

CHAPTER 1026**SUPREME COURT — RULES OF CRIMINAL PROCEDURE REVISIONS —
COMMITMENT HEARING FOLLOWING ACQUITTAL ON GROUND OF INSANITY***H.F. 2571*

AN ACT relating to the Iowa rules of criminal procedure including commitment hearings following an acquittal based on insanity.

Be It Enacted by the General Assembly of the State of Iowa:

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

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

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

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

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

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

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

(e) Institutional behavior and independent functioning. The defendant's ability and willingness to engage in social, recreational, educational, occupational, or vocational activities; maintain self-care; demonstrate stability, adaptability, and reduced risk of dangerousness in less structured environments; seek and utilize support systems; and comply with rules and interact appropriately within a structured environment, including any incidents indicating underlying dangerousness.

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

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

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

Approved April 9, 2026