

**Senate File 2151 - Introduced**

SENATE FILE 2151

BY SCHOENJAHN

**A BILL FOR**

1 An Act relating to mental health treatment costs of certain  
2 persons accused of a crime.

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

1 Section 1. Section 812.6, subsection 2, paragraphs a and b,  
2 Code 2014, are amended to read as follows:

3 a. A defendant who poses a danger to the public peace or  
4 safety, or who is otherwise not qualified for pretrial release,  
5 shall be committed as a safekeeper to the custody of the  
6 director of the department of corrections at the Iowa medical  
7 and classification center, or other appropriate treatment  
8 facility as designated by the director, for treatment designed  
9 to restore the defendant to competency. The costs of the  
10 treatment pursuant to this paragraph shall be borne by the  
11 department of corrections.

12 b. A defendant who does not pose a danger to the public  
13 peace or safety, but is otherwise being held in custody, or who  
14 refuses to cooperate with treatment, shall be committed to the  
15 custody of the director of human services at a department of  
16 human services facility for treatment designed to restore the  
17 defendant to competency. The costs of the treatment pursuant  
18 to this paragraph shall be borne by the department of human  
19 services.

20 EXPLANATION

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

23 This bill relates to mental health treatment costs of  
24 persons accused of a crime.

25 Under current law, if the court finds that a defendant is  
26 suffering from a mental disorder which prevents the defendant  
27 from appreciating the charge, understanding the proceedings, or  
28 assisting effectively in the defense, the court shall suspend  
29 the criminal proceedings indefinitely and order the defendant  
30 to be placed in a treatment program pursuant to Code section  
31 812.6.

32 Current law provides that if a defendant is placed in such  
33 a treatment program and the defendant poses a danger to the  
34 public peace or safety, the person shall be committed to the  
35 department of corrections for treatment. The bill requires the

1 department of corrections to pay the costs for treating the  
2 defendant upon commitment.

3 Current law also provides that if a defendant is placed in  
4 such a treatment program but does not pose a threat to the  
5 public safety but refuses treatment, the defendant shall be  
6 committed to the department of human services for treatment.  
7 The bill requires the department of human services to pay the  
8 costs for treating the defendant upon commitment.