

House Study Bill 632 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
JUDICIARY BILL BY CHAIRPERSON
HOLT)

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:

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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)(1) to provide that, at a hearing to
5 determine whether a defendant continues to be mentally ill and
6 dangerous to the defendant's self or others, the absence of
7 recent overt acts of dangerousness shall not, by itself, be
8 the sole determining factor in assessing whether the defendant
9 poses a risk to the defendant's self or others, particularly
10 when such absence may be attributable to the constraints of a
11 highly structured environment. In making its determination, the
12 court shall, in addition to other evidence presented, consider a
13 variety of relevant factors, including but not limited to all of
14 the following:

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

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

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

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

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

1 structured environments; seek and utilize support systems; and
2 comply with rules and interact appropriately within a structured
3 environment, including any incidents indicating underlying
4 dangerousness.

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

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

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

18 EXPLANATION

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

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

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

35 The revised rules of criminal procedure shall be submitted for

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1 legislative council review no later than October 14, 2026.

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