

CHAPTER 144
SEXUALLY VIOLENT PREDATORS
S.F. 432

AN ACT relating to sexually violent predators, by providing notice of the petition to the attorney general, by specifying the location for trial, by requiring the state to pay the costs incurred by a county for services in sexually violent offender proceedings, providing for notification of victims, providing for a departmental study, and providing an effective date.

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

Section 1. NEW SECTION. 709C.2A NOTIFICATION OF RELEASE.

Within six months of the impending release of an inmate who has been convicted of a sexually violent offense, the department of corrections shall notify the county attorney for the county in which the person was convicted and the attorney general of the impending release.

**Sec. 2. Section 709C.5, Code 1995, is amended to read as follows:
709C.5 TRIAL – RIGHTS OF PARTIES.**

Not later than forty-five days after the filing of a petition pursuant to section 709C.3, the court shall conduct a trial in the county in which the person was convicted of a sexually violent offense to determine whether the person is a sexually violent predator. At all stages of the proceedings under this chapter, any person subject to this chapter shall be entitled to the assistance of counsel, and if the person is indigent, the court shall appoint counsel to assist the person. If a person is subjected to an examination under this chapter, the person may retain experts or professional persons to perform an examination on the person's behalf. The person may be examined by a qualified expert or professional person of the person's choosing, and the expert or professional shall have reasonable access to the person for the purpose of the examination, as well as to all relevant medical and psychological records and reports. In the case of a person who is indigent, the court shall, upon the person's request, assist the person in obtaining an expert or professional person to perform an examination or participate in the trial on the person's behalf. The person, the county attorney or the attorney general, or the judge shall have the right to demand that the trial be before a jury, if the person is an adult or a juvenile who has been waived to the district court. If no demand is made, or if the person is a juvenile who has not been waived to the district court, the trial shall be to the court or the juvenile court as applicable.

Sec. 3. NEW SECTION. 709C.11 FUNDING.

All costs incurred by a county pursuant to sections 709C.1 through 709C.10, including, but not limited to, the cost of filing a sexually violent predator petition under section 709C.3; the cost of an evaluation under section 709C.4; the cost of participating in the sexually violent predator trial on behalf of the petitioner under section 709C.5; the cost of court-appointed counsel for indigents under section 709C.5; the cost of qualified experts or professionals retained under section 709C.5; the cost of control, care, and treatment at a facility operated by the department of human services under section 709C.6; the cost of annual examinations under section 709C.7; the cost of representing the state in a petition for release hearing under section 709C.8; and the cost of having the petitioner examined by an expert or professional person under section 709C.8, shall be paid by the state.

Sec. 4. NEW SECTION. 709C.12 EFFECTIVE DATE.

This chapter takes effect July 1, 1996, and applies to persons convicted of a sexually violent offense on or after July 1, 1997.

Sec. 5. Section 910A.9A, Code 1995, is amended to read as follows:

910A.9A NOTIFICATION BY DEPARTMENT OF HUMAN SERVICES.

The department of human services shall notify a victim registered with the department, regarding a juvenile adjudicated delinquent for a violent crime, committed to the custody of the department of human services, and placed at the state training school at Eldora or Toledo, or regarding a person determined to be a sexually violent predator under chapter 709C, and committed to the custody of the department of human services, of the following:

1. The date on which the juvenile or sexually violent predator is expected to be temporarily released from the custody of the department of human services, and whether the juvenile is expected to return to the community where the registered victim resides.
2. The juvenile's or the sexually violent predator's escape from custody.
3. The recommendation by the department to consider the juvenile or sexually violent predator for release or placement.
4. The date on which the juvenile or sexually violent predator is expected to be released from a facility pursuant to a plan of placement.

Sec. 6. 1994 Iowa Acts, chapter 1172, section 74, is amended to read as follows:

SEC. 74. EFFECTIVE DATES DATE. ~~Sections 43 through 52 take effect July 1, 1995.~~ Section 63 of this Act takes effect June 30, 1994.

Sec. 7. DEPARTMENTAL STUDY. The department of justice, in consultation with the department of human services, shall conduct a study of the issues involved in the implementation of chapter 709C, including, but not limited to, the costs associated with the current hearing process, the costs of and security problems related to the confinement of sexually violent predators, legal issues surrounding the commitment and confinement of sexually violent predators, and potential alternatives to commitment and confinement of sexually violent predators. In conducting the study, the department shall also consult with an association of county attorneys and the department of corrections. The department of justice shall submit its findings and any recommendations in a report to the general assembly by January 1, 1996.

Approved May 2, 1995

CHAPTER 145

SENIOR JUDGES – APPOINTMENT, COMPENSATION, AND RETIREMENT S.F. 427

AN ACT relating to authorizing the payment of salaries to senior judges, providing for a maximum retirement annuity amount paid to senior judges, affecting senior judge retirement benefits, the appointment of judges to senior judge status, and providing effective and applicability dates.

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

Section 1. Section 602.9203, subsection 2, unnumbered paragraph 1, Code 1995, is amended to read as follows:

A judicial officer referred to in subsection 1 ~~qualifies for a senior judgeship~~ may be appointed, at the discretion of the supreme court, for a two-year term as a senior judge if the judicial officer meets all of the following requirements:

Sec. 2. Section 602.9203, subsection 5, Code 1995, is amended by striking the subsection and inserting in lieu thereof the following: