

**House File 2123 - Introduced**

HOUSE FILE 2123  
BY TYMESON

**A BILL FOR**

1 An Act relating to placement of a combat veteran in a mental  
2 health or substance abuse facility as part of a criminal  
3 sentence.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 901.11 **Combat veteran presentence**  
2 **hearing — sentence.**

3 1. In the case of any person convicted of a misdemeanor  
4 or felony, who is eligible for probation, and who otherwise  
5 would be sentenced to jail or committed to the custody of the  
6 director of the department of corrections, who alleges that  
7 the offense was committed as a result of posttraumatic stress  
8 disorder, substance abuse, or psychological problems stemming  
9 from service in a combat theater in the United States military,  
10 the court shall hold a presentence hearing to determine whether  
11 the defendant was a member of the military forces of the United  
12 States who served in combat and shall assess whether the  
13 defendant suffers from posttraumatic stress disorder, substance  
14 abuse, or psychological problems as a result of the service.

15 2. If the court determines at the presentence hearing the  
16 defendant is suffering from posttraumatic stress disorder,  
17 substance abuse, or psychological problems stemming from  
18 service in a combat theater in the United States military,  
19 the court may order the defendant placed in a mental health  
20 or substance abuse facility in this state or in another  
21 jurisdiction, that is considered an established treatment  
22 program which has a history of successfully treating combat  
23 veterans who suffer from posttraumatic stress disorder,  
24 substance abuse, or psychological problems as a result of the  
25 service.

26 3. If the defendant at the presentence hearing is  
27 able to prove admittance to a facility that has a history  
28 of successfully treating combat veterans who suffer  
29 from posttraumatic stress disorder, substance abuse, or  
30 psychological problems as a result of their combat service, the  
31 court may proceed with sentencing and sentence the defendant  
32 pursuant to section 901.5 and this section.

33 4. If the court determines the defendant was not a member  
34 of the military forces of the United States who served in  
35 combat, or does not suffer from posttraumatic stress disorder,

1 substance abuse, or psychological problems as a result of the  
2 service, or determines placement under subsection 2 is not in  
3 the best interests of the person, the court shall proceed with  
4 sentencing as provided in section 901.5.

5

EXPLANATION

6 This bill relates to placement of a combat veteran in a  
7 mental health or substance abuse facility as part of a criminal  
8 sentence.

9 Under the bill, if a person who is eligible for probation,  
10 and who otherwise would be sentenced to jail or committed  
11 to the custody of the director of the department of  
12 corrections, alleges that the offense was committed as a  
13 result of posttraumatic stress disorder, substance abuse,  
14 or psychological problems stemming from service in a combat  
15 theater in the United States military, the court shall hold  
16 a presentence hearing to determine whether the defendant  
17 was a member of the military forces of the United States  
18 who served in combat and shall assess whether the defendant  
19 suffers from posttraumatic stress disorder, substance abuse, or  
20 psychological problems as a result of the service.

21 The bill provides that if the court determines at the  
22 presentence hearing that such conditions are met, the court  
23 may order the defendant placed at a mental health or substance  
24 abuse facility that has a history of successfully treating  
25 combat veterans who suffer from posttraumatic stress disorder,  
26 substance abuse, or psychological problems as a result of the  
27 service, if the person is able to prove admittance at such a  
28 facility.

29 Under the bill, if the court determines the conditions were  
30 not met, or determines placement is not in the best interests  
31 of the person, the court shall proceed with sentencing.