

# Senate Study Bill 1026

## Bill Text

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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