

MAR 13 1997

Place On Calendar

HOUSE FILE 599
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HF 327)

Passed House, Date 3/25/97 (p.790) Passed Senate, Date _____
Vote: Ayes 99 Nays 0 Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to dispositional orders pertaining to certain
2 delinquent children by expanding the criteria for state
3 training school placements and providing for extension of
4 dispositional orders to allow completion of sexual abusers
5 treatment programs.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
HOUSE FILE 599

H-1296

- 1 Amend House File 599 as follows:
- A 2 1. Page 1, line 23, by inserting after the word
- 3 "ordered" the following: "by the court".
- B 4 2. Page 1, line 23, by inserting after the word
- 5 "sexual" the following: "or substance".
- 6 3. Page 1, line 24, by striking the words
- 7 "commenced but".
- A 8 4. Page 1, line 26, by inserting after the word
- 9 "terminate" the following: "upon the date of
- 10 completion of the program or".
- 11 5. Page 1, line 27, by inserting after the word
- 12 "age" the following: ", whichever first occurs".

By KREIMAN of Davis

H-1296 FILED MARCH 24, 1997
A-Adopted B-Lost 3/25/97 (p. 788-89)

HOUSE FILE 599

H-1264

- 1 Amend House File 599 as follows:
- 2 1. Page 1, by striking lines 6 through 10.
- 3 2. By renumbering as necessary.

By GRUNDBERG of Polk

H-1264 FILED MARCH 19, 1997
Adopted 3/25/97 (p. 788)

HF 599

1 Section 1. Section 232.52, subsection 2, paragraph e,
2 subparagraph (2), Code 1997, is amended to read as follows:

3 (2) The child has committed an act which is a crime
4 against a person or property and which would be an aggravated
5 misdemeanor or a felony if the act were committed by an adult.

6 Sec. 2. Section 232.52, subsection 2, paragraph e, Code
7 1997, is amended by adding the following new subparagraph:

8 NEW SUBPARAGRAPH. (5) The child has failed to comply with
9 the conditions required to complete court-ordered community-
10 based day programming.

11 Sec. 3. Section 232.53, subsection 2, Code 1997, is
12 amended to read as follows:

13 2. All Except as otherwise provided in this section, all
14 dispositional orders entered prior to the child attaining the
15 age of seventeen years and six months shall automatically
16 terminate when the child becomes eighteen years of age.
17 Dispositional orders entered subsequent to the child attaining
18 the age of seventeen years and six months and prior to the
19 child's eighteenth birthday shall automatically terminate one
20 year after the date of disposition. In the case of a child
21 who has been adjudicated delinquent for an offense which would
22 constitute sexual abuse under chapter 709, and who has been
23 ordered to participate in a sexual abusers treatment program
24 and has commenced but not completed the program prior to
25 attaining eighteen years of age, the dispositional order shall
26 automatically terminate when the child attains nineteen years
27 of age. In the case of an adult within the jurisdiction of
28 the court under the provisions of section 232.8, subsection 1,
29 the dispositional order shall automatically terminate one year
30 after the last date upon which jurisdiction could attach.

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EXPLANATION

32 This bill expands the criteria which may be used as the
33 basis for admission of delinquent juveniles to the state
34 training school to include both the commission of aggravated
35 misdemeanors or felonies which are crimes against property and

1 the failure to comply with community-based day programming
2 requirements. Currently, only commission of aggravated
3 misdemeanors or felony offenses which would be crimes against
4 a person and other enumerated circumstances may be used as a
5 criterion for admission to the state training school.

6 The bill also provides for the extension of dispositional
7 orders which pertain to juveniles who have been adjudicated
8 delinquent for offenses which would constitute sexual abuse
9 under Code chapter 709 if the juvenile has been ordered to
10 participate in sexual abusers treatment and has not completed
11 the treatment by the time that the juvenile has reached the
12 age of 18. Under those circumstances, the dispositional order
13 would not terminate until the juvenile reaches the age of 19.

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**HOUSE FILE 599
FISCAL NOTE**

The estimate for **House File 599** is hereby submitted as a fiscal note pursuant to Joint Rule 17 and as a correctional impact statement pursuant to Section 2.56, Code of Iowa. Data used in developing this fiscal note and correctional impact statement are available from the Legislative Fiscal Bureau to members of the Legislature upon request.

House File 599 relates to dispositional orders pertaining to certain delinquent children by expanding the criteria for State Training School placements and providing for extension of dispositional orders to allow completion of sexual abusers' treatment programs.

ASSUMPTIONS:

1. Since admissions to the State Training School are currently capped, this legislation would not increase the number of youth being served.
2. Some youth currently being served in the State Training Schools would be placed in Group Foster Care, while others currently placed in Group Foster Care would be placed in the State Training School.

CORRECTIONAL IMPACT:

There is no estimated correctional impact as a result of HF 599.

FISCAL IMPACT:

There is no estimated fiscal impact as a result of HF 599.

SOURCES:

Department of Corrections
Department of Human Services

(LSB 1838hv, MMB)

FILED MARCH 17, 1997

BY DENNIS PROUTY, FISCAL DIRECTOR

Senate 2/16/98 Amend/11/12/98 W/S 39
H. 3/26/98 UNFINISHED BUSINESS CALENDAR

HOUSE FILE 599
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HF 327)

(As Amended and Passed by the House, March 25, 1997)

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

A BILL FOR

1 An Act relating to dispositional orders pertaining to certain
2 delinquent children by expanding the criteria for state
3 training school placements and providing for extension of
4 dispositional orders to allow completion of sexual abusers
5 treatment programs.

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

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8 House Amendments _____

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10 Deleted Language *

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1 Section 1. Section 232.52, subsection 2, paragraph e,
2 subparagraph (2), Code 1997, is amended to read as follows:

3 (2) The child has committed an act which is a crime
4 against a person or property and which would be an aggravated
5 misdemeanor or a felony if the act were committed by an adult.

* 6 Sec. 2. Section 232.53, subsection 2, Code 1997, is
7 amended to read as follows:

8 2. ~~All~~ Except as otherwise provided in this section, all
9 dispositional orders entered prior to the child attaining the
10 age of seventeen years and six months shall automatically
11 terminate when the child becomes eighteen years of age.

12 Dispositional orders entered subsequent to the child attaining
13 the age of seventeen years and six months and prior to the
14 child's eighteenth birthday shall automatically terminate one
15 year after the date of disposition. In the case of a child
16 who has been adjudicated delinquent for an offense which would
17 constitute sexual abuse under chapter 709, and who has been
18 ordered by the court to participate in a sexual abusers

* 19 treatment program and has not completed the program prior to
20 attaining eighteen years of age, the dispositional order shall
21 automatically terminate upon the date of completion of the
22 program or when the child attains nineteen years of age,
23 whichever first occurs. In the case of an adult within the

24 jurisdiction of the court under the provisions of section
25 232.8, subsection 1, the dispositional order shall
26 automatically terminate one year after the last date upon
27 which jurisdiction could attach.

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HOUSE FILE 599

S-5039

- 1 Amend House File 599, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, line 2, by inserting after the word
- 4 "Code" the following: "Supplement".

By COMMITTEE ON JUDICIARY
ANDY McKEAN, Chairperson

S-5039 FILED FEBRUARY 16, 1998

HOUSE FILE 599

S-5054

- 1 Amend House File 599, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, line 20, by striking the words "the
- 4 dispositional order" and inserting the following:
- 5 "that portion of the dispositional order which
- 6 pertains to participation in the treatment program
- 7 shall continue and".

By O. GENE MADDOX

S-5054 FILED FEBRUARY 23, 1998