

# House Study Bill 187

HOUSE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
JUDICIARY BILL BY  
CHAIRPERSON SWAIM)

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

## A BILL FOR

1 An Act modifying provisions relating to the eligibility for a  
2 final hearing in a civil commitment proceeding for a sexually  
3 violent predator.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
5 TLSB 2224HC 83  
6 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 2224HC 83  
1 29 jm/rj/14