

Senate File 2345 - Introduced

SENATE FILE 2345
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SF 472)
(SUCCESSOR TO SSB 1120)

(COMPANION TO HF 2247 BY
COMMITTEE ON JUDICIARY)

A BILL FOR

1 An Act concerning judicial branch administration, including
2 mental health advocates, access to and confidentiality of
3 juror information, remote testimony, and access to criminal
4 history records.

5 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 2024, 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

REMOTE TESTIMONY

Sec. 3. Section 624.1, subsection 1, Code 2024, is amended to read as follows:

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

DIVISION IV

ACCESS TO CRIMINAL HISTORY RECORDS

Sec. 4. Section 692.2, subsection 5, Code 2024, is amended to read as follows:

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

5 Sec. 5. Section 692.3, subsection 3, Code 2024, is amended
6 to read as follows:

7 3. The information described in ~~this section~~ subsections
8 1 and 2 may be redisseminated through any written, audio, or
9 visual means utilized by a criminal or juvenile justice agency.

10 Sec. 6. Section 692.3, Code 2024, is amended by adding the
11 following new subsections:

12 NEW SUBSECTION. 4. A person may disseminate criminal
13 history data of an accused to the attorney of the accused and
14 to self-represented litigants in a pending criminal matter
15 in district or juvenile court, if the criminal history data
16 is already part of the prosecution's file and subject to a
17 discovery obligation.

18 NEW SUBSECTION. 5. Upon order of the court, a person may
19 disseminate criminal history data of an accused that is not
20 already part of the prosecution's file, or criminal history
21 data of a witness, to the attorney of the accused, prosecutors,
22 and to self-represented litigants in a pending criminal matter
23 in district or juvenile court.

24 EXPLANATION

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

27 This bill relates to judicial branch administration.

28 PATIENT ADVOCATES. The bill removes the requirement that
29 the judicial council develop and promulgate best practices for
30 court-assigned advocates of persons with mental illness. Under
31 the bill, such advocates may use any best practices for their
32 duties.

33 JURORS — INFORMATION. The bill provides that prospective
34 juror year of birth and city and zip code address information
35 is available to the public but that more specific address

1 information, phone numbers, and date and month of birth are
2 confidential and are not subject to disclosure without an order
3 of the court. Attorneys representing parties to the case
4 are entitled to complete juror questionnaires of jurors and
5 prospective jurors without court order.

6 REMOTE TESTIMONY. For purposes of oral evidence in court
7 trials, the bill defines the term "open court" to include
8 remote testimony of a witness by telephone, videoconference, or
9 other remote means approved by the court.

10 Under current law, all testimony needs to be taken in open
11 court, except for depositions. In the supreme court of Iowa's
12 decision in In re Estate of Rutter, 633 N.W.2d 740 (Iowa 2001),
13 the court held the phrase "in open court" meant physical
14 presence in the courtroom itself, and ruled that allowing
15 telephonic testimony over objection violated the statute.

16 ACCESS TO CRIMINAL HISTORY RECORDS. The bill allows
17 criminal history data of an accused person to be disseminated
18 to the attorney of the accused and self-represented litigants
19 without a court order, if the criminal history data is already
20 a part of the prosecution's file and is subject to a discovery
21 obligation. The bill also allows criminal history data of an
22 accused person, or of a witness, to be disseminated to the
23 attorney of the accused, prosecutors, and self-represented
24 litigants upon court order.