



Dennis C Prouty
Director
515/281-5279

**STATE OF IOWA
LEGISLATIVE FISCAL BUREAU**

State Capitol
Des Moines, Iowa
50319

MEMORANDUM

To: Legislative Fiscal Committee
From: Beth Lenstra and Sue Lerdal
Date: December 17, 2002
Re: Sexually Violent Predator Program Background Information

Chapter 229A, Code of Iowa, creates the Sexually Violent Predator Program. Iowa law is modeled after Kansas' law, which has withstood numerous constitutional challenges. Iowa law was amended by SF 2286 (Sexually Violent Predator Program Act) enacted by the 2002 General Assembly. The Act provides technical changes to the program and supervised release for those individuals who have successfully progressed through the in-patient stages of the Sexually Violent Predator Program.

The Department of Corrections (DOC) has a multi-disciplinary team that reviews referrals from agencies that have jurisdiction over people who may meet the definition of a sexually violent predator. Agencies with jurisdiction may include local sheriffs, the Department of Human Services (DHS), and the DOC, although most of the referrals come from within the DOC (for example, an inmate is close to discharging his sentence, was convicted of a sexually violent offense, and refused treatment while in prison).

The DOC multi-disciplinary team forwards its recommendations to the Attorney General's Office, which has a prosecutor review committee (comprised of county attorneys, members of the Attorney Generals' Office, and others with relevant expertise) that recommend cases in which a petition should be filed to civilly commit a person to the Sexually Violent Predator Program. The Office of the Attorney General presents the case for civil commitment. The Public Defender's Office defends the alleged sexually violent predator.

A person against whom a civil commitment petition is pending is considered a "safekeeper"; this is one of the changes made by SF 2286. Generally, these safekeepers are held at the Newton Correctional Facility. Before the enactment of SF 2286, the responsibility for safekeepers was not clear.

Once the contested civil commitment is resolved through a trial, dismissal, or stipulation to commitment, the person is either released to the community (found not to be a sexually violent predator) or committed to the Sexually Violent Predator Program located at the Iowa Medical

Classification Center at Oakdale (State prison). The Program is housed in a separate wing (old psychiatric wing) of the facility, and the DHS reimburses the DOC for certain costs (food, utilities, etc), but the treatment program is administered by the DHS. These people are civilly committed; therefore they are NOT inmates. That means they cannot mix with the general inmate population during meal times and exercise times, etc.

Legislation enacted by the 2002 General Assembly also provided funding to renovate space at the Cherokee Mental Health Institute to house the Program. That space is projected to be available in April 2003. Housing of the safekeepers is problematic. They may or may not be moved to the Cherokee Mental Health Institute.

Senate File 2286 also provided for a supervised release program for those people who have successfully completed the in-patient stages the Sexually Violent Predator Program. Funding was provided to the DHS to either perform the supervision itself, or to contract with local providers of sex offender treatment (could be the private sector) and supervision (more than likely Community-Based Corrections). The DHS is contracting with the DOC to provide supervision of patients who have completed the in-patient stages of the Sexually Violent Predator Program and who will be receiving outpatient treatment and supervised release. The first hearing on eligibility of such a patient for transitional release is scheduled for next month.

Please contact Beth (281-6301) or Sue (281-7794) for more information.