

Angelo
Duorsky
Tinsman

SSB-1075
Judiciary

SENATE/HOUSE FILE (SF) HF 116
BY (PROPOSED ATTORNEY GENERAL
BILL)

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 by changing the deadline for filing a petition by the attorney
3 general; providing for waiver or continuance of the probable
4 cause hearing; granting greater enforcement power to the
5 prosecuting attorney; extending the time to hold a trial;
6 establishing supervised release for sexually violent persons
7 who have been rehabilitated; providing for the preservation of
8 certain child abuse reports; and providing the department of
9 justice with access to such reports.

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

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1 Section 229A.4, subsection 1, Code 1999, is
2 amended to read as follows:

3 1. If it appears that a person presently confined may be a
4 sexually violent predator and the prosecutor's review
5 committee has determined that the person meets the definition
6 of a sexually violent predator, the attorney general may file
7 a petition, ~~within seventy-five days of the date the attorney~~
8 ~~general received the written notice by the agency of~~
9 ~~jurisdiction pursuant to section 229A.3,~~ alleging that the
10 person is a sexually violent predator and stating sufficient
11 facts to support such an allegation.

12 Sec. 2. Section 229A.5, subsection 2, unnumbered paragraph
13 1, Code 1999, is amended to read as follows:

14 Within seventy-two hours after being taken into custody or
15 being transferred to an appropriate secure facility, a hearing
16 shall be held to determine whether probable cause exists to
17 believe the detained person is a sexually violent predator.
18 The hearing may be waived by the respondent. The hearing may
19 be continued upon the request of either party and a showing of
20 good cause, or by the court on its own motion in the due
21 administration of justice, and if the respondent is not
22 substantially prejudiced. At the probable cause hearing, the
23 detained person shall have the following rights:

24 Sec. 3. NEW SECTION. 229A.5A POWERS OF INVESTIGATIVE
25 PERSONNEL BEFORE A PETITION IS FILED.

26 1. The prosecuting attorney is authorized, before the
27 filing of a petition under this chapter, to subpoena and
28 compel the attendance of witnesses, examine the witnesses
29 under oath, and require the production of documentary evidence
30 for inspection, reproduction, or copying. Except as otherwise
31 provided by this section, the prosecuting attorney shall have
32 the same powers and limitations, subject to judicial oversight
33 and enforcement, as provided by this chapter and by the Iowa
34 rules of civil procedure. Any person compelled to appear
35 under a demand for oral testimony under this section may be

1 accompanied, represented, and advised by counsel at their own
2 expense.

3 2. The examination of all witnesses under this section
4 shall be conducted by the prosecuting attorney before an
5 officer authorized to administer oaths under section 63A.1.
6 The testimony shall be taken by a certified shorthand reporter
7 or by a sound recording device and shall be transcribed or
8 otherwise preserved in the same manner as provided for the
9 preservation of depositions under the Iowa rules of civil
10 procedure. The prosecuting attorney may exclude from the
11 examination all persons except the witness, witness's counsel,
12 the officer before whom the testimony is to be taken, law
13 enforcement officials, and a certified shorthand reporter.
14 Prior to oral examination, the person shall be advised by the
15 prosecuting attorney of the person's right to refuse to answer
16 any questions on the basis of the privilege against self-
17 incrimination. The examination shall be conducted in a manner
18 consistent with the rules dealing with the taking of
19 depositions.

20 Sec. 4. Section 229A.7, subsection 2, Code 1999, is
21 amended to read as follows:

22 2. Within sixty ninety days after either the entry of the
23 order waiving the probable cause hearing or completion of the
24 probable cause hearing held pursuant-to under section 229A.5,
25 the court shall conduct a trial to determine whether the
26 respondent is a sexually violent predator. The trial may be
27 continued upon the request of either party and a showing of
28 good cause, or by the court on its own motion in the due
29 administration of justice, and when the respondent will not be
30 substantially prejudiced. The respondent, the attorney
31 general, or the judge shall have the right to demand that the
32 trial be before a jury. Such demand for the trial to be
33 before a jury shall be filed, in writing, at least four ten
34 days prior to trial. The number and selection of jurors shall
35 be determined as provided in chapter 607A. If no demand is

1 made, the trial shall be before the court.

2 Sec. 5. Section 229A.10, Code 1999, is amended to read as
3 follows:

4 229A.10 PETITION FOR DISCHARGE -- PROCEDURE.

5 1. If the director of human services determines that the
6 person's mental abnormality has so changed that the person is
7 not likely to commit predatory acts or sexually violent
8 offenses if discharged, the director shall authorize the
9 person to petition the court for discharge. The petition
10 shall be served upon the court and the attorney general. The
11 court, upon receipt of the petition for discharge, shall order
12 a hearing within thirty days. The attorney general shall
13 represent the state, and shall have the right to have the
14 petitioner examined by an expert or professional person of the
15 attorney general's choice. The hearing shall be before a jury
16 if demanded by either the petitioner or the attorney general.
17 The burden of proof shall be upon the attorney general to show
18 beyond a reasonable doubt that the petitioner's mental
19 abnormality or personality disorder remains such that the
20 petitioner is not safe to be at large and that if discharged
21 is likely to commit predatory acts or sexually violent
22 offenses.

23 2. Upon a finding that the state has failed to meet its
24 burden of proof under this section, or a stipulation by the
25 state, the court shall authorize the release of the committed
26 person. Release may be ordered with or without supervision.
27 If supervised release is ordered, the department of human
28 services shall prepare a plan addressing the person's needs
29 for counseling, medication, community support services,
30 residential services, vocational services, alcohol and other
31 drug abuse treatment, and any other treatment or supervision
32 necessary.

33 Sec. 6. Section 235A.15, subsection 2, paragraph d, Code
34 1999, is amended by adding the following new subparagraph:

35 NEW SUBPARAGRAPH. (6) To the department of justice for

1 purposes of review by the prosecutor's review committee or the
2 commitment of sexually violent predators as provided in
3 chapter 229A.

4 Sec. 7. Section 235A.15, subsection 3, Code 1999, is
5 amended by adding the following new paragraph:

6 NEW PARAGRAPH. d. The department of justice for purposes
7 of review by the prosecutor's review committee or the
8 commitment of sexually violent predators as provided in
9 chapter 229A.

