

FEB 25 1997

JUDICIARY

HOUSE FILE 339  
BY KREIMAN

WITHDRAWN  
4-2-97  
(p. 980)

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to the recording of hearings and proceedings  
2 before a magistrate.

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

- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

WITHDRAWN

HF 339

1 Section 1. Section 602.6405, Code 1997, is amended by  
2 adding the following new subsection:

3 NEW SUBSECTION. 3. A magistrate shall cause all  
4 proceedings, trials, and hearings before the magistrate to be  
5 electronically recorded and maintained pursuant to rules  
6 prescribed by the supreme court.

7 Sec. 2. Section 631.11, subsection 3, Code 1997, is  
8 amended to read as follows:

9 3. RECORD. Upon the trial, the judicial magistrate shall  
10 make detailed minutes of the testimony of each witness and  
11 append the exhibits or copies thereof to the record. The  
12 proceedings upon trial shall not be reported by a certified  
13 court reporter, unless the party provides the reporter at such  
14 party's expense. ~~The~~ If the proceedings are not reported by a  
15 certified court reporter, the ~~magistrate,--in-the-magistrate's~~  
16 ~~discretion,--may~~ shall cause the proceedings upon trial to be  
17 ~~reported~~ recorded electronically. ~~--if-the-proceedings-are~~  
18 ~~being-electronically-recorded~~ and both parties shall be  
19 notified in advance of that recording. If the proceedings  
20 have been ~~reported~~ recorded electronically the recording shall  
21 be retained under the jurisdiction of the magistrate unless  
22 appealed, and upon appeal shall be transcribed only by a  
23 person designated by the court under the supervision of the  
24 magistrate.

25 EXPLANATION

26 This bill provides that all trials, proceedings, and  
27 hearings before a magistrate shall be electronically recorded,  
28 and the recordings maintained, pursuant to rules prescribed by  
29 the supreme court. The bill makes changes to the provisions  
30 governing small claims actions by requiring the proceedings to  
31 be recorded electronically if no court reporter is used.

32  
33  
34  
35