

5 of any patient under twenty-one years of age or upon the property of  
6 persons legally bound for the support of any such minor patient, for  
7 the cost of his support and treatment in these institutions."

1 SEC. 2. Chapter two hundred twenty-three (223), Code 1954, is  
2 hereby further amended by adding the following new section:

3 "The charge or lien imposed upon the property of any patient over  
4 twenty-one years of age and under thirty-one years of age or upon the  
5 property of persons legally bound for the support of any such patient  
6 for the cost of his support and treatment in these institutions shall be  
7 limited to seventy-five percent of the cost thereof. For patients over  
8 thirty-one years of age and under fifty years of age such charge or  
9 lien shall be limited to fifty percent of the cost and for patients over  
10 fifty years of age no such charge or lien shall be imposed."

1 SEC. 3. Chapter two hundred twenty-three (223), Code 1954, is  
2 hereby amended by adding the following new section:

3 "The provisions of sections two hundred seventy point four (270.4)  
4 to two hundred seventy point seven (270.7), inclusive are hereby  
5 made applicable to the Glenwood state school and the Woodward state  
6 hospital."

Approved April 22, 1955.

## CHAPTER 121

### CRIMINAL SEXUAL PSYCHOPATHS

H. F. 185

AN ACT to provide for the confinement of persons who are dangerous criminal sexual psychopaths.

*Be It Enacted by the General Assembly of the State of Iowa:*

1 SECTION 1. All persons charged with a public offense, who are suf-  
2 fering from a mental disorder and are not a proper subject for the  
3 schools for the feeble-minded or for commitment as an insane person,  
4 having criminal propensities toward the commission of sex offenses,  
5 and who may be considered dangerous to others, are hereby declared to  
6 be "criminal sexual psychopaths".

1 SEC. 2. When any person is charged with a public offense and it  
2 shall appear to the county attorney of the county wherein such person  
3 is so charged that such person is a criminal sexual psychopath, or when  
4 any reputable person having knowledge that an individual who is  
5 charged with a public offense is a criminal sexual psychopath as defined  
6 in this act, or that any such individual has committed an act or acts  
7 which indicated that he may be a criminal sexual psychopath, and so  
8 informs the county attorney of the county where the act or acts  
9 charged were committed, and the county attorney is satisfied that the  
10 allegations have merit, are based on actual knowledge of the informant,  
11 and are capable of proof, he shall prepare a petition verified upon his  
12 information and belief, in sufficient detail so that the person com-  
13 plained against will be reasonably informed of the charges against him,

14 which petition shall be filed with the clerk of the district court in the  
15 county wherein such persons stand charged with a public offense.

1 Sec. 3. Upon filing of such petition, the court in which the public  
2 offense is charged may order that the bail furnished be released and  
3 that additional bail be ordered.

1 SEC. 4. After the petition charging criminal sexual psychopathy  
2 has been filed and docketed, notice in writing, including a copy of the  
3 petition shall be served on said named defendant in the manner pre-  
4 scribed for serving an original notice setting forth that a hearing  
5 thereon will be held by the court on a date and at a time specified in  
6 said notice, said date of hearing to be not less than five (5) days later  
7 than the date of the service of said notice upon him. At said hearing  
8 the court shall determine whether he shall be medically examined, if  
9 so, by whom such examination shall be conducted, and the time and  
10 place thereof.

1 SEC. 5. The person charged shall have counsel at every stage of the  
2 proceedings and shall have the right to present evidence in his behalf  
3 and shall have full rights of appeal, and if the named defendant has  
4 not employed counsel, the court shall appoint a competent attorney to  
5 represent him and a reasonable attorney fee shall be charged as part of  
6 the costs in the proceedings.

1 SEC. 6. Upon application the court shall allow reasonable compen-  
2 sation to the examining physicians and shall order such allowances to  
3 be taxed as costs in the proceedings.

1 SEC. 7. In the event a medical examination is ordered, the court  
2 shall continue the hearing until such time as the examination can be  
3 completed. Report of such examination shall be in writing and such  
4 report shall be filed in court as part of its record but shall not be open  
5 to public inspection. A copy thereof shall be furnished without cost  
6 by the clerk of the court to the person examined or his attorney of  
7 record, upon request.

