

Senate Study Bill 1014 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED STATE PUBLIC
DEFENDER BILL)

A BILL FOR

1 An Act relating to the use of video conferences in judicial
2 proceedings and certified shorthand reporter audio and video
3 recordings, and including effective date provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 602.1601A Video conferences in
2 judicial proceedings.

3 1. Upon motion of any of the parties, an initial appearance
4 or arraignment shall be conducted by video conference with the
5 parties and other participants if appropriate technology is
6 available.

7 2. Upon motion of any of the parties, a pretrial conference,
8 scheduling conference, or any other noncontested judicial
9 proceeding shall be conducted by video conference with the
10 parties and other participants, if appropriate technology is
11 available, unless the court orders the proceeding to be held in
12 person for good cause. A court's determination of good cause
13 shall be made separately for each motion.

14 3. Upon motion of any of the parties, a hearing in a
15 criminal, juvenile, or postconviction relief proceeding may
16 be conducted by video conference with the parties and other
17 participants if the hearing is conducted in an efficient
18 manner, the hearing does not prejudice a substantial right of
19 any party, and appropriate technology is available.

20 4. Any party may file a resistance to a motion to hold
21 a judicial proceeding by video conference pursuant to this
22 section.

23 Sec. 2. Section 602.3205, Code 2023, is amended to read as
24 follows:

25 **602.3205 Audio and video recordings.**

26 1. Except as provided in [subsection 2 or 3](#), a certified
27 shorthand reporter's audio and video recordings used solely
28 for the purpose of providing a verbatim written transcript of
29 a court proceeding or a proceeding conducted in anticipation
30 of use in a court proceeding shall be considered the personal
31 property and private work product of the certified shorthand
32 reporter.

33 2. An audio or video recording of a certified shorthand
34 reporter appointed under [section 602.6603](#) shall be provided to
35 the presiding judge or chief judge for an in camera review upon

1 court order for good cause shown.

2 3. a. An audio or video recording of a certified shorthand
3 reporter shall be provided to the board upon request by the
4 board if a disciplinary proceeding is pending regarding the
5 certified shorthand reporter who is a respondent under the
6 provisions of [section 602.3203](#) or the rules of the board of
7 examiners of shorthand reporters, [Iowa court rules, ch. 46](#).

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

11 Sec. 3. Section 624.1, subsection 1, Code 2023, is amended
12 to read as follows:

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

18 Sec. 4. EFFECTIVE DATE. This Act, being deemed of immediate
19 importance, takes effect upon enactment.

20 EXPLANATION

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

23 This bill relates to the use of video conferences in judicial
24 proceedings and certified shorthand reporter audio and video
25 recordings.

26 The bill provides that upon motion of any party, an
27 initial appearance or arraignment shall be conducted by
28 video conference with the parties and other participants if
29 appropriate technology is available. Upon motion of any
30 party, a pretrial conference, scheduling conference, or any
31 other noncontested judicial proceeding shall be conducted by
32 video conference with the parties and other participants if
33 appropriate technology is available, unless the court orders
34 the proceeding to be held in person for good cause.

35 The bill provides that upon motion of any party, a hearing

1 in a criminal, juvenile, or postconviction relief proceeding
2 may be conducted by video conference with the parties and
3 other participants if the hearing is conducted in an efficient
4 manner, the hearing does not prejudice a substantial right of
5 any party, and appropriate technology is available.

6 The bill provides that any party may file a resistance to a
7 motion to hold a judicial proceeding by video conference.

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

23 The bill amends the definition of "open court" in Code
24 section 624.1 (evidence in ordinary actions) to include the
25 remote testimony of a witness by video conference or other
26 remote means of communication if approved by the court.

27 The bill takes effect upon enactment.