

S. 2-18-97 judiciary

FEB 13 1997  
Place On Calendar

HOUSE FILE 232  
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 74)

Passed House, Date 2-18-97 <sup>(P352)</sup> Passed Senate, Date 4-9-97 <sup>(P1077)</sup>  
Vote: Ayes 96 Nays 0 Vote: Ayes 46 Nays 0  
Approved April 22, 1997

A BILL FOR

1 An Act providing for court-ordered treatment of a criminal  
2 defendant judged mentally incapable of standing trial.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 232

1 Section 1. Section 812.4, Code 1997, is amended to read as  
2 follows:

3 812.4 CESSATION OF CRIMINAL PROSECUTION.

4 If, upon hearing conducted by the court, the accused is  
5 found to be incapacitated in the manner described in section  
6 812.3, no further proceedings shall be taken under the  
7 complaint or indictment until the accused's capacity is  
8 restored, and, if the accused's release will endanger the  
9 public peace or safety, the court must order the accused  
10 committed for treatment to the custody of the department of  
11 human services or to the custody of the department of  
12 corrections for placement at the Iowa medical and  
13 classification center.

14 EXPLANATION

15 This bill amends Code section 812.4 to permit the court, as  
16 part of the commitment order, to order treatment for a  
17 defendant who is determined to be incompetent to stand trial.

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*Subcom. Chr.  
Churchill  
Kremer*

**HSB 74**  
JUDICIARY

Succeeded By  
SF/HF 3

SENATE/HOUSE FILE \_\_\_\_\_  
BY (PROPOSED DEPARTMENT OF  
CORRECTIONS BILL)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act providing for court-ordered treatment of a criminal  
2 defendant judged mentally incapable of standing trial.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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2 follows:

3 812.4 CESSATION OF CRIMINAL PROSECUTION.

4 If, upon hearing conducted by the court, the accused is  
5 found to be incapacitated in the manner described in section  
6 812.3, no further proceedings shall be taken under the  
7 complaint or indictment until the accused's capacity is  
8 restored, and, if the accused's release will endanger the  
9 public peace or safety, the court must order the accused  
10 committed for treatment to the custody of the department of  
11 human services or to the custody of the department of  
12 corrections for placement at the Iowa medical and  
13 classification center.

14 EXPLANATION

15 This bill amends Code section 812.5 to permit the court, as  
16 part of the commitment order, to order treatment for a  
17 defendant who is determined to be incompetent to stand trial.

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RATIONALE FOR CHANGE:

There is no authority for treatment under the commitment proceeding of chapter 812. Consequently, a person may be held up to six months without receiving any assistance in regaining mental competency. A separate court order requiring treatment is now required. This change would make the treatment order part of the commitment.

corrections for placement at the Iowa medical and  
classification center.

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RON J. CORBETT  
Speaker of the House

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MARY E. KRAMER  
President of the Senate

I hereby certify that this bill originated in the House and  
is known as House File 232, Seventy-seventh General Assembly.

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ELIZABETH ISAACSON  
Chief Clerk of the House

Approved  1997

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TERRY E. BRANSTAD  
Governor

HOUSE FILE 232

AN ACT

PROVIDING FOR COURT-ORDERED TREATMENT OF A CRIMINAL  
DEFENDANT JUDGED MENTALLY INCAPABLE OF STANDING TRIAL.

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

Section 1. Section 812.4, Code 1997, is amended to read as  
follows:

812.4 CESSATION OF CRIMINAL PROSECUTION.

If, upon hearing conducted by the court, the accused is  
found to be incapacitated in the manner described in section  
812.3, no further proceedings shall be taken under the  
complaint or indictment until the accused's capacity is  
restored, and, if the accused's release will endanger the  
public peace or safety, the court must order the accused  
committed for treatment to the custody of the department of  
human services or to the custody of the department of