

Senate File 2055

S-5138

1 Amend Senate File 2055 as follows:

2 1. By striking everything after the enacting clause and
3 inserting:

4 <Section 1. SUPREME COURT — RULES OF CRIMINAL PROCEDURE
5 REVISIONS.

6 1. Iowa rule of criminal procedure 2.22(8)(e) shall be
7 amended to add subparagraph (4), to provide:

8 (4) Absence of recent overt acts of dangerousness shall not
9 be the sole determining factor in assessing whether a defendant
10 poses a risk to themselves or others, particularly when such
11 absence may be attributable to the constraints of a highly
12 structured environment. When determining whether a defendant
13 is currently dangerous to themselves or others under this rule,
14 the court shall consider a variety of factors, including but
15 not limited to:

16 (a) Original offense. The nature and circumstances of the
17 original charge or offense leading to the defendant's insanity
18 acquittal.

19 (b) Behavioral history. The defendant's past conduct,
20 including prior violent or dangerous acts, irrespective of the
21 presence or absence of recent overt acts.

22 (c) Psychiatric history and current mental status.
23 The defendant's current psychiatric condition, history of
24 treatment, adherence to treatment, and responsiveness to
25 interventions.

26 (d) Substance use disorder history. The defendant's
27 history of substance use and its impact on their behavior,
28 including prior diagnoses of substance use disorder, the
29 relationship between substance use and prior violent or
30 dangerous conduct, the likelihood of relapse and its potential
31 to increase dangerousness, and the defendant's access to and
32 willingness to engage in substance use treatment programs to
33 maintain safety.

34 (e) Institutional behavior and independent functioning.
35 The defendant's ability and willingness to engage in social,

SF 2055.3702 (2) 91

(amending this SF 2055 to CONFORM to HF 2571)

1 recreational, educational, occupational, or vocational
2 activities; maintain self-care; demonstrate stability,
3 adaptability, and reduced risk of dangerousness in less
4 structured environments; seek and utilize support systems;
5 and comply with rules and interact appropriately within a
6 structured environment, including any incidents indicating
7 underlying dangerousness.

8 (f) Environmental influence. The extent to which a highly
9 structured setting, such as a hospital or secured facility,
10 may suppress behaviors that are likely to manifest in less
11 controlled or structured conditions.

12 (g) Expert testimony and risk assessment reports.
13 Evaluations and risk assessments provided by qualified mental
14 health professionals regarding the defendant's potential
15 danger to themselves or others. This includes consideration of
16 validated risk assessment tools and methodologies, including
17 any limitations in assessing an individual confined to a
18 structured setting.

19 2. The revised rules of criminal procedure shall be
20 submitted for legislative council review no later than October
21 14, 2026.>

SCOTT WEBSTER