5 07. 18 - 97 judiciary

FEB 1 3 1997 Place On Calendar

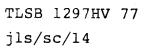
HOUSE FILE 232 BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 74)

Passed House, Date $\frac{2-18-97}{1000}$ Passed Senate, P1077) Vote: Ayes $\frac{96}{1000}$ Nays $\frac{90}{1000}$ Vote: Ayes $\frac{46}{1000}$ Nays $\frac{90}{1000}$ Approved $\frac{90}{1000}$ $\frac{90}{1000}$

A BILL FOR

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:



M

Q [w S.F. _____ H.F. 232

Section 1. Section 812.4, Code 1997, is amended to read as
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 This bill amends Code section 812.4 to permit the court, as 15 16 part of the commitment order, to order treatment for a 17 defendant who is determined to be incompetent to stand trial. 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35

-1-

LSB 1297HV 77 jls/sc/14.1

Sukup, Chr. Churcheil Kreimar

JUDICIARY

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

Passed	Senate,	Date	Pass	ed House	e, Date	ی کار در بار در این در این مرکز در این در
Vote:	Ayes	Nays	Vote	: Ayes	Nays	
	Ap	oproved			<u> </u>	

A BILL FOR

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:

TLSB 1297DP **77** jls/sc/14

S.F.	H.F.	

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

-1-

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. 18 19

20

21

22 23 24

26

25

32 33

34

35

LSB 1297DP 77 jls/sc/14



: .

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.

RON J. CORBETT Speaker of the House

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.

Approved 111 22 1997

ELIZABETH ISAACSON Chief Clerk of the House

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