10 Sec. 8. Section 235A.15, subsection 4, Code 1999, is
11 amended by adding the following new paragraph:

12 NEW PARAGRAPH. d. The department of justice for purposes
13 of review by the prosecutor's review committee or the
14 commitment of sexually violent predators as provided in
15 chapter 229A.

16 Sec. 9. Section 235A.18, subsection 1, paragraphs a and b,
17 Code 1999, are amended to read as follows:

18 a. Report and disposition data relating to a particular
19 case of alleged child abuse shall be sealed ten years after
20 the initial placement of the data in the registry unless good
21 cause be shown why the data should remain open to authorized
22 access, or if the department of justice requests access to the
23 alleged child abuse records for purposes of review by the
24 prosecutor's review committee or commitment of sexually
25 violent predators under chapter 229A. If a subsequent report
26 of an alleged case of child abuse involving the child named in
27 the initial data placed in the registry as the victim of abuse
28 or a person named in the data as having abused a child is
29 received by the department within this ten-year period, the
30 data shall be sealed ten years after receipt of the subsequent
31 report unless good cause be shown why the data should remain
32 open to authorized access.

33 b. Data sealed in accordance with this section shall be
34 expunged eight years after the date the data was sealed.
35 However, if report data and disposition data involve child

1 abuse as defined in section 232.68, subsection 2, paragraphs
2 "c" and "e", the data shall not be expunged for period of
3 thirty years, and such data shall be made available upon the
4 request of the department of justice only when the
5 prosecutor's review committee is reviewing records or if a
6 prosecuting attorney has filed a petition to commit a sexually
7 violent predator under chapter 229A.

8 EXPLANATION

9 This bill amends Code chapter 229A regarding sexually
10 violent predators and Code sections 235A.15 and 235A.18
11 regarding child abuse recordkeeping.

12 The bill removes the 75-day filing requirement placed upon
13 the attorney general after receiving notice that a person may
14 meet the definition of a sexually violent predator. Existing
15 law requires an agency through the use of a multidisciplinary
16 committee to give notice to the attorney general if it appears
17 a person the agency has jurisdiction over may meet the
18 definition of a sexually violent predator and is within 90
19 days of being released. If the attorney general receives
20 notice, the attorney general's review committee currently has
21 75 days to determine if a petition should be filed to civilly
22 commit the person as a sexually violent predator.

23 The bill also provides the prosecuting attorney with full
24 investigative powers before a petition alleging a person is a
25 sexually violent predator is filed, such as issuing subpoenas
26 and taking depositions during the prosecutor's review process.

27 Current law requires that if a petition is filed, a person
28 accused of being a sexually violent predator must have a
29 probable cause hearing within 72 hours to determine if enough
30 evidence exists to proceed with the commitment. The bill
31 provides the probable cause hearing may be waived or continued
32 beyond the 72-hour limit if good cause is shown and the person
33 is not prejudiced.

34 After the probable cause hearing or after it is waived, a
35 trial must currently be held within 60 days to determine if a

1 person is a sexually violent predator. The bill changes the
2 time period within which the trial must be held from 60 days
3 to 90 days.

4 After a person has been civilly committed as a sexually
5 violent predator, if the director of human services determines
6 that the person will not likely commit another offense, the
7 director may petition the court for the person's release. If
8 a court or jury agrees with the director, the court is
9 authorized to release that person. The bill establishes a
10 supervised release program for persons who have been released
11 from a sexually violent predator commitment. The department
12 of human services is directed to prepare a supervision plan,
13 if the court determines supervised release is necessary.

14 The bill also provides the attorney general access to
15 certain child abuse records when determining whether to file a
16 petition alleging a person is a sexually violent predator or
17 for purposes of committing such a person. In addition, the
18 bill provides that some child abuse records not be sealed or
19 expunged to permit the attorney general to use the records for
20 purposes of the prosecutor's review committee's review of
21 records or for committing sexually violent predators.

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THOMAS J. MILLER
ATTORNEY GENERAL

Department of Justice

ADDRESS REPLY TO:
HOOVER BUILDING
DES MOINES, IOWA 50319
TELEPHONE: 515/281-5164
FACSIMILE: 515/281-4209

MEMORANDUM

TO: Members of the General Assembly
FROM: Anne Bunz, Legislative Liaison
DATE: November 2, 1998
SUBJECT: Sexually Violent Predator Act, Iowa Code 229A

The Iowa Attorney General is submitting a bill request for legislation dealing with the Sexually Violent Predator Act that was passed during the 1997 Legislative Session.

There are two separate parts to this bill, the first relating to the actual Sexually Violent Predator chapter, Iowa Code 229A, and the second relates to the Child Abuse registry chapter, Iowa Code 235A.

PART I: The intent of this section is to make Iowa Code chapter 229A consistent with other procedural deadlines established by rule. Requiring a party to make a jury demand within ten (10) days of the last pleading directed to that issue is consistent with Iowa Rules of Civil Procedure. The ninety (90) day speedy trial demand is unduly burdensome. Removing the seventy-five (75) day requirement is not inconsistent with any other current statutory or rule provision. Regardless of any procedural deadline, the State is still required to make a filing decision prior to release of the person from confinement. The subpoena power is necessary so that the Attorney General can do a thorough investigation and make an informed decision prior to filing a commitment petition.

PART II: The intent of this section is to allow the Department of Justice to have access to child sexual abuse records. Since the sexually violent predator is civilly committed under 229A and will have ongoing hearings indefinitely, access to child abuse records are crucial to these proceedings. Current law, chapter 235A, requires that child abuse records be sealed after ten years from the initial report. These records remain sealed for eight years at which time they are expunged. This bill provides that all child sex abuse records as defined in Iowa Code 232.68(2)(c), (e) remain available to the department of justice for the sole purpose of civil commitments. This bill would also provide the department of justice authorized access to the sealed child sexual abuse records.

REPRINTED

FILED FEB 24 1999

SENATE FILE 216
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 1075)

Passed Senate, Date ^(P. 457) 3/2/99 Passed House, Date ^(P. 1039) 4-5-99
Vote: Ayes 49 Nays 0 Vote: Ayes 98 Nays 0
Approved April 20, 1999

(P. 1058) Passed 4/12/99
vote 49-0

A BILL FOR

1 An Act relating to the commitment of sexually violent predators,
2 by changing the deadline for filing a petition by the attorney
3 general; providing for waiver or continuance of the probable
4 cause hearing; granting greater enforcement power to the
5 prosecuting attorney; extending the time to hold a trial;
6 establishing supervised release for sexually violent persons
7 who have been rehabilitated; providing for the preservation of
8 certain child abuse reports; and providing the department of
9 justice with access to such reports.

