

House File 468 - Introduced

HOUSE FILE 468
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 141)

A BILL FOR

1 An Act concerning judicial branch administration, including
2 mental health advocates, access to and confidentiality of
3 juror information, contracting authority, apportionment
4 of district associate judges, remote testimony and video
5 recordings, and access to criminal history records.

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

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DIVISION I

PATIENT ADVOCATES

Section 1. Section 229.19, subsection 1, paragraph d, subparagraph (7), Code 2023, is amended to read as follows:

(7) To utilize the related best practices for the duties identified in this paragraph "d" ~~developed and promulgated by the judicial council.~~

DIVISION II

JURORS — INFORMATION

Sec. 2. NEW SECTION. **607A.48 Public access to juror information.**

1. Public access to juror and prospective juror information shall be limited. Information on the year of birth and address information identifying the city and zip code of prospective jurors shall be available to the public. However, more specific address information, phone numbers, and the date and month of birth of prospective jurors are confidential and not subject to disclosure without an order of the court.

2. Notwithstanding subsection 1, attorneys representing parties to the case are entitled to the complete juror questionnaires of jurors and prospective jurors without order of the court.

DIVISION III

CONTRACTING AUTHORITY

Sec. 3. NEW SECTION. **602.1209A State court administrator may contractually limit vendor liability.**

1. The state court administrator may authorize the procurement of goods and services in which a contractual limitation of vendor liability is provided for and set forth in the documents initiating the procurement.

2. a. The state court administrator shall consider all of the following criteria when determining whether to permit a contractual limitation of vendor liability with regard to any procurement of goods or services:

(1) Whether authorizing a contractual limitation of vendor

1 liability is necessary to prevent harm to the state from
2 a failure to obtain the goods or services sought, or from
3 obtaining the goods or services at a higher price if the state
4 refuses to allow a contractual limitation of vendor liability.

5 (2) Whether the contractual limitation of vendor liability
6 is commercially reasonable when taking into account any risk to
7 the state created by the goods or services to be procured and
8 the purpose for which they will be used.

9 b. The state court administrator may consider additional
10 criteria.

11 3. Notwithstanding subsection 1, a contractual limitation
12 of vendor liability shall not include any limitation on the
13 liability of any vendor for intentional torts, criminal acts,
14 or fraudulent conduct.

15 DIVISION IV

16 APPORTIONMENT OF DISTRICT ASSOCIATE JUDGES

17 Sec. 4. Section 602.6301, Code 2023, is amended to read as
18 follows:

19 **602.6301 Number and apportionment of district associate**
20 **judges.**

21 ~~1. There shall be one district associate judge in counties~~
22 ~~having a population of more than thirty-five thousand and less~~
23 ~~than eighty thousand; two in counties having a population of~~
24 ~~eighty thousand or more and less than one hundred twenty-five~~
25 ~~thousand; three in counties having a population of one~~
26 ~~hundred twenty-five thousand or more and less than one hundred~~
27 ~~seventy thousand; four in counties having a population of one~~
28 ~~hundred seventy thousand or more and less than two hundred~~
29 ~~fifteen thousand; five in counties having a population of two~~
30 ~~hundred fifteen thousand or more and less than two hundred~~
31 ~~sixty thousand; six in counties having a population of two~~
32 ~~hundred sixty thousand or more and less than three hundred~~
33 ~~five thousand; seven in counties having a population of three~~
34 ~~hundred five thousand or more and less than three hundred~~
35 ~~fifty thousand; eight in counties having a population of three~~

~~1 hundred fifty thousand or more and less than three hundred
2 ninety-five thousand; nine in counties having a population of
3 three hundred ninety-five thousand or more and less than four
4 hundred forty thousand; ten in counties having a population of
5 four hundred forty thousand or more and less than four hundred
6 eighty-five thousand; and one additional judge for every
7 population increment of thirty-five thousand which is over
8 four hundred eighty-five thousand in such counties. However,
9 a county shall not lose a district associate judgeship solely
10 because of a reduction in the county's population. If the
11 formula provided in [this section](#) results in the allocation
12 of an additional district associate judgeship to a county,
13 implementation of the allocation shall be subject to prior
14 approval of the supreme court and availability of funds to the
15 judicial branch. The supreme court shall prescribe, subject
16 to the restrictions of this section, a formula to determine
17 the number of district associate judges who will serve in each
18 judicial election district. The formula shall be based upon
19 a model that measures and applies an estimated case-related
20 workload formula of judicial officers, and shall account for
21 administrative duties, travel time, and other judicial duties
22 not related to a specific case. A district associate judge
23 appointed pursuant to [section 602.6302](#) or [602.6307](#) shall not
24 be counted for purposes of [this section](#) and the reduction of
25 a district associate judge pursuant to [section 602.6303](#) also
26 shall not be counted for purposes of [this section](#).~~

~~27 2. For purposes of this section, "vacancy" means the death,
28 resignation, retirement, or removal of a district associate
29 judge, or the failure of a district associate judge to be
30 retained in office at the judicial election, or an increase in
31 judgeships under the formula prescribed in subsection 1.~~

~~32 3. In those judicial election districts having more
33 district associate judges than the number of judgeships
34 specified by the formula prescribed in subsection 1, vacancies
35 shall not be filled.~~

1 certified shorthand reporter who is a respondent under the
2 provisions of [section 602.3203](#) or the rules of the board of
3 examiners of shorthand reporters, [Iowa court rules, ch. 46](#).

4 *b.* The audio and video recordings provided to the board
5 pursuant to [this subsection](#) shall be kept confidential by the
6 board in a manner as provided in [section 272C.6, subsection 4](#).

