

February 8, 1951.
Police Regulations, Suppression of Crime,
Intemperance.

House File 377

By VAN ZOWL.

Passed House, Date

Vote: Ayes..... Nays.....

Passed Senate, Date

Vote: Ayes..... Nays.....

Approved

A BILL FOR

An Act to provide for the confinement of persons who are dangerous criminal sexual psychopaths or dangerous criminal defective delinquents.

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

1 Section 1. "All persons suffering from a mental disorder
2 and not a proper subject for the schools for the feeble minded
3 or for commitment as an insane person, which mental disorder
4 has existed for a period of not less than one (1) year immediately
5 prior to the filing of the petition hereinafter provided for, with
6 criminal propensities to the commission of sex offenses, and
7 who may be considered dangerous to others, are hereby declared
8 to be 'criminal sexual psychopaths'."

1 Sec. 2. "All persons suffering from a mental disorder and
2 not a proper subject for the schools for the feeble minded or
3 for a commitment as an insane person, which mental disorder has
4 existed for a period of not less than one (1) year immediately
5 prior to the filing of the petition hereinafter provided for,
6 with criminal propensities to the commission of offenses which
7 endanger the lives or bodily safety of others, and who may be

8 considered dangerous to others are hereby declared to be
9 'criminal defective delinquents'."

1 Sec. 3. When any person is charged with a criminal offense
2 and it shall appear to the county attorney of the county wherein
3 such person is so charged that such person is a criminal sexual
4 psychopath, or criminal defective delinquent, or both, then
5 the county attorney of such county shall file with the clerk
6 of the court in the same proceeding wherein such person stands
7 charged with a criminal offense, a petition in writing setting
8 forth facts tending to show that the person named is a criminal
9 sexual psychopath, or a criminal defective delinquent, or both.

10 When any reputable person having knowledge that an individual
11 who is charged with a criminal offense is a criminal sexual
12 psychopath, or is a criminal defective delinquent, or both, as
13 defined in this act, or that any such individual has committed
14 an act or acts which indicate that he may be a criminal sexual
15 psychopath, or a criminal defective delinquent, or both, and so
16 informs the county attorney of the county where the act or
17 acts charged were committed, and the county attorney is satisfied
18 that the allegations have merit, are based on actual knowledge
19 of the informant, and are capable of proof, he shall prepare a
20 petition verified upon his information and belief, in sufficient
21 detail so that the person complained against will be reasonably
22 informed of the charges against him, which petition shall be
23 filed with the clerk of said court.

1 Sec. 4. After the petition charging criminal sexual

2 psychopathy, or criminal defective delinquency, or both, has been
3 filed, and docketed as a special proceeding and a copy thereof
4 shall be served personally upon the person charged therein, and
5 notice in writing given him that a hearing thereon
6 will be held by the court on a date and at a time specified
7 in said notice, said date of hearing to be not less than
8 twenty (20) days later than the date of the service of said
9 notice upon him, to determine whether he shall be medically
10 examined, by whom and when and where such examination shall be
11 conducted. Upon such hearing, if prima facie proof of the criminal
12 propensities to the commission of sex offenses or as a criminal
13 defective delinquent, or both, be made, the court shall appoint
14 two qualified physicians to make an examination of the person so
15 charged or shall request the state board of control to designate
16 two members of the medical staff of any state mental hospital
17 to make such examination. Such medical examination shall be
18 made in the county in which the proceedings are pending or in
19 the county of residence of the person to be examined, as the
20 court may direct. The court shall fix the time, date and place
21 of such examination and give to the person to be examined at
22 least five days notice thereof. The report of such examination
23 shall be in writing and such report shall be filed in court
24 as part of its record but shall not be open to public inspection.
25 A copy thereof shall be furnished without cost by the clerk of
26 the court to the person examined. Upon application the court
27 shall allow reasonable compensation to the examining physicians

