

JAN 13 1971

Judiciary

Pass 1/20
" 1/25, Pass 2/1

HOUSE FILE 42
By DOYLE AND KELLY

Passed House, Date 1-22-71 Passed Senate, Date 2-3-71
Vote: Ayes 91 Nays 0 Vote: Ayes 41 Nays 0
Approved 5-12-71

A BILL FOR

1 An Act relating to shorthand notes of court reporters.

2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

3 Section 1. Section six hundred twenty-two point fifty-two
4 (622.52), Code 1971, is amended as follows:

5 622.52. JUDICIAL RECORD -- STATE OR FEDERAL COURTS. A
6 judicial record of this state, including the filed certified
7 shorthand notes of the official court reporter as transcribed,
8 or any court of the United States may be proved by the produc-
9 tion of the original, or a copy thereof certified by the clerk
10 or person having the legal custody thereof, authenticated by
11 his seal of office, if he have has one.

12 EXPLANATION

13 The County Attorney's office of Woodbury County recently
14 encountered a problem in a habeas corpus proceeding held in
15 Lee County District Court which illustrates the need for this
16 bill. The court reporter, who reported the proceedings in the
17 Woodbury County District Court, on the defendant's plea of
18 guilty, sentencing, and subsequent revocation of parole, was
19 unavailable as a witness in the Lee County proceeding. Pre-
20 sent law does not permit the offering of a transcript of short-
21 hand notes in a habeas corpus proceeding. It is necessary
22 that the shorthand reporter be present at such proceeding to
23 give foundation testimony concerning the transcript before
24 it can be offered and received into evidence. In hearings,
25 other than habeas corpus proceedings, it is not necessary that

1 the shorthand reporter be present to testify. The present
2 practice is that the shorthand reporter files his notes of
3 the case with the clerk of the district court and they are
4 shown in the appearance docket of that case. It would then
5 appear that shorthand notes taken, transcribed, and filed by
6 the same reporter should be as admissible in a habeas corpus
7 proceeding as any other pleading or court entry made in such
8 case.

9 The present practice is not only inconvenient, but expensive,
10 and should be modified in the interests of sound jurisprudence.

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