

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:

1. To the department of public health to be allocated to emergency medical services associations for instruction of emergency medical care technicians in accident scene procedures and for up to twenty-five percent of the costs for one-time purchases of vehicles and other emergency medical equipment.

2. To the department of education to be allocated to school districts within the state for driver's education classes for additional highway safety and motorcycle training programs.

3. To be allocated to educational institutions to be used for programs on farm vehicle safety and extraction from farm machinery.

4. To the state department of transportation to be used for the Iowa operation lifesaver program to promote railroad crossing safety activities.

5. To county traffic safety councils for the development of comprehensive traffic safety programs.

6. To the department of public health to be used for adolescent substance abuse prevention.

7. To the state department of transportation to be allocated to the Iowa highway patrol, local police departments and county sheriff's offices for purchase of pen-based mobile computers to enhance the implementation of Iowa's mobile accident reporting system and to facilitate the development of additional computer-based enforcement reporting systems.

8. To the state department of transportation to be used to develop software to allow origination of uniform citations from computerized devices and for electronic communication of the record of the citation from the issuing agency to the court and electronic communication of the abstract of conviction from the court to the state department of transportation.

This section is repealed on October 1, 1996.

Approved April 18, 1994.

CHAPTER 1081

COALITION TO STUDY LAW ENFORCEMENT TRAINING

H.F. 2392

AN ACT to establish a study regarding appropriate training for peace officers relating to persons who are mentally ill.

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

Section 1. **COALITION ON LAW ENFORCEMENT TRAINING.** The office of attorney general shall form, effective July 1, 1994, a professional coalition for the training of law enforcement personnel to study the training necessary to provide peace officers with sufficient information to permit the officers to recognize the signs and symptoms of serious mental illness, as defined by mental health professionals, in persons who are detained or who are to be placed under arrest and to permit officers to determine what action may be appropriate when persons who are suffering from serious mental illness are encountered.

The coalition shall consist of representatives of the department of corrections, the Iowa police executive forum, the county attorneys association, the Iowa sheriffs association, the Iowa state association of counties, the police chiefs association, the department of human services, the Iowa psychiatric association, the community mental health centers, the Iowa law enforcement academy, the Iowa attorney general's office, and a representative from the comprehensive model mental illness and law enforcement-prescription for crisis intervention program.

The coalition shall meet as necessary, and at times agreed upon by the participants, and shall submit its findings in a report to the General Assembly by January 15, 1995.

Approved April 18, 1994