

JAN 24 2006
HUMAN RESOURCES

HOUSE FILE 2108
BY HEATON

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

A BILL FOR

1 An Act relating to placement of a juvenile in the state training
2 school or other facility.

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

- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24

HF 2108

1 Section 1. Section 232.52, subsection 2, paragraph e, Code
2 Supplement 2005, is amended to read as follows:

3 e. An order transferring the guardianship of the child,
4 subject to the continuing jurisdiction and custody of the
5 court for the purposes of section 232.54, to the director of
6 the department of human services for purposes of placement in
7 the state training school or other facility, provided that the
8 child is at least twelve years of age and the court finds the
9 placement to be in the best interests of the child or
10 necessary for the protection of the public, and that the child
11 has been found to have committed an act which is a forcible
12 felony, as defined in section 702.11, or a felony violation of
13 section 124.401 or chapter 707, or the court finds any-three
14 all of the following conditions exist:

15 (1) The child is at least fifteen years of age and the
16 court finds the placement to be in the best interests of the
17 child or necessary to the protection of the public.

18 (2) The child has committed an act which is a crime
19 against a person and which would be an aggravated misdemeanor
20 or a felony if the act were committed by an adult.

21 ~~(3) --The child has previously been found to have committed~~
22 ~~a delinquent act.~~

23 ~~(4) --The child has previously been placed in a treatment~~
24 ~~facility outside the child's home or in a supervised community~~
25 ~~treatment program established pursuant to section 232.1917~~
26 ~~subsection 4, as a result of a prior delinquency adjudication.~~

27 EXPLANATION

28 This bill relates to placement of a juvenile in the state
29 training school or other facility.

30 The bill strikes the requirement that a juvenile 15 years
31 of age or older have committed a previous delinquent act or
32 had been placed in a treatment facility outside the juvenile's
33 home prior to being eligible for placement in the state
34 training school. Under the bill, a juvenile 15 years of age
35 or older becomes eligible for placement at the state training

1 school or any other facility, if the court finds placement to
2 be in the best interests of the juvenile or necessary to the
3 protection of the public, and the juvenile has committed a
4 crime against a person that would be an aggravated misdemeanor
5 or felony if the crime were committed by an adult.

6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35