

*Amended for 5171 x
D's Pass 2/20 (j.564)*

Withdrawn 3/15

Judiciary
Mann. Chair
Gentleman
Deluery

FILED JAN 9 1991

SENATE FILE 2018

BY DELUERY

House File 2465 substituted 3/15 (f.836)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the discharge of seriously mentally im-
2 paired persons who have been involuntarily hospitalized
3 in connection with a criminal conviction or unresolved
4 criminal charge or pursuant to an acquittal due to in-
5 sanity or diminished responsibility.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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S. 2018

1 Section 1. Section 229.16, Code 1983, is amended to read
2 as follows:

3 229.16 DISCHARGE AND TERMINATION OF PROCEEDING.

4 1. When in the opinion of the chief medical officer a
5 patient who is hospitalized under section 229.14, subsection
6 2, or is receiving treatment under section 229.14, subsection
7 3, or is in full-time care and custody under section 229.14,
8 subsection 4 ~~of section 229.14~~ no longer requires treatment
9 or care for serious mental impairment, the chief medical
10 officer, except as provided in subsection 2 of this section,
11 shall tentatively discharge the patient and immediately report
12 that fact to the court which ordered the patient's
13 hospitalization or care and custody. The court shall ~~thereupon~~
14 issue an order confirming the patient's discharge from the
15 hospital or from care and custody, ~~as-the-case-may-be~~, and
16 shall terminate the proceedings pursuant to which the order
17 was issued. Copies of the order shall be sent by certified
18 mail to the hospital and the patient.

19 2. The chief medical officer shall not discharge a patient,
20 who has been placed in the hospital or other suitable facility
21 for psychiatric evaluation and appropriate treatment pursuant
22 to R.Cr.P. 21(8), Ia. Ct. Rules, 2nd ed., in connection with
23 the patient's conviction for a public offense, or in connection
24 with an unresolved formal charge of a public offense pending
25 against the patient, until the court which ordered the
26 patient's hospitalization or care and custody issues an order
27 discharging the patient from the hospital or from care and
28 custody and notifies the county attorney of the proper county
29 of the discharge.

30 Sec. 2. Section 229.20, subsection 1, Code 1983, is amended
31 to read as follows:

32 1. If the court orders a respondent placed in a hospital
33 or other suitable facility for psychiatric evaluation and
34 appropriate treatment ~~at-a-time-when-the-respondent-has-been~~
35 ~~convicted-of~~ pursuant to R.Cr.P. 21(8), Ia. Ct. Rules, 2nd

1 ed., in connection with the respondent's conviction for a
2 public offense, or ~~when there is pending against the respondent~~
3 in connection with an unresolved formal charge of a public
4 offense pending against the respondent, and the respondent's
5 liberty has therefore been restricted in any manner, the
6 finding of fact required by section 229.13 shall clearly so
7 inform the chief medical officer of the hospital where the
8 respondent is placed.

9 Sec. 3. Section 226.29, Code 1983, is repealed.

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EXPLANATION

11 This bill requires the issuance of a court order and
12 notification of the proper county attorney before a chief
13 medical officer of a state mental health institute or other
14 suitable facility is authorized to discharge a patient com-
15 mitted in connection with a criminal conviction or unresolved
16 criminal charge or pursuant to an acquittal due to insanity
17 or diminished responsibility.

18 The bill takes effect July 1 following enactment.

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SENATE FILE 2018

S-5079

1 Amend Senate File 2018 as follows:

2 1. Page 1, by striking lines 19 through 29 and
3 inserting in lieu thereof the following:
4 "2. The chief medical officer shall not discharge
5 a patient who has been placed in the hospital or other
6 suitable facility for psychiatric evaluation and
7 appropriate treatment in connection with the patient's
8 conviction for a public offense pursuant to R.Cr.P.
9 23(3)(c), Ia. Ct. Rules, 2nd ed., or in connection
10 with an unresolved formal charge of a public offense
11 pending against the patient pursuant to chapter 812,
12 or who has been found not guilty by reason of insanity
13 or diminished responsibility and committed pursuant
14 to R.Cr.P. 21(8), Ia. Ct. Rules, 2nd ed., until the
15 court which ordered the patient's hospitalization
16 or care and custody issues an order discharging the
17 patient from the hospital or from care and custody."

