

3-8-95 *judicious*

FILED MAR 8 1995

SENATE FILE 275
BY HAMMOND and DRAKE

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

A BILL FOR

1 An Act relating to the commitment of sexually violent predators
2 to department of corrections' facilities.

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

- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

S.F. 275

1 Section 1. Section 709C.6, subsection 1, Code 1995, is
2 amended to read as follows:

3 1. The court or jury shall determine whether, beyond a
4 reasonable doubt, the person is a sexually violent predator.
5 If the state alleges that the prior sexually violent offense
6 that forms the basis for the petition for commitment was an
7 act that was sexually motivated, the state shall prove beyond
8 a reasonable doubt that the alleged sexually violent act was
9 sexually motivated. If the court or jury determines that the
10 person is a sexually violent predator, the person shall be
11 committed to the custody of the department of ~~human-services~~
12 corrections in a secure facility for control, care, and
13 treatment until such time as the person's mental abnormality
14 or personality disorder has so changed that the person is safe
15 to be at large. This control, care, and treatment shall be
16 provided at a facility operated by the department of ~~human~~
17 services corrections in coordination with the department of
18 human services; however, adults and juveniles shall not be
19 sent to the same facility. If the court or jury does not find
20 beyond a reasonable doubt that the person is a sexually
21 violent predator, the court shall order the person to be
22 released in accordance with the terms of the person's
23 sentence.

24 EXPLANATION

25 This bill provides that a sexually violent predator is to
26 be held at a secure department of corrections' facility,
27 instead of a secure department of human services' facility.
28 Treatment and care of the sexually violent predator will be
29 coordinated with the department of human services.

30
31
32
33
34
35