section 356.3 is amended to provide that juveniles held in
9 adult jails shall be held separate from adult prisoners and
10 prevented from communicating with adult prisoners.

11 This bill may contain a state mandate under chapter 25B.
12 The bill shall not take effect unless an appropriation is
13 made, fully or proportionately, funding the cost of the bill
14 in accordance with section 25B.2, subsection 3.

15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35