

Strey, Chair
Larson
Shoultz

HSB 614

JUDICIARY By
SF/HF

SENATE/HOUSE FILE _____
BY (PROPOSED ATTORNEY GENERAL
BILL)

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

A BILL FOR

1 An Act relating to juvenile court jurisdiction and the
2 prosecution of juveniles in juvenile and district court.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1. Section 1. Section 232.8, subsection 3, Code 1999, is
2 amended to read as follows:

3 3. The juvenile court, after a hearing and in accordance
4 with the provisions of section 232.45, may waive jurisdiction
5 of a child alleged to have committed a public offense so that
6 the child may be prosecuted as an adult or youthful offender
7 for such offense in another court. If the child, except a
8 child being prosecuted as a youthful offender, pleads guilty
9 or is found guilty of a public offense other than a class "A"
10 felony in another court of this state that court may suspend
11 the sentence or, with the consent of the child, defer judgment
12 and without regard to restrictions placed upon deferred
13 judgments for adults, place the child on probation for a
14 period of not less than one year upon such conditions as it
15 may require. Upon fulfillment of the conditions of probation
16 the, a child who receives a deferred judgement shall be
17 discharged without entry of judgment.

18 Sec. 2. Section 232.53, subsections 2 and 3, Code 1999,
19 are amended to read as follows:

20 2. All dispositional orders entered prior to the child
21 attaining the age of seventeen years ~~and-six-months~~ shall
22 automatically terminate when the child becomes eighteen years
23 of age. Dispositional orders entered subsequent to the child
24 attaining the age of seventeen years ~~and-six-months~~ and prior
25 to the child's eighteenth birthday shall automatically
26 terminate one year and six months after the date of
27 disposition. In the case of an adult within the jurisdiction
28 of the court under the provisions of section 232.8, subsection
29 1, the dispositional order shall automatically terminate one
30 year and six months after the last date upon which
31 jurisdiction could attach.

32 3. Notwithstanding section 233A.13, a child committed to
33 the training school subsequent to the child attaining the age
34 of seventeen years ~~and-six-months~~ and prior to the child's
35 eighteenth birthday may be held at the school beyond the

1 child's eighteenth birthday pursuant to subsection 2 provided
 2 that the training school makes application to and receives
 3 permission from the committing court. This extension shall be
 4 for the purpose of completion by the child of a course of
 5 instruction established for the child pursuant to section
 6 233A.4 and cannot extend for more than one year and six months
 7 beyond the date of disposition.

8 EXPLANATION

9 This bill makes changes relating to proceedings involving
 10 juvenile offenders in juvenile and district court.

11 The bill provides the district court with the option to
 12 suspend a sentence of a juvenile offender who has been waived
 13 to adult court except for a juvenile who commits a class "A"
 14 felony. The bill also provides that a juvenile waived to
 15 adult court may not receive a deferred judgment for a class
 16 "A" felony. Under existing law, the district court may
 17 suspend the sentence of an adult offender under certain
 18 statutes but is unable to suspend the sentence of any juvenile
 19 offender waived to adult court. Existing law also permits a
 20 court to grant a deferred judgment to a juvenile waived to
 21 adult court for a class "A" felony.

22 The bill also extends the duration of the juvenile court's
 23 jurisdiction over certain offenders. The bill provides that
 24 if a dispositional order is entered prior to a juvenile
 25 attaining 17 years of age, the order shall automatically
 26 terminate when the juvenile reaches the age of 18. In
 27 addition, the bill provides that if a dispositional order is
 28 entered after a juvenile reaches the age of 17, the order may
 29 terminate up to one year and six months after the date of the
 30 order. The bill also provides that an adult who has committed
 31 a delinquent act and is under the supervision of the juvenile
 32 court may be supervised by the juvenile court until the age of
 33 19 and one-half years. The bill further provides a juvenile
 34 who has been ordered to the training school after reaching the
 35 age of 17 may be held at the training school for up to one and

1 one-half years after the date of the order for the purpose of
2 completing any necessary instruction. The bill generally
3 extends the duration of juvenile court jurisdiction over
4 certain offenders by six months.

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SB 614



Department of Justice

THOMAS J. MILLER
ATTORNEY GENERAL

MEMORANDUM

ADDRESS REPLY TO:
HOOVER BUILDING
DES MOINES, IOWA 50319
TELEPHONE: 515-281-5164
FACSIMILE: 515-281-4209

TO: Members of the Iowa General Assembly
FROM: Anne Bunz and Marilyn Lantz, Legislative Liaisons
DATE: January 10, 2000
SUBJECT: Juvenile Court Jurisdiction

The Iowa Attorney General's Office is submitting a bill request dealing with juvenile delinquents in the adult and juvenile court system.

