

FILED MAR 08 2006

SENATE FILE 2384

BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO SF 295)

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 2384

1 Section 1. Section 232.2, subsection 12, Code Supplement
2 2005, is 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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Fiscal Services Division
Legislative Services Agency
Fiscal Note

SF 2384 - Truancy (LSB 6595 SV)

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Fiscal Note Version - New

Description

Senate File 2384 provides that a child age 10 or older who is truant and refuses to participate in mediation, or violates a truancy mediation agreement, commits a delinquent act. The Bill also provides that a child cannot be placed in detention for truancy.

Assumptions

1. There were 1,221 students age 10-16 who were referred to a truancy officer during the 2004-2005 school year. Of these, it is unknown how many were referred to Juvenile Court.
2. The number of additional delinquency filings that will occur is unknown, and it is also unknown how many additional children will be referred for mediation under the Bill.
3. The number of children who will refuse to participate in mediation or violate a mediation agreement is unknown.
4. The average court cost for delinquencies is \$550 per case, which includes time attributable to judges, support staff, juvenile court officers, and clerk staff.

Fiscal Impact

The fiscal impact of SF 2384 cannot be determined. The impact to the Judicial Branch may be significant if delinquency filings increase and a high number of children refuse to participate or violate a mediation agreement. The table below outlines the potential annual costs for the Judicial Branch using variations for the number of children who may not participate in a mediation agreement.

<u>Number of Children</u>	<u>Court Cost</u>
100	\$ 55,000
200	\$ 110,000
300	\$ 165,000
400	\$ 220,000
500	\$ 275,000

Sources

Department of Education
Department of Human Rights, Criminal and Juvenile Justice Planning
Department of Human Services
Judicial Branch

/s/ Holly M. Lyons

March 15, 2006

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 Fiscal Services Division, Legislative Services Agency to members of the Legislature upon request.
