

3-12-97 Judiciary

FILED MAR 11 1997

SENATE FILE 403  
BY NEUHAUSER

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

A BILL FOR

1 An Act to establish statewide peer review courts for youthful  
2 offenders and providing an appropriation.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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S.F. 403

1 Section 1. Section 602.6110, Code 1997, is amended to read  
2 as follows:

3 602.6110 PEER REVIEW COURT ---PILOT-PROJECTS.

4 1. A Subject to the appropriation of funds for this  
5 purpose, a peer review court is established as-a-pilot-program  
6 in each judicial district to divert certain youthful offenders  
7 from the criminal or juvenile justice systems. The court  
8 shall consist of a qualified adult to act as judge with while  
9 the duties of prosecutor, defense counsel, court attendant,  
10 clerk, and jury composed-of shall be performed by persons ten  
11 through seventeen years of age.

12 2. The jurisdiction of the peer review court extends to  
13 those persons ten through seventeen years of age who have com-  
14 mitted misdemeanor offenses, or delinquent acts which would be  
15 misdemeanor offenses if committed by an adult, and-who-have  
16 entered-a-plea-of-guilty who have admitted involvement in the  
17 misdemeanor or delinquent act, entered and who meet the  
18 criteria established for entering into an informal adjustment  
19 agreement, -or-agreed-to-the-entry-of-a-consent-decree-to for  
20 those offenses in-district-or-jvenile-court. Those persons  
21 may then elect to appear before the peer review court to  
22 receive-sentence for a determination of the terms and  
23 conditions of the informal adjustment or may elect to proceed  
24 with the informal or formal procedures established in chapter  
25 232.

26 3. The peer review court shall not determine guilt or  
27 innocence and any statements or admissions made by the person  
28 before the peer review court are not admissible in any formal  
29 proceedings involving the same person. The peer review court  
30 shall only determine the sentence-for terms and conditions of  
31 the informal adjustment for the offense. The sentence terms  
32 and conditions may consist of fines, restrictions for damages,  
33 attendance at treatment programs, or community service work or  
34 any combination of these penalties as appropriate to the  
35 offense or delinquent act committed. A person appearing

1 before the peer review court may also be required to serve as  
2 a juror on the court as a part of the person's sentence.

3 ~~3: 4. Subject to the agreement of the chief judge of the~~  
4 ~~judicial district, the supreme court shall designate two~~  
5 ~~judicial districts in which to locate a peer review court~~  
6 ~~pilot project.~~ The chief judge of the each judicial district  
7 shall appoint a peer review court advisory board. The  
8 advisory board shall adopt rules for the peer review court  
9 advisory program, shall appoint persons to serve on the peer  
10 review court, and shall supervise the expenditure of funds  
11 appropriated to the program.

12 Sec. 2. PEER REVIEW COURTS. There is appropriated from  
13 the general fund of the state to the judicial department for  
14 the fiscal year beginning July 1, 1997, and ending June 30,  
15 1998, the following amount, or so much thereof as is  
16 necessary, to be used for the purpose designated:

17 For the establishment and maintenance of peer review courts  
18 in each judicial district pursuant to section 602.6110:

19 ..... \$ 250,000

20 EXPLANATION

21 This bill expands the current peer review court pilot  
22 projects to all of the judicial districts and appropriates  
23 \$250,000 for purposes of the establishment and maintenance of  
24 peer review courts in each judicial district. The peer review  
25 courts' jurisdiction extends to the informal deposition of  
26 complaints against juveniles ages 10 through 17 who have  
27 committed misdemeanor offenses or delinquent acts which would  
28 be misdemeanors if committed by adults and who are eligible  
29 for an informal adjustment. The peer review court does not  
30 determine guilt or innocence, but, rather, determines the  
31 terms and conditions of the informal adjustment.

32 The peer review court is staffed by a qualified adult who  
33 acts as the judge and by persons ages 10 through 17 who  
34 perform the functions of prosecutor, defense counsel, court  
35 attendant, clerk, and jury. Any person who has appeared

1 before a peer review court may be required to serve as a juror  
2 in the peer review court.

3 The bill also appropriates \$250,000 to the judicial  
4 department for the purpose of establishing peer review courts  
5 in each judicial district.

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