

S-4/2/97 Judiciary

MAR 18 1997  
Place On Calendar

HOUSE FILE 678  
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HF 339)

Passed House, <sup>(p.979)</sup> Date 4/2/97  
Vote: Ayes 96 Nays 0  
Approved \_\_\_\_\_

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

A BILL FOR

1 An Act relating to the recording of trials before a magistrate.  
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 678

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 trials  
4 before the magistrate which are not reported by a certified  
5 court reporter to be electronically recorded.

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

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

24 EXPLANATION

25 This bill provides that all trials before a magistrate,  
26 which are not reported by a certified court reporter, shall be  
27 electronically recorded, and the recordings maintained,  
28 pursuant to rules prescribed by the supreme court. The bill  
29 makes changes to the provisions governing small claims actions  
30 by requiring the proceedings to be recorded electronically if  
31 no court reporter is used.

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