

For Judiciary 3/5

FILED FEB 13 1976

SENATE FILE 1150

By COMMITTEE ON JUDICIARY

Passed Senate, Date 3-2-76 (7695) Passed House, Date _____
Vote: Ayes 42 Nays 2 Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the insanity of a defendant during trial.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section seven hundred eighty-three point one
2 (783.1), Code 1975, is amended to read as follows:

3 783.1 DOUBT AS TO SANITY--PROCEDURE. If a defendant
4 appears in any stage of the trial of a criminal prosecution,
5 and a reasonable doubt arises as to his sanity, further
6 proceedings must be suspended and a trial had upon that
7 question. With the consent of the court, the trial may be
8 waived upon agreement of the prosecuting attorney and the
9 defense attorney that the defendant is insane.

10 Sec. 2. Section seven hundred eighty-three point three
11 (783.3), Code 1975, is amended to read as follows:

12 783.3 FINDING OF INSANITY--DISCHARGE. If the accused
13 shall be found insane, no further proceedings shall be taken
14 under the indictment until ~~his-reason-is-restored,-and,-if~~
15 ~~his-discharge-will-endanger-the-public-peace-or-safety,-the~~
16 ~~court-must-order-him-committed-to-the-Iowa-security-medical~~
17 ~~facility-until-he-becomes-sane,-but-if~~ the accused is able
18 to understand the indictment and cooperate with counsel in
19 his or her defense. The court shall direct that treatment
20 be provided in the least restrictive manner consistent with
21 the public peace or safety. If found sane, the trial upon
22 the indictment shall proceed, and the question of the then
23 insanity of the accused cannot be raised therein.

24 Sec. 3. Section seven hundred eighty-three point four
25 (783.4), Code 1975, is amended to read as follows:

26 783.4 RESTORED TO REASON--RETURNED TO CUSTODY. ~~If-the~~
27 ~~accused-is-committed-to-the-Iowa-security-medical-facility,~~
28 ~~as-soon-as-he-becomes-mentally-restored,~~ After treatment has
29 been provided and the accused is able to understand the in-
30 dictment and cooperate with counsel in his or her defense,
31 the person in charge shall at once give notice to the sheriff
32 and county attorney of the proper county of such fact, and
33 the sheriff, without delay, must receive and hold him in
34 custody until he is brought to trial or judgment, as the case
35 may be, or is legally discharged, the expense for conveying

1 and returning him, or any other, to be paid in the first
2 instance by the county from which he is sent, but such county
3 may recover the same from his estate, or a relative, or another
4 county or municipal body bound to provide for or maintain
5 him elsewhere, and the sheriff shall be allowed for his
6 services the same fees as are allowed for conveying convicts
7 to the penitentiary.

8 Sec. 4. Section seven hundred eighty-three point five
9 (783.5), Code 1975, is amended to read as follows:

10 783.5 INSANITY AFTER COMMITMENT TO JAIL. If, after convic-
11 tion for a misdemeanor and judgment of imprisonment in jail,
12 the defendant is suspected of being insane, the same
13 proceedings shall be taken as is provided in chapters 228,
14 229, and 230, and, if found insane, ~~he shall be committed~~
15 ~~to the Iowa security medical facility, and all~~ the court shall
16 direct that treatment be provided in the least restrictive
17 manner consistent with the public peace or safety. All
18 subsequent proceedings shall be as provided in section 783.4.

19 EXPLANATION

20 The bill provides a functional definition to replace "until
21 his reason is restored". The bill also allows the court to
22 prescribe treatment at facilities other than the Iowa Security
23 Medical Facility. In addition this bill allows for a waiver
24 of the trial on the issue of the defendant's sanity upon
25 agreement of the prosecuting attorney and the defense attorney.

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