

CHAPTER 1079**PLACEMENT OF CERTAIN PERSONS AT
IOWA MEDICAL AND CLASSIFICATION CENTER***H.F. 2241*

AN ACT to permit placement of persons for whom criminal proceedings are suspended by reason of lack of mental capacity in the Iowa medical and classification center and providing for periodic review of the commitment to determine whether the persons have regained mental capacity.

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

Section 1. Section 812.4, Code 1993, is amended to read as follows:

812.4 CESSATION OF CRIMINAL PROSECUTION.

If, upon hearing conducted by the court, the accused is found to be incapacitated in the manner described in section 812.3, no further proceedings shall be taken under the complaint or indictment until the accused's capacity is restored, and, if the accused's release will endanger the public peace or safety, the court must order the accused committed to the custody of the department of human services or to the custody of the department of corrections for placement at the Iowa medical and classification center.

Sec. 2. Section 812.5, Code 1993, is amended to read as follows:

812.5 EFFECT OF RESTORATION OF MENTAL CAPACITY.

If the accused is committed to the department of human services or to the department of corrections for placement at the Iowa medical and classification center under section 812.4, after the expiration of a period not to exceed six months, the court shall upon hearing review the confinement and determine whether there is a substantial probability the accused will regain capacity within a reasonable time. If not, the state shall be directed to institute civil commitment proceedings. When it thereafter appears that the accused can effectively assist in the accused's defense, the department shall give notice to the sheriff and county attorney of the proper county of such fact, and the sheriff, without delay, shall receive and hold the accused in custody until the accused is brought to trial or judgment, as the case may be, or is legally discharged, the expense for conveying and returning the accused, or any other, to be paid in the first instance by the county from which the accused is sent, but such county may recover the same from another county or municipal body required to provide for or maintain the accused elsewhere, and the sheriff shall be allowed for the sheriff's services the same fees as are allowed for conveying persons to institutions under section 331.655.

Approved April 18, 1994.

CHAPTER 1080**FEDERAL HIGHWAY MONEYS TO GOVERNOR'S TRAFFIC SAFETY BUREAU***H.F. 2358*

AN ACT relating to funding for the governor's traffic safety bureau and providing for a repeal.

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

Section 1. **NEW SECTION.** 80.26 GOVERNOR'S TRAFFIC SAFETY BUREAU — FUNDS.

The governor's traffic safety bureau is encouraged to explore funding opportunities for moneys received from the federal highway administration due to the state's failure to enact a mandatory helmet law pursuant to the federal Intermodal Surface Transportation Efficiency Act of 1991 to be used by the following entities for the following purposes: