

Senate Study Bill 1043 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE
ON JUDICIARY BILL BY
CHAIRPERSON FRAISE)

A BILL FOR

1 An Act relating to the placement of a juvenile on youthful
2 offender status in district court.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 232.8, subsection 3, paragraph a, Code
2 2011, is amended to read as follows:

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

18 Sec. 2. Section 232.45, subsection 7, paragraph a,
19 subparagraph (1), Code 2011, is amended to read as follows:

20 (1) The child is thirteen, fourteen, or fifteen years of age
21 ~~or younger~~.

22 Sec. 3. Section 232.50, subsection 1, Code 2011, is amended
23 to read as follows:

24 1. As soon as practicable following the entry of an order
25 of adjudication pursuant to section 232.47 or notification
26 that the child has received a youthful offender ~~deferred~~
27 sentence pursuant to section 907.3A, the court shall hold a
28 dispositional hearing in order to determine what disposition
29 should be made of the matter.

30 Sec. 4. Section 232.52, subsection 1, Code 2011, is amended
31 to read as follows:

32 1. Pursuant to a hearing as provided in section 232.50, the
33 court shall enter the least restrictive dispositional order
34 appropriate in view of the seriousness of the delinquent act,
35 the child's culpability as indicated by the circumstances of

1 the particular case, the age of the child, the child's prior
2 record, or the fact that the child has received a youthful
3 offender ~~deferred~~ sentence under section 907.3A. The order
4 shall specify the duration and the nature of the disposition,
5 including the type of residence or confinement ordered and the
6 individual, agency, department, or facility in whom custody is
7 vested. In the case of a child who has received a youthful
8 offender ~~deferred~~ sentence, the initial duration of the
9 dispositional order shall be until the child reaches the age
10 of eighteen.

11 Sec. 5. Section 232.54, subsection 1, paragraph g, Code
12 2011, is amended to read as follows:

13 g. With respect to a juvenile court dispositional order
14 entered regarding a child who has received a youthful offender
15 ~~deferred~~ sentence under section 907.3A, the dispositional
16 order may be terminated prior to the child reaching the age
17 of eighteen upon motion of the child, the person or agency to
18 whom custody of the child has been transferred, or the county
19 attorney following a hearing before the juvenile court if it
20 is shown by clear and convincing evidence that it is in the
21 best interests of the child and the community to terminate
22 the order. The hearing may be waived if all parties to the
23 proceeding agree. The dispositional order regarding a child
24 who has received a youthful offender ~~deferred~~ sentence may
25 also be terminated prior to the child reaching the age of
26 eighteen upon motion of the county attorney, if the waiver of
27 the child to district court was conditioned upon the terms of
28 an agreement between the county attorney and the child, and
29 the child violates the terms of the agreement after the waiver
30 order has been entered. The district court shall discharge the
31 child's youthful offender status upon receiving a termination
32 order under this section.

33 Sec. 6. Section 232.54, subsection 1, paragraph h,
34 unnumbered paragraph 1, Code 2011, is amended to read as
35 follows:

1 With respect to a dispositional order entered regarding a
2 child who has received a youthful offender ~~deferred~~ sentence
3 under section 907.3A, the juvenile court may, in the case of a
4 child who violates the terms of the order, modify or terminate
5 the order in accordance with the following:

6 Sec. 7. Section 232.55, subsection 3, Code 2011, is amended
7 to read as follows:

8 3. This section does not apply to dispositional orders
9 entered regarding a child who has received a youthful offender
10 ~~deferred~~ sentence under section 907.3A who is not discharged
11 from probation before or upon the child's eighteenth birthday.

12 Sec. 8. Section 232.56, Code 2011, is amended to read as
13 follows:

14 **232.56 Youthful offenders — transfer to district court**
15 **supervision.**

16 The juvenile court shall deliver a report, which includes
17 an assessment of the child by a juvenile court officer
18 after consulting with the judicial district department of
19 correctional services, to the district court prior to the
20 eighteenth birthday of a child who has received a youthful
21 offender ~~deferred~~ sentence under section 907.3A. A hearing
22 shall be held in the district court in accordance with section
23 907.3A to determine whether the child should be discharged from
24 youthful offender status or whether the child shall continue
25 under the supervision of the district court after the child's
26 eighteenth birthday.