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

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5F 216

1 Section 1. Section 229A.2, Code 1999, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 1A. "Appropriate secure facility" means a
4 facility that is designed to confine but not treat a sexually
5 violent predator.

6 Sec. 2. Section 229A.4, subsection 1, Code 1999, is
7 amended to read as follows:

8 1. If it appears that a person presently confined may be a
9 sexually violent predator and the prosecutor's review
10 committee has determined that the person meets the definition
11 of a sexually violent predator, the attorney general may file
12 a petition ~~within seventy-five days of the date the attorney~~
13 ~~general received the written notice by the agency of~~
14 ~~jurisdiction pursuant to section 229A.3,~~ alleging that the
15 person is a sexually violent predator and stating sufficient
16 facts to support such an allegation.

17 Sec. 3. Section 229A.5, subsection 2, unnumbered paragraph
18 1, Code 1999, is amended to read as follows:

19 Within seventy-two hours after being taken into custody or
20 being transferred to an appropriate secure facility, a hearing
21 shall be held to determine whether probable cause exists to
22 believe the detained person is a sexually violent predator.
23 The hearing may be waived by the respondent. The hearing may
24 be continued upon the request of either party and a showing of
25 good cause, or by the court on its own motion in the due
26 administration of justice, and if the respondent is not
27 substantially prejudiced. At the probable cause hearing, the
28 detained person shall have the following rights:

29 Sec. 4. NEW SECTION. 229A.5A POWERS OF INVESTIGATIVE
30 PERSONNEL BEFORE A PETITION IS FILED.

31 1. The prosecuting attorney is authorized, before the
32 filing of a petition under this chapter, to subpoena and
33 compel the attendance of witnesses, examine the witnesses
34 under oath, and require the production of documentary evidence
35 for inspection, reproduction, or copying. Except as otherwise

1 provided by this section, the prosecuting attorney shall have
2 the same powers and limitations, subject to judicial oversight
3 and enforcement, as provided by this chapter and by the Iowa
4 rules of civil procedure. Any person compelled to appear
5 under a demand for oral testimony under this section may be
6 accompanied, represented, and advised by counsel at their own
7 expense.

8 2. The examination of all witnesses under this section
9 shall be conducted by the prosecuting attorney before an
10 officer authorized to administer oaths under section 63A.1.
11 The testimony shall be taken by a certified shorthand reporter
12 or by a sound recording device and shall be transcribed or
13 otherwise preserved in the same manner as provided for the
14 preservation of depositions under the Iowa rules of civil
15 procedure. The prosecuting attorney may exclude from the
16 examination all persons except the witness, witness's counsel,
17 the officer before whom the testimony is to be taken, law
18 enforcement officials, and a certified shorthand reporter.
19 Prior to oral examination, the person shall be advised by the
20 prosecuting attorney of the person's right to refuse to answer
21 any questions on the basis of the privilege against self-
22 incrimination. The examination shall be conducted in a manner
23 consistent with the rules dealing with the taking of
24 depositions.

25 Sec. 5. Section 229A.7, subsection 2, Code 1999, is
26 amended to read as follows:

27 2. Within ~~sixty~~ ninety days after either the entry of the
28 order waiving the probable cause hearing or completion of the
29 probable cause hearing held pursuant-to under section 229A.5,
30 the court shall conduct a trial to determine whether the
31 respondent is a sexually violent predator. The trial may be
32 continued upon the request of either party and a showing of
33 good cause, or by the court on its own motion in the due
34 administration of justice, and when the respondent will not be
35 substantially prejudiced. The respondent, the attorney

1 general, or the judge shall have the right to demand that the
2 trial be before a jury. Such demand for the trial to be
3 before a jury shall be filed, in writing, at least ~~four~~ ten
4 days prior to trial. The number and selection of jurors shall
5 be determined as provided in chapter 607A. If no demand is
6 made, the trial shall be before the court.

7 Sec. 6. Section 229A.10, Code 1999, is amended to read as
8 follows:

9 229A.10 PETITION FOR DISCHARGE -- PROCEDURE.

10 1. If the director of human services determines that the
11 person's mental abnormality has so changed that the person is
12 not likely to commit predatory acts or sexually violent
13 offenses if discharged, the director shall authorize the
14 person to petition the court for discharge. The petition
15 shall be served upon the court and the attorney general. The
16 court, upon receipt of the petition for discharge, shall order
17 a hearing within thirty days. The attorney general shall
18 represent the state, and shall have the right to have the
19 petitioner examined by an expert or professional person of the
20 attorney general's choice. The hearing shall be before a jury
21 if demanded by either the petitioner or the attorney general.
22 The burden of proof shall be upon the attorney general to show
23 beyond a reasonable doubt that the petitioner's mental
24 abnormality or personality disorder remains such that the
25 petitioner is not safe to be at large and that if discharged
26 is likely to commit predatory acts or sexually violent
27 offenses.

28 2. Upon a finding that the state has failed to meet its
29 burden of proof under this section, or a stipulation by the
30 state, the court shall authorize the release of the committed
31 person. Release may be ordered with or without supervision.
32 If supervised release is ordered, the department of human
33 services shall prepare a plan addressing the person's needs
34 for counseling, medication, community support services,
35 residential services, vocational services, alcohol and other

1 drug abuse treatment, and any other treatment or supervision
2 necessary. If the court orders the release of the committed
3 person with supervision, the court shall order supervision by
4 an agency with jurisdiction that is familiar with the
5 placement of criminal offenders in the community.

6 Sec. 7. Section 229A.12, Code 1999, is amended to read as
7 follows:

8 229A.12 DIRECTOR OF HUMAN SERVICES -- RESPONSIBILITY FOR
9 COSTS -- DUTIES -- REIMBURSEMENT.

10 The director of human services shall be responsible for all
11 costs relating to the evaluation and treatment of persons
12 committed to the director's custody after the court or jury
13 determines that the respondent is a sexually violent predator
14 and pursuant to commitment under any provision of this
15 chapter. Reimbursement may be obtained by the director from
16 the patient and any person legally liable or bound by contract
17 for the support of the patient for the cost of care and
18 treatment provided. As used in this section, "any person
19 legally liable" does not include a political subdivision.

