House Study Bill 138

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 1100DP 82
5 jm/gg/14

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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 1100DP 82
1 30 jm:rj/gg/14