

House File 2571 - Introduced

HOUSE FILE 2571
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 632)

A BILL FOR

1 An Act relating to the Iowa rules of criminal procedure including
2 commitment hearings following an acquittal based on insanity.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

unofficial

1 Section 1. SUPREME COURT — RULES OF CRIMINAL PROCEDURE
2 REVISIONS.

3 1. The supreme court shall revise Iowa rule of criminal
4 procedure 2.22(8)(e) to add subparagraph (4), which shall
5 provide:

6 (4) Absence of recent overt acts of dangerousness shall not
7 be the sole determining factor in assessing whether a defendant
8 poses a risk to themselves or others, particularly when such
9 absence may be attributable to the constraints of a highly
10 structured environment. When determining whether a defendant
11 is currently dangerous to themselves or others under this rule,
12 the court shall consider a variety of factors, including but not
13 limited to:

14 (a) Original offense. The nature and circumstances of the
15 original charge or offense leading to the defendant's insanity
16 acquittal.

17 (b) Behavioral history. The defendant's past conduct,
18 including prior violent or dangerous acts, irrespective of the
19 presence or absence of recent overt acts.

20 (c) Psychiatric history and current mental status. The
21 defendant's current psychiatric condition, history of treatment,
22 adherence to treatment, and responsiveness to interventions.

23 (d) Substance use disorder history. The defendant's history
24 of substance use and its impact on their behavior, including
25 prior diagnoses of substance use disorder, the relationship
26 between substance use and prior violent or dangerous conduct,
27 the likelihood of relapse and its potential to increase
28 dangerousness, and the defendant's access to and willingness to
29 engage in substance use treatment programs to maintain safety.

30 (e) Institutional behavior and independent functioning.
31 The defendant's ability and willingness to engage in
32 social, recreational, educational, occupational, or vocational
33 activities; maintain self-care; demonstrate stability,
34 adaptability, and reduced risk of dangerousness in less
35 structured environments; seek and utilize support systems; and

1 comply with rules and interact appropriately within a structured
2 environment, including any incidents indicating underlying
3 dangerousness.

4 (f) Environmental influence. The extent to which a highly
5 structured setting, such as a hospital or secured facility, may
6 suppress behaviors that are likely to manifest in less controlled
7 or structured conditions.

8 (g) Expert testimony and risk assessment reports.
9 Evaluations and risk assessments provided by qualified mental
10 health professionals regarding the defendant's potential danger
11 to themselves or others. This includes consideration of
12 validated risk assessment tools and methodologies, including any
13 limitations in assessing an individual confined to a structured
14 setting.

15 2. The revised rules of criminal procedure shall be submitted
16 for legislative council review no later than October 14, 2026.

17 EXPLANATION

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

20 This bill relates to the Iowa rules of criminal procedure
21 including commitment hearings following an acquittal based on
22 insanity.

23 The bill provides a list of factors a court must consider in
24 determining whether a defendant continues to be mentally ill and
25 dangerous to the defendant's self or others. The bill states
26 that the absence of recent overt acts of dangerousness shall
27 not, by itself, be the sole determining factor in assessing
28 whether the defendant poses a risk to the defendant's self or
29 others. The factors include the original offense, behavioral
30 history, psychiatric history and current mental status, substance
31 use disorder history, institutional behavior and independent
32 functioning, environmental influences, and expert testimony and
33 risk assessment reports.

34 The revised rules of criminal procedure shall be submitted for
35 legislative council review no later than October 14, 2026.