

# House File 474 - Introduced

HOUSE FILE \_\_\_\_\_  
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 138)

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

## A BILL FOR

1 An Act relating to appealing the determination a person is a  
2 sexually violent predator.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
4 TLSB 1100HV 82  
5 jm/gg/14

PAG LIN

1 1 Section 1. Section 229A.7, subsections 5 and 6, Code 2007,  
1 2 are amended to read as follows:  
1 3 5. At trial, the court or jury shall determine whether,  
1 4 beyond a reasonable doubt, the respondent is a sexually  
1 5 violent predator. If the case is before a jury, the verdict  
1 6 shall be unanimous that the respondent is a sexually violent  
1 7 predator.

1 8 5A. If the court or jury determines that the respondent is  
1 9 a sexually violent predator, the respondent shall be committed  
1 10 to the custody of the director of the department of human  
1 11 services for control, care, and treatment until such time as  
1 12 the person's mental abnormality has so changed that the person  
1 13 is safe to be placed in a transitional release program or  
1 14 discharged. ~~The determination may be appealed.~~

1 15 6. If the court or jury determines that the respondent is  
1 16 a sexually violent predator, the court shall order the  
1 17 respondent to submit a DNA sample for DNA profiling pursuant  
1 18 to section 81.4.

1 19 6A. The determination as to whether the respondent is or  
1 20 is not a sexually violent predator may be appealed by the  
1 21 respondent or the state.

1 22 EXPLANATION

1 23 This bill relates to the civil commitment of a sexually  
1 24 violent predator.

1 25 The bill provides that when a jury or court determines a  
1 26 person is or is not a sexually violent predator, the person  
1 27 determined to be a sexually violent predator or the state may  
1 28 appeal.

1 29 LSB 1100HV 82

1 30 jm:rj/gg/14