

CHAPTER 1276
BAIL REVIEW; TRIAL DATE

IN THE SUPREME COURT OF IOWA

IN THE MATTER OF A CHANGE }
IN THE IOWA RULES OF }
CRIMINAL PROCEDURE }

REPORT OF THE
SUPREME COURT

TO: MS. DIANE BOLENDER, SECRETARY OF THE LEGISLATIVE COUNCIL OF
THE STATE OF IOWA:

Pursuant to Iowa Code sections 602.4201 and 602.4202, the Supreme Court of Iowa has prescribed and hereby reports on this date to the Secretary of the Legislative Council concerning amendments to Iowa Rules of Criminal Procedure 43 and 45 which are attached as Exhibit "A" and Exhibit "B" respectively.

Pursuant to Iowa Code section 602.4202(2), these changes are to take effect April 2, 1990.

Respectfully submitted,

THE SUPREME COURT OF IOWA

/s/ Arthur A. McGiverin
ARTHUR A. MCGIVERIN, Chief Justice

Des Moines, Iowa
December 28, 1989

ACKNOWLEDGMENT

I, the undersigned, Secretary of the Legislative Council hereby acknowledge delivery to me on the second day of January, 1990, the Report of the Supreme Court pertaining to the Iowa Rules of Criminal Procedure.

/s/ Diane Bolender
Secretary of the Legislative Council

EXHIBIT "A"

Rule 43. Bail. Admission to bail shall be as provided for in Iowa Code chapter 811. Upon proper application, a district court judge or district associate judge is authorized to review and amend the conditions of bail previously imposed. There shall be no more than one review except upon changed conditions.

EXHIBIT "B"

Rule 45. Trial date. Upon a plea other than guilty the magistrate shall set a trial date which shall be at least fifteen days after the plea is entered. The magistrate shall notify the prosecuting attorney of the trial date and shall advise the defendant that the trial will be without a jury unless demand for jury trial is made at least no later than ten days ~~prior to the date set for trial following the plea of not guilty~~. Failure to make a jury demand in the manner prescribed herein constitutes a waiver of jury. If demand is made, the action shall be tried by a jury of six members. Upon the request of the defendant, the magistrate may set the date of trial at a time less than fifteen days after a plea other than guilty is entered. The magistrate shall notify the defendant that a request for earlier trial date shall constitute a waiver of jury.