

Senate Study Bill 2325

Conference Committee Text

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1 1 Section 1. Section [232.28](#), Code Supplement 1995, is
1 2 amended by adding the following new subsection:
1 3 NEW SUBSECTION. 11. If a complaint is filed under this
1 4 section, alleging a child has committed a delinquent act, the
1 5 alleged victim may file a signed victim impact statement with
1 6 the juvenile court containing the information specified for a
1 7 victim impact statement under section 910A.5. The victim
1 8 impact statement shall be considered by the court and the
1 9 juvenile court officer handling the complaint in any
1 10 proceeding or informal adjustment associated with the
1 11 complaint.
1 12 Sec. 2. NEW SECTION. 232.28A VICTIM RIGHTS.
1 13 1. If a complaint is filed alleging that a child has
1 14 committed a delinquent act, the alleged victim, as defined in
1 15 section 910A.1, has all of the following rights:
1 16 a. To be notified of the names and addresses of the child
1 17 and of the child's custodial parent or guardian.
1 18 b. To be notified of the specific charge or charges filed
1 19 in a petition resulting from the complaint and regarding any
1 20 dispositional orders or informal adjustments.
1 21 c. To be informed of the person's rights to restitution
1 22 under section 232.52 and chapter 232A.
1 23 d. To be notified of the person's right to offer a victim
1 24 impact statement under sections 232.28 and 910A.5.
1 25 e. To be informed of the availability of assistance
1 26 through the crime victim compensation program under chapter
1 27 912.
1 28 2. The notification of the alleged victim shall be made by
1 29 a juvenile court officer. The juvenile court and the county
1 30 attorney shall coordinate efforts so as to prevent a
1 31 notification under this section from duplicating a
1 32 notification by the county attorney under section 910A.6.
1 33 Sec. 3. Section [232.147](#), Code Supplement 1995, is amended
1 34 by adding the following new subsection:
1 35 NEW SUBSECTION. 9. Release of official juvenile court
2 1 records to a victim of a delinquent act are subject to the
2 2 provisions of section 232.28A, notwithstanding contrary
2 3 provisions of this chapter.
2 4 Sec. 4. Section [232A.4](#), Code 1995, is amended to read as
2 5 follows:
2 6 232A.4 RESTITUTION FOR DELINQUENT ACTS.
2 7 If a judge of a juvenile court finds that a juvenile has
2 8 committed a delinquent act

~~and requires~~

~~the judge shall order~~

2 9 the juvenile to

~~compensate~~

~~make restitution to the victim of~~

2 10 that act for losses due to the delinquent act of the juvenile

~~the~~

~~The juvenile shall make~~

~~such~~

~~the restitution according~~

2 12 to a schedule established by the judge from funds earned by
2 13 the juvenile pursuant to employment engaged in by the juvenile
2 14 at the time of disposition. If a juvenile enters into an
2 15 informal adjustment agreement pursuant to section 232.29 to
2 16 make

~~such~~

~~the restitution, the juvenile shall make~~

~~such~~

~~the~~

2 17 restitution according to a schedule which shall be a part of
2 18 the informal adjustment agreement. The restitution shall be
2 19 made under the direction of a juvenile court officer working
2 20 under the direction of the juvenile court. In those counties
2 21 where the county maintains an office to provide juvenile
2 22 victim restitution services, the juvenile court officer may
2 23 use that office's services. If the juvenile is not employed,
2 24 the juvenile's juvenile court officer shall make a reasonable
2 25 effort to find private or other public employment for the
2 26 juvenile. However, if the juvenile offender does not have
2 27 employment at the time of disposition and private or other
2 28 public employment is not obtained despite the efforts of the
2 29 juvenile's juvenile court officer, the judge may direct the
2 30 juvenile offender to perform work pursuant to section 232.52,
2 31 subsection 2, paragraph "a", and arrange for compensation of
2 32 the juvenile in the manner provided for under the program
2 33 established pursuant to this chapter.

2 34 Sec. 5. Section [910A.5](#), Code 1995, is amended by adding
2 35 the following new unnumbered paragraph:

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

3 9 EXPLANATION

3 10 This bill requires the juvenile court to provide a victim
3 11 of a delinquent act with notification of various rights and
3 12 services connected with the delinquent act.

3 13 Sections 232.28 and 910A.5 are amended to allow a victim of
3 14 an alleged delinquent act for which a complaint is filed to
3 15 file a victim impact statement with the juvenile court. The
3 16 statement is to be considered by the court and the juvenile
3 17 court officer handling the complaint in any proceeding or
3 18 informal adjustment associated with the complaint.

3 19 New section 232.28A provides that if a complaint is filed
3 20 alleging that a child has committed a delinquent act, the
3 21 victim of the delinquent act has a right to be notified of the
3 22 following information: the names and addresses of the child
3 23 and the child's custodial parent, the charges filed in any
3 24 petition resulting from the complaint, the informal or formal
3 25 disposition of the complaint, the person's right to
3 26 restitution, the person's right to offer a victim impact
3 27 statement, and assistance available to the victim under
3 28 chapter 912, the crime victim compensation chapter.
3 29 Notification of the person shall be made by a juvenile court
3 30 officer. The juvenile court and the county attorney are to
3 31 coordinate efforts to prevent duplication with the county
3 32 attorney's notification of a victim of certain information

3 33 under section 910A.6 in the victim and witness protection
3 34 chapter.

3 35 Section 232.147, relating to the confidentiality of
4 1 juvenile court records, provides for the release of
4 2 information in juvenile court records to the victim of a
4 3 delinquent act as provided in new section 232.28A.

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

4 8 LSB 3720XL 76

4 9 jp/jj/8.1