

CHAPTER 1321
COURT STATEMENT TO DEFENDANT ON GUILTY PLEA
S.F. 2035

AN ACT relating to the requirement that the court personally address a defendant when a plea of guilty to a serious misdemeanor is entered by, or on behalf of, a defendant.

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

Section 1. Rule of criminal procedure 8, section 2, subsection b, Iowa court rules, second edition, is amended to read as follows:

b. **PLEAS OF GUILTY.** The court may refuse to accept a plea of guilty, and shall not accept such a plea of guilty without first addressing the defendant personally and determining that the plea is made voluntarily and intelligently and has a factual basis.

Before accepting a plea of guilty, the court must address the defendant personally in open court and inform the defendant of, and determine that the defendant understands, the following:

- (1) The nature of the charge to which the plea is offered.
- (2) The mandatory minimum punishment, if any, and the maximum possible punishment provided by the statute defining the offense to which the plea is offered.
- (3) That the defendant has the right to be tried by a jury, and at such trial has the right to assistance of counsel, the right to confront and cross-examine witnesses against him or her the defendant, the right not to be compelled to incriminate himself or herself oneself, and the right to present witnesses in his or her the defendant's own behalf and to have compulsory process in securing their attendance.
- (4) That if the defendant pleads guilty there will not be a further trial of any kind, so that by pleading guilty the defendant waives the right to a trial.

The court may, in its discretion and with the approval of the defendant, waive the above procedures in a plea of guilty to a serious misdemeanor.

Approved April 25, 1984