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JUDICIARY

SENATE FILE 2168

BY KREIMAN

Passed Senate, Date _____ Passed House, Date _____

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

Approved _____

A BILL FOR

1 An Act relating to arraignments in criminal proceedings.

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

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SF 2168
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1 Section 1. NEW SECTION. 804A.1 WRITTEN ARRAIGNMENT FOR
2 NOT GUILTY PLEA.

3 A defendant represented by an attorney shall enter a plea
4 of not guilty by executing and filing a written arraignment
5 that substantially complies with the form that accompanies
6 R.Cr.P. 2.8, unless the prosecutor, defendant, or the court
7 requests a formal arraignment pursuant to R.Cr.P. 2.8. The
8 arraignment form must assure the court that the defendant has
9 been advised of, and is aware of, all the rights and matters
10 specified in R.Cr.P. 2.8 and that the full purposes of an
11 arraignment have been satisfied.

12 Sec. 2. Section 811.6, subsection 1, Code 2003, is amended
13 to read as follows:

14 1. A defendant released pursuant to this chapter shall
15 appear at a formal arraignment, trial, judgment, or such other
16 proceedings where the defendant's appearance is required. If
17 the defendant fails to appear at the time and place when the
18 defendant's personal appearance is lawfully required, or to
19 surrender in execution of the judgment, the court must direct
20 an entry of the failure to be made of record, and the
21 undertaking of the defendant's bail, or the money deposited,
22 is thereupon forfeited. As a part of the entry, except as
23 provided in rule of criminal procedure 2.72, the court shall
24 direct the clerk of the district court of the county to give
25 ten days' notice in writing to the defendant and the
26 defendant's sureties to appear and show cause, if any, why
27 judgment should not be entered for the amount of bail. If
28 such appearance is not made, judgment shall be entered by the
29 court. If appearance is made, the court shall set the case
30 down for immediate hearing as an ordinary action.

31 EXPLANATION

32 This bill relates to an arraignment in a criminal
33 proceeding.

34 The bill provides that a defendant pleading not guilty
35 shall file a written arraignment form in lieu of appearing at

1 the arraignment hearing unless the prosecutor, defendant, or
2 the court requests a formal arraignment. Current rule of
3 criminal procedure 2.8 provides that a defendant pleading not
4 guilty may file a written arraignment in lieu of appearing at
5 the arraignment hearing unless otherwise ordered by the court
6 to appear.

7 An arraignment is a proceeding where the defendant appears
8 before the court to plead "guilty" or "not guilty" to a
9 criminal charge.

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