

See Inclusion, 2/28/85

Senate File 444

Judiciary and Law Enforcement: Rosenberg, Chair; Carl Halvorson of Clayton, McIntee, Peterson, Schnekloth and Tabor.

SENATE FILE

444

BY COMMITTEE ON JUDICIARY

formerly SSB 210

2/28/85 (p 1031)

FILED MAR 14 1985

Passed Senate, Date 3-26-85 (p 104)

Passed House, Date 3-27-86 (p 1031)

Vote: Ayes 48 Nays 0

Vote: Ayes 97 Nays 0

Approved April 22, 1986 (p 1336)

*Engrossed Senate 3-9-86 (p 1135)
44-0*

A BILL FOR

1 An Act relating to the time in which a defendant may waive the
2 defendant's right to a jury trial.

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

SENATE FILE 444

H-5224

1 Amend Senate File 444 as passed by the Senate as
2 follows:

3 1. Page 1, line 8, by inserting after the word
4 "discovery" the words ", but not later than ten days
5 prior to the date set for trial,".

H-5224 FILED MARCH 3, 1986

BY ROSENBERG of Story

(Adopted 3/27/86 (p 1031))

HOUSE AMENDMENT TO
SENATE FILE 444

S-5498

1 Amend Senate File 444 as passed by the Senate as
2 follows:

3 1. Page 1, line 8, by inserting after the word
4 "discovery" the words ", but not later than ten days
5 prior to the date set for trial,".

S-5498 Filed April 1, 1986 REC'D FROM THE HOUSE

Senate concurred 4/9 (p 1135)

1 Section 1. Rule of criminal procedure 16, section 1, Iowa
2 court rules, second edition, is amended to read as follows:

3 1. TRIAL BY JURY. Cases required to be tried by jury
4 shall be so tried unless the defendant voluntarily and
5 intelligently waives a jury trial in writing and on the record
6 within thirty days after arraignment, or if no waiver is made
7 within thirty days after arraignment the defendant may waive
8 within ten days after the completion of discovery as provided
9 in these rules for good cause shown, and after such time times
10 only with the consent of the prosecuting attorney. The
11 defendant may not withdraw a voluntary and knowing waiver of
12 trial by jury as a matter of right, but the court, in its
13 discretion, may permit withdrawal of the waiver prior to the
14 commencement of the trial.

15 EXPLANATION

16 This bill allows for the waiver of a jury trial by a de-
17 fendant within ten days of the completion of discovery when
18 good cause for the waiver is shown.

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SSB 210
Judiciary

New
SF 444

SENATE FILE _____

BY (PROPOSED COMMITTEE ON
JUDICIARY BILL)

Passed Senate, Date _____ Passed House, Date _____

Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act relating to the time in which a defendant may waive the
2 defendant's right to a jury trial.

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

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SENATE FILE 444

AN ACT

RELATING TO THE TIME IN WHICH A DEFENDANT MAY WAIVE THE DEFENDANT'S RIGHT TO A JURY TRIAL.

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

Section 1. Rule of criminal procedure 16, section 1, Iowa court rules, second edition, is amended to read as follows:

1. TRIAL BY JURY. Cases required to be tried by jury shall be so tried unless the defendant voluntarily and intelligently waives a jury trial in writing and on the record within thirty days after arraignment, or if no waiver is made within thirty days after arraignment the defendant may waive within ten days after the completion of discovery, but not later than ten days prior to the date set for trial, as provided in these rules for good cause shown, and after such time times only with the consent of the prosecuting attorney. The defendant may not withdraw a voluntary and knowing waiver of trial by jury as a matter of right, but the court, in its

ROBERT T. ANDERSON
President of the Senate

DONALD D. AVENSON
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 444, Seventy-first General Assembly.

K. MARIE THAYER
Secretary of the Senate

Approved *April 22*, 1986

TERRY E. BRANSTAD
Governor