

### **819A.3 Order for transfer.**

1. At the hearing on the certification, the district court shall determine all of the following issues:
  - a.* That the testimony of the witness may be material and necessary to the criminal proceeding in the other state.
  - b.* That the appearance of and testimony by the witness are not adverse to the interests of this state or the health or legal rights of the witness.
  - c.* That the laws of the other state in which the witness is requested to testify will protect the witness from arrest and the service of civil and criminal process based on any act committed prior to the witness's arrival in the other state under a transfer order.
  - d.* That the possibility that the witness may be subject to arrest or to service of civil or criminal process in any other state through which the witness will be required to pass is remote.
2. If the district court makes affirmative findings on all of the issues, the district court shall issue an order for transfer, with a copy of the certificate attached, that provides for all of the following orders:
  - a.* An order directing the witness to attend and testify.
  - b.* An order directing the person having custody of the witness to produce the witness in the court in which the criminal proceeding is taking place.
  - c.* An order prescribing such other terms and conditions as the district court may require, including, but not limited to, the terms and conditions provided in section 819A.4.

95 Acts, ch 88, §3