

Senate Study Bill 3067

Bill Text

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1 1 Section 1. Section [232.8](#), subsection 3, Code 1999, is
1 2 amended to read as follows:
1 3 3. The juvenile court, after a hearing and in accordance
1 4 with the provisions of section 232.45, may waive jurisdiction
1 5 of a child alleged to have committed a public offense so that
1 6 the child may be prosecuted as an adult or youthful offender
1 7 for such offense in another court. If the child, except a
1 8 child being prosecuted as a youthful offender, pleads guilty
1 9 or is found guilty of a public offense other than a class "A"
1 10 felony in another court of this state that court may suspend
1 11 the sentence or, with the consent of the child, defer judgment
1 12 and without regard to restrictions placed upon deferred
1 13 judgments for adults, place the child on probation for a
1 14 period of not less than one year upon such conditions as it
1 15 may require. Upon fulfillment of the conditions of probation
1 16

~~the~~

~~-, a child who receives a deferred judgement shall be~~
1 17 discharged without entry of judgment.

1 18 Sec. 2. Section [232.53](#), subsections 2 and 3, Code 1999,
1 19 are amended to read as follows:

1 20 2. All dispositional orders entered prior to the child
1 21 attaining the age of seventeen years

~~and six months~~

~~- shall~~

1 22 automatically terminate when the child becomes eighteen years
1 23 of age. Dispositional orders entered subsequent to the child
1 24 attaining the age of seventeen years

~~and six months~~

~~- and prior~~

1 25 to the child's eighteenth birthday shall automatically
1 26 terminate one year and six months after the date of
1 27 disposition. In the case of an adult within the jurisdiction
1 28 of the court under the provisions of section 232.8, subsection
1 29 1, the dispositional order shall automatically terminate one
1 30 year and six months after the last date upon which
1 31 jurisdiction could attach.

1 32 3. Notwithstanding section 233A.13, a child committed to
1 33 the training school subsequent to the child attaining the age
1 34 of seventeen years

~~and six months~~

~~- and prior to the child's~~

1 35 eighteenth birthday may be held at the school beyond the
2 1 child's eighteenth birthday pursuant to subsection 2 provided
2 2 that the training school makes application to and receives
2 3 permission from the committing court. This extension shall be
2 4 for the purpose of completion by the child of a course of
2 5 instruction established for the child pursuant to section
2 6 233A.4 and cannot extend for more than one year and six months
2 7 beyond the date of disposition.

2 8 EXPLANATION

2 9 This bill makes changes relating to proceedings involving

2 10 juvenile offenders in juvenile and district court.

2 11 The bill provides the district court with the option to
2 12 suspend a sentence of a juvenile offender who has been waived
2 13 to adult court except for a juvenile who commits a class "A"
2 14 felony. The bill also provides that a juvenile waived to
2 15 adult court may not receive a deferred judgment for a class
2 16 "A" felony. Under existing law, the district court may
2 17 suspend the sentence of an adult offender under certain
2 18 statutes but is unable to suspend the sentence of any juvenile
2 19 offender waived to adult court. Existing law also permits a
2 20 court to grant a deferred judgment to a juvenile waived to
2 21 adult court for a class "A" felony.

2 22 The bill also extends the duration of the juvenile court's
2 23 jurisdiction over certain offenders. The bill provides that
2 24 if a dispositional order is entered prior to a juvenile
2 25 attaining 17 years of age, the order shall automatically
2 26 terminate when the juvenile reaches the age of 18. In
2 27 addition, the bill provides that if a dispositional order is
2 28 entered after a juvenile reaches the age of 17, the order may
2 29 terminate up to one year and six months after the date of the
2 30 order. The bill also provides that an adult who has committed
2 31 a delinquent act and is under the supervision of the juvenile
2 32 court may be supervised by the juvenile court until the age of
2 33 19 and one-half years. The bill further provides a juvenile
2 34 who has been ordered to the training school after reaching the
2 35 age of 17 may be held at the training school for up to one and
3 1 one-half years after the date of the order for the purpose of
3 2 completing any necessary instruction. The bill generally
3 3 extends the duration of juvenile court jurisdiction over
3 4 certain offenders by six months.

3 5 LSB 5154DP 78

3 6 jm/as/5