

# Senate File 454 - Introduced

SENATE FILE \_\_\_\_\_  
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 1109)

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

## A BILL FOR

1 An Act relating to judicial branch practices and procedures,  
2 including expanding the definition of a seal, eliminating  
3 duties of the clerk of the supreme court, making confidential  
4 personal information, and obtaining electronic signatures on  
5 citations.  
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
7 TLSB 1268SV 82  
8 jm/sh/8

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1 1 Section 1. Section 4.1, subsection 28, Code 2007, is  
1 2 amended to read as follows:  
1 3 28. SEAL. Where the seal of a court, public office ~~or,~~  
1 4 ~~public officer, or public or private corporation,~~ may be  
1 5 required to be affixed to any paper, the word "seal" shall  
1 6 include an impression upon the paper alone, ~~as well as or~~ upon  
1 7 wax or a wafer affixed ~~thereto to the paper,~~ or an official  
1 8 ink stamp if a notarial seal. ~~If the seal of a court is~~  
1 9 ~~required, the word "seal" may also include a visible~~  
1 10 ~~electronic image of the seal on an electronic document.~~

1 11 Sec. 2. Section 602.4301, subsection 2, Code 2007, is  
1 12 amended to read as follows:  
1 13 2. The clerk of the supreme court shall have an office at  
1 14 the seat of government, shall keep a complete record of the  
1 15 proceedings of the court, and shall not allow an opinion filed  
1 16 in the office to be removed. Opinions shall be open to  
1 17 examination and, upon request, may be copied and certified.  
1 18 ~~The clerk promptly shall announce by mail to one of the~~  
1 19 ~~attorneys on each side any ruling made or decision rendered,~~  
1 20 ~~shall record every opinion rendered as soon as filed, shall~~  
1 21 ~~mail a copy of each opinion rendered to each attorney of~~  
1 22 ~~record and to each party not represented by counsel, and The~~  
1 23 ~~clerk shall also perform all other duties pertaining to the~~  
1 24 office of clerk.

1 25 Sec. 3. Section 602.6111, subsection 3, Code 2007, is  
1 26 amended by striking the subsection and inserting in lieu  
1 27 thereof the following:

1 28 3. The supreme court may prescribe rules or issue  
1 29 directives requiring confidentiality of certain categories of  
1 30 personal identification and financial account information  
1 31 filed with the clerk of the district court or the clerk of the  
1 32 supreme court. The rules prescribed or directives issued  
1 33 pursuant to this subsection may specify the manner and format  
1 34 in which confidential information is to be provided to the  
1 35 clerk, authorize the disclosure of confidential information to  
2 1 certain persons, and specify the manner and format in which  
2 2 the confidential information is stored and disclosed by the  
2 3 clerk. Rules prescribed or directives issued pursuant to this  
2 4 subsection shall prevail over any other state laws and  
2 5 administrative rules.

2 6 Sec. 4. Section 805.6, subsection 1, unnumbered paragraph  
2 7 3, Code 2007, is amended to read as follows:

2 8 Notwithstanding other contrary requirements of this  
2 9 section, a uniform citation and complaint may be originated  
2 10 from a computerized device. The officer issuing the citation  
2 11 through a computerized device shall electronically sign and  
2 12 date the citation or complaint and shall obtain electronically  
2 13 the signature of the person cited as provided in section 805.3  
2 14 and shall give two copies of the citation to the person cited  
2 15 and shall provide a record of the citation to the court where

2 16 the person cited is to appear and to the law enforcement  
2 17 agency of the officer by an electronic process which  
2 18 accurately reproduces or forms a durable medium for accurately  
2 19 and legibly reproducing an unaltered image or copy of the  
2 20 citation.

2 21 EXPLANATION

2 22 This bill relates to judicial branch practices and  
2 23 procedures, including expanding the definition of a seal,  
2 24 eliminating duties of the clerk of the supreme court, making  
2 25 confidential some personal information, and using electronic  
2 26 signatures on citations.

2 27 The bill provides that the court may use a seal that  
2 28 affixes a visible electronic image of the seal upon an  
2 29 electronic document. Current law requires the court to use a  
2 30 seal that includes an impression upon paper or upon wax or a  
2 31 wafer affixed to the paper.

2 32 The bill eliminates the requirement that the clerk of the  
2 33 supreme court mail a copy of any ruling or opinion issued by  
2 34 the supreme court or court of appeals to the attorneys arguing  
2 35 the case, or to each party not represented by an attorney.

3 1 Under the bill, the supreme court may prescribe a rule or  
3 2 issue a directive requiring confidentiality of certain  
3 3 categories of personal identification and financial account  
3 4 information filed with the clerk of the district court or the  
3 5 clerk of the supreme court. The bill provides the rule or  
3 6 directive may specify the manner and format in which the  
3 7 confidential information is to be provided to or disseminated  
3 8 by the clerk. The bill also provides that the rule or  
3 9 directive prescribed by the supreme court shall prevail over  
3 10 any other state laws and administrative rules.

3 11 The bill requires a peace officer issuing a citation  
3 12 through a computerized device to electronically sign and date  
3 13 the citation or complaint. Current law provides that if a  
3 14 peace officer issues a citation through a computerized device,  
3 15 only the person cited for the violation is required to sign  
3 16 electronically.

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