20 Sec. 8. Section 235A.15, subsection 2, paragraph d, Code
21 1999, is amended by adding the following new subparagraph:

22 NEW SUBPARAGRAPH. (6) To the department of justice for
23 purposes of review by the prosecutor's review committee or the
24 commitment of sexually violent predators as provided in
25 chapter 229A.

26 Sec. 9. Section 235A.15, subsection 3, Code 1999, is
27 amended by adding the following new paragraph:

28 NEW PARAGRAPH. d. The department of justice for purposes
29 of review by the prosecutor's review committee or the
30 commitment of sexually violent predators as provided in
31 chapter 229A.

32 Sec. 10. Section 235A.15, subsection 4, Code 1999, is
33 amended by adding the following new paragraph:

34 NEW PARAGRAPH. d. The department of justice for purposes
35 of review by the prosecutor's review committee or the

1 commitment of sexually violent predators as provided in
2 chapter 229A.

3 Sec. 11. Section 235A.18, subsection 1, paragraphs a and
4 b, Code 1999, are amended to read as follows:

5 a. Report and disposition data relating to a particular
6 case of alleged child abuse shall be sealed ten years after
7 the initial placement of the data in the registry unless good
8 cause be shown why the data should remain open to authorized
9 access. If a subsequent report of an alleged case of child
10 abuse involving the child named in the initial data placed in
11 the registry as the victim of abuse or a person named in the
12 data as having abused a child is received by the department
13 within this ten-year period, the data shall be sealed ten
14 years after receipt of the subsequent report unless good cause
15 be shown why the data should remain open to authorized access.

16 However, such report and disposition data shall be made
17 available to the department of justice if the department
18 requests access to the alleged child abuse records for
19 purposes of review by the prosecutor's review committee or
20 commitment of sexually violent predators under chapter 229A.

21 b. Data sealed in accordance with this section shall be
22 expunged eight thirty years after the date the data was
23 sealed. The sealed data shall only be made available to the
24 department of justice when a prosecutor's review committee
25 requests the data or to a prosecuting attorney if the attorney
26 has filed a petition to commit a sexually violent predator
27 under chapter 229A.

28 EXPLANATION

29 This bill amends Code chapter 229A regarding sexually
30 violent predators and Code sections 235A.15 and 235A.18
31 regarding child abuse recordkeeping.

32 The bill removes the 75-day filing requirement placed upon
33 the attorney general after receiving notice that a person may
34 meet the definition of a sexually violent predator. Existing
35 law requires an agency through the use of a multidisciplinary

1 committee to give notice to the attorney general if it appears
2 a person over whom the agency has jurisdiction over may meet
3 the definition of a sexually violent predator and is within 90
4 days of being released. If the attorney general receives
5 notice, the attorney general's review committee currently has
6 75 days to determine if a petition should be filed to civilly
7 commit the person as a sexually violent predator.

8 The bill also provides the prosecuting attorney with full
9 investigative powers before a petition alleging a person is a
10 sexually violent predator is filed, such as issuing subpoenas
11 and taking depositions during the prosecutor's review process.

12 Current law requires that if a petition is filed, a person
13 accused of being a sexually violent predator must have a
14 probable cause hearing within 72 hours to determine if enough
15 evidence exists to proceed with the commitment. The bill
16 provides the probable cause hearing may be waived or continued
17 beyond the 72-hour limit if good cause is shown and the person
18 is not prejudiced.

19 After the probable cause hearing or after it is waived, a
20 trial must currently be held within 60 days to determine if a
21 person is a sexually violent predator. The bill changes the
22 time period within which the trial must be held from 60 days
23 to 90 days.

24 After a person has been civilly committed as a sexually
25 violent predator, if the director of human services determines
26 that the person will not likely commit another offense, the
27 director may petition the court for the person's release. If
28 a court or jury agrees with the director, the court is
29 authorized to release that person. The bill establishes a
30 supervised release program for persons who have been released
31 from a sexually violent predator commitment. The department
32 of human services is directed to prepare a supervision plan,
33 if the court determines supervised release is necessary.

34 The bill also provides the attorney general access to
35 certain child abuse records when determining whether to file a

1 petition alleging a person is a sexually violent predator or
2 for purposes of committing such a person. In addition, the
3 bill provides that all founded child abuse records that are
4 sealed shall still be made available to the attorney general
5 for purposes of the prosecutor's review committee's review of
6 records or for committing sexually violent predators. Such
7 sealed data is to be expunged 30 years, rather than eight
8 years, after sealing.

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**SENATE FILE 216
FISCAL NOTE**

A fiscal note for Senate File 216 is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note is available from the Legislative Fiscal Bureau to members of the Legislature upon request.

Senate File 216 as passed by the Senate provides for changes in the proceedings of civil commitment of sexually violent predators.

ASSUMPTIONS

1. There will be 20 offenders awaiting commitment proceedings as a sexually violent predator per year.
2. The marginal cost to house a person awaiting commitment proceedings as a sexually violent predator is \$30 per day.

CORRECTIONAL IMPACT

Senate File 216 as passed by the Senate will increase the admissions to the Department of Corrections programs by 20 offenders per year.

FISCAL IMPACT

The General Fund fiscal impact of Senate File 216 as passed by the Senate will cost \$219,000 annually.

SOURCES

Department of Corrections
Department of Justice

(LSB 1201sv, CRS)

FILED APRIL 5, 1999

BY DENNIS PROUTY, FISCAL DIRECTOR

SENATE FILE 216

-3031

1 Amend Senate File 216 as follows:

2 1. Page 1, line 4, by inserting before the word
3 "facility" the following: "state".

4 2. Page 1, line 4, by inserting after the word
5 "not" the following: "necessarily to".

6 3. Page 1, by inserting after line 28 the
7 following:

8 "Sec. ____ . Section 229A.5, subsection 5, Code
9 1999, is amended to read as follows:

10 5. If the court determines that probable cause
11 does exist, the court shall direct that the respondent
12 be transferred to an appropriate secure facility,
13 ~~including, but not limited to, a county jail,~~ for an
14 evaluation as to whether the respondent is a sexually
15 violent predator. The evaluation shall be conducted
16 by a person deemed to be professionally qualified to
17 conduct such an examination."