18 2. By striking page 1, line 35 through page 2,
19 line 4, and inserting in lieu thereof the words
20 "~~convicted of a public offense, or when there is~~
21 ~~pending against the respondent in connection with~~
22 ~~the respondent's conviction for a public offense~~
23 ~~pursuant to R.Cr.P. 23(3)(c), Ia. Ct. Rules, 2nd ed.,~~
24 ~~or in connection with an unresolved formal charge~~
25 ~~of a public offense pending against the respondent~~
26 ~~pursuant to chapter 812, or who has been found not~~
27 ~~guilty by reason of insanity or diminished~~
28 ~~responsibility and committed pursuant to R.Cr.P.~~
29 ~~21(8), Ia. Ct. Rules, 2nd ed., and the respondent's".~~

S-5079 FILED

BY PATRICK J. DELUHERY

FEBRUARY 2, 1984

Placed out of order 2/15 (p. 835)

SENATE FILE 2018

S-5171

1 Amend Senate File 2018 as follows:

2 1. Page 1, by striking lines 26 through 29 and
3 inserting in lieu thereof the words "patient's
4 hospitalization or care and custody holds a discharge
5 hearing which shall be held within forty-eight hours
6 of the court's receipt of the chief medical officer's
7 report concluding that the patient no longer requires
8 treatment or care."

S-5171 FILED

FEBRUARY 28, 1984

Adopted 2/15 (p. 835)

BY COMMITTEE ON JUDICIARY
DONALD V. DOYLE, CHAIR

SENATE FILE 2018

S-5317

1 Amend the amendment, S-5171, to Senate File 2018
2 as follows:

3 1. Page 1, by striking lines 2 through 8 and
4 inserting in lieu thereof the following:

5 "1. Page 1, by striking lines 19 through 29 and
6 inserting in lieu thereof the following:

7 "2. The chief medical officer shall not discharge
8 a patient who has been placed in the hospital or other
9 suitable facility for psychiatric evaluation and
10 appropriate treatment in connection with the patient's
11 conviction for a public offense pursuant to R.Cr.P.
12 22(3)(c), Ia. Ct. Rules, 2nd ed., or in connection
13 with an unresolved formal charge of a public offense
14 pending against the patient pursuant to chapter 812,
15 or who has been found not guilty by reason of insanity
16 or diminished responsibility and committed pursuant
17 to R.Cr.P. 21(8), Ia. Ct. Rules, 2nd ed., until the
18 court which ordered the patient's hospitalization
19 or care and custody holds a discharge hearing which
20 shall be held within forty-eight hours of the court's
21 receipt of the chief medical officer's report
22 concluding that the patient no longer requires
23 treatment or care."

24 2. By striking page 1, line 35 through page 2,
25 line 4, and inserting in lieu thereof the words
26 "~~convicted of a public offense, or when there is~~
27 ~~pending against the respondent~~ in connection with
28 the respondent's conviction for a public offense
29 pursuant to R.Cr.P. 22(3)(c), Ia. Ct. Rules, 2nd ed.,
30 or in connection with an unresolved formal charge
31 of a public offense pending against the respondent
32 pursuant to chapter 812, or who has been found not
33 guilty by reason of insanity or diminished
34 responsibility and committed pursuant to R.Cr.P.
35 21(8), Ia. Ct. Rules, 2nd ed., and the respondent's". "

S-5317 FILED
MARCH 3, 1984
4/10 3/15 (4835)

BY PATRICK J. DELUHERY
TOM MANN, JR.