



[HF 644](#) – Criminal Procedure, Juror Qualifications, and Court Rules (LSB2122HV.2)
Staff Contact: Isabel Waller (515.281.6561) isabel.waller@legis.iowa.gov
Fiscal Note Version – As amended by Senate amendment [H-1311](#)

Description

[House File 644](#) as amended by Senate amendment [H-1311](#) relates to criminal law, including depositions, conditional guilty pleas, prosecution witnesses, juror qualifications, and the Rules of Criminal Procedure.

Division I — Depositions

Description

Division I provides that a person who expects to be made a party to a criminal prosecution is not entitled to conduct a deposition in a criminal proceeding prior to being indicted for a criminal offense.

Fiscal Impact

Division I is not estimated to have a fiscal impact.

Division II — Conditional Guilty Pleas

Description

Division II provides that a conditional guilty plea that reserves an issue for appeal must only be entered with the consent of the prosecuting attorney and the defendant or defendant's counsel. An appellate court has jurisdiction over only conditional guilty pleas that comply with this requirement and when appellate adjudication of the reserved issue is in the interest of justice.

Fiscal Impact

Division II is not estimated to have a fiscal impact.

Division III — Prosecution Witnesses — Minors

Description and Background

Division III requires the Supreme Court to amend the Rules of Criminal Procedure to comply with Iowa Code section [915.36A](#) including but not limited to the elimination of a requirement that a defendant be physically present at the deposition of a minor.

Under Iowa Code section 915.36A, a prosecuting witness who is a minor has the right to have the interview or deposition taken outside the presence of the defendant. The interview or deposition may be televised by closed-circuit equipment to a room where the defendant can view the interview or deposition in a manner that ensures that the defendant will not have contact with the minor. The defendant is allowed to communicate with the defendant's counsel in the room where the minor is being interviewed or deposed by an appropriate electronic method.

Assumptions and Fiscal Impact

Division III may increase costs to the State Public Defender operating budget and the Indigent Defense Fund, as a second attorney or investigator may be required during these depositions to communicate with the defendant who is in a separate location. However, the fiscal impact cannot be determined.

Division IV — Juror Qualifications

Description

Division IV provides that the following persons are disqualified from jury service:

- A person convicted of a felony who remains under the supervision of the Department of Corrections (DOC), a Community-Based Corrections (CBC) judicial district, or the Board of Parole.
- A person convicted of a felony who is currently registered as a sex offender under Iowa Code chapter [692A](#) or who is required to serve a special sentence under Iowa Code chapter [903B](#).

Fiscal Impact

Division IV is estimated to have a minimal fiscal impact to the Judicial Branch.

Division V — Supreme Court — Rules of Criminal Procedure

Description

Division V requires the Supreme Court to revise the Rules of Criminal Procedure submitted for Legislative Council review on October 14, 2022, to comply with this Bill. The revised Rules are required to be submitted for Legislative Council review no later than June 1, 2023.

Division V is effective upon enactment.

Fiscal Impact

Division V is not estimated to have a fiscal impact.

Sources

Judicial Branch
Office of the State Public Defender

/s/ Jennifer Acton

April 27, 2023

Doc ID 1373575

The fiscal note for this Bill was prepared pursuant to [Joint Rule 17](#) and the Iowa Code. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.