1 SEC. 8. After the filing of the report of the medical examination,  
2 if sufficient proof be not made to the court of the criminal propensities  
3 to the commission of sex offenses of the person charged with criminal  
4 sexual psychopathy, or if the report of the examining physician or  
5 physicians does not establish the fact of a mental disorder to which  
6 such propensities are attributable in the person examined, the court  
7 shall dismiss the petition. If sufficient proof be made to the court of  
8 the criminal propensities to the commission of sex offenses of the per-  
9 son so charged, and if the report of the examining physicians does  
10 establish the fact of a mental disorder to which such propensities are  
11 attributable in the person examined, the court shall order that a final  
12 hearing pursuant to the order of continuance be held on the petition  
13 setting the time and place of such hearing.

1 SEC. 9. The action shall be tried as a special proceeding and the  
2 defendant shall be entitled to a jury trial. The judge may, at the  
3 request of the person charged in the petition, provide for the final  
4 determination of the issue of criminal sexual psychopathy by the court  
5 without jury. The court may order the public excluded from such  
6 proceedings.

1 SEC. 10. At the final hearing, the examining physicians appointed  
2 or designated by the court may testify as to their examination or ex-  
3 aminations of the person charged and the results thereof, but their  
4 report or reports filed in court as herein provided shall not be ad-  
5 missible in evidence against the person charged. Evidence of past  
6 acts of sexual deviation by the person charged shall be admissible at  
7 the hearing.

1 SEC. 11. If the person is found to be a criminal sexual psychopath  
2 the court may commit him to a state hospital for the insane, where he  
3 shall be detained and treated until released in accordance with the  
4 provisions of this act or may order such person to be tried upon the  
5 criminal charges against him, as the interests of substantial justice  
6 may require. The hospital staff shall make periodic examinations of  
7 any such person committed, with the view of determining the progress  
8 of treatment, and shall report to the court not less than once a year.

1 SEC. 12. At any time after commitment, an application in writing  
2 setting forth facts showing that such criminal psychopath has im-  
3 proved to the extent that his release will not be incompatible with the  
4 welfare of society may be filed with the committing court. Whereupon  
5 the court shall issue an order which will return the person to the juris-  
6 diction of said court for a hearing. This hearing shall in all respects  
7 be like the original hearing to determine the mental condition of the  
8 defendant. Following such hearing, the court shall issue an order  
9 which shall cause the defendant either to be (1) placed on probation  
10 for a minimum of three (3) years, or (2) returned to the hospital,  
11 provided that upon the expiration of said probationary period the  
12 said person may be discharged.

1 SEC. 13. Nothing in this act shall be construed as changing in  
2 meaning any portion of the criminal code, nor shall a finding of crim-  
3 inal sexual psychopathy, under the provisions of this act, constitute  
4 a defense in any criminal action.

1 SEC. 14. The support and maintenance of any person committed  
2 to the state hospital under the provisions of this act shall be charged  
3 and paid in accordance with the law as now provided for in the case  
4 of inmates of state hospitals for the insane.

1 SEC. 15. All laws now in force not in conflict with this act relating  
2 to the admission of insane persons to state hospitals shall apply to  
3 criminal sexual psychopaths.

1 SEC. 16. In the event that any portion of this act is declared to  
2 be invalid it shall not affect any other part hereof and for this purpose  
3 all parts of this act are hereby declared to be severable.

1 SEC. 17. This Act being deemed of immediate importance shall be  
2 in full force and effect from and after publication in *The Paullina*  
3 *Times*, a newspaper published at Paullina, Iowa, and in the *Esther-*  
4 *ville Daily News*, a newspaper published at Estherville, Iowa.

Approved April 1, 1955.

I hereby certify that the foregoing Act, House File 185, was published in *The Paullina Times*, Paullina, Iowa, April 14, 1955, and in the *Estherville Daily News*, Estherville, Iowa, April 8, 1955.

MELVIN D. SYNHORST, *Secretary of State*.