

FILED MAR 7 2005

SENATE FILE 295 HUMAN RESOURCES  
BY BOLKCOM

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act providing that a child who is ten years of age or older,  
2 truant, and who refuses to engage in mediation or who violates  
3 a truancy mediation agreement commits a delinquent act.

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

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SF 295 HUMAN RESOURCES

1 Section 1. Section 232.2, subsection 12, Code 2005, is  
2 amended by adding the following new paragraph:

3 NEW PARAGRAPH. d. The violation of section 299.6 by a  
4 child ten years of age or older.

5 Sec. 2. Section 232.22, subsection 8, Code 2005, is  
6 amended to read as follows:

7 8. Notwithstanding any other provision of the Code to the  
8 contrary, a child shall not be placed in detention for a  
9 violation of section 123.47 or 299.6, or for failure to comply  
10 with a dispositional order which provides for performance of  
11 community service for a violation of section 123.47 or 299.6.

12 Sec. 3. Section 299.5A, unnumbered paragraph 4, Code 2005,  
13 is amended to read as follows:

14 The school district shall be responsible for monitoring any  
15 agreements arrived at through mediation. If a parent,  
16 guardian, ~~or~~ legal or actual custodian, or the child if the  
17 child is ten years of age or older, refuses to engage in  
18 mediation or violates a term of the agreement, the matter  
19 shall be rereferred to the county attorney for prosecution  
20 under section 299.6. The county attorney's office or the  
21 mediation service shall require the parent, guardian, or legal  
22 or actual custodian and the school to pay a fee to help defray  
23 the administrative cost of mediation services. The county  
24 attorney's office or the mediation service shall establish a  
25 sliding scale of fees to be charged parents, guardians, and  
26 legal or actual custodians based upon ability to pay. A  
27 parent, guardian, or legal or actual custodian shall not be  
28 denied the services of a mediator solely because of inability  
29 to pay the fee.

30 Sec. 4. Section 299.6, unnumbered paragraph 1, Code 2005,  
31 is amended to read as follows:

32 Any person who violates a mediation agreement under section  
33 299.5A, who is referred for prosecution under section 299.5A  
34 and is convicted of a violation of any of the provisions of  
35 sections 299.1 through 299.5, who violates any of the

1 provisions of sections 299.1 through 299.5, or who refuses to  
2 participate in mediation under section 299.5A, for a first  
3 offense, is guilty of a simple misdemeanor. If a child ten  
4 years of age or older violates a mediation agreement under  
5 section 299.5A, or refuses to participate in mediation under  
6 section 299.5A, the child commits a delinquent act.

7 EXPLANATION

8 This bill provides that a child who is 10 years of age or  
9 older, truant, and who refuses to engage in mediation or  
10 violates a truancy mediation agreement, commits a delinquent  
11 act. However, under the bill, the child will not be placed in  
12 detention for truancy or failure to perform community service.

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