18 4. Page 3, by inserting after line 6 the
19 following:

20 "Sec. ____ . Section 229A.7, subsection 5, Code
21 1999, is amended to read as follows:

22 5. If the court or jury is not satisfied beyond a
23 reasonable doubt that the respondent is a sexually
24 violent predator, the court shall direct the
25 respondent's release. Upon a mistrial, the court
26 shall direct that the respondent be held at an
27 appropriate secure facility, ~~including, but not~~
28 ~~limited to, a county jail,~~ until another trial is
29 conducted. Any subsequent trial following a mistrial
30 shall be held within ninety days of the previous
31 trial, unless such subsequent trial is continued as
32 provided in subsection 1."

33 5. Page 4, line 11, by striking the words "and
34 treatment of" and inserting the following: "and,
35 treatment of, and services provided to".

36 6. Page 4, line 15, by inserting after the word
37 "chapter." the following: "If supervision is ordered
38 pursuant to section 229A.10, the director shall also
39 be responsible for all costs related to the
40 supervision of any person."

By JEFF ANGELO

S-3031 FILED MARCH 2, 1999

ADOPTED

(p. 457)

H-3/3/99 Judiciary
H-3/24/99 Amend/No Pass
W/A-1150

SENATE FILE 216
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 1075)

(AS AMENDED AND PASSED BY THE SENATE MARCH 2, 1999)

_____ - New Language by the Senate

Passed Senate, Date ^(P.1058) 4/12/99 Passed House, Date ^(P.1039) 4/5/99
Vote: Ayes 49 Nays 0 Vote: Ayes 98 Nays 0
Approved April 26, 1999

A BILL FOR

1 An Act relating to the commitment of sexually violent predators,
2 by changing the deadline for filing a petition by the attorney
3 general; providing for waiver or continuance of the probable
4 cause hearing; granting greater enforcement power to the
5 prosecuting attorney; extending the time to hold a trial;
6 establishing supervised release for sexually violent persons
7 who have been rehabilitated; providing for the preservation of
8 certain child abuse reports; and providing the department of
9 justice with access to such reports.

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

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SF. 216

1 Section 1. Section 229A.2, Code 1999, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 1A. "Appropriate secure facility" means a
4 state facility that is designed to confine but not necessarily
5 to treat a sexually violent predator.

6 Sec. 2. Section 229A.4, subsection 1, Code 1999, is
7 amended to read as follows:

8 1. If it appears that a person presently confined may be a
9 sexually violent predator and the prosecutor's review
10 committee has determined that the person meets the definition
11 of a sexually violent predator, the attorney general may file
12 a petition, ~~within seventy-five days of the date the attorney~~
13 ~~general received the written notice by the agency of~~
14 ~~jurisdiction pursuant to section 229A:3,~~ alleging that the
15 person is a sexually violent predator and stating sufficient
16 facts to support such an allegation.

17 Sec. 3. Section 229A.5, subsection 2, unnumbered paragraph
18 1, Code 1999, is amended to read as follows:

19 Within seventy-two hours after being taken into custody or
20 being transferred to an appropriate secure facility, a hearing
21 shall be held to determine whether probable cause exists to
22 believe the detained person is a sexually violent predator.
23 The hearing may be waived by the respondent. The hearing may
24 be continued upon the request of either party and a showing of
25 good cause, or by the court on its own motion in the due
26 administration of justice, and if the respondent is not
27 substantially prejudiced. At the probable cause hearing, the
28 detained person shall have the following rights:

29 Sec. 4. Section 229A.5, subsection 5, Code 1999, is
30 amended to read as follows:

31 5. If the court determines that probable cause does exist,
32 the court shall direct that the respondent be transferred to
33 an appropriate secure facility, including, but not limited to,
34 a county jail, for an evaluation as to whether the respondent
35 is a sexually violent predator. The evaluation shall be

1 conducted by a person deemed to be professionally qualified to
2 conduct such an examination.

3 Sec. 5. NEW SECTION. 229A.5A POWERS OF INVESTIGATIVE
4 PERSONNEL BEFORE A PETITION IS FILED.

5 1. The prosecuting attorney is authorized, before the
6 filing of a petition under this chapter, to subpoena and
7 compel the attendance of witnesses, examine the witnesses
8 under oath, and require the production of documentary evidence
9 for inspection, reproduction, or copying. Except as otherwise
10 provided by this section, the prosecuting attorney shall have
11 the same powers and limitations, subject to judicial oversight
12 and enforcement, as provided by this chapter and by the Iowa
13 rules of civil procedure. Any person compelled to appear
14 under a demand for oral testimony under this section may be
15 accompanied, represented, and advised by counsel at their own
16 expense.

17 2. The examination of all witnesses under this section
18 shall be conducted by the prosecuting attorney before an
19 officer authorized to administer oaths under section 63A.1.
20 The testimony shall be taken by a certified shorthand reporter
21 or by a sound recording device and shall be transcribed or
22 otherwise preserved in the same manner as provided for the
23 preservation of depositions under the Iowa rules of civil
24 procedure. The prosecuting attorney may exclude from the
25 examination all persons except the witness, witness's counsel,
26 the officer before whom the testimony is to be taken, law
27 enforcement officials, and a certified shorthand reporter.
28 Prior to oral examination, the person shall be advised by the
29 prosecuting attorney of the person's right to refuse to answer
30 any questions on the basis of the privilege against self-
31 incrimination. The examination shall be conducted in a manner
32 consistent with the rules dealing with the taking of
33 depositions.

34 Sec. 6. Section 229A.7, subsection 2, Code 1999, is
35 amended to read as follows:

1 2. Within ~~sixty~~ ninety days after either the entry of the
2 order waiving the probable cause hearing or completion of the
3 probable cause hearing held pursuant-to under section 229A.5,
4 the court shall conduct a trial to determine whether the
5 respondent is a sexually violent predator. The trial may be
6 continued upon the request of either party and a showing of
7 good cause, or by the court on its own motion in the due
8 administration of justice, and when the respondent will not be
9 substantially prejudiced. The respondent, the attorney
10 general, or the judge shall have the right to demand that the
11 trial be before a jury. Such demand for the trial to be
12 before a jury shall be filed, in writing, at least four ten
13 days prior to trial. The number and selection of jurors shall
14 be determined as provided in chapter 607A. If no demand is
15 made, the trial shall be before the court.