The focus of bill, separated into four sections, provides for more judicial and prosecutorial discretion when dealing with juvenile delinquents and the youthful offender statute. This bill will address those juveniles who fall through the cracks of our current adult and juvenile court systems. This bill provides a greater link between the juvenile and adult systems and also helps the juvenile justice system and the adult system promote fair and effective approaches in dealing with these juvenile offenders.

Part 1 and Part 2: Increases the age of eligibility for youthful offender status to 18. Currently, to be eligible to receive youthful offender status a delinquent needs to be fifteen years of age or younger. Under this proposal children 16 and seventeen years of age would be eligible. Youthful offender status allows for children to receive services from juvenile court. If an offender reaches the age 18 and has not followed his/her program, however, the court has the ability to waive the child up to adult court to carry out the adult court sentence.

Part 3: Provides the court a suspended sentence option for juveniles being sentenced in district court. Currently, juveniles who are waived to adult court only have the options of receiving a deferred judgment or regular sentence. In some cases, neither a deferred judgment nor imposition of sentence is appropriate. Providing the court with the ability to give the juvenile a suspended sentence would provide an additional option.

Like a deferred judgment, a suspended sentence may include probation. But unlike a deferred judgment, a suspended sentence results in a permanent record of conviction.

Part 4: Extends the dispositional order for juveniles who are seventeen years of age, for a year and six months after they turn eighteen. This part of the proposal expands the options of rehabilitation and provides for the juvenile to participate in a full treatment/vocational program.

Example for Part 4 (if enacted): Child 17 years and 2 months of age, convicted of a sex offense, who is currently in Eldora Training School would not be released upon his eightieth birthday if his sex offender treatment and vocational programs had not been completed. He would have the opportunity to finish his programs until he reaches the age of 19 years and six months of age.

Substituted for by S.B. 2221

3/16/00 Unfinished Business Calendar

3-28-00
(P. 1019)

FEB 23 2000

Place On Calendar

WITHDRAWN

HOUSE FILE **2390**

BY COMMITTEE ON JUDICIARY

3-28-00
(P. 1020) (SUCCESSOR TO HSB 614)

Passed House, ^(p. 632) Date 3/8/00

Passed Senate, Date _____

Vote: Ayes 90 Nays 1

Vote: Ayes _____ Nays _____

Approved _____

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HF 2390

1 Section 1. Section 232.8, subsection 3, Code 1999, is
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**HOUSE FILE 2390
FISCAL NOTE**

The estimate for House File 2390 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 2390 provides the district court with the option to suspend a sentence of a juvenile offender who has been waived to adult court except for a juvenile who commits a Class A felony. Under the Bill, a juvenile waived to adult court may not receive a deferred judgment for a Class A felony. House File 2390 extends the duration of the juvenile court's jurisdiction over certain offenders.

ASSUMPTIONS

1. A deferred judgment or suspended sentence is not an option for juveniles waived to adult court who have been convicted of a Class A felony. Few, if any, individuals who are convicted of a Class A felony receive a deferred judgment or suspended sentence.
2. There is a cap on the number of beds available at the state training school. Because of the cap, some youth who would have been served at the training school will be served in other settings. The actual number of juveniles affected is unknown.
3. The provision that a juvenile may be held at the training school past the age of 18 will increase the number of older juveniles at the training school.
4. There may be increased demand for aftercare and/or community-based services for juveniles. If demand for these services increases, the costs will be borne by counties. The actual number of juveniles affected is unknown.
5. Dispositional orders entered after a juvenile reaches age 17 may increase the number of individuals and the length of time the juvenile court has jurisdiction. The order may be extended by up to one year and six months. The actual number of juveniles affected by this provision is unknown.
6. Adults who have committed a delinquent act while under the supervision of the juvenile court may continue to be supervised by the juvenile court until age 19 and one-half years. The actual number of adults affected by this provision is unknown.
7. The average cost for a new juvenile court officer is \$18.26 per hour. Juvenile court officers devote approximately four hours per week per juvenile.

FISCAL IMPACT

House File 2390 would have a minimal fiscal impact on the Department of Human Services.

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The Judicial Department may realize some additional cases, but the fiscal impact cannot be determined.

House File 2390 may increase aftercare and community-based services provided by counties, but the actual fiscal impact cannot be determined.

SOURCES

Department of Human Rights, Criminal and Juvenile Justice Planning Division
Department of Human Services
State Court Administrator's Office

(LSB 5154hv, BAL)

FILED MARCH 2, 2000

BY DENNIS PROUTY, FISCAL DIRECTOR