



Fiscal Note

Fiscal Services Division



[HF 2639](#) – Criminal Actions, Depositions of Children (LSB6055HV)
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Fiscal Note Version – New

Description

This Bill relates to limitations on discovery depositions involving minor victims.

The Bill creates a rebuttable presumption in favor of permitting a discovery deposition of a minor victim in a criminal action when defense counsel demonstrates to the court, by a preponderance of the evidence, that such deposition is critical to the defendant’s ability to receive an adequate and fair trial. Defense counsel seeking to depose a minor victim must file a written application with the court. The Bill provides that in ruling on an application, the court must weigh specific factors listed under the Bill. If the court grants the application, the court must issue an order specifying the specific topics or areas of inquiry permitted, topics or questions that are prohibited, the maximum duration of the deposition, and any other limitations the court deems appropriate to protect the minor victim while permitting meaningful discovery.

The Bill specifies that all depositions of minor victims conducted pursuant to this section must be subject to mandatory protections, and specifies the requirements and entitlements for the deposition of a minor.

Under the Bill, upon motion of the prosecuting attorney or counsel for the minor deponent, or upon the court’s own motion, the court must conduct a hearing to determine whether deponent abuse occurred during a deposition conducted. If the court finds that deponent abuse occurred, the court must impose sanctions as detailed in the Bill.

Background

Iowa Code chapter [701](#) governs general criminal law provisions, and the Iowa Court Rules chapter [8](#) details rules of juvenile procedure.

In FY 2025, the State Public Defender (SPD) paid between 460 and 670 claims that were likely to have involved a minor victim, with an average cost per claim of \$2,352 or approximately 30 hours per claim.

For FY 2026, the SPD and the Indigent Defense Fund received General Fund appropriations in the annual Justice System Appropriations Act totaling \$35.5 million and \$42.7 million, respectively.

Assumptions

- Contract attorneys will experience an increased workload of approximately 10 additional hours per case.
- The SPD will experience an increased workload.
- There will be extra costs associated with depositions and video recording.

Fiscal Impact

[House File 2639](#) will increase costs to the State Public Defender by \$850,000 per year. Costs associated with each claim will be paid from the Indigent Defense Fund and the additional State employee costs will be paid from the State Public Defender General Fund appropriation for operations.

Source

Office of the State Public Defender

/s/ Jennifer Acton

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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.
