

FEB 18 2002

JUDICIARY

HOUSE FILE 2385

BY TREMMEL

Passed House, Date _____ Passed Senate, Date _____

Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act relating to appeals from involuntary commitment for
2 chronic substance abuse or mental illness.

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

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HF 2385

1 Section 1. Section 229.21, subsection 3, paragraph c, Code
2 Supplement 2001, is amended to read as follows:

3 c. When appealed, the matter shall stand ~~for-trial-de-novo~~
4 on the record made at the hearing. ~~Upon-appeal,~~-the The court
5 shall schedule ~~a-hospitalization-or-commitment-hearing~~ the
6 appeal before a district judge ~~at-the-earliest-practicable~~
7 time within fourteen days of the filing of the appeal.

8 Sec. 2. Section 229.21, subsection 4, Code Supplement
9 2001, is amended to read as follows:

10 4. If the appellant is in custody under the jurisdiction
11 of the district court at the time of service of the notice of
12 appeal, the appellant shall be discharged from custody unless
13 an order that the appellant be taken into immediate custody
14 has previously been issued under section 229.11 or section
15 125.81, in which case the appellant shall be detained as
16 provided in that section until the ~~hospitalization-or~~
17 ~~commitment-hearing~~ appeal on the record before the district
18 judge. If the appellant is in the custody of a hospital or
19 facility at the time of service of the notice of appeal, the
20 appellant shall be discharged from custody pending disposition
21 of the appeal unless the chief medical officer, not later than
22 the end of the next secular day on which the office of the
23 clerk is open and which follows service of the notice of
24 appeal, files with the clerk a certification that in the chief
25 medical officer's opinion the appellant is seriously mentally
26 ill or a substance abuser. In that case, the appellant shall
27 remain in custody of the hospital or facility until the
28 ~~hospitalization-or-commitment-hearing~~ appeal before the
29 district court.

30 Sec. 3. Section 229.21, subsection 5, Code Supplement
31 2001, is amended to read as follows:

32 5. ~~The-hospitalization-or-commitment-hearing-before-the~~
33 ~~district-judge-shall-be-held,-and-the-judge's-finding-shall-be~~
34 ~~made-and-an-appropriate-order-entered,-as-prescribed-by~~
35 ~~sections-229-12-and-229-13-or-sections-125-82-and-125-83.~~ If,

1 upon appeal, the judge orders the appellant hospitalized or
2 committed for a complete psychiatric or substance abuse
3 evaluation, jurisdiction of the matter shall revert to the
4 judicial hospitalization referee.

5 EXPLANATION

6 This bill relates to appeals from involuntary commitment
7 for chronic substance abuse and mental illness.

8 The bill provides that an appeal to a district judge from a
9 finding that a person is a chronic substance abuser and in
10 need of involuntary commitment or treatment or an appeal from
11 a finding that a person is mentally ill and in need of
12 involuntary hospitalization shall be based upon the record,
13 and further provides that the appeal in such cases shall be
14 held within 14 days of the filing of the appeal. Current law
15 requires appeals in such cases to be conducted based upon a de
16 novo standard of review at the earliest practicable time.

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