

# House Study Bill 140

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

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

## A BILL FOR

1 An Act relating to the timing of a mental competency hearing for  
2 a person accused of a criminal offense.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
4 TLSB 1274DP 81  
5 jm/cf/24

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1 1 Section 1. Section 812.4, subsection 1, Code 2005, is  
1 2 amended to read as follows:  
1 3 1. A hearing shall be held within ~~fourteen~~ twenty days of  
1 4 the filing of the order for an evaluation, or within five days  
1 5 of the court's motion or the filing of an application, if the  
1 6 defendant has had a psychiatric evaluation within thirty days  
1 7 of the probable cause finding, and upon which the court  
1 8 decides to rely. Pending the hearing, no further proceedings  
1 9 shall be taken under the complaint or indictment and the  
1 10 defendant's right to a speedy indictment and speedy trial  
1 11 shall be tolled until the court finds the defendant competent  
1 12 to stand trial.

### EXPLANATION

1 14 This bill relates to a mental competency hearing for a  
1 15 person accused of a criminal offense.  
1 16 Under the bill, once it is determined a person accused of a  
1 17 crime may not appreciate the criminal proceedings, a hearing  
1 18 shall be held within 20 days of the filing of the order for an  
1 19 evaluation to determine if the person is mentally competent.  
1 20 Current law provides that the hearing be held within 14 days  
1 21 of the filing of the order for an evaluation to determine if  
1 22 the person is mentally competent.  
1 23 LSB 1274DP 81  
1 24 jm:nh/cf/24