

**House File 139 - Introduced**

HOUSE FILE 139  
BY LATHAM

**A BILL FOR**

1 An Act relating to filing applications and custody of the  
2 respondent in an involuntary commitment proceeding.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

unofficial

1 Section 1. Section 125.75, subsection 1, Code 2025, is  
2 amended to read as follows:

3 1. a. Proceedings for the involuntary commitment or  
4 treatment of a person with a substance use disorder to a facility  
5 pursuant to this chapter or for the involuntary hospitalization  
6 of a person pursuant to chapter 229 may be commenced by any  
7 interested person by filing a verified application with the clerk  
8 of ~~the~~ a district court.

9 b. If the verified application was filed in a district court  
10 of a county where the respondent is not located and does not  
11 reside, the court shall transfer jurisdiction of the case to the  
12 district court of the county where the respondent is presently  
13 located or which is the respondent's place of residence.

14 c. The clerk, or the clerk's designee, shall assist ~~the~~ an  
15 applicant in completing the verified application.

16 Sec. 2. Section 125.83, Code 2025, is amended to read as  
17 follows:

18 **125.83 Placement for evaluation.**

19 If upon completion of the commitment hearing, the court  
20 finds that the contention that the respondent is a person  
21 with a substance use disorder has been sustained by clear and  
22 convincing evidence, the court shall order the respondent placed  
23 at a facility or under the care of a suitable facility on an  
24 outpatient basis as expeditiously as possible for a complete  
25 evaluation and appropriate treatment. Any peace officer shall  
26 have the authority to take the respondent into custody in any  
27 county in which the respondent is found for placement at a  
28 facility or under the care of a suitable facility in accordance  
29 with an order entered pursuant to this section. The court  
30 shall furnish to the facility at the time of admission or  
31 outpatient placement, a written statement of facts setting forth  
32 the evidence on which the finding is based. The administrator  
33 of the facility shall report to the court no more than fifteen  
34 days after the individual is admitted to or placed under the care  
35 of the facility, which shall include the chief medical officer's

1 recommendation concerning treatment of a substance use disorder.  
2 An extension of time may be granted for a period not to exceed  
3 seven days upon a showing of good cause. A copy of the report  
4 shall be sent to the respondent's attorney who may contest the  
5 need for an extension of time if one is requested. If the  
6 request is contested, the court shall make an inquiry as it deems  
7 appropriate and may either order the respondent released from the  
8 facility or grant an extension of time for further evaluation.  
9 If the administrator fails to report to the court within fifteen  
10 days after the individual is admitted to the facility, and no  
11 extension of time has been requested, the administrator is guilty  
12 of contempt and shall be punished under chapter 665. The court  
13 shall order a rehearing on the application to determine whether  
14 the respondent should continue to be held at the facility.

15 Sec. 3. Section 229.6, subsection 1, Code 2025, is amended to  
16 read as follows:

17 1. a. Proceedings for the involuntary hospitalization of  
18 an individual pursuant to this chapter or for the involuntary  
19 commitment or treatment of a person with a substance use disorder  
20 to a facility pursuant to chapter 125 may be commenced by any  
21 interested person by filing a verified application with the clerk  
22 of ~~the~~ a district court.

23 b. If the verified application was filed with a district  
24 court where the respondent is not located and does not reside,  
25 the court shall transfer jurisdiction of the case to the district  
26 court of the county where the respondent is presently located, or  
27 which is the respondent's place of residence.

28 c. The clerk, or the clerk's designee, shall assist ~~the~~ an  
29 applicant in completing the verified application.

30 Sec. 4. Section 229.13, subsection 6, Code 2025, is amended  
31 by striking the subsection and inserting in lieu thereof the  
32 following:

33 6. A hospital or facility's chief medical officer shall  
34 inform the sheriff or a law enforcement agency if, after  
35 placement of a respondent in or under the care of a hospital or

1 other suitable facility for inpatient treatment, the respondent  
2 departs from the hospital or facility without authorization or  
3 fails to appear for treatment as ordered. The law enforcement  
4 agency shall exercise all due diligence to take the respondent  
5 into custody for placement in the appropriate hospital or  
6 facility.

7 Sec. 5. Section 229.13, Code 2025, is amended by adding the  
8 following new subsection:

9 NEW SUBSECTION. 8. A sheriff or peace officer shall have the  
10 authority to take a respondent into custody in any county in  
11 which the respondent is found for placement in a hospital or  
12 facility in accordance with an order entered pursuant to this  
13 section.

14 Sec. 6. Section 229.14B, Code 2025, is amended to read as  
15 follows:

16 **229.14B Escape from custody.**

17 A person who is placed in a hospital or other suitable  
18 facility for evaluation under section 229.13 or who is required  
19 to remain hospitalized for treatment under section 229.14 shall  
20 remain at that hospital or facility unless discharged or  
21 otherwise permitted to leave by the court or the chief medical  
22 officer of the hospital or facility. If a person placed at  
23 a hospital or facility or required to remain at a hospital or  
24 facility leaves the facility without permission or without having  
25 been discharged, the chief medical officer may notify the a  
26 sheriff or law enforcement agency of the person's absence and  
27 the sheriff or law enforcement agency shall take the person  
28 into custody and return the person promptly to the hospital or  
29 facility.

30 Sec. 7. SUPREME COURT — COURT RULES. The supreme court  
31 shall adopt rules to implement this Act.

32 EXPLANATION

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

35 This bill relates to filing applications and custody of a

1 respondent in an involuntary commitment proceeding.

2       The bill allows any interested person to commence an  
3 involuntary commitment substance abuse proceeding by filing a  
4 verified application in any county. If a verified application  
5 is filed in a district court of a county where the respondent  
6 is not located and does not reside, the court must transfer  
7 jurisdiction of the case to the district court of the county  
8 where the respondent is presently located or where the respondent  
9 resides.

10       Under current law, if a person has been ordered by a court  
11 to receive treatment for a substance use disorder or a serious  
12 mental impairment and the person leaves the county where the  
13 person was ordered to receive treatment without completing the  
14 treatment and without prior authorization, the sheriffs and peace  
15 officers (officers) in the county where the person is currently  
16 located may not have the authority to take the person into  
17 custody for placement in a hospital or facility (facility) to  
18 receive treatment. The bill authorizes officers to take a person  
19 into custody in any county in which the person is found for  
20 placement at a facility to receive court-ordered treatment.

21       The bill directs the supreme court to adopt rules to implement  
22 the bill.

23       The bill makes a conforming change to Code section 229.14B.