16 Sec. 7. Section 229A.7, subsection 5, Code 1999, is
17 amended to read as follows:

18 5. If the court or jury is not satisfied beyond a
19 reasonable doubt that the respondent is a sexually violent
20 predator, the court shall direct the respondent's release.
21 Upon a mistrial, the court shall direct that the respondent be
22 held at an appropriate secure facility, ~~including, but not~~
23 ~~limited to, a county jail,~~ until another trial is conducted.
24 Any subsequent trial following a mistrial shall be held within
25 ninety days of the previous trial, unless such subsequent
26 trial is continued as provided in subsection 1.

27 Sec. 8. Section 229A.10, Code 1999, is amended to read as
28 follows:

29 229A.10 PETITION FOR DISCHARGE -- PROCEDURE.

30 1. If the director of human services determines that the
31 person's mental abnormality has so changed that the person is
32 not likely to commit predatory acts or sexually violent
33 offenses if discharged, the director shall authorize the
34 person to petition the court for discharge. The petition
35 shall be served upon the court and the attorney general. The

1 court, upon receipt of the petition for discharge, shall order
2 a hearing within thirty days. The attorney general shall
3 represent the state, and shall have the right to have the
4 petitioner examined by an expert or professional person of the
5 attorney general's choice. The hearing shall be before a jury
6 if demanded by either the petitioner or the attorney general.
7 The burden of proof shall be upon the attorney general to show
8 beyond a reasonable doubt that the petitioner's mental
9 abnormality or personality disorder remains such that the
10 petitioner is not safe to be at large and that if discharged
11 is likely to commit predatory acts or sexually violent
12 offenses.

13 2. Upon a finding that the state has failed to meet its
14 burden of proof under this section, or a stipulation by the
15 state, the court shall authorize the release of the committed
16 person. Release may be ordered with or without supervision.
17 If supervised release is ordered, the department of human
18 services shall prepare a plan addressing the person's needs
19 for counseling, medication, community support services,
20 residential services, vocational services, alcohol and other
21 drug abuse treatment, and any other treatment or supervision
22 necessary. If the court orders the release of the committed
23 person with supervision, the court shall order supervision by
24 an agency with jurisdiction that is familiar with the
25 placement of criminal offenders in the community.

26 Sec. 9. Section 229A.12, Code 1999, is amended to read as
27 follows:

28 229A.12 DIRECTOR OF HUMAN SERVICES -- RESPONSIBILITY FOR
29 COSTS -- DUTIES -- REIMBURSEMENT.

30 The director of human services shall be responsible for all
31 costs relating to the evaluation and, treatment of, and
32 services provided to persons committed to the director's
33 custody after the court or jury determines that the respondent
34 is a sexually violent predator and pursuant to commitment
35 under any provision of this chapter. If supervision is

1 ordered pursuant to section 229A.10, the director shall also
2 be responsible for all costs related to the supervision of any
3 person. Reimbursement may be obtained by the director from
4 the patient and any person legally liable or bound by contract
5 for the support of the patient for the cost of care and
6 treatment provided. As used in this section, "any person
7 legally liable" does not include a political subdivision.

8 Sec. 10. Section 235A.15, subsection 2, paragraph d, Code
9 1999, is amended by adding the following new subparagraph:

10 NEW SUBPARAGRAPH. (6) To the department of justice for
11 purposes of review by the prosecutor's review committee or the
12 commitment of sexually violent predators as provided in
13 chapter 229A.

14 Sec. 11. Section 235A.15, subsection 3, Code 1999, is
15 amended by adding the following new paragraph:

16 NEW PARAGRAPH. d. The department of justice for purposes
17 of review by the prosecutor's review committee or the
18 commitment of sexually violent predators as provided in
19 chapter 229A.

20 Sec. 12. Section 235A.15, subsection 4, Code 1999, is
21 amended by adding the following new paragraph:

22 NEW PARAGRAPH. d. The department of justice for purposes
23 of review by the prosecutor's review committee or the
24 commitment of sexually violent predators as provided in
25 chapter 229A.

26 Sec. 13. Section 235A.18, subsection 1, paragraphs a and
27 b, Code 1999, are amended to read as follows:

28 a. Report and disposition data relating to a particular
29 case of alleged child abuse shall be sealed ten years after
30 the initial placement of the data in the registry unless good
31 cause be shown why the data should remain open to authorized
32 access. If a subsequent report of an alleged case of child
33 abuse involving the child named in the initial data placed in
34 the registry as the victim of abuse or a person named in the
35 data as having abused a child is received by the department

1 within this ten-year period, the data shall be sealed ten
2 years after receipt of the subsequent report unless good cause
3 be shown why the data should remain open to authorized access.
4 However, such report and disposition data shall be made
5 available to the department of justice if the department
6 requests access to the alleged child abuse records for
7 purposes of review by the prosecutor's review committee or
8 commitment of sexually violent predators under chapter 229A.

9 b. Data sealed in accordance with this section shall be
10 expunged eight thirty years after the date the data was
11 sealed. The sealed data shall only be made available to the
12 department of justice when a prosecutor's review committee
13 requests the data or to a prosecuting attorney if the attorney
14 has filed a petition to commit a sexually violent predator
15 under chapter 229A.

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SENATE FILE 216

H-1150

1 Amend Senate File 216, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 6, by striking lines 9 through 15 and
 4 inserting the following:
 5 "b. Data sealed in accordance with this section
 6 shall be expunged eight years after the date the data
 7 was sealed. However, if the report data and the
 8 disposition data involve child abuse as defined in
 9 section 232.68, subsection 2, paragraphs "c" and "e",
 10 the data shall not be expunged for a period of thirty
 11 years. Sealed data shall be made available to the
 12 department of justice upon request if the prosecutor's
 13 review committee is reviewing records or if a
 14 prosecuting attorney has filed a petition to commit a
 15 sexually violent predator under chapter 229A.
 16 Sec. ____ . EFFECTIVE DATE. This Act, being deemed
 17 of immediate importance, takes effect upon enactment."
 18 2. Title page, line 8, by striking the words "and
 19 providing" and inserting the following: "providing".
 20 3. Title page, line 9, by inserting after the
 21 word "reports" the following: "; and providing an
 22 effective date".

