

House Study Bill 716

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON JUDICIARY
BILL BY CHAIRPERSON PAULSEN)

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

A BILL FOR

1 An Act relating to a restitution order in a juvenile delinquency
2 proceeding.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 5481HC 81
5 jm/je/5

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1 1 Section 1. Section 232.150, subsection 1, Code 2005, is
1 2 amended to read as follows:
1 3 1. a. Upon application of a person who was taken into
1 4 custody for a delinquent act or was the subject of a complaint
1 5 alleging delinquency or was the subject of a delinquency
1 6 petition, or upon the court's own motion, the court, after
1 7 hearing, shall order the records in the case including those
1 8 specified in sections 232.147 and 232.149 sealed if the court
1 9 finds all of the following:
1 10 ~~a.~~ (1) Two years have elapsed since the final discharge
1 11 of the person or since the last official action in the
1 12 person's case if there was no adjudication and disposition.
1 13 ~~b.~~ (2) The person has not been subsequently convicted of
1 14 a felony or an aggravated or serious misdemeanor or
1 15 adjudicated a delinquent child for an act which if committed
1 16 by an adult would be a felony, an aggravated misdemeanor or a
1 17 serious misdemeanor and no proceeding is pending seeking such
1 18 conviction or adjudication.
1 19 ~~c.~~ (3) The person was not placed on youthful offender
1 20 status, transferred back to district court after the youthful
1 21 offender's eighteenth birthday, and sentenced for the offense
1 22 which precipitated the youthful offender placement.
1 23 ~~b.~~ ~~However, if~~ If the person was adjudicated delinquent
1 24 for an offense which if committed by an adult would be an
1 25 aggravated misdemeanor or a felony, the court shall not order
1 26 the records in the case sealed unless, upon application of the
1 27 person or upon the court's own motion and after hearing, the
1 28 court finds that ~~paragraphs "a" and "b" subparagraphs (1) and~~
1 29 (2) apply and that the sealing is in the best interests of the
1 30 person and the public.
1 31 c. If the person is required to pay monetary restitution
1 32 to a victim due to a delinquent act and the restitution is
1 33 unpaid, the records in the case may be sealed, but the name of
1 34 the court, the title of the action, and the court's file
1 35 number shall remain unsealed as provided in section 910.10 and
2 1 the restitution amount shall be a judgment and lien as
2 2 provided in sections 910.7A, 910.8, 910.10, and 915.28 until
2 3 the restitution is paid in full.
2 4 Sec. 2. Section 910.10, subsection 2, Code 2005, is
2 5 amended by adding the following new paragraph:
2 6 NEW PARAGRAPH. cc. If applicable, any juvenile
2 7 delinquency proceeding pursuant to which the lien is filed,
2 8 including only the name of the court, the title of the action,
2 9 and the court's file number.
2 10 Sec. 3. Section 910.10, subsection 3, Code 2005, is
2 11 amended by adding the following new paragraph:
2 12 NEW PARAGRAPH. c. A victim in a juvenile delinquency
2 13 proceeding after restitution has been determined and ordered
2 14 by the juvenile court and the juvenile offender has been
2 15 discharged from the jurisdiction of the juvenile court due to
2 16 reaching the age of eighteen years.
2 17 Sec. 4. Section 915.28, Code 2005, is amended by adding
2 18 the following new subsection:
2 19 NEW SUBSECTION. 4. Upon final discharge from the

2 20 jurisdiction of juvenile court due to the juvenile reaching
2 21 the age of eighteen years, any restitution order consisting of
2 22 monetary payment to the victim due to a delinquent act shall
2 23 constitute a judgment and lien against all property of the
2 24 person liable for the amount the person was obligated to pay
2 25 under the order of the juvenile court, and may be recorded and
2 26 enforced as provided in sections 910.7A, 910.8, and 910.10.

2 27 EXPLANATION

2 28 This bill relates to a restitution order in a juvenile
2 29 delinquency proceeding.

2 30 The bill provides that a juvenile court restitution order
2 31 in a delinquency proceeding shall constitute a judgment and
2 32 lien against all the property of the juvenile, if the juvenile
2 33 is discharged from the jurisdiction of the juvenile court
2 34 after attaining the age of majority and the restitution order
2 35 remains unpaid.

3 1 The bill also provides that the juvenile delinquency
3 2 records may be sealed under Code section 232.150. However,
3 3 the name of the court, the title of the action, and the
3 4 court's file number shall remain unsealed and the restitution
3 5 order shall remain a judgment and lien against any property of
3 6 the juvenile after the juvenile has attained the age of 18
3 7 until the restitution is paid in full.

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