

FILED FEB 4 1971

*Social Services 2/4, Pass 2/25*

SENATE FILE 155

By ARBUCKLE  
(Campbell)

Passed Senate, Date 3-29-71 Passed House, Date 5-3-71  
Vote: Ayes 45 Nays 0 Vote: Ayes 86 Nays 5  
Approved 5-7-71

## A BILL FOR

1 An Act relating to findings of the commission of hospitalization.

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

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1 Section 1. Section two hundred twenty-nine point nine  
2 (229.9), Code 1971, is amended as follows:  
3 229.9 FINDINGS AND ORDER--SCREENING CENTER. If the  
4 commission finds from the evidence that ~~said person is men-~~  
5 ~~tally ill and a fit subject for custody and treatment in the~~  
6 ~~state hospital~~ it would be in the best interests of the person  
7 to be examined at a state mental health institute, it shall  
8 order ~~first~~ his observation and treatment at the screening  
9 center located at the hospital in the district nearest to  
10 the county in which the hearing is conducted. No finding  
11 that the person is mentally ill and no order of commitment  
12 shall issue ~~until~~ unless the superintendent of the hospital  
13 at which said screening center is located ~~shall find and~~  
14 ~~recommend that such order should be issued and, in the event~~  
15 ~~that such~~ so recommends. If a recommendation of commitment  
16 is made, the commission shall order ~~his~~ the person's commitment  
17 to the hospital in the district in which the county is situated  
18 or upon authorization by the county board of supervisors,  
19 the commission may order commitment and treatment to a local  
20 hospital instead of a state hospital; and in connection with  
21 such finding and order shall determine and enter of record  
22 the county which is the legal settlement of such person.  
23 If such settlement is unknown the record shall show such fact.  
24 No person shall be ordered ~~committed or delivered~~ to a  
25 state hospital for observation and treatment until the  
26 commission has first communicated with the superintendent  
27 of said hospital, and has been advised that adequate facil-  
28 ities are available. A person ordered to screening center  
29 for observation and treatment shall have the same right to  
30 appeal from the order as from the order of commitment find-  
31 ing him mentally ill as provided in sections 229.17 to 229.19,  
32 inclusive.

33 EXPLANATION

34 Section 229.9 of the Code requires the Commission of  
35 Hospitalization to rule that a person is mentally ill in order

1 for him to be taken to a state hospital for treatment and  
2 observation, although the person may never actually be  
3 committed to the state hospital if he responds well to  
4 treatment during the observation period. This bill provides  
5 that the Commission, which in many counties does not include  
6 a psychiatrist because none is available to serve, shall only  
7 determine whether it would be in the best interests of a  
8 person to be examined at a state hospital. The Commission  
9 will have the authority to order observation and treatment  
10 of the person at a state hospital, but will not make a final  
11 determination whether mental illness exists. That  
12 determination will be made only by hospital officials.

13 The Commission of Hospitalization's power to declare per-  
14 sons to be mentally ill has created many problems for these  
15 persons at later dates. For example, abstracters will not  
16 pass title to real property to a person whom a Commission  
17 has found to be mentally ill unless he has been discharged  
18 from a state hospital as "cured", even though he may never  
19 actually have been admitted to the hospital if he responded  
20 well to treatment.

21 In one Iowa county, a person found to be mentally ill by  
22 the Commission of Hospitalization, but not committed to the  
23 state hospital because he responded to treatment, several  
24 years later sat on a criminal jury which found the defendant  
25 guilty. That defendant is now seeking a new trial on the  
26 basis that this juror was declared mentally ill by the Com-  
27 mission. This could cost the taxpayers several thousand  
28 dollars, especially if the criminal defendant's attorney is  
29 court appointed.

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SENATE FILE 155

- 1 Amend Senate File 155, page 2, line 12, by striking the word
- 2 "issue" and inserting in lieu thereof the following: "issue
- 3 be issued".

Filed - *Withdrawn 3/12*  
February 25, 1971

By STEPHENS

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- 1 Amend Senate File 155 as follows:
- 2 1. Page 2, line 16, by striking the words "shall order"
- 3 and inserting in lieu thereof the words "may order upon
- 4 hearing pursuant to sections 229.2, 229.3, 229.4 and 229.5".

Filed - *Withdrawn 3/29*  
March 12, 1971

By GLENN and GAUDINEER

- 1 Amend Senate File 155, page 2, line 16, by striking
- 2 the words "shall order", and inserting in lieu thereof
- 3 "~~shall-order~~ may order upon hearing pursuant to sections
- 4 229.2, 229.3, 229.4 and 229.5".

Filed - *Adopted 3/27*  
March 23, 1971

By GLENN and GAUDINEER