28 and shall order such allowances to be taxed as costs in the case.
29 If prima facie proof be not made to the court of the criminal
30 propensities to the commission of sex offenses of the person
31 charged with criminal sexual psychopathy or if the report of
32 at least one of the examining physicians does not establish the
33 fact of a mental disorder to which such propensities are attributable
34 in the person examined, the court shall dismiss the petition.
35 if prima facie proof be made to the court of the criminal
36 propensities to the commission of sex offenses of the person so
37 charged, or as a criminal defective delinquent, or both, and if
38 the report of at least one of the examining physicians does
39 establish the fact of a mental disorder to which such propensities
40 are attributable in the person examined, the court shall order
41 that a hearing be held on the petition and that at least twenty
42 (20) days written notice of such hearing be served upon the
43 person charged in said petition or his counsel of record. The
44 judge may at his discretion, and at the request of the person
45 charged in the petition shall, provide for the determination of
46 the issue of criminal sexual psychopathy, or criminally defective
47 delinquency, or both, by the court without jury which shall be
48 tried as a special proceeding. At such hearing the examining
49 physicians appointed or designated by the court may testify as
50 to their examination or examinations of the persons charged and
51 the results thereof, but their report or reports filed in court
52 as herein provided shall not be admissible in evidence against
53 the person charged. Evidence of past acts of sexual deviation

54 or criminally defective delinquency by the person charged shall
55 be admissible at the hearing. The person charged shall be entitled
56 to counsel and shall have the right to present evidence in his
57 behalf and shall have full rights of appeal.

1 Sec. 5. If the person is found by the court to be a criminal
2 sexual psychopath, or a criminal defective delinquent, the court
3 may commit him to the state insane hospital in the case of a
4 female or to the department for the criminal insane at Anamosa
5 in the case of a male, where he shall be detained and treated
6 until released in accordance with the provisions of this act
7 or may order such person to be tried upon the criminal charges
8 against him, as the interests of substantial justice may require.
9 The hospital staff shall make periodic examinations of any such
10 persons committed, with the view of determining the progress
11 of treatment, and shall report to the court not less than
12 once each year.

1 Sec. 6. At any time after commitment an application in writing
2 setting forth facts showing that such criminal sexual psychopath,
3 or criminal defective delinquent, or both, has improved to the extent
4 that his release will not be incompatible with the welfare of
5 society, may be filed with the committing court. Whereupon the
6 court shall issue an order returning the person to the jurisdiction
7 of said court for a hearing. This hearing shall in all respects
8 be like the original hearing to determine the mental condition
9 of the defendant. Following such hearing, the court shall issue
10 an order which shall cause the defendant either to be (1) Placed

11 on probation for a minimum period of three years, or (2) Returned
12 to the hospital; provided, that upon the expiration of said
13 probationary period and after further hearing by said court to
14 be held in accordance with the provisions of this act, said
15 psychopath, or criminal defective delinquent, or both, may be
16 discharged.

1 Sec. 7. Nothing in this act shall be construed as changing in
2 meaning any portion of the criminal code, nor shall a finding of
3 criminal sexual psychopathy, or criminal defective delinquency,
4 or both, under the provisions of this act constitute a defense in
5 any criminal action.

1 Sec. 8. The support and maintenance of any person committed
2 to the state hospital under the provisions of this act shall be
3 charged and paid in accordance with the law as now provided for
4 in the case of inmates of state hospitals for the insane.

1 Sec. 9. All laws now in force relating to the admission of
2 insane persons to state hospitals, shall apply to criminal sexual
3 psychopaths and to criminal defective delinquents.

1 Sec. 10. In the event that any portion of this act is declared
2 to be invalid it shall not affect any other part hereof and for this
3 purpose all parts of this act are hereby declared to be severable.

EXPLANATION OF H. F. 377

This bill proposes the confinement of criminally dangerous sexual psychopaths and dangerous criminal defective delinquents until such person may be released without danger to the public.

It seems imperative that known criminally dangerous insane persons be placed where they cannot harm others and also so that they may receive treatment and care for their personal rehabilitation.