

House File 670 - Introduced

HOUSE FILE 670
BY CROKEN

A BILL FOR

- 1 An Act relating to the jurisdiction of the juvenile court and
- 2 juvenile pre-charge diversion programs.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

unofficial

1 Section 1. Section 216A.136, Code 2025, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 14. Juvenile pre-charge juvenile diversion
4 program data maintained under section 232.14.

5 Sec. 2. Section 232.2, subsection 5, Code 2025, is amended to
6 read as follows:

7 5. "Child" means a person under eighteen years of age. For
8 the purposes of this subchapter and subchapter II, "child" also
9 means a person under twenty-one years of age who is alleged
10 to have committed an offense for which the juvenile court has
11 exclusive original jurisdiction if the proceedings related to
12 that offense began prior to the person attaining eighteen years
13 of age.

14 Sec. 3. Section 232.2, Code 2025, is amended by adding the
15 following new subsection:

16 NEW SUBSECTION. 37A. "Juvenile pre-charge diversion program"
17 means a program certified by the department pursuant to section
18 232.14 to coordinate services for a child who is alleged to
19 have committed an offense that, if committed by an adult, would
20 constitute a simple misdemeanor for the purpose of diverting the
21 child from the jurisdiction of juvenile court.

22 Sec. 4. Section 232.8, subsection 1, paragraph c, Code 2025,
23 is amended by striking the paragraph and inserting in lieu
24 thereof the following:

25 c. (1) The juvenile court shall retain jurisdiction in
26 proceedings concerning all of the following:

27 (a) A child if the alleged offense that, if committed by an
28 adult, would constitute a misdemeanor.

29 (b) A person whose case was transferred to the jurisdiction
30 of the juvenile court pursuant to an order under section 803.5.

31 (c) A child under the age of seventeen who allegedly
32 committed an offense of animal torture as provided in section
33 717B.3A.

34 (2) Juvenile court jurisdiction of a child who is alleged to
35 have committed an offense that, if committed by an adult, would

1 constitute a felony shall be subject to section 232.45.

2 Sec. 5. NEW SECTION. **232.14 Juvenile pre-charge diversion**
3 **programs.**

4 1. The department shall certify juvenile pre-charge diversion
5 programs that offer rehabilitative services to a child who could
6 be subject to the jurisdiction of the juvenile court.

7 2. To be eligible for participation in a certified juvenile
8 pre-charge diversion program, a child must have allegedly
9 committed an offense that, if committed by an adult, would
10 constitute a simple misdemeanor and must not have been referred
11 to a juvenile pre-charge diversion program within the twelve
12 months prior to the date of the alleged offense.

13 3. The department shall determine by rule minimum standards
14 for juvenile pre-charge diversion programs which shall require
15 that a juvenile pre-charge diversion program be a short-term,
16 community-based program that focuses on skill building and
17 restorative justice principles. The department shall designate
18 the types of activities that a juvenile pre-charge diversion
19 program may include to meet minimum standards.

20 4. The department shall determine minimum requirements for a
21 juvenile pre-charge diversion program participant's completion of
22 a juvenile pre-charge diversion program.

23 5. Juvenile pre-charge diversion programs shall collect data
24 on all children who participate in the program and submit
25 the data to the department for recordkeeping, research, and
26 evaluation purposes.

27 6. Prior to filing a complaint pursuant to section 232.28
28 against a child who meets the requirements to participate
29 in a juvenile pre-charge diversion program, a peace officer
30 or law enforcement agency shall determine whether a juvenile
31 pre-charge diversion program certified pursuant to subsection
32 1 exists within the jurisdiction of the peace officer or law
33 enforcement agency. If the peace officer or law enforcement
34 agency determines a juvenile pre-charge diversion program is
35 available for a child, the peace officer or law enforcement

1 agency shall refer the child to the juvenile pre-charge diversion
2 program instead of filing a complaint against the child.

3 7. The department shall adopt rules for the implementation of
4 this section.

5 Sec. 6. Section 232.22, subsection 7, paragraph a, unnumbered
6 paragraph 1, Code 2025, is amended to read as follows:

7 If the juvenile court has waived its jurisdiction over the
8 child pursuant to section 232.45 or 232.45A ~~or the child is~~
9 ~~excluded from the jurisdiction of the juvenile court pursuant~~
10 ~~to section 232.8, subsection 1, paragraph "c",~~ and the child is
11 awaiting trial or other legal process, the child shall not be
12 detained in any facility intended for the detention of adults
13 unless the district court determines that after a hearing and
14 issuing written findings, that such detention is in the best
15 interest of the child and the community. In determining whether
16 it is in the best interest of the child and the community
17 to permit a child to be detained in a facility intended for
18 the detention of adults, the court shall consider all of the
19 following:

20 Sec. 7. Section 232.45, subsection 1, Code 2025, is amended
21 to read as follows:

22 1. ~~After~~ Subject to section 232.8, subsection 1, paragraph
23 "c", subparagraph (1), after the filing of a petition which
24 alleges that a child has committed a delinquent act ~~on the~~
25 ~~basis of an alleged commission of a public offense that, if~~
26 committed by an adult, would constitute a felony and before
27 an adjudicatory hearing on the merits of the petition is held,
28 the county attorney or the child may file a motion requesting
29 the court to waive its jurisdiction over the child for the
30 alleged commission of the ~~public offense~~ delinquent act or for
31 the purpose of prosecution of the child as an adult or a youthful
32 offender. If the county attorney and the child agree, a motion
33 for waiver for the purpose of being prosecuted as a youthful
34 offender may be heard by the district court as part of the
35 proceedings under section 907.3A, or by the juvenile court as

1 provided in this section. If the motion for waiver for the
2 purpose of being prosecuted as a youthful offender is made as
3 a result of a conditional agreement between the county attorney
4 and the child, the conditions of the agreement shall be disclosed
5 to the court in the same manner as provided in rules of criminal
6 procedure 2.8 and 2.10.

