

CHAPTER 130
WAIVER OF JUVENILE COURT JURISDICTION
H.F. 204

AN ACT relating to the waiver of the juvenile court's jurisdiction for the alleged commission of public offenses.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 232.45, subsections 1, 4, 6, 8, and 10, Code 1985, are amended to read as follows:

1. After the filing of a petition which alleges that a child has committed a delinquent act on the basis of an alleged commission of a public offense and before an adjudicatory hearing on the merits of the petition is held, the county attorney or the child may file a motion requesting the court to waive its jurisdiction over the child for the alleged commission of the public offense.

4. Prior to the waiver hearing, the juvenile probation officer or other person or agency designated by the court shall conduct an investigation for the purpose of collecting information relevant to the court's decision to waive its jurisdiction over the child for the alleged commission of the public offense and shall submit a report concerning ~~such~~ the investigation to the court. The report shall include any recommendations made concerning waiver. Prior to the hearing the court shall provide the child's counsel and the county attorney with access to the report and to all written material to be considered by the court.

6. At the conclusion of the waiver hearing the court may waive its jurisdiction over the child for the alleged commission of the public offense if all of the following apply:

a. The child is fourteen years of age or older; ~~and.~~

b. The court determines, or has previously determined in a detention hearing under section 232.44, that there is probable cause to believe that the child has committed a delinquent act which would constitute a the public offense; and.

c. The court determines that the state has established that there are not reasonable prospects for rehabilitating the child ~~in the event if~~ the juvenile court retains jurisdiction over the child and the child is adjudicated to have committed ~~a the~~ delinquent act, and that waiver of the court's jurisdiction over the child for the alleged commission of the public offense would be in the best ~~interest~~ interests of the child ~~or~~ and the community.

8. If at the conclusion of the hearing the court waives its jurisdiction over the child for the alleged commission of the public offense, the court shall make and file written findings as to its reasons for waiving its jurisdiction.

10. If the court waives its jurisdiction over the child for the alleged commission of the public offense so that the child may be prosecuted as an adult, the judge who made the waiver decision shall not preside at any subsequent proceedings in connection with that prosecution ~~over the objection of~~ if the child objects.

Sec. 2. Section 232.45, Code 1985, is amended by adding after subsection 10 the following new subsection:

NEW SUBSECTION. 11. The waiver does not apply to other delinquent acts which are not alleged in the delinquency petition presented at the waiver hearing.

Approved May 15, 1985