7 Sec. 6. Section 624.1, subsection 1, Code 2023, is amended
8 to read as follows:

9 1. All issues of fact in ordinary actions shall be tried
10 upon oral evidence taken in open court, except that depositions
11 may be used as provided by law. "Open court" includes remote
12 testimony of a witness by telephone, videoconference, or other
13 remote means of communication approved by the court.

14 DIVISION VI

15 ACCESS TO CRIMINAL HISTORY RECORDS

16 Sec. 7. Section 692.2, subsection 5, Code 2023, is amended
17 to read as follows:

18 5. A person other than the department of public safety
19 shall not disseminate criminal history data maintained by the
20 department to persons who are not criminal or juvenile justice
21 agencies, except as set forth in section 692.3.

22 Sec. 8. Section 692.3, subsection 3, Code 2023, is amended
23 to read as follows:

24 3. The information described in ~~[this section](#)~~ subsections
25 1 and 2 may be redisseminated through any written, audio, or
26 visual means utilized by a criminal or juvenile justice agency.

27 Sec. 9. Section 692.3, Code 2023, is amended by adding the
28 following new subsections:

29 NEW SUBSECTION. 4. A person may disseminate criminal
30 history data of an accused to the attorney of the accused and
31 to self-represented litigants in a pending criminal matter
32 in district or juvenile court, if the criminal history data
33 is already part of the prosecution's file and subject to a
34 discovery obligation.

35 NEW SUBSECTION. 5. Upon order of the court, a person may

1 disseminate criminal history data of an accused that is not
2 already part of the prosecution's file, or criminal history
3 data of a witness, to the attorney of the accused, prosecutors,
4 and to self-represented litigants in a pending criminal matter
5 in district or juvenile court.

6 EXPLANATION

7 The inclusion of this explanation does not constitute agreement with
8 the explanation's substance by the members of the general assembly.

9 This bill relates to judicial branch administration.

10 PATIENT ADVOCATES. The bill removes the requirement that
11 the judicial council develop and promulgate best practices for
12 court-assigned advocates of persons with mental illness. Under
13 the bill, such advocates may use any best practices for their
14 duties.

15 JURORS — INFORMATION. The bill provides that prospective
16 juror year of birth and city and zip code address information
17 is available to the public but that more specific address
18 information, phone numbers, and date and month of birth are
19 confidential and are not subject to disclosure without an order
20 of the court. Attorneys representing parties to the case
21 are entitled to complete juror questionnaires of jurors and
22 prospective jurors without court order.

23 CONTRACTING AUTHORITY. The bill allows the state court
24 administrator to enter into contracts with vendors that include
25 limitations of liability for the vendors, after considering
26 certain criteria set forth in the bill. However, the bill
27 prohibits limitations of liability for any intentional torts,
28 criminal acts, or fraudulent conduct by the vendor.

29 APPORTIONMENT OF DISTRICT ASSOCIATE JUDGES. The bill
30 provides for a new formula to be prescribed by the Iowa supreme
31 court for apportioning district associate judges based upon
32 a weighted workload. Under current law, district associate
33 judges are apportioned based upon county population.

34 The bill provides that in judicial election districts
35 that currently have more district associate judges than the

1 new formula prescribes, vacancies shall not be filled, while
2 districts having fewer or the same shall fill vacancies as
3 they occur. In judicial districts that contain more than one
4 judicial election district, a vacancy in a judicial election
5 district shall not be filled if the total number of district
6 associate judges in all judicial election districts within
7 the judicial district equals or exceeds the aggregate number
8 of judgeships to which all of the judicial election districts
9 of the judicial district are authorized. Incumbents shall
10 not be removed because of a reduction in number of authorized
11 judgeships.

12 REMOTE TESTIMONY AND VIDEO RECORDINGS. The bill adds video
13 recordings to Code section 602.3205 (certified shorthand
14 reporter audio recordings). The bill provides that a certified
15 shorthand reporter's audio and video recordings used solely
16 for the purpose of providing a verbatim written transcript of
17 a court proceeding or a proceeding conducted in anticipation
18 of use in a court proceeding shall be considered the personal
19 property and private work product of the certified shorthand
20 reporter, except that an audio or video recording of a
21 certified shorthand reporter shall be provided to the presiding
22 judge or chief judge for an in camera review upon court order
23 for good cause shown and an audio or video recording of a
24 certified shorthand reporter shall be provided to the board of
25 examiners of shorthand reporters upon request by the board if
26 a disciplinary proceeding is pending regarding the certified
27 shorthand reporter.

28 For purposes of oral evidence in court trials, the bill
29 defines the term "open court" to include remote testimony of a
30 witness by telephone, videoconference, or other remote means
31 approved by the court.

32 Under current law, all testimony needs to be taken in open
33 court, except for depositions. In the supreme court of Iowa's
34 decision in *In re Estate of Rutter*, 633 N.W.2d 740 (Iowa 2001),
35 the court held the phrase "in open court" meant physical

1 presence in the courtroom itself, and ruled that allowing
2 telephonic testimony over objection violated the statute.

3 ACCESS TO CRIMINAL HISTORY RECORDS. The bill allows
4 criminal history data of an accused person to be disseminated
5 to the attorney of the accused and self-represented litigants
6 without a court order, if the criminal history data is already
7 a part of the prosecution's file and is subject to a discovery
8 obligation. The bill also allows criminal history data of an
9 accused person, or of a witness, to be disseminated to the
10 attorney of the accused, prosecutors, and self-represented
11 litigants upon court order.