7 Sec. 8. Section 232.45, subsection 6, paragraph b, Code 2025,
8 is amended to read as follows:

9 b. The court determines, or has previously determined in a
10 detention hearing under section 232.44, that there is probable
11 cause to believe that the child has committed a delinquent act
12 which that, if committed by an adult, would constitute ~~the public~~
13 offense a felony.

14 Sec. 9. Section 232.45, subsection 7, paragraph a,
15 subparagraph (2), Code 2025, is amended by striking the
16 subparagraph.

17 Sec. 10. Section 232.149, subsection 3, Code 2025, is amended
18 by striking the subsection.

19 Sec. 11. Section 803.6, Code 2025, is amended by striking the
20 section.

21 Sec. 12. DEPARTMENT OF HEALTH AND HUMAN SERVICES — JUVENILE
22 PROBATION — TECHNICAL VIOLATIONS — STUDY COMMITTEE. The
23 department of health and human services shall convene a study
24 committee to meet during the 2025 legislative interim to examine
25 alternatives to placing juveniles in detention for probation or
26 technical violations including community-based and residential
27 rehabilitation alternatives for moderate and high-risk juvenile
28 offenders. The membership of the committee shall, at a minimum,
29 consist of a representative from the department of health and
30 human services, a representative from the department of justice,
31 and a member of the judicial branch. The committee shall submit
32 a report detailing the committee's findings and recommendations
33 to the general assembly and the governor no later than December
34 15, 2025.

35

EXPLANATION

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

3 This bill relates to the jurisdiction of the juvenile court
4 and juvenile pre-charge diversion programs.

5 The bill defines "child" for the purposes of Code chapter 232
6 (juvenile justice), subchapters I (construction and definitions)
7 and II (juvenile delinquency proceedings), as a person under 21
8 years of age who is alleged to have committed an offense for
9 which the juvenile court has exclusive original jurisdiction if
10 the proceedings related to that offense began prior to the person
11 attaining 18 years of age. Current law defines "child" as a
12 person under 18 years of age.

13 The bill defines "juvenile pre-charge diversion program" as a
14 program certified by the department of health and human services
15 (HHS) to coordinate services for a child who is alleged to
16 have committed an offense that, if committed by an adult, would
17 constitute a simple misdemeanor for the purpose of diverting the
18 child from juvenile court proceedings.

19 The bill provides that the juvenile court shall retain
20 jurisdiction in proceedings concerning a child if the alleged
21 offense would constitute a misdemeanor if committed by an adult,
22 if the child's case was transferred to the jurisdiction of the
23 juvenile court from a district court because the child allegedly
24 committed the offense prior to reaching 18 years of age, or if
25 the proceeding concerns an offense of animal torture alleged to
26 have been committed by a child under 17 years of age. Juvenile
27 court jurisdiction of a child who allegedly commits an offense
28 that, if committed by an adult, would constitute a felony may be
29 waived upon a juvenile court making certain findings under Code
30 section 232.45.

31 JUVENILE PRE-CHARGE DIVERSION PROGRAMS. The bill provides
32 that HHS shall certify juvenile pre-charge diversion programs
33 that offer rehabilitative services to a child who could be
34 subject to the jurisdiction of the juvenile court for the purpose
35 of diverting the child from a formal adjudication in juvenile

1 court. To be eligible for participation, the child must have
2 allegedly committed an offense that, if committed by an adult,
3 would constitute a simple misdemeanor and must not have been
4 referred to a juvenile pre-charge diversion program within the 12
5 months prior to the date of the alleged offense.

6 The bill requires HHS to determine by rule minimum standards
7 for juvenile pre-charge diversion programs. Minimum standards
8 must require that a juvenile pre-charge diversion program be
9 a short-term, community-based program that focuses on skill
10 building and restorative justice principles. HHS must designate
11 the types of activities that a juvenile pre-charge diversion
12 program may include. The bill requires HHS to determine minimum
13 requirements for a program participant's completion of a juvenile
14 pre-charge diversion program and requires HHS to adopt rules
15 for the implementation of certified juvenile pre-charge diversion
16 programs.

17 The bill requires a juvenile court to make a finding that
18 there is probable cause to believe that a child has committed a
19 delinquent act that, if committed by an adult, would constitute
20 a felony before the court is allowed to waive its jurisdiction
21 over the child to allow the child to be tried as an adult. Under
22 current law, the juvenile court is only required to find there
23 is probable cause to believe the child has committed a delinquent
24 act before the court is allowed to waive its jurisdiction.

25 The bill directs HHS to convene a study committee during
26 the 2025 legislative interim to examine alternatives to placing
27 juveniles in detention for probation or technical violations,
28 including but not limited to community-based and residential
29 rehabilitation alternatives for moderate and high-risk juvenile
30 offenders. Committee membership must include, at a minimum, a
31 representative from HHS and the department of justice, and a
32 member of the judicial branch. The bill requires the committee
33 to submit a report detailing its findings and recommendations to
34 the general assembly and the governor no later than December 15,
35 2025.

1 The bill makes conforming Code changes to Code sections
2 232.22 (placement in detention), 232.45 (waiver hearing and
3 waiver of jurisdiction), 232.149 (records of criminal or juvenile
4 agencies), and 803.6 (transfer of jurisdiction — juvenile).

unofficial