

**House File 2248 - Introduced**

HOUSE FILE 2248

BY RINKER

**A BILL FOR**

- 1 An Act relating to the confinement of persons found incompetent
- 2 to stand trial.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

unofficial

1 Section 1. Section 812.6, subsection 2, unnumbered paragraph  
2 1, Code 2026, is amended to read as follows:

3 If the court finds by clear and convincing evidence that  
4 the defendant poses a danger to the public peace or safety,  
5 or that the defendant is otherwise not qualified for pretrial  
6 release, or the defendant refuses to cooperate with treatment,  
7 the court shall commit the defendant to an appropriate inpatient  
8 treatment facility as provided in paragraph "a", ~~or~~ "b", or "c".  
9 The defendant shall receive mental health treatment designed to  
10 restore the defendant to competency.

11 Sec. 2. Section 812.6, subsection 2, Code 2026, is amended by  
12 adding the following new paragraph:

13 NEW PARAGRAPH. c. (1) A defendant who poses a danger to the  
14 public peace or safety and whose competency the court finds, by a  
15 preponderance of the evidence, is unlikely to be restored due to  
16 a cognitive or neurophysiological disability shall be committed  
17 as a safekeeper to the department of corrections at the Iowa  
18 medical and classification center, or other appropriate treatment  
19 facility as designated by the director. Upon such commitment, a  
20 rebuttable presumption exists that the commitment shall continue.  
21 The presumption may be rebutted when facts exist to warrant a  
22 hearing to determine whether the defendant continues to pose a  
23 danger to the public peace or safety. The defendant shall have  
24 an annual threat assessment conducted by a qualified expert or  
25 professional. Such expert or professional shall be given access  
26 to all records concerning the defendant.

27 (2) An annual report shall be prepared by the treatment  
28 facility and provided to the court that ordered the commitment.  
29 The court shall conduct an annual review and, if warranted, set a  
30 hearing on the status of the defendant.

31 (3) The defendant shall remain in placement no longer than  
32 the maximum term of confinement for the criminal offense of which  
33 the defendant is accused. When the defendant's placement equals  
34 the length of the maximum term of confinement, the complaint for  
35 the criminal offense of which the defendant is accused shall be

1 dismissed with prejudice.

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EXPLANATION

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The inclusion of this explanation does not constitute agreement with

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the explanation's substance by the members of the general assembly.

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This bill relates to the confinement of persons found

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incompetent to stand trial.

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The bill provides that a defendant who poses a danger to the

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