

House Study Bill 104

Bill Text

PAG LIN

1 1 Section 1. NEW SECTION. 229A.5B ESCAPE FROM CUSTODY.
1 2 1. A respondent who is in custody under this chapter shall
1 3 remain in custody unless released by court order, or
1 4 discharged under section 229A.10. A respondent in custody
1 5 under this chapter shall not do any of the following:
1 6 a. Leave or attempt to leave a facility without the
1 7 accompaniment of authorized personnel.
1 8 b. Knowingly and voluntarily be absent from a place where
1 9 the respondent is required to be present.
1 10 c. Leave or attempt to leave the custody of personnel
1 11 transporting or guarding the respondent while the respondent
1 12 is away from a facility.
1 13 2. A respondent who violates subsection 1 commits a simple
1 14 misdemeanor or may be subject to punishment for contempt. If
1 15 the respondent pleads guilty to, or is convicted of, an
1 16 offense under this section, or is found in contempt, or both,
1 17 and is sentenced to a term of confinement, the civil
1 18 commitment proceedings or treatment process may be stayed by
1 19 court order until the term of confinement is served by the
1 20 respondent.
1 21 3. If a respondent commits a violation of subsection 1 and
1 22 remains unconfined, the attorney general or the chief law
1 23 enforcement officer of the political subdivision where the
1 24 violation occurs may make a public announcement that the
1 25 respondent is unconfined and may provide relevant information
1 26 about the respondent to the community. The attorney general
1 27 may also notify a victim or the family of a victim of the
1 28 respondent that the respondent is unconfined.
1 29 4. This section shall not be construed to prohibit the use
1 30 of the interstate compact on mental health as provided in
1 31 chapter 221.

EXPLANATION

1 32 This bill creates a new criminal offense of escape from
1 33 custody by a sexually violent predator civilly committed under
1 34 Code chapter 229A and provides a penalty.
2 1 The bill prohibits a person who has been placed in or
2 2 committed to a facility from leaving or attempting to leave
2 3 such a facility without being accompanied by authorized
2 4 personnel unless the person has been released or discharged.
2 5 The bill also prohibits a person from knowingly and
2 6 voluntarily being absent from a place where the person should
2 7 be present or leaving or attempting to leave the custody of
2 8 personnel transporting or guarding the person while away from
2 9 a facility.
2 10 The bill provides that the attorney general or the chief
2 11 law enforcement officer of the jurisdiction where a violation
2 12 occurs may notify the public if the person is unconfined and
2 13 is at large. The attorney general may also notify the victim
2 14 or the family of the victim.
2 15 In addition, the bill does not prevent the state from
2 16 transferring a person to another state under the interstate
2 17 compact on mental health under Code chapter 221.
2 18 A person who commits a violation of the bill commits a
2 19 simple misdemeanor or may be subject to contempt. A simple
2 20 misdemeanor is punishable by confinement for no more than 30
2 21 days or a fine of at least \$50 but not more than \$500 or by

2 22 both. Contempt before a district judge or district associate
2 23 judge is punishable by a fine not to exceed \$500 or
2 24 confinement not to exceed six months or both. Contempt before
2 25 a judicial magistrate is punishable by a fine not to exceed
2 26 \$100 or confinement not to exceed 30 days. Any civil
2 27 commitment proceeding or treatment process may be stayed by
2 28 court order until a term of confinement is served for
2 29 committing a violation of the bill.
2 30 LSB 1121DP 79
2 31 jm/pj/5.1