

FILED MAR 14 2005

SENATE FILE 369
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 1030)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the civil commitment of a sexually violent
2 predator.

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

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SF 369

1 Section 1. Section 229A.2, subsections 4 and 6, Code 2005,
2 are amended to read as follows:

3 4. "Likely to engage in predatory acts of sexual violence"
4 means that the person more likely than not will engage in
5 predatory acts of a sexually violent nature. If a person is
6 not confined at the time that a petition is filed, a person is
7 "likely to engage in predatory acts of sexual violence" only
8 if the person commits a recent overt act.

9 6. "Predatory" means acts directed toward a person with
10 whom a relationship contact or interaction has been
11 established or promoted for the primary purpose of
12 victimization. The contact or interaction is not predatory if
13 the person directing the act and the person to whom the act is
14 directed have had a previous relationship that was primarily
15 established or promoted for some purpose other than
16 victimization.

17 EXPLANATION

18 This bill relates to the civil commitment of a sexually
19 violent predator.

20 The bill changes the definition of "likely to engage in
21 predatory acts of sexual violence" to mean that a person more
22 likely than not will engage in predatory acts of a sexually
23 violent nature. The bill changes the definition of
24 "predatory" to mean acts directed toward a person with whom
25 contact or interaction has been established or promoted for
26 the primary purpose of victimization. However, under the bill
27 the contact or interaction is not predatory if the person
28 directing the act and the person to whom the act is directed
29 have had a previous relationship which was established for a
30 purpose other than victimization. Current law defines
31 "predatory" to mean acts directed toward a person with whom a
32 relationship has been established or promoted for the primary
33 purpose of victimization.

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Tinsman Co-Chair
Hancock Co-Chair
Boettger
Drorsky

Succeeded By
①/HF 369

SSB# 1030
Judiciary

SENATE/HOUSE FILE _____
BY (PROPOSED ATTORNEY
GENERAL BILL)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the civil commitment of a sexually violent
2 predator, and providing a penalty.

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

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1 Section 1. Section 229A.2, subsection 6, Code 2005, is
2 amended to read as follows:

3 6. "Predatory" means acts directed toward a person with
4 whom ~~a-relationship~~ contact or interaction has been
5 established or promoted for the primary purpose of
6 victimization.

7 Sec. 2. Section 229A.5B, subsection 2, Code 2005, is
8 amended to read as follows:

9 2. A person who violates subsection 1 commits a ~~simple~~
10 ~~misdemeanor-or-may-be-subject-to-punishment-for-contempt~~ class
11 "D" felony.

12 EXPLANATION

13 This bill relates to the civil commitment of a sexually
14 violent predator.

15 The bill changes the definition of "predatory" to mean acts
16 directed toward a person with whom contact or interaction has
17 been established or promoted for the primary purpose of
18 victimization. Current law defines "predatory" to mean acts
19 directed toward a person with whom a relationship has been
20 established or promoted for the primary purpose of
21 victimization.

22 The bill also changes the criminal penalty from a simple
23 misdemeanor to a class "D" felony for escape by a person who
24 is either awaiting civil commitment or who has been committed
25 as a sexually violent predator.

26 A class "D" felony is punishable by confinement for no more
27 than five years and a fine of at least \$750 but not more than
28 \$7,500. A simple misdemeanor is punishable by confinement for
29 no more than 30 days or a fine of at least \$50 but not more
30 than \$500 or by both.

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THOMAS J. MILLER
ATTORNEY GENERAL

Department of Justice

ADDRESS REPLY TO:
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MEMORANDUM

TO: Members of the General Assembly
FROM: Brian Meyer, Legislative Liaison
DATE: December 29, 2004

SUBJECT: Sexually violent predators

Overview

A sexually violent predator is any person who has been convicted of or charged with a sexually violent offense and who suffers from a mental abnormality, which makes the person likely to engage in predatory acts, if not confined. This bill amends Iowa Code chapter 229A for the purpose of clarifying what qualifies as a predatory act.

Current law

The law currently provides for the civil commitment of sexually violent predators. The civil commitment of this small but dangerous group is for the purpose of encouraging the full meaningful participation of the sexually violent predators in treatment programs. An individual is considered a sexually violent predator if three conditions are met and a nexus is created between them: 1). The person is a present danger to commit a sexually violent offense; 2). The person suffers from a mental disorder; 3). The person has been previously charged with or convicted of a sexually violent offense.

Proposed change

This bill makes a definition modification under chapter 229A as the result of difficulty in establishing a "relationship" between the sexual predator and the victim. This bill changes "relationship" to "contact or interaction." This change makes it clear that the statute applies to stranger rapists as well as people that establish a relationship with their victims. This bill also increases the penalty for escape or attempted escape from the Civil Commitment Unit to a class D felony from a simple misdemeanor.