

MAR 6 1984

HOUSE FILE 2465

Place On Calendar

BY COMMITTEE ON JUDICIARY  
AND LAW ENFORCEMENT

(Formerly Study Bill 769)

*Substituted for SF 2015 3/15*

Passed House, Date 3-9-84 (p. 876)

Passed Senate, Date 4-2-85 (p. 1247)

Vote: Ayes 95 Nays 0

Vote: Ayes 43 Nays 0

Approved May 11, 1984

*Referred House 4-16-84 (p. 2017)*  
93-0

# A BILL FOR

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

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

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HF 2465

5-5075

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 holds a discharge  
27 hearing which shall be held within forty-eight hours of the  
28 court's receipt of the chief medical officer's report  
29 concluding that the patient no longer requires treatment or  
30 care.

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

33 1. If the court orders a respondent placed in a hospital  
34 or other suitable facility for psychiatric evaluation and  
35 appropriate treatment ~~at-a-time-when-the-respondent-has-been~~

1 ~~convicted-of~~ pursuant to R.Cr.P. 21(8), Ia. Ct. Rules, 2nd  
2 ed., in connection with the respondent's conviction for a  
3 public offense, or ~~when there is pending against the respondent~~  
4 in connection with an unresolved formal charge of a public  
5 offense pending against the respondent, and the respondent's  
6 liberty has therefore been restricted in any manner, the  
7 finding of fact required by section 229.13 shall clearly so  
8 inform the chief medical officer of the hospital where the  
9 respondent is placed.

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 Section 226.29, Code 1983, is repealed.

11 EXPLANATION

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

19 The bill takes effect July 1 following its enactment.

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