

MAR 9 2001

JUDICIARY

HOUSE FILE 574

BY RICHARDSON

Passed House, Date _____ Passed Senate, Date _____

Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act providing for juvenile detention and requiring a physical
2 or mental examination of a child who carries a firearm on
3 school grounds.

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

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HF 574

1 Section 1. Section 232.22, subsection 1, Code 2001, is
2 amended by adding the following new paragraph:

3 NEW PARAGRAPH. h. There is probable cause to believe that
4 the child has committed a delinquent act that, if committed by
5 an adult, would violate the prohibition against carrying
6 weapons on school grounds under section 724.4B.

7 Sec. 2. Section 232.44, subsection 6, Code 2001, is
8 amended to read as follows:

9 6. If the court finds that there is probable cause to
10 believe that the child is within the jurisdiction of the court
11 under this chapter and that full-time detention or shelter
12 care is authorized under section 232.21 or 232.22 or that
13 detention is authorized under section 232.23, it may issue an
14 order authorizing either shelter care or detention until the
15 adjudicatory hearing or trial is held or for a period not
16 exceeding seven days, whichever is shorter. However, in the
17 case of a child placed in detention under section 232.23, this
18 period may be extended by agreement of the parties and the
19 court. However, if the court finds that that full-time
20 detention is authorized because there is probable cause to
21 believe that the child has committed a delinquent act that, if
22 committed by an adult, would violate the prohibition against
23 carrying weapons on school grounds under section 724.4B, the
24 court shall not order the child's release until the child has
25 been in detention for not less than seventy-two hours or, if a
26 physical or mental examination is to be conducted at the
27 detention facility, until a physical or mental examination is
28 completed as provided under section 232.49, subsection 4.

29 Sec. 3. Section 232.49, Code 2001, is amended by adding
30 the following new subsection:

31 NEW SUBSECTION. 4. After the filing of a delinquency
32 petition the court shall order a physical or mental
33 examination of the child if there is probable cause to believe
34 the child has committed a delinquent act which would be a
35 violation under section 724.4B if committed by an adult. The

1 examination may be conducted at the detention facility, on an
2 out-patient basis if the child is not placed in detention, or
3 the court may commit the child to a hospital, facility, or
4 institution for the purpose of conducting such an examination.
5 Commitment for examination shall not exceed thirty days and
6 the civil commitment provisions of chapter 229 shall not
7 apply.

8 EXPLANATION

9 This bill provides for placement in detention and requires
10 a physical or mental examination of a child who carries a
11 firearm on school grounds. The bill provides that if there is
12 probable cause to believe a child has committed a delinquent
13 act for carrying a firearm on school grounds, the child may be
14 placed in detention. The bill provides that if the child is
15 placed in detention, the child must stay for a period of at
16 least 72 hours or, if a physical or mental examination is to
17 be conducted at the detention facility, until a physical or
18 mental examination has been conducted. The bill provides that
19 the examination may be conducted in detention, or on an out-
20 patient basis if the child is not placed in detention, or the
21 court may commit the person to a hospital, facility, or
22 institution in order for the examination to be conducted. The
23 commitment for an examination shall not exceed 30 days.

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