

Senate File 2220 - Introduced

SENATE FILE 2220

BY PETERSEN

A BILL FOR

1 An Act relating to the jurisdiction of the juvenile court.

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

1 Section 1. Section 232.8, subsection 1, paragraph c, Code
2 2020, is amended by striking the paragraph.

3 Sec. 2. Section 232.45, subsection 6, Code 2020, is amended
4 to read as follows:

5 6. a. ~~At~~ Except as provided in paragraph "b", at the
6 conclusion of the waiver hearing the court may waive its
7 jurisdiction over the child for the alleged commission of the
8 public offense for the purpose of prosecution of the child as
9 an adult if all of the following apply:

10 ~~a.~~ (1) The child is fourteen years of age or older.

11 ~~b.~~ (2) The court determines, or has previously determined
12 in a detention hearing under [section 232.44](#), that there is
13 probable cause to believe that the child has committed a
14 delinquent act which would constitute the public offense.

15 ~~c.~~ (3) The court determines that the state has established
16 that there are not reasonable prospects for rehabilitating the
17 child if the juvenile court retains jurisdiction over the child
18 and the child is adjudicated to have committed the delinquent
19 act, and that waiver of the court's jurisdiction over the child
20 for the alleged commission of the public offense would be in
21 the best interests of the child and the community.

22 b. The juvenile court shall have exclusive original
23 jurisdiction in a proceeding concerning an offense of animal
24 torture as provided in section 717B.3A alleged to have been
25 committed by a child under the age of seventeen.

26 Sec. 3. Section 232.45, subsection 7, paragraph a,
27 subparagraph (2), Code 2020, is amended to read as follows:

28 (2) The court determines, or has previously determined in a
29 detention hearing under [section 232.44](#), that there is probable
30 cause to believe that the child has committed a delinquent act
31 which would constitute a public offense ~~under section 232.8,~~
32 ~~subsection 1, paragraph "c", notwithstanding the application~~
33 ~~of that paragraph to children aged sixteen or older, including~~
34 a violation of section 124.401, subsection 1, paragraph "e" or
35 "f"; a violation of section 723A.2 which involves a violation

1 of chapter 724; a violation of chapter 724 which constitutes a
2 felony; or a violation which constitutes a forcible felony.

3 Sec. 4. Section 803.6, subsection 1, Code 2020, is amended
4 to read as follows:

5 1. The court, ~~in the case of a juvenile who is alleged to~~
6 ~~have committed a criminal offense listed in section 232.8,~~
7 ~~subsection 1, paragraph "e",~~ may direct a juvenile court officer
8 to provide a report regarding whether the child should be
9 transferred to juvenile court for adjudication and disposition
10 as a juvenile if the juvenile has committed one of the
11 following offenses: a violation of section 124.401, subsection
12 1, paragraph "e" or "f"; a violation of section 723A.2 which
13 involves a violation of chapter 724; a violation of chapter 724
14 which constitutes a felony; or a violation which constitutes
15 a forcible felony.

16 EXPLANATION

17 The inclusion of this explanation does not constitute agreement with
18 the explanation's substance by the members of the general assembly.

19 Under current law, the juvenile court has exclusive original
20 jurisdiction in certain proceedings concerning a child (person
21 under 18 years of age), excluding certain offenses that would
22 be simple misdemeanor offenses if committed by an adult. In
23 addition, if a child is 16 years of age or older and has
24 committed certain other offenses, the child is excluded from
25 the jurisdiction of the juvenile court unless the district
26 court transfers jurisdiction of the child to juvenile court
27 after a waiver application and hearing. This bill eliminates
28 this exclusion from the jurisdiction of the juvenile court for
29 a child 16 years of age and older for offenses that involve the
30 manufacture, delivery, or possession of a controlled substance
31 while in the immediate possession or control of a firearm
32 or offensive weapon; criminal gang participation involving
33 weapons; a felony weapons charge; and forcible felonies. The
34 bill also makes conforming Code changes.