

4-7-97 Referred Back Judiciary

FILED MAR 12 1997

SENATE FILE **436**
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 117)

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

A BILL FOR

1 An Act relating to reality education substance abuse prevention
2 programs, by removing language making the program available
3 only to certain persons under the age of twenty-one and
4 removing a consent requirement.

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

S.F. 436

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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~~ participation in the
19 reality education substance abuse prevention program as a term
20 and condition of probation or disposition in addition to any
21 other term or condition of probation or disposition required
22 or authorized by law. The court or juvenile court shall
23 require the defendant or delinquent child to abstain from
24 consuming any controlled substance, alcoholic liquor, wine, or
25 ~~beer before-reaching-age-twenty-one~~ while participating in the
26 program.

27 EXPLANATION

28 This bill deletes language which restricts the reality
29 education substance abuse prevention programs to defendants
30 who are 16 years of age or older, but under the age of 21 or
31 to delinquent children who are 16 years of age or older. The
32 bill also deletes language which requires a defendant to
33 consent to participation in the program in order for the court
34 to order program participation.

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Boettger, Chair
King
Newkammer

SSB 117
Judiciary
Succeeded By
SENATE/HOUSE F (SF) HF 436

BY (PROPOSED JUDICIAL
DEPARTMENT BILL)

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

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

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28 to order program participation.

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STATE COURT ADMINISTRATOR

**STATE CAPITOL
DES MOINES, IOWA 50319**

WILLIAM J. O'BRIEN
State Court Administrator

MEMORANDUM

TO: MEMBERS OF THE GENERAL ASSEMBLY
FROM: IOWA JUDICIAL BRANCH
DATE: JANUARY 31, 1997
RE: LSB NO. 1590DP

Iowa Code section 321J.24(2) currently provides a judge or juvenile judge may require an individual between the ages of 16 to 21 convicted of OWI to attend a reality education substance abuse prevention program, with the consent of the defendant or delinquent child. This bill eliminates both the age and consent requirements. This change will give judges more sentencing options and the authority to require participation in the program by defendants who might benefit from it but refuse to give their consent.

For further information, contact David Boyd, 281-5241.