

FEB 15 2000

JUDICIARY

HOUSE FILE

2266

BY HAHN

Passed House, Date _____ Passed Senate, Date _____

Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act relating to requirements for detaining a juvenile in a
2 facility intended or used for the detention of adults.

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

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HF 2266

1 Section 1. Section 232.22, Code 1999, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 4A. The requirement in subsection 4 for
4 the oral or written order of a judge or magistrate is
5 suspended and the time limits for detention of a child in a
6 facility intended or used for adults may be exceeded for the
7 following reasons and time periods, provided all other
8 requirements of subsection 4 are complied with:

9 a. If the child is detained in a facility located such
10 that the distance to be traveled or the lack of highway, road,
11 or other ground transportation does not allow for the holding
12 of a detention hearing in accordance with section 232.44
13 within the twenty-four-hour period specified in subsection 4,
14 the child may be detained for an additional period of not more
15 than forty-eight hours.

16 b. If the child is detained in a facility located where
17 hazardous conditions exist that do not permit reasonably safe
18 travel to a detention hearing in accordance with section
19 232.44, including but not limited to severely adverse, life-
20 threatening weather conditions, the child may be detained
21 until twenty-four hours after the time that conditions would
22 permit reasonably safe travel.

23 Sec. 2. Section 232.44, subsection 1, unnumbered paragraph
24 1, Code 1999, is amended to read as follows:

25 A hearing shall be held within forty-eight hours, excluding
26 Saturdays, Sundays, and legal holidays, of the time of the
27 child's admission to a shelter care facility, ~~and.~~ If the
28 child is detained in accordance with section 232.22,
29 subsection 4A, a hearing shall be held within the maximum time
30 period allowed for the child's detention, otherwise the
31 hearing shall be held within twenty-four hours, excluding
32 Saturdays, Sundays, and legal holidays, of the time of a
33 child's admission to a detention facility. If the hearing is
34 not held within the time specified, the child shall be
35 released from shelter care or detention. Prior to the hearing

1 a petition shall be filed, except where the child is already
2 under the supervision of a juvenile court under a prior
3 judgment.

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EXPLANATION

5 This bill relates to requirements for detaining a juvenile
6 in a facility intended or used for the detention of adults.

7 Under current law in Code section 232.22, subsection 4, a
8 child may be held with a judge's or magistrate's order for
9 more than six hours but less than 24 hours in a facility
10 intended or used for the detention of adults provided all of
11 the following conditions are met: the child is at least age
12 14; the child's conduct indicates the child constitutes an
13 immediate and serious danger to another or to the property of
14 another, and a juvenile detention facility or other suitable
15 place is unavailable, or the court determines that the child's
16 conduct or condition endangers the safety of others in the
17 facility; the facility has an adequate staff to supervise and
18 monitor the child's activities at all times; and the child is
19 confined in a room entirely separated from detained adults, is
20 confined in a manner which prohibits communication with
21 detained adults, and is permitted to use common areas of the
22 facility only when no contact with detained adults is
23 possible.

24 Under the bill, the requirement for a judge's or
25 magistrate's order is suspended and the 24-hour time limit for
26 detention in the adult facility may be exceeded under either
27 of the following circumstances: if the child is detained in a
28 facility located such that the distance to be traveled or the
29 lack of highway, road, or other ground transportation does not
30 allow for the holding of a detention hearing within the 24-
31 hour period specified in subsection 4, the child may be
32 detained for an additional period of not more than 48 hours;
33 or if the child is detained in a facility located where
34 hazardous conditions exist that do not permit reasonably safe
35 travel to a detention hearing, including but not limited to

1 severely adverse, life-threatening weather conditions, the
2 child may be detained until 24 hours after the time that
3 conditions would permit reasonably safe travel.

4 Code section 232.44, relating to detention and shelter care
5 hearings, is amended to allow the detention hearing to be held
6 later than 24 hours after the child's admission to detention
7 when the circumstances described in the bill exist.

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