By COMMITTEE ON JUDICIARY
 LARSON of Linn, Chairperson

H-1150 FILED MARCH 22, 1999

adopted 4-5-99
(P. 1038)

SENATE FILE 216

H-1204

1 Amend Senate File 216 as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 2, line 5, by striking the words "is
 4 authorized," and inserting the following: "or
 5 attorney general is authorized upon the occurrence of
 6 a recent overt act, or upon receiving written notice
 7 pursuant to section 229A.3, or".
 8 2. Page 2, line 10, by inserting after the word
 9 "prosecuting attorney" the following: "or attorney
 10 general".
 11 3. Page 2, line 18, by inserting after the word
 12 "attorney" the following: "or attorney general".
 13 4. Page 2, line 24, by inserting after the word
 14 "attorney" the following: "or attorney general".
 15 5. Page 2, line 29, by inserting after the word
 16 "attorney" the following: "or attorney general".

By SUKUP of Franklin

H-1204 FILED MARCH 24, 1999

adopted
4.5.99 (P. 1038)

HOUSE AMENDMENT TO
SENATE FILE 216

S-3225

- 1 Amend Senate File 216, as amended, passed, and
2 reprinted by the Senate, as follows:
- 3 1. Page 2, line 5, by striking the words "is
4 authorized," and inserting the following: "or
5 attorney general is authorized upon the occurrence of
6 a recent overt act, or upon receiving written notice
7 pursuant to section 229A.3, or".
- 8 2. Page 2, line 10, by inserting after the word
9 "prosecuting attorney" the following: "or attorney
10 general".
- 11 3. Page 2, line 18, by inserting after the word
12 "attorney" the following: "or attorney general".
- 13 4. Page 2, line 24, by inserting after the word
14 "attorney" the following: "or attorney general".
- 15 5. Page 2, line 29, by inserting after the word
16 "attorney" the following: "or attorney general".
- 17 6. Page 6, by striking lines 9 through 15 and
18 inserting the following:
- 19 "b. Data sealed in accordance with this section
20 shall be expunged eight years after the date the data
21 was sealed. However, if the report data and the
22 disposition data involve child abuse as defined in
23 section 232.68, subsection 2, paragraphs "c" and "e",
24 the data shall not be expunged for a period of thirty
25 years. Sealed data shall be made available to the
26 department of justice upon request if the prosecutor's
27 review committee is reviewing records or if a
28 prosecuting attorney has filed a petition to commit a
29 sexually violent predator under chapter 229A.
- 30 Sec. ____ . EFFECTIVE DATE. This Act, being deemed
31 of immediate importance, takes effect upon enactment."
- 32 7. Title page, line 8, by striking the words "and
33 providing" and inserting the following: "providing".
- 34 8. Title page, line 9, by inserting after the
35 word "reports" the following: "; and providing an
36 effective date".
- 37 9. By renumbering, relettering, or redesignating
38 and correcting internal references as necessary.

RECEIVED FROM THE HOUSE

S-3225 FILED APRIL 6, 1999

Senate Concurred
4/12/99
(p. 1057)

AN ACT

RELATING TO THE COMMITMENT OF SEXUALLY VIOLENT PREDATORS, BY CHANGING THE DEADLINE FOR FILING A PETITION BY THE ATTORNEY GENERAL; PROVIDING FOR WAIVER OR CONTINUANCE OF THE PROBABLE CAUSE HEARING; GRANTING GREATER ENFORCEMENT POWER TO THE PROSECUTING ATTORNEY; EXTENDING THE TIME TO HOLD A TRIAL; ESTABLISHING SUPERVISED RELEASE FOR SEXUALLY VIOLENT PERSONS WHO HAVE BEEN REHABILITATED; PROVIDING FOR THE PRESERVATION OF CERTAIN CHILD ABUSE REPORTS; PROVIDING THE DEPARTMENT OF JUSTICE WITH ACCESS TO SUCH REPORTS; AND PROVIDING AN EFFECTIVE DATE.

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

Section 1. Section 229A.2, Code 1999, is amended by adding the following new subsection:

NEW SUBSECTION. 1A. "Appropriate secure facility" means a state facility that is designed to confine but not necessarily to treat a sexually violent predator.

Sec. 2. Section 229A.4, subsection 1, Code 1999, is amended to read as follows:

1. If it appears that a person presently confined may be a sexually violent predator and the prosecutor's review committee has determined that the person meets the definition of a sexually violent predator, the attorney general may file a petition, ~~within seventy-five days of the date the attorney general received the written notice by the agency of jurisdiction pursuant to section 229A.3,~~ alleging that the person is a sexually violent predator and stating sufficient facts to support such an allegation.

Sec. 3. Section 229A.5, subsection 2, unnumbered paragraph 1, Code 1999, is amended to read as follows:

Within seventy-two hours after being taken into custody or being transferred to an appropriate secure facility, a hearing shall be held to determine whether probable cause exists to believe the detained person is a sexually violent predator. The hearing may be waived by the respondent. The hearing may be continued upon the request of either party and a showing of good cause, or by the court on its own motion in the due administration of justice, and if the respondent is not substantially prejudiced. At the probable cause hearing, the detained person shall have the following rights:

Sec. 4. Section 229A.5, subsection 5, Code 1999, is amended to read as follows:

5. If the court determines that probable cause does exist, the court shall direct that the respondent be transferred to an appropriate secure facility, ~~including, but not limited to, a county jail,~~ for an evaluation as to whether the respondent is a sexually violent predator. The evaluation shall be conducted by a person deemed to be professionally qualified to conduct such an examination.

Sec. 5. NEW SECTION. 229A.5A POWERS OF INVESTIGATIVE PERSONNEL BEFORE A PETITION IS FILED.

1. The prosecuting attorney or attorney general is authorized upon the occurrence of a recent overt act, or upon receiving written notice pursuant to section 229A.3, or before the filing of a petition under this chapter, to subpoena and compel the attendance of witnesses, examine the witnesses under oath, and require the production of documentary evidence for inspection, reproduction, or copying. Except as otherwise provided by this section, the prosecuting attorney or attorney general shall have the same powers and limitations, subject to judicial oversight and enforcement, as provided by this chapter and by the Iowa rules of civil procedure. Any person compelled to appear under a demand for oral testimony under this section may be accompanied, represented, and advised by counsel at their own expense.

