

FEB 25 2002

JUDICIARY

HOUSE FILE 2504
BY HEATON

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to a juvenile in the youthful offender program or
2 foster care and to the jurisdiction of the juvenile court.

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

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HF 2504

1 Section 1. Section 232.2, subsection 5, Code Supplement
2 2001, is amended to read as follows:

3 5. "Child" means a person under eighteen years of age,
4 except as provided in section 232.22.

5 Sec. 2. Section 232.22, subsection 1, unnumbered paragraph
6 1, Code Supplement 2001, is amended to read as follows:

7 For purposes of this section, "child" includes a person
8 eighteen years of age or older who has been adjudicated
9 delinquent and remains within the jurisdiction of the court
10 under section 232.53, or who meets the definition of a
11 delinquent juvenile in section 232.171, article III. A child
12 shall not be placed in detention unless one of the following
13 conditions is met:

14 Sec. 3. Section 234.35, subsection 3, Code Supplement
15 2001, is amended to read as follows:

16 3. Payment for foster care services provided to a child
17 who is eighteen years of age or older shall be limited to the
18 following:

19 a. For a child who is eighteen years of age, family foster
20 care, group foster care, or independent living arrangements.

21 b. For a child who is nineteen years of age, independent
22 living arrangements.

23 c. For a child who is at imminent risk of becoming
24 homeless or failing to graduate from high school or to obtain
25 a graduate equivalency diploma, or to complete a treatment
26 program, if the services are in the child's best interests,
27 funding is available for the services, and an appropriate
28 alternative service is unavailable.

29 Sec. 4. Section 803.6, Code 2001, is amended to read as
30 follows:

31 803.6 TRANSFER OF JURISDICTION -- JUVENILE.

32 1. ~~The court, in~~ In the case of a juvenile who is alleged
33 to have committed a criminal offense listed in section 232.8,
34 subsection 1, paragraph "c", the court on its own motion or
35 upon a motion by the defendant, may direct a juvenile court

1 officer to provide a report regarding whether the child should
2 be transferred to juvenile court for adjudication and
3 disposition as a juvenile or be prosecuted as a youthful
4 offender.

5 2. If the court believes that transfer may be appropriate
6 the court shall hold a hearing on whether the child should be
7 transferred to juvenile court or be prosecuted as a youthful
8 offender. A notice of the time and place of the transfer
9 hearing shall be given to all parties to the case. Prior to
10 the hearing, the court shall provide the defendant's counsel
11 and the county attorney with access to the report provided by
12 the juvenile court officer and to all written material to be
13 considered by the court.

14 3. After the hearing, the court may transfer jurisdiction
15 to the juvenile court if the court determines that waiver to
16 the criminal court would be inappropriate under the criteria
17 set forth in section 232.45, subsection 6, paragraph "c", and
18 section 232.45, subsection 8. In the alternative, and after
19 considering the criteria set forth in section 232.45,
20 subsections 7 and 9, the court may order prosecution as a
21 youthful offender pursuant to section 907.3A.

22 4. If after the hearing the court transfers jurisdiction
23 over the defendant to the juvenile court for the alleged
24 commission of the public offense, the court shall forward the
25 transfer order together with all papers, documents, and a
26 transcript of all testimony filed or admitted into evidence in
27 connection with the case to the clerk of the juvenile court in
28 the same manner as provided in section 232.8, subsection 2.
29 If the court orders the juvenile to be prosecuted as a
30 youthful offender, the juvenile shall be prosecuted pursuant
31 to the procedures set out in section 907.3A.

32 5. A defendant transferred to the jurisdiction of the
33 juvenile court shall be placed in detention under section
34 232.22, or continue under previously set bond conditions. A
35 juvenile prosecuted as a youthful offender shall be detained

1 pursuant to section 232.23. A determination pursuant to
2 section 232.23, subsection 2, may be made by the district
3 court based upon evidence submitted at the hearing.

4 EXPLANATION

5 This bill relates to juveniles in the youthful offender
6 program, to the jurisdiction of the juvenile court, and to a
7 person 18 years of age or older within the jurisdiction of the
8 juvenile court.

9 The bill provides that a person 18 years of age or older
10 may be placed in detention if the juvenile court has
11 jurisdiction over the person under Code section 232.53. The
12 bill also provides that a person 18 years of age may be placed
13 in detention if the juvenile court has jurisdiction pursuant
14 to the juvenile interstate compact in Code section 232.171.
15 Generally, the juvenile court has jurisdiction over a person
16 until the person reaches the age of 18. However, the juvenile
17 court may maintain jurisdiction for a period of time after the
18 age of 18, if the person committed a delinquent act just prior
19 to reaching the age of 18, or if the person is eligible for
20 services or if the person is from another state that has
21 different jurisdictional requirements.

22 The bill also provides that the department of human
23 services may pay for group foster care services for a person
24 who is 18 years of age. The bill permits the department to
25 pay for a treatment program until completion for a person who
26 is 18 years of age or older.

27 The bill provides that a juvenile who is alleged to have
28 committed a crime which is excluded from the jurisdiction of
29 juvenile court, may petition, or the court on its own motion,
30 may hold a hearing to determine if the juvenile should be
31 transferred to juvenile court for disposition and adjudication
32 or be prosecuted as a youthful offender.

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