

House File 441 - Introduced

HOUSE FILE _____
BY SWAIM

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act modifying provisions relating to a final hearing in a
2 civil commitment proceeding for a sexually violent predator.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 2635HH 83
5 jm/rj/14

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1 1 Section 1. Section 229A.8, subsection 5, paragraph e,
1 2 unnumbered paragraph 1, Code 2009, is amended to read as
1 3 follows:
1 4 The burden is on the committed person to show by a
1 5 preponderance of the evidence that ~~there is competent evidence~~
~~1 6 which would lead a reasonable person to believe~~ a final
1 7 hearing should be held to determine either of the following:

EXPLANATION

1 8
1 9 This bill modifies provisions relating to the eligibility
1 10 for a final hearing in a civil commitment proceeding for a
1 11 sexually violent predator.
1 12 Under the bill, a committed person is entitled to a final
1 13 hearing each year, if the committed person proves by a
1 14 preponderance of the evidence either of the following: the
1 15 mental abnormality of the committed person has so changed that
1 16 the person is not likely to engage in predatory acts
1 17 constituting sexually violent offenses if discharged; or the
1 18 committed person is suitable for placement in a transitional
1 19 release program pursuant to Code section 229A.8A.
1 20 Under current law, a committed person is entitled to a
1 21 final hearing each year, if the committed person proves by a
1 22 preponderance of the evidence that competent evidence exists
1 23 which would lead a reasonable person to believe a final
1 24 hearing should be held to determine if the person should be
1 25 discharged pursuant to Code section 229A.8(5)(e)(1) or placed
1 26 in transitional release pursuant to Code section
1 27 229A.8(5)(e)(2).
1 28 LSB 2635HH 83
1 29 jm/rj/14