2. The examination of all witnesses under this section shall be conducted by the prosecuting attorney or attorney general before an officer authorized to administer oaths under section 63A.1. The testimony shall be taken by a certified shorthand reporter or by a sound recording device and shall be transcribed or otherwise preserved in the same manner as provided for the preservation of depositions under the Iowa rules of civil procedure. The prosecuting attorney or attorney general may exclude from the examination all persons except the witness, witness's counsel, the officer before whom the testimony is to be taken, law enforcement officials, and a certified shorthand reporter. Prior to oral examination, the person shall be advised by the prosecuting attorney or attorney general of the person's right to refuse to answer any questions on the basis of the privilege against self-incrimination. The examination shall be conducted in a manner consistent with the rules dealing with the taking of depositions.

Sec. 6. Section 229A.7, subsection 2, Code 1999, is amended to read as follows:

2. Within sixty ninety days after either the entry of the order waiving the probable cause hearing or completion of the probable cause hearing held pursuant to under section 229A.5, the court shall conduct a trial to determine whether the respondent is a sexually violent predator. The trial may be continued upon the request of either party and a showing of good cause, or by the court on its own motion in the due administration of justice, and when the respondent will not be substantially prejudiced. The respondent, the attorney general, or the judge shall have the right to demand that the trial be before a jury. Such demand for the trial to be before a jury shall be filed, in writing, at least four ten days prior to trial. The number and selection of jurors shall be determined as provided in chapter 607A. If no demand is made, the trial shall be before the court.

Sec. 7. Section 229A.7, subsection 5, Code 1999, is amended to read as follows:

5. If the court or jury is not satisfied beyond a reasonable doubt that the respondent is a sexually violent predator, the court shall direct the respondent's release. Upon a mistrial, the court shall direct that the respondent be held at an appropriate secure facility, ~~including, but not limited to, a county jail,~~ until another trial is conducted. Any subsequent trial following a mistrial shall be held within ninety days of the previous trial, unless such subsequent trial is continued as provided in subsection 1.

Sec. 8. Section 229A.10, Code 1999, is amended to read as follows:

229A.10 PETITION FOR DISCHARGE -- PROCEDURE.

1. If the director of human services determines that the person's mental abnormality has so changed that the person is not likely to commit predatory acts or sexually violent offenses if discharged, the director shall authorize the person to petition the court for discharge. The petition shall be served upon the court and the attorney general. The court, upon receipt of the petition for discharge, shall order a hearing within thirty days. The attorney general shall represent the state, and shall have the right to have the petitioner examined by an expert or professional person of the attorney general's choice. The hearing shall be before a jury if demanded by either the petitioner or the attorney general. The burden of proof shall be upon the attorney general to show beyond a reasonable doubt that the petitioner's mental abnormality or personality disorder remains such that the petitioner is not safe to be at large and that if discharged is likely to commit predatory acts or sexually violent offenses.

2. Upon a finding that the state has failed to meet its burden of proof under this section, or a stipulation by the state, the court shall authorize the release of the committed

person. Release may be ordered with or without supervision. If supervised release is ordered, the department of human services shall prepare a plan addressing the person's needs for counseling, medication, community support services, residential services, vocational services, alcohol and other drug abuse treatment, and any other treatment or supervision necessary. If the court orders the release of the committed person with supervision, the court shall order supervision by an agency with jurisdiction that is familiar with the placement of criminal offenders in the community.

Sec. 9. Section 229A.12, Code 1999, is amended to read as follows:

229A.12 DIRECTOR OF HUMAN SERVICES -- RESPONSIBILITY FOR COSTS -- DUTIES -- REIMBURSEMENT.

The director of human services shall be responsible for all costs relating to the evaluation and, treatment of, and services provided to persons committed to the director's custody after the court or jury determines that the respondent is a sexually violent predator and pursuant to commitment under any provision of this chapter. If supervision is ordered pursuant to section 229A.10, the director shall also be responsible for all costs related to the supervision of any person. Reimbursement may be obtained by the director from the patient and any person legally liable or bound by contract for the support of the patient for the cost of care and treatment provided. As used in this section, "any person legally liable" does not include a political subdivision.

Sec. 10. Section 235A.15, subsection 2, paragraph d, Code 1999, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (6) To the department of justice for purposes of review by the prosecutor's review committee or the commitment of sexually violent predators as provided in chapter 229A.

Sec. 11. Section 235A.15, subsection 3, Code 1999, is amended by adding the following new paragraph:

NEW PARAGRAPH. d. The department of justice for purposes of review by the prosecutor's review committee or the commitment of sexually violent predators as provided in chapter 229A.

Sec. 12. Section 235A.15, subsection 4, Code 1999, is amended by adding the following new paragraph:

NEW PARAGRAPH. d. The department of justice for purposes of review by the prosecutor's review committee or the commitment of sexually violent predators as provided in chapter 229A.

Sec. 13. Section 235A.18, subsection 1, paragraphs a and b, Code 1999, are amended to read as follows:

a. Report and disposition data relating to a particular case of alleged child abuse shall be sealed ten years after the initial placement of the data in the registry unless good cause be shown why the data should remain open to authorized access. If a subsequent report of an alleged case of child abuse involving the child named in the initial data placed in the registry as the victim of abuse or a person named in the data as having abused a child is received by the department within this ten-year period, the data shall be sealed ten years after receipt of the subsequent report unless good cause be shown why the data should remain open to authorized access. However, such report and disposition data shall be made available to the department of justice if the department requests access to the alleged child abuse records for purposes of review by the prosecutor's review committee or commitment of sexually violent predators under chapter 229A.

b. Data sealed in accordance with this section shall be expunged eight years after the date the data was sealed. However, if the report data and the disposition data involve child abuse as defined in section 232.58, subsection 2, paragraphs "c" and "e", the data shall not be expunged for a period of thirty years. Sealed data shall be made available to the department of justice upon request if the prosecutor's

review committee is reviewing records or if a prosecuting attorney has filed a petition to commit a sexually violent predator under chapter 229A.

Sec. 14. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

MARY E. KRAMER
President of the Senate

RON J. CORBETT
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 216, Seventy-eighth General Assembly.

MICHAEL E. MARSHALL
Secretary of the Senate

Approved April 26, 1999

THOMAS J. VILSACK
Governor