

House File 2399 - Introduced

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BY DAWSON

A BILL FOR

1 An Act relating to the involuntary commitment of persons with
2 an intellectual disability.

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

1 Section 1. NEW SECTION. 222.93 Involuntary commitment of
2 persons.

3 1. A person may petition the court for commitment of a
4 person with an intellectual disability under this chapter.

5 2. After a hearing on the petition, the court may
6 involuntarily commit a person with an intellectual disability
7 for treatment under this chapter if any of the following apply:

8 a. The person is likely to physically injure oneself or
9 others if allowed to remain at liberty without treatment.

10 b. The person is likely to inflict serious emotional
11 injury on the person's family or others who lack a reasonable
12 opportunity to avoid the person if the person is allowed to
13 remain at liberty without treatment.

14 c. The person is unable to fulfill the basic needs of the
15 person including but not limited to nourishment, clothing,
16 essential medical care, or shelter so that it is likely that
17 the person will suffer physical injury, physical debilitation,
18 or death.

19 3. If a person is committed pursuant to subsection 2, the
20 placement of the person shall be as follows:

21 a. Commit the person to any public or private facility
22 within or without the state, approved by the director of human
23 services.

24 b. Commit the person to the state resource center designated
25 by the administrator to serve the county in which the hearing
26 is being held, or to a special unit.

27 Sec. 2. Section 812.9, subsection 3, Code 2014, is amended
28 to read as follows:

29 3. a. Upon the termination of the defendant's placement
30 pursuant to subsection 1, or pursuant to section 812.8,
31 subsection 8, the state may commence civil commitment
32 proceedings or any other appropriate commitment proceedings.

33 b. If the defendant has an intellectual disability, the
34 state may commence commitment proceedings for placement at a
35 state resource center pursuant to section 222.93 or placement

1 at a similar facility for persons with an intellectual
2 disability.

3 Sec. 3. IMPLEMENTATION OF ACT. Section 25B.2, subsection
4 3, shall not apply to this Act.

5 EXPLANATION

6 The inclusion of this explanation does not constitute agreement with
7 the explanation's substance by the members of the general assembly.

8 This bill relates to the involuntary commitment of persons
9 with an intellectual disability, including certain criminal
10 defendants.

11 Current law provides that if the court determines that
12 a criminal defendant suffers from a mental disorder which
13 prevents the defendant from appreciating the charge,
14 understanding the proceedings, or assisting effectively in
15 the defense, the court shall suspend the criminal proceedings
16 pursuant to Code chapter 812 until the defendant's mental
17 competency is restored. Current law also specifies that such a
18 placement shall not exceed the maximum term of confinement for
19 the criminal offense for which the defendant stands accused or
20 a determination is made that the defendant's competency will
21 not be restored in a reasonable amount of time.

22 The bill specifies that a person may petition the court
23 for commitment of a person with an intellectual disability,
24 including a criminal defendant in some situations, under new
25 Code section 222.93.

26 The bill provides that after a hearing on the petition, the
27 court may involuntarily commit a person with an intellectual
28 disability under Code chapter 222, if any of the following
29 apply: the person is likely to physically injure oneself or
30 others if allowed to remain at liberty without treatment; the
31 person is likely to inflict serious emotional injury on the
32 person's family or others who lack a reasonable opportunity to
33 avoid the person if the person is allowed to remain at liberty
34 without treatment, or the person is unable to fulfill the basic
35 needs of the person so that it is likely that the person will

1 suffer physical injury, physical debilitation, or death.

2 Upon the commitment of a person with an intellectual
3 disability, the court shall commit the person to any public or
4 private facility within or without the state, approved by the
5 director of human services, or commit the person to the state
6 resource center designated by the administrator to serve the
7 county in which the hearing is being held, or to a special unit
8 established at a state mental health institute.

9 The bill may include a state mandate as defined in Code
10 section 25B.3. The bill makes inapplicable Code section 25B.2,
11 subsection 3, which would relieve a political subdivision from
12 complying with a state mandate if funding for the cost of
13 the state mandate is not provided or specified. Therefore,
14 political subdivisions are required to comply with any state
15 mandate included in the bill.