

House File 2571 - Reprinted

HOUSE FILE 2571
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 632)

(As Amended and Passed by the House March 24, 2026)

A BILL FOR

1 An Act relating to the Iowa rules of criminal procedure
2 including commitment hearings following an acquittal based
3 on insanity.

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

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

3 1. Iowa rule of criminal procedure 2.22(8)(e) shall be
4 amended to add subparagraph (4), to provide:

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

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

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

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

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

31 (e) Institutional behavior and independent functioning.
32 The defendant's ability and willingness to engage in social,
33 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;
2 and comply with rules and interact appropriately within a
3 structured environment, including any incidents indicating
4 underlying dangerousness.

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

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

16 2. The revised rules of criminal procedure shall be
17 submitted for legislative council review no later than October
18 14, 2026.