

**CHAPTER 1222****REQUIRED STATE DISCLOSURES OF EVIDENCE UPON REQUEST****IN THE SUPREME COURT OF IOWA**

IN THE MATTER OF A CHANGE	)	
IN THE IOWA RULES OF	)	REPORT OF THE
CRIMINAL PROCEDURE	)	SUPREME COURT

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TO: THE HONORABLE RANDAL GIANNETTO, CHAIR OF THE SENATE JUDICIARY COMMITTEE OF THE 1996 REGULAR SESSION OF THE SEVENTY-SIXTH GENERAL ASSEMBLY 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 Chair of the Senate Judiciary Committee concerning amendments to Iowa Rule of Criminal Procedure 13(2)(a) as shown in the attached Exhibit "A."

Pursuant to Iowa Code section 602.4202(2), the changes to Iowa Rule of Criminal Procedure 13(2)(a) are to take effect July 1, 1996.

Respectfully submitted,

THE SUPREME COURT OF IOWA

/s/ Arthur A. McGiverin

ARTHUR A. MCGIVERIN, Chief Justice

Des Moines, Iowa  
March 21, 1996

**ACKNOWLEDGMENT**

I, the undersigned, Chair of the Senate Judiciary Committee, hereby acknowledge delivery to me on twenty-sixth day of March, 1996, the Report of the Supreme Court pertaining to Iowa Rule of Criminal Procedure 13(2)(a).

/s/ Randal Giannetto

Chair of the Senate Judiciary Committee

## EXHIBIT "A"

**Rule 13. Discovery.**

2. *Disclosure of evidence by the state upon defense motion or request.*

a. *Disclosure required upon request.*

(1) ~~Upon pretrial motion of a defendant the court shall order~~ Upon a filed pretrial request by the defendant the attorney for the state ~~to shall~~ permit the defendant to inspect and copy or photograph: Any relevant written or recorded statements made by the defendant or copies thereof, within the possession, custody or control of the state, unless same shall have been included with the minutes of evidence accompanying the indictment or information; the substance of any oral statement made by the defendant which the state intends to offer in evidence at the trial, including any voice recording of same; and the transcript or record of testimony of the defendant before a grand jury, whether or not the state intends to offer same in evidence upon trial.

(2) When two or more defendants are jointly charged, ~~upon motion the court shall order~~ upon the filed request of any defendant ~~the court shall order~~ the attorney for the state ~~to shall~~ permit the defendant to inspect and copy or photograph any written or recorded statement of a codefendant which the state intends to offer in evidence at the trial, and the substance of any oral statement which the state intends to offer in evidence at the trial made by a codefendant whether before or after arrest in response to interrogation by any person known to the codefendant to be a state agent.

(3) ~~Upon motion the court shall order~~ upon the filed request of the defendant, ~~the court shall order~~ the state ~~to shall~~ furnish to defendant such copy of the defendant's prior criminal record, if any, as is then available to the state.