

4-1-97 Referred to Judiciary

MAR 10 1997

Place On Calendar

HOUSE FILE 513
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HF 245)

Passed House, Date _____

Passed Senate, Date _____

Vote: Ayes _____ Nays _____

Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act allowing a judge to order a defendant convicted of
2 operating a motor vehicle while intoxicated to participate in
3 a reality education substance abuse prevention program.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 513

1 Section 1. Section 321J.24, subsection 1, paragraph b,
2 Code 1997, is amended to read as follows:

3 b. "Participant" means a person who is ~~sixteen-years-of~~
4 ~~age-or-older-but-under-the-age-of-twenty-one,-and-who-is~~
5 ordered by the court to participate in the reality education
6 substance abuse prevention program.

7 Sec. 2. Section 321J.24, subsection 2, Code 1997, is
8 amended to read as follows:

9 2. A reality education substance abuse prevention program
10 is established in those judicial districts where the chief
11 judge of the judicial district authorizes participation in the
12 program. Upon a conviction or adjudication for a violation of
13 section 321J.2, or the entry of a deferred judgment concerning
14 a violation of section 321J.2, the court or juvenile court,
15 ~~with-the-consent-of-the-defendant-or-delinquent-child,~~ may
16 order a defendant ~~who-is-sixteen-years-of-age-or-older-but~~
17 ~~under-the-age-of-twenty-one-or-delinquent-child-who-is-sixteen~~
18 ~~years-of-age-or-older~~ to participate in the reality education
19 substance abuse prevention program as a term and condition of
20 probation or disposition in addition to any other term or
21 condition of probation or disposition required or authorized
22 by law. The court or juvenile court shall require the
23 defendant or delinquent child to abstain from consuming any
24 controlled substance, alcoholic liquor, wine, or beer ~~before~~
25 ~~reaching-age-twenty-one~~ while participating in the program.

26 EXPLANATION

27 This bill amends Code section 321J.24 to allow a court to
28 order a defendant of any age who is convicted of operating a
29 motor vehicle while intoxicated to participate in a reality
30 education substance abuse prevention program. The requirement
31 of obtaining a participant's consent is stricken.

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