

January 31, 1955.  
Judiciary 1.

**House File 185**  
By VAN ZWOL, CARSON,  
PENDLETON, MILROY.

Passed House, Date 2-23-55  
Vote: Ayes 100 Nays 2  
Passed Senate, Date 3-29-55  
Vote: Ayes 47 Nays 2  
Approved .....

## A BILL FOR

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,
- 2 suffering from a mental disorder and not a proper subject
- 3 for the schools for the feeble minded or for commitment as an
- 4 insane person, with criminal propensities to the commission
- 5 of sex offenses, and who may be considered dangerous to others,
- 6 are hereby declared to be "criminal sexual psychopaths".
- 1 Sec. 2. When any person is charged with a public offense
- 2 and it shall appear to the county attorney of the county wherein
- 3 such person is so charged that such person is a criminal sexual
- 4 psychopath, or when any reputable person having knowledge that
- 5 an individual who is charged with a public offense is a criminal
- 6 sexual psychopath as defined in this act, or that any such
- 7 individual has committed an act or acts which indicated that he
- 8 may be a criminal sexual psychopath, and so informs the county
- 9 attorney of the county where the act or acts charged were
- 10 committed, and the county attorney is satisfied that the allegations

11 have merit, are based on actual knowledge of the informant, and  
12 are capable of proof, he shall prepare a petition verified upon  
13 his information and belief, in sufficient detail so that the  
14 person complained against will be reasonably informed of  
15 the charges against him, which petition shall be filed with  
16 the clerk of the district court in the county wherein such  
17 persons stand charged with a public offense.

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

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

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

6 and a reasonable attorney fee shall be charged as part of  
7 the costs in the proceedings.

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

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

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

14 that a final hearing pursuant to the order of continuance  
15 be held on the petition setting the time and place of such  
16 hearing.

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

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

1 Sec. 11. If the person is found to be a criminal  
2 sexual psychopath the court may commit him to a state  
3 hospital for the insane, where he shall be detained and  
4 treated until released in accordance with the provisions  
5 of this act or may order such person to be tried upon the  
6 criminal charges against him, as the interests of substantial  
7 justice may require. The hospital staff shall make periodic  
8 examinations of any such person committed, with the view  
9 of determining the progress of treatment, and shall report

10 to the court not less than once a year.

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

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

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

1 Sec. 15. All laws now in force relating to the admission

2 of insane persons to state hospitals shall apply to criminal  
3 sexual psychopaths.

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

EXPLANATION OF H. F. 185

This bill defines and provides for the confinement of criminally dangerous sexual psychopaths until such person may be released without danger to the public. It seems imperative that known criminally dangerous and insane persons be placed where they cannot harm others and also so that they may receive treatment and care for their personal rehabilitation.

1 Amend House File 185, section fifteen (15), line one (1),  
2 by inserting after the word "force" the following: "not in  
3 conflict with this act".

Offered and adopted  
February 23, 1955.

CARSON of Buchanan.

1 Amend House File 185 by adding the following  
2 new section:  
3 "Sec. 17. This Act being deemed of immediate  
4 importance shall be in full force and effect from  
5 and after publication in the Paullina Times, a  
6 newspaper published at Paullina, Iowa, and in the  
7 Estherville Daily News, a newspaper published at  
8 Estherville, Iowa."

Filed  
March 22, 1955.

By DEWEL.

1 Amend House File 185 by striking all of section 1 and  
2 substituting in lieu thereof the following:  
3 "Section 1. All persons charged with a public offense,  
4 who are suffering from a mental disorder and are not a proper  
5 subject for the schools for the feeble minded or for commitment  
6 as an insane person, having criminal propensities toward the  
7 commission of sex offenses, and who may be considered dangerous  
8 to others, are hereby declared to be 'criminal sexual psychopaths'."

Filed and adopted  
March 28, 1955.

By PUTNEY.