

3/20/02 Rereferred To: Judiciary

FEB 25 2002
Place On Calendar

HOUSE FILE 2525
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HF 2060)

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

A BILL FOR

1 An Act relating to the criminal offenses of making a false report
2 and homicide or serious injury by vehicle.

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

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HF 2525

1 Section 1. Section 232.8, subsection 1, paragraph c, Code
2 2001, is amended to read as follows:

3 c. Violations by a child, aged sixteen or older, which
4 subject the child to the provisions of section 124.401,
5 subsection 1, paragraph "e" or "f", or violations of section
6 712.7, or violations of section 707.6A, or violations of
7 section 723A.2 which involve a violation of chapter 724, or
8 violation of chapter 724 which constitutes a felony, or
9 violations which constitute a forcible felony are excluded
10 from the jurisdiction of the juvenile court and shall be
11 prosecuted as otherwise provided by law unless the court
12 transfers jurisdiction of the child to the juvenile court upon
13 motion and for good cause. A child over whom jurisdiction has
14 not been transferred to the juvenile court, and who is
15 convicted of a violation excluded from the jurisdiction of the
16 juvenile court under this paragraph, shall be sentenced
17 pursuant to section 124.401B, 902.9, or 903.1.

18 Notwithstanding any other provision of the Code to the
19 contrary, the court may accept from a child a plea of guilty,
20 or may instruct the jury on a lesser included offense to the
21 offense excluded from the jurisdiction of the juvenile court
22 under this section, in the same manner as regarding an adult.
23 However, the juvenile court shall have exclusive original
24 jurisdiction in a proceeding concerning an offense of animal
25 torture as provided in section 717B.3A alleged to have been
26 committed by a child under the age of seventeen.

27 EXPLANATION

28 This bill excludes from the jurisdiction of the juvenile
29 court the criminal offenses of making a false report and
30 homicide or serious injury by a motor vehicle, if the
31 perpetrator is 16 years of age or older. The criminal offense
32 of making a false report is a class "D" felony. The penalty
33 for homicide or serious injury by motor vehicle ranges from a
34 class "B" felony to a class "D" felony.

35 A juvenile excluded from the jurisdiction of the juvenile

1 court may be transferred to juvenile court by the district
2 court pursuant to Code section 803.6.

3 A class "D" felony is punishable by confinement for no more
4 than five years and a fine of at least \$750 but not more than
5 \$7,500. A class "C" felony is punishable by confinement for
6 no more than 10 years and a fine of at least \$1,000 but not
7 more than \$10,000. A class "B" felony is punishable by
8 confinement for no more than 25 years.

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Legislative Fiscal Bureau

Fiscal Note

HF 2525 - Bomb Threats (LSB 5517 HV)

Analyst: Beth Lenstra (Phone: (515) 281-6301) (beth.lenstra@legis.state.ia.us)

Fiscal Note Version - New

Description

House File 2525 provides for an automatic waiver to adult court for making a false report or for homicide or serious injury by a motor vehicle, if the perpetrator is 16 years of age or older.

Assumptions

9. Charge, conviction, and sentencing patterns and trends will not change over the projection period.
10. Prisoner length of stay, revocation rates, and other corrections' practices and policies will not change over the projection period.
11. The law will become effective July 1, 2002. A lag of six months is assumed, from the effective date of the change in the law to the date of first entry of affected offenders into the correctional system.
12. The analysis is based on information obtained from the Justice Data Warehouse, which includes court information. Conviction and penalty information is based on FY 2001 data.
13. There were nine juveniles referred to juvenile court during FY 2001 for offenses covered under this Bill. Of these, four were waived to adult court. Therefore, 5 juveniles per year would be waived to adult court under HF 2525.
14. Adult court dismissal and acquittal rates and penalties imposed are used for the correctional impact estimates.
15. The average length of stay on probation for a Class C felony is 30 months. The average length of stay on probation for a Class D felony is 29 months. The marginal cost per day for parole supervision is \$1.55 per offender. Simple misdemeanor offenders are rarely supervised.
16. The median cost for indigent defense per case is \$1,200 for a Class C felony, \$1,000 for a Class D felony, and \$200 for simple misdemeanors.
17. The average cost per felony case for the Judicial Branch ranges from \$200 to \$600, depending on whether a jury trial occurs. These amounts include the costs of a District Court Judge, Clerk of Court staff, a court reporter, and a court attendant. The cost for a simple misdemeanor is \$25 per case. These figures include the costs of a Magistrate or District Associate Judge, Clerk of Court staff, a court reporter, and a court attendant.

Correctional Impact

There will be two convictions during FY 2003, one for a Class C felony and one for a Class D felony. Both offenders will receive probation. There will be three convictions during FY 2004, one for a Class C felony, one for a Class D felony, and one for a simple misdemeanor. The two felons will receive probation while the simple misdemeanant will be fined and not supervised in the community.

Fiscal Impact

The fiscal impact of HF 2525 to the General Fund is not expected to be significant.

The impact on county jails is not anticipated to be significant.

Sources

Department of Human Rights, Criminal and Juvenile Justice Planning Division
Department of Corrections
Iowa Supreme Court
Office of the State Public Defender

/s/ Dennis C Prouty

February 26, 2002

The fiscal note and correctional impact statement for this bill was prepared pursuant to Joint Rule 17 and pursuant to Section 2.56, Code of Iowa. Data used in developing this fiscal note and correctional impact statement are available from the Legislative Fiscal Bureau to members of the Legislature upon request.