27 Sec. 9. Section 907.3A, subsection 1, Code 2011, is amended
28 to read as follows:

29 1. Notwithstanding section 907.3 but subject to any
30 conditions of the waiver order, the trial court shall, upon a
31 plea of guilty or a verdict of guilty, defer judgment or defer
32 sentence of a youthful offender over whom the juvenile court
33 has waived jurisdiction pursuant to section 232.45, subsection
34 7, and place the juvenile on youthful offender status. The
35 court shall transfer supervision of the youthful offender to

1 the juvenile court for disposition in accordance with section
2 232.52. The court shall require supervision of the youthful
3 offender in accordance with section 232.54, subsection 1,
4 paragraph "h", or subsection 2 of this section. Notwithstanding
5 section 901.2, a presentence investigation shall not be
6 ordered by the court subsequent to an entry of a plea of guilty
7 or verdict of guilty or prior to deferral of sentence of a
8 youthful offender under this section.

9 Sec. 10. Section 907.3A, subsection 3, Code 2011, is amended
10 to read as follows:

11 3. Notwithstanding any provision of the Code which
12 prescribes a mandatory minimum sentence for the offense
13 committed by the youthful offender, following transfer of the
14 youthful offender from the juvenile court back to the court
15 having jurisdiction over the criminal proceedings involving the
16 youthful offender, the court may continue the youthful offender
17 ~~deferred~~ sentence or enter a sentence, which may be a suspended
18 sentence. Notwithstanding anything in section 907.7 to the
19 contrary, if the district court either continues the youthful
20 offender ~~deferred~~ sentence or enters a sentence, suspends the
21 sentence, and places the youthful offender on probation, the
22 term of formal supervision shall commence upon entry of the
23 order by the district court and may continue for a period not
24 to exceed five years. If the district court enters a sentence
25 of confinement, and the youthful offender was previously placed
26 in secure confinement by the juvenile court under the terms
27 of the initial disposition order or any modification to the
28 initial disposition order, the person shall receive credit for
29 any time spent in secure confinement. During any period of
30 probation imposed by the district court, a youthful offender
31 who violates the terms of probation is subject to section
32 908.11.

33 EXPLANATION

34 This bill relates to the placement of a juvenile on youthful
35 offender status in district court.

1 The bill specifies that a juvenile who is 13, 14, or 15 years
2 of age is eligible to be prosecuted as a youthful offender.
3 Current law requires that a juvenile be 15 years of age or
4 younger in order to be eligible for prosecution as a youthful
5 offender.

6 A youthful offender is a juvenile who is prosecuted in
7 district court but is supervised in juvenile court until the
8 age of 18. Upon the youthful offender attaining the age of 18,
9 the district court has discretion to discharge the sentence or
10 continue supervision of the youthful offender in district court
11 as provided Code section 907.3A.

12 The bill also allows the district court to defer judgment
13 of a juvenile who has been waived to district court pursuant
14 to Code section 232.45, subsection 7, for prosecution as a
15 youthful offender. Current law only allows the district court
16 to defer the sentence of a juvenile who has been waived to
17 district court pursuant to Code section 232.45, subsection 7,
18 for prosecution as a youthful offender.

19 A "deferred judgment" means a sentencing option where the
20 adjudication of guilt and the imposition of a sentence are
21 deferred by the court. However, the court retains the power
22 to pronounce judgment and impose sentence subject to the
23 defendant's compliance with conditions set by the court as a
24 requirement of the deferred judgment.

25 A "deferred sentence" means a sentencing option where the
26 court enters an adjudication of guilt but does not impose a
27 sentence. The court does retain the power to sentence the
28 defendant to any sentence it originally could have imposed
29 subject to the defendant's compliance with conditions set by
30 the court as a requirement of the deferred sentence.